



EVERMAN CITY COUNCIL REGULAR MEETING

Tuesday, April 14, 2026 at 6:00 PM

213 North Race Street Everman, TX 76140

AGENDA

1. MEETING CALLED TO ORDER

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

4. CONSENT AGENDA

A. Minutes

Everman City Council Meeting 03-10-2026

B. Financials

February 2026

5. PRESENTATIONS

A. Proclamation - National Library Week

B. Proclamation - National Telecommunicators Week

C. Proclamation - National Animal Care and Control Appreciation Week

D. Proclamation - National Administrative Professionals Day

E. Presentation by the Alliance For Children during Child Abuse Awareness Month - Julie Evans;
Executive Director

F. Swearing In Ceremony - Code Enforcement Officer Marcy Beecham

G. Recognition of the Director of Public Works on his recent achievement of obtaining the TCEQ
Class A Wastewater Treatment Operator and Class A Water Operator Licenses

H. Presentation of the Everman Police Department 2025 Racial Profiling Report - Chief Al Brooks

6. CITIZEN'S COMMENTS

7. DISCUSSION ITEMS

A. Presentation and Discussion of the MASA Access program for the City of Everman residents -
HUB International

B. Monthly Staff Reports

(1) Police Department

(2) Animal Services

(3) Fire Department

(4) Public Works

C. Review, Discuss, & Comment on the Draft 2026 Community Development Corporation Strategic Plan

D. Discussion related to the potential adoption of a Zoning Ordinance that would modify the Permissible Use Table to require a Special Use Permit for Dance Halls and Ballrooms in the C-1 Neighborhood Commercial District

8. CONSIDERATION AND POSSIBLE ACTION

A. RESOLUTION NO. 2026-04-01 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS, AUTHORIZING THE CITY MANAGER TO SOLICIT REQUESTS FOR QUALIFICATIONS (RFQ) AND/OR REQUESTS FOR PROPOSALS (RFP) FOR THE EXPANSION AND RENOVATION OF CITY HALL; AND PROVIDING AN EFFECTIVE DATE.

B. Consideration of appointment of 3 City Council members to an ad hoc City Hall Design Committee

C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS, ACKNOWLEDGING AND ACCEPTING THE RECOMMENDATION OF THE TAX INCREMENT REINVESTMENT ZONE NO. 1 BOARD; AUTHORIZING THE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$75,000.00 FOR ENGINEERING FEASIBILITY AND TRAFFIC STUDIES; AUTHORIZING THE USE OF THE CITY'S CONTRACTED ENGINEERING FIRM; AND PROVIDING AN EFFECTIVE DATE.

D. ORDINANCE NO.849 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS, AMENDING THE CODE OF ORDINANCES, CITY OF EVERMAN, BY AMENDING CHAPTER 14, "PARKS AND RECREATION"; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE AND, IN CASES OF ENDANGERMENT TO PUBLIC HEALTH AND SAFETY, A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.090) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

E. Discussion and Possible Action Regarding Opportunity Zones 2.0 Nomination for Census Tract 1112.02, Everman, Tarrant County ere

9. EXECUTIVE SESSION

A. Section 551.071 - Seek Advice of the City Attorney related to possible amendments to Ordinance 763 establishing Child Safety Zones

10. CITY MANAGERS REPORT

11. MAYOR'S REPORT

12. ADJOURN

I hereby certify that this agenda was posted on the City of Everman bulletin board at or before 5:00 p.m. on Wednesday April 8, 2026.

/s/ Mindi Parks
City Secretary

Citizens may watch city council meetings live on YouTube. A link to the City of Everman YouTube channel is provided on the city website at: www.evermantx.us/government/citycouncil/

Pursuant to Texas Government Code Sec. 551.127, on a regular, non-emergency basis, members may attend and participate in the meeting remotely by video conference. Should that occur, a quorum of the members, including the presiding officer, will be physically present at the location noted above on this Agenda.

Pursuant to Section 551.071, Chapter 551 of the Texas Government Code, Council reserves the right to convene into Executive Session(s) from time to time as deemed necessary during this meeting, to receive advice from its attorney on any posted agenda item, as permitted by Law. Additionally, Council may convene into Executive Session to discuss the following:

- A. Section 551.071 - Pending or Contemplated Litigation or to Seek Advice of the City Attorney.
- B. Section 551.072 - Purchase, Sale, Exchange, Lease, or Value of Real Property.
- C. Section 551.073 - Deliberation Regarding Prospective Gift.
- D. Section 551.074 - Personnel Matters.
- E. Section 551.087- Deliberation Regarding Economic Development Negotiations.
- F. Section 551.089 - Deliberations Regarding Security Devices or Security Audits.

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EVERMAN CITY COUNCIL REGULAR MEETING

Tuesday, March 10, 2026 at 6:00 PM

213 North Race Street Everman, TX 76140

MINUTES

1. MEETING CALLED TO ORDER

Mayor Richardson called the meeting to order at 6:03pm.

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

4. CONSENT AGENDA

A. Minutes

Everman City Council Meeting 2-10-2026

Motion made by Place 4; Mayor Pro-Tem Mackey, Seconded by Place 1 Sanders.
Voting Yea: Place 1 Sanders, Place 2 Renfro, Place 3 Allen, Place 4; Mayor Pro-Tem Mackey, Place 6 Davila, Mayor Richardson

Motion Carried.

B. Financials

January 2026

Motion made by Place 4; Mayor Pro-Tem Mackey, Seconded by Place 1 Sanders.
Voting Yea: Place 1 Sanders, Place 2 Renfro, Place 4; Mayor Pro-Tem Mackey, Place 6 Davila, Mayor Richardson
Voting Nay: Place 3 Allen

Motion Carried

5. PRESENTATIONS

A. Proclamation - Texas Independence Day

Mayor Richardson read the Proclamation for the Texas Independence Day.

B. Proclamation - National Women's History Month

Mayor Richardson read the Proclamation for the National Women's History Month.

C. Swearing In Ceremony - Municipal Animal Services Officer Austin Millian

Ray Rentschler introduced Austin to the council and the City Manager swore him in for his position at this time.

6. CITIZEN'S COMMENTS

There were no citizens comments at this time.

7. PUBLIC HEARINGS

- A. Public Hearing to receive citizen comments on the consideration of amendments to the Project Plan and Reinvestment Zone Financing Plan for Tax Increment Reinvestment Zone Number One (TIRZ #1), City of Everman, Texas, in accordance with Chapter 311 of the Texas Tax Code.

Mayor Richardson opened the Public Hearing at 6:10pm.

Craig had a presentation for the council and explained that this is coming before them because this Project Plan and Reinvestment Zone Financing Plan has not been updated since this board was created. The Financing should definitely be updated and the Project Plan and Zone as well. He displayed the boundaries of the current TIF Zone. He explained that this zone did not make since and explained that. Craig presented the council will an updated and the amendment done to the boundaries to this zone now include Race street and Enon. Craig explained that this updated Project Plan also did not need to be as specific as the current one since this should be a case by case situation and they would be brought before council and approved case by case. All in all before anything can move forward with TIF this needs to be updated. Craig explained a couple of the changes in the Project Plan.

Why this area, the TIF Zone, Council Woman Allen asked, Craig stated that 2013 was the last updated TIF Zone that had been done. This was established by the TIF Board, and currently no projects have been approved by TIF Board and we can not use any TIF dollars until this is updated. There were no other comments. There will be an ordinance to consider with these amendments.

Mayor Richardson closed the Public Hearing at 6:17pm.

8. DISCUSSION ITEMS

- A. Monthly Staff Reports

- (1) Police Department
- (2) Animal Services
- (3) Fire Department
- (4) Public Works

Al Brooks presented the monthly report for the Police Department. Officer's were involved in 1801 calls for service. They had 4 arrests. Traffic enforcement activities resulted in 107 traffic stops in citations and 79 resulting in Warnings. Officer Ryans, recently completed his Field Training and was released to begin patrol as a solo officer. On March 4, Officer Ryans submitted his resignation after accepting a position with a hospital police department at a considerably higher rate of pay. On the brighter side, we currently have tow prospects in the background process with a third sent to background today. The anticipation is two should be hired for full-time positions and the third brought on board as a Reserve Officer.

Chief Landon Whatley was not present to present the Fire Monthly Update.

Ray Presented the Municipal Animal Services Monthly Report for February 2026. Total Intake for Dogs-68 with Edgecliff Village-0, Everman-17, Forest Hill-25, and Kennedale-19. Total Intake for Cats-15 with Edgecliff-0, Everman-8, Forest Hill-6, and Kennedale-1. Positive Outcomes with dogs were at 42. Positive Cat Outcomes were at 5. Ray mentioned they are

full. They received 2040 phone calls and the total field calls for service was 192. He displayed the breakdown to those calls as well.

Gilbert Ramirez presented the Public Works Monthly Report. Parks and Streets did routine park and building maintenance, did work orders, installed light fixtures units at the new ACO building and fixed 6 potholes. The Water Department did daily Well Reports, replaced an 8 inch main tee, they ran 4 sewers, 1 service line change and 2 curb stop changes. Over all they were all very busy. The Hanna Ranch project on Enon is almost done and they will be done also.

B. Staff Update - RFQ/RFP For Design Build Services related to the new Animal Services Shelter

Craig wanted to provide an update for the RFQ/RFP for design build services and the only bid we received was from Grossman Design and we are currently working on negotiating a contract and hopefully by the next council meeting we have a contract for the council to consider to move forward with the improvements that are needed at the ACO building.

C. Staff Report - Forest Hill Public Library District 2025 Achievement of Excellence in Libraries Recognition and Celebration

Craig introduced Michael Hardricks from the Forest Hill Library. Michael stated for the third year in a row they have received the Excellence Award and this is issued by the TMLDA (Texas Municipal Library Directors Association) which is a part of the Texas Municipal League. To celebrate this award, they are having a community gathering this Saturday, March 14th at 5pm. There will be food, and activities there and lots of fun and he wanted to invite everyone. Michael explained that this award is just as much Everman's as it is to Forest Hill and this is a group effort. Michael also stated that they all are very thankful for this partnership for the fourth year. He also stated that Everman has about six thousand residents and so far there is six hundred signed up for a Library Card and they are working hard to get more people signed up for free Library cards and lots of other resources. They are working on partnerships and starting with the schools to get this going and see better and bigger things.

D. Staff Report - City Council briefing of a new citizen notification system with Hyper-Reach

Craig wanted to update council on the change from Blackboard Connect to Hyper Reach. They offer much more capabilities. Mayor and Craig met this company at TML. This vendor is faster and gives the Police Department access to send out alerts to all cell phones in the area for a missing child. It integrates with the National Weather Service as well already. Great capability and this is \$1000 cheaper than Blackboard Connect. The sign up for residents and people is done by themselves and we have about 2,000 already signed back up. The other system had so many problems and issues. Please encourage people to get signed up on the new system.

E. Staff Report - Residential Garbage Rate Increase per contract with Waste Connections

Craig just wanted to put this on the agenda since it has been a year and it is time for this increase for the trash. The council did not have questions or concerns on this item.

9. P&Z CASE HEARINGS

A. A. The City Council will conduct a PUBLIC HEARING on Case #5191 a request for zoning change from C1 Neighborhood Commercial to C2 General Commercial for the property located at 612 Michael Drive.

To achieve a timely and orderly hearing, the Council asks that the following rules and procedures be respected. Each case will be called in the sequence as listed on the agenda

unless otherwise directed by the chair. All ensuing dialogue shall be directed to the Council only. After the staff presentation, the applicant and support will be given an opportunity to speak for 3 minutes each to present their case. Opposition may then speak for 3 minutes each. At the conclusion of the opposition, the applicant will be granted 3 minutes for rebuttal. Continuation beyond the speakers allotted time will be at the sole discretion of the Mayor. Those who are unable to speak today are encouraged to submit written comments. Following the official close of each case hearing, the Council will deliberate and vote on the item in question. During that time, no further testimony or commentary will be allowed unless directed by the Mayor.

2.Consideration of Ordinance No. 849 - AN ORDINANCE OF THE CITY OF EVERMAN, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE, MAP AND PLAN OF THE CITY OF EVERMAN, TEXAS, AS HERETOFORE AMENDED, BY GRANTING A CHANGE IN ZONING FROM C-1 NEIGHBORHOOD COMMERCIAL (C-1) TO C-2 GENERAL COMMERCIAL (C-2) FOR AN APPROXIMATELY 0.492 ACRE PARCEL DESIGNATED A TRACT OF LAND OUT OF BLOCK 5, SHELBY COUNTY SCHOOL LAND SURVEY, ABSTRACT No. 1375, IN THE CITY OF EVERMAN, TARRANT COUNTY, TEXAS ACCORDING TO THE PLAT RECORDED IN VOLUME 5165, PAGE 215, DEED RECORDS OF TARRANT COUNTY, TEXAS AND BEING MORE COMMONLY KNOWN AS 612 MICHAEL DRIVE IN THE CITY OF EVERMAN, TARRANT COUNTY, TEXAS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

Ray opened the Public Hearing at 6:36pm.

City Manager, Craig Spencer displayed the property on the screen for the council to see. This is a Zoning change case and it is 612 Michael Drive and the owner would like to change it from C1 Neighborhood Commercial to C2 General Commercial. The owner is Gorge Figueroa (Uno Real Estate, LLC). Craig stated that the staff recommendation would be denial and the Planning and Zoning Boards recommendation is also denial. This reason is C-2 Zoning is not compatible with immediately abutting A-2 Residential. Future Land Use identifies property as commercial, but does not specify type. Proposed uses do not align with CDC Strategic Development Initiatives. Staff also supplied the uses for C1 and for C2, which is C1 and more other uses that Craig displayed on the screen for council to review. This property is located just off Everman Parkway, behind what is currently an Automotive Repair Shop and a convenient store across from Everman Bingo, Craig just wanted to clarify that for council. At this time Gorge approached council. Gorge explained that he has owned this building for two years now and he is trying to do something with it. Gorge also stated that he currently runs Pawn Shops himself in Fort Worth and he operates all 11 of them. Gorge stated that this is about him wanting to put another Pawn Shop into Everman. Gorge stated since he has had the property, he has completely gutted it and remolded the whole inside and he has to do something with it because it is just sitting and costing him money. He is familiar with Pawn Shops and this is what his proposal is verses having a Dance Hall which what he has been approached by. Mayor Richardson did stat his concern about the Pawn Shop since we already have one and they do not Pawn, they loan money and Mayor Richardson does not think this will be any different. Gorge did stat that he has 22 years of Pawn Shop business and he does know what he is doing. Mayor stated that the CDC is looking to build this area and they want this to be an entry way to our city and he don't know if this is the direction the city is looking to go. Craig added that they look at the Zoning uses and this is not a use that the city is looking to go with in the future use planning of this property area and what is already there. At this time we had a citizen wanting to comment on this item. Cynthis Daughtry approached the council and stated that she opposes this Zoning change. Cynthis stated that this type of business is not suitable for residential area and this building can not be seen. Also, she stated that this could bring in stolen items in the city being that it is a Pawn Shop. She is also

concerned with the increased traffic which is not safe and property values will decrease and crime will increase. She also asked if the council does approve this could he be required to put up an 8 foot fence so that the residents don't have to see it. Gorge stated that all Pawn Shops are required to report all serial numbers that they take and it is reported every night. The fence is not an issue if it is required. He also stated that the Pawn Shop would not be open pass 7pm. There were no other comments at this time.

Mayor Richardson closed the Public Hearing at 6:54pm.

Motion made by Place 4; Mayor Pro-Tem Mackey, Seconded by Place 1 Sanders.
Voting Nay: Place 1 Sanders, Place 2 Renfro, Place 3 Allen, Place 4; Mayor Pro-Tem Mackey, Place 6 Davila, Mayor Richardson

Motion Denied.

10. CONSIDERATION AND POSSIBLE ACTION

- A. ORDINANCE NO. 847 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS AMENDING ORDINANCE NO. 670 WHICH ESTABLISHED THE TAX INCREMENT REINVESTMENT ZONE NO. 1 TO AMEND THE BOUNDARIES OF THE ZONE AND AMEND THE PROJECT AND FINANCING PLAN AND RELATED MATTERS; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Motion made by Place 4; Mayor Pro-Tem Mackey, Seconded by Place 6 Davila.
Voting Yea: Place 1 Sanders, Place 2 Renfro, Place 3 Allen, Place 4; Mayor Pro-Tem Mackey, Place 6 Davila, Mayor Richardson

Motion Carried.

- B. ORDINANCE NO. 848 AN ORDINANCE OF THE CITY OF EVERMAN, TEXAS ADOPTING AN UPDATED DROUGHT CONTINGENCY AND EMERGENCY WATER MANAGEMENT PLAN; AMENDING CHAPTER 20, "UTILITIES" OF THE EVERMAN CODE BY ADOPTING A NEW ARTICLE X, "DROUGHT CONTINGENCY/WATER EMERGENCY MANAGEMENT PLAN"; AMENDING CHAPTER 20 BY ADOPTING A NEW ARTICLE XI "LAWN AND LANDSCAPE IRRIGATION"; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

Motion made by Place 4; Mayor Pro-Tem Mackey, Seconded by Place 1 Sanders.
Voting Yea: Place 1 Sanders, Place 2 Renfro, Place 3 Allen, Place 4; Mayor Pro-Tem Mackey, Place 6 Davila, Mayor Richardson

Motion Carried.

- C. RESOLUTION NO. 2026-03-01 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS, APPROVING AN INTERLOCAL COOPERATION AGREEMENT WITH TARRANT COUNTY, TEXAS FOR RECONSTRUCTION OF PARKING LOTS AT THE CITY OF EVERMAN ANIMAL SHELTER ; RATIFYING THE EXECUTION OF SAID AGREEMENT BY THE CITY MANAGER AND/OR THE MAYOR; AND PROVIDING AN EFFECTIVE DATE.

Motion made by Place 4; Mayor Pro-Tem Mackey, Seconded by Place 6 Davila.
Voting Yea: Place 1 Sanders, Place 2 Renfro, Place 3 Allen, Place 4; Mayor Pro-Tem Mackey, Place 6 Davila, Mayor Richardson

Motion Carried.

D. RESOLUTION NO. 2026-03-02 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS, AMENDING ARTICLE V – LEAVE POLICIES OF THE CITY OF EVERMAN PERSONNEL MANUAL BY AMENDING SECTION 5.02 VACATION LEAVE AND SECTION 5.03 SICK LEAVE REGARDING PAYMENT UPON SEPARATION; PROVIDING FOR IMPLEMENTATION; AND DIRECTING THE DIRECTOR OF HUMAN RESOURCES TO UPDATE AND DISTRIBUTE THE PERSONNEL MANUAL NO LATER THAN MARCH 31, 2026.

Motion made by Place 4; Mayor Pro-Tem Mackey, Seconded by Place 6 Davila.
Voting Yea: Place 1 Sanders, Place 2 Renfro, Place 3 Allen, Place 4; Mayor Pro-Tem Mackey, Place 6 Davila, Mayor Richardson

Motion Carried.

E. RESOLUTION NO. 2026-03-03 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS, ADOPTING A CYBERSECURITY POLICY FOR THE CITY OF EVERMAN; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Motion made by Place 4; Mayor Pro-Tem Mackey, Seconded by Place 6 Davila.
Voting Yea: Place 1 Sanders, Place 2 Renfro, Place 3 Allen, Place 4; Mayor Pro-Tem Mackey, Place 6 Davila, Mayor Richardson

Motion Carried.

F. RESOLUTION NO. 2026-03-04 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS, ADOPTING AN ASSET MANAGEMENT POLICY FOR THE CITY OF EVERMAN; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Motion made by Place 4; Mayor Pro-Tem Mackey, Seconded by Place 1 Sanders.
Voting Yea: Place 1 Sanders, Place 2 Renfro, Place 3 Allen, Place 4; Mayor Pro-Tem Mackey, Place 6 Davila, Mayor Richardson

Motion Carried.

G. RESOLUTION NO. 2026-03-05 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS, AUTHORIZING THE CREATION OF THREE (3) PART-TIME SEASONAL STREET MAINTENANCE POSITIONS; PROVIDING FOR FUNDING FROM THE STREET IMPROVEMENT TAX FUND FOR THE MONTHS OF APRIL, MAY, AND JUNE; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion made by Place 4; Mayor Pro-Tem Mackey, Seconded by Place 1 Sanders.
Voting Yea: Place 1 Sanders, Place 2 Renfro, Place 4; Mayor Pro-Tem Mackey, Place 6 Davila, Mayor Richardson
Voting Nay: Place 3 Allen

Motion Carried.

H. Consideration and Possible Action on an appointment for the Planning & Zoning Commission

Motion made by Mayor Richardson to appoint Randy Sanders to the Planning and Zoning Board, Seconded by Place 4; Mayor Pro-Tem Mackey.
Voting Yea: Place 1 Sanders, Place 2 Renfro, Place 3 Allen, Place 4; Mayor Pro-Tem Mackey, Place 6 Davila, Mayor Richardson

Motion Carried.

11. EXECUTIVE SESSION

Mayor Richardson opened Executive Session at 7:15pm.

Mayor Richardson closed the Executive Session at 7:56pm.

Motion made by Place 4; Mayor Pro-Tem Mackey to authorize the City Manager to negotiate and execute a lease agreement with Soccer 5 USA for property at 400 Wichita on the terms and conditions discussed in Executive Session, Seconded by Place 1 Sanders.

Voting Yea: Place 1 Sanders, Place 2 Renfro, Place 3 Allen, Place 4; Mayor Pro-Tem Mackey, Place 6 Davila, Mayor Richardson

Motion Carried.

- A. Section 551.071 - Seek Advice of the City Attorney related to the Everman Municipal Water Storage Tank at 304 Southway Drive (a/k/a The Columbine Water Well)
- B. Section 551.071 - Pending or Contemplated Litigation or to Seek Advice of the City Attorney to wit: Earlene Wilson v. Rollmania, LLC, City of Everman, et al. Cause No. 067-364940-25
- C. Section 551.072 - Purchase, Sale, Exchange, Lease, or Value of Real Property - to wit 400 Wichita St - Soccer5 USA

12. CONSIDERATION AND POSSIBLE ACTION FROM EXECUTIVE SESSION

13. CITY MANAGERS REPORT

Region 8 meeting is in Forest Hill and Craig urges council and staff to go if they can on April 9th. Great opportunities. Staff is also working on weatherizing and April 17th is the mid year budget workshop. This will be at 1pm on Friday.

14. MAYOR’S REPORT

Mayor has nothing to report.

15. ADJOURN

Mayor adjourned meeting at 7:58pm.

I hereby certify that this agenda was posted on the City of Everman bulletin board at or before 5:00 p.m. on Wednesday March 4, 2026.

/s/ Mindi Parks
City Secretary

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EVERMAN POLICE DEPARTMENT 2025 RACIAL PROFILING REPORT



"Dr. Alex del Carmen's work on racial profiling exemplifies the very best of the Sandra Bland Act, named after my daughter. My daughter's pledge to fight for injustice is best represented in the high quality of Dr. del Carmen's reports which include, as required by law, the data analysis, audits, findings and recommendations. I commend the agencies that work with him as it is clear that they have embraced transparency and adherence to the law."

-Quote by Geneva Reed (Mother of Sandra Bland)

February 13, 2026

Everman City Council
212 N. Race St.
Everman, TX 76140



Dear Distinguished Members of the City Council,

The Texas Racial Profiling Law, originally enacted by the Texas Legislature in 2001, was designed to address concerns regarding racial profiling practices in law enforcement. Throughout the preceding calendar year, the Everman Police Department, in full compliance with statutory requirements, systematically collected and reported traffic and motor vehicle-related contact data for the express purpose of identifying, evaluating, and addressing any potential concerns regarding racial profiling practices within the department.

Since its initial enactment, the Texas Racial Profiling Law has undergone significant legislative modifications. During the 2009 legislative session, the law was amended to incorporate additional data collection and reporting requirements. Subsequently, in 2017, the Texas Legislature passed two landmark pieces of legislation: House Bill 3051, which standardized racial and ethnic classification categories, and the Sandra Bland Act (Senate Bill 1849), which substantially expanded data collection mandates and analytical requirements. The Sandra Bland Act represents the most comprehensive legislative framework in Texas history pertaining to law enforcement contact data requirements. I am pleased to confirm that the Everman Police Department has satisfied all statutory requirements, and the documentation contained herein demonstrates full compliance with these legislative mandates.

This annual report is organized into distinct sections, each addressing specific components of the compliance framework. Section One contains the table of contents, providing navigational guidance throughout the document. Section Two presents documentation demonstrating the Everman Police Department's compliance with the procedural requirements established under the Texas Racial Profiling Law, including evidence of mandatory training protocols for all sworn personnel on racial profiling prevention, as well as the institutionalization of formal compliment and complaint processes as required by statute.

Section Three contains comprehensive statistical data pertaining to motor vehicle-related contacts, as defined by applicable law, occurring between January 1, 2025, and December 31, 2025. This section includes the Tier 2 reporting form, which must be submitted to the Texas Commission on Law Enforcement (TCOLE) and the local governing authority by March 1 of each calendar year. All data presented in this report was compared against the Fair Roads Standard, a baseline measure derived from U.S. Census Bureau data. The analytical findings and corresponding recommendations are presented in detail within this section.

The final section of this report contains reference materials, including the original text of Senate Bill 1074 (the Texas Racial Profiling Law) and the Sandra Bland Act (current governing law). Additionally, this section includes a comprehensive listing of compliance requirements established by TCOLE. The findings documented in this report substantiate the Everman Police Department's ongoing commitment to full compliance with the Texas Racial Profiling Law and its commitment to constitutional policing practices.

Respectfully submitted,

Alex del Carmen, Ph.D.
Criminologist

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Informing the Public on the Process of Filing a Compliment or Complaint with the Everman 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 Everman 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 Everman 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.

All Everman 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 Everman Police Department have completed the TCOLE basic training on racial profiling. The main outline used to train the officers of Everman has been included in this report.

It is important to recognize that the Chief of the Everman 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 Everman Police Department fulfills the training requirement as specified in the Education Code (96.641) of the Texas Racial Profiling Law.



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

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.

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



Report on Compliments

The following table contains data regarding officers that have been the subject of a complaint, during the time period of 1/1/25-12/31/25 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 Everman Police Department has not received any complaints, on any members of its police services, for having violated the Texas Racial Profiling Law during the time period of 1/1/25-12/31/25.

Complaints Filed for Possible Violations of The Texas Racial Profiling Law

Complaint Number	Alleged Violation	Disposition of the Case

Additional Comments:

TOTAL STOPS: 1,851

STREET ADDRESS OR APPROXIMATE LOCATION OF STOP.

City Street	1,845
US Highway	0
State Highway	0
County Road	3
Private Property	3

WAS RACE OR ETHNICITY KNOWN PRIOR TO STOP?

Yes	55
No	1,796

RACE OR ETHNICITY

Alaska Native/American Indian	16
Asian/Pacific Islander	27
Black	710
White	267
Hispanic/Latino	831

GENDER

Female Total: 801

Alaska Native/American Indian	2
Asian/Pacific Islander	8
Black	368
White	115
Hispanic/Latino	308

Male Total: 1,050

Alaska Native/American Indian	14
Asian/Pacific Islander	19
Black	342
White	152
Hispanic/Latino	523

REASON FOR STOP?

Violation of Law Total: 42

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	16
White	3
Hispanic/Latino	23

Pre-existing Knowledge Total: 3

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	1
White	0
Hispanic/Latino	2

Moving Traffic Violation Total: 1,533

Alaska Native/American Indian	13
Asian/Pacific Islander	26
Black	625
White	226
Hispanic/Latino	643

Vehicle Traffic Violation Total: 273

Alaska Native/American Indian	3
Asian/Pacific Islander	1
Black	68
White	38
Hispanic/Latino	163

Contraband (in plain view) Total: 1

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	1
White	0
Hispanic/Latino	0

WAS SEARCH CONDUCTED?

	YES	NO
Alaska Native/American Indian	0	16
Asian/Pacific Islander	0	27
Black	12	698
White	2	265
Hispanic/Latino	5	826
TOTAL	19	1,832

Probable Cause Total: 10

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	8
White	1
Hispanic/Latino	1

Inventory Total: 0

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	0

REASON FOR SEARCH?

Consent Total: 3

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	1
Hispanic/Latino	2

Incident to Arrest Total: 5

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	3
White	0
Hispanic/Latino	2

WAS CONTRABAND DISCOVERED?

	YES	NO
Alaska Native/American Indian	0	0
Asian/Pacific Islander	0	0
Black	9	3
White	1	1
Hispanic/Latino	3	2
TOTAL	13	6

Did the finding result in arrest?

	YES	NO
Alaska Native/American Indian	0	0
Asian/Pacific Islander	0	0
Black	0	9
White	0	1
Hispanic/Latino	0	3
TOTAL	0	13

DESCRIPTION OF CONTRABAND

Drugs Total: 11

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	8
White	1
Hispanic/Latino	2

Currency Total: 0

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	0

Weapons Total: 0

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	0

Alcohol Total: 0

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	0

Stolen Property Total: 0

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	0

Other Total: 2

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	1
White	0
Hispanic/Latino	1

RESULT OF THE STOP**Verbal Warning Total: 437**

Alaska Native/American Indian	7
Asian/Pacific Islander	7
Black	161
White	75
Hispanic/Latino	187

Written Warning Total: 33

Alaska Native/American Indian	1
Asian/Pacific Islander	1
Black	17
White	3
Hispanic/Latino	11

Citation Total: 1,373

Alaska Native/American Indian	8
Asian/Pacific Islander	19
Black	525
White	189
Hispanic/Latino	632

Written Warning and Arrest Total: 0

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	0

Citation and Arrest Total: 5

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	4
White	0
Hispanic/Latino	1

Arrest Total: 3

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	3
White	0
Hispanic/Latino	0

TIER 2 DATA

ARREST BASED ON

Violation of Penal Code Total: 3

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	3
White	0
Hispanic/Latino	0

Violation of Traffic Law Total: 1

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	1
White	0
Hispanic/Latino	0

Violation of City Ordinance Total: 0

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	0

Outstanding Warrant Total: 4

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	3
White	0
Hispanic/Latino	1

Was physical force used resulting in bodily injury during the stop?

	YES	NO
Alaska Native/American Indian	0	16
Asian/Pacific Islander	0	27
Black	0	710
White	0	267
Hispanic/Latino	0	831
TOTAL	0	1,851



Table 1. Citations and Warnings

Race/ Ethnicity	All Contacts	Citations	Verbal Warning	Written Warning	Contact Percent	Citation Percent	Verbal Percent	Written Percent
Alaska Native/ American Indian	16	8	7	1	1%	1%	2%	3%
Asian/ Pacific Islander	27	19	7	1	1%	1%	2%	3%
Black	710	529	161	17	38%	38%	37%	52%
White	267	189	75	3	14%	14%	17%	9%
Hispanic/ Latino	831	633	187	11	45%	46%	43%	33%
TOTAL	1,851	1,378	437	33	100%	100%	100%	100%



Table 2. Motor Vehicle Contacts and Fair Roads Standard Comparison

Comparison of motor vehicle-related contacts with households that have vehicle access.

Race/Ethnicity	Contact Percentage	Households with Vehicle Access
Alaska Native/American Indian	1%	0%
Asian/Pacific Islander	1%	5%
Black	38%	14%
White	14%	60%
Hispanic/Latino	45%	19%
TOTAL	100%	98%

Table 3. Motor Vehicle Searches and Arrests.

Race/Ethnicity	Searches	Consent Searches	Arrests
Alaska Native/American Indian	0	0	0
Asian/Pacific Islander	0	0	0
Black	12	0	7
White	2	1	0
Hispanic/Latino	5	2	1
TOTAL	19	3	8

Table 4. Instances Where Peace Officers Used Physical Force Resulting in Bodily Injury

Instances Where Peace Officers Used Physical Force that Resulted in Bodily Injury	Arrest	Location of Stop	Reason for Stop	Bodily Harm

Table 5. Search Data

Race/Ethnicity	Searches	Contraband Found Yes	Contraband Found No	Arrests	Percent Searches	Percent Contraband Found	Percent No Contraband	Percent Arrest
Alaska Native/American Indian	0	0	0	0	0%	0%	0%	0%
Asian/Pacific Islander	0	0	0	0	0%	0%	0%	0%
Black	12	9	3	7	63%	69%	50%	88%
White	2	1	1	0	11%	8%	17%	0%
Hispanic/Latino	5	3	2	1	26%	23%	33%	13%
TOTAL	19	13	6	8	100%	100%	100%	100%

Table 6. Report on Audits.

The following table contains data regarding the number and outcome of required data audits during the period of 1/1/25-12/31/25.

Audit Data	Number of Data Audits Completed	Date of Completion	Outcome of Audit
1	1	03/01/25	Data was valid and reliable
2	1	06/01/25	Data was valid and reliable
3	1	09/01/25	Data was valid and reliable
4	1	12/01/25	Data was valid and reliable

ADDITIONAL COMMENTS:

Table 7. Instance Where Force Resulted in Bodily Injury.

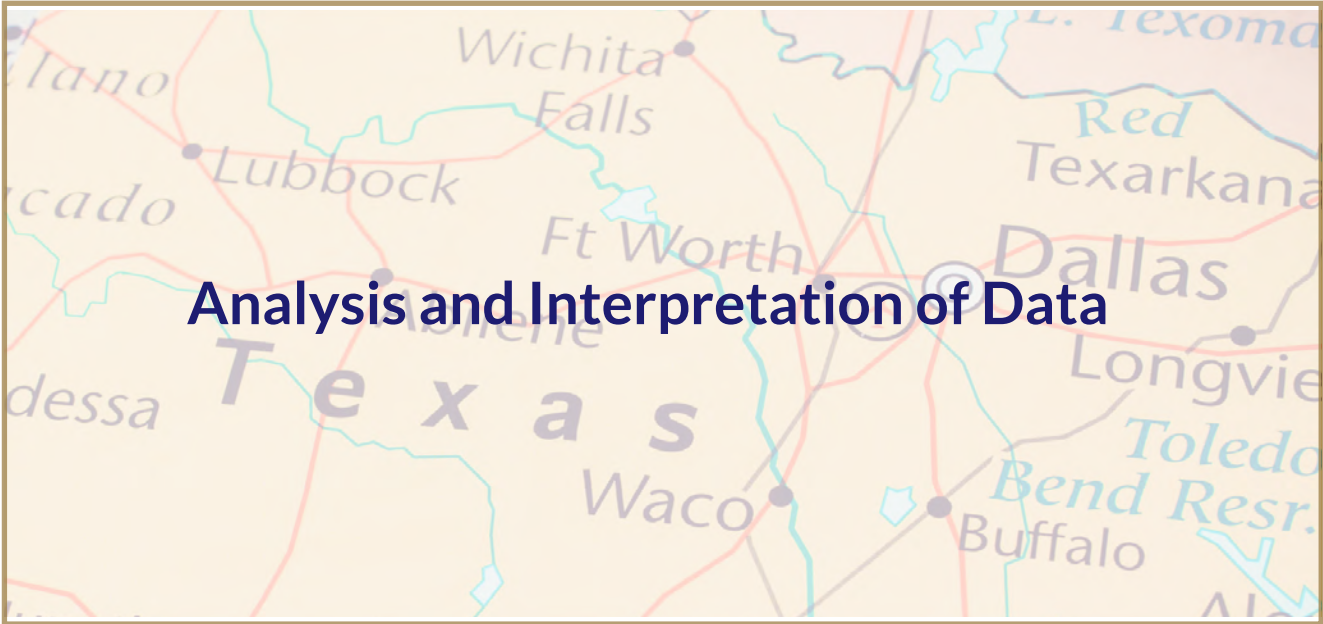
Race/Ethnicity	Number	Percent
Alaska Native/American Indian	0	0%
Asian/Pacific Islander	0	0%
Black	0	0%
White	0	0%
Hispanic/Latino	0	0%
TOTAL	0	0%

Table 8. Reason for Arrests from Vehicle Contact

Race/ Ethnicity	Violation of Penal Code	Violation of Traffic Law	Violation of City Ordinance	Outstanding Warrant	Percent Penal Code	Percent Traffic Law	Percent City Ordinance	Percent Warrant
Alaska Native/ American Indian	0	0	0	0	0%	0%	0%	0%
Asian/Pacific Islander	0	0	0	0	0%	0%	0%	0%
Black	3	1	0	3	100%	100%	0%	75%
White	0	0	0	0	0%	0%	0%	0%
Hispanic/ Latino	0	0	0	1	0%	0%	0%	25%
TOTAL	3	1	0	4	100%	100%	0%	100%

Table 9. Contraband Hit Rate

Race/ Ethnicity	Searches	Contraband Found Yes	Contraband Hit Rate	Search Percent	Contraband Percent
Alaska Native/ American Indian	0	0	0%	0%	0%
Asian/ Pacific Islander	0	0	0%	0%	0%
Black	12	9	75%	63%	69%
White	2	1	50%	11%	8%
Hispanic/Latino	5	3	60%	26%	23%



Legislative Background and Statutory Framework

In 2001, the Texas Legislature enacted Senate Bill 1074, establishing the Texas Racial Profiling Law. This legislation became effective on January 1, 2002, and required all law enforcement agencies in Texas to collect traffic-related contact data and submit annual reports to their respective local governing authorities by March 1 of each calendar year. The original statutory framework remained substantially unchanged until 2009, when the Texas Legislature passed House Bill 3389, introducing significant amendments to the data collection and reporting requirements.

The 2009 legislative amendments, which took effect on January 1, 2010, expanded the definition of reportable contacts to include all motor vehicle-related encounters resulting in the issuance of a citation or custodial arrest. Additionally, the amended statute required law enforcement officers to document whether they possessed knowledge of the individual's race or ethnicity prior to initiating the detention. The 2009 legislation also mandated the inclusion of "Middle Eastern" as a distinct racial and ethnic classification category and established TCOLE as the central repository for annual data submissions.

In 2017, the Texas Legislature enacted two significant pieces of legislation affecting racial profiling data collection requirements. House Bill 3051 eliminated the Middle Eastern classification category and standardized racial and ethnic designations to align with federal reporting standards. Concurrently, the Sandra Bland Act (Senate Bill 1849) was passed and signed into law, representing the most comprehensive legislative mandate in Texas history regarding law enforcement contact data requirements. The Sandra Bland Act, which became effective on January 1, 2018, not only expanded data collection requirements but also mandated detailed analytical assessments addressing the following statutory elements:

1. *A comparative analysis of compiled information pursuant to Article 2.133, including:*
 - a. *Evaluation and comparison of motor vehicle stops within the applicable jurisdiction between persons recognized as racial or ethnic minorities and persons not recognized as racial or ethnic minorities;*
 - b. *Examination of the disposition of motor vehicle stops conducted by agency personnel, categorized according to the race or ethnicity of affected persons, including any searches resulting from stops within the applicable jurisdiction;*
 - c. *Evaluation and comparison of searches resulting from motor vehicle stops within the applicable jurisdiction and documentation of whether contraband or other evidence was discovered during the course of such searches.*
2. *Documentation of all complaints filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.*

Analytical Methodology and Baseline Considerations

In accordance with the Texas Racial Profiling Law and Sandra Bland Act requirements, the Everman Police Department commissioned an independent analysis of its 2025 motor vehicle contact data. The analytical framework employed in this study incorporated two distinct methodological approaches. The primary analysis involved a comprehensive evaluation of all motor vehicle-related contact data collected during the 2025 reporting period. This analysis measured, as required by statute, the number and percentage of contacts involving individuals classified as White, Black, Hispanic or Latino, Asian and Pacific Islander, and Alaska Native and American Indian, who encountered law enforcement during motor vehicle-related contacts resulting in the issuance of citations, warnings, or custodial arrests.

The Tier 2 data analysis encompassed multiple variables including, but not limited to: the number and percentage of contacts by race and ethnicity; gender distribution; documented reason for the stop; geographic location of the encounter; search activity including search type classification; outcome of the contact; legal basis for any resulting arrest; and any use of physical force resulting in bodily injury. This comprehensive data collection framework enables a thorough assessment of departmental practices and facilitates identification of any patterns warranting further examination.

The analytical framework employed in this report utilized a comparative methodology that assessed 2025 motor vehicle contact data against an established demographic baseline. It should be noted that considerable scholarly debate exists regarding the appropriate baseline measure for analyzing motor vehicle-related contact data. Among available baseline measures, the Everman Police Department accepted the recommendation to employ the Fair Roads Standard as the primary comparative benchmark. This particular baseline is derived from U.S. Census Bureau data (2020) pertaining to the number of households with vehicle access, controlled for the race and ethnicity of heads of households.

It is important to acknowledge the methodological limitations inherent in utilizing census-derived baseline data for racial profiling analysis. Census data encompasses all residents within a given jurisdiction, regardless of their status within the driving population. Furthermore, census data captures information exclusively pertaining to municipal residents, thereby excluding individuals who may have encountered the Everman Police Department during the reporting period but reside outside jurisdictional boundaries. In certain municipalities, contacts with non-residents constitute a substantial proportion of all motor vehicle-related encounters recorded during any given reporting period.

In 2002, prominent civil rights organizations in Texas advocated for the adoption of the Fair Roads Standard as the preferred baseline measure for all law enforcement agencies conducting racial profiling analyses. These standard compares census data specific to "households" with vehicle access against "contacts," which represent individual-level counts. This methodological approach introduces the potential for ecological fallacy, as household-level data is being compared with individual-level contact data. Notwithstanding these limitations, the Everman Police Department elected to employ this comparison methodology to demonstrate institutional commitment to transparency and community accountability. The Fair Roads Standard data utilized in this analysis is specific to the jurisdiction of the Dallas Fort-Worth (DFW) Metroplex.

Tier 2 Motor Vehicle-Related Contact Analysis (2025)

Examination of the enhanced Tier 2 data collected during the 2025 reporting period reveals distinct patterns in motor vehicle-related contacts. The demographic distribution of contacts indicates that the majority of motor vehicle-related encounters involved Hispanic individuals, followed by Black individuals. Among all individuals contacted by law enforcement, the greatest number of citations were issued to Hispanic and Black individuals, followed by White individuals. With respect to written warnings, the majority were issued to Black individuals, with Hispanic individuals representing the second largest recipient group.

Analysis of search and arrest data reveals that the majority of searches were conducted involving Black individuals. When examining search methodology, the greatest number of consent searches involved Hispanic and White individuals. The majority of custodial arrests involved Black individuals. Overall, the preponderance of searches resulted in the discovery of contraband. Among searches that yielded contraband, the majority involved Black individuals, followed by Hispanic individuals. Among searches that did not produce contraband, the majority involved Black individuals.

Arrest data indicates that the majority of custodial arrests involved Black individuals. Among arrests originating from alleged violations of the Texas Penal Code, the majority involved Black individuals. With respect to use of force, the department reports no instances where physical force was used resulting in bodily injury during the reporting period.

Comparative Analysis

A comprehensive comparative analysis was conducted examining 2025 motor vehicle contact data against census data pertaining to households within DFW that reported vehicle access in the 2020 Census. This analysis produced the following findings:

The percentage of White and Asian individuals who came into contact with law enforcement was equal to or lower than the percentage of White and Asian households within DFW that reported vehicle access in the most recent census enumeration. Conversely, the data revealed that a higher percentage of Black, Hispanic, and American Indian individuals came into contact with law enforcement compared to the percentage of Black, Hispanic, and American Indian households that reported vehicle access. It should be noted that the percentage differential for American Indian contacts relative to household representation is 1%, which may be considered statistically insignificant depending upon the analytical threshold employed.

The contraband discovery rate analysis reveals that among all searches conducted during the 2025 reporting period, Black individuals demonstrated the highest contraband hit rate, followed by Hispanic and White individuals respectively. This indicates that among all searches performed, the highest percentage of searches resulting in contraband discovery involved Black individuals. The lowest contraband discovery rate was observed among White individuals.

Summary of Findings

As mandated by the current Texas Racial Profiling Law, law enforcement agencies are required to conduct data audits to validate the accuracy and reliability of reported data. In compliance with this requirement, the Everman Police Department engaged Del Carmen Consulting, LLC to perform independent data audits consistent with normative statistical practices and methodological standards. As documented in the accompanying audit report, the validation process confirms that the data submitted is both valid and reliable.

Furthermore, as required by statute, this report includes a comprehensive analysis of search activity, including documentation of whether contraband was discovered as a result of searches while controlling for the race and ethnicity of searched individuals. The search analysis demonstrates that the Everman Police Department is engaging in search practices consistent with prevailing national trends in law enforcement and does not reveal patterns indicative of discriminatory practices.

Based upon the analytical findings presented in this report, the following recommendations are offered to ensure continued compliance and institutional best practices:

1. Continue to collect and evaluate supplementary motor vehicle contact data elements, including but not limited to documented basis for probable cause searches and detailed contraband classification, which may prove valuable in assessing the nature and circumstances of law enforcement contacts with all individuals.
2. Commission an independent analysis of contact and search data during the upcoming reporting period to maintain analytical continuity and identify any emerging trends.
3. Continue to commission periodic data audits to ensure data integrity and verify that collected data is consistent with reported data, thereby maintaining the validity and reliability of all submissions.

Conclusion

The comprehensive data analysis presented in this report serves as documented evidence that the Everman Police Department has achieved full compliance with the Texas Racial Profiling Law and all associated statutory requirements. This report demonstrates that the department has:

- Implemented and maintains a comprehensive racial profiling policy in accordance with statutory requirements;
- Established and publicized procedures for members of the public to file compliments or complaints regarding officer conduct;
- Commissioned periodic data audits to ensure the validity and reliability of all collected and reported data;
- Collected and commissioned independent analysis of all required Tier 2 data elements; and
- Ensured that the practice of racial profiling is expressly prohibited and will not be accepted or tolerated within the organization.

The Everman Police Department remains committed to constitutional policing practices, equitable treatment of all individuals, and continued compliance with all applicable state and federal requirements pertaining to racial profiling prevention and reporting.

APPENDICES

[This section should include the following reference materials:]

- ✓ Original text of Senate Bill 1074 (Texas Racial Profiling Law)
- ✓ Sandra Bland Act (Senate Bill 1849) - Current governing law
- ✓ TCOLE compliance requirements and guidelines
- ✓ Agency racial profiling policy documentation
- ✓ Training documentation and certifications
- ✓ Complaint and compliment procedure documentation
- ✓ Data audit methodology and validation results
- ✓ Tier 2 data collection forms and submission confirmation



LEGISLATIVE & ADMINISTRATIVE

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 and 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

President of the

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

**EVERMAN
POLICE DEPARTMENT
RACIAL PROFILING POLICY**

	EVERMAN POLICE DEPARTMENT	
	Policy 2.2 Bias Based Policing	
	Effective Date: 03/05/2019	Replaces: 01/01/2017
	Approved: C. W. Spencer; Chief of Police 	
Reference: TBP 2.01		

I. POLICY

We are committed to a respect for constitutional rights in the performance of our duties. Our success is based on the respect we give to our communities, and the respect members of the community observe toward law enforcement. To this end, we shall exercise our sworn duties, responsibilities, and obligations in a manner that does not discriminate on the basis of race, sex, gender, sexual orientation, national origin, ethnicity, age, or religion. Although it is true that all people carry biases, in law enforcement the failure to control our biases can lead to illegal arrests, searches, and detentions, thus thwarting the mission of our department. Most importantly, actions guided by bias destroy the trust and respect essential for our mission to succeed. We live and work in communities very diverse in population. Respect for diversity and equitable enforcement of the law are essential to our mission.

All enforcement actions -- particularly stops of individuals for traffic and other violations, investigative detentions, arrests, searches, and seizures of persons or property -- shall be based on the standards of reasonable suspicion or probable cause as required by the Fourth Amendment to the U. S. Constitution and by statutory authority. In all enforcement decisions, officers shall be able to articulate specific facts, circumstances, and conclusions that support probable cause or reasonable suspicion for arrests, searches, seizures, and stops of individuals. Officers shall not stop, detain, arrest, search, or attempt to search anyone based solely upon the person's race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group. Officers shall base all of their actions on a reasonable suspicion that the person or an occupant of a vehicle committed an offense.

All departmental orders are informed and guided by this directive. Nothing in this order limits non-enforcement contacts between officers and the public.

II. AUTHORITY

1. United States Constitution, 4th Amendment & 14th Amendment
2. Texas Code of Criminal Procedure, Articles 2.131 – 2.138 and 3.05
3. SB 1074 (2001) The Texas Racial Profiling Law
4. HB 3389 (2009) Update on Original Law

- 5. HB 3051 (2017) Racial and Ethnic Designations
- 6. SB 1849 (2017) The Sandra Bland Act
(Non-Data Requirements established by SB 1074, HB 3389 and SB 1849)

III. PURPOSE

The purpose of this order is to provide general guidance on reducing the presence of bias in law enforcement actions, to identify key contexts in which bias may influence these actions, and emphasize the importance of the constitutional guidelines within which we operate.

IV. DEFINITIONS

Most of the following terms appear in this policy statement. 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. Acts Constituting Racial Profiling: are acts initiating law enforcement action, such as a motor vehicle contact, a detention, a search, issuance of a citation, or an arrest based solely upon an individual's race, ethnicity, or national origin, or on the basis of racial or ethnic stereotypes, rather than upon the individual's behavior, information identifying the individual as having possibly engaged in criminal activity, or other lawful reasons for the law enforcement action.
- B. Bias: Prejudice or partiality based on preconceived ideas, a person's upbringing, culture, experience, or education.
- C. 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.
- D. Ethnicity: A cluster of characteristics that may include race but also cultural characteristics or traits that are shared by a group with a common experience or history.
- E. Gender: Unlike sex, a psychological classification based on cultural characteristics or traits.
- F. Motor vehicle contact: means the stopping of a motor vehicle by a police officer for an alleged violation of law and ordinance regulating traffic.
- G. 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.

- H. Race: A category of people of a particular decent, including White, Black, Hispanic or Latino, Asian or Pacific Islander, or Native American or American Indian descent. As distinct from ethnicity, race refers only to physical characteristics sufficiently distinctive to group people under a classification.
- I. 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.
- J. Reasonable suspicion: Articulable, objective facts that 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."
- K. Sex: A biological classification, male or female, based on physical and genetic characteristics.
- L. Stop: An investigative detention. The detention of a subject for a brief period of time, based on reasonable suspicion.
- M. Texas Commission on Law Enforcement: TCOLE is a state agency created in 1965 by an act of 59th Texas Legislature, empowered to establish minimum licensing and training standards for Texas peace officers to improve the proficiency of law enforcement services.

IV. PROCEDURES

A. General responsibilities

1. Officers are prohibited from engaging in bias-based or racial 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, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group. 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)
2. Investigative detentions, traffic stops, arrests, searches, and property seizures by officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the U.S. Constitution. Officers must be able to articulate specific facts and circumstances that support reasonable suspicion or probable cause for investigative detentions, traffic stops, subject stops, arrests, nonconsensual searches, and property seizures. Except as provided in number 3 below, officers shall not consider race/ethnicity

in establishing either reasonable suspicion or probable cause. Similarly, except as provided below, officers shall not consider race/ethnicity in deciding to initiate even those nonconsensual encounters that do not amount to legal detentions or to request consent to search.

3. Officers may take into account the reported race or ethnicity of a specific suspect or suspects based on trustworthy, locally relevant information that links a person or persons of a specific race/ethnicity to a particular unlawful incident(s). Race/ethnicity can never be used as the sole basis for probable cause or reasonable suspicion. Except as provided above, race/ethnicity Reasonable suspicion or probable cause shall form the basis for any enforcement actions or decisions. Individuals shall be subjected to stops, seizures, or detentions only 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.
4. 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.
5. 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. Further, officers shall provide information on the complaint's process and shall give copies of "Citizen Complaint Procedures" when appropriate.
6. When feasible, personnel shall offer explanations of the reasons for enforcement actions or other decisions that bear on the individual's wellbeing unless the explanation would undermine an investigation or jeopardize an officer's safety.
7. When concluding an encounter, personnel shall thank him or her for cooperating.

8. 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.
9. 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.
5. Supervisors shall be held accountable for repeated instances of biased enforcement of their subordinates.
6. 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.
7. Supervisors will ensure that patrol officers are recording their motor vehicle contact, in compliance with agency policy, as well as state law. First-Line Supervisors are responsible to periodically review the videos, monitoring the performance of patrol officers, and taking corrective measures, as warranted, to prevent police misconduct, including racial profiling.
8. Supervisors are required to review random videos each quarter (3 months) per officer. When conducting random, quarterly, supervisory reviews of officer's video, review the footage in a manner intended to gain an understanding of that officer's performance and adherence to policy and law. Supervisors will log their findings in the video review log.

C. Disciplinary consequences

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

D. Public Education.

1. The Chief of Police is responsible to provide public education relating to the agency's complaint process.
2. This public awareness effort may include, but is not limited: to news media, radio, civic club presentations, citizen police academies, the internet, printed pamphlets, as well as City Council Meetings.

E. Training (TBP: 2.01)

Officers, including the Chief of Police, shall complete all training required by state law regarding bias- based profiling.

II. COMPLAINTS

1. Any individual may file a complaint with the Chief of Police, if the individual believes that a Everman Police Officer has engaged in racial profiling with respect to the individual. No person shall be discouraged, intimidated, or coerced from filing such complaint or discriminated against because they filed such a complaint.
2. To make a compliment or complaint with respect to each ticket, citation, or warning issued by a police officer, send to the following:

Chief of Police
404 W. Enon Avenue
Everman, Texas 76140
(817) 293-2923
E-mail: cspencer@evermantx.net

3. The Everman Police Department shall accept and investigate citizen complaints alleging racial profiling by its police officers in the same consistent manner as other complaints of police misconduct as described under Policy 2.4.
4. Any police officer, city employee or city official who receives a citizen complaint alleging racial profiling shall direct the complaint to the Chief of Police, who retains the right to assign the complaint to an investigator, within or outside the police department, including the Tarrant County Sheriff's Office, Tarrant County District Attorney, Texas Rangers, Texas Attorney General, or FBI.

5. The accused officer will be given the opportunity to respond, in writing, to the citizen's allegations. Depending upon the circumstances and facts, the investigation may be either administrative, criminal, or both.
6. The investigator shall seek to determine if the accused officer has engaged in a pattern of racial profiling that includes multiple acts constituting racial profiling for which there is no reasonable, credible explanation based on established police and law enforcement procedures.
7. The investigator shall record findings supporting sustained, unfounded or exonerated. Any recommendations for disciplinary action or changes in policy, training or patrol tactics should be included.
8. If a complaint involves an audio/video recording, the Chief of Police shall, upon the commencement of the investigation and written request of the officer, provide a copy of the recording to the accused police officer.
9. The Chief of Police will acknowledge in writing receipt of the complaint. Upon conclusion of the investigation, the Chief of Police shall notify the complainant of the final results. If a racial profiling complaint is sustained against an officer, it will result in appropriate corrective and/or disciplinary action, as directed by the Chief of Police. The Chief of Police will make the final determination about the disposition of any complaint.

III. RECORD KEEPING

- A. The Everman Police Department collects racial profiling data.
- B. Patrol officers are required to record the following information relating to motor vehicle contacts, resulting in a citation or arrest: the violators race or ethnicity, whether a search was conducted, and if so, was the search consensual.
 1. Gender
 2. Race or Ethnicity (as stated by the person or as determined by the officer to the best of the officer's ability)
Race or Ethnicity means only the following categories:
 - a) White
 - b) Black
 - c) Hispanic or Latino
 - d) Asian or Pacific Islander
 - e) Alaska Native or American Indian

3. Initial reason for the stop
 - i. Violation of the law
 - ii. Pre-existing knowledge (i.e., warrant)
 - iii. Moving Traffic Violation
 - iv. Vehicle Traffic Violation (Equipment, Inspection or Registration)
4. If a search was conducted as a result of the stop?
 - i. If so, did the person detained consent to the search?
5. Was contraband or other evidence discovered as a result of the search?
6. Description of the contraband or evidence found:
 - i. Illegal drugs/drug paraphernalia
 - ii. Currency
 - iii. Weapons
 - iv. Alcohol
 - v. Stolen Property
 - vi. Other
7. Reason for the search:
 - i. Consent
 - ii. Contraband/Evidence in Plain Sight
 - iii. Probable Cause or Reasonable Suspicion
 - iv. Inventory Search Performed as a Result of Towing
 - v. Incident to Arrest/Warrant
8. Information on arrests:
 - i. Did officer make an arrest as a result of the stop or search?
 - ii. Reasons for Arrest:
 1. Violation of Penal Code
 2. Violation of a Traffic Law
 3. Violation of City Ordinance
 4. Outstanding Warrant
9. Street Address or approximate location of the stop:
 - i. City Street
 - ii. US Highway
 - iii. County Road
 - iv. Private Property or Other
10. Verbal or Written Warning or a Ticket or Citation as a result of the stop?
11. Whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code (“means physical pain, illness, or any impairment of physical condition), during the stop;
 - a. The location of the stop; and
 - b. The reason for the stop

C. Annual Administrative Review/Report: Annually, this administration shall review agency practices related to motor vehicle contacts. One purpose of this administrative review is to identify any violations related to this written directive, state, or federal laws, including training deficiencies.

1. As a part of the Annual Police Report, the Chief of Police shall report to the Everman City Council, and the Texas Commission on Law Enforcement, a statistical summary of motor vehicle contacts, resulting in a citation, arrest and/or search.
2. The information collected shall be compiled in an annual report covering the period of January 1 through December 31 of each year, and shall be submitted to the Everman City Council, and the Texas Commission on Law Enforcement, no later than March 1 of the following year.
3. The agency shall review the data collected to identify any improvements the agency could make in its practices and policies regarding motor vehicle contacts.
4. The report will contain required information including:
 - a. Number of citations by race or ethnicity;
 - b. Number of citations resulting in a search;
 - c. Number of consensual searches; and
 - d. Number of citations resulting in custodial arrest.
5. The annual report shall not include identifying information about any individual stopped or arrested, and shall not include identifying information about any police officer involved in a motor vehicle contact or arrest.
6. This data collected as a result of reporting requirements (State Law) shall not constitute prima facia evidence of racial profiling.

D. Audio and Video Equipment

1. MVR systems are installed in all patrol vehicles to accomplish the many patrol objectives, including officer accountability, documentation, evidence and training.
2. Every Patrol Officer is equipped with a body worn camera, as the term is defined by Section 1701.651, Occupations Code.
3. All motor vehicle contacts shall be recorded. During motor vehicle contacts, MVR and Body Worn Camera equipment shall activate and remain on until the motor vehicle contact is terminated.

4. If a complaint is filed with this department, the agency shall retain that videotape until the final disposition of the complaint.
5. Any evidence of racial profiling or police mis-conduct, the First-Line Supervisor will forward the videotape to the Chief of Police for corrective measures, including sanctions.



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

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www.delcarmenconsulting.com

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Protect Your Residents. *Strengthen Your EMS Finances.*

Will Winters, MBA

VP, Broker and Strategic Accounts





About us

Founded in 1974, Medical Access & Service Advantage (MASA®) is the leading emergency transportation protection built to enhance healthcare plans by protecting against out-of-pocket costs associated with emergency medical transport. Today, as a global organization with 14 international locations and services in all 50 states and Canada, MASA serves more than 2 million members with emergency and non-emergency transportation cost-reimbursement services and so much more. Our basic protection area includes the continental U.S., Hawaii, Alaska, Mexico, and Canada, with worldwide protection¹ offered for certain plans. For more information, visit masaaccess.com.

Why the Need for MASA

Challenges for both Residents and EMS

Every minute matters.

During life's most critical moments, every advantage matters. Access to emergency care how and when you need it — regardless of network — lets you focus on your health and recovery.

MASA is your medical access and service advantage.



Medical Access & Service Advantage



Emergency Medical Transport Across the Country

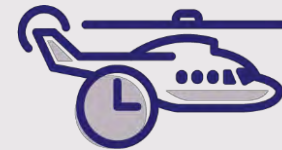
Section 7, Item A.



23,000 ground and air medical transport providers across the U.S. ¹



Nearly **every second** a ground ambulance is dispatched in the U.S. ¹



Nearly **every minute** an air ambulance is dispatched in the U.S. ²



98% of all transports are ground transports statistically.

The Fear of the Bill Impacting Outcomes

1 in 4

Americans have opted out of taking an ambulance during a medical emergency due to fear of potential costs ¹

32%

Increase in charges over a 4-year period, with minimal increase in insurance reimbursements for out-of-network providers

MASA allows residents to get the care they need, when they need it, without the fear of the bill!

Your EMS department is essential. But it faces real financial pressure.

Cities across Texas operate EMS services that are critical to public safety — yet consistently difficult to sustain financially. Ambulance billing is complex, collection rates are low, and residents are left with surprise bills that strain trust in local government. The result: your city absorbs costs that could be offset by a smarter approach, while your residents face financial hardship after the very emergencies you responded to.

Low collection rates

Persistent AR challenges

Residents face potential surprise bills

Solving for the Problem

From accounts receivable headaches to increased predictable revenue

TODAY - WITHOUT MASA

- EMS departments collect only a fraction of billed amounts on average
- Aging AR requires staff time (or higher billing agency fees) and collection agency costs
- Uninsured residents default - city absorbs the loss
- EMS runs a budget line item that requires subsidy
- Residents face surprise bills and potential financial hardship

WITH MASA

- Increased predictability and revenue per transport
- MASA pays eligible claims directly to provider - reducing AR pressure
- EMS providers receive faster reimbursement - shortening revenue cycle
- Residents are protected before an emergency happens
- Community goodwill - leadership seen as proactive

Providing Confidence. Improving Outcomes.

A low-price, high-value solution

Benefits



Emergency Ground Ambulance Protection

MASA provides coverage up to \$750 for emergency ground transportation in the U.S. or Canada to a medical facility.



Emergency Air Ambulance Protection

MASA provides coverage up to \$7,500 for emergency air transportation in the U.S. or Canada to a medical facility.



Hospital to Hospital Ambulance Protection

If specialized care is required but not available at the initial emergency facility in the U.S. or Canada, MASA provides coverage up to plan limits for ground or air ambulance transfer to the nearest appropriate medical facility.

- **\$750 benefit equates to paying for MASA for over 9 years**
- **\$7,500 benefit equates to paying for MASA for over 92 years**
- **Not designed to always cover the entire out-of-pocket costs – rather is it designed to help take the sting out of the bill, at a very affordable rate.**

Benefits are paid after primary insurance and other 3rd party liabilities are paid. MASA protects the member from their final out-of-pocket responsibility. Uninsured residents will still receive a benefit of 20% of the out-of-pocket up to the plan limits.

How requests for ambulance payment work

Submission



Submit your ambulance bill through the online member portal or by email within 180 days of the emergency. Be sure to include:

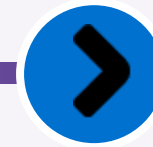
- Your member number within the email or on the ambulance bill
- Your health insurance EOB (explanation of benefits), if available

Review



- After submission, you'll receive an auto-reply confirmation of receipt and basic details.
- Next, a Member Resolution Specialist will review your case and reach out if they need any additional information.

Resolution



Once your request is closed, you'll receive a letter notifying you of the resolution.



From approval to protection in weeks, not months.

01

City Approves

Council votes to offer MASA. Large majority of implementation handled for you with little overall lift required.

02

Utility Billing Setup

Self-administered billing through your existing water/utility infrastructure. No new systems.

03

Residents Enrolled

Opt-out enrollment. Residents informed and given an opt-out window. No individual sign-ups.

04

Utility Billing Setup

Self-administered billing through your existing water/utility infrastructure. No new systems.

05

Claims Paid

Resident submits ambulance bill to MASA. MASA reviews and pays eligible claims directly to the provider.

Minimal lift for your staff after launch

- **Participation is voluntary.** While customers are automatically enrolled for administrative efficiency, any customer may opt out at any time or re-enroll at any time, with coverage effective on the first day of the following month.
- **Auto-enrollment reduces administrative burden for the municipality.** This approach has consistently lowered ongoing workload by minimizing enrollment tracking, billing questions, and customer service demands.
- **MASA will manage all customer education and communication.** Clear, transparent materials will be provided in advance of implementation, including bill inserts and digital communications, to ensure customers are fully informed of their options.
- **MASA will provide some public education sessions as requested.** These sessions will explain program value, coverage details, and the claims process in a clear, accessible manner.
- **Implementation and administration are handled collaboratively.** MASA will work directly with designated municipal staff to ensure a smooth rollout and efficient ongoing administration with minimal operational impact.

Thank you!

Will Winters, MBA
VP, Broker and Strategic Accounts

EVERMAN COMMUNITY DEVELOPMENT CORPORATION STRATEGIC PLAN 2026

Section 7, Item C.



EVERMAN, TEXAS
"Best Little City in Texas"

SERVICE,
COMMUNICATION,
COMMUNITY

ACKNOWLEDGEMENTS

We would like to thank the following individuals and organizations for their support and participation in the development of this strategic plan.

CITY OF EVERMAN MAYOR & CITY COUNCIL

- Ray Richardson; *Mayor*
- Susan Mackey; *Mayor Pro-Tem*
- Linda Sanders; *Place 1*
- Carolyn Renfro; *Place 2*
- Johnnie Allen; *Place 3*
- Judy Sellers; *Place 5*
- Miriam Davila; *Place 6*

EVERMAN COMMUNITY DEVELOPMENT BOARD OF DIRECTORS

- Ray Richardson; *President*
- Miriam Davila; *Board Member*
- Johnnie Allen; *Board Member*
- Jim Bauer; *Board Member*
- Richard Isarraraz; *Board Member*
- Michelle Hudson; *Board Member*
- Anthony Grissett; *Board Member*
- Burl Hollingsworth; *Retired Board Member*

CITY OF EVERMAN STAFF

- C. W. Spencer; *City Manager & Executive Director*
- Susanne Helgesen; *Assistant City Manager & Executive Director*
- Mindi Parks; *City Secretary*
- Victoria Thomas; *City Attorney – Nichols Jackson*

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EXECUTIVE SUMMARY

The Everman Community Development Corporation (CDC) Strategic Plan establishes a clear, actionable framework to guide economic development efforts and strategic investment over the coming years. Developed through a combination of data analysis, stakeholder engagement, and organizational assessment, this plan positions Everman to capitalize on its strengths while addressing key challenges that impact economic vitality and quality of life.

Everman is at a pivotal moment. Located within one of the fastest-growing regions in the nation, the City is uniquely positioned to attract new investment, expand its commercial base, and enhance opportunities for residents. At the same time, the community faces challenges common to many small cities, including limited retail options, aging infrastructure in targeted areas, and the need to diversify and strengthen its economic base. This Strategic Plan provides a roadmap to navigate these opportunities and challenges with intention and focus.

Through this process, four Strategic Priorities have been identified to guide the CDC’s efforts. These priorities focus on strengthening retail recruitment and retention, supporting redevelopment and revitalization efforts, enhancing infrastructure and site readiness, fostering business growth and entrepreneurship, and improving community identity and engagement. Each priority is supported by specific goals and initiatives designed to produce measurable outcomes and long-term impact.

A key component of this plan is the identification of specialized geographic focus areas, including redevelopment zones, targeted retail corridors, and the downtown district. By concentrating resources and efforts within these areas, the CDC can maximize its impact, encourage private investment, and catalyze visible transformation within the community.

Implementation of this Strategic Plan is supported by a structured framework that includes an initiative matrix, defined timelines, and identification of necessary resources and funding strategies. The plan also establishes clear accountability measures, ensuring that progress is regularly tracked, evaluated, and communicated. Performance measurement will be driven by defined key performance indicators (KPIs), supported by consistent data collection and an annual review process to assess progress and adjust strategies as needed.

Ultimately, this Strategic Plan reflects a commitment to proactive, transparent, and results-driven economic development. It provides the Everman CDC with the tools and direction necessary to make informed decisions, prioritize investments, and foster sustainable growth.

By working collaboratively with community stakeholders, regional partners, and the private sector, Everman is well-positioned to build a stronger, more vibrant economy—one that supports local businesses, attracts new opportunities, and enhances the overall quality of life for its residents.

Mission Statement

“To foster sustainable economic development, enhance neighborhood vitality, and improve the quality of life for Everman residents by investing in strategic opportunities that grow our local economy and strengthen our community.”

Vision Statement

“A thriving, inclusive, and resilient Everman where strategic investment, strong partnerships, and community pride drive continued growth and prosperity.”

Core Values

Stewardship

We are committed to the responsible and transparent management of public resources entrusted to the CDC. Through thoughtful planning, strategic investment, and accountability, we ensure that every decision maximizes long-term value and benefits for the Everman community.

Revitalization

We prioritize the renewal and enhancement of existing assets, corridors, and neighborhoods to stimulate economic activity and community pride. By encouraging reinvestment and redevelopment, we aim to transform underutilized areas into vibrant, productive spaces that serve current and future generations.

Resilience

We strive to build a local economy that is adaptable, diverse, and prepared to withstand economic fluctuations and unforeseen challenges. By strengthening infrastructure, supporting local businesses, and planning for long-term sustainability, we position Everman for continued stability and growth.

Empowerment

We believe in creating opportunities that enable residents, businesses, and stakeholders to actively participate in and benefit from economic development. Through engagement, partnerships, and resource support, we foster an environment where individuals and organizations can succeed and contribute to the community’s progress.

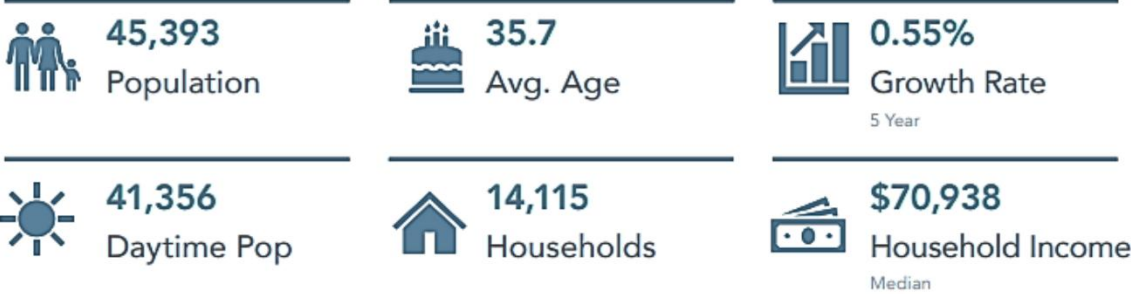
Creativity

We embrace innovative thinking and forward-looking approaches to economic development. By encouraging new ideas, flexible strategies, and unique solutions, we enhance our ability to attract investment, solve challenges, and differentiate Everman as a dynamic and opportunity-rich community.



COMMUNITY & ECONOMIC PROFILE

Demographics (10-minute drive time)



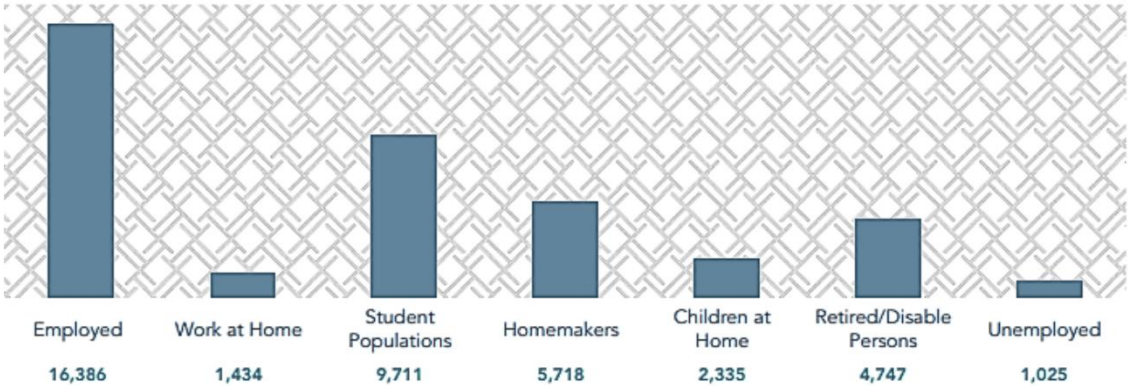
Peer Analysis

The Peer Analysis, developed by Retail Strategies and Tetrad, identifies retail areas with similar demographics and retail characteristics. It uses data from a 5 or 10 minute drive time from major comparable retail corridors across the country.

Peer Trade Areas

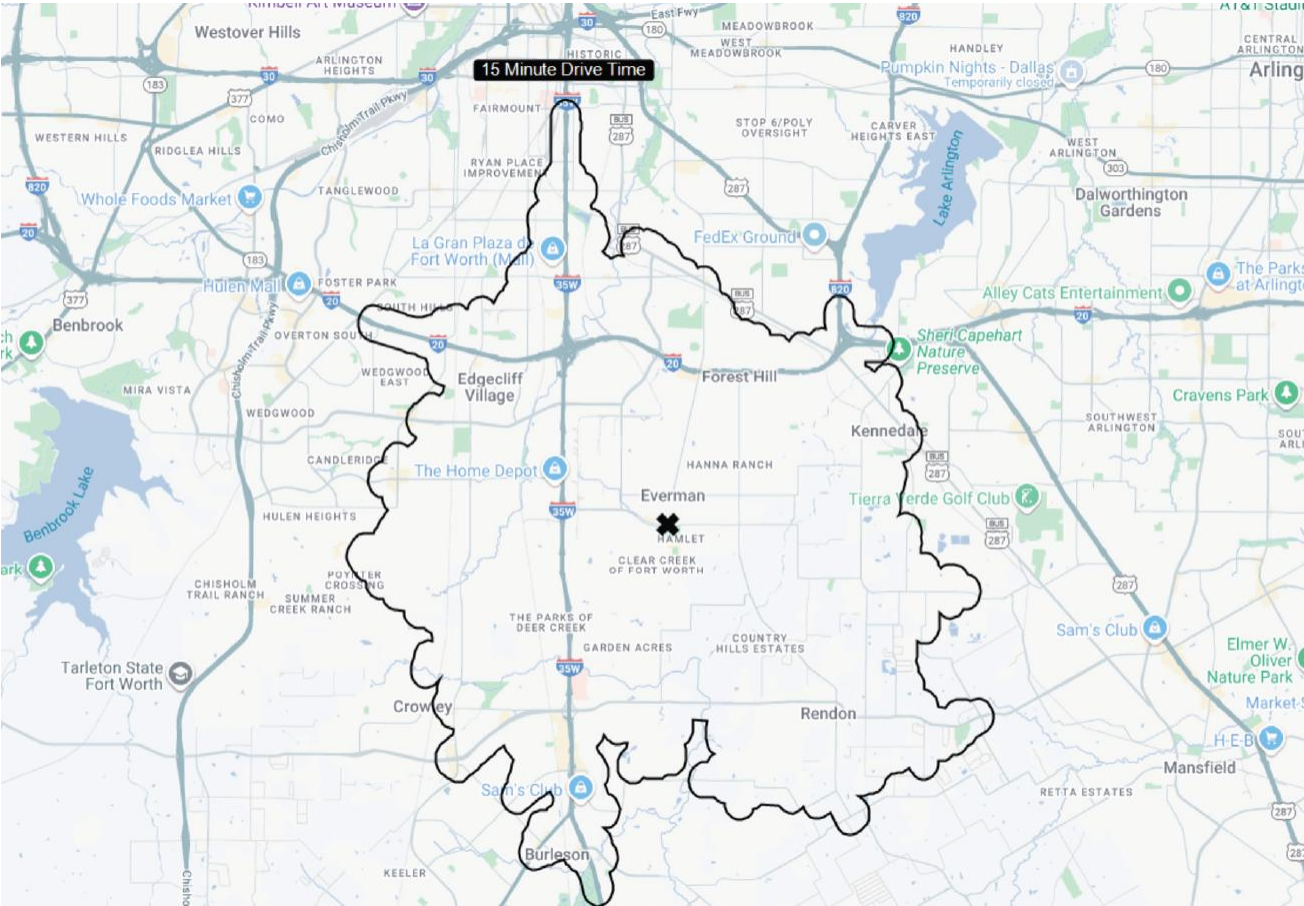
La Marque, TX	2020 Highway 3
Texas City, TX	1320 34th St N
Woodville, TX	6520 US Highway 69 S
Waxahachie, TX	600 N Highway 77 Ste A
Pharr, TX	7608 S Cage Blvd
Tuscola, TX	135 Remington Rd
Beaumont, TX	7185 Tram Rd
Conroe, TX	12266 Highway 105 E
New Caney, TX	19620 FM 1485 Rd

Daytime Population (10-minute drive time)



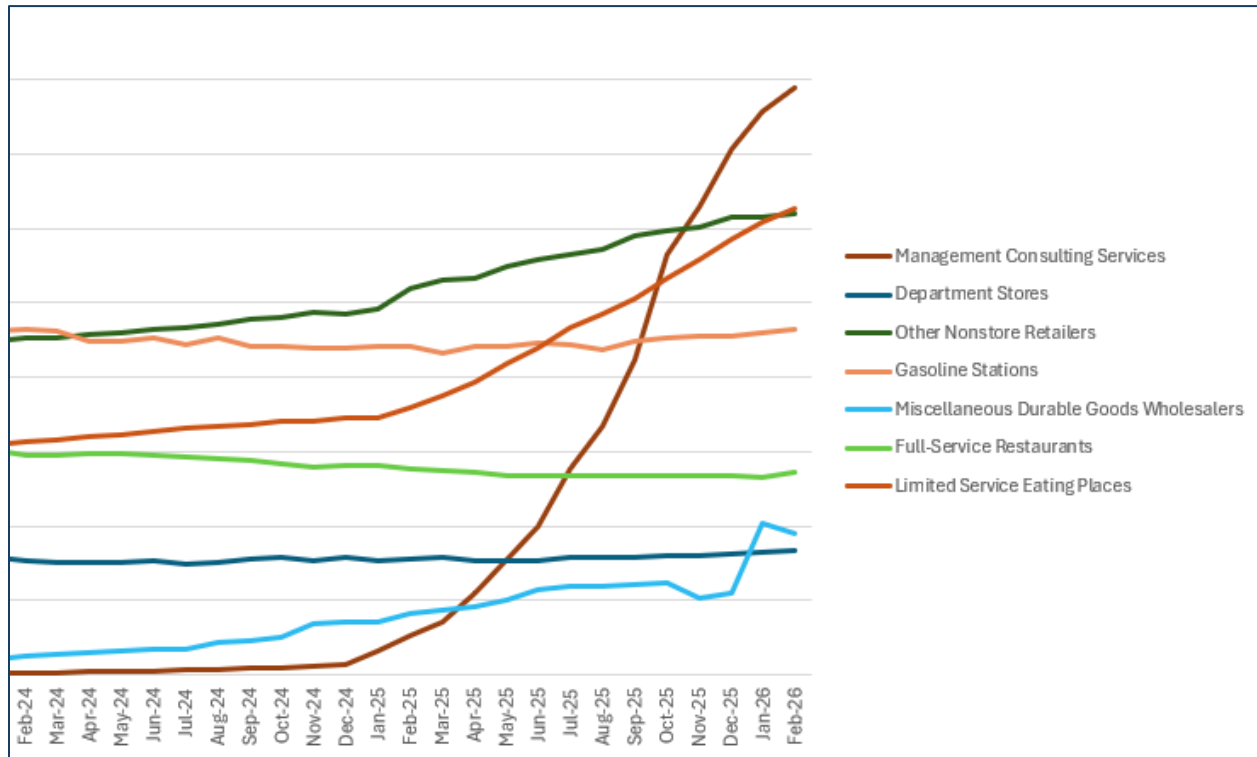
*DATA ANALYSIS CONDUCTED AND PROVIDED BY RETAIL STRATEGIES, LLC

GREATER EVERMAN TRADE AREA



Distance	3 Miles	5 Miles	5 Minutes	10 Minutes	15 Minutes
2024 Est. Pop	44,228	180,337	10,028	45,393	189,313
Daytime Pop	36,770	151,633	13,847	41,356	161,154
Median HH Income	\$72,116	\$70,475	\$64,167	\$70,938	\$71,065
Households	13,697	57,497	3,063	14,115	60,690

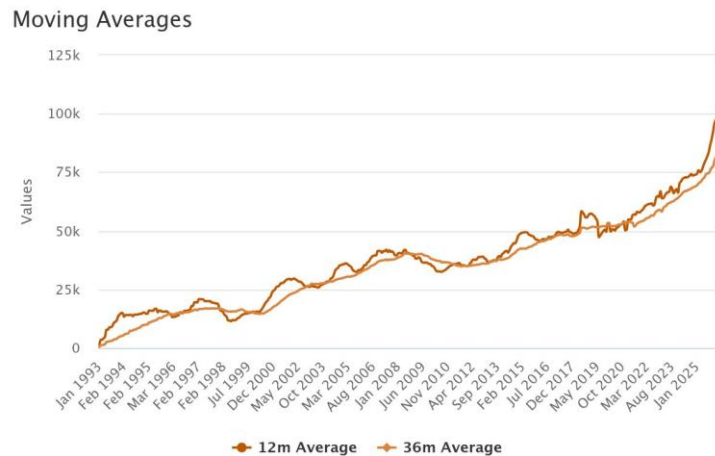
2-Year Industry Performance Trendlines in Everman Proper



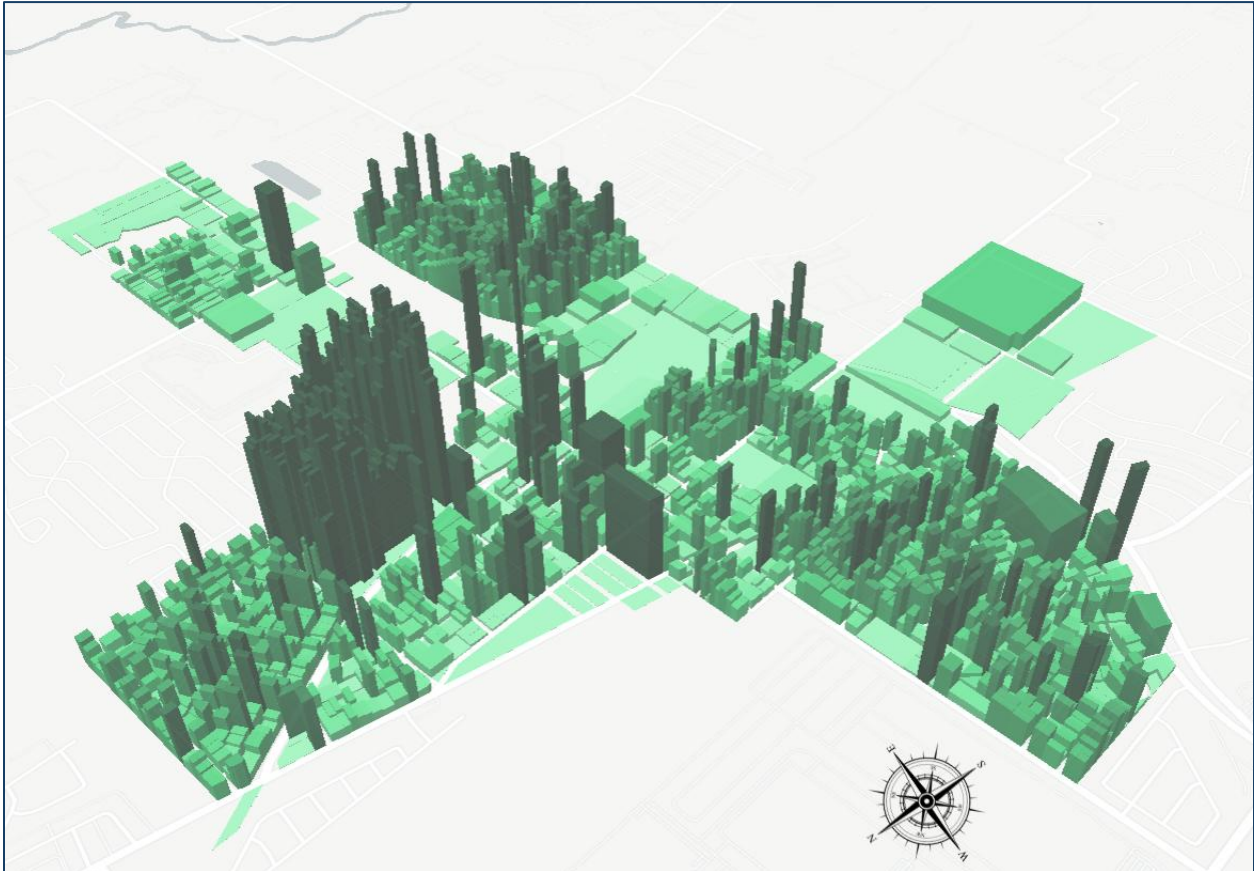
Sales Tax Collection Moving Averages (12m/36m)

The analysis of 12-month and 36-month moving averages for sales tax collections demonstrates a strong and sustained upward trend in the City’s economic performance over time. The current positioning of the 12-month average above the 36-month average indicates positive momentum and accelerating growth, reflecting increased commercial activity and consumer spending within the community.

While this trend highlights a period of significant strength, particularly in recent years, it is important to recognize that a portion of this growth may be influenced by external factors such as inflation and broader regional economic conditions. As such, continued focus should be placed on diversifying the local economy, expanding the commercial tax base, and pursuing strategic development opportunities that ensure long-term stability and resilience in revenue generation.



Land Value Per Acre Assessment



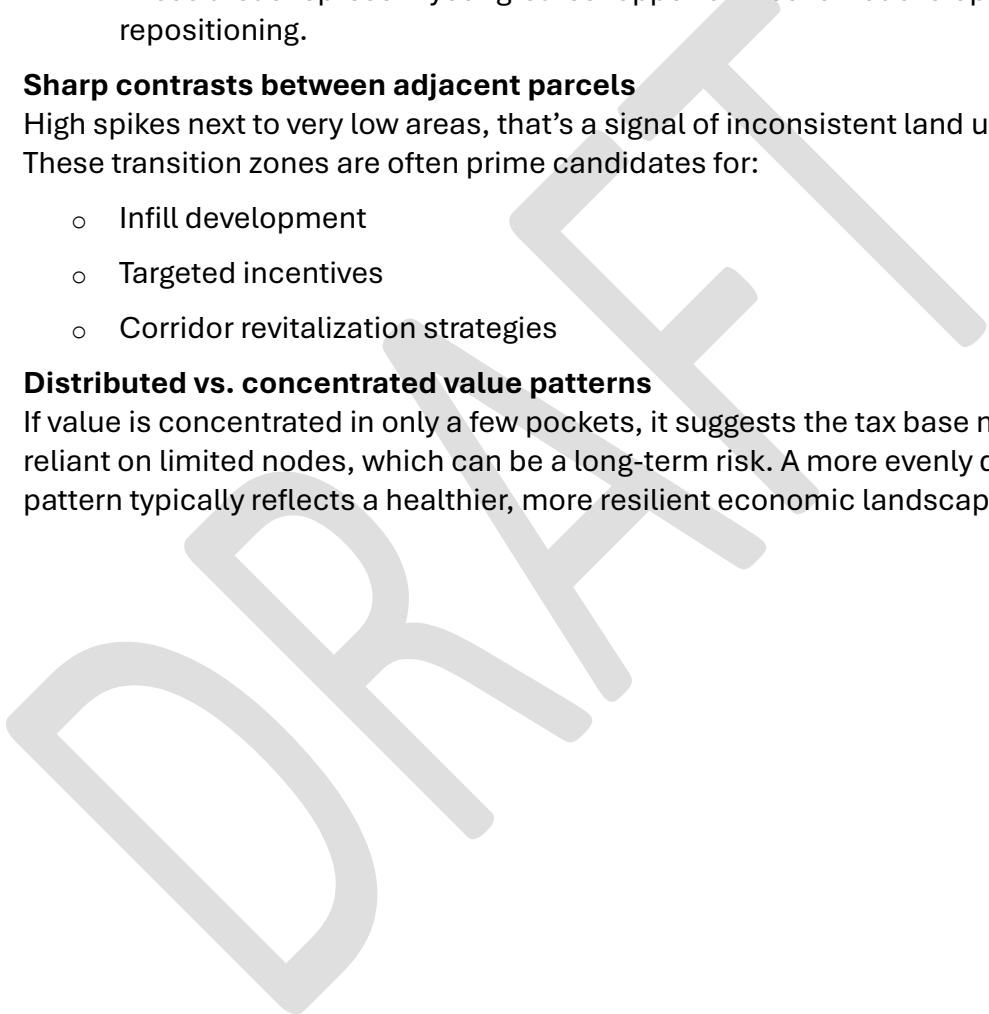
A Land Value per Acre assessment is a critical tool in guiding strategic economic development decisions, as it provides a clear, data-driven visualization of how efficiently land is being utilized across the community. By analyzing the relative productivity of parcels, the City can identify areas that are underperforming, underdeveloped, or no longer aligned with the community’s long-term vision. This allows decision-makers to prioritize redevelopment efforts, target infrastructure investments, and implement policies that encourage higher-value uses in key corridors and sites. Additionally, this analysis helps ensure that limited public resources are deployed where they can generate the greatest return, ultimately strengthening the tax base, supporting sustainable growth, and enhancing overall community vitality.

General Analysis of the Map

- **Clusters of tall structures (high value per acre)**
These indicate the most productive areas—likely commercial corridors, higher-density development, or sites with strong economic activity. These areas are

generating significant tax value relative to their footprint and should be viewed as anchors of your local economy.

- **Large, flat or low-height areas (low value per acre)**
These are underperforming parcels; often characterized by:
 - Vacant or underutilized land
 - Low-density uses in high-visibility corridors
 - Aging or functionally obsolete properties
These areas represent your greatest opportunities for redevelopment and repositioning.
- **Sharp contrasts between adjacent parcels**
High spikes next to very low areas, that's a signal of inconsistent land use intensity. These transition zones are often prime candidates for:
 - Infill development
 - Targeted incentives
 - Corridor revitalization strategies
- **Distributed vs. concentrated value patterns**
If value is concentrated in only a few pockets, it suggests the tax base may be over-reliant on limited nodes, which can be a long-term risk. A more evenly distributed pattern typically reflects a healthier, more resilient economic landscape.



STAKEHOLDER ENGAGEMENT

A core component of the Everman Community Development Corporation’s strategic planning process was a comprehensive and intentional stakeholder engagement effort. Recognizing that sustainable economic development must be grounded in the needs, perspectives, and experiences of those who live, work, and invest in the community, the CDC prioritized broad and meaningful outreach throughout the development of this plan.

To ensure diverse input, the CDC utilized multiple engagement methods, including an online community survey, one-on-one meetings with local business and property owners, coordination with community partners, and hosted business luncheons. These efforts provided valuable opportunities to gather feedback on current conditions, identify barriers to growth, and better understand the community’s priorities and aspirations for the future.

The insights gained through this engagement process directly informed the development of a comprehensive SWOT (Strengths, Weaknesses, Opportunities, and Threats) analysis. This analysis serves as a foundational element of the Strategic Plan, helping to identify internal capabilities and challenges, as well as external factors that may influence the City’s economic trajectory. More importantly, it ensures that the strategies and initiatives outlined in this plan are not developed in isolation, but instead reflect real-world conditions and stakeholder-informed perspectives.

Stakeholder engagement is not only critical in the development of the Strategic Plan but will remain essential throughout its implementation. Continued collaboration with businesses, residents, developers, and regional partners will enable the CDC to remain responsive, adapt to changing conditions, and refine strategies over time. By maintaining open lines of communication and fostering strong partnerships, the CDC will be better positioned to advance projects, leverage opportunities, and achieve long-term economic success for the Everman community.

S.W.O.T. Analysis

<p style="text-align: center;">S</p> <p style="text-align: center;">STRENGTHS</p>	<p style="text-align: center;">W</p> <p style="text-align: center;">WEAKNESSES</p>
<ul style="list-style-type: none"> • The CDC benefits from close coordination with City leadership, ensuring projects align with broader community goals, infrastructure planning, and long-term growth. • The CDC understands Everman’s unique character, needs, and opportunities. That local insight builds trust with residents, businesses, and developers and leads to better tailored projects. • Expedited permitting process and flexibility provide greater opportunities for developers and yield a higher interest. • Growing regional visibility! Everman’s improving infrastructure, public safety performance, and leadership stability enhance the CDC’s credibility with regional partners, site selectors, and developers. 	<ul style="list-style-type: none"> • Competition for limited development dollars. Everman competes with nearby cities that may have larger incentives, established commercial corridors, or stronger market recognition. • Flood-prone areas and limited mitigation infrastructure can reduce the feasibility, timing, or attractiveness of redevelopment and private investment in targeted growth areas. • Underdeveloped branding and marketing. The CDC may lack consistent brand presence that tells Everman’s economic development story to developers, site selectors, and partners. • Limited youth programs and recreational activities reduce the city’s appeal to families and workforce households. • Portions of the city’s roadway network are aging and in need of rehabilitation or reconstruction, impacting mobility, safety, and development readiness.
<p style="text-align: center;">O</p> <p style="text-align: center;">OPPORTUNITIES</p>	<p style="text-align: center;">T</p> <p style="text-align: center;">THREATS</p>
<ul style="list-style-type: none"> • Strategic investment in drainage and flood mitigation can unlock currently constrained properties, reduce development risk, and make key areas more attractive to private investment. • Investment in parks, recreation facilities, after-school spaces, and youth activity centers can address current gaps while improving family attraction and retention. • Several centrally located or highly visible areas of the city present opportunities for targeted redevelopment that can improve aesthetics, stimulate private investment, and strengthen the tax base. • Coordination with neighboring cities, councils of governments, and regional agencies can strengthen grant competitiveness and expand project scale. • Proactive outreach to developers and site selectors can better communicate Everman’s readiness, incentives, and long-term vision. 	<ul style="list-style-type: none"> • Inflation, labor shortages, and material costs increase project expenses, potentially delaying or reducing the feasibility of redevelopment projects. • As roadways and drainage systems continue to age, the cost of repair and replacement may outpace available funding. • Limited youth amenities and recreational opportunities may encourage families to relocate to communities with stronger quality-of-life offerings. • State and federal infrastructure and economic development funding programs are highly competitive and increasingly oversubscribed.



Business Attraction & Retention

STRATEGIC PRIORITY 1

GOAL: Expand the local economy by attracting neighborhood-serving businesses and retaining existing employers.

OBJECTIVES:

- Recruit at least 3 new essential businesses (grocery, hardware, medical, etc.) within 5 years.
- Conduct Quarterly “Business Recruitment & Expansion” (BRE) visits with at least 10 existing businesses annually to monitor needs and retention.
- Market at least 3 priority development sites annually to brokers, developers, and site selectors.
- Launch a Façade/Small Business Grant program by Year 2, awarding a minimum of 5 projects per year.

A strong and sustainable local economy begins with a healthy mix of new business investment and the continued success of existing employers. Business Attraction and Retention is a foundational priority for the Everman Community Development Corporation, as it directly influences job creation, access to goods and services, and the overall strength of the City’s tax base. By focusing on neighborhood-serving businesses—such as grocery, hardware, and medical services—the CDC aims to meet daily needs within the community, reduce economic leakage, and improve quality of life for residents.

Equally important is the intentional support and retention of existing businesses, which serve as the backbone of Everman’s economy. Through regular Business Retention and Expansion (BRE) outreach, the CDC will proactively identify challenges, connect businesses to resources, and foster long-term relationships that encourage stability and growth. In tandem, targeted marketing of priority development sites and the implementation of incentive programs, such as façade and small business grants, will position Everman as a competitive and attractive destination for investment.

Together, these efforts create a balanced and strategic approach to economic development—one that not only attracts new opportunities but also strengthens and sustains the businesses that have already chosen to invest in the community.

Target Business Recruitment Strategy:

Meeting Community Needs & Driving Local Growth

As part of the Everman Community Development Corporation’s commitment to strengthening the local economy and enhancing quality of life, the CDC has identified a focused list of priority business types to actively recruit to the community. These targets are not personal selections—they are rooted in stakeholder feedback, market analysis, and a clear understanding of the everyday needs of Everman residents.

Top 10 Business Type Targets	
Grocery/Supermarket	Dry Cleaning Services
Entertainment/Family Fun	Senior Services
Youth Recreation	Medical/Family Medicine
Coffee Shop/Café	Hardware/Agricultural Supply
Quick Service & Sit Down Dining Options	Bank/Financial Institution

Together, these business types represent essential services and amenities that contribute to a well-rounded, self-sustaining community.

Currently, many residents must leave Everman to access several of these goods and services, resulting in economic leakage and missed opportunities to capture local spending. By intentionally recruiting these business types, the CDC aims to keep more dollars circulating within the community while improving convenience and access for residents. This approach not only supports local households but also strengthens the City’s sales tax base—one of the primary funding sources for community improvements and services.

In addition to meeting daily needs, these targeted businesses play a critical role in shaping Everman’s identity and appeal. Family entertainment venues, cafés, and dining options contribute to a more vibrant and active community, while services such as healthcare, financial institutions, and senior-focused businesses provide stability and long-term support for residents at all stages of life. Youth recreation and programming, in particular, address a key community priority identified through stakeholder engagement and are essential to fostering a safe, engaged, and connected population.

The CDC will take a proactive approach in recruiting these businesses by marketing priority development sites, building relationships with brokers and site selectors, and leveraging incentive tools where appropriate. By aligning recruitment efforts with clearly defined community needs, Everman is positioning itself for strategic, intentional growth—one that enhances quality of life, supports existing residents, and creates new opportunities for economic development.

Through this targeted strategy, the CDC is not simply pursuing growth for growth’s sake, but rather cultivating a stronger, more complete community where residents can live, work, and thrive.

Catalyst Sites & Corridor Development

STRATEGIC PRIORITY 2

GOAL: Unlock key parcels and corridors as anchors for long-term economic growth

OBJECTIVES:

- Work with property owners to develop a concept plan for large undeveloped commercial tracts by Year-2
- Support at least 2-corridor redevelopment projects (façade, site reuse, or new development) within 5 years
- Install gateway signage and corridor branding on at least 2 major corridors by Year 3
- Align at least \$2 million in infrastructure investment with catalyst site development over 10 years.

Strategic investment in key sites and corridors is essential to shaping Everman’s long-term economic trajectory. Catalyst sites—highly visible, underutilized, or strategically located parcels—represent opportunities to spark transformative development that can elevate surrounding areas, attract private investment, and redefine the community’s economic identity. By proactively planning for these areas and aligning public and private efforts, the CDC can help overcome barriers to development and position these sites as anchors for sustained growth.

Corridors serve as the primary gateways and commercial spines of the community, influencing both perception and economic activity. Targeted redevelopment, enhanced aesthetics, and cohesive branding along these corridors will improve marketability, increase investor confidence, and create a stronger sense of place. Through collaboration with property owners, strategic infrastructure investments, and intentional design improvements such as gateway signage and façade enhancements, the CDC will work to create momentum in key areas that can generate ripple effects throughout the city.

By focusing resources and attention on catalyst sites and corridors, Everman can maximize the impact of its investments, encourage higher-quality development, and create vibrant, economically productive areas that support long-term community prosperity.

Community Image, Branding, & Quality of Place

STRATEGIC PRIORITY 3

GOAL: Position Everman as a vibrant, business-friendly community with a strong identity and appeal

OBJECTIVES:

- Launch a CDC branding campaign (“Invest in Everman”) within 18 months
- Implement corridor beautification projects (landscaping, lighting, signage) on at least 2 corridors by Year 3
- Track and increase social media/marketing reach by 15% annually
- Facilitate at least 1 public art/placemaking project per year (murals, sculptures, pocket park, etc)

A community’s image and identity play a critical role in its ability to attract investment, support local businesses, and foster civic pride. For Everman, strengthening its brand and enhancing the overall quality of place are key to positioning the city as a vibrant, business-friendly destination within the region. A clear and consistent identity—supported by intentional messaging, visual branding, and storytelling—will help communicate Everman’s strengths, opportunities, and vision to residents, developers, and site selectors alike.

Beyond branding, the physical environment significantly influences perception and experience. Strategic investments in corridor beautification, public art, and placemaking initiatives will enhance aesthetics, create welcoming gateways, and reinforce a sense of community character. These improvements not only elevate the visual appeal of key areas but also contribute to increased foot traffic, business activity, and community engagement.

By aligning marketing efforts with tangible enhancements to the built environment, the CDC will create a cohesive and authentic image for Everman—one that reflects its momentum, highlights its potential, and supports long-term economic growth and community pride.

Quality of Life & Workforce Supportive Projects

STRATEGIC PRIORITY 4

GOAL: Invest in amenities that strengthen workforce stability and make Everman more attractive for residents and businesses.

OBJECTIVES:

- Partner with Everman ISD and nonprofits to deliver at least 2 new youth/rec programs per year.
- Complete feasibility and design for a Community/Youth Recreation Center by Year 3, with a construction target within 10 years.
- Support development or rehab of at least 50 workforce housing units within 10 years (through partnerships, grants, or incentives).
- Formalize at least 2 workforce development partnerships (e.g. TCC, job training providers) by Year 2.

A strong local economy is directly tied to the quality of life experienced by its residents and the stability of its workforce. For Everman to remain competitive and attractive to both businesses and families, it must invest in amenities and programs that support daily living, workforce readiness, and long-term community well-being. Enhancing quality of life not only improves resident satisfaction but also plays a critical role in business retention, talent attraction, and overall economic resilience.

This priority focuses on creating opportunities for youth engagement, expanding access to recreation, and addressing workforce needs through strategic partnerships and targeted investments. By collaborating with Everman ISD, nonprofits, and regional workforce development organizations, the CDC can help build pathways for education, job training, and career advancement. At the same time, advancing projects such as a future community or youth recreation center and supporting workforce housing initiatives will ensure that residents have access to the amenities and living options necessary to thrive.

Through these efforts, Everman will strengthen its foundation as a community where people want to live, work, and raise families—ultimately supporting a more stable workforce, attracting new employers, and fostering sustainable economic growth.



Identification of Specialized Zones

As part of the implementation of this Strategic Plan, the Everman Community Development Corporation has identified a series of Specialized Zones to guide targeted investment, redevelopment, and economic activity. These zones are designed to focus resources, align policy decisions, and create a more strategic and place-based approach to economic development. By concentrating efforts within defined geographic areas, the CDC can maximize impact, create visible progress, and support long-term community transformation.

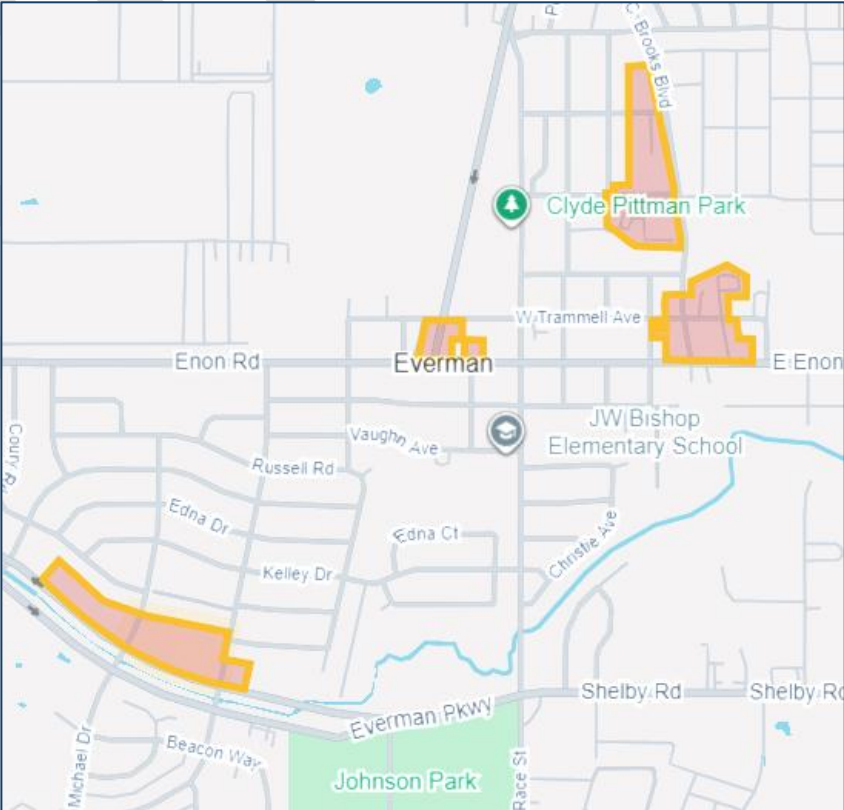
These Specialized Zones include the establishment of a Downtown District, the designation of key Redevelopment Zones, and the identification of priority Retail Corridors. Each plays a distinct role in advancing the City’s economic development goals while supporting a cohesive and intentional growth strategy.

Redevelopment Zones

The CDC has identified four Redevelopment Zones consisting of underutilized, aging, or strategically located areas with strong potential for transformation. These zones represent key opportunities to reposition land for higher-value uses, stimulate private investment, and address existing development challenges.

Among these, the Everman Parkway Redevelopment Zone has been identified as the City’s highest priority. Due to its visibility, access, and development potential, this corridor is uniquely positioned to serve as a catalyst for broader economic growth. Focused efforts in this zone will include site planning, infrastructure alignment, developer engagement, and targeted incentives to encourage quality redevelopment.

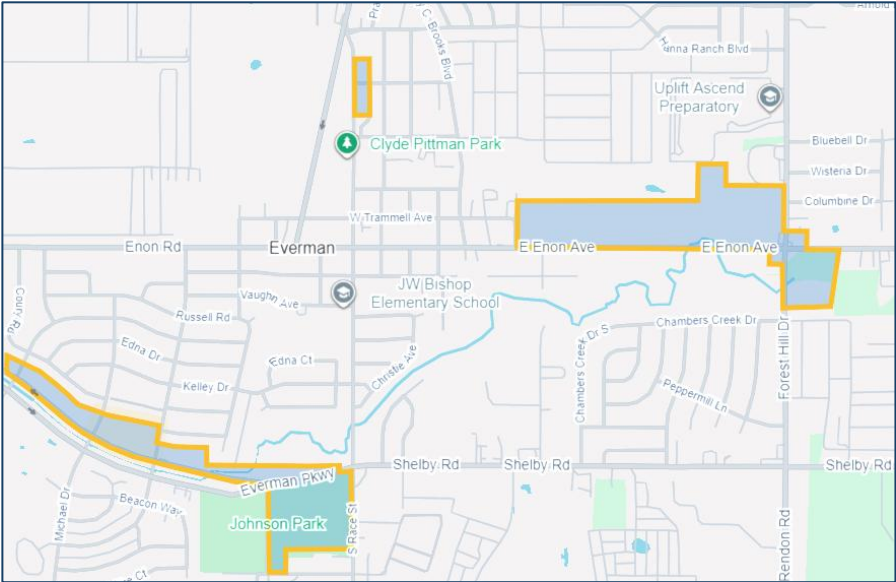
The remaining redevelopment zones will also be advanced through strategic partnerships, infrastructure improvements, and proactive engagement with property owners. Collectively, these areas will play a critical role in increasing land productivity, enhancing aesthetics, and expanding the City’s commercial base.



Retail Corridors

In addition to redevelopment zones, the CDC has identified three key Retail Corridors that serve as primary commercial arteries within the community. These corridors are essential to both economic activity and community perception, as they often represent the first impression for visitors and investors.

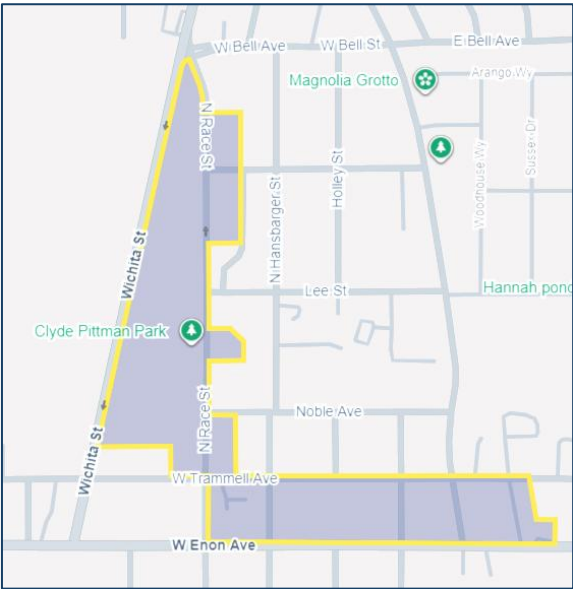
Efforts along these corridors will focus on business recruitment, façade and site improvements, enhanced signage and branding, and corridor beautification initiatives such as landscaping and lighting. Strengthening these corridors will not only improve the visual character of the City but also create more attractive and competitive environments for new and existing businesses.



Downtown District

The Downtown District will serve as the civic and cultural heart of Everman, representing the community’s identity, history, and sense of place. This area will be prioritized for placemaking, small business development, public gathering spaces, and community-focused events. Strategic efforts within the Downtown District will focus on enhancing walkability, supporting local entrepreneurs, encouraging adaptive reuse of existing structures, and creating a vibrant environment that attracts both residents and visitors.

Investment in the Downtown District directly supports the City’s goals related to community image, branding, and quality of place, while also creating opportunities for small-scale commercial growth and local business development.





PRIORITY 1: Business Attraction & Retention Initiative Matrix

Initiative	Description	Lead	Partners	Timeline	Resources Required	Funding Source	Key Performance Indicators
Business Retention & Expansion (BRE) Program	Conduct structured outreach to existing businesses to identify needs, risks, and opportunities	CDC Directors	City Staff	Q3 2026 – Ongoing	Staff time, outreach materials	CDC	# of business visits, retention rate, expansion projects
Target Industry Recruitment Strategy	Identify and actively recruit businesses in key sectors	CDC	Retail Consultant, Brokers	Q2 2026 – Q4 2027	Market analysis, incentives	CDC, Incentives	# of new businesses, jobs created
Small Business Support Program	Provide resources, training, and potential grant programs for local entrepreneurs	CDC	Local Partners	Q4 2026 – Ongoing	Program funding, training resources	CDC, Grants	# of businesses assisted, startups launched
Incentive Policy Development	Create a clear, competitive incentive policy aligned with community goals	CDC	City Council, Legal	Q3 2026	Legal, financial modeling	CDC	Policy adoption, deals supported

PRIORITY 2: Catalyst Sites & Corridor Development Initiative Matrix

Initiative	Description	Lead	Partners	Timeline	Resources Required	Funding Source	Key Performance Indicators
Catalyst Site Identification & Activation	Identify key redevelopment sites and prepare them for investment (assemblage, planning, marketing)	CDC	City, Developers, Retail Consultants	Q2 2026 – Q4 2028	Planning, land acquisition	CDC, TIF	# of sites activated, private investment leveraged
Corridor Revitalization Program	Focus on priority corridors to improve aesthetics, infrastructure, and economic activity	CDC	Public Works, Code Compliance	2026–2029	Streetscape, infrastructure	TIF, Grants	Property value increase, occupancy rates
Development Readiness Initiative	Streamline permitting, zoning, and development processes to attract investment	City	Permitting, Engineer	Q3 2026 – Q2 2027	Staff coordination, policy updates	City	Reduced permitting time, developer satisfaction
Infrastructure Gap Analysis	Identify infrastructure barriers (roads, utilities, drainage) impacting development	City	Engineers, CDC	2026–2027	Engineering studies	Grants, Bonds	Projects identified and funded

PRIORITY 3: Community Image, Branding, & Quality of Place Initiative Matrix

Initiative	Description	Lead	Partners	Timeline	Resources Required	Funding Source	Key Performance Indicators
Community Branding Initiative	Develop a cohesive brand identity and messaging for Everman	CDC	City Staff, Retail Consultants	Q2 2026 – Q1 2027	Branding consultant	CDC	Brand adoption, awareness metrics
Gateway & Entryway Enhancements	Improve major entry points with signage, landscaping, and visual identity elements	CDC	City	2026–2028	Design, construction	CDC, Grants	# of gateways improved
Downtown/District Identity Development	Establish a recognizable district identity for key areas (signage, design standards)	CDC	Property Owners	2026–2027	Planning, design	CDC	Increased visitation, business activity
Community Engagement Campaign	Increase communication and engagement with residents and businesses	CDC	City	Ongoing	Marketing, events	CDC	Engagement rates, event participation

PRIORITY 4: Quality of Life & Workforce Supportive Projects Initiative Matrix

Initiative	Description	Lead	Partners	Timeline	Resources Required	Funding Source	Key Performance Indicators
Youth & Recreation Program Expansion	Develop new youth programs, leagues, and recreational opportunities	City	Schools, Nonprofits	2026–2027	Staff, program funding	CDC	Participation rates, program growth
Workforce Development Partnerships	Partner with regional organizations to provide job training and workforce pipelines	CDC	Colleges, Employers	2026–Ongoing	Program coordination	Grants, CDC	Job placements, training completions
Community Amenities Investment	Enhance parks, trails, and public gathering spaces	City	CDC	2026–2029	Capital improvements	CDC, Grants	Usage rates, resident satisfaction
Public Safety & Livability Support Projects	Invest in projects that improve safety and overall livability (lighting, accessibility, etc.)	City	CDC	Ongoing	Capital funding	CDC	Crime reduction trends, community feedback



Funding Models

Building a Sustainable Investment Framework

The Everman Community Development Corporation (CDC) will implement a diversified and strategic funding approach to advance economic development, infrastructure investment, and quality of life improvements. This framework ensures that public resources are leveraged effectively to maximize return on investment, attract private capital, and deliver long-term community impact.

THE EVERMAN FUNDING TOOLBOX

Core Funding Sources Driving Implementation

Sales Tax Revenue (Primary Source)

The foundation of CDC funding, supporting business attraction, infrastructure improvements, and community-driven projects.

→ Focus: Reinvestment to grow the tax base

Tax Increment Financing (TIF)

Targeted funding tool for redevelopment and infrastructure within strategic zones.

→ Focus: Catalyst projects and redevelopment areas

Grants (State, Federal, Private)

External funding to expand local capacity and accelerate key initiatives.

→ Focus: Parks, infrastructure, workforce, and resiliency

Public-Private Partnerships (P3s)

Collaboration with private developers to deliver high-impact projects.

→ Focus: Shared risk, leveraged investment

Bonds & Capital Financing

Debt financing for large-scale, transformational projects.

→ Focus: Major facilities and infrastructure

Interlocal & Regional Partnerships

Collaboration with ISDs, counties, and regional partners.

→ Focus: Shared services and program delivery

STRATEGIC ALIGNMENT OF FUNDING

Strategic Priority	Primary Funding Tools	Investment Focus
Business Attraction & Retention	Sales Tax, P3, Incentives	Business recruitment, small business support
Catalyst Sites & Corridor Development	TIF, Bonds, P3	Redevelopment, infrastructure, site readiness
Community Image & Branding	Sales Tax, Grants	Beautification, placemaking, identity
Quality of Life & Workforce Projects	Sales Tax, Grants, Partnerships	Parks, recreation, youth programs

GEOGRAPHIC INVESTMENT STRATEGY

Funding will be intentionally concentrated to maximize impact and visibility:

- **Downtown District**
Placemaking, small business growth, and community identity
- **Everman Parkway (Priority Zone)**
High-impact redevelopment and catalytic commercial investment
- **Redevelopment Zones**
Infrastructure upgrades and reinvestment in aging areas
- **Retail Corridors**
Business recruitment, façade improvements, and corridor activation

OUR 5 FUNDING PRINCIPLES



Accountability & Reporting

IMPLEMENTATION & ACCOUNTABILITY

To ensure responsible stewardship and execution:

- Annual funding allocations tied to the Initiative Matrix
- Active grant tracking and application pipeline
- Performance-based incentive and partnership agreements
- Ongoing financial monitoring and reporting to the CDC Board

STRATEGIC FOCUS MOVING FORWARD

The CDC will prioritize:

- Leveraging TIF and P3 partnerships in the Everman Parkway Priority Zone
- Reinvesting sales tax revenues into retail and business growth
- Expanding grant funding for quality-of-life and youth initiatives
- Aligning all funding decisions with measurable outcomes and community impact

ANNUAL REVIEW & PROGRESS REPORTING PROCESS

The CDC will establish a structured annual review process to evaluate performance and adjust strategies as needed.

Quarterly Monitoring

- Internal review of KPI progress
- Financial performance updates
- Project and initiative status tracking

Annual Strategic Review

- Comprehensive evaluation of all KPIs
- Assessment of progress toward Strategic Priorities
- Identification of challenges, gaps, and emerging opportunities
- Adjustment of priorities, timelines, or funding strategies as needed

Annual Report to the Board & Community

An annual report will be developed and presented to the CDC Board and shared with the public, including:

- Summary of key accomplishments
 - KPI performance dashboard
 - Financial overview and funding allocations
 - Major projects and milestones achieved
 - Strategic adjustments moving forward
-

CONTINUOUS IMPROVEMENT FRAMEWORK

The CDC recognizes that economic development is dynamic and requires adaptability. This Strategic Plan will serve as a living document, supported by:

- Ongoing performance evaluation
- Data-driven decision making
- Flexibility to respond to market conditions and opportunities
- Regular engagement with stakeholders and community partners

SUCCESS DEFINED

Success will not be measured by plans alone, but by tangible outcomes:

- A growing and diversified tax base
- Revitalized corridors and development activity
- Increased business and resident confidence
- Enhanced quality of life for Everman residents



RESOLUTION NO. 2026-04-01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS, AUTHORIZING THE CITY MANAGER TO SOLICIT REQUESTS FOR QUALIFICATIONS (RFQ) AND/OR REQUESTS FOR PROPOSALS (RFP) FOR THE EXPANSION AND RENOVATION OF CITY HALL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Everman operates its municipal government from the existing City Hall facility, which no longer adequately meets the operational, spatial, and functional needs of the City; and

WHEREAS, the City Council has identified the need to expand and renovate the existing City Hall facility to better serve residents, staff, and public functions; and

WHEREAS, the proposed project includes the construction of an approximately 3,500 square foot addition to accommodate a new City Council and Municipal Court Chambers, additional office space, expanded lobby space, and an outdoor reception/break area; and

WHEREAS, the project further includes renovations to the existing facility, including but not limited to reconfiguration of interior walls, modification of office layouts, expansion of lobby areas, and upgrades to ceilings, flooring, and the exterior façade; and

WHEREAS, the City Council finds it to be in the best interest of the City to solicit qualified firms to provide professional design, design-build, architectural, engineering, and/or construction services necessary to complete this project; and

WHEREAS, the City desires to utilize a competitive procurement process in accordance with applicable state laws and City policies to ensure the selection of the most qualified and responsive firm(s);

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS:

SECTION 1. The recitals set forth above are determined to be true and correct and are incorporated herein by this reference.

SECTION 2.

The City Manager is hereby authorized and directed to prepare, issue, and publish one or more Requests for Qualifications (RFQ) and/or Requests for Proposals (RFP) for professional services and/or construction services related to the expansion and renovation of City Hall, as described herein.

SECTION 3.

The City Manager is further authorized to take all necessary administrative actions to carry out

the solicitation process, including the development of evaluation criteria, receipt and review of submissions, and recommendation of firm(s) for City Council consideration.

SECTION 4.

Nothing in this Resolution shall constitute an award of contract. Any contract resulting from the RFQ/RFP process shall be subject to approval by the City Council.

SECTION 5.

This Resolution shall take effect immediately upon its passage and approval.

APPROVED AND ADOPTED by the City Council of the City of Everman, Texas the 14th day of April, 2026.

APPROVED:

Ray Richardson, Mayor

ATTEST:

Mindi Parks, City Secretary

APPROVED AS TO FORM:

Victoria Thomas, City Attorney

4911-2019-2925, v. 1

RESOLUTION NO. 2026-04-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS, ACKNOWLEDGING AND ACCEPTING THE RECOMMENDATION OF THE TAX INCREMENT REINVESTMENT ZONE NO. 1 BOARD; AUTHORIZING THE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$75,000.00 FOR ENGINEERING FEASIBILITY AND TRAFFIC STUDIES; AUTHORIZING THE USE OF THE CITY’S CONTRACTED ENGINEERING FIRM; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Everman has established Tax Increment Refinancing Zone No. 1 (TIRZ No. 1) to promote development, redevelopment, and infrastructure improvements within the zone; and

WHEREAS, the TIRZ No. 1 Board of Directors has reviewed infrastructure needs and identified roadway improvements as critical to supporting economic development, mobility, and public safety; and

WHEREAS, the TIRZ No. 1 Board has approved and recommended the allocation of funds in the amount of up to Seventy-Five Thousand Dollars (\$75,000.00) for the purpose of conducting engineering feasibility and traffic studies as an eligible project under the Project and Financing Plan for TIRZ No. 1; and

WHEREAS, said studies will evaluate the potential expansion and widening of East Enon Avenue from Roy C. Brooks Boulevard to Forest Hill Drive, as well as the expansion and widening of Everman Parkway from South Race Street to the Everman city limits, including associated intersection improvements; and

WHEREAS, the City Council finds that these studies are necessary and in the best interest of the City to guide future infrastructure investment, enhance traffic flow, and support continued economic growth and further that they constitute an eligible project under the Project and Financing Plan for TIRZ No. 1; and

WHEREAS, the City maintains a professional services agreement with Teague, Nall, and Perkins, Inc. (TNP), and the City Council finds that utilizing this contracted engineering firm for these services is appropriate, efficient, and in accordance with applicable procurement laws for professional services;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS:

SECTION 1.

The above recitals are found and determined to be true and correct and are incorporated herein by this reference.

SECTION 2.

The City Council hereby acknowledges, approves, and accepts the recommendation of the Tax Increment Refinancing Zone No. 1 Board to allocate funds for the purposes described herein as an eligible project under the TIRZ No. 1 Project and Financing Plan.

SECTION 3.

The City Council hereby approves and authorizes the expenditure of funds an amount not to exceed \$75,000.00 from TIRZ No. 1 for the purpose of conducting engineering feasibility and traffic studies for the following roadway corridors:

- East Enon Avenue from Roy C. Brooks Boulevard to Forest Hill Drive; and
- Everman Parkway from South Race Street to the Everman city limits, including intersection improvements.

SECTION 4.

The City Council hereby authorizes the use of the City’s contracted engineering firm, Teague, Nall, and Perkins, Inc., to perform the engineering feasibility and traffic studies described in this Resolution.

SECTION 5.

The City Manager, or designee, is hereby authorized to execute any necessary task orders, agreements, or related documents and to take all actions necessary to implement this Resolution in accordance with applicable laws and City policies.

SECTION 6.

This Resolution shall take effect immediately upon its adoption.

APPROVED:

Ray Richardson, Mayor

ATTEST:

Mindi Parks, City Secretary

APPROVED AS TO FORM:

Victoria Thomas, City Attorney

ORDINANCE NO.849

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS, AMENDING THE CODE OF ORDINANCES, CITY OF EVERMAN, BY AMENDING CHAPTER 14, "PARKS AND RECREATION"; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE AND, IN CASES OF ENDANGERMENT TO PUBLIC HEALTH AND SAFETY, A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.090) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council has previously adopted provisions governing city parks and recreation; and

WHEREAS, the City desires to update those provisions to incorporate provisions regarding Anderson Field in Clyde Pittman Park and further to update provisions to align with current usage; and

WHEREAS, the City Council of the City of Everman finds it to serve the health, safety and general welfare of the City to approve this ordinance amending and updating the provisions related to city parks and recreation as set forth herein below;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS THAT:

SECTION 1. Chapter 14, "Parks and Recreation," Article I "In General" is hereby amended by amending section 14-1 "Definitions" to add a definition for "Beer" to the listing of definitions, said definition to read as follows:

"Beer shall be defined as a malt beverage containing one-half of one percent (0.5%) or more of alcohol by volume and not more than four (4.0%) percent alcohol by weight, produced by the fermentation of malt or malt substitutes."

SECTION 2. Chapter 14, "Parks and Recreation," Article II "Park Use Rules and Regulations" is hereby amended by amending section 14-21 "Rules and Regulations" to read as follows:

"Sec. 14-21 – Rules and regulations.

The following regulations and restrictions are prescribed for the use of city parks:

- (1) *Alcoholic beverages prohibited; exceptions.* It shall be unlawful for any person to possess, sell, or consume any alcoholic beverage in any city park, with the exception of the following:
 - a. A lessee of Anderson Field in Clyde Pittman Park may sell beer from the concession stand at Anderson Field provided the sales/service thereof is managed by licensed personnel who hold a valid Texas Alcoholic Beverage Commission (TABC) license appropriate to the beverage type

and further provided all consumption complies with TABC regulations, including age verification. Beer sold by such lessee from the concession stand at Anderson field may be possessed and consumed within a defined concession and spectator area of Anderson Field.

...

(5) *Time limitations on public use of park.* It shall be unlawful for any person to use, enter into or be within a city park during the hours of 11:00 p.m. to 5:00 a.m., with the exception of the following:

- a. City-sponsored events or
- b. Anderson Field in Clyde Pittman Park, for which it shall be unlawful for any person to use, enter into or be within Anderson Field during the hours of _____ to _____."

SECTION 3. Chapter 14, "Parks and Recreation," Article III "Sports Field Recreational Areas" is hereby amended by amending section 14-30 "Everman youth association rental of city sports fields" to read as follows:

Sec. 14-30 Everman youth association rental of city sports fields

The City sports fields consist of: Johnson Park Baseball field. Rental of city sports fields and the execution of a rental contract will be allowed on the following basis:

...."

SECTION 4. Chapter 14 "Parks and Recreation," Article III "Sports Field Recreational Areas" is hereby amended by amending section 14-32 "Concession areas" to read as follows:

Sect. 14-32 Concession areas

- (a) During the term of any lease agreement covering the concession stand located at Anderson Field in Clyde Pittman Park, that concession stand shall be used exclusively by such lessee. Concession sales shall only be allowed with the appropriate State of Texas food handler's permit.
- (b) This subsection applies to any Everman youth association. Outside entities are not permitted to rent the concession areas except as noted in subsection (a) above.
 - (1) During such
 - (2) Any renter. . . .
 - (3) Concession sales. . . ."

SECTION 5. Chapter 14 "Parks and Recreation," Article III "Sports Field Recreational Areas" is hereby amended by amending section 14-34 "Fees/deposits required" to read as follows:

Sec. 14-34 Fees/deposits required

- (a) *Everman Youth associations*
 - (1) *Johnson Park Baseball Field*
 - ...

d. Tournament fee. If any renter schedules a tournament in which participants form outside the render’s association will be playing, a fee of twenty dollars (\$20.00) per team outside of renter’s association will be charged. This fee must be paid prior to the tournament.

- (b) *Other youth associations, entities or persons.*

- (1) *Rental fees.* Fees for rental of the city sports fields for other youth associations, entities or individuals shall be in the amounts set forth in the city’s adopted fee schedule, as amended.
- (2) *Deposits.* In addition, such renters must submit the damage deposits referenced above at the time of application and shall be subject to the same terms as set forth above.”

SECTION 6. All ordinances of the City of Everman, Texas, in conflict with the provisions of this ordinance be and the same are hereby repealed and all other ordinances of the City not in conflict with the provisions of the ordinance shall remain in full force and effect.

SECTION 7. Should any section, paragraph, sentence, subdivision, clause, phrase, or provision of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be unconstitutional, illegal, or invalid and shall not affect the validity of the remainder of this ordinance or any other provision of the Code of Ordinances of the City.

SECTION 8. This ordinance shall take effect immediately upon its passage and adoption and the publication of the caption as the law and charter in such cases provide.

DULY PASSED by the City Council of the City of Everman, Texas, on this the _____ day of _____ 2026.

APPROVED:

Ray Richardson, Mayor

Attest:

Approved as to form:

Mindi Parks, City Secretary
4899-8173-6345, v. 2

Victoria Thomas, City Attorney

EVERMAN ECONOMIC DEVELOPMENT CORPORATION
Opportunity Zones 2.0 Nomination
Agenda Request

Date: March 24, 2026
Prepared by: Richard Isarraraz Garcia, Board Member
Organization: Everman Economic Development Corporation
Phone: 817-941-6648
Email: Risarraraz@evermantx.net

To: City Secretary Mindi Parks / City Manager
CC: Director of Community Development; Co-Executive Director Susanne Helgesen; Co-Executive Director Craig Spencer; Board President Ray Richardson

Subject: Request to Add Agenda Item to the April 2, 2026 Community Development Regular Meeting
Agenda Item Title: Discussion and Possible Action Regarding Opportunity Zones 2.0 Nomination for Census Tract 1112.02, Everman, Tarrant County
Requested Time: 15 minutes (including Q&A)

Background

Opportunity Zones 2.0 is the largest federal economic development tool available to Texas communities. Established by the One Big Beautiful Bill Act (signed July 4, 2025), it is a permanent program offering private investors federal tax incentives to deploy capital in designated census tracts. There is no cost to city taxpayers.

Census Tract 1112.02 covers all of Everman and is likely eligible based on the Texas Governor's Office predictive mapping tool. With a poverty rate of 21% and a median family income of approximately 57% of the Dallas-Fort Worth metro median, the tract clears both federal eligibility thresholds. Designation would attract private investment for housing, commercial development, and job creation.

Three Actions Requested of the Board

1. Confirm Census Tract 1112.02 as Everman's OZ 2.0 Nomination.

Everman EDC has one eligible tract. Confirming it officially on the record strengthens our submission and signals organized community support to the Texas Economic Development and Tourism Office (EDT).

2. Authorize a Local Incentive to Be Stated in the Nomination Packet.

EDT scores nominations on Local Support (up to 4 points). A formal commitment from the city or EDC, such as a tax abatement, fee rebate, expedited permitting, or 380 agreement, directly improves our score. The board does not need to finalize the incentive today; authorizing that one will be offered is sufficient for the packet.

3. Approve Landowner Outreach and Letters of Support.

EDT scores Project Viability (up to 4 points) based on evidence that private capital can deploy within 24 to 48 months. Landowner letters of interest are the single most effective way to demonstrate this. Board authorization to begin outreach allows us to collect letters before the June 26, 2026 submission deadline.

Key Dates and Everman Action Plan

- Spring 2026: Official eligible tract list released by U.S. Treasury
- **April 2, 2026:** Everman Community Development Regular Meeting, Thursday April 2, 2026, 6:00 to 8:00 p.m. Discuss and take action on the three agenda items above. Begin landowner outreach immediately after.
- **June 4, 2026:** Everman Community Development Regular Meeting, Thursday June 4, 2026, 6:00 to 8:00 p.m. Group review of the Nomination Packet together. All parties review, revise, and finalize the packet as a team.
- **June 5, 2026 (Target):** Submit Nomination Packet to EDT at OppZone2.0@gov.texas.gov. Submitting by June 5 gives us approximately three weeks of buffer before the June 26 hard deadline, allowing time to respond to any questions or revisions EDT may request.
- June 26, 2026: EDT nomination submission hard deadline
- July 1, 2026: EDT begins submitting approved tracts to the U.S. Department of Treasury
- August 3, 2026: EDT submits final nominations to U.S. Treasury
- **January 1, 2027:** New Opportunity Zone 2.0 designations take effect

Note on Early Submission: EDT has stated: "To ensure that both communities and EDT have sufficient time to review, compile and make a final determination, EDT asks that communities submit their nominations no later than June 26, 2026." This language signals that EDT begins reviewing submissions as they arrive and that earlier submissions give communities more time to respond to any follow-up. Because EDT must turn around and begin submitting approved tracts to the U.S. Department of Treasury on July 1, 2026, our target submission date of June 5 is not just a buffer for us but a courtesy to EDT that may reflect well on Everman's nomination.

Attachments

- Official OZ 2.0 FAQ, Texas Governor's Office
- Texas Opportunity Zone 2.0 Nomination Process
- Pre-filled EDT Nomination Packet for Census Tract 1112.02 (Excel)

I am available to present this item and answer questions. For more information, contact the Texas EDT Opportunity Zone Team at OppZone2.0@gov.texas.gov or (512) 936-0100.

Respectfully submitted,

Richard Isarraraz Garcia

Board Member, Everman Economic Development Corporation

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OPPORTUNITY ZONES FAQs

Section 8, Item E.



Texas Economic Development & Tourism Office | Office of the Governor

What is Opportunity Zone 2.0?

Opportunity Zone 2.0 is the new, permanent version of the Qualified Opportunity Zone program established by Congress in 2025 through the One Big Beautiful Bill Act. The program is designed to promote long-term private investment in economically distressed communities through federal tax incentives.

What are the benefits of Opportunity Zone 2.0?

Opportunity Zone 2.0 provides federal tax incentives to encourage private investment in designated areas. These incentives are intended to support business development, job creation, and long-term economic growth in qualifying communities. Specific tax benefits are administered by the Internal Revenue Service (IRS), and investors should consult tax professionals for guidance.

Who administers Opportunity Zone 2.0?

Opportunity Zone 2.0 is authorized under federal law and administered at the federal level by the U.S. Department of the Treasury and the Internal Revenue Service. States are responsible for nominating eligible census tracts for designation in accordance with federal guidelines. In Texas, that will be through the Texas Economic Development and Tourism Office, in the Governor's Office.

What census tracts are eligible?

A census tract is eligible for consideration if it meets **one** of the following criteria:

- The tract has a median family income that is **70% or less** of the applicable area or statewide median family income; **or**
- The tract has a poverty rate of **20% or greater** and a median family income that is **125% or less** of the applicable area or statewide median family income.

Under Opportunity Zone 2.0, the **contiguous tract rule has been eliminated**. Each tract must independently meet the eligibility criteria to be nominated.

If a tract does not meet these requirements, can it still be nominated?

No. Eligibility for nomination is limited to census tracts that satisfy the statutory criteria established under Opportunity Zone 2.0. Tracts that do not meet these thresholds are ineligible for designation and cannot be submitted for consideration.

Will 2018 Opportunity Zone automatically qualify again?

No. Opportunity Zones designated in 2018 will **not automatically carry over** into Opportunity Zone 2.0. Existing zones remain in effect through **December 31, 2028**. New Opportunity Zone 2.0 designations, effective **January 1, 2027**, will be based on updated eligibility criteria. Census tracts previously designated under Opportunity Zone 1.0 must independently meet the eligibility requirements of Opportunity Zone 2.0 in order to be nominated again.

How many tracts can Texas nominate?

Each governor may nominate up to **25% of the state's eligible census tracts** for designation as Opportunity Zones every ten years.

How long do Opportunity Zone designations last?

Each designated Opportunity Zone remains in effect for **10 years**. Designations are updated on a **10-year cycle**, beginning with the first Opportunity Zone 2.0 designations becoming active on **January 1, 2027** and ending 10 years later on **January 1, 2037**.

How can I nominate a tract for Opportunity Zone 2.0?

Entities interested in nominating a tract should coordinate with their local **economic development organization (EDO) or county judge**. Eligible entities may complete and submit the official nomination packet, available [here](#). Nominations will begin **July 1, 2026**.

When will the OZ 2.0 eligible tract list be finalized?

The U.S. Department of the Treasury is expected to release the official list of eligible census tracts in **Spring 2026**. The Texas Economic Development & Tourism Office, within the Office of the Governor, will provide updates as new information becomes available.

How can I determine if a census tract may be eligible?

The official list of **eligible census tracts has not yet been released**. In the interim, a predictive mapping tool identifying potentially eligible tracts is available [here](#) to assist communities with preliminary planning and evaluation.

How will tracts be selected?

Tracts submitted via the nomination packet will be evaluated using a scoring framework that considers:

- **Project viability**
- **Demonstrated local support**
- **Geographic balance across the state**

How many tracts can a community submit?

The number of nominations the local economic development groups or county judges can submit for consideration is based on the number of eligible tracts in the county. See schedule below:

Number of Eligible Tracts	Percentage of Eligible Tracts to Submit for Consideration
1 to 50	100%
51 to 100	90%
101 to 200	80%
201 to 300	70%
301 and over	60%

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Who should I contact with questions about Opportunity Zone 2.0?

For questions regarding Opportunity Zone 2.0, please contact the Texas Economic Development & Tourism Office’s Opportunity Zone team at oppzone2.0@gov.texas.gov.

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The Opportunity Zone program is the largest federal economic development tool. The One Big Beautiful Bill Act (OBBBA) signed on July 4, 2025 established the new Opportunity Zone 2.0 as a permanent program under the tax code with rolling 10-year designation cycles. Opportunity Zone 2.0 designations are effective for 10 years beginning **January 1, 2027**.

KEY PROVISIONS

1. **Permanent feature of the tax code** with rolling **10-year designations**
2. **Smaller Map** – tighter eligibility requirements
3. **Simplified Investor Benefits** - 5-year deferral and 10% basis step-ups
4. **Additional Incentives for Rural OZ investments** - 5-year deferral and 30% basis step-ups; lower threshold “substantial improvement” from 100% to 50%.
“Rural” is defined as any area not within or adjacent to a town with over 50,000 inhabitants.
5. **Expanded Reporting Requirements**

DESIGNATION PROCESS

State governors could nominate 25% of their respective state’s eligible census tracts every ten years as Opportunity Zone tracts. The U.S. Department of Treasury will begin the Opportunity Zone 2.0 designation on **July 1, 2026**.

The **Texas Economic Development & Tourism Office (EDT)** within the Office of the Governor will lead the efforts to develop transparent, data-driven selection process for Opportunity Zone 2.0. To do so, EDT will ask **Economic Development Organizations (EDOs)** and **County Judges** to submit eligible tracts in their communities for consideration based on the following criteria:

1. **Statutory compliance:** Communities should only nominate tracts that clearly meet federal eligibility.
2. **Local Support (up to 4 points):** Strong consideration will be given for those tracts which the local community will support through incentives offered, rebates, and agreements.
3. **Project Viability (up to 4 points):** Communities should prioritize sites where private capital can realistically deploy in 24–48 months and where investments drive inclusive growth in the community (E.g. affordable housing commitments, anti-displacement tools, workforce initiatives, etc.).
4. **Geographic balance (up to 2 points):** EDT will ensure representation across regions of Texas; leverage **rural incentives (1 point)** without selecting unworkable tracts and provide an additional incentive for tracts which have been affected by a **declared disaster** over the last three (3) years (**1 point**).

From the list of eligible tracts nominated by the local communities, EDT intends to finalize and submit tracts for Opportunity Zone 2.0 designations to the U.S. Department of Treasury **no later than August 3, 2026**.

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NOMINATION PACKET

In **December 2025**, EDT will make the **Opportunity Zone 2.0 Nomination Packet** available to **local economic development organizations (EDOs)** and **county judges** (for those counties with no local or regional economic development organization) and posted on the [Texas Federal Opportunity Zone website](#).

Because of the federally-imposed limit on the number of tract designations, the number of nominations EDOs and County Judges could submit for consideration to EDT will be based on the number of eligible tracts in their counties and the following schedule:

Number of Eligible Tracts	Percentage Allowed to Submit for Consideration (Maximum)
1 to 50	100%
51 to 100	90%
101 to 200	80%
201 to 300	70%
301 and over	60%

Example:

- A county with 10 eligible tracts could submit up to 10 tracts, or 100% of its eligible tracts, to EDT for consideration.
- A county with 325 eligible tracts could submit up to 195 tracts, or 60% of its eligible tracts, to EDT for consideration.

To ensure that both communities and EDT have sufficient time to review, compile and make their final determination, EDT asks that communities submit their nominations **no later than June 26, 2026**.

RESOURCES

The U.S. Department of Treasury is expected to release the **official list of eligible tracts** in **Spring 2026**. To assist communities in preparing for the nomination process, EDT has created a [Mapping Tool](#) to identify “Likely Eligible” and “Unlikely Eligible” census tracts based on the latest estimates from the American Community Survey (ACS 2019 -2023).

The [Texas Federal Opportunity Zone website](#) will be updated with the most up-to-date program information. In addition, EDT will provide communities, stakeholders and members of the public with the most up-to-date program information through official EDT email announcements.

For questions and comments, please contact the Opportunity Zone Team at OppZone2.0@gov.texas.gov or (512) 936-0100.

Opportunity Zones 2.0
Talking Points for Business Owners Meet-Up

Prepared by: Richard Isarraraz Garcia, Board Member

Organization: Everman Economic Development Corporation

Date: March 24, 2026

Presenter: Co-Executive Director Craig Spencer (date TBD, please share)

Purpose: Generate landowner interest and letters of support for Everman's Opportunity Zone 2.0 nomination of Census Tract 1112.02 before the June 26, 2026 submission deadline.

Suggested Script (45 to 60 seconds)

“Quick update on a great opportunity for Everman landowners and businesses.

Census Tract 1112.02 covers all of Everman and is likely eligible for the new Opportunity Zones 2.0 program, signed into law July 4, 2025.

*OZ 2.0 designation brings **private investment at no cost to city taxpayers** for housing, commercial development, and jobs. Investors get federal tax incentives to put capital here through Qualified Opportunity Funds, which means landowners can sell or develop at stronger prices without doing the work themselves.*

*We have until **June 26** to submit our nomination. The more landowner support we show, the stronger our submission scores with the state.*

If you own land in Tract 1112.02, or know someone who does, please see me after the meeting. I have documents from the Texas Governor's Office and can answer any questions.”

Key Messages to Reinforce

- No cost to taxpayers. *Private capital, not city money.*
 - Only 1 in 4 eligible tracts statewide will be selected. *Landowner letters of support are the single biggest factor in our score.*
 - Deadline is real. *June 26, 2026. We are targeting June 5 to submit early and give EDT time to review.*
 - Tract 1112.02 covers all of Everman. *Every landowner in this room is potentially in the zone.*
-

After the Meeting: Landowner Follow-Up

Collect the following from any interested landowners:

- Name, contact information, and address or parcel of land
- Willingness to provide a letter of support or letter of interest
- Any project ideas or property details they can share. This feeds directly into the **Project Viability** section of the official EDT Nomination Packet, worth up to 4 scoring points. The more detail landowners can provide, the stronger our submission.

Specifically, landowners can help us answer the following fields directly from the EDT Nomination

Community Engagement (packet asks for examples such as affordable housing commitments and workforce initiatives)

Characteristics of a Shovel-Ready Project (the packet evaluates the following six criteria, check all that apply to your property):

1. **Zoning and Compliance:** Land has been zoned for its intended use and all necessary land-use approvals are in place or can be secured quickly.
2. **Planning and Design:** Preliminary planning, engineering, and design are finished and approved, with plans and specifications ready for bidding.
3. **Permitting:** Permitting processes and probable timelines are understood or completed.
4. **Due Diligence:** Comprehensive due diligence is complete, including soil analysis and environmental impact studies.
5. **Infrastructure:** Engineering and design for public infrastructure (roads, power, water, sewer) is finalized or already in place.
6. **Financial and Legal:** The site has a clear title and a fully developed business case with identified funding sources.

Type of Project (the packet asks landowners to identify one of the following):

- Real Estate: specify type (e.g. Residential, Commercial, Mixed-use, Industrial)
- Operating Business: specify type, industry, or sector
- Other: please provide a brief description

Why Letters of Support Matter: EDT Scoring Framework

EDT evaluates nominations on four criteria. Two of them are directly strengthened by landowner participation:

- Local Support (up to 4 points): *Formal incentives, community engagement, and demonstrated backing from property owners and businesses.*
- Project Viability (up to 4 points): *Evidence that private capital can realistically deploy within 24 to 48 months. Landowner letters and project commitments are the strongest proof of this.*

The stronger these two scores, the better our chances in a competitive statewide pool where only 25% of eligible tracts are selected.

Materials to Hand Out or Share

- Official OZ 2.0 FAQ from the Texas Governor's Office
- Texas Opportunity Zone 2.0 Nomination Process document
- QR code or link to the EDT predictive mapping tool to show attendees that Tract 1112.02 is flagged as likely eligible

Questions? Contact:

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