

**March 10, 2020
City Council
Regular Meeting
7:00 p.m.**



Julie Masters, Mayor
Charles Suderman, Mayor Pro Tem
Sean Skipworth
Walter Wilson

AGENDA
City of Dickinson
CITY COUNCIL
REGULAR MEETING

Wally Deats
Louis Decker
William H. King III
Chris Heard, City Administrator

March 10, 2020

NOTICE is hereby given of a **REGULAR MEETING** of the City Council for the City of Dickinson, County of Galveston, State of Texas, to be held on **Tuesday, March 10, 2020**, at **7:00 p.m.** at: 4403 Highway 3, Dickinson, Texas 77539 for the purpose of considering the following numbered items. The City Council of the City of Dickinson, Texas, reserves the right to meet in a closed session on any of the below items should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

ITEM 1.) CALL TO ORDER AND CERTIFICATION OF A QUORUM

ITEM 2.) INVOCATION

ITEM 3.) PLEDGE OF ALLEGIANCE

ITEM 4.) PROCLAMATIONS

ITEM 5.) ANNOUNCEMENTS AND PRESENTATIONS:

A. Council Comments.

B. Fiscal Year 2019-2020 Revenue & Expenditure Report for Period Ending January 31, 2020 (Finance Director Kristen Woolley).

ITEM 6.) REPORTS:

A. Update on Activities of the Houston-Galveston Area Council (Council Member King).

B. Update on Activities of the Dickinson Bayou Watershed Partnership (Council Member Decker).

C. Update on Activities of the Dickinson Economic Development Corporation (Dickinson Economic Development Corporation Chief Executive Officer Scott Jones).

D. Presentation of Dickinson Fire Marshal's Office's Annual Racial Profiling Report as it Relates to Senate Bill 1074 (Racial Profiling) for Calendar Year 2019 as Required by Article 2.134 of the Texas Code of Criminal Procedure (Fire Marshal Burt Heddles).

E. Presentation of Dickinson Police Department's Annual Racial Profiling Report as it Relates to Senate Bill 1074 (Racial Profiling) for Calendar

Year 2019 as Required by Article 2.134 of the Texas Code of Criminal Procedure (Police Chief Ron Morales).

F. City Administrator's and Public Works Report (City Administrator Chris Heard).

ITEM 7.) PUBLIC COMMENTS: At this time, any person with city-related business may speak to the Council. In compliance with the Texas Open Meetings Act, The City Council may not deliberate. **Comments from the public should be limited to a maximum of three (3) minutes per individual speaker.**

ITEM 8.) CONSENT AGENDA: CONSIDERATION AND POSSIBLE ACTION:
The following items are considered routine by the City Council and will be enacted by one motion. There will not be a separate discussion on these items unless a Council member requests, in which event, the item will be removed from the consent agenda and discussed after the consent agenda.

A. Approval of the Minutes of the Regular Council Meeting of February 11, 2020.

B. Approval of Amended Minutes of the Special Council Meeting of February 4, 2020.

C. Resolution Number XXX-2020 – **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, RATIFYING THE ACTIONS OF THE MAYOR OF THE CITY OF DICKINSON IN EXECUTING A LETTER OF SUPPORT TO THE CONNECT TRANSIT APPLICATION TO THE FY2020 COORDINATED CALL FOR PROJECTS, RURAL DISCRETIONARY (RD) PROGRAM; PROVIDING FOR INCORPORATION OF PREAMBLE; AND PROVIDING AN EFFECTIVE DATE.**

D. Resolution Number XXX-2020 – **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, DETERMINING THAT A COUNCIL MEMBER OF THE CITY OF DICKINSON MAY SERVE AS A VOLUNTEER FOR AN ORGANIZATION THAT PROTECTS THE HEALTH, SAFETY, OR WELFARE OF THE CITY.**

ITEM 9.) CONDUCT A PUBLIC HEARING CONCERNING: SUP-18-1877, A Request for a Specific Use Permit, for a "Church" Located at 4200 42nd Street, Dickinson, Texas 77539, Currently Zoned General Commercial "GC".

- A. Staff Presentation
- B. Those in Favor
- C. Those Opposed

- D. Applicant's Rebuttal
- E. Adjourn Public Hearing

ITEM 10.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Ordinance Number XXX-2020 (Zoning Case SUP-18-1877) – **AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NUMBER 420-2001, AS HERETOFORE AMENDED, TO GRANT SPECIFIC USE PERMIT NUMBER SUP-18-1877 ALLOWING THE APPLICANT TO USE THE PROPERTY FOR A CHURCH; SUCH PROPERTY BEING LEGALLY DESCRIBED AS ± 0.244 ACRES, ABSTRACT 78 R HALL SURVEY TRACT 1, ACRES 0.244, MORE COMMONLY KNOWN AS 4200 42ND STREET, GENERALLY LOCATED SOUTH OF EAST FM 517 AND EAST OF NICHOLS STREET IN THE CITY OF DICKINSON, GALVESTON COUNTY, TEXAS, PRESENTLY ZONED GENERAL COMMERCIAL (“GC”); PROVIDING FOR THE INCORPORATION OF PREAMBLE; DIRECTING A CHANGE ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION HEREOF; AND PROVIDING A REPEALER CLAUSE, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.** (First of Three Readings)

ITEM 11.) EXECUTIVE SESSION: The City Council will now hold a closed executive meeting pursuant to the provision of Chapter 551, Government Code, Vernon’s Texas Codes annotated, in accordance with the authority contained in:

- A. Section 551.071 – Consultation with Attorney regarding pending litigation and matters in which the duty of the City Attorney requires to be discussed in closed meeting.
- B. Section 551.074 – Personnel Matter – Discussion to Deliberate the Appointment, Employment, Evaluation, Reassignment, Duties, Discipline or Dismissal of the City Administrator.

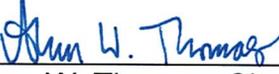
ITEM 12.) RECONVENE

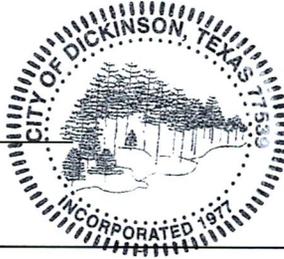
ITEM 13.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Matters Discussed in Executive Session.

ITEM 14.) ADJOURN

CERTIFICATION

This is to certify that a copy of the Notice of the Regular City Council meeting for **Tuesday, March 10, 2020**, was posted on the bulletin board at City Hall, 4403 Highway 3, Dickinson, Texas, on this the 6th day of March, 2020, prior to 7:00 p.m.


Alun W. Thomas, City Secretary



In compliance with the Americans with Disabilities Act, the City of Dickinson will provide reasonable accommodations for disabled persons attending City Council Meetings. Requests should be received at least 24 hours prior to the scheduled meeting, by contacting the City Secretary's office at 281-337-6217, or by FAX at 281-337-6190.

ITEM 1

**Call to Order and
Certification of a
Quorum**

**CITY OF DICKINSON, TEXAS
CITY COUNCIL MEETING
ATTENDANCE LIST**

**MEETING DATE: March 10, 2020
Regular Meeting**

<u>MAYOR/COUNCIL</u>	<u>PRESENT</u>	<u>ABSENT</u>
MAYOR JULIE MASTERS	_____	_____
POS. 1: COUNCILMEMBER CHARLES SUDERMAN	_____	_____
POS. 2: COUNCILMEMBER SEAN SKIPWORTH	_____	_____
POS. 3: COUNCILMEMBER WALTER WILSON	_____	_____
POS. 4: COUNCILMEMBER WALLY DEATS	_____	_____
POS. 5: COUNCILMEMBER LOUIS DECKER	_____	_____
POS. 6: COUNCILMEMBER WILLIAM KING	_____	_____
<u>ALSO IN ATTENDANCE:</u>		
City Attorney David W. Olson	_____	_____
City Administrator Chris Heard	_____	_____
Finance Director Kristen Woolley	_____	_____
City Secretary Alun W. Thomas	_____	_____
Interim Dir. of Community Dev. S. R. Burgess	_____	_____
Interim Public Works Director _____	_____	_____
Police Chief Ron Morales	_____	_____
EMS Director Derek Hunt	_____	_____
Fire Marshal Burt Heddles	_____	_____
Court Administrator Irma Rivera	_____	_____
Library Director Julianne Lane	_____	_____
Bayou Animal Services Manager Sarah Haywood	_____	_____
Assistant to the City Administrator Kerilyn Bascle	_____	_____

ITEM 2

Invocation

ITEM 3

Pledge of Allegiance

ITEM 4

Proclamations

ITEM 5

Announcements and Presentations

ITEM 5A

Council Comments

ITEM 5B

**Fiscal Year 2019-2020
Revenue & Expenditure
Report for Period Ending
January 31, 2020**

<u>Account</u>	<u>Description</u>	<u>FY2020 Adopted Budget</u>	<u>January 2020 Actuals</u>	<u>FY2020 YTD Actuals</u>	<u>% of Budget Expended (33.3%)</u>	<u>Budget Balance Available</u>
GENERAL FUND REVENUES - 01						
Taxes						
01-7001-00-00	SALES TAX REVENUE	6,900,000.00	506,454.03	2,510,512.40	36.38%	4,389,487.60
01-7101-00-00	Current Property Tax	3,878,000.00	1,164,625.10	3,056,669.99	78.82%	821,330.01
01-7102-00-00	Delinquent Property Tax	60,300.00	4,318.05	37,580.48	62.32%	22,719.52
01-7103-00-00	Penalty & Interest on Del. Tax	36,000.00	1,274.48	8,191.22	22.75%	27,808.78
01-7204-00-00	Mixed Drink Tax	60,000.00	15,212.72	15,212.72	25.35%	44,787.28
Franchises						
01-7206-00-00	Centerpoint Energy Franchise	12,000.00	15,054.40	19,801.52	165.01%	(7,801.52)
01-7207-00-00	Verizon & Telecommunications	28,000.00	220.44	4,569.03	16.32%	23,430.97
01-7208-00-00	Centerpoint Gas Franchise	80,000.00	-	-	0.00%	80,000.00
01-7209-00-00	Time Warner Cable Franchise	240,000.00	-	-	0.00%	240,000.00
01-7210-00-00	TX-New Mexico Power Franchise	580,000.00	127,108.41	127,108.41	21.92%	452,891.59
01-7503-00-00	Waste Management Franchise	96,000.00	15.25	18,547.05	19.32%	77,452.95
Permits & Licenses						
01-7301-00-00	Alcohol Beverage License	3,400.00	-	2,850.00	83.82%	550.00
01-7302-00-00	Pawn Shop License	100.00	-	-	0.00%	100.00
01-7303-00-00	Mobile Home Park License	1,000.00	900.00	900.00	90.00%	100.00
01-7305-00-00	Electrical Permits	21,300.00	2,248.00	9,470.00	44.46%	11,830.00
01-7306-00-00	Building Permits	190,000.00	20,006.46	83,702.40	44.05%	106,297.60
01-7307-00-00	Mechanical Permits	21,300.00	2,009.00	5,978.00	28.07%	15,322.00
01-7308-00-00	Re-inspection Fees	1,500.00	35.00	805.00	53.67%	695.00
01-7309-00-00	Plumbing Permits	30,000.00	1,928.00	8,825.00	29.42%	21,175.00
01-7310-00-00	Mobile Home License	2,400.00	-	400.00	16.67%	2,000.00
01-7311-00-00	Demolition Permits	1,000.00	150.00	500.00	50.00%	500.00
01-7312-00-00	Fire Protection Permits	7,300.00	443.00	1,566.86	21.46%	5,733.14
01-7313-00-00	Peddler/Vendor Permits	1,200.00	-	180.00	15.00%	1,020.00
01-7315-00-00	Drainage-Culvert Appl Fee	18,800.00	1,129.00	4,477.00	23.81%	14,323.00
01-7316-00-00	Wrecker Permits	600.00	-	-	0.00%	600.00
01-7317-00-00	PIPELINE REGISTRATION PERMIT	-	500.00	1,500.00	-	(1,500.00)
01-7318-00-00	Elec. Contractor Registration	4,500.00	50.00	100.00	2.22%	4,400.00
01-7320-00-00	MECHANICAL CONTRACTOR REGIST	2,500.00	375.00	1,125.00	45.00%	1,375.00
01-7321-00-00	Alarm License & Fees	8,800.00	1,145.00	2,700.00	30.68%	6,100.00
01-7322-00-00	FLOODPLAIN DEV. PERMIT	100.00	-	-	0.00%	100.00
01-7323-00-00	STORM WATER PERMITS & INSPECTS	4,000.00	525.00	1,350.00	33.75%	2,650.00
01-7325-00-00	Coin Operated Machine Permits	900.00	1,845.00	2,145.00	238.33%	(1,245.00)
01-7327-00-00	AMBULANCE SERVICE PERMITS	1,500.00	-	-	0.00%	1,500.00
01-7331-00-00	General Contractor License	8,500.00	625.00	3,225.00	37.94%	5,275.00
01-7340-00-00	Tree Removal Fees	10,900.00	-	200.00	1.83%	10,700.00
01-7341-00-00	Plat filing/Planning Dev. Fees	13,000.00	1,700.00	4,150.50	31.93%	8,849.50
01-7342-00-00	Other Business Permits	10,000.00	-	562.00	5.62%	9,438.00
01-7343-00-00	Zoning Sign Fees	500.00	25.00	125.00	25.00%	375.00
01-7346-00-00	CODE COMPLIANCE FEES	27,500.00	4,197.68	6,937.64	25.23%	20,562.36
Fees and Fines						
01-7401-00-00	Court Fines	544,300.00	43,150.06	170,286.56	31.29%	374,013.44
01-7402-00-00	Warrant Fees	55,100.00	4,303.80	16,080.40	29.18%	39,019.60
01-7403-00-00	Court Tax Fees	11,500.00	3,817.91	3,817.91	33.20%	7,682.09
01-7407-00-00	BOND FORFEITURE FEES	-	961.09	1,831.63	-	(1,831.63)
Miscellaneous						
01-7601-00-00	Accident Report Fees	1,500.00	112.00	610.00	40.67%	890.00
01-7603-00-00	Miscellaneous Income	10,000.00	25.00	1,711.13	17.11%	8,288.87
01-7605-00-00	C/D Demolition Reimbursement	-	6,873.96	6,873.96	-	(6,873.96)
01-7607-00-00	Inmate Phone Commissions	400.00	26.51	26.51	6.63%	373.49
01-7609-00-00	Law Enforcement	-	1,221.26	1,221.26	-	(1,221.26)
01-7610-00-00	Convenience Cr.Card Usage Fee	16,000.00	1,070.94	3,952.91	24.71%	12,047.09
01-7611-00-00	LIBRARY FINES & FEES	14,200.00	503.83	3,383.58	23.83%	10,816.42
01-7614-00-00	FINGERPRINTING FEE	600.00	-	344.00	57.33%	256.00
01-7618-00-00	Insurance Claims	-	-	26,772.94	-	(26,772.94)
01-7621-00-00	Interest Income	30,000.00	2,482.29	10,448.64	34.83%	19,551.36
01-7628-00-00	Service Fees-WCID#1 Fuel Eqpmt	800.00	81.86	310.45	38.81%	489.55
01-7629-00-00	AMBULANCE SERVICE CHARGES	446,000.00	39,207.96	132,756.90	29.77%	313,243.10
01-7631-00-00	EMERGENCY SERVICE COUNTY FEE	162,000.00	40,500.00	54,000.00	33.33%	108,000.00

<u>Account</u>	<u>Description</u>	<u>FY2020 Adopted Budget</u>	<u>January 2020 Actuals</u>	<u>FY2020 YTD Actuals</u>	<u>% of Budget Expended (33.3%)</u>	<u>Budget Balance Available</u>
01-7633-00-00	TEXAS HHSC REIMB-UNCOMP CARE	142,400.00	-	-	0.00%	142,400.00
01-7700-00-00	BULLETPROOF VESTS GRANT	8,700.00	-	-	0.00%	8,700.00
01-7702-00-00	Federal E.M.P.G. Grant	30,000.00	-	-	0.00%	30,000.00
01-7711-00-00	Clearlake Shores F.I Contract	12,000.00	2,240.00	2,240.00	18.67%	9,760.00
01-7717-00-00	DONATION - FRIENDS OF LIBRARY	-	-	30.00	-	(30.00)
01-7718-00-00	TRANSFER FROM PID#1	15,000.00	-	-	0.00%	15,000.00
01-7725-00-00	ADMIN-AMBULANCE DHS FOOTBALL	2,300.00	-	-	0.00%	2,300.00
01-7726-00-00	Transfer From 4B DEDC	32,300.00	-	8,083.25	25.03%	24,216.75
01-7728-00-00	TRANSFER FROM DMD#1	150,000.00	-	55,101.25	36.73%	94,898.75
01-7756-00-00	INTERLOCAL CONTRIBUTIONS	-	-	150,000.00	-	(150,000.00)
GENERAL FUND EXPENDITURES - 01						
Administration - 1						
01-8101-01-00	FTE Base Salary	328,800.00	38,468.82	106,229.02	32.31%	222,570.98
01-8102-01-00	OVERTIME	-	-	65.99	-	(65.99)
01-8105-01-00	Vehicle Allowance	6,000.00	500.00	2,000.00	33.33%	4,000.00
01-8110-01-00	Cell Phone Allowance	2,500.00	-	-	0.00%	2,500.00
01-8113-01-00	Certification/Educ. Pay	3,000.00	360.00	1,256.42	41.88%	1,743.58
01-8114-01-00	Longevity Pay	600.00	-	690.00	115.00%	(90.00)
01-8151-01-00	Payroll Tax	5,000.00	572.14	1,604.43	32.09%	3,395.57
01-8152-01-00	Unemployment Tax	350.00	9.00	9.00	2.57%	341.00
01-8153-01-00	Retirement (TMRS)	29,400.00	3,822.04	10,702.84	36.40%	18,697.16
01-8155-01-00	Employee Group Insurance	44,000.00	3,720.19	14,746.10	33.51%	29,253.90
01-8156-01-00	Worker's Compensation Ins.	1,500.00	-	363.64	24.24%	1,136.36
01-8203-01-00	Building & Kitchen Supplies	3,500.00	146.14	1,008.07	28.80%	2,491.93
01-8210-01-00	Office Supplies & Postage	6,800.00	260.19	793.22	11.67%	6,006.78
01-8213-01-00	Uniforms & Apparel	300.00	-	-	0.00%	300.00
01-8301-01-00	Building & Property Maintenan	24,000.00	767.14	2,389.40	9.96%	21,610.60
01-8401-01-00	Advertising Legal Notices	12,300.00	358.00	9,674.00	78.65%	2,626.00
01-8402-01-00	Travel & Training - Staff	9,500.00	-	1,509.46	15.89%	7,990.54
01-8403-01-00	Dues/Subscriptions/Books	11,400.00	2,030.00	3,517.20	30.85%	7,882.80
01-8404-01-00	Election	4,400.00	-	-	0.00%	4,400.00
01-8407-01-00	Communications-Pagers & Phones	5,000.00	525.89	1,732.67	34.65%	3,267.33
01-8417-01-00	Utilities-Gas,Electric,& Water	58,900.00	4,970.76	15,907.85	27.01%	42,992.15
01-8422-01-00	Employ.Physical & Drug Testing	6,200.00	240.56	2,393.24	38.60%	3,806.76
01-8429-01-00	Conf. & Travel - Mayor	3,000.00	-	554.62	18.49%	2,445.38
01-8431-01-00	Conf. & Travel - Council	2,800.00	-	1,203.09	42.97%	1,596.91
01-8441-01-00	Local Mtg-Mayor & Council	3,200.00	59.99	413.49	12.92%	2,786.51
01-8443-01-00	EMPLOYEE SPECIAL EVENTS	6,700.00	279.32	3,710.32	55.38%	2,989.68
01-8445-01-00	Special Projects-City Admin	10,000.00	-	5,731.98	57.32%	4,268.02
01-8615-01-00	Code/Ordinances Codification	2,400.00	-	1,567.85	65.33%	832.15
Finance - 2						
01-8101-02-00	FTE Base Salary	208,000.00	23,653.32	64,402.69	30.96%	143,597.31
01-8102-02-00	OVERTIME PAY	-	-	43.28	-	(43.28)
01-8104-02-00	PTE BASE SALARY	45,500.00	2,805.10	7,165.28	15.75%	38,334.72
01-8110-02-00	CELL PHONE ALLOWANCE	900.00	-	-	0.00%	900.00
01-8113-02-00	Certification/Educ. Pay	4,500.00	350.00	1,169.64	25.99%	3,330.36
01-8114-02-00	Longevity Pay	200.00	-	100.00	50.00%	100.00
01-8150-02-00	FICA TAX	2,800.00	173.92	444.25	15.87%	2,355.75
01-8151-02-00	Payroll Tax	3,700.00	367.15	970.96	26.24%	2,729.04
01-8152-02-00	Unemployment Tax	850.00	10.03	18.00	2.12%	832.00
01-8153-02-00	Retirement (TMRS)	18,600.00	2,323.52	6,344.59	34.11%	12,255.41
01-8155-02-00	Employee Group Insurance	33,000.00	2,765.30	11,432.18	34.64%	21,567.82
01-8156-02-00	Worker's Compensation Ins.	900.00	-	303.77	33.75%	596.23
01-8210-02-00	Office & Postage Supplies	4,800.00	253.97	860.79	17.93%	3,939.21
01-8402-02-00	Travel & Training - Staff	6,600.00	743.30	1,577.28	23.90%	5,022.72
01-8403-02-00	Dues/Subscriptions/Books	3,000.00	110.00	1,254.00	41.80%	1,746.00
01-8527-02-00	CONTRACTUAL SERVICES - LABOR	10,000.00	-	24,671.15	246.71%	(14,671.15)

<u>Account</u>	<u>Description</u>	<u>FY2020 Adopted Budget</u>	<u>January 2020 Actuals</u>	<u>FY2020 YTD Actuals</u>	<u>% of Budget Expended (33.3%)</u>	<u>Budget Balance Available</u>
Community Development - 3						
01-8101-03-00	Salary & Wages	390,000.00	29,712.04	100,676.39	25.81%	289,323.61
01-8102-03-00	Overtime Pay	1,000.00	232.26	345.96	34.60%	654.04
01-8110-03-00	Cell Phone Allowance	2,200.00	90.00	525.00	23.86%	1,675.00
01-8113-03-00	Certification/Educ. Pay	4,500.00	285.00	1,476.96	32.82%	3,023.04
01-8114-03-00	Longevity Pay	1,800.00	-	2,450.00	136.11%	(650.00)
01-8150-03-00	FICA Tax	100.00	-	-	0.00%	100.00
01-8151-03-00	Payroll Tax	5,700.00	436.49	1,521.89	26.70%	4,178.11
01-8152-03-00	Unemployment Tax	1,200.00	-	3.06	0.26%	1,196.94
01-8153-03-00	Retirement (TMRS)	34,800.00	2,938.31	10,164.47	29.21%	24,635.53
01-8155-03-00	Employee Group Insurance	76,000.00	4,666.73	20,860.27	27.45%	55,139.73
01-8156-03-00	Worker's Compensation Ins.	1,800.00	-	572.47	31.80%	1,227.53
01-8204-03-00	Fuel	5,500.00	473.63	1,290.18	23.46%	4,209.82
01-8210-03-00	Office & Postage Supplies	5,800.00	130.31	1,265.59	21.82%	4,534.41
01-8211-03-00	Shop supplies & Small Tools	100.00	244.00	270.07	270.07%	(170.07)
01-8212-03-00	INSPECTION/ENFORCEMEN SUPPLIES	-	394.00	394.00	-	(394.00)
01-8213-03-00	Uniform & Apparel	-	-	129.88	-	(129.88)
01-8215-03-00	Zoning Enforcement Supplies	1,000.00	130.00	480.00	48.00%	520.00
01-8303-03-00	SOFTWARE MAINTENANCE CONTRACT	22,400.00	1,020.00	4,080.00	18.21%	18,320.00
01-8307-03-00	Vehicle Maintenance	1,600.00	23.00	176.99	11.06%	1,423.01
01-8402-03-00	Travel & Training - Staff	5,200.00	80.00	154.64	2.97%	5,045.36
01-8403-03-00	Dues/Subscriptions/Books	1,900.00	360.00	510.00	26.84%	1,390.00
01-8407-03-00	Communications-Pagers & Phones	1,300.00	190.51	606.59	46.66%	693.41
01-8409-03-00	SHORTAGE/OVERAGE	-	-	1.00	-	(1.00)
01-8427-03-00	Demolition	37,100.00	262.50	19,250.22	51.89%	17,849.78
01-8431-03-00	CONF/TRAVEL-COUNCIL/BOARDS	4,000.00	-	-	0.00%	4,000.00
01-8504-03-00	Contract Inspection Services	3,700.00	-	-	0.00%	3,700.00
01-8524-03-00	Prof.Services - Engineering	3,000.00	-	3,500.00	116.67%	(500.00)
01-8552-03-00	FORCED MOWING	-	-	1,422.17	-	(1,422.17)
01-8613-03-00	Machinery, Tools, & Sm. Eqpt.	-	-	480.00	-	(480.00)
Municipal Court - 4						
01-8101-04-00	Salary & Wages	199,000.00	22,903.86	65,192.73	32.76%	133,807.27
01-8110-04-00	Cell Phone Allowance	450.00	35.00	140.00	31.11%	310.00
01-8113-04-00	Certification/Educ. Pay	1,000.00	80.00	294.29	29.43%	705.71
01-8114-04-00	Longevity Pay	2,900.00	-	3,095.00	106.72%	(195.00)
01-8150-04-00	FICA Tax	100.00	-	-	0.00%	100.00
01-8151-04-00	Payroll Tax	3,000.00	321.65	951.49	31.72%	2,048.51
01-8152-04-00	Unemployment Tax	650.00	-	-	0.00%	650.00
01-8153-04-00	Retirement (TMRS)	18,000.00	2,228.22	6,634.01	36.86%	11,365.99
01-8155-04-00	Employee Group Insurance	43,500.00	2,847.22	10,810.34	24.85%	32,689.66
01-8156-04-00	Worker's Compensation Ins.	1,000.00	-	285.93	28.59%	714.07
01-8210-04-00	Office Supplies & Postage	10,400.00	130.05	1,274.96	12.26%	9,125.04
01-8303-04-00	S.E.T.C.I.C. Warrant Program	3,900.00	-	79.40	2.04%	3,820.60
01-8409-04-00	SHORTAGE/OVERAGE	-	(2.00)	(13.70)	-	13.70
01-8513-04-00	Municipal Judge Contract	51,500.00	4,733.50	14,182.50	27.54%	37,317.50
01-8519-04-00	Mun.Court Prosecutor Contract	13,200.00	675.00	675.00	5.11%	12,525.00
Police - 5						
01-8101-05-00	FTE Base Salary	2,801,000.00	321,654.14	894,119.46	31.92%	1,906,880.54
01-8102-05-00	Overtime Pay	155,000.00	37,112.38	97,717.04	63.04%	57,282.96
01-8104-05-00	PTE Base Salary	99,000.00	1,949.71	23,437.53	23.67%	75,562.47
01-8108-05-00	CLOTHING ALLOWANCE	3,900.00	-	3,900.00	100.00%	-
01-8110-05-00	Cell Phone Allowance	6,600.00	457.50	1,830.00	27.73%	4,770.00
01-8113-05-00	Certification/Educ. Pay	60,000.00	2,260.00	8,544.96	14.24%	51,455.04
01-8114-05-00	Longevity Pay	40,000.00	1,340.00	27,101.50	67.75%	12,898.50
01-8115-05-00	DIFFERENTIAL PAY	21,000.00	1,016.00	2,770.00	13.19%	18,230.00
01-8150-05-00	FICA Tax	6,100.00	13.47	113.06	1.85%	5,986.94
01-8151-05-00	Payroll Tax	42,500.00	5,233.03	15,113.37	35.56%	27,386.63
01-8152-05-00	Unemployment Tax	8,500.00	19.85	55.29	0.65%	8,444.71
01-8153-05-00	Retirement (TMRS)	260,000.00	35,394.16	102,125.60	39.28%	157,874.40
01-8155-05-00	Employee Group Insurance	486,300.00	40,638.78	155,344.34	31.94%	330,955.66

<u>Account</u>	<u>Description</u>	<u>FY2020 Adopted Budget</u>	<u>January 2020 Actuals</u>	<u>FY2020 YTD Actuals</u>	<u>% of Budget Expended (33.3%)</u>	<u>Budget Balance Available</u>
01-8156-05-00	Worker's Compensation Ins.	40,700.00	-	32,643.20	80.20%	8,056.80
01-8202-05-00	Video/Photo Procening Supplies	400.00	316.00	316.00	79.00%	84.00
01-8203-05-00	Kitchen Supplies	2,350.00	213.24	749.86	31.91%	1,600.14
01-8204-05-00	Fuel	115,000.00	8,907.81	25,524.57	22.20%	89,475.43
01-8205-05-00	Fire & Safety Equipment	4,150.00	(859.50)	36.99	0.89%	4,113.01
01-8206-05-00	Investigational Supplies	6,400.00	-	-	0.00%	6,400.00
01-8207-05-00	Janitorial Supplies	2,700.00	203.46	575.30	21.31%	2,124.70
01-8210-05-00	Office Supplies & Postage	18,330.00	884.93	2,888.52	15.76%	15,441.48
01-8213-05-00	Uniform & Apparel	19,100.00	700.00	5,555.85	29.09%	13,544.15
01-8216-05-00	Certificates & Awards	2,200.00	-	-	0.00%	2,200.00
01-8217-05-00	Two-way Radio System Supplies	1,500.00	-	-	0.00%	1,500.00
01-8301-05-00	Building/Property Maintenance	19,200.00	757.68	1,512.27	7.88%	17,687.73
01-8307-05-00	Vehicle Maintenance	42,100.00	1,639.78	8,763.88	20.82%	33,336.12
01-8399-05-00	Machine & Equipment Main.	9,500.00	-	904.99	9.53%	8,595.01
01-8401-05-00	Advertising & Legal Notices	600.00	-	-	0.00%	600.00
01-8402-05-00	Travel & Training - Staff	18,800.00	855.68	3,637.24	19.35%	15,162.76
01-8403-05-00	Dues/Subscriptions/Books	2,800.00	80.00	670.00	23.93%	2,130.00
01-8405-05-00	Prisoner Support	5,800.00	607.02	1,042.02	17.97%	4,757.98
01-8407-05-00	Commun-Pagers/Phones/AutoTrac	27,400.00	2,075.27	5,872.38	21.43%	21,527.62
01-8417-05-00	Utilities-Gas,Electric & Water	37,400.00	1,838.74	7,242.23	19.36%	30,157.77
01-8423-05-00	Local Meetings & Luncheons	200.00	-	71.46	35.73%	128.54
01-8426-05-00	K-9 Units	6,500.00	317.26	1,136.09	17.48%	5,363.91
01-8431-05-00	Community Policing & DCPA	5,600.00	-	82.97	1.48%	5,517.03
01-8501-05-00	LAW ENFORCEMENT AUDIT	4,850.00	-	-	0.00%	4,850.00
01-8512-05-00	Janitorial Service Contract	17,400.00	2,900.00	5,800.00	33.33%	11,600.00
01-8527-05-00	CONTRACT SVCS - CONNECT CTY	8,400.00	-	-	0.00%	8,400.00
01-8616-05-00	Body Armor Vest	6,550.00	-	-	0.00%	6,550.00
01-8707-05-00	Law Enforcement Insurance	25,300.00	37.00	31,052.12	122.74%	(5,752.12)
01-8660-05-86	VEHICLE ACQUISITION	154,000.00	94,989.00	103,906.74	67.47%	(47,501.97)
Fire Marshal - 10						
01-8101-10-00	Salary and Wages	69,100.00	7,453.86	21,619.98	31.29%	47,480.02
01-8104-10-00	PTE BASE SALARY	48,500.00	-	-	0.00%	48,500.00
01-8110-10-00	Cell Phone Allowance	700.00	55.00	220.00	31.43%	480.00
01-8113-10-00	Certification/Education Pay	3,000.00	250.00	919.64	30.65%	2,080.36
01-8114-10-00	Longevity Pay	120.00	-	170.00	141.67%	(50.00)
01-8150-10-00	FICA TAX	3,000.00	-	-	0.00%	3,000.00
01-8151-10-00	Medicare Payroll Tax	1,900.00	112.50	332.49	17.50%	1,567.51
01-8152-10-00	Unemployment Tax	1,800.00	-	-	0.00%	1,800.00
01-8153-10-00	Retirement (TMRS)	6,200.00	751.06	2,213.52	35.70%	3,986.48
01-8155-10-00	Employee Group Insurance	11,000.00	936.18	3,727.31	33.88%	7,272.69
01-8156-10-00	Worker's Compensation Ins.	4,300.00	-	1,866.43	43.41%	2,433.57
01-8202-10-00	Video & Photo Supplies	700.00	-	-	0.00%	700.00
01-8204-10-00	Fuel	3,000.00	99.08	219.35	7.31%	2,780.65
01-8206-10-00	Investigational Supplies	400.00	-	-	0.00%	400.00
01-8210-10-00	Office Supplies & Postage	500.00	-	-	0.00%	500.00
01-8213-10-00	Uniform & Apparel	2,100.00	-	173.18	8.25%	1,926.82
01-8303-10-00	SOFTWARE MAINTENANCE CONTRACT	200.00	-	-	0.00%	200.00
01-8307-10-00	Vehicle Maintenance	2,700.00	-	134.75	4.99%	2,565.25
01-8402-10-00	Travel & Training - Staff	3,800.00	-	52.00	1.37%	3,748.00
01-8403-10-00	Dues/Subscriptions/Books	2,000.00	-	55.00	2.75%	1,945.00
01-8407-10-00	Communication-Pagers & Phones	1,700.00	120.39	361.17	21.25%	1,338.83
01-8411-10-00	Investigational Support Funds	100.00	-	-	0.00%	100.00
01-8604-10-00	Furn. & Office Eqpt. Acquisition	2,000.00	-	-	0.00%	2,000.00
Emergency Management - 11						
01-8101-11-00	FTE Base Salary & Wages	77,300.00	4,183.46	12,387.92	16.03%	64,912.08
01-8110-11-00	Cell Phone Allowance	900.00	22.50	90.00	10.00%	810.00
01-8113-11-00	Certification/Educ. Pay	3,000.00	75.00	275.89	9.20%	2,724.11
01-8114-11-00	Longevity Pay	900.00	-	418.50	46.50%	481.50
01-8150-11-00	FICA Tax	4,900.00	-	-	0.00%	4,900.00
01-8151-11-00	Payroll Tax	1,200.00	59.45	180.50	15.04%	1,019.50

<u>Account</u>	<u>Description</u>	<u>FY2020 Adopted Budget</u>	<u>January 2020 Actuals</u>	<u>FY2020 YTD Actuals</u>	<u>% of Budget Expended (33.3%)</u>	<u>Budget Balance Available</u>
01-8152-11-00	Unemployment Tax	200.00	-	-	0.00%	200.00
01-8153-11-00	Retirement (TMRS)	7,000.00	414.38	1,271.49	18.16%	5,728.51
01-8155-11-00	Employee Group Insurance	11,000.00	281.14	1,190.32	10.82%	9,809.68
01-8156-11-00	Worker's Compensation Ins.	4,500.00	-	2,118.81	47.08%	2,381.19
01-8201-11-00	EOC SUPPLIES	700.00	-	-	0.00%	700.00
01-8202-11-00	Video & Photo Supplies	100.00	-	-	0.00%	100.00
01-8210-11-00	Office Supplies & Postage	500.00	-	-	0.00%	500.00
01-8399-11-00	Machine & Equipment Maintenanc	2,000.00	-	-	0.00%	2,000.00
01-8402-11-00	Travel & Training - Staff	3,100.00	-	-	0.00%	3,100.00
01-8403-11-00	Dues/Subscriptions/Books	600.00	-	-	0.00%	600.00
01-8407-11-00	Communication-Pagers & Phones	1,300.00	136.03	407.59	31.35%	892.41
Public Works - Drainage - 12-14						
01-8101-12-14	FTE BASE SALARY	331,000.00	10,923.36	29,597.90	8.94%	301,402.10
01-8102-12-14	OVERTIME PAY	2,500.00	201.14	966.64	38.67%	1,533.36
01-8113-12-14	CERTIFICATION/EDUCATION PAY	1,700.00	15.00	55.18	3.25%	1,644.82
01-8114-12-14	LONGEVITY PAY	3,100.00	-	1,290.00	41.61%	1,810.00
01-8151-12-14	PAYROLL TAXES	2,000.00	159.96	457.34	22.87%	1,542.66
01-8152-12-14	UNEMPLOYMENT TAXES	5,000.00	-	-	0.00%	5,000.00
01-8153-12-14	RETIREMENT (TMRS)	30,000.00	1,078.81	3,081.04	10.27%	26,918.96
01-8155-12-14	EMPLOYEE GROUP INSURANCE	44,000.00	2,287.35	9,462.26	21.51%	34,537.74
01-8156-12-14	WORKER'S COMPENSATION	10,000.00	-	8,313.84	83.14%	1,686.16
01-8204-12-14	FUEL	15,000.00	1,118.84	3,525.55	23.50%	11,474.45
01-8205-12-14	SAFETY SUPPLIES	700.00	2,179.71	2,192.68	313.24%	(1,492.68)
01-8210-12-14	OFFICE SUPPLIES	-	460.04	460.04	-	(460.04)
01-8211-12-14	SMALL TOOLS	2,100.00	1,024.75	1,024.75	48.80%	1,075.25
01-8301-12-14	BLDG & PROPERTY MAINT	1,800.00	119.58	119.58	6.64%	1,680.42
01-8302-12-14	CULVERT MAINTENANCE	27,300.00	29,015.78	29,015.78	106.28%	(1,715.78)
01-8307-12-14	VEHICLE MAINTENANCE	6,400.00	4,920.53	4,959.78	77.50%	1,440.22
01-8402-12-14	TRAVEL & TRAINING	800.00	2,706.93	2,760.87	345.11%	(1,960.87)
01-8407-12-14	COMMUNICATION	200.00	2,987.60	2,987.60	1493.80%	(2,787.60)
01-8417-12-14	UTILITIES-GAS,ELECT.& WATER	8,400.00	-	-	0.00%	8,400.00
01-8421-12-14	PERFORMANCE INCENTIVE PROGRAM	100.00	-	-	0.00%	100.00
01-8438-12-14	UNIFORMS	2,200.00	705.56	1,005.71	45.71%	1,194.29
01-8524-12-14	PRO. SERVICES/ENGINEERING SERV	1,100.00	(28,568.64)	58,757.54	5341.59%	(57,657.54)
01-8527-12-14	CONTRACTUAL SERVICES - OTHER	100,000.00	29,478.30	30,490.80	30.49%	69,509.20
01-8539-12-14	DEBRIS REMOVAL - TRIBUTARIES	-	90,000.00	225,000.00	-	(225,000.00)
01-8540-12-14	PHASE II STORM WATER PROGRAM	5,200.00	-	-	0.00%	5,200.00
01-8552-12-14	ROW MOWING	20,000.00	-	560.00	2.80%	19,440.00
01-8662-12-86	HEAVY EQPT. - FINANCE	162,000.00	-	-	0.00%	162,000.00
Information Technology - 13						
01-8222-13-00	Peripheral Computer Supplies	3,300.00	233.60	233.60	7.08%	3,066.40
01-8304-13-00	Software Service Contracts	202,000.00	33,915.40	60,881.56	30.14%	141,118.44
01-8309-13-00	Computer & Network Maintenance	81,900.00	5,796.58	21,727.76	26.53%	60,172.24
01-8310-13-00	COMP & NETWORK MAINT - LIBRARY	5,400.00	829.99	1,086.22	20.12%	4,313.78
01-8407-13-00	Communication-Pagers & Phones	95,000.00	5,655.60	24,440.45	25.73%	70,559.55
01-8530-13-00	Copier/Postage Rental Contract	16,500.00	480.82	2,276.70	13.80%	14,223.30
01-8600-13-00	COMPUTER EQUIP - SERVER	6,000.00	-	-	0.00%	6,000.00
01-8603-13-00	Computer Workstations	50,000.00	-	-	0.00%	50,000.00
Library - 15						
01-8101-15-00	Salary and Wages	206,500.00	18,784.15	53,409.26	25.86%	153,090.74
01-8104-15-00	PTE Base Salary	67,000.00	11,084.04	29,712.36	44.35%	37,287.64
01-8110-15-00	Cell Phone Allowance	1,450.00	-	-	0.00%	1,450.00
01-8113-15-00	Certification/Education Pay	2,000.00	6.92	25.46	1.27%	1,974.54
01-8114-15-00	Longevity Pay	1,400.00	-	1,120.00	80.00%	280.00
01-8150-15-00	FICA TAX	3,300.00	372.93	963.76	29.20%	2,336.24
01-8151-15-00	Payroll Tax	3,700.00	432.31	1,219.40	32.96%	2,480.60
01-8152-15-00	Unemployment Tax	1,500.00	2.16	6.37	0.42%	1,493.63
01-8153-15-00	Retirement (TMRS)	18,500.00	2,315.00	6,655.64	35.98%	11,844.36
01-8155-15-00	Employee Group Insurance	36,000.00	2,843.84	10,540.69	29.28%	25,459.31

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01-8156-15-00	Worker's Compensation Ins.	1,500.00	-	393.59	26.24%	1,106.41
01-8210-15-00	OFFICE & POSTAGE SUPPLIES	10,000.00	952.62	2,259.55	22.60%	7,740.45
01-8211-15-00	SUMMER READING SUPPLIES	1,200.00	-	-	0.00%	1,200.00
01-8212-15-00	Materials Processing Supplies	2,500.00	301.11	613.72	24.55%	1,886.28
01-8223-15-00	COLLECTION DEVELOPMENT	4,000.00	452.73	2,665.70	66.64%	1,334.30
01-8225-15-00	YOUTH PROGRAMMING	7,500.00	204.73	2,112.47	28.17%	5,387.53
01-8301-15-00	Building & Property Maintenanc	11,400.00	1,585.00	3,193.18	28.01%	8,206.82
01-8401-15-00	ADVERTISING & LEGAL NOTICES	400.00	-	277.50	69.38%	122.50
01-8402-15-00	Travel & Training - Staff	2,000.00	-	-	0.00%	2,000.00
01-8403-15-00	DUES/SUBSCRIPTIONS/BOOKS	1,500.00	-	426.11	28.41%	1,073.89
01-8417-15-00	Utilities-Gas,Electric & Water	35,000.00	2,908.86	8,987.50	25.68%	26,012.50
01-8604-15-00	FURNITURE & OFFICE EQUIPMENT	1,200.00	-	-	0.00%	1,200.00
Emergency Medical Services - 17						
01-8101-17-00	FTE Base Salary	329,000.00	28,162.89	68,278.72	20.75%	260,721.28
01-8102-17-00	Overtime Pay	95,000.00	14,088.94	37,256.60	39.22%	57,743.40
01-8104-17-00	PTE Base Salary	381,000.00	42,346.81	130,097.15	34.15%	250,902.85
01-8113-17-00	Certification/Education pay	7,600.00	300.00	1,371.40	18.04%	6,228.60
01-8114-17-00	LONGEVITY PAY	2,200.00	-	1,115.00	50.68%	1,085.00
01-8150-17-00	Fica Tax	24,000.00	1,025.84	3,317.38	13.82%	20,682.62
01-8151-17-00	PAYROLL TAX	10,500.00	1,175.26	3,285.30	31.29%	7,214.70
01-8152-17-00	Unemployment taxes	4,300.00	20.77	44.54	1.04%	4,255.46
01-8153-17-00	Retirement (TMRS)	30,000.00	6,616.55	17,910.75	59.70%	12,089.25
01-8155-17-00	Employee Group Insurance	36,000.00	4,635.26	15,703.99	43.62%	20,296.01
01-8156-17-00	Workmen compensation	26,000.00	-	12,211.51	46.97%	13,788.49
01-8204-17-00	Fuel	15,000.00	1,215.62	3,910.83	26.07%	11,089.17
01-8206-17-00	Supplies-Investigational/EMS	35,300.00	228.50	11,256.32	31.89%	5,071.50
01-8210-17-00	Office supplies	900.00	55.00	466.49	51.83%	433.51
01-8213-17-00	Uniform & apparel	4,000.00	-	374.00	9.35%	3,626.00
01-8301-17-00	BLDG & PROPERTY MAINT	22,900.00	2,868.03	5,428.75	23.71%	17,471.25
01-8304-17-00	Service Contract-800mHZ Radios	5,200.00	-	6,278.40	120.74%	(1,078.40)
01-8307-17-00	Vehicle maintenance	14,100.00	913.23	4,551.33	32.28%	9,548.67
01-8402-17-00	Travel & Training - Staff	4,000.00	153.63	153.63	3.84%	3,846.37
01-8403-17-00	Dues/Subscriptions/Books	4,300.00	510.00	3,312.32	77.03%	987.68
01-8407-17-00	Communication	6,500.00	535.11	1,605.33	24.70%	4,894.67
01-8417-17-00	UTILITIES-GAS,ELECT.& WATER	28,900.00	1,086.45	4,681.15	16.20%	24,218.85
01-8424-17-00	EMS SERVICES - DISD FOOTBALL	1,200.00	-	900.00	75.00%	300.00
01-8527-17-00	CONTRACTUAL SERVICES - OTHER	10,800.00	(35.08)	2,700.00	25.00%	8,100.00
01-8541-17-00	EMS Patient billing	53,000.00	3,682.88	6,256.50	11.80%	46,743.50
01-8605-17-86	EMERGENCY EQUIPMENT	45,000.00	-	-	0.00%	45,000.00
01-8660-17-86	VEHICLE ACQUISITION	205,000.00	-	-	0.00%	205,000.00
Contracts & Gov't Wide Services - 18						
01-8300-18-00	BLDG ALARM & ACCESS SERVICES	40,000.00	3,201.67	12,761.66	31.90%	27,238.34
01-8501-18-00	FINANCE & AUDIT	42,000.00	485.00	13,590.90	32.36%	28,409.10
01-8502-18-00	ANIMAL CONTROL	146,800.00	-	36,700.00	25.00%	110,100.00
01-8510-18-00	DKSN VOLUNTEER FIRE DEPT	99,900.00	8,235.00	32,940.00	32.97%	66,960.00
01-8511-18-00	DOCUMENT/RECORDS STORAGE	5,500.00	426.32	1,713.75	31.16%	3,786.25
01-8512-18-00	JANITORIAL SERVICES CONTRACT	22,000.00	6,387.63	6,387.63	29.03%	15,612.37
01-8515-18-00	LEGAL FEES	150,000.00	14,583.81	49,293.11	32.86%	100,706.89
01-8520-18-00	Tax Appraisal	35,220.00	-	8,691.86	24.68%	26,528.14
01-8521-18-00	Tax Collection	2,500.00	-	-	0.00%	2,500.00
01-8527-18-00	Contractual Services - Other	110,000.00	-	1,496.14	1.36%	108,503.86
01-8704-18-00	VEHICLE INSURANCE	60,000.00	-	84,367.02	140.61%	(24,367.02)
01-8708-18-00	REAL & PERSONAL PROPERTY INS	160,000.00	124,333.65	144,898.95	90.56%	15,101.05
01-8709-18-00	PUBLIC OFFICIALS E&O INSURANCE	8,000.00	-	21,518.84	268.99%	(13,518.84)
01-8711-18-00	EMPLOYEE BOND	1,200.00	-	-	0.00%	1,200.00
01-8510-18-01	DVFD - PENSION CONTRIBUTIONS	34,000.00	-	-	0.00%	34,000.00
01-8510-18-02	DVFD - FUEL	9,000.00	493.67	2,249.47	24.99%	6,750.53
01-8510-18-03	DVFD - CONTRACT EMPLOYEE	13,000.00	1,083.33	4,333.32	33.33%	8,666.68

<u>Account</u>	<u>Description</u>	<u>FY2020 Adopted Budget</u>	<u>January 2020 Actuals</u>	<u>FY2020 YTD Actuals</u>	<u>% of Budget Expended (33.3%)</u>	<u>Budget Balance Available</u>
Economic Development - 40						
01-8543-40-00	GRANT PAYMENTS - 380 CO'S	3,901,500.00	470,286.74	1,152,940.76	29.55%	2,748,559.24
01-8557-40-00	ECONOMIC DEV. CONSULTING SVCS	36,000.00	9,000.00	12,000.00	33.33%	24,000.00
Transfers - 89						
01-8916-89-00	TRSF TO VOCA GRANT FUND	31,610.00	-	7,902.50	25.00%	23,707.50
DEBT SERVICE FUND - 02						
Revenues						
02-7101-00-00	Current Property Tax	688,100.00	251,247.86	661,482.89	96.13%	26,617.11
02-7102-00-00	Delinquent Property Tax	17,000.00	914.50	5,837.71	34.34%	11,162.29
02-7103-00-00	Penalty & Interest	9,000.00	285.50	1,834.28	20.38%	7,165.72
02-7621-00-00	Interest Income	1,000.00	33.19	111.30	11.13%	888.70
02-7726-00-00	Transfer In - 4B Corporation	67,380.00	-	-	0.00%	67,380.00
02-7727-00-00	WCID#1 CONTRIBUTION-2007 CO's	87,000.00	-	86,964.00	99.96%	36.00
Expenditures						
02-8525-40-00	Issue Costs	6,000.00	-	-	0.00%	6,000.00
02-8917-40-00	2009 CO RE-FI INTEREST	57,780.00	-	-	0.00%	57,780.00
02-8920-40-00	PRINCIPLE	115,000.00	-	-	0.00%	115,000.00
02-8921-40-00	INTEREST	50,700.00	-	-	0.00%	50,700.00
02-8923-40-00	2014 GO REFUND PRINCIPAL	525,000.00	-	-	0.00%	525,000.00
02-8924-40-00	SERIES 2014 GO REFUND INTEREST	116,580.00	-	-	0.00%	116,580.00
MISCELLANEOUS GRANT FUND - 03						
Revenues						
03-7609-00-00	Law Enforcement Grants/Other	-	-	9,800.00	-	(9,800.00)
Expenditures						
03-8427-03-00	DEMOLITION SERVICES-SETH GRANT	-	-	10,827.00	-	(10,827.00)
03-8433-04-00	Security - Security Funds	-	4,180.18	4,180.18	-	(22,535.66)
03-8420-05-00	LEOSE Training Fund Expd.	3,500.00	-	-	0.00%	3,500.00
03-8413-11-00	DEBRIS REMOVAL	-	9,385.88	17,748.13	-	(17,748.13)
DISASTER FUND - 04						
Revenues						
04-7621-00-00	INTEREST INCOME	-	147.34	576.79	-	(576.79)
04-7710-00-00	FEMA REIMB-HARVEY	-	448,276.80	584,426.80	-	(584,426.80)
Expenditures						
04-8604-12-00	MATERIALS & EQUIPMENT	-	46.58	46.58	-	(46.58)
STREET MAINTENANCE FUND - 08						
Revenues						
08-7001-00-00	SALES TAX REVENUE	1,500,450.00	126,613.51	627,628.12	41.83%	872,821.88
08-7621-00-00	INTEREST INCOME	5,000.00	1,020.99	4,024.20	80.48%	975.80
08-7728-00-00	TRANSFER FROM DMD#1	100,000.00	-	37,500.00	37.50%	62,500.00
Expenditures						
08-8101-12-00	SALARY & WAGES	430,000.00	21,148.38	70,288.15	16.35%	359,711.85
08-8102-12-00	OVERTIME PAY	2,500.00	207.27	2,198.68	87.95%	301.32
08-8110-12-00	CELL PHONE ALLOWANCE	700.00	-	-	0.00%	700.00
08-8113-12-00	CERT/EDU PAY	2,500.00	-	480.00	19.20%	2,020.00
08-8114-12-00	LONGEVITY PAY	2,400.00	-	960.00	40.00%	1,440.00
08-8151-12-00	PAYROLL TAX	6,500.00	307.88	1,061.46	16.33%	5,438.54
08-8152-12-00	UNEMPLOYMENT TAX	1,200.00	3.82	22.39	1.87%	1,177.61
08-8153-12-00	RETIREMENT (TMRS)	39,000.00	2,079.68	7,147.56	18.33%	31,852.44
08-8155-12-00	EMPLOYEE GROUP INSURANCE	99,000.00	4,324.82	26,064.38	26.33%	72,935.62
08-8156-12-00	WORKERS COMP INSURANCE	10,400.00	-	5,445.09	52.36%	4,954.91
08-8204-12-00	FUEL	24,000.00	4,691.05	4,691.05	19.55%	19,308.95
08-8205-12-00	SAFETY EQUIPMENT & SUPPLIES	1,200.00	629.33	2,192.65	182.72%	(992.65)
08-8210-12-00	OFFICE SUPPLIES & POSTAGE	3,600.00	632.80	954.59	26.52%	2,645.41
08-8211-12-00	SMALL TOOLS	7,200.00	176.09	854.77	11.87%	6,345.23
08-8212-12-00	OPERATIONAL SUPPLIES	2,500.00	112.78	322.66	12.91%	2,177.34
08-8301-12-00	BUILDING & PROPERTY MAINT	2,000.00	224.84	228.84	11.44%	1,771.16
08-8305-12-00	STREET SIGNAGE & STRIPING	60,000.00	558.24	845.74	1.41%	59,154.26

<u>Account</u>	<u>Description</u>	<u>FY2020 Adopted Budget</u>	<u>January 2020 Actuals</u>	<u>FY2020 YTD Actuals</u>	<u>% of Budget Expended (33.3%)</u>	<u>Budget Balance Available</u>
08-8306-12-00	STREET REPAIR/PATCH MATERIALS	140,000.00	2,373.75	23,199.25	16.57%	116,800.75
08-8307-12-00	ROAD STABILIZATION PROG	225,000.00	237.96	4,503.70	2.00%	220,496.30
08-8399-12-00	EQUIPMENT MAINTENANCE	15,000.00	-	458.30	3.06%	9,541.70
08-8401-12-00	ADVERTISING & LEGAL NOTICES	1,000.00	-	-	0.00%	1,000.00
08-8402-12-00	TRAVEL & TRAINING	2,200.00	866.56	2,760.87	125.49%	(560.87)
08-8403-12-00	DUES / SUBSCRIPTIONS / BOOKS	300.00	-	-	0.00%	300.00
08-8406-12-00	STREET LIGHTING	114,100.00	7,923.49	23,767.47	20.83%	90,332.53
08-8407-12-00	COMM - PAGES & PHONES	200.00	25.61	76.83	38.42%	123.17
08-8413-12-00	LANDFILL DEBRIS DISPOSAL	6,100.00	-	-	0.00%	6,100.00
08-8417-12-00	UTILITIES	8,400.00	468.63	1,103.40	13.14%	7,296.60
08-8421-12-00	PERFORMANCE INCENTIVE PROGRAM	200.00	23.34	41.05	20.53%	158.95
08-8438-12-00	UNIFORM SERVICE	3,200.00	287.06	1,005.67	31.43%	2,194.33
08-8527-12-00	CONTRACT SERVICES	45,000.00	33,038.63	56,878.21	126.40%	(11,878.21)
08-8552-12-00	ROW / FACILITIES MOWING	20,000.00	-	8,648.68	43.24%	11,351.32
08-8813-12-00	DAKOTA	-	108.56	108.56	-	(108.56)
08-8608-12-86	RECONSTRUCTION PROJECT	2,000,000.00	422,770.90	422,770.90	21.14%	1,577,229.10
08-8662-12-86	HEAVY EQUIPMENT - FINANCING	122,000.00	-	-	0.00%	122,000.00
SEIZED FUNDS - FEDERAL - 11						
Revenues						
11-7621-00-00	INTEREST	200.00	30.41	152.55	76.28%	47.45
Expenditures						
11-8513-19-00	AWARDED FEDERAL EXPENDED	-	-	7,100.00	-	(16,415.00)
11-8513-19-01	OPERATIONS & INVESTIGATIONS	-	-	2,400.00	-	(2,400.00)
11-8513-19-04	EQUIPMENT	100,000.00	43,127.12	43,127.12	43.13%	45,292.11
11-8513-19-06	CONTRACTING FOR SERVICES	2,400.00	-	-	0.00%	2,400.00
SEIZED FUNDS - STATE/NARCOTICS - 13						
Revenues						
13-7603-00-00	MISC. REVENUE	-	-	2,821.00	-	(2,821.00)
LIBRARY TRUST FUND - 14						
Revenues						
14-7640-00-00	LIBRARY DONATIONS	-	100.00	85.05	-	(85.05)
Expenditures						
14-8211-15-00	SUMMER READING SUPPLIES	1,000.00	-	-	0.00%	1,000.00
14-8223-15-00	COLLECTION DEVELOPMENT	12,000.00	20.79	2,701.92	22.52%	9,298.08
14-8604-15-00	COMPUTER & EQUIPMENT	12,700.00	-	1,629.58	12.83%	11,070.42
DICKINSON PID #1 - 15						
Revenues						
15-7103-00-00	PENALTY & INTEREST	1,000.00	-	278.93	27.89%	721.07
15-7110-00-00	RESIDENTIAL PID ASSESSMENT	325,000.00	222,142.84	346,364.47	106.57%	(21,364.47)
15-7406-00-00	ATTORNEY FEES	1,200.00	-	251.04	20.92%	948.96
15-7621-00-00	INTEREST INCOME	300.00	-	-	0.00%	300.00
Expenditures						
15-8501-03-00	EXTERNAL AUDIT & CAFR PREP	3,600.00	-	-	0.00%	3,600.00
15-8521-03-00	PID#1 COLLECTION FEES	11,000.00	2,925.00	2,925.00	26.59%	8,075.00
15-8557-03-00	PID#1 REIMBURSE DEVELOPER	300,000.00	-	-	0.00%	300,000.00
15-8559-03-00	TAX REFUNDS TO HOMEOWNERS	6,700.00	-	-	0.00%	6,700.00
15-8915-03-00	TSFR TO CITY-GEN.FUND	15,000.00	-	-	0.00%	15,000.00
VOCA GRANT - 16						
Revenues						
16-7118-00-00	VOCA GRANT - CITY MATCH	31,600.00	-	7,902.50	25.01%	23,697.50
16-7119-00-00	VOCA GRANT - CJD	54,000.00	16,023.86	16,023.86	29.67%	37,976.14
Expenditures						
16-8101-05-00	SALARY & WAGES - VOCA	52,000.00	5,944.80	16,574.33	31.87%	35,425.67
16-8105-05-00	LONGEVITY PAY	100.00	-	-	0.00%	100.00
16-8113-05-00	CERT/EDUCATION PAY - VOCA	800.00	-	-	0.00%	800.00
16-8151-05-00	PAYROLL TAX - VOCA	800.00	86.20	240.32	30.04%	559.68
16-8152-05-00	UNEMPLOYMENT TAX - VOCA	200.00	-	-	0.00%	200.00

<u>Account</u>	<u>Description</u>	<u>FY2020 Adopted Budget</u>	<u>January 2020 Actuals</u>	<u>FY2020 YTD Actuals</u>	<u>% of Budget Expended (33.3%)</u>	<u>Budget Balance Available</u>
16-8153-05-00	RETIREMENT (TMRS) - VOCA	5,000.00	575.46	1,600.17	32.00%	3,399.83
16-8155-05-00	EMPLOYEE INSURANCE - VOCA	10,000.00	912.17	3,324.95	33.25%	6,675.05
16-8156-05-00	WORKER'S COMPENSATION - VOCA	100.00	-	73.43	73.43%	26.57
16-8204-05-00	FUEL - VOCA	3,000.00	-	-	0.00%	3,000.00
16-8210-05-00	OFFICE SUPPLIES & POSTAGE	6,000.00	477.87	577.87	9.63%	5,422.13
16-8402-05-00	TRAVEL & TRAINING - VOCA	2,200.00	-	-	0.00%	2,200.00
LIBRARY GRANT FUND - 17						
Revenues						
17-7750-00-00	GRANT PROCEEDS	6,000.00	-	-	0.00%	6,000.00
Expenditures						
17-7806-00-00	IMPACT GRANT 18016	-	(1,000.00)	(1,000.00)	-	1,000.00
17-8227-15-00	IMPACT GRANT EXPENDITURES	6,000.00	(1,807.79)	852.74	14.21%	5,147.26
17-8227-15-05	IMPACT EXPENDITURES - 18016	-	2,660.53	3,101.85	-	(3,101.85)
VEHICLE REPLACEMENT FUND - 21						
Expenditures						
21-8604-05-00	FURNITURE & EQUIPMENT	67,207.00	-	-	0.00%	67,207.00
21-8700-05-00	INTEREST EXPENSE	7,127.00	-	-	0.00%	7,127.00
DICKINSON PID#2 - 25						
Expenditures						
25-8521-03-00	PID#2 COLLECTION FEES	3,900.00	975.00	975.00	25.00%	2,925.00
BUILDING MAINTENANCE FUND - 30						
Expenditures						
30-8301-01-00	BUILDING & PROPERTY MAINT.	20,000.00	54,542.92	54,542.92	272.71%	(34,542.92)
30-8301-05-00	BUILDING & PROPERTY MAINT.	5,000.00	-	-	0.00%	5,000.00
30-8301-15-00	BUILDING & PROPERTY MAINT.	250,000.00	-	-	0.00%	250,000.00
30-8445-42-00	PROJECTS - ANIMAL SHELTER	-	578,708.76	578,708.76	-	(578,708.76)
CHILD SAFETY FUND - 31						
Revenues						
31-7411-00-00	CHILD SAFETY FUND REVENUE	500.00	25.00	270.66	54.13%	229.34
Expenditures						
31-8218-04-00	FIRE PREV & CHILD SAFETY PROGS	450.00	-	-	0.00%	450.00
COURT EFFICIENCY FUND - 32						
Revenues						
32-7409-00-00	COURT EFFICIENCY REVENUE	2,100.00	183.37	777.22	37.01%	1,322.78
32-7412-00-00	MUNICIPAL JURY FUND REVENUE	-	4.40	4.40	-	(4.40)
32-7413-00-00	LOCAL TRUANCY PREVENTION FUND	-	220.00	220.00	-	(220.00)
Expenditures						
32-8210-04-00	OFFICE SUPPLIES	250.00	-	-	0.00%	250.00
32-8213-04-00	UNIFORM & APPAREL	500.00	-	-	0.00%	500.00
32-8402-04-00	TRAVEL & TRAINING	3,000.00	-	-	0.00%	3,000.00
32-8403-04-00	DUES/SUBSCRIPTIONS/BOOKS	100.00	-	-	0.00%	100.00
32-8410-04-00	NOTARY BOND	290.00	-	-	0.00%	290.00
32-8412-04-00	JURY TRIALS - EFFICIENCY	460.00	-	-	0.00%	460.00
32-8603-04-00	COMPUTER WORKSTATIONS/EQUIP	8,000.00	-	-	0.00%	8,000.00
COURT SECURITY FUND - 33						
Revenues						
33-7407-00-00	COURT SECURITY REVENUE	8,700.00	841.15	2,953.00	33.94%	5,747.00
Expenditures						
33-8104-04-00	PTE BASE SALARY	25,200.00	774.40	2,966.72	11.77%	22,233.28
33-8150-04-00	FICA TAX	500.00	48.01	183.92	36.78%	316.08
33-8151-04-00	PAYROLL TAX	365.00	11.23	43.01	11.78%	321.99
33-8152-04-00	UNEMPLOYMENT TAX	200.00	1.94	4.34	2.17%	195.66
33-8156-04-00	WORKMEN'S COMPENSATION	200.00	-	122.97	61.49%	77.03
33-8213-04-00	UNIFORM & APPAREL - COURT.SEC	670.00	-	-	0.00%	670.00
33-8402-04-00	TRAVEL & TRAINING	1,600.00	-	-	0.00%	1,600.00

<u>Account</u>	<u>Description</u>	<u>FY2020 Adopted Budget</u>	<u>January 2020 Actuals</u>	<u>FY2020 YTD Actuals</u>	<u>% of Budget Expended (33.3%)</u>	<u>Budget Balance Available</u>
33-8403-04-00	DUES/SUBSCRIPTIONS/BOOKS	100.00	-	-	0.00%	100.00
33-8433-04-00	SECURITY - COURT SEC.	3,300.00	-	27.47	0.83%	3,272.53
COURT TECHNOLOGY FUND - 34						
Revenues						
34-7410-00-00	COURT TECHNOLOGY REVENUE	11,700.00	1,006.11	3,821.91	32.67%	7,878.09
Expenditures						
34-8602-04-00	COMPUTER SOFTWARE	15,000.00	125.00	10,258.85	68.39%	4,741.15
34-8603-04-00	COMPUTER EQUIPMENT	5,000.00	-	-	0.00%	5,000.00
HOTEL/MOTEL TAX - 35						
Revenues						
35-7203-00-00	HOTEL/MOTEL OCCUPANCY TAX	30,000.00	8,863.74	8,863.74	29.55%	21,136.26

ITEM 6

Reports

ITEM 6A

**Update on Activities of
the Houston-Galveston
Area Council**

ITEM 6B

**Update on Activities of
the Dickinson Bayou
Watershed Partnership**

ITEM 6C

Update on Activities of the Dickinson Economic Development Corporation

ITEM 6D

**Presentation of
Dickinson Fire Marshal's
Office's Annual Racial
Profiling Report**

**Dickinson City Council
Agenda Item Data Sheet**

MEETING DATE: March 10, 2020

TOPIC: Presentation of Annual Racial Profiling Report as it relates to Senate Bill 1074 (Racial Profiling) for calendar year 2019 as required by Article 2.134 of the Texas Code of Criminal Procedure.

BACKGROUND: As it is not the policy of the Dickinson Fire Marshal's Office to make traffic stops in the routine performance of our officers' official duties, this office claims "Full Exemption" with the Texas Commission on Law Enforcement (TCOLE) for Racial Profiling Reporting.

RECOMMENDATION: Information for discussion only

ATTACHMENTS:

- Copy of the Dickinson Fire Marshal's Office 2019 electronic reporting to TCOLE

FUNDING ISSUES:

Not applicable – no dollars are being spent or received.

Full amount already budgeted in Acct/Project# _____

Not budgeted, if approved, the following will be included in the next Budget Amendment:

\$_____ from Acct/Project# _____ will be transferred to Acct/Project# _____

\$_____ from unassigned fund balance will be used and added to Acct/Project# _____

\$_____ will be added to Revenue Acct# __-____ and \$_____ added to Expenditure Acct/Project# _____

FINANCE VERIFICATION OF FUNDING:

SUBMITTING STAFF MEMBER: Burt Heddles, Fire Marshal	CITY ADMINISTRATOR APPROVAL:
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ACTIONS TAKEN		
APPROVAL <input type="checkbox"/> YES <input type="checkbox"/> NO	READINGS PASSED <input type="checkbox"/> 1 st <input type="checkbox"/> 2 nd <input type="checkbox"/> 3 rd	OTHER

Racial Profiling Report | Exempt

Reporting Date: 01/30/2020

Agency Name: DICKINSON FIRE MARSHAL'S OFFICE
TCOLE Agency Number: 167310

Chief Administrator: BURT N. HEDDLES

Agency Contact Information:
Phone: (281) 337-6262
Email: bheddles@ci.dickinson.tx.us

Mailing Address:
4403 HIGHWAY 3
DICKINSON, TX 77539

FULL EXEMPTION RACIAL PROFILING REPORT

Article 2.132 CCP Law Enforcement Policy on Racial Profiling a.) In this article:

1.) "Law enforcement agency" means an agency of the state, or of a county, municipality , or other political subdivision of the state, that employs peace officers who make traffic stops in the routine performance of the officers' official duties.

I certify it is not the policy of this agency to make traffic stops in the routine performance of the officers' official duties.

Executed by: BURT N. HEDDLES, Fire Marshal

Date: 01/30/2020

Submitted electronically to the



The Texas Commission on Law
Enforcement

ITEM 6E

**Presentation of
Dickinson Police
Department's Annual
Racial Profiling Report**

**Dickinson City Council
Agenda Item Data Sheet**

MEETING DATE: March 10, 2020

TOPIC: Presentation of Annual Racial Profiling Report as It Relates to Senate Bill 1074 (Racial Profiling) For Calendar Year 2019 As Required by Article 2.134 Of the Texas Code of Criminal Procedure.

BACKGROUND: The Dickinson Police Department received its Annual Traffic Contact Report for the calendar year 2019 from Del Carmen Consulting, LLC. This report was generated and being provided to Council as an informational document to satisfy Article 2.134 of the TCCP. The Chief of Police will be available to answer any questions regarding the report.

RECOMMENDATION: Information for discussion only.

ATTACHMENTS:

- The Annual Contact Report for 2019. Specific data starts on page 15 of the report. The complete document is available in the City Secretary's office for review.

FUNDING ISSUES:

Not applicable – no dollars are being spent or received.

Full amount already budgeted in Acct/Project# _____

Not budgeted, if approved, the following will be included in the next Budget Amendment:

\$_____ from Acct/Project# _____ will be transferred to Acct/Project# _____

\$_____ from unassigned fund balance will be used and added to Acct/Project# _____

\$_____ will be added to Revenue Acct# __-____ and \$_____ added to Expenditure Acct/Project# _____

FINANCE VERIFICATION OF FUNDING:

SUBMITTING STAFF MEMBER: Chief Ron Morales	CITY ADMINISTRATOR APPROVAL:
--	-------------------------------------

ACTIONS TAKEN		
APPROVAL <input type="checkbox"/> YES <input type="checkbox"/> NO	READINGS PASSED <input type="checkbox"/> 1 st <input type="checkbox"/> 2 nd <input type="checkbox"/> 3 rd	OTHER

DEL CARMEN CONSULTING, LLC

LAW ENFORCEMENT SERVICES

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DICKINSON POLICE DEPARTMENT ANNUAL REPORT

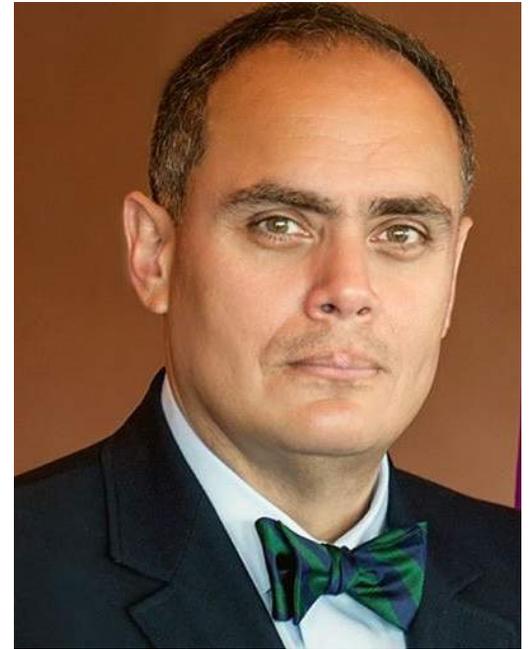
SANDRA BLAND ACT

January 21, 2020

Dickinson City Council
4000 Liggio Street
Dickinson, Texas 77539

Dear Distinguished Members of the City Council,

In 2001, The Texas Legislature, with the intent of addressing the issue of racial profiling in policing, enacted the Texas Racial Profiling Law. In previous years, the Dickinson Police Department, in accordance with the law, has collected and reported traffic and motor vehicle-related contact data for the purpose of identifying and addressing (if necessary) areas of concern regarding racial profiling practices. In the 2009 Texas legislative session, the Racial Profiling Law was modified and additional requirements were implemented. Moreover, in 2017, the Sandra Bland Act was passed and signed into law (along with HB 3051 which introduced new racial and ethnic designations). The Sandra Bland Law requires that law enforcement agencies in the state collect additional data and provide a more detailed analysis. All of these requirements have been met by the Dickinson Police Department and are included in this report.



This particular report contains three sections with information on motor vehicle-related contact data. In addition, when appropriate, documentation is also a component of this report, aiming at demonstrating the manner in which the Dickinson Police Department has complied with the Texas Racial Profiling Law. In section 1, you will find the table of contents in addition to the Texas Senate Bill (SB1074); which later became the Texas Racial Profiling Law. Further, you will find the Texas HB 3389, which, in 2009, introduced new requirements relevant to racial profiling as well as the Sandra Bland Act. Also, in this section, a list of requirements relevant to the Racial Profiling Law as established by TCOLE (Texas Commission on Law Enforcement) is included. In addition, you will find, in sections 2 and 3 documentation which demonstrates compliance by the Dickinson Police Department relevant to the requirements as established in the Texas Racial Profiling Law. That is, you will find documents relevant to the implementation of an institutional policy banning racial profiling, the incorporation of a racial profiling complaint process and the training administered to all law enforcement personnel.

The last section of this report includes statistical data relevant to contacts, made during the course of motor vehicle stops and in accordance with the law, between 1/1/19 and 12/31/19. In addition, this section contains the TCOLE Tier 2 form, which is required to be submitted to this particular organization by March 1st of each year. The data in this report has been analyzed and compared to data derived from the U.S. Census Bureau's Fair Roads Standard. The final analysis and recommendations are also included in this report. The findings in this report serve as evidence of the Dickinson Police Department's commitment to comply with the Texas Racial Profiling Law.

Sincerely,

Alex del Carmen, Ph.D.

DEL CARMEN CONSULTING, LLC
LAW ENFORCEMENT SERVICES

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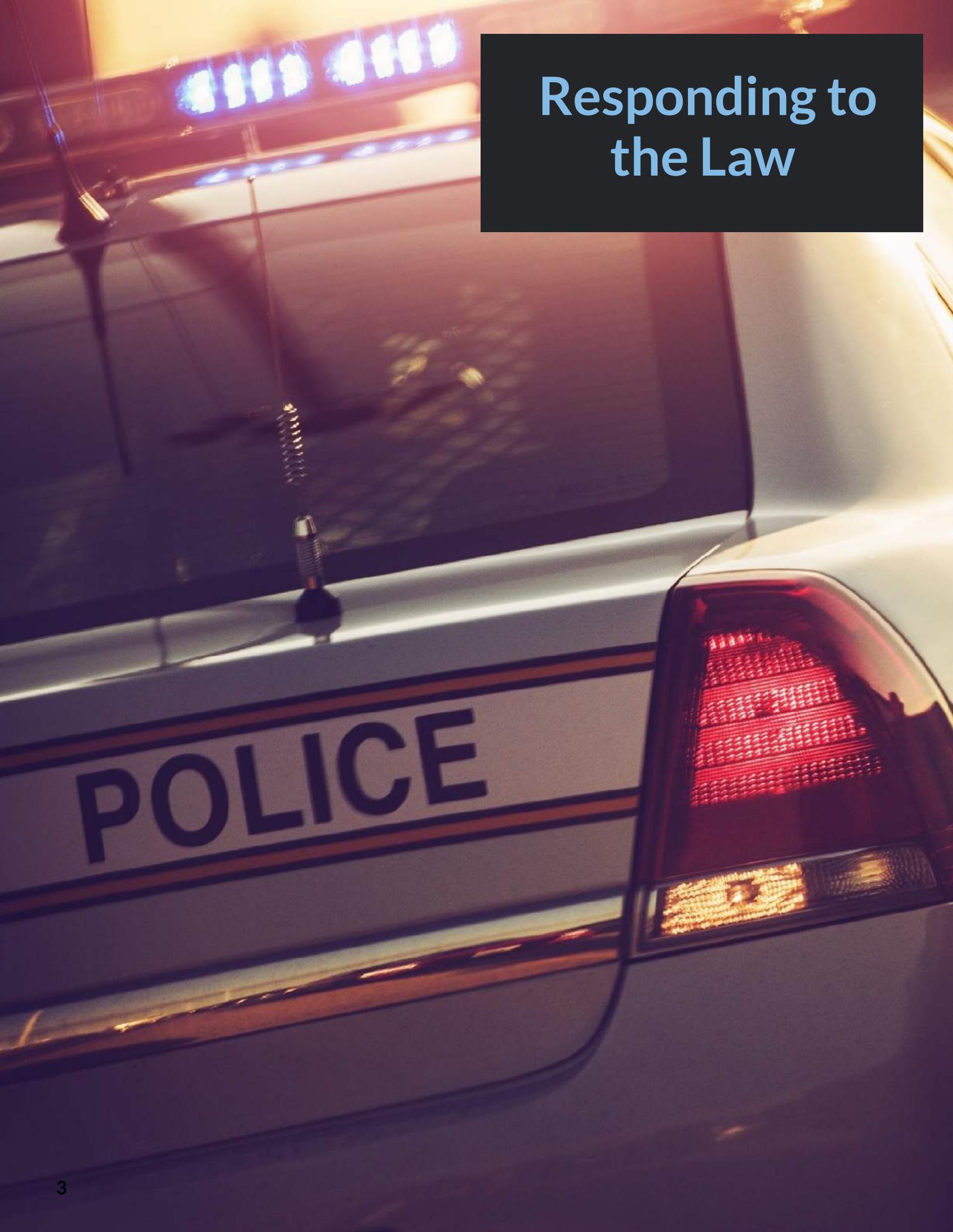
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A close-up photograph of the rear of a white police car at night. The car's trunk lid features the word "POLICE" in large, bold, black capital letters. Above the trunk, a row of blue emergency lights is illuminated. To the right, a red taillight is visible, with its lower section glowing yellow. The background is dark, suggesting a nighttime setting.

Responding to the Law



Public Education on Filing Compliments and Complaints

Informing the Public on the Process of Filing a Compliment or Complaint with the Dickinson Police Department

The Texas Racial Profiling Law requires that police agencies provide information to the public regarding the manner in which to file a compliment or racial profiling complaint. In an effort to comply with this particular component, the Dickinson Police Department launched an educational campaign aimed at informing the public on issues relevant to the racial profiling complaint process.

The police department made available, in the lobby area and on its web site, information relevant to filing a compliment and complaint on a racial profiling violation by a Dickinson Police officer. In addition, each time an officer issues a citation, ticket or warning, information on how to file a compliment or complaint is given to the individual cited. This information is in the form of a web address (including in the document issued to the citizen), which has instructions and details specifics related to the compliment or complaint processes.

It is believed that through these efforts, the community has been properly informed of the new policies and the complaint processes relevant to racial profiling.



RACIAL PROFILING

Photo Caption

Training

All Dickinson Police officers have been instructed, as specified in the Texas Racial Profiling Law, to adhere to all Texas Commission on Law Enforcement (TCOLE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements. To date, all sworn officers of the Dickinson Police Department have completed the TCOLE basic training on racial profiling. The main outline used to train the officers of Dickinson has been included in this report.

It is important to recognize that the Chief of the Dickinson Police Department has also met the training requirements, as specified by the Texas Racial Profiling Law, in the completion of the LEMIT program on racial profiling. The satisfactory completion of the racial profiling training by the sworn personnel of the Dickinson Police Department fulfills the training requirement as specified in the Education Code (96.641) of the Texas Racial Profiling Law.





Racial Profiling

Course Number 3256

Texas Commission on Law Enforcement
September 2001

Racial Profiling 3256

Instructor's Note:

You may wish to teach this course in conjunction with Asset Forfeiture 3255 because of the related subject matter and applicability of the courses. If this course is taught in conjunction with Asset Forfeiture, you may report it under Combined Profiling and Forfeiture 3257 to reduce data entry.

Abstract

This instructor guide is designed to meet the educational requirement for racial profiling established by legislative mandate: 77R-SB1074.

Target Population: Licensed law enforcement personnel in Texas

Prerequisites: Experience as a law enforcement officer

Length of Course: A suggested instructional time of 4 hours

Material Requirements: Overhead projector, chalkboard and/or flip charts, video tape player, handouts, practical exercises, and demonstrations

Instructor Qualifications: Instructors should be very knowledgeable about traffic stop procedures and law enforcement issues

Evaluation Process and Procedures

An examination should be given. The instructor may decide upon the nature and content of the examination. It must, however, sufficiently demonstrate the mastery of the subject content by the student.

Reference Materials

Reference materials are located at the end of the course. An electronic copy of this instructor guide may be downloaded from our web site at <http://www.tcleose.state.tx.us>.

Racial Profiling 3256

1.0 RACIAL PROFILING AND THE LAW

1.1 UNIT GOAL: The student will be able to identify the legal aspects of racial profiling.

1.1.1 LEARNING OBJECTIVE: The student will be able to identify the legislative requirements placed upon peace officers and law enforcement agencies regarding racial profiling.

Racial Profiling Requirements:

Racial profiling CCP 3.05

Racial profiling prohibited CCP 2.131

Law enforcement policy on racial profiling CCP 2.132

Reports required for traffic and pedestrian stops CCP 2.133

Liability CCP 2.136

Racial profiling education for police chiefs Education Code 96.641

Training program Occupations Code 1701.253

Training required for intermediate certificate Occupations Code 1701.402

Definition of "race or ethnicity" for form Transportation Code 543.202

A. Written departmental policies

1. Definition of what constitutes racial profiling
2. Prohibition of racial profiling
3. Complaint process
4. Public education
5. Corrective action
6. Collection of traffic-stop statistics
7. Annual reports

B. Not prima facie evidence

C. Feasibility of use of video equipment

D. Data does not identify officer

E. Copy of complaint-related video evidence to officer in question

F. Vehicle stop report

1. Physical description of detainees: gender, race or ethnicity
2. Alleged violation
3. Consent to search
4. Contraband
5. Facts supporting probable cause
6. Arrest
7. Warning or citation issued

G. Compilation and analysis of data

H. Exemption from reporting – audio/video equipment

I. Officer non-liability

J. Funding

K. Required training in racial profiling

1. Police chiefs
2. All holders of intermediate certificates and/or two-year-old licenses as of 09/01/2001 (training to be completed no later than 09/01/2003) – see legislation 77R-SB1074





Racial Profiling

Course Number 3256

Texas Commission on Law Enforcement
September 2001

1.1.2 LEARNING OBJECTIVE: The student will become familiar with Supreme Court decisions and other court decisions involving appropriate actions in traffic stops.

A. Whren v. United States, 517 U.S. 806, 116 S.Ct. 1769 (1996)

1. Motor vehicle search exemption
2. Traffic violation acceptable as pretext for further investigation
3. Selective enforcement can be challenged

B. Terry v. Ohio, 392 U.S. 1, 88 S.Ct. 1868 (1968)

1. Stop & Frisk doctrine
2. Stopping and briefly detaining a person
3. Frisk and pat down

C. Other cases

1. Pennsylvania v. Mimms, 434 U.S. 106, 98 S.Ct. 330 (1977)
2. Maryland v. Wilson, 117 S.Ct. 882 (1997)
3. Graham v. State, 119 MdApp 444, 705 A.2d 82 (1998)
4. Pryor v. State, 122 Md.App. 671 (1997) cert. denied 352 Md. 312, 721 A.2d 990 (1998)
5. Ferris v. State, 355 Md. 356, 735 A.2d 491 (1999)
6. New York v. Belton, 453 U.S. 454 (1981)

2.0 RACIAL PROFILING AND THE COMMUNITY

2.1 UNIT GOAL: The student will be able to identify logical and social arguments against racial profiling.

2.1.1 LEARNING OBJECTIVE: The student will be able to identify logical and social arguments against racial profiling.



A. There are appropriate reasons for unusual traffic stops (suspicious behavior, the officer's intuition, MOs, etc.), but police work must stop short of cultural stereotyping and racism.

B. Racial profiling would result in criminal arrests, but only because it would target all members of a race randomly – the minor benefits would be far outweighed by the distrust and anger towards law enforcement by minorities and the public as a whole .

C. Racial profiling is self-fulfilling bad logic: if you believed that minorities committed more crimes, then you might look for more minority criminals, and find them in disproportionate numbers.

D. Inappropriate traffic stops generate suspicion and antagonism towards officers and make future stops more volatile – a racially-based stop today can throw suspicion on tomorrow's legitimate stop.

E. By focusing on race, you would not only be harassing innocent citizens, but overlooking criminals of all races and backgrounds – it is a waste of law enforcement resources.





Racial Profiling

Course Number 3256

Texas Commission on Law Enforcement
September 2001

3.0 RACIAL PROFILING VERSUS REASONABLE SUSPICION

3.1 UNIT GOAL: The student will be able to identify the elements of both inappropriate and appropriate traffic stops.

3.1.1 LEARNING OBJECTIVE: The student will be able to identify elements of a racially motivated traffic stop.

A. Most race-based complaints come from vehicle stops, often since race is used as an inappropriate substitute for drug courier profile elements

B. "DWB" – "Driving While Black" – a nickname for the public perception that a Black person may be stopped solely because of their race (especially with the suspicion that they are a drug courier), often extended to other minority groups or activities as well ("Driving While Brown," "Flying While Black," etc.)

C. A typical traffic stop resulting from racial profiling

1. The vehicle is stopped on the basis of a minor or contrived traffic violation which is used as a pretext for closer inspection of the vehicle, driver, and passengers
2. The driver and passengers are questioned about things that do not relate to the traffic violation
3. The driver and passengers are ordered out of the vehicle
4. The officers visually check all observable parts of the vehicle
5. The officers proceed on the assumption that drug courier work is involved by detaining the driver and passengers by the roadside
6. The driver is asked to consent to a vehicle search – if the driver refuses, the officers use other procedures (waiting on a canine unit, criminal record checks, license-plate checks, etc.), and intimidate the driver (with the threat of detaining him/her, obtaining a warrant, etc.)

3.1.2 LEARNING OBJECTIVE: The student will be able to identify elements of a traffic stop which would constitute reasonable suspicion of drug courier activity.

A. Drug courier profile (adapted from a profile developed by the DEA)

1. Driver is nervous or anxious beyond the ordinary anxiety and cultural communication styles
2. Signs of long-term driving (driver is unshaven, has empty food containers, etc.)
3. Vehicle is rented
4. Driver is a young male, 20-35
5. No visible luggage, even though driver is traveling
6. Driver was over-reckless or over-cautious in driving and responding to signals
7. Use of air fresheners

B. Drug courier activity indicators by themselves are usually not sufficient to justify a stop

3.1.3 LEARNING OBJECTIVE: The student will be able to identify elements of a traffic stop which could constitute reasonable suspicion of criminal activity.

A. Thinking about the totality of circumstances in a vehicle stop

B. Vehicle exterior

1. Non-standard repainting (esp. on a new vehicle)
2. Signs of hidden cargo (heavy weight in trunk, windows do not roll down, etc.)
3. Unusual license plate suggesting a switch (dirty plate, bugs on back plate, etc.)
4. Unusual circumstances (pulling a camper at night, kids' bikes with no kids, etc.)

C. Pre-stop indicators

1. Not consistent with traffic flow
2. Driver is overly cautious, or driver/passengers repeatedly look at police car
3. Driver begins using a car- or cell-phone when signaled to stop
4. Unusual pull-over behavior (ignores signals, hesitates, pulls onto new street, moves objects in car, etc.)

D. Vehicle interior

1. Rear seat or interior panels have been opened, there are tools or spare tire, etc.
2. Inconsistent items (anti-theft club with a rental, unexpected luggage, etc.)

Resources

Proactive Field Stops Training Unit – Instructor's Guide, Maryland Police and Correctional Training Commissions, 2001. (See Appendix A.)

Web address for legislation 77R-SB1074: <http://tlo2.tlc.state.tx.us/tlo/77r/billtext/SB01074F.htm>

Report on Compliments and Racial Profiling Complaints



Report on Complaints

The following table contains data regarding officers that have been the subject of a complaint, during the time period of 1/1/19---12/31/19, based on allegations outlining possible violations related to the Texas Racial Profiling Law. The final disposition of the case is also included.



A check above indicates that the Dickinson Police Department has not received any complaints, on any members of its police force, for having violated the Texas Racial Profiling Law during the time period of 1/1/19 - 12/31/19.

Complaints Filed for Possible Violations of The Texas Racial Profiling Law

Complaint No.	Alleged Violation	Disposition of the Case

Additional Comments:
No Complaints

Tables Illustrating Motor Vehicle-Related Contacts



Tier 2 Data





Total stops: 6,806

1. Gender

1.1 Female: 2,505

1.2 Male: 4,301

2. Race or ethnicity

2.1 Black: 1,294

2.2 Asian/Pacific Islander: 174

2.3 White: 4,211

2.4 Hispanic/Latino: 1,106

2.5 Alaska Native/American Indian: 21

3. Was race or ethnicity known prior to stop?

3.1 Yes: 57

3.2 No: 6,749

4. Reason for stop?

4.1 Violation of law: 35

4.2 Pre-existing knowledge: 65

4.3 Moving traffic violation: 4,275

4.4 Vehicle traffic violation: 2,431



5. Street address or approximate location of the stop

- 5.1 City street: 4,980
- 5.2 US highway: 815
- 5.3 County road: 484
- 5.4 State Highway: 516
- 5.5 Private Property: 11

6. Was a search conducted?

- 6.1 Yes: 442
- 6.2 No: 6,364

7. Reason for Search?

- 7.1 Consent: 79
- 7.2 Contraband in plain view: 21
- 7.3 Probable cause: 171
- 7.4 Inventory: 82
- 7.5 Incident to arrest: 89

8. Was Contraband discovered?

- 8.1 Yes: 202
- 8.2 No: 240

9. Description of contraband

- 9.1 Drugs: 130
- 9.2 Currency: 1
- 9.3 Weapons: 6
- 9.4 Alcohol: 50
- 9.5 Stolen property: 0
- 9.6 Other: 15

10. Result of the stop

- 10.1 Verbal warning: 1,862
- 10.2 Written warning: 2,707
- 10.3 Citation: 1,692
- 10.4 Written Warning and Arrest: 56
- 10.5 Citation and Arrest: 234
- 10.6 Arrest: 255

11. Arrest based on

- 11.1 Violation of Penal Code: 84
- 11.2 Violation of Traffic Law: 254
- 11.3 Violation of City Ordinance: 2
- 11.4 Outstanding Warrant: 205

12. Was physical force resulting in bodily injury used during stop?

- 12.1 Yes: 0
- 12.2 No: 6,806





Analysis and Interpretation of Data

In an effort to understand the analysis provided in this report, it is crucial that the evolution of the Texas Racial Profiling Law and its requirements, is discussed. That is, in 2001, the Texas legislature passed Senate Bill 1074 which became the Texas Racial Profiling Law. Thus, the law came into effect on January 1, 2002 and required all police departments in Texas, to collect traffic-related data and report this information to their local governing authority by March 1st of each year. In 2009, the racial profiling law was modified to include the collection and reporting of all motor vehicle related contacts where a citation was issued or arrest made. In addition, the modification to the law further requires that all police officers indicate whether or not they knew the race or ethnicity of the individual before detaining them. Further, it was required that agencies report motor vehicle related data to their local governing authority and to the Texas Commission on Law Enforcement (TCOLE) by March 1st of each year. The purpose in collecting and presenting this information is to determine if police officers in a particular municipality are engaging in the practice of racially profiling minority motorists.

The Texas Racial Profiling Law also requires police departments to interpret motor vehicle-related data. Even though most researchers would probably agree with the fact that it is within the confines of good practice for police departments to be accountable to the citizenry while carrying a transparent image before the community, it is very difficult to determine if individual police officers are engaging in racial profiling, from a review and analysis of aggregate/institutional data. In other words, it is challenging for a reputable researcher to identify specific “individual” racist behavior from aggregate-level “institutional” data on traffic or motor vehicle-related contacts.

As mentioned previously, in 2009, the Texas Legislature passed House Bill 3389, which modified the Racial Profiling Law by adding new requirements; this took effect on January 1st, 2010. These changes included, but are were not limited to, the re-definition of a contact to include motor vehicles where a citation was issued or an arrest made. In addition, it required police officers to indicate if they knew the race or ethnicity of the individual before detaining them. Also, the 2009 law required adding "middle eastern" to the racial and ethnic category and submitting the annual data report to TCOLE before March 1st of each year.

In 2017, the Texas Legislators passed H.B. 3051 which removed the Middle Eastern data requirement but standardized the racial and ethnic categories relevant to the individuals that came in contact with the police. In addition, the Sandra Bland Act (S.B. 1849) was passed and became law. Thus, the most significant legislative act in Texas history regarding data requirements on law enforcement contacts, became law and took effect on January 1, 2018. The Sandra Bland Act not only requires the extensive collection of data relevant to police motor vehicle contacts, but it also mandates for the data to be analyzed while addressing the following:

1. *A comparative analysis of the information compiled (under Article 2.133):*

- a. *Evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities;*
- b. *Examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction;*
- c. *Evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches.*

2. *Information related to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.*

In an effort to comply with The Texas Racial Profiling/Sandra Bland Law, the Dickinson Police Department commissioned the analysis of its 2019 contact data. Thus, two different types of data analyses were performed. The first of these involved a careful evaluation of the 2019 motor vehicle-related data. This particular analysis measured, as required by the law, the number and percentage of Whites, Blacks, Hispanics or Latinos, Asians and Pacific Islanders, Alaska Natives and American Indians (Middle Easterners and individuals belonging to the “other” category, as optional categories), that came in contact with the police in the course of a motor vehicle related contact, and were either issued a ticket, citation, warning were issued or an arrest was made. Also, included in this data were instances where a motor vehicle contact took place for an alleged violation of the law or ordinance. The Tier 2 data analysis included, but was not limited to, information relevant to the number and percentage of contacts by race/ethnicity, gender, reason for the stop, location of stop, searches while indicating the type of search performed, result of stop, basis of an arrest and use of physical force resulting in bodily injury.



Tier 2 (2019) Motor Vehicle-Related Contact Analysis

When analyzing the enhanced Tier 2 data collected in 2019, it was evident that most motor vehicle-related contacts were made with males and most of the contacts were made with White drivers. This was followed by Black and Hispanic drivers. In most instances, police officers report not knowing the race or ethnicity prior to the stop. Further, they cite as the primary reason for the stop to have been a “moving traffic violation”. This was followed by “vehicle traffic violation”.

In 2019, most of the contacts made took place in city streets. The Dickinson Police Department cites that most contacts did not result in a search. Of those searches made, most were based on probable cause. The second most significant reason for a search was “incident to arrest”. In addition, contraband was not found as a result of most searches. Of the contraband found, in most instances, drugs were cited as the most frequent contraband found.

The data also shows that the majority of stops resulted in a written warning. This was followed by “verbal warnings”. When an arrest was made, the most frequent reason provided was a violation of traffic law. Also, none of the contacts resulted in the use of physical force which caused bodily injury.



Summary of Findings

The most recent Texas Racial Profiling Law requires that police department perform data audits in order to validate the data being reported. Consistent with this requirement, the Dickinson Police Department has engaged del Carmen Consulting, LLC in order to perform these audits in a manner consistent with normative statistical practices. As shown in table 7, the audits performed have shown that the data is valid and reliable. Further, as required by law, this report also includes an analysis on the searches performed. This analysis includes information on whether contraband was found as a result of the search while controlling for race/ethnicity. The search analysis demonstrates that the police department is engaging in search practices consistent with national trends in law enforcement.

While considering the findings made in this analysis, it is recommended that the Dickinson Police Department should continue to collect and evaluate additional information on motor vehicle contact data (i.e., reason for probable cause searches, contraband detected) which may prove to be useful when determining the nature of the contacts police officers are making with all individuals.

As part of this effort, the Dickinson Police Department should continue to:

- 1) Perform an independent analysis on contact and search data in future years.
- 2) Commission data audits in 2020 in order to assess data integrity; that is, to ensure that the data collected is consistent with the data being reported.

The comprehensive analysis of the data included in this report demonstrates that the Dickinson Police Department has complied with the Texas Racial Profiling Law and all of its requirements. Further, the report demonstrates that the police department has incorporated a comprehensive racial profiling policy, currently offers information to the public on how to file a compliment or complaint, commissions quarterly data audits in order to ensure validity and reliability, collects and commissions the analysis of tier 2 data, and ensures that the practice of racial profiling is not tolerated.





Checklist

The following requirements were met by the Dickinson Police Department in accordance with The Texas Racial Profiling Law:

- ✓ Implement a Racial Profiling Policy citing act or actions that constitute racial profiling.
- ✓ Include in the racial profiling policy, a statement indicating prohibition of any peace officer employed by the Dickinson Police Department from engaging in racial profiling.
- ✓ Implement a process by which an individual may file a complaint regarding racial profiling violations.
- ✓ Provide public education related to the compliment and complaint process.
- ✓ Implement disciplinary guidelines for officers found in violation of the Texas Racial Profiling Law.
- ✓ Collect, report and analyze motor vehicle data (Tier 2).
- ✓ Commission Data Audits and a Search Analysis.
- ✓ Indicate total number of officers who knew and did not know, the race/ethnicity of individuals before being detained.
- ✓ Produce an annual report on police contacts (Tier 2) and present this to the local governing body and TCOLE by March 1, 2020.
- ✓ Adopt a policy, if video/audio equipment is installed, on standards for reviewing video and audio documentation.

LEGISLATIVE & ADMINISTRATIVE ADDENDUM





TCOLE GUIDELINES

Guidelines for Compiling and Reporting Data under Senate Bill 1074

Background

Senate Bill 1074 of the 77th Legislature established requirements in the Texas Code of Criminal Procedure (TCCP) for law enforcement agencies. The Commission developed this document to assist agencies in complying with the statutory requirements.

The guidelines are written in the form of standards using a style developed from accreditation organizations including the Commission on Accreditation for Law Enforcement Agencies (CALEA). The standards provide a description of *what* must be accomplished by an agency but allows wide latitude in determining *how* the agency will achieve compliance with each applicable standard.

Each standard is composed of two parts: the standard statement and the commentary. The *standard statement* is a declarative sentence that places a clear-cut requirement, or multiple requirements, on an agency. The commentary supports the standard statement but is not binding. The commentary can serve as a prompt, as guidance to clarify the intent of the standard, or as an example of one possible way to comply with the standard.

Standard 1

Each law enforcement agency has a detailed written directive that:

- clearly defines acts that constitute racial profiling;
- strictly prohibits peace officers employed by the agency from engaging in racial profiling;
- implements a process by which an individual may file a complaint with the agency if the individual believes a peace officer employed by the agency has engaged in racial profiling with respect to the individual filing the complaint;
- provides for public education relating to the complaint process;
- requires appropriate corrective action to be taken against a peace officer employed by the agency who, after investigation, is shown to have engaged in racial profiling in violation of the agency's written racial profiling policy; and
- requires the collection of certain types of data for subsequent reporting.

Commentary

Article 2.131 of the TCCP prohibits officers from engaging in racial profiling, and article 2.132 of the TCCP now requires a written policy that contains the elements listed in this standard. The article also specifically defines a law enforcement agency as it applies to this statute as an “agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make traffic stops in the routine performance of the officers’ official duties.”

The article further defines race or ethnicity as being of “a particular descent, including Caucasian, African, Hispanic, Asian, or Native American.” The statute does not limit the required policies to just these ethnic groups.

This written policy is to be adopted and implemented no later than January 1, 2002.

Standard 2

Each peace officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic, or who stops a pedestrian for any suspected offense reports to the employing law enforcement agency information relating to the stop, to include:

- a physical description of each person detained, including gender and the person’s race or ethnicity, as stated by the person, or, if the person does not state a race or ethnicity, as determined by the officer’s best judgment;
- the traffic law or ordinance alleged to have been violated or the suspected offense;
- whether the officer conducted a search as a result of the stop and, if so, whether the person stopped consented to the search;
- whether any contraband was discovered in the course of the search, and the type of contraband discovered;
- whether probable cause to search existed, and the facts supporting the existence of that probable cause;
- whether the officer made an arrest as a result of the stop or the search, including a statement of the offense charged;
- the street address or approximate location of the stop; and
- whether the officer issued a warning or citation as a result of the stop, including a description of the warning or a statement of the violation charged.

Commentary

The information required by 2.133 TCCP is used to complete the agency reporting requirements found in Article 2.134. A peace officer and an agency may be exempted from this requirement under Article 2.135 TCCP Exemption for Agencies Using Video and Audio Equipment. An agency may be exempt from this reporting requirement by applying for the funds from the Department of Public Safety for video and audio equipment and the State does not supply those funds. Section 2.135 (a)(2) states, “the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a) (1) (A) and the agency does not receive from the state funds for video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.”

Standard 3

The agency compiles the information collected under 2.132 and 2.133 and analyzes the information identified in 2.133.

Commentary

Senate Bill 1074 from the 77th Session of the Texas Legislature created requirements for law enforcement agencies to gather specific information and to report it to each county or municipality served. New sections of law were added to the Code of Criminal Procedure regarding the reporting of traffic and pedestrian stops. Detained is defined as when a person stopped is not free to leave.

Article 2.134 TCCP requires the agency to compile and provide an analysis of the information collected by peace officer employed by the agency. The report is provided to the governing body of the municipality or county no later than March 1 of each year and covers the previous calendar year.

There is data collection and reporting required based on Article 2.132 CCP (tier one) and Article 2.133 CCP (tier two).

The minimum requirements for “tier one” data for traffic stops in which a citation results are:

- 1) the race or ethnicity of individual detained (race and ethnicity as defined by the bill means of “a particular descent, including Caucasian, African, Hispanic, Asian, or Native American”);
- 2) whether a search was conducted, and if there was a search, whether it was a consent search or a probable cause search; and
- 3) whether there was a custody arrest.

The minimum requirements for reporting on “tier two” reports include traffic and pedestrian stops. Tier two data include:

- 1) the detained person’s gender and race or ethnicity;
- 2) the type of law violation suspected, e.g., hazardous traffic, non-hazardous traffic, or other criminal investigation (the Texas Department of Public Safety publishes a categorization of traffic offenses into hazardous or non-hazardous);
- 3) whether a search was conducted, and if so whether it was based on consent or probable cause;
- 4) facts supporting probable cause;
- 5) the type, if any, of contraband that was collected;
- 6) disposition of the stop, e.g., arrest, ticket, warning, or release;
- 7) location of stop; and
- 8) statement of the charge, e.g., felony, misdemeanor, or traffic.

Tier one reports are made to the governing body of each county or municipality served by the agency an annual report of information if the agency is an agency of a county, municipality, or other political subdivision of the state. Tier one and two reports are reported to the county or municipality not later than March 1 for the previous calendar year beginning March 1, 2003. Tier two reports include a comparative analysis between the race and ethnicity of persons detained to see if a differential pattern of treatment can be discerned based on the disposition of stops

including searches resulting from the stops. The reports also include information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling. An agency may be exempt from the tier two reporting requirement by applying for the funds from the Department of Public Safety for video and audio equipment and the State does not supply those funds [See 2.135 (a)(2) TCCP].

Reports should include both raw numbers and percentages for each group. Caution should be exercised in interpreting the data involving percentages because of statistical distortions caused by very small numbers in any particular category, for example, if only one American Indian is stopped and searched, that stop would not provide an accurate comparison with 200 stops among Caucasians with 100 searches. In the first case, a 100% search rate would be skewed data when compared to a 50% rate for Caucasians.

Standard 4

If a law enforcement agency has video and audio capabilities in motor vehicles regularly used for traffic stops, or audio capabilities on motorcycles regularly used to make traffic stops, the agency:

- adopts standards for reviewing and retaining audio and video documentation; and
- promptly provides a copy of the recording to a peace officer who is the subject of a complaint on written request by the officer.

Commentary

The agency should have a specific review and retention policy. Article 2.132 TCCP specifically requires that the peace officer be promptly provided with a copy of the audio or video recordings if the officer is the subject of a complaint and the officer makes a written request.

Standard 5

Agencies that do not currently have video or audio equipment must examine the feasibility of installing such equipment.

Commentary

None

Standard 6

Agencies that have video and audio recording capabilities are exempt from the reporting requirements of Article 2.134 TCCP and officers are exempt from the reporting requirements of Article 2.133 TCCP provided that:

- the equipment was in place and used during the proceeding calendar year; and
- video and audio documentation is retained for at least 90 days.

Commentary

The audio and video equipment and policy must have been in place during the previous calendar year. Audio and video documentation must be kept for at least 90 days or longer if a complaint has been filed. The documentation must be retained until the complaint is resolved. Peace officers are not exempt from the requirements under Article 2.132 TCCP.

Standard 7

Agencies have citation forms or other electronic media that comply with Section 543.202 of the Transportation Code.

Commentary

Senate Bill 1074 changed Section 543.202 of the Transportation Code requiring citations to include:

- race or ethnicity, and
- whether a search of the vehicle was conducted and whether consent for the search was obtained.

The Texas Law on Racial Profiling

S.B. No. 1074 - An Act relating to the prevention of racial profiling by certain peace officers.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Articles 2.131 through 2.138 to read as follows:

Art. 2.131. RACIAL PROFILING PROHIBITED. A peace officer may not engage in racial profiling.

Art. 2.132. LAW ENFORCEMENT POLICY ON RACIAL PROFILING. (a) In this article:

(1) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make traffic stops in the routine performance of the officers' official duties.

(2) "Race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

(1) clearly define acts constituting racial profiling;

(2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;

(3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;

(4) provide public education relating to the agency's complaint process;

(5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;

(6) require collection of information relating to traffic stops in which a citation is issued and to arrests resulting from those traffic stops, including information relating to:

(A) the race or ethnicity of the individual detained; and

(B) whether a search was conducted and, if so, whether the person detained consented to the search; and

(7) require the agency to submit to the governing body of each county or municipality served by the agency an annual report of the information collected under Subdivision (6) if the agency is an agency of a county, municipality, or other political subdivision of the state.

(c) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make traffic stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make traffic stops. If a law enforcement agency installs video or audio equipment as provided by this subsection, the

policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a traffic stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).

(f) On the commencement of an investigation by a law enforcement agency of a complaint described by Subsection (b)(3) in which a video or audio recording of the occurrence on which the complaint is based was made, the agency shall promptly provide a copy of the recording to the peace officer who is the subject of the complaint on written request by the officer.

Art. 2.133. REPORTS REQUIRED FOR TRAFFIC AND PEDESTRIAN STOPS. (a) In this article:

(1) "Race or ethnicity" has the meaning assigned by Article 2.132(a).

(2) "Pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic or who stops a pedestrian for any suspected offense shall report to the law enforcement agency that employs the officer information relating to the stop, including:

(1) a physical description of each person detained as a result of the stop, including:

(A) the person's gender; and

(B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;

(2) the traffic law or ordinance alleged to have been violated or the suspected offense;

(3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;

(4) whether any contraband was discovered in the course of the search and the type of contraband discovered;

(5) whether probable cause to search existed and the facts supporting the existence of that probable cause;

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of the offense charged;

(7) the street address or approximate location of the stop; and

(8) whether the officer issued a warning or a citation as a result of the stop, including a description of the warning or a statement of the violation charged.

Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED.

(a) In this article, "pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

(b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each local law enforcement agency shall submit a report containing the information compiled

during the previous calendar year to the governing body of each county or municipality served by the agency in a manner approved by the agency.

(c) A report required under Subsection (b) must include:

(1) a comparative analysis of the information compiled under Article 2.133 to:

(A) determine the prevalence of racial profiling by peace officers employed by the agency; and
(B) examine the disposition of traffic and pedestrian stops made by officers employed by the agency, including searches resulting from the stops; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

(d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a traffic or pedestrian stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133(b)(1).

(e) The Commission on Law Enforcement Officer Standards and Education shall develop guidelines for compiling and reporting information as required by this article.

(f) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

Art. 2.135. EXEMPTION FOR AGENCIES USING VIDEO AND AUDIO EQUIPMENT. (a) A peace officer is exempt from the reporting requirement under Article 2.133 and a law enforcement agency is exempt from the compilation, analysis, and reporting requirements under Article 2.134 if:

(1) during the calendar year preceding the date that a report under Article 2.134 is required to be submitted:

(A) each law enforcement motor vehicle regularly used by an officer employed by the agency to make traffic and pedestrian stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle regularly used to make traffic and pedestrian stops is equipped with transmitter-activated equipment; and

(B) each traffic and pedestrian stop made by an officer employed by the agency that is capable of being recorded by video and audio or audio equipment, as appropriate, is recorded by using the equipment; or

(2) the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a)(1)(A) and the agency does not receive from the state funds or video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.

(b) Except as otherwise provided by this subsection, a law enforcement agency that is exempt from the requirements under Article 2.134 shall retain the video and audio or audio documentation of each traffic and pedestrian stop for at least 90 days after the date of the stop. If a complaint is filed with the law enforcement agency alleging that a peace officer employed by the agency has engaged in racial profiling with respect to a traffic or pedestrian stop, the agency shall retain the video and audio or audio record of the stop until final disposition of the complaint.

(c) This article does not affect the collection or reporting requirements under Article 2.132.

Art. 2.136. LIABILITY. A peace officer is not liable for damages arising from an act relating to the collection or reporting of information as required by Article 2.133 or under a policy adopted under Article 2.132.

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT.

(a) The Department of Public Safety shall adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may include consideration of tax effort, financial hardship, available revenue, and budget surpluses. The criteria must give priority to:

(1) law enforcement agencies that employ peace officers whose primary duty is traffic enforcement;

(2) smaller jurisdictions; and

(3) municipal and county law enforcement agencies.

(b) The Department of Public Safety shall collaborate with an institution of higher education to identify law enforcement agencies that need funds or video and audio equipment for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A). The collaboration may include the use of a survey to assist in developing criteria to prioritize funding or equipment provided to law enforcement agencies.

(c) To receive funds or video and audio equipment from the state for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency needs funds or video and audio equipment for that purpose.

(d) On receipt of funds or video and audio equipment from the state for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency has installed video and audio equipment as described by Article 2.135(a)(1)(A) and is using the equipment as required by Article 2.135(a)(1).

Art. 2.138. RULES. The Department of Public Safety may adopt rules to implement Articles 2.131-2.137.

SECTION 2. Chapter 3, Code of Criminal Procedure, is amended by adding Article 3.05 to read as follows:

Art. 3.05. RACIAL PROFILING. In this code, "racial profiling" means a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.

SECTION 3. Section 96.641, Education Code, is amended by adding Subsection (j) to read as follows:

(j) As part of the initial training and continuing education for police chiefs required under this section, the institute shall establish a program on racial profiling. The program must include an examination of the best practices for:

(1) monitoring peace officers' compliance with laws and internal agency policies relating to racial profiling;

(2) implementing laws and internal agency policies relating to preventing racial profiling;
and

(3) analyzing and reporting collected information.

SECTION 4. Section 1701.253, Occupations Code, is amended by adding Subsection (e) to read as follows:

(e) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program on racial profiling for officers licensed under this chapter. An officer shall complete a program established under this subsection not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.

SECTION 5. Section 1701.402, Occupations Code, is amended by adding Subsection (d) to read as follows:

(d) As a requirement for an intermediate proficiency certificate, an officer must complete an education and training program on racial profiling established by the commission under Section 1701.253(e).

SECTION 6. Section 543.202, Transportation Code, is amended to read as follows:

Sec. 543.202. FORM OF RECORD. (a) In this section, "race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.

(b) The record must be made on a form or by a data processing method acceptable to the department and must include:

(1) the name, address, physical description, including race or ethnicity, date of birth, and driver's license number of the person charged;

(2) the registration number of the vehicle involved;

(3) whether the vehicle was a commercial motor vehicle as defined by Chapter 522 or was involved in transporting hazardous materials;

(4) the person's social security number, if the person was operating a commercial motor vehicle or was the holder of a commercial driver's license or commercial driver learner's permit;

(5) the date and nature of the offense, including whether the offense was a serious traffic violation as defined by Chapter 522;

(6) whether a search of the vehicle was conducted and whether consent for the search was obtained;

(7) the plea, the judgment, and whether bail was forfeited;

(8) ~~[(7)]~~ the date of conviction; and

(9) ~~[(8)]~~ the amount of the fine or forfeiture.

SECTION 7. Not later than January 1, 2002, a law enforcement agency shall adopt and implement a policy and begin collecting information under the policy as required by Article 2.132, Code of Criminal Procedure, as added by this Act. A local law enforcement agency shall first submit information to the governing body of each county or municipality served by the agency as required by Article 2.132, Code of Criminal Procedure, as added by this Act, on March 1, 2003. The first submission of information shall consist of information compiled by the agency during the period beginning January 1, 2002, and ending December 31, 2002.

SECTION 8. A local law enforcement agency shall first submit information to the governing body of each county or municipality served by the agency as required by Article 2.134, Code of Criminal Procedure, as added by this Act, on March 1, 2004. The first submission of information shall consist of information compiled by the agency during the period beginning January 1, 2003, and ending December 31, 2003.

SECTION 9. Not later than January 1, 2002:

(1) the Commission on Law Enforcement Officer Standards and Education shall establish an education and training program on racial profiling as required by Subsection (e), Section 1701.253, Occupations Code, as added by this Act; and

(2) the Bill Blackwood Law Enforcement Management Institute of Texas shall establish a program on racial profiling as required by Subsection (j), Section 96.641, Education Code, as added by this Act.

SECTION 10. A person who on the effective date of this Act holds an intermediate proficiency certificate issued by the Commission on Law Enforcement Officer Standards and Education or has held a peace officer license issued by the Commission on Law Enforcement Officer Standards and Education for at least two years shall complete an education and training program on racial profiling established under Subsection (e), Section 1701.253, Occupations Code, as added by this Act, not later than September 1, 2003.

SECTION 11. An individual appointed or elected as a police chief before the effective date of this Act shall complete a program on racial profiling established under Subsection (j), Section 96.641, Education Code, as added by this Act, not later than September 1, 2003.

SECTION 12. This Act takes effect September 1, 2001

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1074 passed the Senate on April 4, 2001, by the following vote: Yeas 28, Nays 2; May 21, 2001, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 22, 2001, House granted request of the Senate; May 24, 2001, Senate adopted Conference Committee Report by a viva-voce vote.

Secretary of the Senate

I hereby certify that S.B. No. 1074 passed the House, with amendments, on May 15, 2001, by a non-record vote; May 22, 2001, House granted request of the Senate for appointment of Conference Committee; May 24, 2001, House adopted Conference Committee Report by a non-record vote.

Chief Clerk of the House

Approved:

Date

Governor

Modifications to the Original Law (H.B. 3389)

Amend CSHB 3389 (Senate committee report) as follows:

(1) Strike the following SECTIONS of the bill:

(A) SECTION 8, adding Section 1701.164, Occupations Code (page 4, lines 61-66);

(B) SECTION 24, amending Article 2.132(b), Code of Criminal Procedure (page 8, lines 19-53);

(C) SECTION 25, amending Article 2.134(b), Code of Criminal Procedure (page 8, lines 54-64);

(D) SECTION 28, providing transition language for the amendments to Articles 2.132(b) and 2.134(b), Code of Criminal Procedure (page 9, lines 40-47).

(2) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly: SECTION _____. Article 2.132, Code of Criminal Procedure, is amended by amending Subsections (a),(b), (d), and (e) and adding Subsection (g) to read as follows:

(a) In this article:

(1) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make motor vehicle~~[traffic]~~ stops in the routine performance of the officers' official duties.

(2) "Motor vehicle stop" means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.

(3) "Race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, ~~[or]~~ Native American, or Middle Eastern descent.

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

(1) clearly define acts constituting racial profiling;

(2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;

(3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;

(4) provide public education relating to the agency's complaint process;

(5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;

(6) require collection of information relating to motor vehicle ~~[traffic]~~ stops in which a citation is issued and to arrests made as a result of ~~[resulting from]~~ those ~~[traffic]~~ stops, including information relating to:

(A) the race or ethnicity of the individual detained; and

(B) whether a search was conducted and, if so, whether the individual ~~[person]~~ detained consented to the search; and

(C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and

(7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit ~~[to the governing body of each county or~~

~~municipality served by the agency]~~ an annual report of the information collected under Subdivision (6) to:

(A) the Commission on Law Enforcement Officer Standards and Education; and

(B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make motor vehicle ~~[traffic]~~ stops and transmitter activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle ~~[traffic]~~ stops. If a law enforcement agency installs video or audio equipment as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a motor vehicle ~~[traffic]~~ stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).

(g) On a finding by the Commission on Law Enforcement Officer Standards and Education that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b)(7), the commission shall begin disciplinary procedures against the chief administrator.

SECTION _____. Article 2.133, Code of Criminal Procedure, is amended to read as follows:

Art. 2.133. REPORTS REQUIRED FOR MOTOR VEHICLE ~~[TRAFFIC AND PEDESTRIAN]~~ STOPS. (a) In this article, "race ~~[:~~

~~{(1) "Race]~~ or ethnicity" has the meaning assigned by Article 2.132(a).

~~[(2) "Pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.]~~

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance ~~[regulating traffic or who stops a pedestrian for any suspected offense]~~ shall report to the law enforcement agency that employs the officer information relating to the stop, including:

(1) a physical description of any ~~[each]~~ person operating the motor vehicle who is detained as a result of the stop, including:

(A) the person's gender; and

(B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;

(2) the initial reason for the stop ~~[traffic law or ordinance alleged to have been violated or the suspected offense];~~

(3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;

(4) whether any contraband or other evidence was discovered in the course of the search and a description ~~[the type]~~ of the contraband or evidence ~~[discovered];~~

(5) the reason for the search, including whether:

(A) any contraband or other evidence was in plain view;

(B) any probable cause or reasonable suspicion existed to perform the search; or

(C) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle ~~[existed and the facts supporting the existence of that probable cause];~~

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;

(7) the street address or approximate location of the stop; and

(8) whether the officer issued a written warning or a citation as a result of the stop~~[, including a description of the warning or a statement of the violation charged].~~

SECTION _____. Article 2.134, Code of Criminal Procedure, is amended by amending Subsections (a) through (e) and adding Subsection (g) to read as follows:

(a) In this article:

(1) "Motor vehicle~~["pedestrian]~~ stop" has the meaning assigned by Article 2.132(a) ~~[means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest].~~

(2) "Race or ethnicity" has the meaning assigned by Article 2.132(a).

(b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each ~~[local]~~ law enforcement agency shall submit a report containing the incident-based data ~~[information]~~ compiled during the previous calendar year to the Commission on Law Enforcement Officer Standards and Education and, if the law enforcement agency is a local law enforcement agency, to the governing body of each county or municipality served by the agency ~~[in a manner approved by the agency].~~

(c) A report required under Subsection (b) must be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, and must include:

(1) a comparative analysis of the information compiled under Article 2.133 to:

(A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities ~~[determine the prevalence of racial profiling by peace officers employed by the agency]; and~~

(B) examine the disposition of motor vehicle ~~[traffic and pedestrian]~~ stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from [the] stops within the applicable jurisdiction; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

(d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a motor vehicle ~~[traffic or pedestrian]~~ stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133(b)(1).

(e) The Commission on Law Enforcement Officer Standards and Education, in accordance with Section 1701.162, Occupations Code, shall develop guidelines for compiling and reporting information as required by this article.

(g) On a finding by the Commission on Law Enforcement Officer Standards and Education that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b), the commission shall begin disciplinary procedures against the chief administrator.

SECTION _____. Article 2.135, Code of Criminal Procedure, is amended to read as follows:

Art. 2.135. PARTIAL EXEMPTION FOR AGENCIES USING VIDEO AND AUDIO EQUIPMENT. (a) A peace officer is exempt from the reporting requirement under Article 2.133 and the chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is exempt from the compilation, analysis, and reporting requirements under Article 2.134 if:

(1) during the calendar year preceding the date that a report under Article 2.134 is required to be submitted:

(A) each law enforcement motor vehicle regularly used by an officer employed by the agency to make motor vehicle [~~traffic and pedestrian~~] stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle regularly used to make motor vehicle [~~traffic and pedestrian~~] stops is equipped with transmitter-activated equipment; and

(B) each motor vehicle [~~traffic and pedestrian~~] stop made by an officer employed by the agency that is capable of being recorded by video and audio or audio equipment, as appropriate, is recorded by using the equipment; or

(2) the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a)(1)(A) and the agency does not receive from the state funds or video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.

(b) Except as otherwise provided by this subsection, a law enforcement agency that is exempt from the requirements under Article 2.134 shall retain the video and audio or audio documentation of each motor vehicle [~~traffic and pedestrian~~] stop for at least 90 days after the date of the stop. If a complaint is filed with the law enforcement agency alleging that a peace officer employed by the agency has engaged in racial profiling with respect to a motor vehicle [~~traffic or pedestrian~~] stop, the agency shall retain the video and audio or audio record of the stop until final disposition of the complaint.

(c) This article does not affect the collection or reporting requirements under Article 2.132.

(d) In this article, "motor vehicle stop" has the meaning assigned by Article 2.132(a).

SECTION _____. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.1385 to read as follows:

Art. 2.1385. CIVIL PENALTY. (a) If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Article 2.134, the agency is liable to the state for a civil penalty in the amount of \$1,000 for each violation. The attorney general may sue to collect a civil penalty under this subsection.

(b) From money appropriated to the agency for the administration of the agency, the executive director of a state law enforcement agency that intentionally fails to submit the incident-based

data as required by Article 2.134 shall remit to the comptroller the amount of \$1,000 for each violation.

(c) Money collected under this article shall be deposited in the state treasury to the credit of the general revenue fund.

SECTION _____. Subchapter A, Chapter 102, Code of Criminal Procedure, is amended by adding Article 102.022 to read as follows:

Art. 102.022. COSTS ON CONVICTION TO FUND STATEWIDE REPOSITORY FOR DATA RELATED TO CIVIL JUSTICE. (a) In this article, "moving violation" means an offense that:

(1) involves the operation of a motor vehicle; and

(2) is classified as a moving violation by the Department of Public Safety under Section 708.052, Transportation Code.

(b) A defendant convicted of a moving violation in a justice court, county court, county court at law, or municipal court shall pay a fee of 10 cents as a cost of court.

(c) In this article, a person is considered convicted if:

(1) a sentence is imposed on the person;

(2) the person receives community supervision, including deferred adjudication; or

(3) the court defers final disposition of the person's case.

(d) The clerks of the respective courts shall collect the costs described by this article. The clerk shall keep separate records of the funds collected as costs under this article and shall deposit the funds in the county or municipal treasury, as appropriate.

(e) The custodian of a county or municipal treasury shall:

(1) keep records of the amount of funds on deposit collected under this article; and

(2) send to the comptroller before the last day of the first month following each calendar quarter the funds collected under this article during the preceding quarter.

(f) A county or municipality may retain 10 percent of the funds collected under this article by an officer of the county or municipality as a collection fee if the custodian of the county or municipal treasury complies with Subsection (e).

(g) If no funds due as costs under this article are deposited in a county or municipal treasury in a calendar quarter, the custodian of the treasury shall file the report required for the quarter in the regular manner and must state that no funds were collected.

(h) The comptroller shall deposit the funds received under this article to the credit of the Civil Justice Data Repository fund in the general revenue fund, to be used only by the Commission on Law Enforcement Officer Standards and Education to implement duties under Section 1701.162, Occupations Code.

(i) Funds collected under this article are subject to audit by the comptroller.

SECTION _____. (a) Section 102.061, Government Code, as reenacted and amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, is amended to conform to the amendments made to Section 102.061, Government Code, by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, and is further amended to read as follows:

Sec. 102.061. ADDITIONAL COURT COSTS ON CONVICTION IN STATUTORY COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a statutory county court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

(1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$20;

(2) a fee for services of the clerk of the court (Art. 102.005, Code of Criminal Procedure) . . . \$40;

- (3) a records management and preservation services fee (Art. 102.005, Code of Criminal Procedure) . . . \$25;
- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;
- (5) a juvenile delinquency prevention and graffiti eradication fee (Art. 102.0171, Code of Criminal Procedure) . . . \$50 [~~\$5~~]; [~~and~~]
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5; and
- (7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

(b) Section 102.061, Government Code, as amended by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, is repealed. Section 102.061, Government Code, as reenacted and amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, to reorganize and renumber that section, continues in effect as further amended by this section.

SECTION _____. (a) Section 102.081, Government Code, as amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, is amended to conform to the amendments made to Section 102.081, Government Code, by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, and is further amended to read as follows:

Sec. 102.081. ADDITIONAL COURT COSTS ON CONVICTION IN COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a county court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$20;
- (2) a fee for clerk of the court services (Art. 102.005, Code of Criminal Procedure) . . . \$40;
- (3) a records management and preservation services fee (Art. 102.005, Code of Criminal Procedure) . . . \$25;
- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;
- (5) a juvenile delinquency prevention and graffiti eradication fee (Art. 102.0171, Code of Criminal Procedure) . . . \$50 [~~\$5~~]; [~~and~~]
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5; and
- (7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

(b) Section 102.081, Government Code, as amended by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, is repealed. Section 102.081, Government Code, as amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, to reorganize and renumber that section, continues in effect as further amended by this section.

SECTION _____. Section 102.101, Government Code, is amended to read as follows:

Sec. 102.101. ADDITIONAL COURT COSTS ON CONVICTION IN JUSTICE COURT: CODE OF CRIMINAL PROCEDURE. A clerk of a justice court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (2) a fee for withdrawing request for jury less than 24 hours before time of trial (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (3) a jury fee for two or more defendants tried jointly (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of \$3;

- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$4;
- (5) a fee for technology fund on a misdemeanor offense (Art. 102.0173, Code of Criminal Procedure) . . . \$4;
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5;
- (7) a fee on conviction of certain offenses involving issuing or passing a subsequently dishonored check (Art. 102.0071, Code of Criminal Procedure) . . . not to exceed \$30; ~~and~~
- (8) a court cost on conviction of a Class C misdemeanor in a county with a population of 3.3 million or more, if authorized by the county commissioners court (Art. 102.009, Code of Criminal Procedure) . . . not to exceed \$7; and
- (9) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

SECTION _____. Section 102.121, Government Code, is amended to read as follows:

Sec. 102.121. ADDITIONAL COURT COSTS ON CONVICTION IN MUNICIPAL COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a municipal court shall collect fees and costs on conviction of a defendant as follows:

- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (2) a fee for withdrawing request for jury less than 24 hours before time of trial (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (3) a jury fee for two or more defendants tried jointly (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of \$3;
- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;
- (5) a fee for technology fund on a misdemeanor offense (Art. 102.0172, Code of Criminal Procedure) . . . not to exceed \$4; ~~and~~
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5; and
- (7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

SECTION _____. Subchapter D, Chapter 1701, Occupations Code, is amended by adding Section 1701.164 to read as follows:

Sec. 1701.164. COLLECTION OF CERTAIN INCIDENT-BASED DATA SUBMITTED BY LAW ENFORCEMENT AGENCIES. The commission shall collect and maintain incident-based data submitted to the commission under Article 2.134, Code of Criminal Procedure, including incident-based data compiled by a law enforcement agency from reports received by the law enforcement agency under Article 2.133 of that code. The commission in consultation with the Department of Public Safety, the Bill Blackwood Law Enforcement Management Institute of Texas, the W. W. Caruth, Jr., Police Institute at Dallas, and the Texas Police Chiefs Association shall develop guidelines for submitting in a standard format the report containing incident-based data as required by Article 2.134, Code of Criminal Procedure.

SECTION _____. Subsection (a), Section 1701.501, Occupations Code, is amended to read as follows:

- (a) Except as provided by Subsection (d), the commission shall revoke or suspend a license, place on probation a person whose license has been suspended, or reprimand a license holder for a violation of:
 - (1) this chapter;

(2) the reporting requirements provided by Articles 2.132 and 2.134, Code of Criminal Procedure;
or

(3) a commission rule.

SECTION _____. (a) The requirements of Articles 2.132, 2.133, and 2.134, Code of Criminal Procedure, as amended by this Act, relating to the compilation, analysis, and submission of incident-based data apply only to information based on a motor vehicle stop occurring on or after January 1, 2010.

(b) The imposition of a cost of court under Article 102.022, Code of Criminal Procedure, as added by this Act, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

Racial and Ethnic Designations (H.B. 3051)

H.B. No. 3051 - An Act relating to the categories used to record the race or ethnicity of persons stopped for or convicted of traffic offenses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 2.132(a)(3), Code of Criminal Procedure, is amended to read as follows:

(3) "Race or ethnicity" means the following categories:

(A) Alaska native or American Indian;

(B) ~~[of a particular descent, including Caucasian, African, Hispanic,]~~ Asian or Pacific Islander;

(C) black;

(D) white; and

(E) Hispanic or Latino ~~[, Native American, or Middle Eastern descent]~~.

SECTION 2. Section 543.202(a), Transportation Code, is amended to read as follows:

(a) In this section, "race or ethnicity" means the following categories:

(1) Alaska native or American Indian;

(2) ~~[of a particular descent, including Caucasian, African, Hispanic,]~~ Asian or Pacific Islander;

(3) black;

(4) white; and

(5) Hispanic or Latino ~~[, or Native American descent]~~.

SECTION 3. This Act takes effect September 1, 2017.

President of the Senate

Speaker of the House

I certify that H.B. No. 3051 was passed by the House on May 4, 2017, by the following vote: Yeas 143, Nays 2, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3051 was passed by the Senate on May 19, 2017, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

The Sandra Bland Act

(S.B. 1849)

S.B. No. 1849

An Act relating to interactions between law enforcement and individuals detained or arrested on suspicion of the commission of criminal offenses, to the confinement, conviction, or release of those individuals, and to grants supporting populations that are more likely to interact frequently with law enforcement.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. SHORT TITLE

SECTION 1.01. SHORT TITLE. This Act shall be known as the Sandra Bland Act, in memory of Sandra Bland.

ARTICLE 2. IDENTIFICATION AND DIVERSION OF AND SERVICES FOR PERSONS SUSPECTED OF HAVING A MENTAL ILLNESS, AN INTELLECTUAL DISABILITY, OR A SUBSTANCE ABUSE ISSUE

SECTION 2.01. Article 16.22, Code of Criminal Procedure, is amended to read as follows:

Art. 16.22. EARLY IDENTIFICATION OF DEFENDANT SUSPECTED OF HAVING MENTAL ILLNESS OR INTELLECTUAL DISABILITY [MENTAL RETARDATION]. (a)(1) Not later than 12 [72] hours after receiving credible information that may establish reasonable cause to believe that a defendant committed to the sheriff's custody has a mental illness or is a person with an intellectual disability [mental retardation], including observation of the defendant's behavior immediately before, during, and after the defendant's arrest and the results of any previous assessment of the defendant, the sheriff shall provide written or electronic notice of the information to the magistrate. On a determination that there is reasonable cause to believe that the defendant has a mental illness or is a person with an intellectual disability [mental retardation], the magistrate, except as provided by Subdivision

(2), shall order the local mental health or intellectual and developmental disability [mental retardation] authority or another qualified mental health or intellectual disability [mental retardation] expert to:

(A) collect information regarding whether the defendant has a mental illness as defined by Section 571.003,

Health and Safety Code, or is a person with an intellectual disability [mental retardation] as defined by Section 591.003, Health and Safety Code, including information obtained from any previous assessment of the defendant; and

(B) provide to the magistrate a written assessment of the information collected under Paragraph (A).

(2) The magistrate is not required to order the collection of information under Subdivision (1) if the defendant in the year preceding the defendant's applicable date of arrest has been determined to have a mental illness or to be a person with an intellectual disability [mental retardation] by the local mental health or intellectual and developmental disability [mental retardation] authority or another mental health or intellectual disability [mental retardation] expert described by Subdivision

(1). A court that elects to use the results of that previous determination may proceed under Subsection (c).

(3) If the defendant fails or refuses to submit to the collection of information regarding the defendant as required under Subdivision (1), the magistrate may order the defendant to submit to an examination in a mental health facility determined to be appropriate by the local mental health or intellectual and developmental disability [mental retardation] authority for a reasonable period not to exceed 21 days. The magistrate may order a defendant to a facility operated by the Department of State Health Services or the Health and Human Services Commission [Department of Aging and Disability Services] for examination only on request of the local mental health or intellectual and developmental disability [mental retardation] authority and with the consent of the head of the facility. If a defendant who has been ordered to a facility operated by the Department of State Health Services or the Health and Human Services Commission [Department of Aging and Disability Services] for examination remains in the facility for a period exceeding 21 days, the head of that facility shall cause the defendant to be immediately transported to the committing court and placed in the custody of the sheriff of the county in which the committing court is located. That county shall reimburse the facility for the mileage and per diem expenses of the personnel required to transport the defendant calculated in accordance with the state travel regulations in effect at the time.

(b) A written assessment of the information collected under Subsection (a)(1)(A) shall be provided to the magistrate not later than the 30th day after the date of any order issued under Subsection (a) in a felony case and not later than the 10th day after the date of any order issued under that subsection in a misdemeanor case, and the magistrate shall provide copies of the written assessment to the defense counsel, the prosecuting attorney, and the trial court. The written assessment must include a description of the procedures used in the collection of information under Subsection (a)(1)(A) and the applicable expert's observations and findings pertaining to:

(1) whether the defendant is a person who has a mental illness or is a person with an intellectual disability [mental retardation];

(2) whether there is clinical evidence to support a belief that the defendant may be incompetent to stand trial and should undergo a complete competency examination under Subchapter B, Chapter 46B; and

(3) recommended treatment.

(c) After the trial court receives the applicable expert's written assessment relating to the defendant under Subsection (b)

or elects to use the results of a previous determination as described by Subsection (a)(2), the trial court may, as applicable:

(1) resume criminal proceedings against the defendant, including any appropriate proceedings related to the defendant's release on personal bond under Article 17.032;

(2) resume or initiate competency proceedings, if required, as provided by Chapter 46B or other proceedings affecting the defendant's receipt of appropriate court-ordered mental health or intellectual disability [mental retardation] services, including proceedings related to the defendant's receipt of outpatient mental health services under Section 574.034, Health and Safety Code; or

(3) consider the written assessment during the punishment phase after a conviction of the offense for which the defendant was arrested, as part of a presentence investigation report, or in connection with the impositions of conditions following placement on community supervision, including deferred adjudication community supervision.

(d) This article does not prevent the applicable court from, before, during, or after the collection of information regarding the defendant as described by this article: (1) releasing a defendant who has a mental illness [mentally ill] or is a person with an intellectual disability [mentally retarded defendant] from custody on personal or surety bond; or

(2) ordering an examination regarding the defendant's competency to stand trial.

SECTION 2.02. Chapter 16, Code of Criminal Procedure, is amended by adding Article 16.23 to read as follows:

Art. 16.23. DIVERSION OF PERSONS SUFFERING MENTAL HEALTH CRISIS OR SUBSTANCE ABUSE ISSUE. (a) Each law enforcement agency shall make a good faith effort to divert a person suffering a mental health crisis or suffering from the effects of substance abuse to a proper treatment center in the agency's jurisdiction if:

(1) there is an available and appropriate treatment center in the agency's jurisdiction to which the agency may divert the person;

(2) it is reasonable to divert the person;

(3) the offense that the person is accused of is a misdemeanor, other than a misdemeanor involving violence; and

(4) the mental health crisis or substance abuse issue is suspected to be the reason the person committed the alleged offense.

(b) Subsection (a) does not apply to a person who is accused of an offense under Section 49.04, 49.045, 49.05, 49.06, 49.065, 49.07, or 49.08, Penal Code.

SECTION 2.03. Section 539.002, Government Code, is amended to read as follows:

Sec. 539.002. GRANTS FOR ESTABLISHMENT AND EXPANSION OF COMMUNITY COLLABORATIVES. (a) To the extent funds are appropriated to the department for that purpose, the department shall make grants to entities, including local governmental entities, nonprofit community organizations, and faith-based community organizations, to establish or expand community collaboratives that bring the public and private sectors together to provide services to persons experiencing homelessness, substance abuse issues, or [and] mental illness. [The department may make a maximum of five grants, which must be made in the most populous

municipalities in this state that are located in counties with a population of more than one million.] In awarding grants, the department shall give special consideration to entities:

- (1) establishing [a] new collaboratives; or
 - (2) establishing or expanding collaboratives that serve two or more counties, each with a population of less than 100,000 [collaborative].
- (b) The department shall require each entity awarded a grant under this section to:
- (1) leverage additional funding from private sources in an amount that is at least equal to the amount of the grant awarded under this section; [and]
 - (2) provide evidence of significant coordination and collaboration between the entity, local mental health authorities, municipalities, local law enforcement agencies, and other community stakeholders in establishing or expanding a community collaborative funded by a grant awarded under this section; and
 - (3) provide evidence of a local law enforcement policy to divert appropriate persons from jails or other detention facilities to an entity affiliated with a community collaborative for the purpose of providing services to those persons.

SECTION 2.04. Chapter 539, Government Code, is amended by adding Section 539.0051 to read as follows:

Sec. 539.0051. PLAN REQUIRED FOR CERTAIN COMMUNITY COLLABORATIVES. (a) The governing body of a county shall develop and make public a plan detailing:

- (1) how local mental health authorities, municipalities, local law enforcement agencies, and other community stakeholders in the county could coordinate to establish or expand a community collaborative to accomplish the goals of Section 539.002;
 - (2) how entities in the county may leverage funding from private sources to accomplish the goals of Section 539.002 through the formation or expansion of a community collaborative; and
 - (3) how the formation or expansion of a community collaborative could establish or support resources or services to help local law enforcement agencies to divert persons who have been arrested to appropriate mental health care or substance abuse treatment.
- (b) The governing body of a county in which an entity that received a grant under Section 539.002 before September 1, 2017, is located is not required to develop a plan under Subsection (a).
- (c) Two or more counties, each with a population of less than 100,000, may form a joint plan under Subsection (a).

ARTICLE 3. BAIL, PRETRIAL RELEASE, AND COUNTY JAIL STANDARDS

SECTION 3.01. The heading to Article 17.032, Code of Criminal Procedure, is amended to read as follows:

Art. 17.032. RELEASE ON PERSONAL BOND OF CERTAIN [MENTALLY ILL] DEFENDANTS WITH MENTAL ILLNESS OR INTELLECTUAL DISABILITY.

SECTION 3.02. Articles 17.032(b) and (c), Code of Criminal Procedure, are amended to read as follows:

(b) A magistrate shall release a defendant on personal bond unless good cause is shown otherwise if the:

(1) defendant is not charged with and has not been previously convicted of a violent offense;

(2) defendant is examined by the local mental health or **intellectual and developmental disability [mental retardation]** authority or another mental health expert under Article 16.22 **[of this code]**;

(3) applicable expert, in a written assessment submitted to the magistrate under Article 16.22:

(A) concludes that the defendant has a mental illness or is a person with **an intellectual disability [mental retardation]** and is nonetheless competent to stand trial; and

(B) recommends mental health treatment **or intellectual disability treatment** for the defendant, **as applicable**; and

(4) magistrate determines, in consultation with the local mental health or **intellectual and developmental disability [mental retardation]** authority, that appropriate community-based mental health or **intellectual disability [mental retardation]** services for the defendant are available through the **[Texas] Department of State [Mental] Health Services [and Mental Retardation]** under Section 534.053, Health and Safety Code, or through another mental health or **intellectual disability [mental retardation]** services provider.

(c) The magistrate, unless good cause is shown for not requiring treatment, shall require as a condition of release on personal bond under this article that the defendant submit to outpatient or inpatient mental health or **intellectual disability [mental retardation]** treatment as recommended by the local mental health or **intellectual and developmental disability [mental retardation]** authority if the defendant's:

(1) mental illness or **intellectual disability [mental retardation]** is chronic in nature; or

(2) ability to function independently will continue to deteriorate if the defendant is not treated.

SECTION 3.03. Article 25.03, Code of Criminal Procedure, is amended to read as follows:

Art. 25.03. IF ON BAIL IN FELONY. When the accused, in case of felony, is on bail at the time the indictment is presented, **[it is not necessary to serve him with a copy, but]** the clerk shall **[on request]** deliver a copy of the **indictment [same]** to the accused or **the accused's [his]** counsel[,] at the earliest possible time.

SECTION 3.04. Article 25.04, Code of Criminal Procedure, is amended to read as follows:

Art. 25.04. IN MISDEMEANOR. In misdemeanors, **the clerk shall deliver a copy of the indictment or information to the accused or the accused's counsel at the earliest possible time before trial [it shall not be necessary before trial to furnish the accused with a copy of the indictment or information; but he or his counsel may demand a copy, which shall be given as early as possible**

SECTION 3.05. Section 511.009(a), Government Code, as amended by Chapters 281 (H.B. 875), 648 (H.B. 549), and 688 (H.B. 634), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

- (a) The commission shall:
 - (1) adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails;
 - (2) adopt reasonable rules and procedures establishing minimum standards for the custody, care, and treatment of prisoners;
 - (3) adopt reasonable rules establishing minimum standards for the number of jail supervisory personnel and for programs and services to meet the needs of prisoners;
 - (4) adopt reasonable rules and procedures establishing minimum requirements for programs of rehabilitation, education, and recreation in county jails;
 - (5) revise, amend, or change rules and procedures if necessary;
 - (6) provide to local government officials consultation on and technical assistance for county jails;
 - (7) review and comment on plans for the construction and major modification or renovation of county jails;
 - (8) require that the sheriff and commissioners of each county submit to the commission, on a form prescribed by the commission, an annual report on the conditions in each county jail within their jurisdiction, including all information necessary to determine compliance with state law, commission orders, and the rules adopted under this chapter;
 - (9) review the reports submitted under Subdivision (8) and require commission employees to inspect county jails regularly to ensure compliance with state law, commission orders, and rules
and procedures adopted under this chapter;
 - (10) adopt a classification system to assist sheriffs and judges in determining which defendants are low-risk and consequently suitable participants in a county jail work release program under Article 42.034, Code of Criminal Procedure;
 - (11) adopt rules relating to requirements for segregation of classes of inmates and to capacities for county jails;
 - (12) require that the chief jailer of each municipal lockup submit to the commission, on a form prescribed by the commission, an annual report of persons under 17 years of age securely detained in the lockup, including all information necessary to determine compliance with state law concerning secure confinement of children in municipal lockups;
 - (13) at least annually determine whether each county jail is in compliance with the rules and procedures adopted under this chapter;
 - (14) require that the sheriff and commissioners court of each county submit to the commission, on a form prescribed by the commission, an annual report of persons under 17 years of age securely detained in the county jail, including all information necessary to determine compliance with state law concerning secure confinement of children in county jails;
 - (15) schedule announced and unannounced inspections of jails under the commission's jurisdiction using the risk assessment plan established under Section 511.0085 to guide the inspections process;
 - (16) adopt a policy for gathering and distributing to jails under the commission's

jurisdiction information regarding:

- (A) common issues concerning jail administration;
- (B) examples of successful strategies for maintaining compliance with state law and the rules, standards, and procedures of the commission; and
- (C) solutions to operational challenges for jails;

(17) report to the Texas Correctional Office on Offenders with Medical or Mental Impairments on a jail's compliance with Article 16.22, Code of Criminal Procedure;

(18) adopt reasonable rules and procedures establishing minimum requirements for jails to:

- (A) determine if a prisoner is pregnant; and
- (B) ensure that the jail's health services plan addresses medical and mental health care, including nutritional requirements, and any special housing or work assignment needs for persons who are confined in the jail and are known or determined to be pregnant;

(19) provide guidelines to sheriffs regarding contracts between a sheriff and another entity for the provision of food services to or the operation of a commissary in a jail under the commission's jurisdiction, including specific provisions regarding conflicts of interest and avoiding the appearance of impropriety; [and]

(20) adopt reasonable rules and procedures establishing minimum standards for prisoner visitation that provide each prisoner at a county jail with a minimum of two in-person, noncontact visitation periods per week of at least 20 minutes duration each;

(21) [(20)] require the sheriff of each county to:

(A) investigate and verify the veteran status of each prisoner by using data made available from the Veterans Reentry Search Service (VRSS) operated by the United States Department of Veterans Affairs or a similar service; and

(B) use the data described by Paragraph (A) to assist prisoners who are veterans in applying for federal benefits or compensation for which the prisoners may be eligible under a program administered by the United States Department of Veterans Affairs;

(22) [(20)] adopt reasonable rules and procedures regarding visitation of a prisoner at a county jail by a guardian, as defined by Section 1002.012, Estates Code, that:

(A) allow visitation by a guardian to the same extent as the prisoner's next of kin, including placing the guardian on the prisoner's approved visitors list on the guardian's request and providing the guardian access to the prisoner during a facility's standard visitation hours if the prisoner is otherwise eligible to receive visitors; and

(B) require the guardian to provide the sheriff with letters of guardianship issued as provided by Section 1106.001, Estates Code, before being allowed to visit the prisoner; and

(23) adopt reasonable rules and procedures to ensure the safety of prisoners, including rules and procedures that require a county jail to:

(A) give prisoners the ability to access a mental health professional at the jail through a telemental health service 24 hours a day;

(B) give prisoners the ability to access a health professional at the jail or through a telehealth service 24 hours a day or, if a health professional is unavailable at the jail or through a telehealth service, provide for a prisoner to be transported to access a health professional; and

(C) if funding is available under Section 511.019, install automated electronic sensors or cameras to ensure accurate and timely in-person checks of cells or groups of cells confining at-risk

individuals.

SECTION 3.06. Section 511.009, Government Code, is amended by adding Subsection (d) to read as follows:

(d) The commission shall adopt reasonable rules and procedures establishing minimum standards regarding the continuity of prescription medications for the care and treatment of prisoners. The rules and procedures shall require that a qualified medical professional shall review as soon as possible any prescription medication a prisoner is taking when the prisoner is taken into custody.

SECTION 3.07. Chapter 511, Government Code, is amended by adding Sections 511.019, 511.020, and 511.021 to read as follows:

Sec. 511.019. PRISONER SAFETY FUND. (a) The prisoner safety fund is a dedicated account in the general revenue fund.

(b) The prisoner safety fund consists of:

(1) appropriations of money to the fund by the legislature; and

(2) gifts, grants, including grants from the federal government, and other donations received for the fund.

(c) Money in the fund may be appropriated only to the commission to pay for capital improvements that are required under Section 511.009(a)(23).

(d) The commission by rule may establish a grant program to provide grants to counties to fund capital improvements described by Subsection (c). The commission may only provide a grant to a county for capital improvements to a county jail with a capacity of not more than 96 prisoners.

Sec. 511.020. SERIOUS INCIDENTS REPORT. (a) On or before the fifth day of each month, the sheriff of each county shall report to the commission regarding the occurrence during the preceding month of any of the following incidents involving a prisoner in the county jail:

(1) a suicide;

(2) an attempted suicide;

(3) a death;

(4) a serious bodily injury, as that term is defined by

Section 1.07, Penal Code;

(5) an assault;

(6) an escape;

(7) a sexual assault; and

(8) any use of force resulting in bodily injury, as that term is defined by Section 1.07, Penal

Code.

(b) The commission shall prescribe a form for the report required by Subsection (a).

(c) The information required to be reported under Subsection (a)(8) may not include the name or other identifying information of a county jailer or jail employee.

(d) The information reported under Subsection (a) is public information subject to an open records request under Chapter 552.

Sec. 511.021. INDEPENDENT INVESTIGATION OF DEATH OCCURRING IN COUNTY JAIL. (a) On the death of a prisoner in a county jail, the commission shall appoint a law enforcement agency, other than the local law enforcement agency that operates the county jail, to investigate the death as soon as possible.

(b) The commission shall adopt any rules necessary relating to the appointment of a law enforcement agency under Subsection (a), including rules relating to cooperation between law enforcement agencies and to procedures for handling evidence.

SECTION 3.08. The changes in law made by this article to Article 17.032, Code of Criminal Procedure, apply only to a personal bond that is executed on or after the effective date of this Act. A personal bond executed before the effective date of executed, and the former law is continued in effect for that purpose.

SECTION 3.09. Not later than January 1, 2018, the Commission on Jail Standards shall:

- (1) adopt the rules and procedures required by Section 511.009(d), Government Code, as added by this article, and the rules required by Section 511.021(b), Government Code, as added by this article; and
- (2) prescribe the form required by Section 511.020(b), Government Code, as added by this article.

SECTION 3.10. Not later than September 1, 2018, the Commission on Jail Standards shall adopt the rules and procedures required by Section 511.009(a)(23), Government Code, as added by this article. On and after September 1, 2020, a county jail shall comply with any rule or procedure adopted by the Commission on Jail Standards under that subdivision.

SECTION 3.11. To the extent of any conflict, this Act prevails over another Act of the 85th Legislature, Regular Session, 2017, relating to non-substantive additions to and corrections in enacted codes.

ARTICLE 4. PEACE OFFICER AND COUNTY JAILER TRAINING

SECTION 4.01. Chapter 511, Government Code, is amended by adding Section 511.00905 to read as follows:

Sec. 511.00905. JAIL ADMINISTRATOR POSITION; EXAMINATION REQUIRED. (a) The Texas Commission on Law Enforcement shall develop and the commission shall approve an examination for a person assigned to the jail administrator position overseeing a county jail.

(b) The commission shall adopt rules requiring a person, other than a sheriff, assigned to the jail administrator position overseeing a county jail to pass the examination not later than the 180th day after the date the person is assigned to that position. The rules must provide that a person who fails the examination may be immediately removed from the position and may not

be reinstated until the person passes the examination.

(c) The sheriff of a county shall perform the duties of the jail administrator position at any time there is not a person available who satisfies the examination requirements of this section.

(d) A person other than a sheriff may not serve in the jail administrator position of a county jail unless the person satisfies the examination requirement of this section.

SECTION 4.02. Section 1701.253, Occupations Code, is amended by amending Subsection (j) and adding Subsection (n) to read as follows: commission shall require an officer to complete a 40-hour statewide education and training program on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments. An officer shall complete the program not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier. An officer may not satisfy the requirements of this subsection [section] or Section 1701.402(g) by taking an online course on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments.

(n) As part of the minimum curriculum requirements, the commission shall require an officer to complete a statewide education and training program on de-escalation techniques to facilitate interaction with members of the public, including techniques for limiting the use of force resulting in bodily injury.

SECTION 4.03. Section 1701.310(a), Occupations Code, is amended to read as follows:

(a) Except as provided by Subsection (e), a person may not be appointed as a county jailer, except on a temporary basis, unless the person has satisfactorily completed a preparatory training program, as required by the commission, in the operation of a county jail at a school operated or licensed by the commission. The training program must consist of at least eight hours of mental health training approved by the commission and the Commission on Jail Standards.

SECTION 4.04. Section 1701.352(b), Occupations Code, is amended to read as follows:

(b) The commission shall require a state, county, special district, or municipal agency that appoints or employs peace officers to provide each peace officer with a training program at least once every 48 months that is approved by the commission and consists of:

(1) topics selected by the agency; and

(2) for an officer holding only a basic proficiency certificate, not more than 20 hours of education and training that contain curricula incorporating the learning objectives developed by the commission regarding:

(A) civil rights, racial sensitivity, and cultural diversity;

(B) de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments; [and]

(C) de-escalation techniques to facilitate interaction with members of the public, including techniques for limiting the use of force resulting in bodily injury; and

(D) unless determined by the agency head to be inconsistent with the officer's assigned duties:

(i) the recognition and documentation of cases that involve child abuse or neglect, family violence, and sexual assault; and

(ii) issues concerning sex offender characteristics.

SECTION 4.05. Section 1701.402, Occupations Code, is amended by adding Subsection (n) to read as follows:

(n) As a requirement for an intermediate proficiency certificate or an advanced proficiency certificate, an officer must complete the education and training program regarding de-escalation techniques to facilitate interaction with members of the public established by the commission under Section 1701.253(n).

SECTION 4.06. Not later than March 1, 2018, the Texas Commission on Law Enforcement shall develop and the Commission on Jail Standards shall approve the examination required by Section 511.00905, Government Code, as added by this article.

SECTION 4.07. (a) Not later than March 1, 2018, the Texas Commission on Law Enforcement shall establish or modify training programs as necessary to comply with Section 1701.253, Occupations Code, as amended by this article.

(b) The minimum curriculum requirements under Section 1701.253(j), Occupations Code, as amended by this article, apply only to a peace officer who first begins to satisfy those requirements on or after April 1, 2018.

SECTION 4.08. (a) Section 1701.310, Occupations Code, as amended by this article, takes effect January 1, 2018.

(b) A person in the position of county jailer on September 1, 2017, must comply with Section 1701.310(a), Occupations Code, as amended by this article, not later than August 31, 2021.

ARTICLE 5. MOTOR VEHICLE STOPS, RACIAL PROFILING, AND ISSUANCE OF CITATIONS

SECTION 5.01. Article 2.132, Code of Criminal Procedure, is amended by amending Subsections (b) and (d) and adding Subsection (h) to read as follows:

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

(1) clearly define acts constituting racial profiling;

(2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;

(3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;

(4) provide public education relating to the agency's compliment and complaint process, including providing the telephone number, mailing address, and e-mail address to make a compliment or complaint with respect to each ticket, citation, or warning issued by a peace officer;

(5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of

the agency's policy adopted under this article;

(6) require collection of information relating to motor vehicle stops in which a ticket, citation, or warning is issued and to arrests made as a result of those stops, including information relating to:

(A) the race or ethnicity of the individual detained;

(B) whether a search was conducted and, if so, whether the individual detained consented to the search; [and]

(C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;

(D) whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop;

(E) the location of the stop; and

(F) the reason for the stop; and

(7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:

(A) the Texas Commission on Law Enforcement; and

(B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make motor vehicle stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle stops. The agency also shall examine the feasibility of equipping each peace officer who regularly detains or stops motor vehicles with a body worn camera, as that term is defined by Section 1701.651, Occupations Code. If a law enforcement agency installs video or audio equipment or equips peace officers with body worn cameras as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(h) A law enforcement agency shall review the data collected under Subsection (b)(6) to identify any improvements the agency could make in its practices and policies regarding motor vehicle stops.

SECTION 5.02. Article 2.133, Code of Criminal Procedure, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance shall report to the law enforcement agency that employs the officer information relating to the stop, including:

(1) a physical description of any person operating the motor vehicle who is detained as a result of the stop, including:

(A) the person's gender; and

(B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;

(2) the initial reason for the stop;

(3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;

(4) whether any contraband or other evidence was discovered in the course of the search and a description of the contraband or evidence;

(5) the reason for the search, including whether:

(A) any contraband or other evidence was in plain view;

(B) any probable cause or reasonable suspicion existed to perform the search; or

(C) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle;

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;

(7) the street address or approximate location of the stop; [and]

(8) whether the officer issued a verbal or written warning or a ticket or citation as a result of the stop; and

(9) whether the officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop.

(c) The chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is responsible for auditing reports under Subsection (b)

to ensure that the race or ethnicity of the person operating the motor vehicle is being reported.

SECTION 5.03. Article 2.134(c), Code of Criminal Procedure, is amended to read as follows:

(c) A report required under Subsection (b) must be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, and must include:

(1) a comparative analysis of the information compiled under Article 2.133 to:

(A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities; [and]

(B) examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction; and

(C) evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

SECTION 5.04. Article 2.137, Code of Criminal Procedure, is amended to read as follows:

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT. (a) The Department of Public Safety shall adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment in law enforcement motor vehicles and

motorcycles or equipping peace officers with body worn cameras [as described by Article 2.135(a)(1)(A)], including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may include consideration of tax effort, financial hardship, available revenue, and budget surpluses. The criteria must give priority to:

(1) law enforcement agencies that employ peace officers whose primary duty is traffic enforcement;

(2) smaller jurisdictions; and

(3) municipal and county law enforcement agencies.

(b) The Department of Public Safety shall collaborate with an institution of higher education to identify law enforcement agencies that need funds or video and audio equipment for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras [as described by Article 2.135(a)(1)(A)]. The collaboration may include the use of a survey to assist in developing criteria to prioritize funding or equipment provided to law enforcement agencies.

(c) To receive funds or video and audio equipment from the state for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras [as described by Article 2.135(a)(1)(A)], the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency needs funds or video and audio equipment for that purpose.

(d) On receipt of funds or video and audio equipment from the state for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras [as described by Article 2.135(a)(1)(A)], the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency has taken the necessary actions to use and is using [installed] video and audio equipment and body worn cameras for those purposes [as described by Article 2.135(a)(1)(A) and is using the equipment as required by Article 2.135(a)(1)].

SECTION 5.05. Article 2.1385(a), Code of Criminal Procedure, is amended to read as follows:

(a) If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Article 2.134, the agency is liable to the state for a civil penalty in an [the] amount not to exceed \$5,000 [of \$1,000] for each violation. The attorney general may sue to collect a civil penalty under this subsection.

SECTION 5.06. Article 2.135, Code of Criminal Procedure, is repealed.

SECTION 5.07. Articles 2.132 and 2.134, Code of Criminal Procedure, as amended by this article, apply only to a report covering a calendar year beginning on or after January 1, 2018.

SECTION 5.08. Not later than September 1, 2018, the Texas Commission on Law Enforcement shall:

(1) evaluate and change the guidelines for compiling and reporting information required under Article 2.134, Code of Criminal Procedure, as amended by this article, to enable the

guidelines to better withstand academic scrutiny; and

(2) make accessible online:

(A) a downloadable format of any information submitted under Article 2.134(b), Code of Criminal Procedure, that is not exempt from public disclosure under Chapter 552, Government Code; and

(B) a glossary of terms relating to the information to make the information readily understandable to the public. This Act takes effect September 1, 2017.

Senate Speaker of the House

I hereby certify that S.B. No. 1849 passed the Senate on May 11, 2017, by the following vote:
Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1849 passed the House on May 20, 2017, by the following vote:
Yeas 137, Nays 0, one present not voting.

ARTICLE 6. EFFECTIVE DATE

SECTION 6.01. Except as otherwise provided by this Act,

Approved:

Date

Governor

Chief Clerk of the House

**DICKINSON POLICE DEPARTMENT
RACIAL PROFILING POLICY**

Most of the following terms appear in this order. In any case, these terms appear in the larger public discourse about alleged biased enforcement behavior and in other orders. These definitions are intended to facilitate on-going discussion and analysis of our enforcement practices.

- A. Bias: Prejudice or partiality which may be based on preconceived ideas, a person's upbringing, culture, experience, or education.
- B. Biased policing: Stopping, detaining, searching, or attempting to search, or using force against a person based upon his or her race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.
- C. Ethnicity: A cluster of characteristics which may include race but also cultural characteristics or traits which are shared by a group with a common experience or history.
- D. Gender: Unlike sex, a psychological classification based on cultural characteristics or traits.
- E. Probable cause: Facts or apparent facts and circumstances within an officer's knowledge and of which the officer had reasonable, trustworthy information to lead a reasonable person to believe that an offense has been or is being committed, and that the suspect has committed it.
- F. Race: A category of people of a particular decent, including Caucasian, African, Hispanic, Asian, or Native American descent. As distinct from ethnicity, race only refers to physical characteristics sufficiently distinctive to group people under a classification.
- G. Racial profiling: A law-enforcement initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.
- H. Reasonable suspicion: Articulable, objective facts which lead an experienced officer to suspect that a person has committed, is committing, or may be about to commit a crime. A well-founded suspicion is based on the totality of the circumstances and does not exist unless it can be articulated. Reasonable suspicion supports a stop of a person. Courts require that stops based on reasonable suspicion be "objectively reasonable."
- I. Sex: A biological classification, male or female, based on physical and genetic characteristics.
- J. Stop: The detention of a subject for a brief period of time, based on reasonable suspicion. A stop is investigative detention.

IV. PROCEDURES

A. General responsibilities

1. Officers are prohibited from engaging in bias based profiling or stopping, detaining, searching, arresting, or taking any enforcement action including seizure or forfeiture activities, against any person based solely on the person's race, national origin, citizenship, religion, ethnicity, age, gender, color, creed, sexual orientation, disability, or economic status. These characteristics, however, may form part of reasonable suspicion or probable cause when officers are seeking a suspect with one or more of these attributes. (TBP: 2.01.1)
 2. Reasonable suspicion or probable cause shall form the basis for any enforcement actions or decisions. Individuals shall only be subjected to stops, seizures, or detention upon reasonable suspicion that they have committed, are committing, or are about to commit an offense. Officers shall document the elements of reasonable suspicion and probable cause in appropriate reports.
 3. Officers shall observe all constitutional safeguards and shall respect the constitutional rights of all persons.
 - a. As traffic stops furnish a primary source of bias-related complaints, officers shall have a firm understanding of the warrantless searches allowed by law, particularly the use of consent. How the officer disengages from a traffic stop may be crucial to a person's perception of fairness or discrimination.
 - b. Officers shall not use the refusal or lack of cooperation to justify a search of the person or vehicle or a prolonged detention once reasonable suspicion has been dispelled.
 4. All personnel shall treat everyone with the same courtesy and respect that they would have others observe to department personnel. To this end, personnel are reminded that the exercise of courtesy and respect engenders a future willingness to cooperate with law enforcement.
 - a. Personnel shall facilitate an individual's access to other governmental services whenever possible, and shall actively provide referrals to other appropriate agencies.
- b. All personnel shall courteously accept, document, and forward to the Chief of Police any complaints made by an individual against the department

5. When feasible, personnel shall offer explanations of the reasons for enforcement actions or other decisions that bear on individual's well-being unless the explanation would undermine an investigation or jeopardize an officer's safety. When concluding an encounter, personnel shall thank him or her for cooperating.
6. When feasible, all personnel shall identify themselves by name. When a person requests the information, personnel shall give their departmental identification number, name of the immediate supervisor, or any other reasonable information.
7. All personnel are accountable for their actions. Personnel shall justify their actions when required.

B. Supervisory responsibilities

1. Supervisors shall be held accountable for the observance of constitutional safeguards during the performance of their duties. Supervisors shall identify and correct instances of bias in the work of their subordinates.
2. Supervisors shall use the disciplinary mechanisms of the department to ensure compliance with this order and the constitutional requirements of law enforcement.
3. Supervisors shall be mindful that in accounting for the actions and performance of subordinates, supervisors are key to maintaining community trust in law enforcement. Supervisors shall continually reinforce the ethic of impartial enforcement of the laws, and shall ensure that personnel, by their actions, maintain the community's trust in law enforcement.
4. Supervisors are reminded that biased enforcement of the laws engenders not only mistrust of law enforcement, but increases safety risks to personnel. Lack of control over bias also exposes the department to liability consequences. Supervisors shall be held accountable for repeated instances of biased enforcement of their subordinates.
5. Supervisors shall ensure that all enforcement actions are duly documented per departmental policy. Supervisors shall ensure that all reports show adequate documentation of reasonable suspicion and probable cause, if applicable.
6. Supervisors shall facilitate the filing of any complaints about law enforcement service.

C. Disciplinary consequences

Actions prohibited by this order shall be cause for disciplinary action, up to and including dismissal.

D. Training (TBP: 2.01.1)

1. Officers shall complete all training required by state law regarding bias based profiling.

V. COMPLAINTS

- A. The department shall publish “How to Make a Complaint” folders and make them available at all city facilities and other public locations throughout the city. The department’s complaint process and its bias based profiling policy will be posted on the department’s website. Whenever possible, the media will be used to inform the public of the department’s policy and complaint process.
- B. Complaints alleging incidents of bias based profiling will be fully investigated as described under Policy 2.4.
- C. Complainants will be notified of the results of the investigations when such investigation is completed.

VI. RECORD KEEPING

- A. The department will maintain all required records on traffic stops where a citation is issued or where an arrest is made subsequent to a traffic stop pursuant to state law.
- B. The information collected above will be reported to the city council annually.
- C. The information will also be reported to TCLEOSE in the required format.

Contact Information

For additional questions regarding the information presented in this report, please contact:

Del Carmen Consulting, LLC

817.681.7840

www.texasracialprofiling.com

www.delcarmenconsulting.com

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DEL CARMEN CONSULTING, LLC
LAW ENFORCEMENT SERVICES

ITEM 6F

City Administrator's and Public Works Report



City Administrator's News and Notes

February 2020

This year has been off to a great start and is filled with endless opportunities for growth and no shortage of projects. On February 5, Mayor Julie Masters and I joined the Texas General Land Office to welcome Dickinson resident Louise Meyer home. Ms. Meyer was the 600th home completed by the TX GLO's Disaster Recovery Team.



Welcome Home

Departmental News

DICKINSON PUBLIC LIBRARY

This time of year is typically planning time at the Library – planning events and activities for children, teens, and adults for the Spring Quarter. Dickinson Public Library employees have been active in the community.

Sam Torrez, Kathy Soehl, and Julianne Lane all attended Dunbar Middle School's career day. They were able to interact with the children as they asked about our positions at the library and what librarians do. Additionally, they were also able to exhibit many of the fun activities and materials that the library has available to the children so they could understand what the library has to offer.

Sam Torrez and Julianne Lane have begun the Technology Academy through TSLAC to learn all the ins and outs of preparing an effective technology plan that will coincide with the library's mission for the city. This will be an 8-month process where both will be attending an online class, participate in group discussions, complete work assignments and implement what we are learning in our library environment. In October upon completion of the course we will be awarded a \$10,000 grant stipend to purchase new technology for the library that will fit our new progressive technology plan for the library.

Kathy Soehl and Julianne Lane went to a Dickinson ISD Librarian's Meeting to present to the librarians the programs and materials that the Dickinson Public Library has available for not only the children but the librarians as well to help promote reading and technology literacy.

Julianne Lane accompanied Joan Malmrose from the Dickinson Historical Society to a newly formed Archives and Local History of Galveston County Group, to discuss an overview of each of our archive or local history endeavors/needs/wants in our cities. The importance of getting collections cataloged and sharing links amongst the Galveston County Groups so that the people of Galveston County can access their local history was emphasized. The Library hopes to be more involved in partnering with all the local historic purveyors in Galveston County.

POLICE DEPARTMENT

During the month of February, Probationary Police Officer Julia Pina successfully completed the Field Training evaluation process and has been released to an assigned shift. Officer Pina has progressed according to the departments standards and is expected to be a valuable asset to the team.

Officers assisted Hitchcock PD in identifying a drive-by shooter located in our city. The suspect was arrested without incident.

Officers were involved in a Police Pursuit/Stolen Vehicle recovery. The suspect was arrested, and the recovered stolen vehicle was returned to the rightful owner.

Officer Pina performed a warrant service in the 2600 block of Avenue D. The wanted subject was located and attempted to flee before being taken into custody. Upon arrival at the jail, the suspect was able to make a phone call. Sgt. Peterson overheard the suspect tell his girlfriend that he dropped something in the back yard of the residence in a manner that raised suspicion. With the assistance of League City Police Department's K9 unit, we were able to locate a bag in the back yard of the residence containing 3.9 grams of crystal methamphetamine. The suspect was subsequently charged with the felony offense of "Tampering with Evidence".

Officer Porter attended the Intermediate Crash Investigation course that was hosted by the Galveston County Sheriff's Office. She also completed the online Death Investigation course through TEEX. This

degree of training will benefit the agency with the teaching of this material to the inexperienced officers within the agency.

Officer Stewart attended the K9 Certification Course hosted by Alvin Police Department. This annual certification helps to maintain the professional standards necessary to demonstrate the proper training levels and provides a safe and proficient service to the community.

Probationary Officers Gonzales, Caputo and Pina attended the Taser Certification Course hosted by Dickinson Police Department. This training provides the officer the ability of utilizing a less than lethal force option when dealing with aggressive, hostile or uncooperative individuals.

The Communications Division recently hired a new Telecommunicator, Brian Stevens, who began Field Training in January.

Four of our newest Telecommunicators, Dahlia Donofrio, Courtney Lister, Stephanie Weeks and Heather Turk, recently completed their State Licensing exams and are now working towards their goal of "Basic Telecommunicator Certification".

Telecommunicator Barbara Black recently retired after over 23 years of dedicated service to the Dickinson Police Department and the citizens of Dickinson. We sincerely wish her all the best in her well-deserved retirement endeavors.

Officer Valdez gave a Home Security presentation to the Rotary Club at the First United Methodist Church.

Detective Oliver and Crime Victim Rights Liaison Nyna Burreight gave a talk concerning cyberbullying, social media safety, sexting and on-line child solicitation at an event for parents within the school district and the city of Dickinson that was put together by DISD. The topic on this night was "Parent's Guide to Cyber Safety". The presentation was also featured on i45 Now and shared nearly 8,000 times.

Crime Victim Liaison Nyna Burreight and Officer Tony Valdez presented "Crime Prevention" and "Crime Victim Assistance" to the 55+ group at First United Methodist Church.

FACILITIES

Engineers are in the process of developing a game plan for the foundation work on the library. There is a bid on repair work for the Depot to refresh as was done with the museum; meetings start next week to develop a timeline on this project. Parking lot restriping will be coming soon for all City building locations as soon as pricing is obtained.

ECONOMIC DEVELOPMENT

The EDC is moving! In March, the EDC office will be relocating from the historic Depot to a space on FM 517. The 4B corporation has been diligently coordinating this move. Additionally, to go with this new space, the EDC has been working on contracts, land sales, policies and procedures and fresh ideas for new and relocating businesses.



FIRE MARSHAL

In the month of February, the Fire Marshal conducted fire safety and fire extinguisher training for the kitchen staff of DISD, in conjunction with DVFD.

A fire drill and review of evacuation procedures was conducted for Lighthouse Baptist Church.

Finally, the Fire Marshal's office began reviewing the pipeline renewal application procedures for pipelines within the City.

MUNICIPAL COURT

Officer Oscar Longoria has been assigned as the new Warrant officer for the City Of Dickinson, effective January 27, 2020. Office Longoria will be sharing his duties with both the Municipal Court and the Police Department. The court staff has been working closely with Officer Longoria as he gets familiar with his new

duties. During his first week as a Warrant Officer, Longoria has made contact with several defendants resulting in several arrests, numerous call backs to the court that generated payment plans and court hearings. Officer Longoria has been with the Police Department since December 2016.

Asst. Court Administrator Silvia Medina and Court Clerk Toni Rey Garcia attended Regional Clerks Seminar on February 10 through February 12 in Houston, TX as part of their continuing education requirements. The conferences help to provide a foundation for building clerks' knowledge of municipal court practices by familiarizing them with topics including judicial ethics, statutes, legal processes, and legislative issues. These programs help to promote a better understanding of the justice system and the laws that municipal courts must uphold.

EMS

**Dispatched to
163 incidents
in January; 168
patient reports
written.**

**January
Mutual Aid:
Gave 1x
Received 19x**

**January
response time:
6.12 minutes**

**January
Collections:
\$39,207.96**

**January Call
Volume:
163**

COMMUNITY DEVELOPMENT

The Community Development staff has completed the BPI training. Community Development staff is undergoing training sessions for the new iWorq system that the City will begin using on April 1, 2020. Staff has met with a potential buyer of the Amegy Bank building, and also with the owners, engineers and WCID#1 on the Flying Rhino Brewery project located at W. FM 517.

Community Development staff has continued to scan records (new & old) to become more efficient when processing information requests. Staff will begin to log how much is being scanned each month to quantify the extreme effort being made in moving to a more digital department.

Subdivisions:

Bayou Lakes Subdivision: Section 4 infrastructure is approximately 90% complete, waiting for the final inspection from Public Works and WCID #1. All streets are in and some preliminary testing on the sewer and water has begun. We are hopeful that within the next month or two building permits will be issued for the subdivision.

Bayou Bend Estates Subdivision: The subdivision is moving along as work continues on the storm drainage and site drainage. The streets are approximately 95% complete. Public Works and the City Engineer Representative had a walk through – the results of the report are pending.

Bayou Maison Subdivision: In Section 1 there are approximately 5 lots to build. In Section 2, streets drainage and infrastructures are being completed. The streets are being installed. We are hopeful that building permits will be issued for the subdivision within the next two months.

New Homes:

- From January 24 to February 28, the department has issued 13 new homes.

Specific Use Permits – March 17, 2020:

- 3822 Water St. – Bed & Breakfast
- 5205 E. FM 517 - Unit #E (1200 Sq. Ft.)– Boat and fiber glass repair shop

Commercial Development:

Whataburger, 3300 Gulf Freeway, is being converted to a Mexican Food Restaurant and is currently at 75% completion.

The building foundation at the Garden Hotel, 2401 W. Hughes Lane is complete.

Renovations are expected to begin within 30 days at Ziegler's, 2308 E. FM 517 Rd.

Project Updates

Bayou Animal Services Shelter

The move to the new animal shelter has begun! Right now, crews are finishing the flower beds outside and we are fulfilling IT needs.

Friends of Bayou Animal Services hosted a “Sip and See” on February 6, 2020, to give a sneak peak of the shelter. As caring for the animals in the shelter is a never-ending task, the shelter is always looking for ways to add to funding. Currently, the shelter is selling tiles for \$40, available by completing a form on www.bayouanimalservices.org. This tile can be used to memorialize your pet or to display a personal message.



In the effort to build a stronger community outreach program, PVS is administering animal shots to the community every other Saturday for little to no cost.

This month, Bayou Animal Services is participating in the empty shelter project. This means that citizen owned animals will be fixed and chipped at no cost to the owner.



Agreement for Solid Waste

WCID #1 has selected AmeriWaste to provide solid waste collection for the City of Dickinson, effective March 15. Two informational sessions were held in February to answer citizens' questions regarding the transition. Additional information is available on WCID's website at <https://www.wcid1.com/solid-waste-information.php>.

Management District Number 1 and the City along with ETC institute Will Be Conducting a Community Survey

At their February meeting the District board members accepted the proposal from ETC to conduct a community survey. develop a comprehensive survey instrument and methodology to gauge citizen opinion regarding the services, activities and direction of the Community, conduct the survey, and tabulate results. This survey from start to finish will take about 4 to 5 month. This information will be valuable in developing public policy and Comprehensive planning over the next few years.

The survey will be in both English and Spanish and information will be collected from all the Census tracts in the Dickinson community.



Comprehensive Plan Update

I have been diligently working to determine the best path forward for the development of an updated comprehensive plan. This item is a priority for Council and as such, is budgeted in the 2020 budget. The GLO will have funds available for planning programs in the next 90 days or so. This program will furnish 100 million dollars under their Resilient Communities Programs, which aids in a community's development, adoption and implementation of modern and resilient building codes, flood damage prevention ordinances, and local plans. It would be in the City's best interest to review the program specific information once it becomes available.

Flood Mitigation Assistance

We are continuing to watch for updates on the Resilient Home Program, which will be releasing its guidelines in the coming months. This program is anticipated to have around \$100 million available for assistance. We will be tracking this program and the other 11 programs due out this spring.

CDBG-DR Infrastructure Update

These projects are underway. The city had its Kickoff on February 12th. GLO Grant Manager met with the Dickinson team and discussed the specific of the projects. As these projects move to design phase, we will have a couple of public meetings to provide information to the areas affected along the greater Dickinson community: Below is a summary of these projects.

Tributary to Gum Bayou Widening

In an effort to mitigate flood impacts from a regional perspective, the Team presented the Tributary to Gum Bayou Widening project which will effectively increase the conveyance and storage capacity of the tributary. The installation of new culverts and widening is anticipated to reduce the impact of extreme flood events within the residential areas north of FM 517.

Nicholstone Street/Drainage Improvements

In an effort to mitigate flood impacts from a localized perspective, the Team presented the Nicholstone Street/Drainage Improvements. The proposed improvements will reconstruct the existing streets and make drainage improvements. It is anticipated that the

improvements will provide significant relief to the residents in the Nicholstone area as well as the surrounding regions. The Streets are Kansas, Texas and 34th.

Pin Oak Drainage Improvements

In an effort to mitigate flood impacts from a localized perspective, the Team presented the Pin Oak Drainage Improvements. The proposed improvements are anticipated to provide adequate conveyance for the associated watershed encompassing Pin Oak Drive to Magnolia Bayou. Installation of new storm sewer pipe with inlets along with desilting and modification of roadside ditches is expected to provide immediate relief to the Pin Oak Drive and surrounding residential area.

CDBG-DR Acquisition Update

We have received the contract. Staff is currently reviewing the contract. City Staff will be working with targeted land owners to start the conversations of this program. We will keep the community and council updated as the program gets up and running. These funds will need to be spent in the next three years.

Lower Clear Creek and Dickinson Bayou Watershed Study

The Lower Clear Creek and Dickinson Bayou Watershed Study will host a series of public meetings in February and March 2020 to encourage public participation and feedback regarding the first of three phases in the Study. The first meeting was held on February 26. Additional public meetings were held on the following dates: Tuesday, March 3, Wednesday, March 4, Thursday, March 5. I am working with the team to have a meeting in Dickinson at City Hall. When the date and time is set. We will getting that information out to the public

City of Dickinson and Dickinson ISD partnering on Census Counts.

So many Federal programs will be tied to Census information, so it is important to make sure everyone is counted in our community. Census Counts is a collaborative campaign to communicate the importance of completing census information. This partnership and communication should help is making

sure everyone is counted in Dickinson. For more information please visit <http://www.censuscounts.org>

The Texas Power Switch Program Results



The Dickinson Power Switch energy auction was a great success! If you haven't already signed up, join your friends and neighbors and find out if you could save on your electricity bills.

The Power Switch program resulted in two winning offers: a 12 and a 24-month fixed-rate and 100% renewable plan. The winning rates are approximately 20-24% lower than the average rate of similar plans available from other providers available on the day of the auction. As an added bonus, the winning provider offers active military members no deposit regardless of their credit rating.

The potential savings will depend on a household's annual usage. For example, a household that uses 16,000 kWh a year could save an average of \$411 per year with the 12-month plan. The savings could be even greater with the 24-month plan.

There is no cost to the city to promote this program, nor does the city receive any financial compensation. If you have not yet registered for the program, you can still sign up until March 3rd. It is free to register and there's no obligation to switch.

If you need help or have questions, email energy@texaspowerswitch.com or call 888-376-2077 from 8am to 10pm (Mon through Sat).

ITEM 7

Public Comments

ITEM 8

Consent Agenda

ITEM 8A

Julie Masters, Mayor
Charles Suderman, Mayor Pro Tem
Sean Skipworth
Walter Wilson

MINUTES
City of Dickinson
CITY COUNCIL
REGULAR MEETING

Wally Deats
Louis Decker
William H. King III
Chris Heard, City Administrator

February 11, 2020

The Dickinson City Council met in a duly called and announced **REGULAR MEETING** on **Tuesday, February 11, 2020, at 7:00 p.m.** The meeting was held in the City Council Chambers located at 4403 Highway 3, Dickinson, Galveston County, Texas, and was held for the purpose of considering the following items:

ITEM 1.) CALL TO ORDER AND CERTIFICATION OF A QUORUM

Mayor Masters called the meeting to order at 7:04 p.m. City Secretary Alun Thomas called roll and certified a quorum. Council Members present were as follows: Mayor Julie Masters, Mayor Pro-Tem Charles Suderman, and Council Members Sean Skipworth, Walter Wilson, Wally Deats, Louis Decker, and William H. King, III. Also present were City Attorney David Olson, City Administrator Chris Heard, Interim Director of Public Works Ron Sullivan, Police Chief Ron Morales, Fire Marshal Burt Heddles, Court Administrator Irma Rivera, Library Director Julianne Lane, Assistant to the City Administrator Kerilyn Bascle, Assistant Library Director Kathy Soehl, and Assistant to the Director of Public Works Andrew Crawford.

ITEM 2.) INVOCATION

Pastor Sowell from Mount Olive Baptist Church gave the invocation.

ITEM 3.) PLEDGE OF ALLEGIANCE

Council Member Skipworth led the Pledge of Allegiance.

ITEM 4.) PROCLAMATIONS

A.

ITEM 5.) ANNOUNCEMENTS AND PRESENTATIONS:

A. Council Comments.

- Welcome and thank you to all for attending the meeting.
- The Knights of Columbus will host weekly fish fries from February 28 through April 3.
- New trash carts are being delivered now ready for the new service provider to take over in late March. A town hall meeting about the change will be held at City Hall on Thursday at 6:00 p.m.
- Bayou Animal Services' new shelter will be open soon.

- Welcome back to Council Member King, who has recently spent many days in the hospital. Council Member King thanked Council for its support and said that after three surgeries and 22 days spent in three hospitals, he is glad to be back.
- Friday, February 14 is the last day to apply for a position on the City's General Election ballot.
- Thank you to Galveston County Water Control and Improvement District No. 1 for fixing a sewer blockage on Tanglebriar Drive.
- Council Member Decker encourages property owners to trim their trees and bushes that overhang the City's ditches.
- Mount Olive will celebrate the ten-year anniversary of the founding of its "Sister Saints" program tomorrow at 11:00 a.m. The community is invited to attend.
- University of Texas Medical Branch (UTMB) will host a ribbon-cutting event at its new facility on February 18.
- On March 6, there will be a ribbon-cutting event held at Paul Hopkins Park for the new bridge.

ITEM 6.) REPORTS:

- A. Update on Public Works Projects (Interim Director of Public Works Ron Sullivan).

Mayor Masters said that this meeting will be Interim Director of Public Works Ron Sullivan's last day at the City and she thanked him for his service. Mr. Sullivan thanked Council and said that Dickinson has come a long way during his tenure as Interim Director of Public Works. Mr. Sullivan then addressed questions regarding the pumps on Mariner's Mooring, which he believes to now be fixed.

ITEM 7.) PUBLIC COMMENTS: At this time, any person with city-related business may speak to the Council. In compliance with the Texas Open Meetings Act, The City Council may not deliberate. **Comments from the public should be limited to a maximum of three (3) minutes per individual speaker.**

H Scott Apley, 4905 East 34th Street, Dickinson, Texas – Mr. Apley noted that the last meeting of Council had the public comments item at the end of the agenda. He believes that it should be at the beginning of the agenda to make it more consistent with state law. Mr. Apley also suggested that the City make it clearer that members of the public are encouraged and welcome to speak at any time during open meetings. Finally, he welcomed Council Member King back.

Karen Post, 4527 East 29th Street, Dickinson, Texas – Ms. Post thanked Mayor Masters for saying "Jesus Christ" during the invocation in the Council's last Regular Meeting.

John Harris, 3711 Rau Drive, Dickinson, Texas – Mr. Harris thanked the Mayor and Councilmembers for their service and for working to correct the solid waste collection issues in the city. He then expressed his concern with the quality of the work being done on the ditches in the Bayou Crest subdivision, remarking that it may fix the drainage but that the workers do not clean up after themselves. He said that we all need to pick up trash in the rights-of-way.

Chris Tucker, 2304 Hughes Road, Dickinson, Texas – Mr. Tucker agreed with Mr. Harris that people should pick up their trash. He then encouraged Council to place the proposition concerning term limits on the May 2, 2020 ballot so that Dickinson’s voters can choose whether or not to implement term limits for Members of Council. Mr. Tucker said that term limits have been shown to be beneficial and that they bring forth more new candidates for office.

Kevin Edmonds, 4136 Gum Drive, Dickinson, Texas – Mr. Edmonds is a candidate for Council Member Position 2. Mr. Edmonds said that currently, only Council’s voice is heard and that the voters of the Dickinson should get to decide the City’s direction. He encouraged Council to consider adding another proposed Charter amendment to the May 2, 2020 ballot to require that all future amendments proposed by a Charter Review Commission go on the ballot for voters’ input.

ITEM 8.) CONSENT AGENDA: CONSIDERATION AND POSSIBLE ACTION:

The following items are considered routine by the City Council and will be enacted by one motion. There will not be a separate discussion on these items unless a Council member requests, in which event, the item will be removed from the consent agenda and discussed after the consent agenda.

- A. Approval of the Minutes of the Regular Council Meeting of January 28, 2020.
- B. Approval of the Minutes of the Special Council Meeting of February 4, 2020.
- C. Resolution Number 1819-2020 – **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING THE AERIAL SPRAYING FOR THE ABATEMENT OF MOSQUITOES OVER AND WITHIN THE CITY OF DICKINSON BY THE GALVESTON COUNTY MOSQUITO CONTROL DISTRICT AND PROVISIONS RELATED THERETO; AND PROVIDING AN EFFECTIVE DATE.**
- D. Resolution Number 1820-2020 – **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN AGREEMENT BY AND BETWEEN**

THE CITY OF DICKINSON, TEXAS (“CITY”), DICKINSON INDEPENDENT SCHOOL DISTRICT (“DISD”), AND GALVESTON COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 (“WCID#1”) FOR A JOINT ELECTION FOR THE MAY 2, 2020, GENERAL ELECTION; AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE SUCH AGREEMENT; PROVIDING FOR THE INCORPORATION OF PREAMBLE; AND PROVIDING AN EFFECTIVE DATE.

Council Member Deats made a motion to approve the Consent Agenda, and Council Member Wilson seconded the motion. There being no discussion, Mayor Masters called for the vote.

VOTE:

6 AYES (Suderman, Skipworth, Wilson, Deats, Decker, King)

0 NAYS

MOTION PASSED

ITEM 9.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Resolution Number 1821-2020 – **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH HUITT-ZOLLARS, INC. FOR PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES FOR THE DESIGN, BIDDING AND CONSTRUCTION ADMINISTRATION ASSOCIATED WITH IMPROVEMENTS TO THE CITY OF DICKINSON PUBLIC LIBRARY; AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE AN AGREEMENT FOR SUCH SERVICES; PROVIDING FOR THE INCORPORATION OF PREAMBLE; AND PROVIDING AN EFFECTIVE DATE.**

Council Member Skipworth made a motion to approve the Resolution, and Council Member King seconded the motion. Council Member Wilson asked if all of the necessary work has been conducted at the library, such as soil samples and checking to ensure that the bell-bottoms are present on the foundation. City Administrator Chris Heard briefed Council on the proposed project. There being no further discussion, Mayor Masters called for the vote.

VOTE:

6 AYES (Suderman, Skipworth, Wilson, Deats, Decker, King)

0 NAYS

MOTION PASSED

ITEM 10.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Resolution Number 1822-2020 – **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, AUTHORIZING THE APPROVAL OF A**

CONTRACT FOR COLLECTION SERVICES PROVIDING FOR THE COLLECTION OF DELINQUENT TAXES AND COURT FINES AND FEES WITH LINEBARGER GOGGAN BLAIR & SAMPSON, LLP; AND MAKING CERTAIN FINDINGS ASSOCIATED WITH TEXAS GOVERNMENT CODE §2254.1032; AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT; AND PROVIDING AN EFFECTIVE DATE.

Council Member Deats made a motion to approve the Resolution, and Council Member Decker seconded the motion. Council thanked Linebarger Goggan Blair & Sampson, LLP for the good work that it has done for the City in the past. There being no further discussion, Mayor Masters called for the vote.

VOTE:

6 AYES (Suderman, Skipworth, Wilson, Deats, Decker, King)

0 NAYS

MOTION PASSED

- ITEM 11.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Ordinance Number 949-2020 – **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD ON MAY 2, 2020, TO SUBMIT PROPOSED CHARTER AMENDMENTS TO THE VOTERS FOR THEIR APPROVAL; PROVIDING AN ESTIMATE OF THE ANTICIPATED FISCAL IMPACT TO THE CITY IF THE PROPOSED AMENDMENTS ARE APPROVED; PROVIDING FOR THE PUBLICATION OF NOTICE OF THE ELECTION; AND MAKING OTHER FINDINGS AND PROVISIONS RELATING TO THE HOLDING OF SUCH ELECTION.** (Second of Three Readings)

Following a brief discussion, Council decided to go through the proposed Charter amendments individually.

Proposition A: “Shall the Charter be amended to adopt the Council-Manager form of government?”

Council Member Deats made a motion to approve the placement of the proposed Amendment, as presented, on the Special Election ballot, and Council Member Skipworth seconded the motion. There being no discussion, Mayor Masters called for the vote.

VOTE:

5 AYES (Suderman, Skipworth, Deats, Decker, King)

1 NAY (Wilson)

MOTION PASSED

Proposition B: “Shall the Charter be amended by to provide Council the power to provide for approval of subdivision plats and to carry out plans for areas destroyed by disaster?”

Council Member Deats made a motion to approve the placement of the proposed Amendment, as presented, on the Special Election ballot, and Council Member Decker seconded the motion. There being no discussion, Mayor Masters called for the vote.

VOTE:

6 AYES (Suderman, Skipworth, Wilson, Deats, Decker, King)

0 NAYS

MOTION PASSED

Proposition C: “Shall the Charter be amended to require a person to be a resident of the city for at least twelve months immediately preceding their election to the City Council?”

Council Member Deats made a motion to approve the placement of the proposed Amendment, as presented, on the Special Election ballot, and Council Member Decker seconded the motion. There being no discussion, Mayor Masters called for the vote.

VOTE:

6 AYES (Suderman, Skipworth, Wilson, Deats, Decker, King)

0 NAYS

MOTION PASSED

Proposition D: “Shall the Charter be amended to permit the City Council to appoint a person to fill a vacant Councilmember position within one year of a regular election?”

Council Member Deats made a motion to approve the placement of the proposed Amendment, as presented, on the Special Election ballot, and Council Member Decker seconded the motion. There being no discussion, Mayor Masters called for the vote.

VOTE:

6 AYES (Suderman, Skipworth, Wilson, Deats, Decker, King)

0 NAYS

MOTION PASSED

Proposition E: “Shall the Charter be amended to permit publication of ordinances, notices and other matters as authorized by State law?”

Council Member Deats made a motion to approve the placement of the proposed Amendment, as presented, on the Special Election ballot, and Council Member King seconded the motion. City Attorney David Olson remarked that the proposed addition of “or as otherwise permitted by state law” to the end of Section 12.03 of the City Charter is very useful. There being no further discussion, Mayor Masters called for the vote.

VOTE:

6 AYES (Suderman, Skipworth, Wilson, Deats, Decker, King)
0 NAYS

MOTION PASSED

Proposition F: “Shall the Charter be amended to require an amendment relating to the administration of the City’s finances including requiring earlier submission of budget and publication of the budget as permitted by state law?”

Council Member Deats made a motion to approve the placement of the proposed Amendment, as presented, on the Special Election ballot, and Council Member Decker seconded the motion. There being no discussion, Mayor Masters called for the vote.

VOTE:

6 AYES (Suderman, Skipworth, Wilson, Deats, Decker, King)
0 NAYS

MOTION PASSED

Proposition G: “Shall the Charter be amended to increase the amount of the City’s disaster contingency fund?”

Council Member Deats made a motion to approve the placement of the proposed Amendment, as presented, on the Special Election ballot, and Council Member King seconded the motion. City Attorney David Olson confirmed that the proposed amendment would not currently cause a financial impact, noting that the change makes a current ceiling into a floor. There being no further discussion, Mayor Masters called for the vote.

VOTE:

6 AYES (Suderman, Skipworth, Wilson, Deats, Decker, King)

0 NAYS

MOTION PASSED

Proposition H: “Shall the Charter be amended to provide for the contract and purchase of goods and services consistent with state procurement laws?”

Council Member Deats made a motion to approve the placement of the proposed Amendment, as presented, on the Special Election ballot, and Council Member Skipworth seconded the motion. There being no discussion, Mayor Masters called for the vote.

VOTE:

6 AYES (Suderman, Skipworth, Wilson, Deats, Decker, King)

0 NAYS

MOTION PASSED

Proposition I: “Shall the Charter be amended to allow the appointment of Councilmembers to serve on boards, commissions and committees where permitted by State law?”

Council Member Wilson made a motion to approve the placement of the proposed Amendment, as presented, on the Special Election ballot, and Council Member King seconded the motion. City Attorney David Olson said that currently, members of council (and only up to four members of council, per state law) can only serve on the board of Dickinson Economic Development Corporation without specific permission. Chris Tucker (2304 Hughes Road, Dickinson) asked if the appointment of a member of council to a board would make them a voting member of the board, and Mayor Masters confirmed that it would. There being no further discussion, Mayor Masters called for the vote.

VOTE:

6 AYES (Suderman, Skipworth, Wilson, Deats, Decker, King)

0 NAYS

MOTION PASSED

Proposition J: “Shall the Charter be amended to prohibit any City officer or employee from participating in any vote or decision in which the person has a personal interest?”

Council Member Deats made a motion to approve the placement of the proposed Amendment, as presented, on the Special Election ballot, and Council Member Decker seconded the motion. City Attorney David Olson addressed questions regarding who would be considered an officer of the City, noting that state law defines that term. There being no further discussion, Mayor Masters called for the vote.

VOTE:

6 AYES (Suderman, Skipworth, Wilson, Deats, Decker, King)

0 NAYS

MOTION PASSED

Proposition K: “Shall the Charter be amended to require the periodic review of the Charter by a Council appointed Charter Commission?”

Council Member Deats made a motion to approve the placement of the proposed Amendment, as presented, on the Special Election ballot, and Council Member King seconded the motion. City Attorney David Olson said that the ten-year requirement for the establishment of a Charter Review Commission does not preclude Council from establishing such a Commission at any other time; the requirement simply sets a minimum time period for establishing the Commission. There being no further discussion, Mayor Masters called for the vote.

VOTE:

6 AYES (Suderman, Skipworth, Wilson, Deats, Decker, King)

0 NAYS

MOTION PASSED

Proposition L: “Shall the Charter be amended to permit the publication of the report of the Charter Review Commission on the City’s website?”

Council Member Suderman made a motion to approve the placement of the proposed Amendment, as presented, on the Special Election ballot, and Council Member Skipworth seconded the motion. City Attorney David Olson confirmed that the previous typographical error has been corrected. There being no further discussion, Mayor Masters called for the vote.

VOTE:

6 AYES (Suderman, Skipworth, Wilson, Deats, Decker, King)

0 NAYS

MOTION PASSED

Proposition M: “Shall the Charter be amended to provide for gender neutral terminology and to correct other terms, spelling and capitalization without making any substantive changes?”

Council Member Deats made a motion to approve the placement of the proposed Amendment, as presented, on the Special Election ballot, and Council Member Skipworth seconded the motion. There being no discussion, Mayor Masters called for the vote.

VOTE:

6 AYES (Suderman, Skipworth, Wilson, Deats, Decker, King)

0 NAYS

MOTION PASSED

Proposition N: Council Member Deats made a motion to approve the placement of the proposed Amendment, as presented, on the Special Election ballot, and Council Member Wilson seconded the motion. There being no discussion, Mayor Masters called for the vote.

VOTE:

6 AYES (Suderman, Skipworth, Wilson, Deats, Decker, King)

0 NAYS

MOTION PASSED

Proposition O: “Shall the Charter be amended to conform to the general laws of the State of Texas?”

Council Member Wilson made a motion to approve the placement of the proposed Amendment, as presented, on the Special Election ballot, and Council Member Deats seconded the motion. There being no discussion, Mayor Masters called for the vote.

VOTE:

6 AYES (Suderman, Skipworth, Wilson, Deats, Decker, King)

0 NAYS

MOTION PASSED

Proposition P: “Shall the Charter be amended to prohibit a former Mayor or Councilmember from holding any compensated appointive office or city employment within ten (10) years after the expiration of the term?”

Council Member Deats made a motion to approve the placement of the proposed Amendment, as presented, on the Special Election ballot, and Council Member Skipworth seconded the motion.

City Attorney David Olson said that this proposition extends the prohibition of a former mayor or councilmember from holding a compensated appointive office or city employment from one year following their departure from City Council to ten years following their departure from City Council. Council discussed whether the Charter should clarify that that meant employment with the City of Dickinson. Mr. Olson said that that was not necessary. Council Member Skipworth said that five years might be more appropriate than ten years, and several members of council agreed.

Council Member Deats amended his motion to instead approve the placement of the proposed Amendment, as presented but with the limitation changed five years, on the Special Election ballot, and Council Member Skipworth seconded the amended motion. There being no further discussion, Mayor Masters called for the vote.

VOTE:

6 AYES (Suderman, Skipworth, Wilson, Deats, Decker, King)
0 NAYS

MOTION PASSED

Proposition Q: “Shall the Charter be amended to prohibit an active employee from serving on any City board, commission or committee?”

Council Member Deats made a motion to approve the placement of the proposed Amendment, as presented, on the Special Election ballot, and Council Member Decker seconded the motion. Mayor Masters expressed her opposition to the proposition, saying that it would effectively restrict a future Council. There being no further discussion, Mayor Masters called for the vote.

VOTE:

6 AYES (Suderman, Skipworth, Wilson, Deats, Decker, King)

0 NAYS

MOTION PASSED

Proposition R: “Shall the Charter be amended to delete the requirement that the Mayor Pro Tem becomes the Mayor in the event of a vacancy in the office of Mayor?”

Council Member Deats made a motion to approve the placement of the proposed Amendment, as presented, on the Special Election ballot, and Council Member Decker seconded the motion. There being no discussion, Mayor Masters called for the vote.

VOTE:

6 AYES (Suderman, Skipworth, Wilson, Deats, Decker, King)

0 NAYS

MOTION PASSED

City Attorney David Olson said that in the last Council meeting, Council Member Skipworth had asked that a proposition be added to the ballot for consideration of allowing non-binding referendums to be held: “Shall the Charter be amended to allow for nonbinding referendums?” That proposition, if approved, would be Proposition S, and would involve a text amendment to Section 6.01 of the City Charter.

Proposition S: Council Member Deats made a motion to approve the placement of the proposed Amendment, as presented, on the Special Election ballot, and Council Member Wilson seconded the motion. Council Member Skipworth said that since the City cannot move its election to November, this amendment, if approved by the voters, would allow the City to call a non-binding referendum. There being no further discussion, Mayor Masters called for the vote.

VOTE:

6 AYES (Suderman, Skipworth, Wilson, Deats, Decker, King)

0 NAYS

MOTION PASSED

Proposition T: Council Member Deats made a motion to include a Proposition T on the Special Election ballot, with the Proposition being the same as that considered by Council as then Proposition C during its January 28, 2020 Regular Meeting: “Shall the Charter be amended to limit the terms of office for the Mayor and Councilmembers?” There not

being an immediate second to the motion, Council Member Deats reurged the motion. Council Member Skipworth then seconded the motion.

H Scott Apley, 4905 East 34th Street, Dickinson, Texas – Mr. Apley thanked Council Member Deats for allowing Council to reconsider adding this Proposition to the ballot. He remarked that incumbents on Council have been able to use their positions to establish networks and accumulate funds, and that by simply being on Council they also enjoy an information advantage over potential challengers. Last meeting, Council said that voters should be trusted, but now it is considering withholding this Proposition from voters. This, he said, is unacceptable.

Matt Sabatier, 2818 Greenbriar Street, Dickinson, Texas – Mr. Sabatier agreed with Mr. Apley, and said that the citizens of Dickinson deserve the opportunity to vote for or against term limits.

Trey Rusk, 5304 Lazymist Court, Dickinson, Texas – Mr. Rusk supports letting voters decide whether to impose term limits on members of Council, and he thanked Council Member Deats for addressing the issue. He asked what percentage of voters are needed to overturn an action of Council. City Attorney David Olson said that, for ordinances, that 20% of the number of people who voted in the last election. For a recall election, Mr. Olson said, that percentage raises to 35%. Mr. Olson added that citizens cannot petition to put a Charter amendment on the ballot.

Chris Tucker, 2304 Hughes Road, Dickinson, Texas – Mr. Tucker said that this is not a time for Council Members to help themselves, and that voters should decide whether to implement term limits.

Scott Shrader, 3719 Kellner Road, Dickinson, Texas – Dr. Shrader was a member of the Charter Review Commission. He believes that the success of a City is more to do with its City Administrator or City manager than it is with its form of government. He also believed that the voters be allowed to decide on whether to adopt term limits for Council.

Mayor Masters expressed her opposition to the imposition of term limits and said that the majority of Council agrees

with her on the matter. Council Member Deats reiterated his support for including the Proposition on the ballot. Council Member Suderman expressed his support for putting every proposition on the ballot for the voters. Council Member King said that he opposes term limits; Dickinson needs the best people on Council, and the best people win elections. Council Member King then said that most members of Council live on the West side of Dickinson, and that adopting Council districts would help to correct that imbalance. Council Member Skipworth said that although the arguments heard concerning term limits are earnest, the current increase in the number of people running for office in Dickinson is not due to term limits – it is due to decreasing apathy in the public. He said that incumbency advantage at the local level is not great and could actually be a disadvantage. Additionally, Council Member Skipworth said that the argument about voter disenfranchisement is not valid; voters can vote people out of office. Voters who vote for term limits, he said, are unfairly forcing their political views on others. Council Member Wilson expressed his opposition to term limits, saying that voters who want to keep good, long-term members of Council should be allowed to. Mayor Masters said that many cities that had adopted term limits, such as Webster, subsequently removed the limits because they do not work and are only good on paper.

Council Member Skipworth said that the 2013 start time for term limits bothers him, as he does not wish for any term limits to be retroactive. He moved to amend the date to make it effective as of the date of approval, not as of June 2013. Council Member Decker seconded the motion to amend. Council Member Wilson briefly left the meeting from 8:35 p.m. until 8:37 p.m. Upon Council Member Wilson's return, and there being no discussion on the motion to amend, Mayor Masters called for the vote.

VOTE:

3 AYES (Skipworth, Wilson, Decker)

3 NAYS (Suderman, Deats, King)

There being an equal number of Council Members for and against the motion, Mayor Masters broke the tie by opposing the motion.

MOTION FAILED

There being no further discussion on the motion to include the above Proposition T on the Special Election ballot, Mayor Masters called for the vote.

VOTE:

5 AYES (Suderman, Skipworth, Wilson, Deats, Decker)

1 NAY (King)

MOTION PASSED

Proposition U: Council Member Deats made a motion to include a Proposition U on the Special Election ballot, with the Proposition being the same as that considered by Council as then Proposition E during its January 28, 2020 Regular Meeting: "Shall the Charter be amended to provide for compensation of the Mayor and Councilmembers not to exceed \$75 per meeting or \$1,800 per year, whichever is less?" Council Member King seconded the motion. Council Member Deats explained that the Proposition was a recommendation from the Charter Review Commission and although he takes no position on the Proposition, he believes that voters should have the ability to vote on it. There being no further discussion, Mayor Masters called for the vote.

VOTE:

5 AYES (Suderman, Wilson, Deats, Decker, King)

1 NAY (Skipworth)

MOTION PASSED

Mayor Masters said that, although she did not get to vote on the motion, she also opposed it.

Council Member Deats made a motion to approve the Ordinance as amended, and Council Member Wilson seconded the motion. There being no discussion, Mayor Masters called for the vote.

VOTE:

6 AYES (Suderman, Skipworth, Wilson, Deats, Decker, King)

0 NAYS

MOTION PASSED

Mayor Masters said that she would like an informational flyer to be prepared regarding the Propositions, and City Attorney David Olson agreed.

ITEM 12.) EXECUTIVE SESSION: The City Council will now hold a closed executive meeting pursuant to the provision of Chapter 551, Government Code, Vernon's Texas Codes annotated, in accordance with the authority contained in:

A. Section 551.071 – Consultation with Attorney regarding pending litigation and matters in which the duty of the City Attorney requires to be discussed in closed meeting.

Mayor Masters recessed the regular meeting at 8:44 p.m.

ITEM 13.) RECONVENE

Mayor Masters reconvened the regular meeting at 8:57 p.m.

ITEM 14.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Matters Discussed in Executive Session.

None.

ITEM 15.) ADJOURN

Council Member Wilson made a motion to adjourn the meeting at 8:57 p.m., and Council Member Deats seconded the motion. There being no discussion, Mayor Masters called for the vote.

VOTE:

6 AYES (Suderman, Skipworth, Wilson, Deats, Decker, King)

0 NAYS

MOTION PASSED

PASSED, APPROVED AND ADOPTED this the 10th day of March, 2020.

Julie Masters, Mayor

ATTEST:

Alun W. Thomas, City Secretary

ITEM 8B

**Dickinson City Council
Agenda Item Data Sheet**

MEETING DATE: March 10, 2020

TOPIC:	Approval of Amended Minutes of the Special Council Meeting of February 4, 2020.
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BACKGROUND:	<p>After a close review of a recording from the February 4, 2020 Special Meeting of the City Council, I have made some changes to the originally approved minutes from the meeting.</p> <p>The improved minutes presented in this Item have been <i>emended</i> to clarify a few minor errors and to elaborate on some more complex discussions, and also <i>amended</i> to correct several factual errors. The most substantive of the amendments made were to the first motion under Item 2, and the subsequent motion to table that motion; the correction of the motions made under each Proposition to state that that the motions were to approve the placement of the proposed Amendment with text amendments, as presented; the inclusion of the first of the motions to approve Proposition M's inclusion on the Special Election ballot, and the correction of the secondary motion to reflect its secondary status.</p> <p>I have also included under each Proposition the ballot language for the Proposition, to make it clearer and simpler to those who review the minutes in the future exactly what was being considered.</p>
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RECOMMENDATION:	Given that this version of the minutes is a more accurate reflection of the meeting, I recommend that Council approve the amended minutes as presented herein.
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ATTACHMENTS:	<ul style="list-style-type: none"> • Amended Minutes from City Council's February 4, 2020 Special Meeting.
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FUNDING ISSUES:	<input checked="" type="checkbox"/> Not applicable – no dollars are being spent or received. <input type="checkbox"/> Full amount already budgeted in Acct/Project# _____ <input type="checkbox"/> Not budgeted
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FINANCE VERIFICATION OF FUNDING:	
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SUBMITTING STAFF MEMBER: Alun W. Thomas, City Secretary	CITY ADMINISTRATOR APPROVAL:
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ACTIONS TAKEN		
APPROVAL <input type="checkbox"/> YES <input type="checkbox"/> NO	READINGS PASSED <input type="checkbox"/> 1 st <input type="checkbox"/> 2 nd <input type="checkbox"/> 3 rd	OTHER

Julie Masters, Mayor
Charles Suderman, Mayor Pro Tem
Sean Skipworth
Walter Wilson

**AMENDED
MINUTES**
City of Dickinson
**CITY COUNCIL
SPECIAL MEETING**

Wally Deats
Louis Decker
William H. King III
Chris Heard, City Administrator

February 4, 2020

The Dickinson City Council met in a duly called and announced **SPECIAL MEETING** on **Tuesday, February 4, 2020**, at **6:00 p.m.** The meeting was held in the City Council Chambers located at 4403 Highway 3, Dickinson, Galveston County, Texas, and was held for the purpose of considering the following items:

ITEM 1.) CALL TO ORDER AND CERTIFICATION OF A QUORUM

Mayor Masters called the meeting to order at 6:04 p.m. Court Clerk Laurie Tollett called roll and certified a quorum. Council Members present were as follows: Mayor Julie Masters, Mayor Pro-Tem Charles Suderman, and Council Members Sean Skipworth, Walter Wilson, Wally Deats, and Louis Decker. Council Member William H. King, III was absent. Also present were City Attorney David Olson and City Administrator Chris Heard.

ITEM 2.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Ordinance Number XXX-2020 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD ON MAY 2, 2020, TO SUBMIT PROPOSED CHARTER AMENDMENTS TO THE VOTERS FOR THEIR APPROVAL; PROVIDING AN ESTIMATE OF THE ANTICIPATED FISCAL IMPACT TO THE CITY IF THE PROPOSED AMENDMENTS ARE APPROVED; PROVIDING FOR THE PUBLICATION OF NOTICE OF THE ELECTION; AND MAKING OTHER FINDINGS AND PROVISIONS RELATING TO THE HOLDING OF SUCH ELECTION.

Council discussed the proposed Charter amendments, with members drawing attention to the amendments that they each felt needed to be changed or removed. Following a brief discussion about some minor typographical errors that needed to be corrected, each member of Council shared their thoughts about the proposed Charter amendments.

Council Member Skipworth questioned why the term limits began counting from the year 2013. Charter Review Commission Chairman Ivan Langford addressed the question, noting that the date was chosen so as to allow for the possible reelection of current members of Council this year. Council discussed the issue, with some members of Council in favor of term limits, and others opposed.

Council Member Deats made a motion to approve the placement of all proposed Amendments, as presented, on the Special Election ballot, and Council Member Suderman seconded the motion.

Chris Tucker, 2304 Hughes Road, Dickinson, Texas – Mr. Tucker addressed Council regarding proposed additional Charter provisions regarding development, and expressed his concerns with street drainage infrastructure in the city.

City Attorney David Olson recommended that, in lieu of one motion, Council should consider going through each proposed Amendment one at a time. Following a discussion about the proper parliamentary procedure for proceeding, Council Member Skipworth made a motion to table Council Member Deats' motion, and Council Member Wilson seconded the motion to table. There being no further discussion, Mayor Masters called for the vote on the motion to table Council Member Deats' motion.

5 AYES (Suderman, Skipworth, Wilson, Deats, Decker)

0 NAYS

MOTION PASSED

Council then considered each proposed amendment one at a time. The Council's discussion on those proposed amendments is below:

Proposition A: "Shall the Charter be amended to adopt the Council-Manager form of government?"

Council Member Deats made a motion to approve the placement of the proposed Amendment with text amendments, as presented, on the Special Election ballot, and Council Member Suderman seconded the motion. Council Member Wilson expressed his opposition in the change of the form of government, saying that having a City Manager would diminish the powers of the City Council. There being no further discussion, Mayor Masters called for the vote.

VOTE:

3 AYES (Suderman, Skipworth, Deats)

2 NAYS (Wilson, Decker)

MOTION PASSED

Proposition B: "Shall the Charter be amended by to provide council the power to provide for approval of subdivision plats and to carry out plans for areas destroyed by disaster?"

Council Member Deats made a motion to approve the placement of the proposed Amendment with text amendments, as presented, on the Special Election ballot, and Council Member Skipworth seconded the motion.

There being no discussion, Mayor Masters called for the vote.

VOTE:

4 AYES (Suderman, Skipworth, Wilson, Deats)

1 NAY (Decker)

MOTION PASSED

Proposition C: “Shall the Charter be amended to limit the terms of office for the Mayor and Councilmembers?”

Council Member Deats made a motion to approve the placement of the proposed Amendment with text amendments, as presented, on the Special Election ballot, and Council Member Suderman seconded the motion. Council Member Deats said that this is not about personal opinions; it is about whether to allow voters to vote on this. Mayor Masters disagreed, saying that the opinions of each Council Member do matter here, and that she agreed with Council Member Skipworth’s opposition to the Proposition and to term limits. Council discussed in more detail the arguments for and against term limits. There being no further discussion, Mayor Masters called for the vote.

VOTE:

2 AYES (Skipworth, Wilson)

3 NAYS (Suderman, Deats, Decker)

MOTION FAILED

Proposition D: “Shall the Charter be amended to require a person to be a resident of the city for at least twelve months immediately preceding their election to the city council?”

Council Member Deats made a motion to approve the placement of the proposed Amendment with text amendments, as presented, on the Special Election ballot, and Council Member Skipworth seconded the motion. There being no discussion, Mayor Masters called for the vote.

VOTE:

5 AYES (Suderman, Skipworth, Wilson, Deats, Decker)

0 NAYS

MOTION PASSED

Proposition E: “Shall the Charter be amended to provide for compensation of the Mayor and Councilmembers not to

exceed \$75 per meeting or \$1,800 per year, whichever is less?”

Council Member Deats made a motion to approve the placement of the proposed Amendment with text amendments, as presented, on the Special Election ballot, and Council Member Wilson seconded the motion. Council Member Skipworth and Mayor Masters stated their opposition to the Proposition. There being no further discussion, Mayor Masters called for the vote.

VOTE:

2 AYES (Wilson, Deats)

3 NAYS (Suderman, Skipworth, Decker)

MOTION FAILED

Proposition F: “Shall the Charter be amended to permit the City Council to appoint a person to fill a vacant councilmember position within one year of a regular election?”

Council Member Deats made a motion to approve the placement of the proposed Amendment with text amendments, as presented, on the Special Election ballot, and Council Member Skipworth seconded the motion. There being no discussion, Mayor Masters called for the vote.

VOTE:

4 AYES (Suderman, Skipworth, Wilson, Deats)

1 NAY (Decker)

MOTION PASSED

Proposition G: “Shall the Charter be amended to permit the passage of ordinances after two readings?”

Council Member Deats made a motion to approve the placement of the proposed Amendment with text amendments, as presented, on the Special Election ballot, and no Council Member seconded the motion.

MOTION FAILED

Proposition H: “Shall the Charter be amended to require an amendment relating to the administration of the City’s finances including requiring earlier submission of budget and publication of the budget as permitted by state law?”

Council Member Wilson made a motion to approve the placement of the proposed Amendment with text amendments, as presented, on the Special Election ballot, and Council Member Decker seconded the motion. There being no discussion, Mayor Masters called for the vote.

VOTE:
5 AYES (Suderman, Skipworth, Wilson, Deats, Decker)
0 NAYS
MOTION PASSED

Proposition I: “Shall the Charter be amended to increase the amount of the City’s disaster contingency fund?”

Council Member Wilson made a motion to approve the placement of the proposed Amendment with text amendments, as presented, on the Special Election ballot, and Council Member Decker seconded the motion. Council Member Wilson asked for information regarding the potential financial impact to the City. City Administrator Chris Heard said that he would prepare a full analysis ready to present to Council at the next meeting. There being no further discussion, Mayor Masters called for the vote.

VOTE:
5 AYES (Suderman, Skipworth, Wilson, Deats, Decker)
0 NAYS
MOTION PASSED

Proposition J: “Shall the Charter be amended to provide for the contract and purchase of goods and services consistent with state procurement laws?”

Council Member Wilson made a motion to approve the placement of the proposed Amendment with text amendments, as presented, on the Special Election ballot, and Council Member Decker seconded the motion. There being no discussion, Mayor Masters called for the vote.

VOTE:
5 AYES (Suderman, Skipworth, Wilson, Deats, Decker)
0 NAYS
MOTION PASSED

Proposition K: “Shall the Charter be amended to allow the appointment of members of council to serve on boards, commissions and committees where permitted by state law?”

Council Member Deats made a motion to approve the placement of the proposed Amendment with text amendments, as presented, on the Special Election ballot, and Council Member Wilson seconded the motion. There being no discussion, Mayor Masters called for the vote.

VOTE:

5 AYES (Suderman, Skipworth, Wilson, Deats, Decker)

0 NAYS

MOTION PASSED

Proposition L: “Shall the Charter be amended to prohibit any city officer or employee from participating in any vote or decision in which the person has a personal interest?”

Council Member Deats made a motion to approve the placement of the proposed Amendment with text amendments, as presented, on the Special Election ballot, and Council Member Skipworth seconded the motion. There being no discussion, Mayor Masters called for the vote.

VOTE:

5 AYES (Suderman, Skipworth, Wilson, Deats, Decker)

0 NAYS

MOTION PASSED

Proposition M: “Shall the Charter be amended to require the periodic review of the Charter by a council appointed charter commission?”

Council Member Deats made a motion to approve the placement of the proposed Amendment with text amendments, as presented, on the Special Election ballot, and Council Member Suderman seconded the motion. Mayor Masters said that she wanted to ensure that a Charter Review Commission be appointed every time that Charter amendments are considered. Council Member Skipworth made a secondary motion that the Proposition be amended to allow for ten years between Charter Review Commission reviews rather than five. City Attorney David Olson addressed the questions of Council and provided his legal interpretation of the proposed Amendment. Council Member Wilson seconded the motion to amend the time period. There being no discussion, Mayor Masters called for the vote on the secondary motion.

VOTE:

4 AYES (Suderman, Skipworth, Wilson, Deats)

1 NAY (Decker)

MOTION PASSED

There being no further discussion on the original motion, Mayor Masters called for the vote.

VOTE:

5 AYES (Suderman, Skipworth, Wilson, Deats, Decker)

0 NAYS

MOTION PASSED

Proposition N: "Shall the Charter be amended to permit the publication of the report of the charter review commission on the City's website?"

Council Member Deats made a motion to approve the placement of the proposed Amendment with text amendments, as presented, on the Special Election ballot, and Council Member Skipworth seconded the motion. There being no discussion, Mayor Masters called for the vote.

VOTE:

5 AYES (Suderman, Skipworth, Wilson, Deats, Decker)

0 NAYS

MOTION PASSED

Proposition O: "Shall the Charter be amended to provide for gender neutral terminology and to correct other terms, spelling and capitalization without making any substantive changes?"

Council Member Deats made a motion to approve the placement of the proposed Amendment with text amendments, as presented, on the Special Election ballot, and Council Member Skipworth seconded the motion. There being no discussion, Mayor Masters called for the vote.

VOTE:

5 AYES (Suderman, Skipworth, Wilson, Deats, Decker)

0 NAYS

MOTION PASSED

Proposition P: “Shall the Charter be amended to conform to the general laws of the State of Texas?”

Council Member Wilson made a motion to approve the placement of the proposed Amendment with text amendments, as presented, on the Special Election ballot, and Council Member Decker seconded the motion. There being no discussion, Mayor Masters called for the vote.

VOTE:

5 AYES (Suderman, Skipworth, Wilson, Deats, Decker)

0 NAYS

MOTION PASSED

Proposition Q: “Shall the Charter be amended to permit Council to renumber and rearrange the sections of the Charter by ordinance?”

Council Member Wilson made a motion to approve the placement of the proposed Amendment with text amendments, as presented, on the Special Election ballot, and Council Member Deats seconded the motion. There being no discussion, Mayor Masters called for the vote.

VOTE:

5 AYES (Suderman, Skipworth, Wilson, Deats, Decker)

0 NAYS

MOTION PASSED

Proposition R: “Shall the Charter be amended to permit Council to rearrange and renumber provisions by ordinance?”

Per recommendation from City Attorney David Olson, this Proposition was deemed redundant and was removed from consideration.

Proposition S: Council Member Skipworth made a motion to approve the placement of an additional proposed Amendment, with text amendments, on the Special Election ballot. The proposed Amendment would move future City of Dickinson municipal officer elections to the November Uniform Election Date. City Attorney David Olson will look into the feasibility of changing the election date. Council Member Deats seconded the motion. There being no further discussion, Mayor Masters called for the vote.

VOTE:

4 AYES (Suderman, Skipworth, Wilson, Deats)

1 NAY (Decker)

MOTION PASSED

Proposition T: Council Member Skipworth made a motion to approve the placement of an additional proposed Amendment, with text amendments, on the Special Election ballot. The proposed Amendment would limit former members of Council from being employed by the City for at least ten years following the expiration of their last term of office. Council Member Deats seconded the motion. There being no discussion, Mayor Masters called for the vote.

VOTE:

4 AYES (Suderman, Skipworth, Deats, Decker)

1 NAY (Wilson)

MOTION PASSED

Proposition U: Council Member Skipworth made a motion to approve the placement of an additional proposed Amendment, with text amendments, on the Special Election ballot. The proposed Amendment would prohibit active City employees from serving as voting members on City board or commissions. Council Member Deats seconded the motion. There being no discussion, Mayor Masters called for the vote.

VOTE:

5 AYES (Suderman, Skipworth, Wilson, Deats, Decker)

0 NAYS

MOTION PASSED

ITEM 3.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Resolution Number 1812-2020 – **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, REPEALING RESOLUTION NUMBER 1079-2009; ADOPTING A REVISED POLICY AND APPLICATION AND AGREEMENT REGARDING USE OF MUNICIPAL MEETING ROOMS AND CITY GROUNDS AND FACILITIES; AND PROVIDING AN EFFECTIVE DATE**

Council Member Deats made a motion to approve the Resolution, and Council Member Suderman seconded the motion. There being no discussion, Mayor Masters called for the vote.

VOTE:

5 AYES (Suderman, Skipworth, Wilson, Deats, Decker)

0 NAYS

MOTION PASSED

ITEM 4.) PUBLIC COMMENT

None.

ITEM 5.) ADJOURN

Council Member Suderman made a motion to adjourn the meeting at 7:32 p.m., and Council Member Wilson seconded the motion. There being no discussion, Mayor Masters called for the vote.

VOTE:

5 AYES (Suderman, Skipworth, Wilson, Deats, Decker)

0 NAYS

MOTION PASSED

PASSED, APPROVED AND ADOPTED this the 10th day of March, 2020.

Julie Masters, Mayor

ATTEST:

Alun W. Thomas, City Secretary

ITEM 8C

Dickinson City Council
Agenda Item Data Sheet

MEETING DATE: March 10, 2020

TOPIC: Ratification of a Letter of Support to the Connect Transit application to the FY2020 Coordinated Call for Projects, Rural Discretionary (RD) program

BACKGROUND: As one of the stakeholders supporting Connect Transit services, the City has extended support to the Connect Transit application to the FY2020 Coordinated Call for Projects, Rural Discretionary (RD) program, to provide bridge funding to Connect Transit to separate from the Gulf Coast Center and form a stand-alone organization, Gulf Coast Transit District. The request for funding will support:

- Twelve months of salary and fringe benefit expense for nine administrative positions. As a stand-alone transit district, Connect Transit will incur direct expense for financial, human resources, and IT that it currently incurs as part of the GCC indirect overhead charge.
- Professional services from an ERP Specialist. As a new organization, Connect Transit will create a new back-office infrastructure. Ensuring that this infrastructure is properly procured, configured and installed, processes are defined, and users are trained will be critical to the smooth transition and efficient operations of the new transit district.
- Professional service from a Certified Public Account. Connect Transit has been under the umbrella of the Gulf Coast Center since it launched service in 1985. As part of the separation, the GCC and Connect Transit will need to agree on the separation of funds and capital assets. A CPA will provide the level of professional knowledge and objectivity to ensure the transfer agreement is complete and transparent.
- Transit Hard and Software. Connect Transit operates a fleet of approximately 50 vehicles which have a mix of equipment and operability. Standardizing equipment across all vehicles will ensure efficient maintenance, improve safety, and elevate the rider experience. Connect Transit is also planning to purchase new software to help make trip reservations easier and reporting quicker and more accurate.

RECOMMENDATION: Ratification of letter of support

ATTACHMENTS:

- Resolution No. XXX-2020
- Letter of Support

ACTIONS TAKEN		
APPROVAL	READINGS PASSED	OTHER
<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> 1 st <input type="checkbox"/> 2 nd <input type="checkbox"/> 3 rd	

**Dickinson City Council
Agenda Item Data Sheet**

FUNDING ISSUES:	<input checked="" type="checkbox"/> Not applicable – no dollars are being spent or received. <input type="checkbox"/> Full amount already budgeted in Acct/Project# _____ <input type="checkbox"/> Not budgeted, if approved, the following will be included in the next Budget Amendment
FINANCE VERIFICATION OF FUNDING:	
N/A	

SUBMITTING STAFF MEMBER: Kerilyn Bascle, Asst. to City Admin.	CITY ADMINISTRATOR APPROVAL:
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ACTIONS TAKEN		
APPROVAL	READINGS PASSED	OTHER
<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> 1 st <input type="checkbox"/> 2 nd <input type="checkbox"/> 3 rd	

RESOLUTION NUMBER XXX-2020

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, RATIFYING THE ACTIONS OF THE MAYOR OF THE CITY OF DICKINSON IN EXECUTING A LETTER OF SUPPORT TO THE CONNECT TRANSIT APPLICATION TO THE FY2020 COORDINATED CALL FOR PROJECTS, RURAL DISCRETIONARY (RD) PROGRAM; PROVIDING FOR INCORPORATION OF PREAMBLE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on February 11, 2020, the Mayor determined that it was necessary and in the best interests of the City of Dickinson to extend support to the Connect Transit application to the FY2020 Coordinated Call for Projects, Rural Discretionary (RD) program, to provide bridge funding to Connect Transit to separate from the Gulf Coast Center and form a stand-alone organization, Gulf Coast Transit District, a copy of which is attached hereto as Exhibit "A"; and

WHEREAS, upon review and consideration of all matters attendant and related thereto, the City Council hereby finds and determines that: (1) it is in the best interests of the City of Dickinson and its citizens to execute the letter of support; and (2) that the actions of the Mayor in executing the letter of support should be ratified in all respects.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, THAT:

Section 1. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. The actions of the Mayor taken for and on behalf of the City in providing the letter of support was in the judgment of the Mayor appropriate in order to effectuate the letter to the Connect Transit, is ratified in all respects.

Section 3. This Resolution shall become effective immediately upon its passage.

DULY PASSED AND APPROVED on this the 10th day of March, 2020.

Julie Masters, Mayor
City of Dickinson, Texas

ATTEST:

APPROVED AS TO FORM AND CONTENT:

Alun W. Thomas, City Secretary
City of Dickinson, Texas

David W. Olson, City Attorney
City of Dickinson, Texas

EXHIBIT “A”

TO

RESOLUTION XXX-2020

February 14, 2020

Mr. Eric L. Gleason
Director of Public Transportation, Texas Department of Transportation
150 E. Riverside Drive
Austin, TX 78704

RE: Bridge Funding for Connect Transit /Gulf Coast Transit District

Dear Mr. Gleason:

I am pleased to extend my support to the Connect Transit application to the FY2020 Coordinated Call for Projects, Rural Discretionary (RD) program, to provide bridge funding to Connect Transit to separate from the Gulf Coast Center and form a stand-alone organization, Gulf Coast Transit District. The request for funding will support:

- Twelve months of salary and fringe benefit expense for nine administrative positions. As a stand-alone transit district, Connect Transit will incur direct expense for financial, human resources, and IT that it currently incurs as part of the GCC indirect overhead charge.
- Professional services from an ERP Specialist. As a new organization, Connect Transit will create a new back-office infrastructure. Ensuring that this infrastructure is properly procured, configured and installed, processes are defined, and users are trained will be critical to the smooth transition and efficient operations of the new transit district.
- Professional service from a Certified Public Account. Connect Transit has been under the umbrella of the Gulf Coast Center since it launched service in 1985. As part of the separation, the GCC and Connect Transit will need to agree on the separation of funds and capital assets. A CPA will provide the level of professional knowledge and objectivity to ensure the transfer agreement is complete and transparent.
- Transit Hard and Software. Connect Transit operates a fleet of approximately 50 vehicles which have a mix of equipment and operability. Standardizing equipment across all vehicles will ensure efficient maintenance, improve safety, and elevate the rider experience. Connect Transit is also planning to purchase new software to help make trip reservations easier and reporting quicker and more accurate.

As one of the stakeholders supporting Connect Transit services, I look forward to this exciting change to improve our transit services and fully support this application for funding.

Sincerely,

<<signatory>>
Mayor Julie Masters
City of Dickinson

ITEM 8D

**Dickinson City Council
Agenda Item Data Sheet**

MEETING DATE: March 10, 2020

TOPIC:	<p>RESOLUTION NUMBER XXX-2020</p> <p>A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, DETERMINING THAT A COUNCIL MEMBER OF THE CITY OF DICKINSON MAY SERVE AS A VOLUNTEER FOR AN ORGANIZATION THAT PROTECTS THE HEALTH, SAFETY, OR WELFARE OF THE CITY.</p>
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BACKGROUND:	<p>Section 21.003 of the Texas Local Government Code, authorizes a member of the governing body of a municipality to serve as a volunteer for an organization that protects the health, safety, or welfare of the municipality, regardless of whether the organization is funded or supported in whole or part by the municipality, if the governing body adopts a resolution allowing members of the governing body to perform service of that nature.</p> <p>Approval of this Resolution would allow members of City Council to serve as volunteers for such organizations.</p>
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RECOMMENDATION:	Staff recommends approval of the Resolution.
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ATTACHMENTS:	<ul style="list-style-type: none"> • Resolution XXX-2020
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FUNDING ISSUES:	<input checked="" type="checkbox"/> Not applicable – no dollars are being spent or received. <input type="checkbox"/> Full amount already budgeted in Acct/Project# _____ <input type="checkbox"/> Not budgeted
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FINANCE VERIFICATION OF FUNDING:	
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SUBMITTING STAFF MEMBER: Alun W. Thomas, City Secretary	CITY ADMINISTRATOR APPROVAL:
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ACTIONS TAKEN		
APPROVAL <input type="checkbox"/> YES <input type="checkbox"/> NO	READINGS PASSED <input type="checkbox"/> 1 st <input type="checkbox"/> 2 nd <input type="checkbox"/> 3 rd	OTHER

RESOLUTION NUMBER XXX-2020

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, DETERMINING THAT A COUNCIL MEMBER OF THE CITY OF DICKINSON MAY SERVE AS A VOLUNTEER FOR AN ORGANIZATION THAT PROTECTS THE HEALTH, SAFETY, OR WELFARE OF THE CITY.

WHEREAS, Section 21.003 of the Texas Local Government Code, authorizes a member of the governing body of a municipality to serve as a volunteer for an organization that protects the health, safety, or welfare of the municipality, regardless of whether the organization is funded or supported in whole or part by the municipality, if the governing body adopts a resolution allowing members of the governing body to perform service of that nature; and

WHEREAS, the City Council has determined that it wants to encourage members of City Council of the City of Dickinson, Texas (the "City") to participate in such volunteer activities; now therefore,

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, THAT:

Section 1. The facts and recitals set forth in the preamble of this resolution are hereby found to be true and correct.

Section 2. The City Council of the City does hereby approve and authorize a member of the City Council of the City to serve as a volunteer for an organization that protects the health, safety, or welfare of the City, regardless of whether the organization is funded or supported in whole or part by the City.

Section 3. This Resolution shall become effective immediately upon its passage.

DULY PASSED, APPROVED AND ADOPTED this the 10th day of March, 2020.

Julie Masters, Mayor
City of Dickinson, Texas

ATTEST:

APPROVED AS TO FORM AND CONTENT:

Alun W. Thomas, City Secretary
City of Dickinson, Texas

David W. Olson, City Attorney
City of Dickinson, Texas

ITEM 9

**Dickinson City Council
Agenda Item Data Sheet**

MEETING DATE: March 10, 2020

TOPIC:	CONDUCT A PUBLIC HEARING CONCERNING: SUP-18-1877, A Request For A Specific Use Permit, For A "Church" Located at 4200 42nd Street, Dickinson, Texas 77539, Currently Zoned General Commercial "GC".
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BACKGROUND:	<p>Greater Victory Community Church is looking to move their church from League city to Dickinson and have purchased the property at 4200 42nd Street. Pastor Baggs of the Church approached the City in the latter months of 2018 about placing his church at this location and proceeded with the necessary request for a Specific Use Permit. When the Planning & Zoning Commission first heard the item in November 2018, the applicant was not present and the item was tabled, again this happened in December 2018. Staff was unable to get in touch with Pastor Baggs, however was approached in July regrading signage for the church. At that time staff had a conversation with the applicant, and staff found that they were contacting the wrong people, and ultimately the reason that they did not attend the meeting.</p> <p>On September 17, 2019 the Planning & Zoning Commission held a public Hearing once more, in which no comments in opposition of the request were given. The Item was recommended for approval by the Commission in a 4-1 vote. On October 8, 2019 the City Council denied issuance of the Specific Use Permit.</p> <p>This Item allows reconsideration of the application.</p>
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ATTACHMENTS:	<ul style="list-style-type: none"> • September 17, 2019 Planning & Zoning Commission Packet
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FUNDING ISSUES:	<input checked="" type="checkbox"/> Not applicable – no dollars are being spent or received. <input type="checkbox"/> Full amount already budgeted in Acct/Project# _____ <input type="checkbox"/> Not budgeted.
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FINANCE VERIFICATION OF FUNDING:	
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SUBMITTING STAFF MEMBER: Alun W. Thomas, City Secretary, by request from S. R. Burgess, Interim Director of Community Development	CITY ADMINISTRATOR APPROVAL:
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ACTIONS TAKEN		
APPROVAL <input type="checkbox"/> YES <input type="checkbox"/> NO	READINGS PASSED <input type="checkbox"/> 1 st <input type="checkbox"/> 2 nd <input type="checkbox"/> 3 rd	OTHER



SPECIFIC USE PERMIT APPLICATION

PROPERTY INFORMATION

Address: 4200 Hand Dickinson TX. 77539
Legal Description:
Present Zoning: GC
Specific Use Permit Being Requested Description:
Assembly / Church

OWNER INFORMATION

Owner Name: JACK MAZZOLA Phone #: [REDACTED]
Address: 21 S. FLAMINGO
City: LA MARQUE State: TX Zip: 77568

APPLICANT/AGENT INFORMATION

Applicant Name: Greater Victory Community Ch. Phone #: 832 425 9898
Address: P.O. Box 987
City: League City State: TX Zip: 77573
* If applicant is different than property owner a *Notarized Letter of Authorization* must be attached to the application

PROPERTY OWNER/AGENT AUTHORIZATION

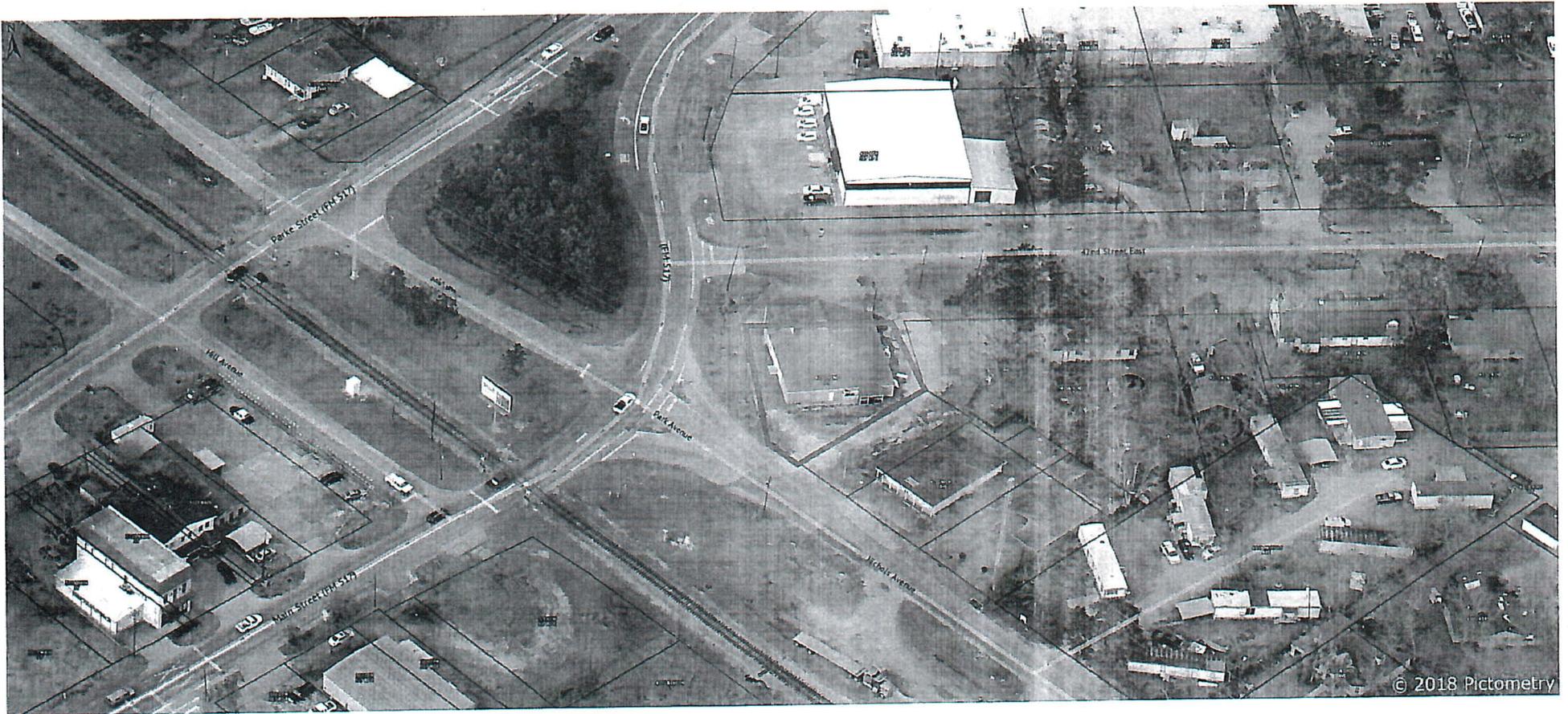
Property Owner Consent/Agent Authorization: By my signature, I hereby affirm that I am the property owner of record, or if the applicant is an organization or business entity, that authorization has been granted to represent the owner, organization or business in this application. I certify that the preceding information is complete and accurate, and it is understood that I agree to the application being requested for this property. Additionally, my signature below indicates my awareness of the fee required at the time of the application submittal and any additional fees as noted in the City's fee schedule. This fee is non-refundable even in the event of application withdrawal. I have the power to authorize and hereby grant permission for City of Dickinson officials to enter the property on official business as part of the application process

[Signature] Nathaniel Baggs 9-26-18
Signature of Controller/Authorized Agent Printed Name Date

FOR OFFICE USE ONLY

Specific Use Permit Number: SUP-18-1877 Fees Due: \$ 525.00
Date Submitted: 10.12.18 Payment: CK #1009
P&Z Meeting Date: _____ Approved Denied
Council Meeting Date: _____ Approved Denied

4200 42nd Street



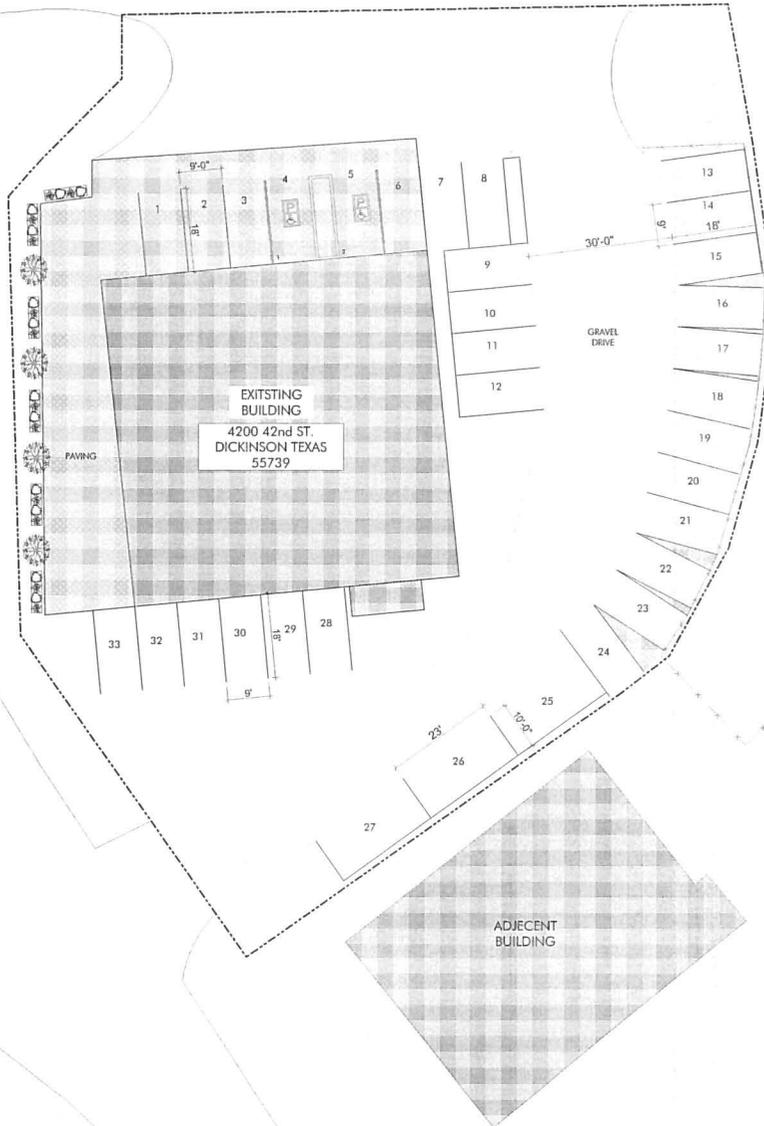
02/02/2018

ID	NAME	ADDRESS2	ADDRESS3	CITY	ST	ZIP
162483	SOLACHE JOSE LUIS&	GARCIA, REINA I	4305 BENSON ST	DICKINSON	TX	77539-6861
162488	DICKINSON ECONOMIC DEVELOPMENT CORPORATION	4403 HWY 3	<null>	DICKINSON	TX	77539
182518	WONG PETER - FRANK LING &	SUNGLING T LUNG	4218 PARKLAND ST	PASADENA	TX	77504-3120
182519	SABZEVARI LOTFOLLAH RUBY SABZEVARI	MEHRDAD SABZEVARI & DIANE SABZEVARI	2610 KENTUCKY AVE	LEAGUE CITY	TX	77573-8404
182520	SABZEVARI LOTFOLLAH RUBY SABZEVARI	MEHRDAD SABZEVARI & DIANE SABZEVARI	2610 KENTUCKY AVE	LEAGUE CITY	TX	77573-8404
182521	JTW INVESTMENTS TRUST	C/O JAMES WILLIFORD	PO BOX 1206	DEER PARK	TX	77536-1206
183788	FULMER JUANITA R	14100 FM 1484	<null>	CONROE	TX	77303
183978	KOVAL MARTA	& VIRNA SCHARUNOVYCH	12307 PINE OAK DR	DICKINSON	TX	77539
183981	COLLEY ROBERT FRANK	608 NATTIGHAM LANE	<null>	DICKINSON	TX	<null>
293040	STANDARD 4204 LLC	19572 SANDCASTLE DR	<null>	SPICEWOOD	TX	<null>

42nd St E

MAIN ST / 517

NICHOLS AVE



N.T.S.
1/30/2020

Burgess, Ray (CD)

From: Nathan Baggs [REDACTED]
Sent: Thursday, January 30, 2020 9:27 AM
To: Burgess, Ray (CD)
Subject: Fwd: Occupancy Load

Sent from my iPhone

Begin forwarded message:

From: "Heddles, Burt (FIRE MARSHAL)" <bheddles@ci.dickinson.tx.us>
Date: January 30, 2020 at 9:23:10 AM CST
To: [REDACTED]
Subject: Occupancy Load

Pastor Baggs,

Per our telephone discussion, your occupancy class is an A3. Your occupancy load is 128.

If you have any questions or concerns, please feel free to contact me.

Thank you,

Burt Heddles
Fire Marshal
City of Dickinson
281-337-6261 Office
281-337-6190 Fax
[*bheddles@ci.dickinson.tx.us*](mailto:bheddles@ci.dickinson.tx.us)

4403 Highway 3
Dickinson, TX 77539
[*http://www.ci.dickinson.tx.us*](http://www.ci.dickinson.tx.us)



This e-mail message and any attachments may contain information that is confidential. The message is intended to be delivered to the person(s) to whom it is addressed; any disclosure to another person is unintentional. If you are not the intended recipient, you must not disclose, copy, distribute, or use the information contained in this message or any attachments, in any way. If you received this message in error, please notify the sender by telephone or e-mail immediately and delete the message and all attachments.

4200 42nd Street



02/02/2018

Dante Enterprises, Inc.
Jack Mazzola

21 S Flamingo St,
La Marque, TX 77568
409-939-5517
mazzola_jack@yahoo.com

September 26, 2018

To Whom it May Concern,

The property known as 4200 42nd St, Dickinson, TX. 77539 is in the process of being renovated for the purposes of becoming useable as a Church for Greater Victory Community Church overseen by Pastor Nathaniel Baggs. The lease will commence on October 15, 2018.

If there are any further questions please contact the owner of the building, Jack Mazzola, of Dante Enterprises, Inc. at 409-939-5517

Thank you,

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Dante Enterprises, Inc.
Jack Mazzola

**Dickinson Planning & Zoning Commission
Agenda Item Data Sheet**

MEETING DATE September 17, 2019

TOPIC:	CONDUCT A PUBLIC HEARING CONCERNING: SUP-18-1877, A Request For A Specific Use Permit, For A "Church" Located at 4200 42nd Street, Dickinson, Texas 77539, Currently Zoned General Commercial "GC".
---------------	---

BACKGROUND:	<p>Greater Victory Community Church, is looking to move from their League City location to the building located at 4200 42nd Street. The building is currently owned by Jack Mazzola, but the church is looking to purchase the property from Mr. Mazzola. The church has started the construction of the interior to fit the building for their purpose. The item was tabled at December 18, 2018 meeting pending further action by the applicant to attend the meeting.</p> <ul style="list-style-type: none"> ▪ <i>Property Owner – Jack Mazzola</i> ▪ <i>Address: 4200 42nd Street</i> ▪ <i>Zoning District – General Commercial "GC"</i> ▪ <i>Proposed Use – Church</i> ▪ <i>Compatibility with Proposed and Existing Uses - The character of the surrounding area of the subject site is Commercial.</i> ▪ <i>Fire – Fire Station #1 is approximately less than 1 mile away and would provide service to this property.</i> <p>The Specific Use Permit may also include appropriate conditions and safeguards to protect adjacent properties and property values.</p>
--------------------	---

ATTACHMENTS:	<ul style="list-style-type: none"> • Specific Use Permit Application • Owner Letter of Authorization • Aerial Map Reflecting Location of the Property • List of Properties Within 200 Feet of Zoning Change Property Provided by Galveston Central Appraisal District to Applicant
---------------------	--

SUBMITTING STAFF MEMBER:	Zachary Meadows, Director of Community Development
---------------------------------	--

ACTIONS TAKEN

<p>APPROVAL</p> <p><input type="checkbox"/> YES <input type="checkbox"/> NO</p>	<p>OTHER</p>
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DIVIDER PAGE

Planning & Zoning Commission

ITEM 3

**Dickinson Planning & Zoning Commission
Agenda Item Data Sheet**

MEETING DATE September 17, 2019

TOPIC:	CONDUCT A PUBLIC HEARING CONCERNING: SUP-18-1877, A Request For A Specific Use Permit, For A “Church” Located at 4200 42nd Street, Dickinson, Texas 77539, Currently Zoned General Commercial “GC”.
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SUBMITTING STAFF MEMBER:	Zachary Meadows, Director of Community Development
---------------------------------	--

ACTIONS TAKEN

<p>APPROVAL</p> <p><input type="checkbox"/> YES <input type="checkbox"/> NO</p>	<p>OTHER</p>
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SPECIFIC USE PERMIT APPLICATION

PROPERTY INFORMATION

Address: 4200 42nd Dickinson TX. 77539

Legal Description:

Present Zoning: GC

Specific Use Permit Being Requested Description:
Assembly / Church

OWNER INFORMATION

Owner Name: JACK MAZZOLA Phone # [REDACTED]

Address: 21 S. FLAMINGO

City: LA MARQUE State: TX Zip: 77568

APPLICANT/AGENT INFORMATION

Applicant Name: Greater Victory Community Ch. Phone #: 832 425 9898

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Nathaniel Baggs Signature of Contractor/Authorized Agent Nathaniel Baggs Printed Name 9-26-18 Date

FOR OFFICE USE ONLY

Specific Use Permit Number: SUP-18-1877 Fees Due: \$525.00

Date Submitted: 10.12.18 Payment: CK #1009

P&Z Meeting Date: _____ Approved Denied

Council Meeting Date: _____ Approved Denied

Dante Enterprises, Inc.
Jack Mazzola

21 S Flamingo St,
La Marque, TX 77568
409-939-5517
mazzola_jack@yahoo.com

September 26, 2018

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Thank you,

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Dante Enterprises, Inc.
Jack Mazzola

4200 42nd Street



© 2018 Pictometry

02/02/2018

Galveston Central Appraisal District



Geospatial or map data maintained by the Galveston Central Appraisal District is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and only represents the approximate relative location of property boundaries.

ID	NAME	ADDRESS2	ADDRESS3	CITY	ST	ZIP
162483	SOLACHE JOSE LUIS&	GARCIA, REINA I	4305 BENSON ST	DICKINSON	TX	77539-6861
162488	DICKINSON ECONOMIC DEVELOPMENT CORPORATION	4403 HWY 3	<null>	DICKINSON	TX	77539
182518	WONG PETER - FRANK LING &	SUNGLING T LUNG	4218 PARKLAND ST	PASADENA	TX	77504-3120
182519	SABZEVARI LOTFOLLAH RUBY SABZEVARI	MEHRDAD SABZEVARI & DIANE SABZEVARI	2610 KENTUCKY AVE	LEAGUE CITY	TX	77573-8404
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183981	COLLEY ROBERT FRANK	608 NATTIGHAM LANE	<null>	DICKINSON	TX	<null>
293040	STANDARD 4204 LLC	19572 SANDCASTLE DR	<null>	SPICEWOOD	TX	<null>

ITEM 10

**Dickinson City Council
Agenda Item Data Sheet**

MEETING DATE: March 10, 2020

TOPIC: Ordinance Number XXX-2019 (Zoning Case SUP-18-1877)

AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NUMBER 420-2001, AS HERETOFORE AMENDED, TO GRANT SPECIFIC USE PERMIT NUMBER SUP-18-1877 ALLOWING THE APPLICANT TO USE THE PROPERTY FOR A CHURCH; SUCH PROPERTY BEING LEGALLY DESCRIBED AS ± 0.244 ACRES, ABSTRACT 78 R HALL SURVEY TRACT 1, ACRES 0.244, MORE COMMONLY KNOWN AS 4200 42ND STREET, GENERALLY LOCATED SOUTH OF EAST FM 517 AND EAST OF NICHOLS STREET IN THE CITY OF DICKINSON, GALVESTON COUNTY, TEXAS, PRESENTLY ZONED GENERAL COMMERCIAL (“GC”); PROVIDING FOR THE INCORPORATION OF PREAMBLE; DIRECTING A CHANGE ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION HEREOF; AND PROVIDING A REPEALER CLAUSE, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

BACKGROUND: (This is the first of three readings)

In the previous agenda item, the City Council conducted a public hearing on a request for a Specific Use Permit to allow for a Church to operate at 4200 42nd Street in Dickinson (“Property”).

On September 17, 2019, the Planning and Zoning Commission conducted a public hearing on this Specific Use Permit request no one spoke in opposition of the request and the board voted to recommend approval of the request in a 4-1 vote.

RECOMMENDATION: **The Planning and Zoning Commission Recommended Approval of The Requested Specific Use Permit in a 4-1 Vote.**

ATTACHMENTS: • Ordinance XXX-2020

FUNDING ISSUES: Not applicable – no dollars are being spent or received.
 Full amount already budgeted in Acct/Project# _____
 Not budgeted

FINANCE VERIFICATION OF FUNDING:

<p>SUBMITTING STAFF MEMBER: Alun W. Thomas, City Secretary, by request from S. R. Burgess, Interim Director of Community Development</p>	<p>CITY ADMINISTRATOR APPROVAL:</p>
---	--

ACTIONS TAKEN		
APPROVAL	READINGS PASSED	OTHER
<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> 1 st <input type="checkbox"/> 2 nd <input type="checkbox"/> 3 rd	

**ORDINANCE NUMBER XXX-2020
(Zoning Case SUP-18-1877)**

AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NUMBER 420-2001, AS HERETOFORE AMENDED, TO GRANT SPECIFIC USE PERMIT NUMBER SUP-18-1877 ALLOWING THE APPLICANT TO USE THE PROPERTY FOR A CHURCH; SUCH PROPERTY BEING LEGALLY DESCRIBED AS ± 0.244 ACRES, ABSTRACT 78 R HALL SURVEY TRACT 1, ACRES 0.244, MORE COMMONLY KNOWN AS 4200 42ND STREET, GENERALLY LOCATED SOUTH OF EAST FM 517 AND EAST OF NICHOLS STREET IN THE CITY OF DICKINSON, GALVESTON COUNTY, TEXAS, PRESENTLY ZONED GENERAL COMMERCIAL (“GC”); PROVIDING FOR THE INCORPORATION OF PREAMBLE; DIRECTING A CHANGE ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION HEREOF; AND PROVIDING A REPEALER CLAUSE, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, Dante Enterprises Inc. (“Owner”) is the owner of ± 0.244 Acres, Legally Described as ABSTRACT 78 R HALL SURVEY TRACT 1, ACRES 0.244, MORE COMMONLY KNOWN AS 4200 42ND STREET, GENERALLY LOCATED SOUTH OF EAST FM 517 AND EAST OF NICHOLS STREET in the City of Dickinson, Galveston County, Texas (the “Property”), and

WHEREAS, the Property presently has a zoning classification of General Commercial (“GC”) pursuant to Ordinance No. 420-2001, the City’s Comprehensive Zoning Ordinance; and

WHEREAS, Greater Victory Community Church (“Applicant”), has made application to the City for a Specific Use Permit (“SUP”) for said Property to allow the use of a Church as authorized by the City’s Zoning Ordinance; and

WHEREAS, the City Secretary of Dickinson, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Dickinson and laws of the State of Texas, at a meeting of the City Council, to be held on the 25th day of February, 2020, for the purpose of considering a Specific Use Permit (“SUP”) to allow the use of a Church on the Property; and

WHEREAS, the City Secretary of the said City accordingly caused to be issued and published the notices required by its Zoning Ordinance and laws of the State of Texas applicable thereto, the same having been published in a paper of general circulation in the City of Dickinson, Texas, at least fifteen (15) days prior to the time set for such hearing; and

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 10th day of March, 2020; and

WHEREAS, the City Council is of the opinion and finds that the granting of the Specific Use Permit (SUP) to allow the Applicant to use the Property for a Church, as described herein, would not be detrimental to the public health, safety, or general welfare or otherwise offensive to the general public, and will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Dickinson, and as well, the owners and occupants thereof, and the City generally.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, THAT:

Section 1. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. The Comprehensive Zoning Ordinance Number 420-2001, as the same has been heretofore amended, is hereby further amended so as to grant Specific Use Permit Number SUP-18-1877 allowing the Applicant to use the Property for a Church; such Property Being Legally Described As ABSTRACT 78 R HALL SURVEY TRACT 1, ACRES 0.244, MORE COMMONLY KNOWN AS 4200 42ND STREET, GENERALLY LOCATED SOUTH OF EAST FM 517 AND EAST OF NICHOLS STREET in the City of Dickinson, Galveston County, Texas, presently zoned Conventional Residential ("CR").

Section 3. It is further ordered that Specific Use Permit Number SUP-18-1877, as amended by this Ordinance, is approved solely for the use of a Church by the Applicant, and therefore, all amendments to such SUP approved by this Ordinance are exclusively for the benefit of the Applicant and do not run with the land.

Section 4. It is directed that the official zoning map of the City of Dickinson, adopted on the 24th day of July, 2001, by Ordinance No. 420-2001, shall be revised and amended to reflect the Specific Use Permit (SUP) granted by this Ordinance, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 5. All provisions of the ordinances of the City of Dickinson in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Dickinson not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section 6. The repeal of any ordinance or part of ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinance at the time of passage of this Ordinance.

Section 7. Any person who shall intentionally, knowingly, recklessly or with criminal negligence violate any provision contained in this Ordinance, or who shall commit or perform any act declared herein to be unlawful, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount of not more than two thousand dollars (\$2,000.00). Each day a violation continues shall constitute a separate offense.

Section 8. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Dickinson, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 9. This Ordinance shall become effective upon final reading and adoption of this Ordinance, in accordance with law.

DULY PASSED AND APPROVED on first reading this the ____ day of _____, 2020.

DULY PASSED AND APPROVED on second reading this ____ day of _____, 2020.

DULY PASSED, APPROVED, AND ADOPTED on third and final reading this ____ day of _____, 2020.

Julie Masters, Mayor
City of Dickinson, Texas

ATTEST:

APPROVED AS TO FORM AND CONTENT:

Alun W. Thomas, City Secretary
City of Dickinson, Texas

David W. Olson, City Attorney
City of Dickinson, Texas

ITEM 11

Executive Session

ITEM 12

Reconvene

ITEM 13

**Matters Discussed in
Executive Session**

ITEM 14

Adjourn