



# EVERMAN CITY COUNCIL REGULAR MEETING

Tuesday, February 11, 2025 at 6:00 PM  
213 North Race Street Everman, TX 76140

## AGENDA

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1. MEETING CALLED TO ORDER

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

4. CONSENT AGENDA

5. PRESENTATIONS

A. Proclamation - Black History Month

6. CITIZEN'S COMMENTS

7. DISCUSSION ITEMS

A. **\*PUBLIC HEARING\*** - Discussion and Deliberation of Garbage, Waste, and Recycling Services for the City of Everman

B. Presentation of the Everman Police Department 2024 Racial Profiling Report

C. Receive report from the Charter Review Commission on proposed Charter Amendments for consideration during the May 2025 general election cycle.

D. Discuss and deliberate on the potential abandonment of certain right-of-way located in the 100 Block of Roy C. Brooks Blvd for the purposes of development.

8. CONSIDERATION AND POSSIBLE ACTION

A. Consider approval, authorizing the Mayor and the President of the Planning and Zoning Commission to attend the Focus North Texas 2025 Conference scheduled for February 21, 2025 at the Westin Galleria in Dallas, Texas; in accordance with the City of Everman City Council, Boards, Commissions, and Committees Rules and Procedures; Article 10. Training

B. Discuss, Deliberate, and Consider the acquisition of Audio Visual Modular Furniture from StandsAndMounts.com in the amount of up to \$8,705.00 for meetings of the City Council, Boards, Committees, and Commissions

C. Staff Report - Frost Bank Home Event

D. ORDINANCE NO. 826 AN ORDINANCE OF THE CITY OF EVERMAN, TEXAS, AMENDING THE CODE OF ORDINANCES BY REPEALING AND REPLACING IN ITS ENTIRETY CHAPTER 3 TITLED "ANIMALS AND ANIMAL CONTROL REGULATIONS"; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

- E.** ORDINANCE NO. 827 AN ORDINANCE OF THE CITY OF EVERMAN, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING APPENDIX A TITLED “FEE SCHEDULE” BY ADDING A NEW SECTION ENTITLED “MUNICIPAL ANIMAL SERVICES FEEES;” PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.
- F.** ORDINANCE NO. 828 AN ORDINANCE OF THE CITY OF EVERMAN, TEXAS AUTHORIZING AND CALLING FOR THE MAY 3, 2025 SPECIAL MUNICIPAL ELECTION FOR THE PURPOSE OF CONSIDERING PROPOSED AMENDMENTS TO THE HOME RULE CITY CHARTER OF THE CITY OF EVERMAN, TEXAS; AUTHORIZING A JOINT ELECTION WITH OTHER TARRANT COUNTY POLITICAL SUBDIVISIONS; AUTHORIZING A CONTRACT FOR ELECTION SERVICES WITH TARRANT COUNTY; PROVIDING A RUNOFF DATE; PROVIDING AN EFFECTIVE DATE.
- G.** ORDINANCE NO. 829 AN ORDINANCE OF THE CITY OF EVERMAN, TEXAS AUTHORIZING AND CALLING FOR THE MAY 3, 2025 SPECIAL MUNICIPAL ELECTION FOR THE PURPOSE OF PLACING BEFORE THE VOTERS OF THE CITY OF EVERMAN A PROPOSITION TO VOTE FOR OR AGAINST REAUTHORIZING A LOCAL SALES AND USE TAX TO PROVIDE REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS; AUTHORIZING A JOINT ELECTION WITH OTHER TARRANT COUNTY POLITICAL SUBDIVISIONS; AUTHORIZING A CONTRACT FOR ELECTION SERVICES WITH TARRANT COUNTY; PROVIDING A RUNOFF DATE; PROVIDING AN EFFECTIVE DATE.
- H.** RESOLUTION NO. 2025-02-01 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS, APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF EVERMAN AND THE EVERMAN INDEPENDENT SCHOOL DISTRICT FOR THE PROVISION OF POLICE SERVICES; AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.
- I.** RESOLUTION NO. 2025-02-02 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS AUTHORIZING CONTINUED PARTICIPATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR; AND AUTHORIZING THE PAYMENT OF ELEVEN CENTS PER CAPITA TO THE STEERING COMMITTEE TO FUND REGULATORY AND LEGAL PROCEEDINGS AND ACTIVITIES RELATED TO ONCOR ELECTRIC DELIVERY COMPANY, LLC.
- J.** RESOLUTION NO. 2025-02-03 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS, APPROVING A CONTRACT BETWEEN THE CITY OF EVERMAN POLICE DEPARTMENT AND THE TEXAS COMMISSION ON LAW ENFORCEMENT AUTHORIZING THE DEPARTMENT TO SERVE AS A TRAINING PROVIDER; AUTHORIZING THE POLICE CHIEF TO EXECUTE SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.
- K.** Actions Concerning Appointments to Various Boards, Commissions, or Committees.

**9. EXECUTIVE SESSION**

**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 Friday February 7, 2025.

/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/](http://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.

*Citizens wishing to submit written comments should e-mail the City Secretary at [mparks@evermantx.net](mailto:mparks@evermantx.net). Comments that are received at least one-hour prior to the start of the meeting will be provided to all council members.*

*According to the City of Everman Policy on Governance Process, individual citizen comments will be restricted to three (3) minutes unless otherwise determined by a majority vote of the Council. The mayor is responsible to enforce the time limit. Citizens may address City Council either during the Citizen Comments portion of the meeting or during deliberation of a listed agenda item. City Council is only permitted by Law to discuss items that are listed on the agenda. Citizens wishing to make comments should notify the City Secretary as soon as possible.*

*City Hall is wheelchair accessible. Parking spaces for disabled citizens are available. Requests for sign interpretative services must be made 48 hours prior to the meeting. To make arrangements, call 817.293.0525 or TDD 1.800.RELAY TX, 1.800.735.2989.*

# EVERMAN

## Police Department

# RACIAL PROFILING REPORT

2024



**DEL CARMEN**  
Consulting, LLC.  
LAW ENFORCEMENT EXPERTS

*"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)



January 31, 2025

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

Dear Distinguished Members of the City Council,

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

In this annual report, you will find three sections with information on motor vehicle-related contacts. In addition, when applicable, documentation is included which demonstrates the way the Everman Police Department has complied with the Texas Racial Profiling Law. In section one, you will find the table of contents. Section two documents compliance by the Everman Police Department relevant to the requirements established in the Texas Racial Profiling Law. That is, you will find documents relevant to the training of all police personnel on racial profiling prevention and the institutionalization of the compliment and complaint processes, as required by law.

Section three contains statistical data relevant to contacts (as defined by the law) which were made during motor vehicle stops that took place between 1/1/24 and 12/31/24. Further, this section includes the Tier 2 form, which is required to be submitted to TCOLE (Texas Commission on Law Enforcement) and the law enforcement agency's local governing authority by March 1 of each year. The data in this report has been fully analyzed and compared to information derived from the U.S. Census Bureau's Fair Roads Standard. The final analysis and recommendations are also included in this report.

In the last section of the report, you will find the original draft of the Texas Racial Profiling Law, SB1074, as well as the Sandra Bland Act (current law). Also in this section, a list of requirements relevant to the Racial Profiling Law, as established by TCOLE is included. The findings in this report support the Everman Police Department's commitment to comply with the Texas Racial Profiling Law.

Sincerely,

Alex del Carmen, Ph.D.

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# Public Education on Responding to Compliments and Complaints

## 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 Course 3256

## Texas Commission on Law Enforcement

September 2001

### Racial Profiling 3256

#### Instructor's Note:

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

#### Abstract

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

**Target Population:** Licensed law enforcement personnel in Texas

**Prerequisites:** Experience as a law enforcement officer

**Length of Course:** A suggested instructional time of 4 hours

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

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

#### Evaluation Process and Procedures

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

#### Reference Materials

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

**Racial Profiling 3256**

**1.0 RACIAL PROFILING AND THE LAW**

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

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

**Racial Profiling Requirements:**

- Racial profiling CCP 3.05
- Racial profiling prohibited CCP 2.131
- Law enforcement policy on racial profiling CCP 2.132
- Reports required for traffic and pedestrian stops CCP 2.133
- Liability CCP 2.136
- Racial profiling education for police chiefs Education Code 96.641
- Training program Occupations Code 1701.253
- Training required for intermediate certificate Occupations Code 1701.402
- Definition of "race or ethnicity" for form Transportation Code 543.202

**A. Written departmental policies**

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

**B. Not prima facie evidence**

**C. Feasibility of use of video equipment**

**D. Data does not identify officer**

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

**F. Vehicle stop report**

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

**G. Compilation and analysis of data**

**H. Exemption from reporting - audio/video equipment**

**I. Officer non-liability**

**J. Funding**

**K. Required training in racial profiling**

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



**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 and Racial Profiling Complaints



## Report on Complaints

The following table contains data regarding officers that have been the subject of a complaint, during the time period of 1/1/24-12/31/24 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 1/1/24-12/31/24.

### **Complaints Filed for Possible Violations of The Texas Racial Profiling Law**

<b>Complaint Number</b>	<b>Alleged Violation</b>	<b>Disposition of the Case</b>

<b>Additional Comments:</b>



**Tables Illustrating Motor Vehicle-Related Contacts**  
**TIER 2 DATA**

**TOTAL STOPS: 1,426**

**STREET ADDRESS OR APPROXIMATE LOCATION OF STOP.**

City Street	1,421
US Highway	0
State Highway	0
County Road	1
Private Property	4

**WAS RACE OR ETHNICITY KNOWN PRIOR TO STOP?**

Yes	24
No	1,402

**RACE OR ETHNICITY**

Alaska Native/American Indian	6
Asian/Pacific Islander	11
Black	548
White	283
Hispanic/Latino	578

**GENDER**

**Female Total: 571**

Alaska Native/American Indian	0
Asian/Pacific Islander	3
Black	257
White	105
Hispanic/Latino	206

**Male Total: 855**

Alaska Native/American Indian	6
Asian/Pacific Islander	8
Black	291
White	178
Hispanic/Latino	372

**REASON FOR STOP?**

**Violation of Law Total: 172**

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	81
White	19
Hispanic/Latino	72

**Pre-existing Knowledge Total: 3**

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

**Moving Traffic Violation Total: 1,112**

Alaska Native/American Indian	6
Asian/Pacific Islander	11
Black	403
White	245
Hispanic/Latino	447

**TIER 2 DATA**

**Vehicle Traffic Violation Total: 139**

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	63
White	18
Hispanic/Latino	58

**Contraband (in plain view) Total: 0**

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

**WAS SEARCH CONDUCTED?**

	YES	NO
Alaska Native/American Indian	0	6
Asian/Pacific Islander	0	11
Black	7	541
White	0	283
Hispanic/Latino	6	572
<b>TOTAL</b>	<b>13</b>	<b>1,413</b>

**Probable Cause Total: 9**

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	6
White	0
Hispanic/Latino	3

**REASON FOR SEARCH?**

**Consent Total: 1**

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

**Inventory Total: 1**

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

**Incident to Arrest Total: 2**

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

**TIER 2 DATA**

**WAS CONTRABAND DISCOVERED?**

	<b>YES</b>	<b>NO</b>
Alaska Native/American Indian	0	0
Asian/Pacific Islander	0	0
Black	7	0
White	0	0
Hispanic/Latino	5	1
<b>TOTAL</b>	<b>12</b>	<b>1</b>

**Did the finding result in arrest?**

	<b>YES</b>	<b>NO</b>
Alaska Native/American Indian	0	0
Asian/Pacific Islander	0	0
Black	1	6
White	0	0
Hispanic/Latino	1	4
<b>TOTAL</b>	<b>2</b>	<b>10</b>

**DESCRIPTION OF CONTRABAND**

**Drugs Total: 9**

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	5
White	0
Hispanic/Latino	4

**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

**TIER 2 DATA**

**Stolen Property Total: 0**

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

**Other Total: 3**

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

**RESULT OF THE STOP**

**Verbal Warning Total: 0**

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

**Written Warning Total: 194**

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	89
White	28
Hispanic/Latino	77

**Citation Total: 1,227**

Alaska Native/American Indian	6
Asian/Pacific Islander	11
Black	456
White	255
Hispanic/Latino	499

**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	3
White	0
Hispanic/Latino	2

**Arrest Total: 0**

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

**Violation of Traffic Law Total: 0**

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
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: 2**

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

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

	<b>YES</b>	<b>NO</b>
Alaska Native/American Indian	0	6
Asian/Pacific Islander	0	11
Black	0	548
White	0	283
Hispanic/Latino	0	578
<b>TOTAL</b>	<b>0</b>	<b>1,426</b>

# Tables Illustrating Motor Vehicle Related Contact Data

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	6	6	0	0	0%	0%	0%	0%
Asian/ Pacific Islander	11	11	0	0	1%	1%	0%	0%
Black	548	459	0	89	38%	37%	0%	46%
White	283	255	0	28	20%	21%	0%	14%
Hispanic/ Latino	578	501	0	77	41%	41%	0%	40%
<b>TOTAL</b>	1,426	1,232	0	194	100%	100%	0%	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
<b>Alaska Native/American Indian</b>	0%	0%
<b>Asian/Pacific Islander</b>	1%	5%
<b>Black</b>	38%	14%
<b>White</b>	20%	60%
<b>Hispanic/Latino</b>	41%	19%
<b>TOTAL</b>	100%	98%

**Table 3. Motor Vehicle Searches and Arrests.**

Race/Ethnicity	Searches	Consent Searches	Arrests
<b>Alaska Native/American Indian</b>	0	0	0
<b>Asian/Pacific Islander</b>	0	0	0
<b>Black</b>	7	0	3
<b>White</b>	0	0	0
<b>Hispanic/Latino</b>	6	1	2
<b>TOTAL</b>	13	1	5

**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

**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	7	7	0	3	54%	58%	0%	60%
White	0	0	0	0	0%	0%	0%	0%
Hispanic/Latino	6	5	1	2	46%	42%	100%	40%
<b>TOTAL</b>	13	12	1	5	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 1/1/24-12/31/24.

<b>Audit Data</b>	<b>Number of Data Audits Completed</b>	<b>Date of Completion</b>	<b>Outcome of Audit</b>
1	1	03/01/24	Data was valid and reliable
2	1	06/01/24	Data was valid and reliable
3	1	09/01/24	Data was valid and reliable
4	1	12/01/24	Data was valid and reliable

<b>ADDITIONAL COMMENTS:</b>

**Table 7. Instance Where Force Resulted in Bodily Injury.**

<b>Race/Ethnicity</b>	<b>Number</b>	<b>Percent</b>
<b>Alaska Native/American Indian</b>	0	0%
<b>Asian/Pacific Islander</b>	0	0%
<b>Black</b>	0	0%
<b>White</b>	0	0%
<b>Hispanic/Latino</b>	0	0%
<b>TOTAL</b>	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%
%	0	0	0	0	0%	0%	0%	0%
Black	1	0	0	2	33%	0%	0%	100%
White	0	0	0	0	0%	0%	0%	0%
Hispanic/ Latino	2	0	0	0	67%	0%	0%	0%
<b>TOTAL</b>	3	0	0	2	100%	0%	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	7	7	100%	54%	58%
White	0	0	0%	0%	0%
Hispanic/Latino	6	5	83%	46%	42%

## Analysis and Interpretation of Data

As previously noted, in 2001, the Texas Legislature passed Senate Bill 1074, which eventually became the Texas Racial Profiling Law. This particular law came into effect on January 1, 2002, and required all police departments in Texas to collect traffic-related data and report this information to their local governing authority by March 1 of each year. This version of the law remained in place until 2009, when it was modified to include the collection and reporting of all motor vehicle-related contacts in which a citation was issued, or an arrest was made. Further, the modification to the law further requires that all police officers indicate whether or not they knew the race or ethnicity of the individuals before detaining them. In addition, it became a requirement that agencies report motor vehicle-related data to their local governing authority and to the Texas Commission on Law Enforcement (TCOLE) by March 1 of each year. The purpose in collecting and disclosing this information is to determine if police officers in any particular municipality are engaging in the practice of racially profiling minority motorists.

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

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

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

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

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

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

In an effort to comply with The Texas Racial Profiling/Sandra Bland Law, the Everman Police Department commissioned the analysis of its 2024 contact data. Hence, two different types of data analyses were performed. The first of these involved a careful evaluation of the 2024 motor vehicle-related data. This particular analysis measured, as required by law, the number and percentage of Whites, Blacks, Hispanics or Latinos, Asians and Pacific Islanders, Alaska Natives and American Indians, who came in contact with police in the course of a motor vehicle-related contact and were either issued a ticket, citation, or warning or an arrest was made. Also included in this data were instances when a motor vehicle contact took place for an alleged violation of the law or ordinance. The Tier 2 data analysis included, but was not limited to, information relevant to the number and percentage of contacts by race/ethnicity, gender, reason for the stop, location of stop, searches while indicating the type of search performed, result of stop, basis of an arrest, and use of physical force resulting in bodily injury.

The analysis on the data performed in this report, was based on a comparison of the 2024 motor vehicle contact data with a specific baseline. When reading this particular analysis, one should consider that there is disagreement in the literature regarding the appropriate baseline to be used when analyzing motor vehicle-related contact information. Of the baseline measures available, the Everman Police Department agreed with our recommendation to rely in part, as a baseline measure, on the Fair Roads Standard. This particular baseline is established on data obtained through the U.S. Census Bureau (2020) relevant to the number of households that have access to vehicles while controlling for the race and ethnicity of the heads of households.

It should be noted that the census data presents challenges to any effort made at establishing a fair and accurate racial profiling analysis. That is, census data contains information on all residents of a particular community, regardless whether they are among the driving population. Further, census data, when used as a baseline of comparison, presents the challenge that it captures information related to city residents only, thus excluding individuals who may have come in contact with the Everman Police Department in 2024 but live outside city limits. In some jurisdictions the percentage of the population that comes in contact with the police but lives outside city limits represents a substantial volume of all motor vehicle-related contacts made in a given year.

In 2002, major civil rights groups in Texas expressed their concern and made recommendations to the effect that all police departments should rely, in their data analysis, on the Fair Roads Standard. This source contains census data specific to the number of “households” that have access to vehicles. Thus, proposing to compare “households” (which may have multiple residents and only a few vehicles) with “contacts” (an individual-based count). In essence this constitutes a comparison that may result in ecological fallacy. Despite this risk, as noted earlier, the Everman Police Department accepted the recommendation to utilize this form of comparison (i.e., census data relevant to households with vehicles) in an attempt to demonstrate its “good will” and “transparency” before the community. Thus, the Fair Roads Standard data obtained and used in this study is specifically relevant to the Dallas Fort-Worth (DFW) Metroplex.

**Tier 2 (2024) Motor Vehicle-Related Contact Analysis**

When examining the enhanced and more detailed Tier 2 data collected in 2024, it was evident that most motor vehicle-related contacts were made with Hispanics, followed by Blacks. Of those who came in contact with police, most tickets or citations were issued to Hispanics and Blacks; this was followed by Whites. However, in terms of written warnings, most of these were issued to Blacks, followed by Hispanics.

While reviewing searches and arrests, the data showed that most searches took place among Black. When considering all searches, most were consented by Hispanics, while most custody arrests were of Blacks. Overall, most searches resulted in contraband; of those that produced contraband, most were of Blacks; this was followed by Hispanics. Of the searches that did not produce contraband, most were of Hispanics. Most arrests were made of Blacks. Most of the arrests that originated from a violation of the penal code involved Hispanics. Overall, the police department does not report any instances where force was used that resulted in bodily injury.

**Comparative Analysis**

A comprehensive analysis of the motor vehicle contacts made in 2024 to the census data relevant to the number of “households” in DFW who indicated in the 2020 census that they had access to vehicles, produced interesting findings. Specifically, the percentage of Whites, Asians, and American Indians who came in contact with police was the same or lower than the percentage of White, Asian, and American Indian households in DFW that claimed in the last census to have access to vehicles. The opposite was true of Blacks and Hispanics. That is, a higher percentage of Blacks and Hispanics came in contact with police than the percentage of Black and Hispanic households in DFW that claimed in the last census to have access to vehicles.

The comprehensive analysis of the searches resulting in contraband shows that the most significant contraband hit rate is of Blacks. This was followed by Hispanics. This means that among all searches performed in 2024, the most significant percentage of these that resulted in contraband was among Blacks. The lowest contraband hit rate was among Hispanics.

**Summary of Findings**

As previously noted, the most recent Texas Racial Profiling Law requires that police departments perform data audits in order to validate the data being reported. Consistent with this requirement, the Everman Police Department has engaged del Carmen Consulting, LLC in order to perform these audits in a manner consistent with normative statistical practices. As shown in Table 6, the audit performed reveals that the data is valid and reliable. Further, as required by law, this report also includes an analysis on the searches performed. This analysis includes information on whether contraband was found as a result of the search while controlling for race/ethnicity. The search analysis demonstrates that the police department is engaging in search practices consistent with national trends in law enforcement.

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

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

- 1) Perform an independent analysis on contact and search data in the upcoming year.
- 2) Commission data audits in 2025 in order to assess data integrity; that is, to ensure that the data collected is consistent with the data being reported.

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

# Checklist

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

- ✓ Implement a Racial Profiling Policy citing act or actions that constitute racial profiling.
- ✓ Include in the racial profiling policy, a statement indicating prohibition of any peace officer employed by the Everman Police Department from engaging in racial profiling.
- ✓ Implement a process by which an individual may file a complaint regarding racial profiling violations.
- ✓ Provide public education related to the compliment and complaint process.
- ✓ Implement disciplinary guidelines for officers found in violation of the Texas Racial Profiling Law.
- ✓ Collect, report and analyze motor vehicle data (Tier 2).
- ✓ Commission Data Audits and a Search Analysis.
- ✓ Indicate total number of officers who knew and did not know, the race/ethnicity of individuals before being detained.
- ✓ Produce an annual report on police contacts (Tier 2) and present this to the local governing body and TCOLE by March 1, 2025.
- ✓ Adopt a policy, if video/audio equipment is installed, on standards for reviewing video and audio documentation.

# Legislative & Administrative





# TCOLE GUIDELINES

## Guidelines for Compiling and Reporting Data under Senate Bill 1074

### Background

Senate Bill 1074 of the 77<sup>th</sup> 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 77<sup>th</sup> 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**

	<b>EVERMAN POLICE DEPARTMENT</b>	
	<b>Policy 2.2 Bias Based Policing</b>	
	<b>Effective Date:</b> 03/05/2019	<b>Replaces:</b> 01/01/2017
	<b>Approved:</b> C. W. Spencer; Chief of Police 	
<b>Reference:</b> 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, 4<sup>th</sup> Amendment & 14<sup>th</sup> 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 59<sup>th</sup> 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](mailto: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 facie 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:

**Del Carmen Consulting ©**  
**817.681.7840**  
**[www.texasracialprofiling.com](http://www.texasracialprofiling.com)**  
**[www.delcarmenconsulting.com](http://www.delcarmenconsulting.com)**

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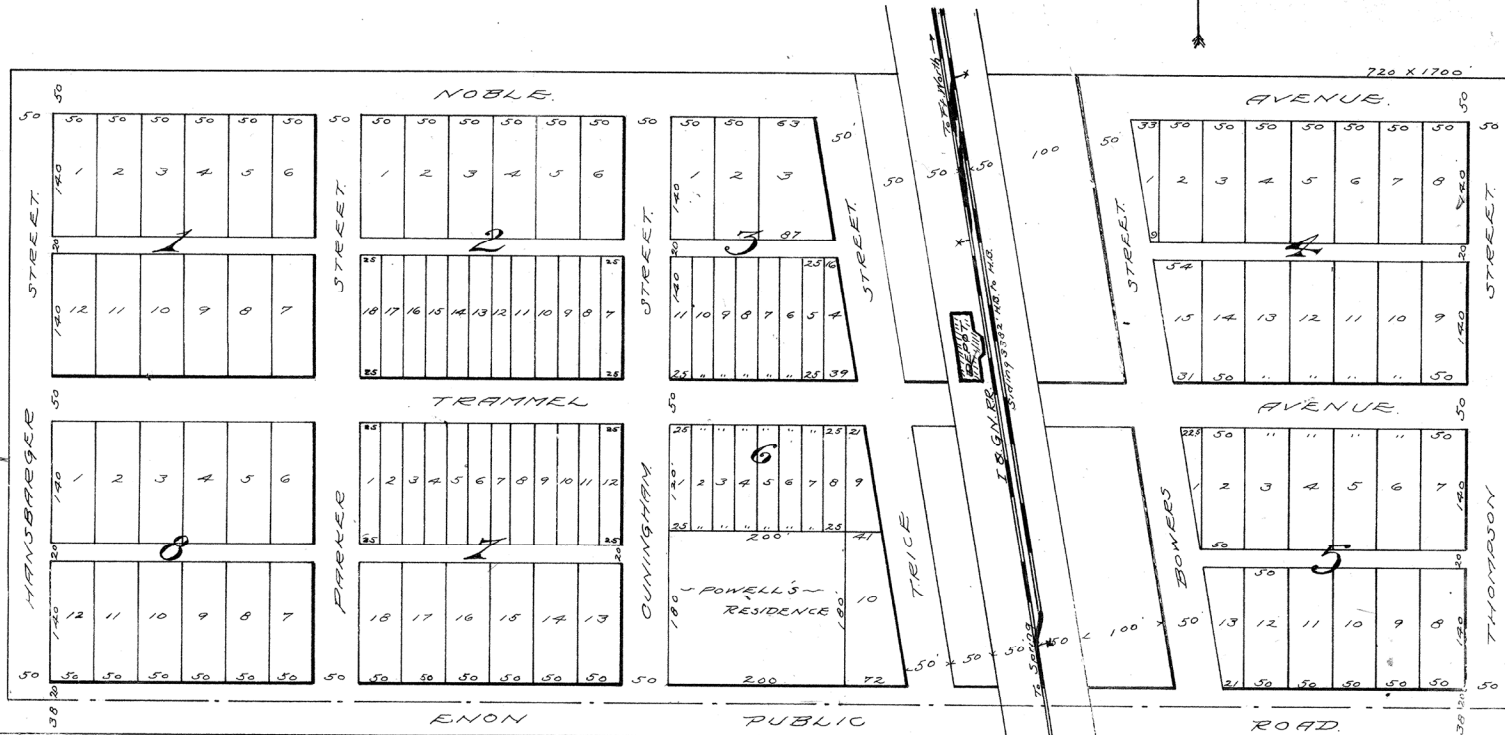


# EVERMAN TEXAS.

106 No. 2 126

Section 7, Item D.

Scale 1 inch = 100 ft.



PAGE 126

Vol # 106

STATE OF TEXAS  
 COUNTY OF TARRANT  
 KNOW ALL MEN BY THESE PRESENTS: That the Smith Land and Improvement Company, has this day filed a map of the Townsite of Everman in the County of Tarrant, State of Texas, to be recorded in the Records of said County, for reference. The said town of Everman consists of 8 blocks of Lots, as is shown by the Map hereof, and is situated immediately upon the line of the International and Great Northern Railroad, upon the Land Deeded to the Smith Land and Improvement Company, as shown by the Records of said County, viz: Lon P Powell and wife, Essie D. Powell and I.H. Mitchell, Recorded in Vol. 197, Pages 37. The Smith Land and Improvement Company, hereby gives grants, and dedicates to the Public, as Highways, such portions of each and all of the Streets and alleys, designated on the map accompanying this Deed as may be contiguous to or adjoining any lots or blocks of land so laid off on said Map which have been or may hereafter be conveyed by the said Company to any other person: All other streets and alleys designated on said map or portions of the same, not contiguous to Lots, or Blocks conveyed, are to be and remain the Private property of the said Company, and may be replotted or closed up, or occupied by said Company, at its option. Witness the said Smith Land and Improvement Company by the hand of its President, attested by the seal of the said Company, this the 10th day of May, A.D. 1904.

Smith Land and Improvement Company, By L. Trice,

STATE OF TEXAS  
 COUNTY OF TARRANT  
 Before me, R.S. Shepard, a Notary Public, in and for Anderson County, Texas on this day personally appeared L. Trice, President of the Smith Land and Improvement Co. known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations, therein expressed, and in the capacity therein stated, and that the same is the act and deed of said Smith Land and Improvement Company. GIVEN under my hand and seal of office, this 10th day of May, A.D. 1904

R.S. Shepard, Notary Public, Anderson County, Tex.

L.S.  
 FILED FOR RECORD May 11th, 1904, at 2:50 P.M.  
 RECORDED June 20th, 1904, at 12:00 M.

R.L. Rogers, County Clerk, Tarrant County, Texas.

4

Sendera Title GF# 0711547-CCMC

**SPECIAL WARRANTY DEED WITH VENDOR'S LIEN**

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

**Date:** December 20, 2007

**Grantor:** OmniAmerican Bank

**Grantor's Mailing Address:** 1320 University Drive, Suite 190  
Fort Worth, Tarrant County, Texas 76107

**Grantee:** Limbaugh Properties, LLC, an Alabama limited liability company

**Grantee's Mailing Address:** 126 Park Avenue  
Moody, Saint Clair County, Alabama 35004

**Consideration:** Cash and a Note of even date executed by Grantee and payable to the order of Bankcorp South Bank in the Principal Amount of Four Hundred Twenty Seven Thousand Five Hundred and No/100 Dollars (\$427,500.00). The Note is secured by a first and superior vendor's lien and superior title retained in this Deed and by a first-lien Deed of Trust of even date from Grantee to James E. Vann, Trustee.

**Property (including any improvements):** As described in **EXHIBIT "A"**, attached hereto and incorporated by reference herein for all purposes.

**Reservations from Conveyance:** None.

**Exceptions to Conveyance and Warranty:** As described in **EXHIBIT "B"**, attached hereto and incorporated by reference herein for all purposes.

Grantor for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's successors and assigns forever. Grantor binds Grantor and Grantor's successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through, or under Grantor but not otherwise, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

FILED  
TARRANT COUNTY TEXAS  
2007 DEC 26 PM 12:07  
JAMES E. VANN, TRUSTEE

UNOFFICIAL

The vendor's lien against and superior title to the Property are retained until each note described is fully paid according to its terms, at which time this deed will become absolute.

When the context requires, singular nouns and pronouns include the plural.

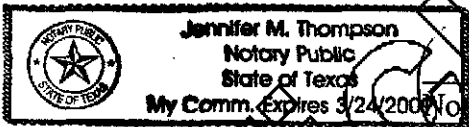
Grantor:

OmniAmerican Bank

By: Kevin S. Downey  
Name: Kevin S. Downey, President of Commercial Lending

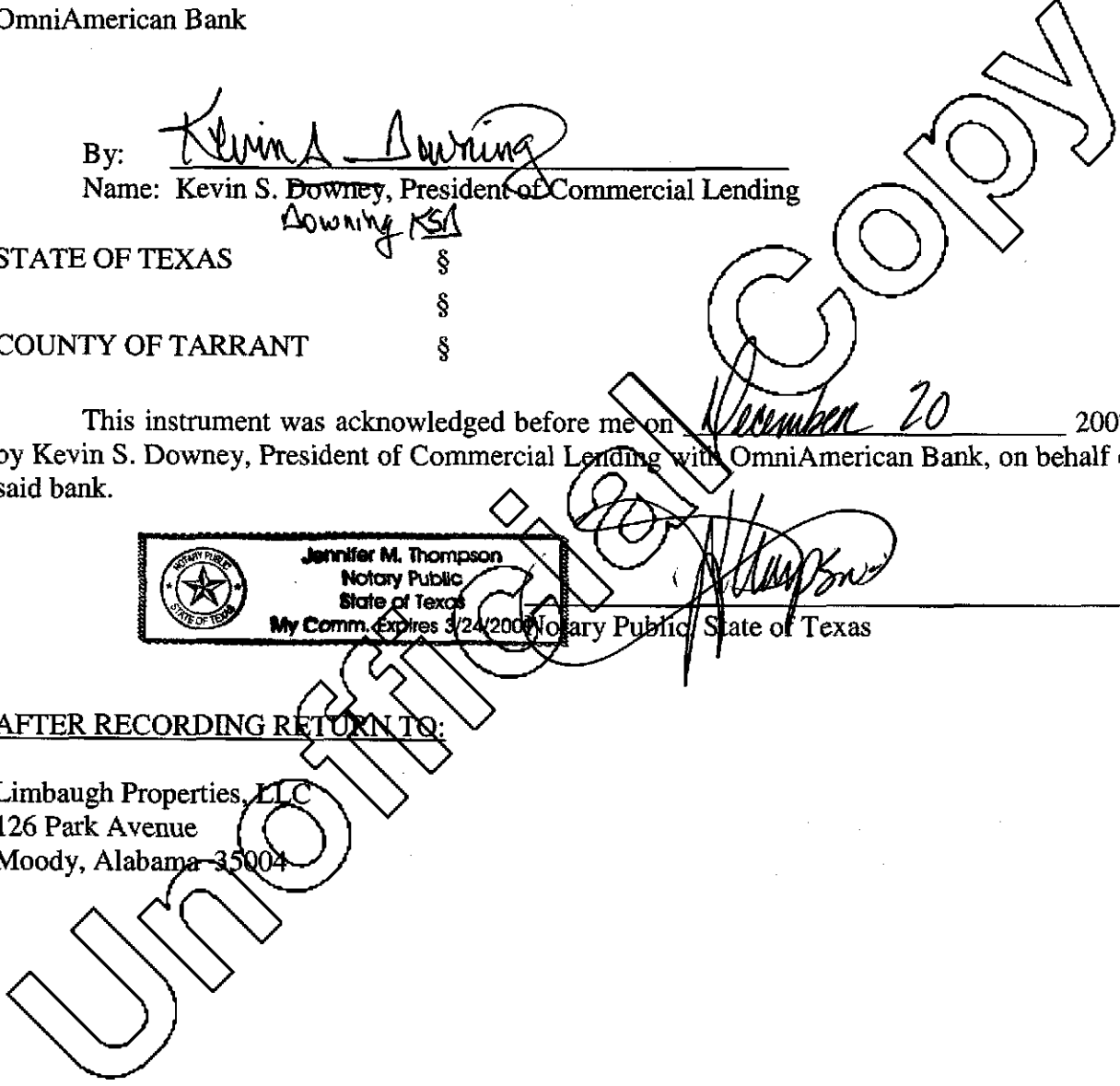
STATE OF TEXAS §  
   §  
COUNTY OF TARRANT §

This instrument was acknowledged before me on December 20 2007,  
by Kevin S. Downey, President of Commercial Lending with OmniAmerican Bank, on behalf of  
said bank.

 Jennifer M. Thompson  
Notary Public  
State of Texas  
My Comm. Expires 3/24/2008  
Jennifer M. Thompson  
Notary Public State of Texas

AFTER RECORDING RETURN TO:

Limbaugh Properties, LLC  
126 Park Avenue  
Moody, Alabama 35004



**Sendera Title GF# 0711547-CCMC**

**EXHIBIT "A"**

BEING situated in the State of Texas, the County of Tarrant and the City of Everman, being part of the SHELBY COUNTY LAND SURVEY, Abstract No. 1375, being part of a tract of land conveyed to OmniAmerican Bank by deed recorded in Document No. D207308775 of the Deed Records of Tarrant County, Texas and these premises being more particularly described as follows:

BEGINNING at a capped 1/2 inch iron rod found marking the intersection of the north right-of-way line of East Enon Avenue and the west right-of-way line of the remainder of Bowers Street and the southeast corner of said premises;

THENCE with said north right-of-way line and the south line of said premises, South 89° 22' 00" West, 226.47 feet to a 1/2 inch iron rod capped "5693" set marking the southwest corner of said premises;

THENCE with the west line of said premises, North 10° 41' 00" West, 318.69 feet to a 1/2 inch iron rod capped "5693" set in the south right-of-way line of Trammel Avenue, marking the northwest corner of said premises;

THENCE with said south right-of-way line and the north line of said premises, North 89° 22' 00" East, 227.66 feet to a capped 1/2 inch iron rod found marking the intersection of said south right-of-way line and the west right-of-way line of the remainder of Bowers Street and the northeast corner of said premises;

THENCE with said west right-of-way line and the east line of said premises, South 10° 28' 20" East, 318.48 feet to the POINT OF BEGINNING and containing 1.64 acres of land.

Unofficial COPY

**Sendera Title GF# 0711547-CCMC**

**EXHIBIT "B"**

1. Standby fees, taxes, and assessments by any taxing authority for the year **2008** and subsequent years.
2. Easements reserved in City of Everman Ordinance No. 398, vacating Trammel Avenue, dated March 21, 1989, and recorded in Volume 9550, Page 2060, of the Deed Records, Tarrant County, Texas.
3. Terms and conditions set out in Deed recorded in Volume 192, Page 122, Deed Records, Tarrant County, Texas.
4. Mineral and/or royalty interest, as described in instrument recorded in Volume 5244, Page 288, Deed Records of Tarrant County, Texas, reference to which instrument is here made for all purposes.
5. Mineral and/or royalty interest, as described in instrument recorded in Volume 5244, Page 291, Deed Records of Tarrant County, Texas, reference to which instrument is here made for all purposes.

Unofficial Copy



LIMBAUGH PROPERTIES LLC  
126 PARK AVENUE

MOODY AL 35004

Submitter: SENDERA TITLE / BILL MONTGOMERY

SUZANNE HENDERSON  
TARRANT COUNTY CLERK  
TARRANT COUNTY COURTHOUSE  
100 WEST WEATHERFORD  
FORT WORTH, TX 76196-0401

**DO NOT DESTROY**  
**WARNING - THIS IS PART OF THE OFFICIAL RECORD.**

Filed For Registration: 12/26/2007 12:09 PM  
Instrument #: D207454220  
WD 5 PGS \$28.00

By: \_\_\_\_\_

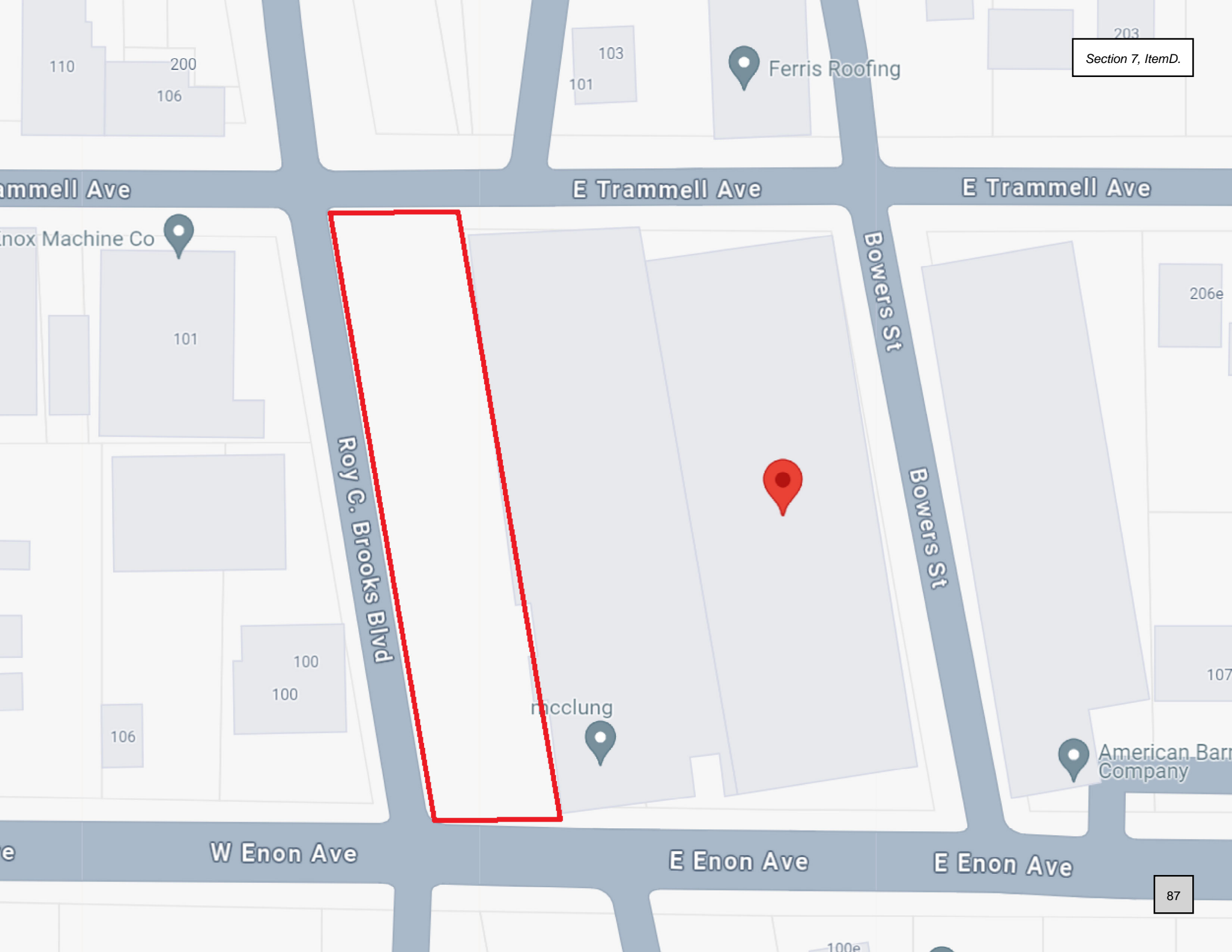


**D207454220**

ANY PROVISION WHICH RESTRICTS THE SALE, RENTAL OR USE  
OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR  
RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.

Printed by: WD

Section 7, Item D.





**CITY OF EVERMAN**  
212 North Race Street Everman, TX 76140  
**STAFF REPORT**

---

**AGENDA TITLE:** Consider approval, authorizing the Mayor and the President of the Planning and Zoning Commission to attend the Focus North Texas 2025 Conference scheduled for February 21, 2025 at the Westin Galleria in Dallas, Texas; in accordance with the City of Everman City Council, Boards, Commissions, and Committees Rules and Procedures; Article 10. Training

**MEETING DATE:** 02/11/2025

**PREPARED BY:** C. W. Spencer

---

**RECOMMENDED ACTION:**

Approval

**BACKGROUND INFORMATION:**

The Focus North Texas group is hosting a one day conference in Dallas on February 21, 2025.

**ABOUT THE EVENT & 2025 THEME:**

The North Texas region is experiencing unprecedented growth that is expected to continue for the next several decades. To meet the demand on natural resources, the built environment must continue to expand. This includes housing, especially affordable housing products, highway construction, rapid transit expansion, schools, and many other factors.

This year’s theme should focus on how we, as planners, can prepare our communities and region for growth and how we react to the very real demands on the built infrastructure. Do we plan or do we react? What is the most efficient way to grow a small town into a city? How do we maintain fairness and equity in the housing market? These are the questions we would like to see covered by FNT 2025.

The City Manager is unable to attend this conference due to other training commitments. Therefore, City Management would like to recommend that Mayor Ray Richardson (who also serves as the President for the Economic Development Commission) and Ricky Garcia (President of our Planning and Zoning Commission) be authorized to attend this conference to obtain the valuable information to bring back for their respective boards and benefit of the city.

**FISCAL IMPACT:**

\$450.00





# AGENDA-AT-A-GLANCE

7:30-8:00 AM - REGISTRATION OPEN

8:00-8:15 AM - OPENING REMARKS

8:15-9:45 AM - OPENING PLENARY

INCREDIBLE GROWTH; PROVEN RESULTS  
1.25 CM

10:15-11:30 AM- BREAKOUT SESSIONS 1

1.00 CM

12:00-1:45 PM - KEYNOTE LUNCH

THE HONORABLE ANDY EADS, DENTON COUNTY JUDGE

MORE INFORMATION

2:00-3:00 PM - BREAKOUT SESSIONS 2

1.00 CM

3:15-4:15 PM - BREAKOUT SESSIONS 3

1.00 CM

## 5:30-7:00 PM - CLOSING RECEPTION/HAPPY HOUR

LOCATION: TBD

### VIEW THE FNT2025 SESSIONS-AT-A-GLANCE

### SESSION TRACKS FOR #FNT2025

#### 1. Design, Development, and Preservation

How to encourage growth while preserving character. People embrace communities of lasting value that reflect historic preservation, cultural resources, community character, and exceptional urban design.

Communities built on principles of interrelated patterns of land use, transportation, and urban form foster some of the most desirable characteristics of human habitation: neighborliness, sustainability, and economic efficiency. We invite proposals that address urban design, public art, historic preservation, and new urbanism along with other proven practices that have had success in managing growth in North Texas.

#### 2. Housing, Community, and Economic Development

North Texas is confronting a housing crisis that is exacerbated by its rapid influx of people and businesses. The shortage of livable and affordable housing reinforces inequality and limits access to opportunity, while meager housing options hurt the economy and constrain social and economic mobility. The national office of APA recently published its Housing Accelerator Project which acts as a catalyst for informed housing development. Included are issues of social equity (institutional, political, and economic strategies advancing equity; environmental justice; mitigating gentrification/displacement). Consider discussing how institutional bias and marginalization of "other" groups may be embedded in typical zoning ordinances.

#### 3. AI and Its Potential Impact on Planning

Artificial Intelligence (AI) is a growing field of opportunity but also raising concerns. How will this new technology impact planning now and in the future?

#### 4. Small Town Planning

How do you plan if you don't have a planner? Is there an economic incentive to small towns in hiring a planner? When small towns feel the onslaught of new residents, what are the best practices for managing development?

#### 5. Elected & Appointed Officials

Focus North Texas offers several sessions designed for the layman planner who serves cities and counties as Planning & Zoning Commissioners, City Councilmen, or other committees designed as advisory groups to city decisions. Sessions proposed for this topic should be geared to the general populace and provide helpful insights into the roles, obligations, and restrictions inherent with their positions. (these sessions will not qualify for CM credits)

#### 6. Texas Legislative Landscape

What bills are being considered in this legislative session? What is expected to be the impact of the on planning and the greater industry?

**7. Planning for Health and the Natural Environment**

Many local governments are beginning to incorporate goals and objectives that integrate public health into plans, policies, and processes. These efforts will impact how people make choices about where to live, how to get around, and how to access healthy foods and physical activity. They will affect everything from clean air and water to social equity. Through citizen engagement, plan-making, capital improvements, development review, and other planning actions, planners promote fiscally sound investments and decisions that protect and restore the natural environment, conserve resources, and build more sustainable communities in both rural and urban areas. How can rapidly growing areas make a healthy environment a higher priority?

**8. Transportation Planning for Rapid Growth**

More roads or more rail? What is needed now and what will the impact of our current decisions be on the future transportation grid? As urban transportation preferences evolve, transit, biking, and pedestrian travel and safety have become prime considerations impacting street design. Simultaneously, technology and personal choices are affecting transportation planning. Transportation planners must adapt. How to deal with a high demand for road improvements with a limited budget.

**9. Disaster Resilience and Climate Change (Sustainability & Resilience - mandatory credit topic)**

Planners must pay special attention to the long-term and interrelated consequences of their actions. Planning actions may have potentially detrimental long-term consequences, especially on their most vulnerable people, places, and systems. Climate change affects all areas of the state. Currently, major coastal cities are planning for sea-level rise, landlocked cities are experiencing extreme weather and changing weather cycles, while droughts, floods, and seismic activity are occurring in new locations. Even communities that regularly focus on other planning issues should be aware of potential impacts from natural hazards and a changing climate and be ready to address them.

**10. Planning for Inclusiveness and Social Justice (Equity - mandatory credit topic)**

How can planners best foster socially equitable and just communities? In what ways can the profession engage resident groups and other constituencies that have historically been under-represented in planning processes? How do we learn from community-led planning and citizen planners? How do issues of race, gender, age, ability, and sexual orientation impact planning? How can we better recruit, educate, and support planners who reflect the diversity of the communities they serve?

**11. Ethics (mandatory credit topic)**

AICP-certified planners pledge to uphold high standards of ethics and professional conduct. The Ethics session can focus on a specific topic of the AICP Code of Ethics.

**12. Law (mandatory credit topic)**

Planning practices are dependent upon state and local legislation, which change frequently. Any law session should ensure that planners have a current understanding of case law, regulations, and statutes and their impact on planning practice. Topics may include but are not limited to:

- The Short-Term Rental Dilemma
- MUDs vs. city water rights
- Ordinance Drafting, Interpretive, and Regulatory Issues. What phrases and words have created problems in court and likely to result in a lawsuit?

# #FNT2025 PROGRAM COMING SOON!

Please check back soon for the final program with the most up-to-date session and speaker information for the event on February 21, 2025!

For Questions: Send us an email.





**CITY OF EVERMAN**  
212 North Race Street Everman, TX 76140  
**STAFF REPORT**

**AGENDA TITLE:** Discuss, Deliberate, and Consider the acquisition of Audio Visual Modular Furniture for meetings of the City Council, Boards, Committees, and Commissions

**MEETING DATE:** 02/11/2025

**PREPARED BY:** C. W. Spencer

**RECOMMENDED ACTION:**

Approval

**BACKGROUND INFORMATION:**

Currently, the Everman Civic Center is utilized as the official meeting space for the Everman City Council in addition to the many various boards and commissions. Each meeting requires thorough preparations and setup by the Public Works Staff. Currently, the Public Works staff is utilizing standard folding tables that are used by the council, commissioners, and staff. Although we have made it work, it is not the most functional method of setup and requires additional time by the staff. Additionally, the current items being utilized are not very durable. Lastly, because of the gaps in the tables, often times members feel as if they spread too far apart.

Staff would like to propose for council consideration the acquisition of specialized furniture for use by the City Council, Boards, Committees, and Commissions.

The AVFI Audio Visual Furniture Modular Folding Tables provide for an appropriate setup that will eliminate the gaps in between tables, provide for power on top of the tables, provide for a rounded shape in order for each member to see one another when engaged in discussion, and provide for a much simpler setup and tear-down for staff. These tables are on locking wheels and fold and store easily. This furniture is much more durable than the current setup. Lastly, this furniture will provide for a more professional appearance.

4 tables will allow for a max capacity of 11

5 tables will allow for a max capacity of 14

Our current setup allows for a max capacity of 15, which includes staff seating.

There are funds available within the current approved budget as follows:

City Council - Minor Equipment - \$5,000

Civic Center Minor Equipment - \$12,000

**FISCAL IMPACT:**

\$7,000 - \$9,000 estimated

**MFT6024 - V-Shape**

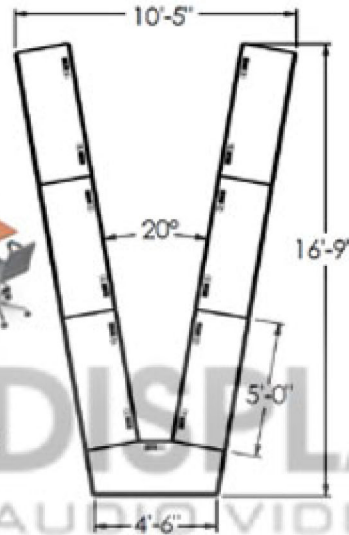


Table Components Included:  
6x MFT6024-2P  
1x MFT6024-2PW20

**MFT6024 - Square**

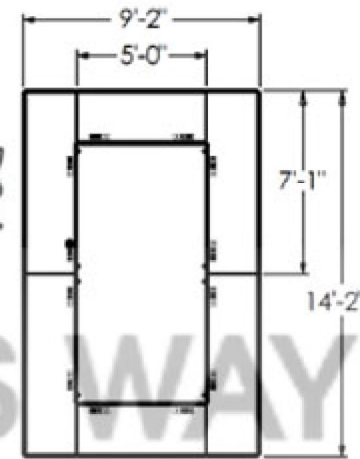


Table Components Included:  
2x MFT6024-2P  
2x MFT6024-3PCL  
2x MFT6024-3PCR

**MFT6024 - Triangle**

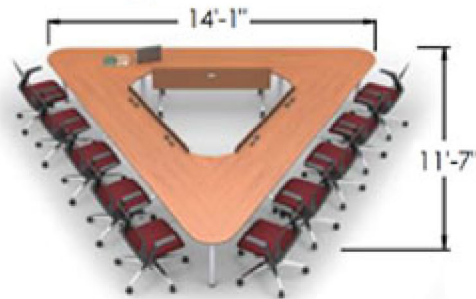
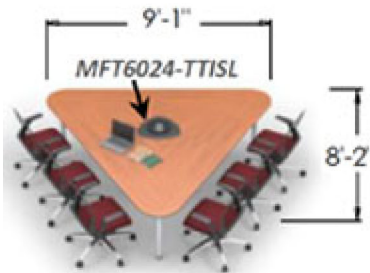


Table Components Included:  
3x MFT6024-TT60 connected  
1x MFT6024-TTISL Center Island

Table Components Included:  
3x MFT6024-TT60 connected with  
3x MFT6024-2P

**MFT6024 - Round**

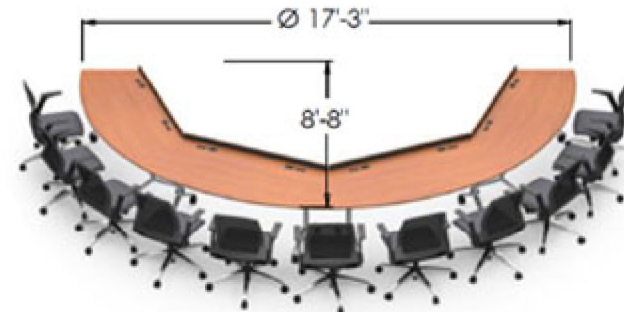
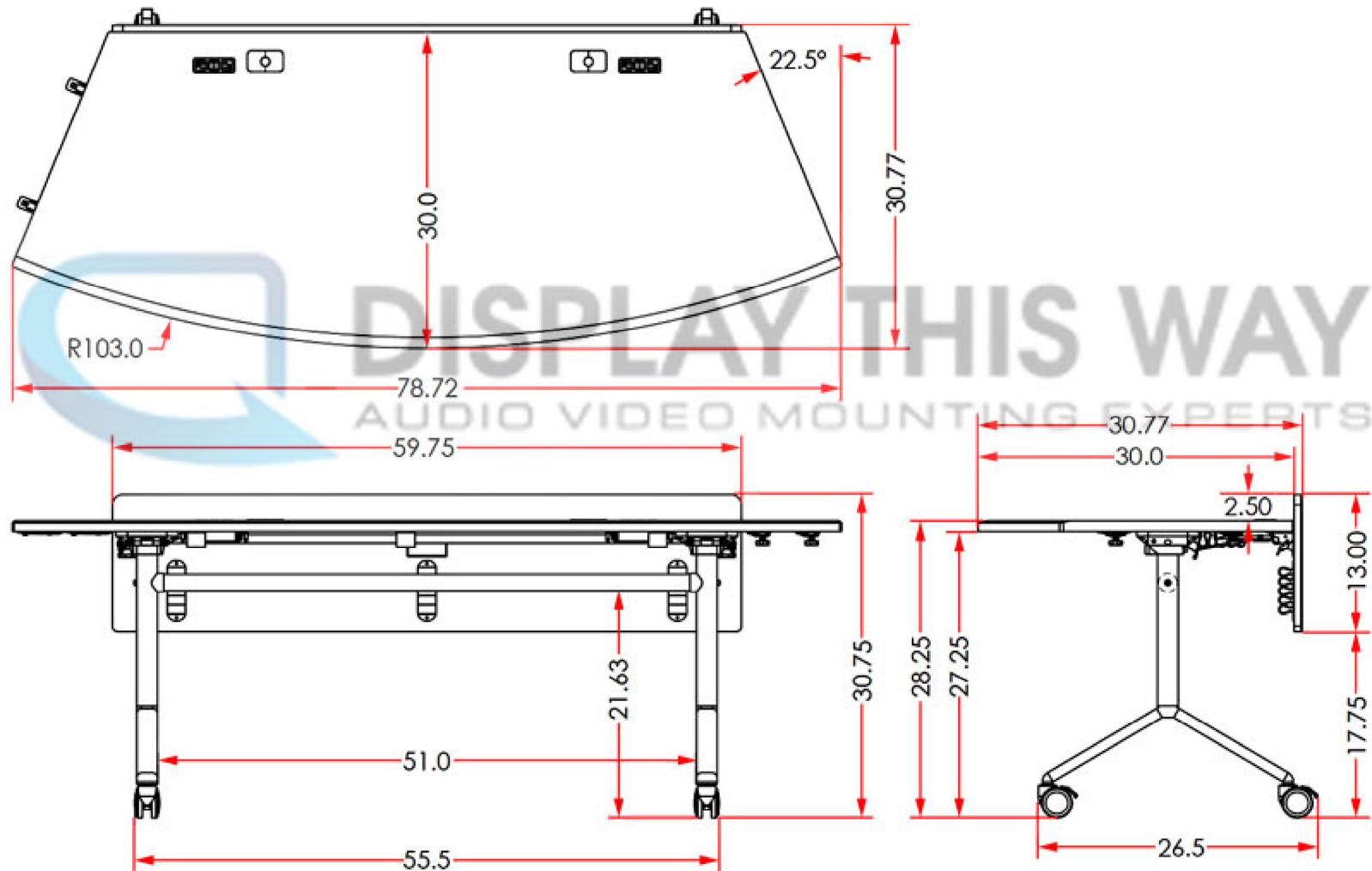


Table Components Included:  
4x MFT6024-2PW20



\*Specification subject to change without notice.





MFT6024-2PWRD (x4) pictured. Each sold separately.



Samples can be provided upon request.



Fusion Maple (FMT)



Hayward Cherry (HCT)



River Cherry (RCT)



Clove (CLT)



Crossfire Java (CJT)



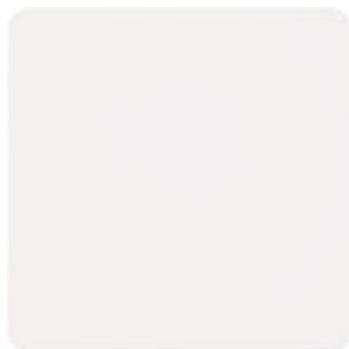
Aria (ART)



Baroque (BRT)



Elegance Walnut (ELT)



Designer White (CWT)



Brushed Aluminum (BAT)



Shark Gray (SGT)



Ebony (EBT)



Section 8, Item B.

PO Box 145  
 Fuquay-Varina, NC 27526  
 800-807-1477  
 Sales@StandsandMounts.com

Date	February 4, 2025
Quote #	SAM020425-13
Valid Until	March 6, 2025
Sales Rep	EGD

**Customer:**

Craig Spencer  
 City of Everman  
 213 N Race St  
 Everman, TX 76140  
 817-293-0525

**Ship to Address (If Different Than Customer):**

Model	Description	Price	Qty	Total
MFT6024-2PWRD	AVFI Modular Folding Table (2 Person, Round, Various Finish)	\$1,716.00	5	\$8,580.00

**Shipping Option**

Commercial delivery with Lift Gate (Driver Unloads).  
  
 Additional freight options such as Non-Commercial Delivery (Military Bases, Schools, Residential Business), Inside Delivery (1st Floor Only) and Call Prior to Delivery are available for added fees.

Subtotal:	\$8,580.00
Shipping:	\$125.00
Tax*:	N/A
<b>Total:</b>	<b>\$8,705.00</b>

**Notes**

Any delivery limitations or special instructions must be noted before order ships.  
  
 \*TX sales tax exempt certificate required

**THANK YOU FOR YOUR BUSINESS!**

Please contact Sales@StandsandMounts.com for any questions regarding this quote.



Section 8, Item B.

PO Box 145  
Fuquay-Varina, NC 27526  
800-807-1477  
Sales@StandsandMounts.com

Date	February 4, 2025
Quote #	SAM020425-12
Valid Until	March 6, 2025
Sales Rep	EGD

**Customer:**

Craig Spencer  
City of Everman  
213 N Race St  
Everman, TX 76140  
817-293-0525

**Ship to Address (If Different Than Customer):**

Model	Description	Price	Qty	Total
MFT6024-2PWRD	AVFI Modular Folding Table (2 Person, Round, Various Finish)	\$1,716.00	4	\$6,864.00

**Shipping Option**

Commercial delivery with Lift Gate (Driver Unloads).  
  
Additional freight options such as Non-Commercial Delivery (Military Bases, Schools, Residential Business), Inside Delivery (1st Floor Only) and Call Prior to Delivery are available for added fees.

Subtotal:	\$6,864.00
Shipping:	\$125.00
Tax*:	N/A
<b>Total:</b>	<b>\$6,989.00</b>

**Notes**

Any delivery limitations or special instructions must be noted before order ships.  
  
\*TX sales tax exempt certificate required

**THANK YOU FOR YOUR BUSINESS!**

Please contact Sales@StandsandMounts.com for any questions regarding this quote.



**CITY OF EVERMAN**  
212 North Race Street Everman, TX 76140  
**STAFF REPORT**

---

**AGENDA TITLE:** Staff Report - Frost Bank Home Event  
**MEETING DATE:** 02/11/2025  
**PREPARED BY:** C. W. Spencer

---

**RECOMMENDED ACTION:**

No Action

**BACKGROUND INFORMATION:**

Front Bank is seeking to host a Home Expo in the City of Everman. The purpose of the event is to provide educational opportunities to home owners or prospective home owners as it relates to finances, mortgages, home maintenance, security, and more. There will be several vendor participants and is completely free for residents. Attached to this item, you will see more details of a similar event that is being hosted in the City of Fort Worth.

**FISCAL IMPACT:**

N/A

**Join us to discuss  
the financial facts  
of fixing up your home.**



**Frost Bank invites you to attend:**

**At Home with Frost:  
From Purchase to Improvements**

**Hands-On Classes:**

Learn about Frost Home Improvement products  
Mortgage • DIY class

**Learn about:**

Property values and exemptions • Transfer on death deed  
Resources for City of Fort Worth home owners

**Eastern Hills High School  
5701 Shelton St • Fort Worth, TX 76112  
Saturday, March 22, 2025 • 10:00am - 2:00pm**

Lunch will be provided and prizes awarded.

Please reply by Wednesday, March 19, 2025 by QR code  
or to <https://Frosthomeevent.eventbrite.com> or to  
[jennifer.edwards@frostbank.com](mailto:jennifer.edwards@frostbank.com) or (817) 420-5540.



Free event sponsored by





**Join us to discuss  
the financial facts  
of fixing up your home.**





**Frost Bank invites you to attend:**

# **At Home with Frost: From Purchase to Improvements**

## **Hands-On Classes:**

Learn about Frost Home Improvement products • Mortgage • DIY class

## **Learn about:**

Property values and exemptions • Transfer on death deed  
Resources for City of Fort Worth home owners

**Eastern Hills High School  
5701 Shelton St • Fort Worth, TX 76112  
Saturday, March 22, 2025 • 10:00am - 2:00pm**

Lunch will be provided and prizes awarded.

Please reply by Wednesday, March 19, 2025 by QR code  
or to <https://Frosthomeevent.eventbrite.com> or to  
[jennifer.edwards@frostbank.com](mailto:jennifer.edwards@frostbank.com) or (817) 420-5540.



Free event sponsored by



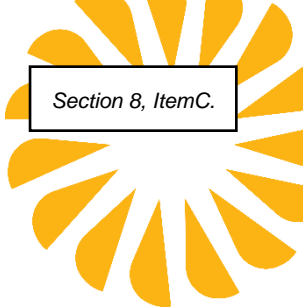
Must be at least 18 years old to enter. No purchase necessary. Frost employees and immediate families of Frost or Frost affiliates are not eligible. Deposit and loan products are offered through Frost Bank, Member FDIC.



PO Box 1600  
San Antonio, TX 78296

Section 8, Item C.

**PAID**  
FROST BANK



Section 8, Item C.

Home Improvement Loan Expo  
11/2/2024  
Ebenezer Missionary Baptist Church

9:30 am	Refreshments, registration, and vendor booths open	
10:00 am	Welcome Datcher, Brighter Outlook, Inc.	Reverend Bruce D.
10:10 am	Community Comments Empowerment	Ralph Adams, First
10:10am	Comments from Dignitaries Mayor Pro Tem and Councilwoman, District 5	Gyna Bivens,
10:15 am	Overview Frost Bank / Suzanne Richards, City of Fort Worth EnVision Center	Kristen Martinez,
10:20 am	Frost Bank Presentation: Explanation of Home Products Frost Bank	Diana Sharp, CRL
10:40 am	Frost Bank Mortgage Presentation Frost Bank	Juan Marquez, MLA
11:00 am	DIY presentation Enterprise Interiors, LLC	Walt Herron,
11:30 am	Transfer on Death Deed / Homestead Exemption Legal Aid of NorthWest Texas	Nancy Jakowitsch,
12:00	Break for lunch – visit vendor booths	
12:30	Home Safety Rogers, FWPD, Neighborhood Police Officer	Officer Charles
12:45 PM	Priority Repair Program and Weatherization City of Fort Worth	Sherelle Rhodes,
1:00 PM	Neighborhood Services City of Fort Worth EnVision Center	Suzanne Richards,
1:05 PM	Atmos	

1:45 PM Closing remarks and door prizes

Kristen/ Suzanne

2:00 PM



**CITY OF EVERMAN**  
212 North Race Street Everman, TX 76140  
**STAFF REPORT**

---

**AGENDA TITLE:** ORDINANCE NO. 826 AN ORDINANCE OF THE CITY OF EVERMAN, TEXAS, AMENDING THE CODE OF ORDINANCES BY REPEALING AND REPLACING IN ITS ENTIRETY CHAPTER 3 TITLED "ANIMALS AND ANIMAL CONTROL REGULATIONS"; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**MEETING DATE:** 02/11/2025

**PREPARED BY:** C. W. Spencer

---

**RECOMMENDED ACTION:**

Approval

**BACKGROUND INFORMATION:**

In 2023, the City of Forest Hill and the City of Everman entered into an ILA for Municipal Animal Services. Then, in 2024, the cities established the Animal Shelter Advisory Commission that is, amongst their other duties, responsible for reviewing local ordinances and making recommendations for changes in the regulations and functionality of the Municipal Animal Services Department.

As you may recall, the Animal Shelter Advisory Commission consists of seven (7) members:

- (1) Licensed veterinarian;
- (1) City of Everman municipal official;
- (1) City of Forest Hill municipal official;
- (1) Person whose duties include the daily operation of the animal shelter;
- (1) Representative from an animal welfare organization;
- (1) Citizen who is a resident of the City of Everman;
- (1) Citizen who is a resident of the City of Forest Hill.

Over the course of the last 9 months, the Commission has discussed the following:

1. Animal Control duties and enforcement;
2. Animal identification and restraint;

- 3. Vaccination of dogs and cats;
- 4. Treatment of animals and unlawful restraint;
- 5. Dangerous dogs;
- 6. Wild animals and bees;
- 7. Animal nuisances;
- 8. Sale of animals;
- 9. Spay/neuter of animals.

Based on their discussions, the amended City of Everman Animal Control Ordinance is placed on the agenda. Staff is recommending approval of this ordinance to protect the health, safety, and general welfare of our citizens and animals within the City. This same ordinance was presented to the Forest Hill City Council earlier this month and passed. It has been reviewed by the City Attorney of each municipality

**FISCAL IMPACT:**

N/A

**ORDINANCE NO. 826**

**AN ORDINANCE OF THE CITY OF EVERMAN, TEXAS, AMENDING THE CODE OF ORDINANCES BY REPEALING AND REPLACING IN ITS ENTIRETY CHAPTER 3 TITLED "ANIMALS AND ANIMAL CONTROL REGULATIONS"; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the ordinances governing the regulation of animals within the City are in need of updating in order to protect the health, safety and general welfare of humans and animals within the City; and

**WHEREAS**, Chapter 3 of the City of Everman Code of Ordinances provides for such regulation; and

**WHEREAS**, the City Council of the Everman desires to implement a new Chapter 3 providing updated animal regulation provisions;

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

**Section 1** - The City of Everman Code of Ordinances is hereby amended by repealing and replacing in its entirety Chapter 3 titled "Animals and Animal Control Regulations" to read as follows:

**"CHAPTER 3**

**ANIMALS AND ANIMAL CONTROL REGULATIONS**

**Sec. 3.1 Definitions**

When used in this Chapter, the following words and terms, unless the context indicates a different meaning, shall be interpreted as follows:

"*Adequate shelter*" means a sturdy structure:

- (A) that provides the dog protection from inclement weather; and
- (B) with dimensions that allow the dog while in the shelter to stand erect, sit, turn around, and lie down in a normal position.

"*Animal*" means a living creature, including but not limited to dogs, cats, fish, reptiles, fowl, insects, mammals, marsupials, native or not, wild or domesticated, but specifically excluding human beings.

*"Animal control authority"* means a municipal or county animal control office with authority over the area in which the dog is kept or the county sheriff in an area that does not have an animal control office

*"At large"* shall mean:

(A) On Premises of Owner - Any animal not confined to the premises of the owner by some physical means of sufficient height, strength, length and/or manner of construction to preclude the animal from leaving the premises of the owner.

(B) Off Premises of Owner - Any animal which is not physically and continually restrained by some person by means of a leash or chain of proper strength and length that precludes the animal from making any unsolicited contact with any person, their clothing, their property and/or their premises.

(C) Provided, however, that any animal confined within a cage, automobile, truck or any other vehicle of its owner shall not be deemed at large.

*"Bee"* means any domesticated honeybee of the *Apis Mellifera* (western honeybee) species or subspecies thereof.

*"Cat"* means *Felis catus*.

*"Collar"* means a band of material specifically designed to be placed around the neck of a dog.

*"Cruelly treated"* includes tortured, seriously overworked, unreasonably abandoned, unreasonably deprived of necessary food, care, or shelter, cruelly confined, caused to fight with another animal, or subjected to conduct prohibited by Section 21.09, Penal Code.

*"Dog"* means *Canis familiaris*.

*"Dangerous dog"* means a dog that:

(A) makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or

(B) commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts cause a person to reasonably believe that the dog will

attack and cause bodily injury to that person.

*"Dangerous wild animal"* means:

- (A) a lion;
- (B) a tiger;
- (C) an ocelot;
- (D) a cougar;
- (E) a leopard;
- (F) a cheetah;
- (G) a jaguar;
- (H) a bobcat;
- (I) a lynx;
- (J) a serval;
- (K) a caracal;
- (L) a hyena;
- (M) a bear;
- (N) a coyote;
- (O) a jackal;
- (P) a baboon;
- (Q) a chimpanzee;
- (R) an orangutan;
- (S) a gorilla; or
- (T) any hybrid of an animal listed in this subdivision.

*"Feral"* means in a wild state, especially after escape from captivity or domestication.

*"Harness"* means a set of straps constructed of nylon, leather, or similar material, specifically designed to restrain or control a dog.

*"Inclement weather"* includes rain, hail, sleet, snow, high winds, extreme low temperatures, or extreme high temperatures.

*"Licensed veterinarian"* means a veterinarian licensed to practice veterinary medicine in one or more of the 50 states.

*"Livestock"* means an animal raised for human consumption or an equine animal.

*"Nonprofit animal welfare organization"* means a nonprofit organization that has as its purpose:

- (A) the prevention of cruelty to animals; or
- (B) the sheltering of, caring for, and providing homes for lost, stray, and abandoned animals.



*"Owner"* includes a person who owns or has custody or control of an animal.

*"Properly fitted"* means, with respect to a collar or harness, a collar or harness that:

- (A) is appropriately sized for the dog based on the dog's measurements and body weight;
- (B) does not choke the dog or impede the dog's normal breathing or swallowing; and
- (C) does not cause pain or injury to the dog.

*"Quarantine"* means strict confinement of an animal specified in an order of the department or its designee:

- (A) on the private premises of the animal's owner or at a facility approved by the department or its designee; and
- (B) under restraint by closed cage or paddock or in any other manner approved by department rule.

*"Rabies"* means an acute viral disease of man and animal affecting the central nervous system and usually transmitted by an animal bite.

*"Restraint"* means a chain, rope, tether, leash, cable, or other device that attaches a dog to a stationary object or trolley system.

*"Secure"* means to take steps that a reasonable person would take to ensure a dog remains on the owner's property, including confining the dog in an enclosure that is capable of preventing the escape or release of the dog.

*"Secure enclosure"* means a fenced area or structure that is:

- (A) locked;
- (B) capable of preventing the entry of the general public, including children;
- (C) capable of preventing the escape or release of a dog;
- (D) clearly marked as containing a dangerous dog; and
- (E) in conformance with the requirements for enclosures established by the local animal control authority.

*"Serious bodily injury"* means an injury characterized by severe bite wounds or severe ripping and tearing of muscle that would cause a reasonably prudent person to seek treatment from a medical professional and would require hospitalization without regard to whether the person actually sought medical treatment.

*"Stray"* means roaming with no physical restraint beyond the premises of an animal's owner or keeper.

*"Trap-Neuter-Return Program"* means a nonlethal population control practice in which

an animal is:

- (A) trapped;
- (B) evaluated by a veterinarian;
- (C) if unvaccinated, vaccinated by a veterinarian;
- (D) if unsterilized, sterilized by a veterinarian;
- (E) marked by a veterinarian, whether by notching or tipping one ear or otherwise; and
- (F) returned to the trap location.

**Sec. 3.2 Animal Control Duties and Enforcement**

- A. There shall be and is hereby created the office of Municipal Animal Services for the City of Everman, Texas.
  
- B. The Municipal Animal Services Manager or, if none, the City Manager or his designee shall act as the local rabies control authority for the purposes of Chapter 826 of the Texas Health and Safety Code.
  
- C. The animal control officers of the city shall have the authority to issue citations for any violations of this chapter and any other powers or duty stated within the terms of this chapter.
  
- D. The local rabies control authority or any animal control officer, or any peace officer is authorized to:
  - (1) Kill an animal which poses an imminent danger to a person or property, or a real or apparent immediate necessity exists for the destruction of an animal;
  - (2) Impound an animal which is diseased or endangers the health of a person or another animal;
  - (3) Impound any animal found to be running at large or to be a stray within the city;
  - (4) Euthanize an impounded animal if the animal is suffering from injury, disease or illness;
  - (5) Euthanize any animal suspected of having rabies;
  - (6) Euthanize, adopt or give to a nonprofit humane organization any impounded animal that an owner has not been located after being impounded for seventy-two (72) hours; and
  - (7) Authorize the immediate euthanizing of any animal impounded considered by the animal control officer to be feral.
  
- E. The animal control officer(s) or peace officer(s) has the right to pursue and apprehend animals running at large onto private property of the owner or another party while enforcing the provisions of this chapter.
  
- F. The Municipal Animal Services Manager shall employ Animal Control Officers to assist him in the carrying out of his duties.
  
- G. A person commits an offense if he knowingly prevents, interferes with, or obstructs

the Municipal Animal Services Officer in the performance of his duties.

H. Filing A False Claim

- (1) A person commits an offense if he knowingly initiates, communicates or circulates a claim of ownership for an animal with the Municipal Animal Services Officer that he knows is false or baseless.
- (2) A person commits an offense if he knowingly initiates, communicates or circulates a report of a violation of City ordinance or State law with the Municipal Animal Services Officer that he knows is false or baseless.

I. Authority to carry tranquilizer guns. When acting in the course and scope of his employment, the ACO shall be and is hereby authorized to carry on his person or in his city vehicle loaded tranquilizer guns approved by the Animal Services Manager who oversees Municipal Animal Services.

**3.03 - Animal Identification and Restraint**

Sec. 3.03.01 Restraint, Impoundment and Disposition of Dogs and Cats

A. Any dog or cat may be impounded by any Municipal Animal Services ACO in any of the following circumstances:

- (1) Any dog or cat running at large;
- (2) Any dog not having affixed to and wearing on a collar or harness a valid rabies vaccination tag furnished by a veterinarian showing that said dog is currently vaccinated against rabies;
- (3) A dog or cat that is suspected of having inflicted bodily injury on any human being or animal, or poses a threat to public safety; or
- (4) A dog or cat that has rabies or symptoms thereof, or that a person could suspect as having rabies, or that bites, scratches or otherwise creates a condition which may have exposed or transmitted the rabies virus to any human being or animal.

B. Disposition of Impounded Dogs and Cats.

- (1) If any dog or cat impounded under this Section is not retrieved or the owner has not made arrangements to retrieve within seventy-two (72) hours after notification of the impoundment or within seventy-two (72) hours of impoundment Municipal Animal Services cannot reasonably ascertain the owner, the dog or cat shall be placed for adoption, transferred to a rescue organization or euthanized;
- (2) Each stray dog or cat is hereby declared a public nuisance;
- (3) Each unrestrained dog or cat may be detained or impounded by the local rabies control authority or that officer's designee;
- (4) A humane disposition shall be made of each unclaimed stray dog or cat on the

expiration of the required impoundment period.

Sec. 3.03.02 Defense to this section

It is a defense to prosecution under this section 3.03 that a cat at large is a part of a Trap-Neuter-Return program.

Sec. 3.03.03 Restraint; Criminal Penalty.

A person commits an offense if the person fails or refuses to restrain a dog or cat owned by the person. An offense under this section is a Class C misdemeanor.

**Sec. 3.04 Rabies and Zoonosis**

Sec. 3.04.01 Adoption of State Standards

The City of Everman has, through adoption of this ordinance or otherwise, adopted the Texas Health and Safety Code 826, Texas Administrative Code Title 25 Part 1 Chapter 169A and the standards adopted by the executive commission of the Department of State Health Services.

Sec. 3.04.02. Vaccination of Dogs and Cats Required

- A. Except as otherwise provided by department rule, the owner of a dog or cat shall have the animal vaccinated against rabies by the time the animal is four months of age and at regular intervals thereafter as prescribed by department rule.
- B. A veterinarian who vaccinates a dog or cat against rabies shall issue to the animal's owner a vaccination certificate in a form that meets the minimum standards approved by the executive commissioner.

Sec. 3.04.03 Vaccination; Criminal Penalty

- A. A person commits an offense if the person fails or refuses to have each dog or cat owned by the person vaccinated against rabies and the animal is required to be vaccinated under Texas Health and Safety Code Section 826.021 and department rules.
- B. An offense under this section 3.04 is a Class C misdemeanor.
- C. If on the trial of an offense under this section 3.04 the court finds that the person has been previously convicted of an offense under this section, the offense is a Class B misdemeanor.

Sec. 3.04.04 Reports of Rabies

- A. A person who knows of an animal bite or scratch to an individual that the person could reasonably foresee as capable of transmitting rabies, or who knows of an animal that the person suspects is rabid, shall report the incident or animal to the local rabies control authority of the county or municipality in which the person lives, in which the animal is located, or in which the exposure occurs.

- B. The report must include:
  - (1) the name and address of the victim and of the animal's owner, if known; and
  - (2) any other information that may help in locating the victim or animal.

C. The local rabies control authority shall investigate a report filed under this section.

**Sec. 3.04.05 Quarantine; Criminal Penalty**

- A. A person commits an offense if the person fails or refuses to quarantine or present for quarantine or testing an animal that:
  - (1) is required to be placed in quarantine or presented for testing under Section 826.042 and department rules; or
  - (2) is required to be placed in quarantine under ordinances or rules adopted under this chapter by a county or municipality within whose jurisdiction the act occurs.

B. An offense under this section is a Class C misdemeanor.

**Sec. 3.05 Treatment of Animals and Unlawful Restraint**

**3.05.01 Care and Humane Treatment of Animals**

- A. A person commits an offense if he fails to continuously and routinely provide an animal, which is in his care, custody or control or which is owned or harbored by him, with:
  - (1) good and wholesome food and potable water sufficient to maintain good health;
  - (2) adequate shelter;
  - (3) veterinary care when needed to prevent suffering; and
  - (4) with humane care and treatment.
  
- B. A person commits an offense if he causes or allows an animal, which is in his care, custody or control or which is owned or harbored by him, to be at risk of being:
  - (1) beaten, tormented, mentally abused, overloaded, overworked, maimed, disfigured, burned or scalded, mutilated or needlessly killed; or
  - (2) carried or transported in any vehicle or other conveyance in a cruel or inhumane manner; or
  - (3) kept in its own filth; or
  - (4) neglected or purposefully disregarded to the extent that the animal is significantly at risk for injury, illness, suffering or cruel treatment.
  
- C. A person commits an offense if he crops a dog's ears, docks a tail, removes dew claws or performs other surgical procedures on a dog or cat except as provided by the Veterinary Licensing Act.
  
- D. A person commits an offense if he uses a steel jaw or leg-hold trap to hold or capture an animal. The Municipal Animal Services Manager or designee may confiscate the trap or traps to be held as evidence in the case for the offense.

- E. A person commits an offense if he abandons an animal which had been in his care, custody or control or owned or harbored by him. The offense of abandonment occurs at the location where the animal was abandoned and includes, but is not limited to, a residence after the person was evicted or from which the person has moved.
- F. A person commits an offense if he causes or allows an animal, which is in his care, custody or control or which is owned or harbored by him, to be at risk for being trained or used for combat between animals or between animals and humans or if he has access to dog fighting or cockfighting equipment or paraphernalia causing the animal to be at risk for such combat.
- G. A person commits an offense if he transports or carries on any public roadway any animal in a motor vehicle unless the animal is safely enclosed within the vehicle; and if traveling in an unenclosed vehicle or portion thereof (including but not limited to convertibles, pickup trucks, jeeps, and flatbed trucks), the animal is safely confined by a vented container or cage, by chain, rope or other device cross-tied to prevent the animal from falling or jumping from the motor vehicle or from strangling on a single leash.
- H. A person commits an offense if he leaves any animal in a standing or parked vehicle in such a way as to endanger the animal's health, safety, or welfare.

Sec. 3.05.06 Unlawful Restraint of Dog

- A. A person commits an offense if he uses a chain, rope, tether, leash, cable, or other device to attach a dog to a stationary object or trolley system. This section does not prohibit a person from walking a dog with a hand-held leash.
- B. It is a defense to prosecution under this section that:
  - (1) the dog is being tethered during a lawful animal event, veterinary treatment, grooming, training, or law enforcement activity; or
  - (2) the dog tethering is required to protect the safety or welfare of a person or the dog, and the dog's owner maintains direct physical control of the dog; or
  - (3) the dog tethering is due to force majeure and the dog is tethered for less than one hour within a twenty-four period; or
  - (4) the dog tethering:
    - (a) occurs while the dog is within the owner's direct physical control; and
    - (b) prevents the dog from advancing to the edge of any public right-of way.
    - (c) The defenses under this section are only available if the following specifications are met:
      - (1) The chain, rope, tether, leash, cable, or other device is attached to a properly fitted collar or harness worn by the dog;
      - (2) The chain, rope, tether, leash, cable, or other device is not placed directly around the dog's neck;
      - (3) The chain, rope, tether, leash, cable, or other device does not exceed 1/20th of the dog's body weight;

- (4) The chain, rope, tether, leash, cable, or other device, by design and placement allows the dog a reasonable and unobstructed range of motion without entanglement; and
- (5) The dog has access to adequate shelter and clean and wholesome water.

**Sec.3.06 Dangerous Dogs**

Sec. 3.06.01 Knowledge of Dangerous Animal

For purposes of this article, a person learns he is the owner of a dangerous dog when:

- A. The owner knows of an attack described in the definition of “dangerous dog;”
- B. The owner is notified by the Animal Services Manager that the dog is a dangerous dog;
- C. The owner is notified by the Court that the dog is a dangerous dog; or
- D. The owner is notified by the Court that, after appeal, the Court has upheld the Animal Services Manager determination that the dog is a dangerous dog.

Sec. 3.06.02 Dangerous Dog Report

- A. The Animal Services Manager may receive a report concerning a dangerous dog. Such report and supporting witness statements shall be in writing and sworn to on a form prescribed by the Animal Services Manager.
- B. The Animal Services Manager shall investigate all reports filed under this section and may issue sworn reports based on the Animal Services Manager or observation.

Sec. 3.06.03 Dangerous Dog Determination

The City of Everman Municipal Court may determine that a dog is a dangerous dog under Section 3.06.01 (A). The Animal Services Manager may declare that an animal, including a dog, is a dangerous animal under Section 3.06.01 (B). Regarding a dangerous dog incident, the Animal Services Manager has discretion to proceed under either Section 3.06.01(A) or 3.06.01(B).

A. Municipal Court:

- (1) The City of Everman Municipal Court may determine that a dog is a dangerous dog in compliance with Texas Health and Safety Code, Section 822.0422. The Animal Services Manager may file a sworn report describing a dangerous dog incident with the Court. The sworn report shall present probable cause that the dog described in the report committed an attack described in Definitions, “Dangerous Dog.”
- (2) The Animal Services Manager shall furnish written notice to the owner of the animal, as identified in the complaint, to inform the owner that a dangerous dog report has been filed with the Court. The notice to the owner shall require

the owner to deliver the dog immediately to the Animal Services Manager upon receiving the notice, provided that the Animal Services Manager may, in his discretion, accept proof that the animal is impounded with a licensed veterinarian according to the terms of Section 3.06.13(B). The notice to the owner shall have attached to it a copy of this Article. The notice to the owner shall also contain a statement that the owner will be notified by the Court of the date and time for the hearing. Notice to the owner by the Animal Services Manager shall be provided as required by Section 3.06.03(B)(3).

- (3) If the owner fails to deliver the dog as required by Subsection (B)(2), the Court shall order the Animal Services Manager to seize the dog and shall issue a warrant authorizing the seizure. The Animal Services Manager shall seize the dog or order its seizure and shall provide for the impoundment of the dog in secure and humane conditions at the owner's expense until the Court orders the disposition of the dog. The Court shall determine, after notice and hearing as provided in Section 3.06.04, whether the dog is a dangerous dog.

B. Animal Services Manager:

- (1) The Animal Services Manager may determine that a dog is a dangerous dog after investigation of a dangerous dog incident. The Animal Services Manager shall furnish written notice to the owner of the dog as identified in the complaint to inform the owner that a dangerous dog report has been received. The owner will have five (5) calendar days from the date the owner is notified to provide the Animal Services Manager information regarding the report. The Animal Services Manager may consider additional information from other sources in the course of the investigation.
- (2) If, after investigating a dangerous dog report, the Animal Services Manager finds that the dog is a dangerous dog, the Animal Services Manager shall provide notice to the owner of that fact. The notice to the owner shall also contain a statement that the owner has a right to appeal and shall have attached to it a copy of this article.
- (3) Notice to the owner shall be mailed certified mail, return receipt requested, to the owner's last known mailing address, or delivered in person by the Animal Services Manager. If the notice is mailed to the owner and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered as delivered. If the notice is given by mail, the date of notice is the date of delivery. If the date of delivery is not known, then notice given by mail is deemed to be delivered three (3) days after the date it is placed in a mail receptacle of the United States Postal Service. Notice that is delivered in person is deemed received on the date of in-hand delivery or on the date that the notice is left firmly



affixed on or near the front door of each building on the property at the owner's address.

- (4) An owner, not later than fifteen (15) calendar days after the date the owner is notified that a dog owned by him is a dangerous dog, may appeal the determination of the Animal Services Manager to the City of Everman Municipal Court or as otherwise allowed by law. An owner may appeal the decision of the Municipal Court as allowed by law.

**Sec. 3.06.04 Hearing**

- A. After the Court receives a sworn report of an incident involving a dangerous dog under Section 3.06.03(A)(1) or a report of a dangerous dog's owner's non-compliance with requirements under Section 3.06.05, the Court shall set a time for a hearing to determine whether the dog is a dangerous dog or whether the owner of a dangerous dog has not complied with the requirements of Section 3.06.05. The hearing must be held not later than ten (10) calendar days after the date on which the dog or animal is seized or delivered.
- B. The Court shall give written notice of the time and place of the hearing to:
  - (1) The owner of the dog or the person from whom the dog was seized;
  - (2) The person who made the report; and
  - (3) The Animal Services Manager.
- C. Any interested party, including the city attorney, is entitled to present evidence at the hearing.
- D. An owner or the person who made the report may appeal the decision of the Municipal Court as allowed by law.

**Sec. 3.06.05 Requirements for Owners of Dangerous Dogs**

- A. Not later than fifteen (15) calendar days after a person learns that he is the owner of a dangerous dog, the owner shall:
  - (1) Register the dangerous dog with the Animal Services Manager and maintain current registration at all times;
  - (2) Restrain the animal in a secure enclosure inspected and approved by the Animal Services Manager;
  - (3) Acquire and maintain liability insurance coverage that includes coverage for animal attacks in an amount of at least One Hundred Thousand Dollars and No Cents (\$100,000.00) to cover damages resulting from an attack by the dangerous dog and provide proof of the required liability insurance coverage to the Animal Services Manager. The owner shall notify the Animal Services Manager immediately if a lapse in insurance coverage occurs or if the coverage ceases or is reduced at any time for any reason. The owner shall include in the policy provisions requiring the insurance provider to provide

notice to the Animal Services Manager not less than thirty (30) days prior to cancellation or any material change in coverage, and naming the Municipal Animal Services as a certificate holder;

- (4) Microchip and register the dangerous dog for its life with a national registry, and present proof to the Animal Services Manager. The cost shall be at the owner's expense. The owner of the dangerous dog shall microchip the dog by implanting a microchip identification device on the animal within seven (7) calendar days after being notified by the Animal Services Manager or the Court that such dog is dangerous or within forty-eight (48) hours of an unsuccessful appeal;
- (5) Present proof to the Animal Services Manager that the animal has been sterilized so as to prevent reproduction;
- (6) Comply with all applicable regulations, requirements, and restrictions on dangerous animals; and
- (7) Obtain written extension from the Animal Services Manager to complete the registration requirements if necessary. All requests for extensions shall be in writing and, if granted by the Animal Services Manager, shall total no more than 30 additional days.
- (8) The owner shall pay any cost or fee assessed by the Municipal Animal Services in the amount set by resolution that is related to the seizure, acceptance, impoundment, compliance inspection or re-inspection, or destruction of the dangerous animal.

B. An appeal of a dangerous dog determination by the Court under 3.06.03(A) or of a dangerous dog declaration by the Animal Services Manager under Section 3.06.03(B) shall not act to stay the requirements of Subsection (A) except regarding implantation of a microchip as noted in Subsection (A)(4).

C. The owner of a dangerous dog shall deliver the dog to the Animal Services Manager immediately upon learning that the animal is a dangerous animal, if the animal is not already impounded.

D. The owner of a dangerous dog who falls out of compliance with an owner's requirement of Subsection (A) shall deliver the dog to the Animal Services Manager immediately.

E. The Court may issue a warrant to seize the subject animal at any time the Court finds that probable cause of violation or non-compliance exists, including any time otherwise allowed for voluntary compliance. If, on application of the Animal Services Manager, the Court finds, after notice and hearing as provided by Section 3.06.04, that the owner of a dangerous dog has failed to comply with or has fallen out of compliance with an owner's requirement of Subsection (A), the Court shall order the Animal Services Manager to seize the animal and shall issue a warrant authorizing the seizure.

- F. The Court shall order the Animal Services Manager to humanely destroy the dangerous dog if the owner has not timely complied with Subsection (A) and no perfected appeal is pending.
- H. The Court shall order the Animal Services Manager to humanely destroy the dangerous dog if the owner falls out of compliance with an owner's requirement of Subsection (A) and fails to renew compliance within ten (10) calendar days after the dog is seized or delivered to the Animal Services Manager and no perfected appeal is pending. The Court may order the Animal Services Manager to return the dangerous dog to the owner if the owner renews compliance with Subsection (A) within said ten (10) calendar days or the Court may order the Animal Services Manager to humanely destroy the dangerous animal if the owner falls out of compliance with an owner's requirement of Subsection 3.06.05, 3.06.07 or 3.06.08. No dangerous dog shall be returned to its owner after renewed compliance more than one (1) time.

Sec. 3.06.06 Registration

- A. The Animal Services Manager shall annually register a dangerous dog if the owner is in compliance with the owner's requirements of Section 3.06.05. The owner shall present proof of compliance satisfactory to the Animal Services Manager and shall pay an annual registration fee in accordance with the City of Everman Fee Schedule
- B. The Animal Services Manager shall provide to the owner registering a dangerous dog a dangerous dog registration tag. Such tag shall be of a bright distinguishing color, shall contain the year of registration engraved on its face and shall be larger than a normal license tag issued to dogs and cats. A dangerous dog registration shall be valid for one (1) year from the date of issuance.
- C. The owner of a registered dangerous dog shall attach the tag to the dog's collar, or similar device, and shall place such collar or device on the dog. The owner of a registered dangerous dog shall display current registration on the dog in this manner at all times.
- D. If the owner of a registered dangerous dog sells or gives away the dog or moves the dog to a new address, the owner, not later than the fourteenth day after the date of the sale, gift or move, shall notify the Animal Services Manager of the animal's new address and new owner if applicable.
- E. If the owner of a registered dangerous dog sells or gives the animal to another person, the owner shall notify the other person at the time of the sale or gift that the dog is a registered dangerous animal.
- F. If a new owner keeps the dog within the City of Everman, he shall register the dog with the Animal Services Manager within ten (10) calendar days after receiving it.
- G. The owner of a dog, which has been deemed dangerous in another jurisdiction, shall

not harbor the animal within the territorial limits of the City of Everman.

- H. The Animal Services Manager shall re-register a dangerous dog with a new owner if such owner is in compliance with this Chapter. Such owner shall present proof of compliance satisfactory to the Animal Services Manager and shall pay a re-registration fee in accordance with the City of Everman Fee Schedule
- I. If a dangerous dog's registration is expired when a new owner attempts to re-register it, the new owner shall follow the owner's requirements of Subsection (A) of this section 3.06.06.
- J. A re-registration shall be valid only for the time remaining on the prior registration.
- K. When the Animal Services Manager is informed that a dangerous dog has been moved to another jurisdiction, he should notify the animal control authority for such jurisdiction of this information.
- L. In the event that a registered dangerous dog dies, the owner must present dispositive proof to the satisfaction of the Animal Services Manager or his designee or present written verification by a licensed veterinarian, in order to verify the identity of the dangerous animal by microchip.

Sec. 3.06.07 Owner Notifications of Attack

- A. The owner of a registered dangerous dog shall notify the Animal Services Manager of all attacks the animal makes on humans.
- B. Additionally, the owner of a registered dangerous dog shall notify the Animal Services Manager of all attacks made by the dog on domestic animals and domestic fowl.

Sec. 3.06.08 Offenses

- A. A person commits an offense if the person is the owner of a dangerous dog and the dog makes an unprovoked attack on another person outside the dog's enclosure, and the attack causes bodily injury to the other person.
- B. A person commits an offense if the person is the owner of a dangerous dog and the dog makes an unprovoked attack on a domestic animal or domestic fowl while said dog is at large, and the attack causes bodily injury or death to the domestic animal or domestic fowl.
- C. A person commits an offense if the person is the owner of a dangerous dog or the new owner of a dangerous dog and performs an act prohibited or fails to perform an act required by this Article.

Sec. 3.06.09 Defense and Affirmative Defenses

- A. It is an affirmative defense to prosecution under Section 3.06.08 that the person is a veterinarian, a peace officer, a person employed by a recognized animal services center or a person employed by the state or a political subdivision of the state to deal with stray animals and has temporary ownership, custody or control of the animal in connection with that position.
- B. It is an affirmative defense to prosecution under Section 3.06.08 that the person is an employee of the institutional division of the Texas Department of Criminal Justice or a law enforcement agency and trains or uses dogs for law enforcement or corrections purposes.
- C. It is an affirmative defense to prosecution under Section 3.06.08 that the person is a dog trainer or an employee of a guard dog company under the Private Investigators and Private Security Agencies Act (Article 4413[29bb], Vernon's Texas Civil Statutes), and is not the actual owner of the dog.
- D. It is a defense to prosecution under Section 3.06.08 that the person injured was teasing, tormenting, abusing, or assaulting the animal or has, in the past, been reported to have teased, tormented, abused, or assaulted the animal.
- E. It is a defense to prosecution under Section 3.06.08 that the person injured was committing or attempting to commit a crime.
- F. It is a defense to prosecution under Section 3.06.08 that the animal was protecting or defending a person while in the person's control, from an unjustified attack or assault.

Sec. 3.06.10 Muzzle and Restraint of Dangerous Animals

An owner of a dangerous dog shall not permit a dangerous dog to be outside the secure enclosure unless the dog is muzzled and restrained by a substantial chain or leash, no longer than six (6) feet in length, and a capable person is in immediate physical control of the leash. Such dog shall not be leashed to any inanimate object such as a tree, post, building, or other object. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or dog.

Sec. 3.06.11 Additional Penalties for Violation of this Article

- A. If a person is found guilty of an offense under Section 3.06.08(A) or 3.06.08(B), the Court may order the Animal Services Manager to impound and destroy the dog immediately in addition to other penalties.
- B. The Animal Services Manager may obtain a search and seizure warrant if the owner of a registered dangerous dog falls out of compliance with the owner's requirements of Section 3.06.05. The dog will remain impounded until proof as required by

Section 3.06.055 has been satisfied and is approved by the Animal Services Manager or the dog is destroyed.

- C. If impoundment of a dangerous dog is being attempted away from the premises of the owner and the impoundment cannot be made with safety, the dog may be destroyed without notice to the owner or harbinger. If an attempt is made to impound a dangerous animal from the premises of the owner or harbinger and the impoundment cannot be made with safety, the owner or harbinger will be given twenty-four (24) hours' notice that if said animal is not surrendered to Municipal Animal Services within said twenty-four (24) hour period, then the dog will be destroyed wherever it is found. After this notice, the dangerous dog may be destroyed during an attempt to impound if impoundment cannot be made with safety, wherever the impoundment is attempted. Notice under this Section shall be in writing. A written notice left at the entrance to the premise where the dangerous dog is harbored will be considered valid notice as of the date and time of posting. In lieu of surrendering the animal to Municipal Animal Services, an owner may permanently remove said animal from the City, if written proof of destination is provided to the Animal Services Manager and transport is made in compliance with this Article.
- D. A dangerous dog impounded pursuant to this section and not reclaimed by its owner under the requirements of this section within ten (10) calendar days from the date of notice of impoundment shall be deemed abandoned and, at the discretion of the Animal Services Manager, euthanized in a humane manner.
- E. In addition to criminal prosecution, a person who commits an offense under this section is liable for a civil penalty not to exceed \$10,000. An attorney having civil jurisdiction for a municipality where the offense occurred may file suit in a court of competent jurisdiction to collect the penalty. Penalties collected under this subsection shall be retained by the municipality.

Sec 3.06.12 Status of Animal

- A. The owner shall deliver the dog to the Animal Services Manager immediately upon notification that a dangerous dog report has been filed with the Court under Section 3.06.03(A)(2).
- B. The owner shall deliver the dangerous dog to the Animal Services Manager immediately upon notification that the Animal Services Manager has declared that the animal is a dangerous animal under Section 3.06.03(B)(2).
- C. The owner shall deliver the dangerous dog to the Animal Services Manager immediately upon notification that the animal is a dangerous animal, as required by Section 3.06.05(C).
- D. The owner shall deliver the dangerous dog to the Animal Services Manager

immediately when the owner falls out of compliance with any requirement of an owner of a dangerous dog, as required by Section 3.06.05(D).

- E. If the owner fails to deliver the subject animal as required in this Article, the Court shall order the Animal Services Manager to seize the dog and shall issue a warrant authorizing the seizure, as provided in Section 3.06.05(E).
- F. No dangerous dog shall be returned to its owner at any time unless authorized by this Article and all owner's requirements are fulfilled.

Sec. 3.06.13 Impoundment and Destruction of Dog

- A. The Animal Services Manager shall seize the subject dog according to a warrant or shall order such seizure and shall accept the dog into custody when delivered by the owner.
- B. The Animal Services Manager shall provide for impoundment of the subject dog in secure and humane conditions until the Court orders the disposition of the subject dog. The Animal Services Manager may accept proof of impoundment from a licensed veterinarian if such proof and impoundment are satisfactory to the Animal Services Manager.
- C. The owner shall pay any costs and fees incurred by the Municipal Animal Services related to the seizure, impoundment, and destruction of a dangerous animal.
- D. The Court shall order the Animal Services Manager to humanely destroy the dangerous dog if the owner of the dog has not been located within ten (10) calendar days after the seizure and impoundment of the animal and if no other statute or ordinance has allowed or required the animal's earlier destruction.
- E. The Court shall order the Animal Services Manager to humanely destroy the dangerous dog if the owner has not timely complied with the owner's requirements, according to Section 3.06.05(F).
- F. The Court shall order the Animal Services Manager to humanely destroy the dangerous dog if the owner falls out of compliance with an owner's requirement and fails to renew compliance within ten (10) calendar days, according to Section 3.06.05(G).
- G. The Court shall order the Animal Services Manager to humanely destroy a dangerous dog that can no longer be returned to its owner under this Article.

Section 3.06.14 Compliance Re-inspections

The owners of dangerous dogs shall comply with all applicable regulations, requirements and restrictions on dangerous animals and may be re-inspected four (4) times per year by the Animal Services Manager for compliance. For each inspection, the owner shall pay

to the City a compliance re-inspection fee. The compliance re-inspection fee shall be in an amount set by resolution of City Council and is due to the City within thirty (30) days from the date of billing.

**Section 3.07 Wild Animals / Bees**

Sec. 3.07.01 Placement and baiting of animal traps and poison

- A. Humane traps shall be used to trap animals within the city, whether on public or private property.
  - (1) The person who places the trap, or who requests its placement, shall be responsible for checking the trap, the care of the animal while it is in the trap, and the notification to the department of any captured animal.
  - (2) All traps shall be checked at least daily.
  - (3) No traps shall be placed upon public property without written permission from the Municipal Animal Services. It shall be the responsibility of the person setting the trap to properly label the trap indicating the name and contact information for the owner and the date permission was obtained from the department.
  
- B. All captured domesticated animals shall be turned over to the department unless the animal is captured as part of a feral animal neutering program that has obtained written permission from the Animal Services Manager to place traps within the city. All captured wild animals shall be turned over to the department, a wildlife educational center, or state-licensed wildlife rehabilitator within twenty-four (24) hours.
  
- C. Offenses A person commits an offense if he:
  - (1) Places, or places and baits, or allows the placing or placing and baiting, of an steel-jawed trap (commonly known as a "bear trap", "wolf trap", "leg hold trap", or "coyote trap"), a body hold trap (commonly known as "connibear trap"), any snare trap, any noose-type trap, or any other trap designed, used, or adapted to be lethal or cause serious bodily injury or death of an animal;
  - (2) Places or allows the placing of any substance, article, or bait that has in any manner been treated with any poisonous or toxic substance, including anti-freeze, or any drug in any place accessible to human beings, birds, dogs, cats, or other animals with the intent to kill or harm animals;
  - (3) Fails to check a trap he has placed, placed, and baited, or allowed to be placed or placed and baited at least once every twenty-four (24) hours;
  - (4) Places, or places and baits, or allows the placing or placing and baiting of any trap when the overnight low temperature is expected to be below forty (40) degrees Fahrenheit without first obtaining written permission from the department;



- (5) Places, or places and baits, or allows the placing or placing and baiting of any trap under conditions which may endanger the health of the animal due to exposure to rain, snow, extreme temperatures, lack of food or water, or under other circumstances that may cause bodily injury, serious bodily injury or death of the animal, whether or not such injury occurs;
  - (6) Euthanizes, kills, or attempts to euthanize or kill a trapped animal in a manner other than one specifically allowed in this chapter;
  - (7) Places or places and baits a trap or allows the placing or placing and baiting of any trap designed for trapping animals in any highway, street, alley, or other public place within the incorporated limits of the city unless specific written permission by the Animal Services Manager has been granted. This subsection shall not apply to a city enforcement agent or an agency working in compliance with written permission from the department for placing the trap on public property;
  - (8) Removes, alters, damages, or otherwise tampers with a trap or equipment belonging to or placed at the request of the department; or
  - (9) Places, or places and baits a trap, other than a commercially available trap solely designed to exterminate mice, rats, or insects, for commercial profit, without identifying the trap with the name, telephone number, and Texas Department of Agriculture structural pest control applicator license number of the applicator who placed or placed and baited the trap.
- D. Any trap found to be set in violation of this chapter may be confiscated by a city enforcement agent and held as evidence in the case for the offense.
- E. This section shall not be interpreted to restrict the extermination of rats, mice, or insects, through the use of traps, poisons, or other commercially available means when used in that person's residence, property, accessory structure, or commercial establishment and in accordance with the manufacturer's directions as long as reasonable precautions are taken to ensure that no human, pet, or wild animal, other than the targeted species, comes into contact with the traps, poisons, or other means and that does not violate any other section of this chapter.

Sec. 3.07.02 Dangerous Wild Animals

- A. All dangerous wild animals as set forth in this chapter's definition are prohibited in the City of Everman.
- B. It is an affirmative defense to prosecution that:
  - (1) The person is or is acting on behalf of:
    - (a) A county, municipality, or agency of the state or an agency of the

- United States or an agent or official of a county, municipality, or agency acting in an official capacity;
  - (b) A research facility, as that term is defined by Section 2(e), Animal Welfare Act (7 U.S.C. Section 2132), and its subsequent amendments, that is licensed by the secretary of agriculture of the United States under that Act; or
  - (c) An organization that is an accredited member of the American Zoo and Aquarium Association.
- (2) The Dangerous Wild Animal is: a. injured, infirm, orphaned, or abandoned, and is being transported for care or treatment;
  - (3) The Dangerous Wild Animal is injured, infirm, orphaned, or abandoned, and is being rehabilitated, treated, or cared for by a licensed veterinarian, an incorporated humane society or animal shelter, or a person who holds a rehabilitation permit issued under Subchapter C, Chapter 43, Parks and Wildlife Code;
  - (4) The Dangerous Wild Animal is owned by and in the custody and control of a licensed circus, carnival, or zoo, acting in compliance with all city ordinances including but not limited to, the Zoning Chapter of the City Code of Ordinances; or
  - (5) The Dangerous Wild Animal is in the temporary custody or control of a television or motion picture production company during the filming of a television or motion picture production in this state.

Sec. 3.07.03 Bees

- (A) A person commits an offense if he keeps or allows bees, their hives, or any abandoned hives within the city limits not meeting any one or more of the following requirements:
  - a. All hives shall be surrounded by barriers placed at least ten (10) feet from the hive and not less than eight (8) feet in height that change the flight path of the bees as they leave the hives;
  - b. There shall be no more than three (3) hives per city lot;
  - c. There is an adequate source of water within twenty (20) feet of all hives;
  - d. There may be maintained one (1) nucleus for each two (2) colonies. The nucleus shall not exceed one (1) ten-frame hive body. Each nucleus shall be disposed of within sixty (60) days after it is acquired;
  - e. Each hive must be re-queened at least once every twenty-four (24) months; and
  - f. The owner notifies the city enforcement agent, in writing, of the location and number of hives in his possession. Additionally, the owner shall keep purchase receipts and written records of the exact dates he re-queens each hive for at least two (2) years.
- (B) A person commits an offense if he owns, harbors, or possesses bees and refuses, upon request by the department, to make his bees, premises, facilities, or equipment available for inspection during reasonable hours.

**Section 3.08 Animal Nuisance**

Sec. 3.08.01 Nuisances

The following shall constitute public nuisances when caused, allowed, maintained or suffered to exist within the territorial limits of the City of Everman:

- A. Any at large animal;
- B. Any animal that molests, chases or attacks passersby, passing vehicles or other animals;
- C. Any dog or cat over four (4) months of age that does not have a microchip implanted;
- D. Failing to confine a female dog or cat while in season in a building or secure enclosure in such a manner that she cannot come into contact with another dog or cat, or create a nuisance by attracting other animals; provided this section shall not be construed to prohibit the intentional breeding of animals within an enclosed area on the premises of the owner of an animal which is being bred;
- E. Any prohibited animal as defined in this Chapter;
- F. Any dangerous animal as defined in this Chapter;
- G. Maintaining animals or property in an environment of unsanitary conditions or lack of cleanliness that results in offensive odor or is dangerous to the public health, welfare, or safety or a failure to maintain animals in a condition of good order and cleanliness so as to reduce the probability of transmission of disease;
- H. Harboring, breeding, keeping or raising any animal or bird which, by causing frequent or long-continued noise disturbs the peace and quiet of persons in the neighborhood or the occupants of adjacent premises who have and possess normal nervous sensibilities;
- I. Defecation - Removal and Disposal Required; Implements Required
  - (1) An owner or person who has care, custody or control of an animal commits an offense if, he permits or by insufficient control allows an animal to defecate on private property not his own or on property located in a public place without immediately removing and disposing of the defecation material in a sanitary and lawful manner.
  - (2) An owner or person who has care, custody or control of an animal commits an offense if, he permits or by insufficient control allows an animal to enter or remain on private property not his own or on property located in a public place without having in his possession materials or implements that, either alone or in combination with each other, can be used immediately in a sanitary and lawful manner to remove and dispose of defecation the animal

may deposit on such property.

- (3) It is an affirmative defense to prosecution under this section that:
  - (a) The animal is a police service animal under the supervision of a police officer in the performance of his official duties;
  - (b) The animal is a “service dog” performing duties of assisting the disabled;
  - (c) The animal is a waterfowl at a municipality owned facility; or
  - (d) The owner of the private property has given consent or permission for the animal to defecate on his property.

J. The keeping of more than the maximum number of animals permitted by this chapter, or the zoning ordinance, as amended, shall be a public nuisance.

K. It shall be unlawful to keep or harbor more than four (4) dogs and four (4) cats in the aggregate three (3) months of age or older on any premises used or zoned for residential purposes, unless otherwise restricted by the zoning ordinance.

**Section 3.09 Miscellaneous Animal**

Sec. 3.09.01 Disposal of Dead Animals

- A. Dead animals, excluding those intended for human or animal consumption shall be disposed of as follows:
  - (1) Animals weighing fifty (50) pounds or less may be buried on the owner's premises at a depth of not less than twelve inches (12”).
  - (2) Animals weighing twenty (20) pounds or less may be placed for trash collection if they are first wrapped securely in newspaper and put in a bag of a type approved by the Animal Services Manager.
  - (3) Animals may be disposed of at the landfill, sold or given to a renderer, or buried in a properly zoned pet cemetery.
  - (4) If requested by the owner, dogs and cats will be picked up by the City and disposed of at the landfill or incinerated. There shall be a fee for this service at an amount set by resolution of the City Council.
  - (5) The Landfill Manager shall have the right to refuse a dead animal if placing such animal in the landfill would pose a health risk.
  - (6) The Animal Services Manager shall have the right to refuse to accept any dead animal if he determines that transporting such animal would cause a health risk to humans or to animals at the Municipal Animal Services Shelter.
- B. A person commits an offense if he disposes of a dead animal in a manner other than as provided by this Section.
- C. The owner of an animal which has died commits an offense if he fails to properly dispose of such animal within twenty-four (24) hours of its death.

3.09.02 Dog and Cat Microchipping Required

- A. The owner of any dog or cat must have the animal implanted with a registered microchip before the animal attains four (4) months of age.
- B. The owner of a microchipped dog or cat shall maintain current registration with a

- microchip registration company.
- C. If there is a change in contact information of an owner of a registered microchipped dog or cat, the owner shall update contact information, including new address or telephone number, with the microchip registration company within thirty (30) days of the date of the change in contact information.
- D. If there is a change in ownership of a registered dog or cat, the previous owner shall be responsible for ensuring that the microchip is no longer registered in the previous owner's name within thirty (30) days of the date of change in ownership. The new owner shall be responsible for re-registering the microchip to include any new address and telephone number and have the registration information transferred to the new owner's name within thirty (30) days after the change in ownership.
- E. A person commits an offense if the person owns, keeps, harbors or has custody of any dog or cat over four months of age without complying with this Ordinance.

3.09.03 Sale of Animals

- A. A person commits an offense if a person sells, exchanges, trades, barter, leases, rents, gives away, or displays, without a valid permit, any live animal on any roadside, public right-of-way, parkway, median, park, playground, swimming pool, other recreation area, or commercial or retail parking lot that is generally accessible by the public, regardless of whether such access is authorized.
- B. It is an affirmative defense to prosecution under subsection (A) that the person is an employee of or is acting in his or her capacity as an employee of: a veterinary clinic; an animal hospital; a business that has a certificate of occupancy from the building inspection division authorizing the occupancy of the premises purposes of operating a business selling pets; an animal shelter; an animal welfare, rescue, or adoption agency that is a registered non-profit entity; a bona fide zoological park; an educational institution; a museum; an event being conducted primarily for the sale of agricultural livestock such as hoofed animals or animals or fowl commonly raised for food, dairy, or fiber products; a licensed laboratory; a publicly owned nature center; a bona fide member of an educational or scientific association or society approved by the Animal Services Manager; persons holding permits from an agency of the state or the United States for the care and keeping of animals for rehabilitative purposes; an animal establishment in compliance with the this Chapter; or a person caring for animals in his or her private residence in compliance with this Chapter.

3.09.04 Spay / Neuter of Animals

- A. All animals within the City of Everman are required to be spayed/neutered unless they are under the control of an individual.
- B. All impounded animals are required to be spayed/neutered within thirty (30) days of release from impoundment.
- C. It is an affirmative defense to prosecution under subsection (B) above that the owner of the animal has provided proof to the satisfaction of the Animal Services Manager to establish that:
  - (1) The owner of the animal is a member of a club which is associated with a national registry, a national breed club, or a local all-breed club; and the

owner does not sell twelve (12) or more intact animals per year. Proof may be provided in the form of a sworn affidavit from an officer, director, or person of similar managerial authority in the organization, indicating that the organization falls under the criteria of the affirmative defense in this subsection, and that the owner does not sell twelve (12) or more intact animals per year.

- (2) The animal was at large and impounded due to force majeure.
- (3) The animal was at large and impounded due to fire, criminal or negligent acts of a third party who does not reside at the animal owner's residence. Additionally, verification of the incident must be presented to the Animal Services Manager in the form of a police or fire report, or the sworn testimony or affidavit of police or fire personnel.”

**Section 2.** All ordinances of the City of Everman in conflict with the provisions of this ordinance be and the same are hereby repealed and all other ordinances of the City of Everman not in conflict with the provisions of this ordinance shall remain in full force and effect.

**Section 3.** An offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Code of Ordinances and ordinances of the City, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

**Section 4.** If 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 ordinances of the City of Everman.

**Section 5.** This ordinance shall take effect immediately from and after its passage and the publication of the caption as the law and charter in such cases provide.

**DULY PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.**

APPROVED:

\_\_\_\_\_  
Ray Richardson, Mayor

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
Victoria Thomas, City Attorney

\_\_\_\_\_  
Mindi Parks, City Secretary



**CITY OF EVERMAN**  
212 North Race Street Everman, TX 76140  
**STAFF REPORT**

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**AGENDA TITLE:** ORDINANCE NO. 827 AN ORDINANCE OF THE CITY OF EVERMAN, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING APPENDIX A TITLED "FEE SCHEDULE" BY ADDING A NEW SECTION ENTITLED "MUNICIPAL ANIMAL SERVICES FEEES;" PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**MEETING DATE:** 02/11/2025

**PREPARED BY:** C. W. Spencer

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**RECOMMENDED ACTION:**

Approval

**BACKGROUND INFORMATION:**

In amending the Animal Control Ordinance, it is also necessary to amend the fee schedule for the division. The fees adopted will be utilized by our Municipal Animal Services staff. Staff is recommending approval of this ordinance to protect the health, safety, and general welfare of our citizens and animals within the City. This same ordinance was presented to the Forest Hill City Council earlier this month and passed. It has been reviewed by the City Attorney of each municipality.

**FISCAL IMPACT:**

N/A

**ORDINANCE NO 827**

**AN ORDINANCE OF THE CITY OF EVERMAN, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING APPENDIX A TITLED “FEE SCHEDULE” BY ADDING A NEW SECTION ENTITLED “MUNICIPAL ANIMAL SERVICES FEES;” PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

**SECTION 1.** That the City of Everman Code of Ordinances is amended by amending Appendix A titled “Fee Schedule” by adding a new section entitled “Municipal Animal Services Fees” which shall read, in its entirety as follows:

<b>Municipal Animal Services Fees</b>	
<b>Animal Registration</b>	
Initial Registration (includes microchipping)	\$20.00
Annual Renewal Registration	\$10.00
<b>Adoption Fees</b>	
Dog (includes microchipping and 1 <sup>st</sup> year registration)	\$80.00
Cat	\$50.00
<b>Impoundment</b>	
First Impoundment	\$50.00
Second Impoundment	\$75.00
Third Impoundment	\$100.00
Quarantine (Shelter)	\$20.00/day
Quarantine (In Home for eligible animals only)	\$5.00/day
<b>Miscellaneous</b>	
Owner Surrender (Altered)	\$35.00
Owner Surrender (Unaltered)	\$50.00
Corpse Removal Fee (from residence)	\$20.00
Euthanasia at Owners Request	\$35.00
Corpse Disposal Fee	\$35.00
Kennel Permit Fee	\$25.00
Animal Trap Deposit (refundable upon return)	\$250.00
Return to Owner Microchip Fee	\$20.00
<b>Dangerous Dog</b>	
Dangerous Dog Inspections (Per Inspection) 4 per year)	\$37.50
Annual Dangerous Dog Registration	\$50.00
Dangerous Dog Holding (Shelter)	\$25.00/day



Acceptance of Dangerous Animal	\$100.00
Seizure of Dangerous Dog	\$400.00

**SECTION 2.** That all provisions of the ordinances of the City of Everman in conflict with the provisions of this Ordinance be and the same are hereby, repealed, and all other provisions of the ordinances of the City of Everman not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 3.** That should any sentence, paragraph, subdivision, clause, phrase or section 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 thereof other than the part thereof decided to be unconstitutional, illegal, or invalid.

**SECTION 4.** An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Ordinances of the City of Everman, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

**SECTION 5.** This Ordinance shall take effect immediately from and after its passage and publication as may be required by law.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.**

**APPROVED:**

\_\_\_\_\_  
Ray Richardson, Mayor

**ATTEST:**

\_\_\_\_\_  
Mindi Parks, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Victoria Thomas, City Attorney



**CITY OF EVERMAN**  
212 North Race Street Everman, TX 76140  
**STAFF REPORT**

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**AGENDA TITLE:** ORDINANCE NO. 828 AN ORDINANCE OF THE CITY OF EVERMAN, TEXAS AUTHORIZING AND CALLING FOR THE MAY 3, 2025 SPECIAL MUNICIPAL ELECTION FOR THE PURPOSE OF CONSIDERING PROPOSED AMENDMENTS TO THE HOME RULE CITY CHARTER OF THE CITY OF EVERMAN, TEXAS; AUTHORIZING A JOINT ELECTION WITH OTHER TARRANT COUNTY POLITICAL SUBDIVISIONS; AUTHORIZING A CONTRACT FOR ELECTION SERVICES WITH TARRANT COUNTY; PROVIDING A RUNOFF DATE; PROVIDING AN EFFECTIVE DATE.

**MEETING DATE:** 02/11/2025

**PREPARED BY:** C. W. Spencer

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**RECOMMENDED ACTION:**

No recommendation

**BACKGROUND INFORMATION:**

The Charter Review Commission has proposed a total of 6 amendments to the City Charter which are to be detailed in a special report from the Commission to the Council

**FISCAL IMPACT:**

ORDINANCE NO. 828

AN ORDINANCE OF THE CITY OF EVERMAN, TEXAS AUTHORIZING AND CALLING FOR THE MAY 3, 2025 SPECIAL MUNICIPAL ELECTION FOR THE PURPOSE OF CONSIDERING PROPOSED AMENDMENTS TO THE HOME RULE CITY CHARTER OF THE CITY OF EVERMAN, TEXAS; AUTHORIZING A JOINT ELECTION WITH OTHER TARRANT COUNTY POLITICAL SUBDIVISIONS; AUTHORIZING A CONTRACT FOR ELECTION SERVICES WITH TARRANT COUNTY; PROVIDING A RUNOFF DATE; PROVIDING AN EFFECTIVE DATE.

Whereas, the City Council has received a report from the 2024-2025 City of Everman Charter Review Commission recommending to the City Council proposed amendments to the Home Rule Charter for the City of Everman; and

Whereas, the City Council has reviewed the report of the Commission and the Home Rule Charter of the City of Everman and has determined that certain amendments are in the best interest of the citizens or are necessary to comply with state law; and

Whereas, the City Council, after due consideration, desires to conduct a special election on proposed amendments to the Home Rule Charter on the uniform election date of May 3, 2025;

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

Section 1. A special municipal election is hereby ordered to be held May 3, 2025 for the hereinafter proposed amendments to the Charter of the City of Everman as set forth in Exhibit "A," attached hereto and made a part of this Ordinance for all purposes, to be submitted to the qualified voters of the City for their approval or disapproval. Such election shall be held at the Daggs Building, 100 North Race Street, Everman, Texas on the 3rd day of May 2025 from 7:00 a.m. until 7:00 p.m.

Section 2. The election will be conducted jointly with other political subdivisions in Tarrant County on May 3, 2025, pursuant to Chapter 31 and 271, Texas Election Code and Joint Election Agreement and Election Services Contract by and between the City of Everman, Tarrant County, and other political subdivisions (the "Joint Elections Agreement").

Section 3. The election precinct and polling place of said election shall be as follows:

City Voting Precinct

Daggs Building  
100 North Race Street  
Everman, TX 76140

Election polls shall open on Election Day at 7:00 a.m. and close at 7:00 p.m.

Section 4. The following provisions apply to early voting:

**A. Early Voting by Personal Appearance.**

Early voting by personal appearance will be held jointly with other Tarrant County public entities at the Tarrant County Main Early Voting Sites beginning Monday April 22, 2025 and continuing through Tuesday, April 29, 2025 at the locations and times set forth below:

**Main Early Voting Polling Sites**

Forest Hill Civic Center  
2901 Wichita Street  
Forest Hill, Texas 76140

**Dates and Times for Early Voting by Personal Appearance**

Early voting hours shall be:

Monday, April 22, 2025 through Friday, April 25, 2025; 8:00 a.m. – 5:00 p.m.  
Saturday, April 26, 2025 from 7:00 a.m. – 7:00 p.m.  
Sunday, April 27, 2025 from 10:00 a.m. – 4:00 p.m.  
Monday, April 28, 2025 through Tuesday, April 29, 2025 from 7:00 a.m. – 7:00 p.m.

**B. Early Voting by Mail:**

The Tarrant County Elections Administrator (“Elections Administrator”) is hereby designated as the Early Voting Clerk for the Special Election. Applications for early voting by mail may be delivered to the Elections Administrator at the following address:

Mailing Address:  
Tarrant County Elections  
P.O. Box 961011  
Fort Worth, Texas 76161-0011

Express Courier Delivery:  
Tarrant County Elections  
2700 Premier Street  
Fort Worth, Texas 76111-3011

Phone : 817-831-8683  
Fax : 817-850-2344

Email : [votebymail@tarrantcountytx.gov](mailto:votebymail@tarrantcountytx.gov)

Website: <https://www.tarrantcountytx.gov/en/elections/voting-by-mail.html>

Applications for Ballots by Mail (ABBM)s must be received no later than the close of business on: April 22, 2025 by 5:00 p.m.

Federal Post Card Applications (FPCAs) must be received no later than the close of business on: April 22, 2025 by 5:00 p.m.

C. Early voting both by personal appearance and by mail shall be canvassed by the Early Voting Ballot Board established by Tarrant County under the terms of the Joint Elections Agreement and Section 87.001 of the Texas Election Code.

**Section 5:** Appointment of Election Judge and Alternate Election Judge: The Presiding Judge and Alternate Presiding Judge shall be appointed by Tarrant County as authorized by Chapter 271 of the Election Code.

**Section 6:** The election shall be held in accordance with the Constitution of the State of Texas and the Election Code, and all resident qualified voters of the City shall be eligible to vote at the election.

**Section 7.** The City Manager is hereby authorized to negotiate and execute a contract for the joint election and election services with Tarrant County.

**Section 8.** The City Secretary is hereby authorized and directed to file, publish, and/or post, in the time and manner prescribed by law, all notices required to be so filed, published and/or posted in connection with this election.

**Section 9.** Each proposition submitted must contain only one subject, and the ballot shall be prepared in a manner that the voters may vote “for” or “against” any amendment or amendments without voting “for” or “against” all of said amendments. Each such proposed amendment, if approved by the majority of the qualified voters voting at said election, shall become a part of the Charter of the City of Everman, Texas.

**Section 10.** The ballot propositions for the proposed amendments to the Charter are as follows:

Proposition A

Shall Article III, Section 3.02 of the Home Rule Charter be amended to provide monthly compensation for the Mayor of \$800.00 per month and monthly compensation for each City Council member of \$300.00 per month?

Proposition B

Shall Article III, Section 3.08 of the Home Rule Charter be amended at subsection C to reflect that a special meeting of the City Council may be called by the City Secretary on the written request of the Mayor or any three City Council members?

Proposition C

Shall Article IV, Section 4.05 of the Home Rule Charter be amended to provide that any person who has been finally convicted of a felony for which the person has not been pardoned or had the resulting disabilities removed shall not be eligible to run for or qualified to hold office on the City Council?

Proposition D

Shall Article VIII, Section 8.01 of the Home Rule Charter be amended at subsection B to clarify that all Board and Commission members are appointed for a two-year term, with no term limits, subject to the City Council’s discretion to remove any member at its discretion at any time?

Proposition E

Shall Article XII, Section 12.10 of the Home Rule Charter be amended to prohibit acceptance of any gift, favor, privilege, or employment valued at \$50 or more, excluding cash, gift cards and negotiable instruments, which cannot be accepted regardless of the value?

**Section 11.** This Ordinance is effective from and after its passage and approval as may be required by law, by the City Charter or by ordinance. e City Manager is hereby authorized to negotiate and execute a contract for the joint election and election services with Tarrant County.

**PASSED, APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF EVERMAN, TARRANT COUNTY, TEXAS THIS THE 11TH DAY OF FEBRUARY, 2025.**

\_\_\_\_\_  
Ray Richardson, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Mindi Parks  
City Secretary

\_\_\_\_\_  
Victoria Thomas  
City Attorney

**ARTICLE III. THE CITY COUNCIL****Section 3.02 Compensation and Expense Reimbursement (PROPOSITION A)**

“As monthly compensation, the Mayor will receive the sum of two hundred and fifty (\$250) eight hundred (\$800) dollars and each member of the City Council shall receive the sum of fifty (\$50) three hundred (\$300) dollars for each regularly scheduled City Council meeting duly attended each month. In addition to the above, the City shall, upon receiving receipts and other appropriate documentation for authorized expenditures, reimburse the members of the City Council for other necessary expenses incurred by them in the performance of their official duties.”

**Section 3.08 Meetings of the City Council (PROPOSITION B)**

C: “Special meetings may be called by the City Secretary on the written request of the Mayor or any three City Council members. All City Council meetings shall be held at City Hall or at such a place that will permit the attendance of the general public.”

**ARTICLE IV. MUNICIPAL ELECTION****Section 4.05: Qualifications for Candidacy (PROPOSITION C)**

“Each member of the City Council, including the Mayor, shall be at least 21 years old on the date of the election, a qualified voter of the City, and shall have resided in the City for one (1) year before the date of election. The Mayor or any other member of the City Council who ceases to reside in the City shall immediately forfeit office. In addition, any person who is delinquent in payment of taxes to the City shall not be qualified to hold office on the City Council. Any person who is not compliant with city code shall not be qualified to hold office on the City Council. Any person who has been finally convicted of with a felony for which the person has not been pardoned or had the resulting disabilities removed conviction or conviction of an offense involving moral turpitude shall not be eligible to run for or qualified to hold office on the City Council. Persons holding an elective City position whose position is not then currently up for election must first resign their current position before being eligible to file for another City elective position.”

**ARTICLE VIII. BOARDS AND COMMISSIONS****Section 8.01 Qualifications for City Board and Commission Members (PROPOSITION D)**

B: “The term of office for a member shall not exceed Members will for a term of no more than two (2) years from the date of appointment. There are no term

limits. Qualified members ~~persons~~ can ~~still~~ be removed or re-appointed at the City Council's discretion at any time."

## ARTICLE XII GENERAL PROVISIONS

### Section 12.10 No Officer or Employee to Accept Gifts (PROPOSITION E)

"No officer or employee of the City of Everman shall ever accept, directly or indirectly, any gift, favor, privilege, or employment valued ~~over twenty-five (25)~~ at fifty (\$50) dollars or more from any firm, individual, or corporation doing business or proposing to do business with the City of Everman, excluding cash, gift cards, and negotiable instruments, which cannot be accepted regardless of value. Any officer or employee of the City who violates the provisions of this section shall be guilty of a misdemeanor and may be punished by any fine that may be prescribed by Ordinance for this offense and shall forthwith be removed from office. This section does not prohibit the giving of gifts where the donor and recipient are kin by blood or marriage."

4901-3789-6724, v. 3





**CITY OF EVERMAN**  
212 North Race Street Everman, TX 76140  
**STAFF REPORT**

**AGENDA TITLE:** ORDINANCE NO. 829 AN ORDINANCE OF THE CITY OF EVERMAN, TEXAS AUTHORIZING AND CALLING FOR THE MAY 3, 2025 SPECIAL MUNICIPAL ELECTION FOR THE PURPOSE OF PLACING BEFORE THE VOTERS OF THE CITY OF EVERMAN A PROPOSITION TO VOTE FOR OR AGAINST REAUTHORIZING A LOCAL SALES AND USE TAX TO PROVIDE REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS; AUTHORIZING A JOINT ELECTION WITH OTHER TARRANT COUNTY POLITICAL SUBDIVISIONS; AUTHORIZING A CONTRACT FOR ELECTION SERVICES WITH TARRANT COUNTY; PROVIDING A RUNOFF DATE; PROVIDING AN EFFECTIVE DATE.

**MEETING DATE:** 02/11/2025

**PREPARED BY:** C. W. Spencer

**RECOMMENDED ACTION:**

Approval

**BACKGROUND INFORMATION:**

The City of Everman currently assess a local sales and use tax specifically for the purpose of Street Maintenance. These revenue funds are restrictive to the purpose of street improvement. This is a voter authorized tax, meaning that it does require an election. Passing this ordinance allows for this item to be placed on the ballot for the upcoming May General Election

**FISCAL IMPACT:**

The Street Improvement - 4A Sales Tax Fund is budgeted to generate \$37,240 in revenue for FY 2025.

ORDINANCE NO. 829

AN ORDINANCE OF THE CITY OF EVERMAN, TEXAS AUTHORIZING AND CALLING FOR THE MAY 3, 2025 SPECIAL MUNICIPAL ELECTION FOR THE PURPOSE OF PLACING BEFORE THE VOTERS OF THE CITY OF EVERMAN A PROPOSITION TO VOTE FOR OR AGAINST REAUTHORIZING A LOCAL SALES AND USE TAX TO PROVIDE REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS; AUTHORIZING A JOINT ELECTION WITH OTHER TARRANT COUNTY POLITICAL SUBDIVISIONS; AUTHORIZING A CONTRACT FOR ELECTION SERVICES WITH TARRANT COUNTY; PROVIDING A RUNOFF DATE; PROVIDING AN EFFECTIVE DATE.

Whereas, on \_\_\_\_\_, pursuant to Chapter 3327 of the Texas Tax Code, the voters of the City of Everman, Texas approved a proposition authorizing the extension of the collection of a local sales and use tax for the purpose of providing revenue for the maintenance and repair of municipal streets, which tax originally became effective on \_\_\_\_\_ (the "Street Maintenance Sales Tax"); and

Whereas, in accordance with Texas Tax Code section 327.007, the Street Maintenance Sales Tax will expire on \_\_\_\_\_, if an election is not held prior to that date to reauthorize the street Maintenance Sales Tax; and

Whereas, the City Council of the City of Everman, Texas finds it to be in the public interest to place before the qualified voters of the city a proposition to vote for or against reauthorization of the Street Maintenance Sales Tax for a period of ten years; and

Whereas, in accordance with Section 271.002 of the Texas Election Code, said special election will be conducted jointly with other political subdivisions of Tarrant County, Texas on the uniform election date of May 3, 2025;

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

Section 1. A special election is hereby ordered to be held on the 3<sup>rd</sup> day of May, 2025 for the purpose of placing before the qualified voters of the City of Everman the following proposition upon which said voters shall vote "For" or "Against":

**PROPOSITION NO. 1**

The reauthorization of the local sales and use tax in the City of Everman at the rate of one-half of one percent to continue providing revenue for maintenance and repair of municipal streets. The tax expires on the 5th anniversary of this election unless the imposition of the tax is reauthorized.

FOR

AGAINST

**Section 2.** The special election is hereby ordered to be held May 3, 2025 for the hereinabove stated proposition to be submitted to the qualified voters of the City for their approval or disapproval. Such election shall be held at the Daggs Building, 100 North Race Street, Everman, Texas on the 3rd day of May 2025 from 7:00 a.m. until 7:00 p.m.

**Section 3.** The election will be conducted jointly with other political subdivisions in Tarrant County on May 3, 2025, pursuant to Chapter 31 and 271, Texas Election Code and Joint Election Agreement and Election Services Contract by and between the City of Everman, Tarrant County, and other political subdivisions (the “Joint Elections Agreement”).

**Section 4.** The election precinct and polling place of said election shall be as follows:

City Voting Precinct

Daggs Building  
100 N. Race Street  
Everman, TX

Election polls shall open on Election Day at 7:00 a.m. and close at 7:00 p.m.

**Section 5.** The following provisions apply to early voting:

**A. Early Voting By Personal Appearance.**

Early voting by personal appearance will be held jointly with other Tarrant County public entities at the Tarrant County Main Early Voting Sites beginning Monday April 22, 2025 and continuing through Tuesday, April 29, 2025 at the locations and times set forth below:

Main Early Voting Polling Sites

Forest Hill Civic Center  
2901 Wichita Street  
Forest Hill, Texas 76140

Dates and Times for Early Voting by Personal Appearance

Early voting hours shall be:

- Monday, April 22, 2025 through Friday, April 25, 2025; 8:00 a.m. – 5:00 p.m.
- Saturday, April 26, 2025 from 7:00 a.m. – 7:00 p.m.
- Sunday, April 27, 2025 from 10:00 a.m. – 4:00 p.m.
- Monday, April 28, 2025 through Tuesday, April 29, 2025 from 7:00 a.m. – 7:00 p.m.

**B. Early Voting by Mail:**

The Tarrant County Elections Administrator (“Elections Administrator”) is hereby designated as the Early Voting Clerk for the Special Election.

Applications for early voting by mail may be delivered to the Administrator at the following address:

Mailing Address:  
Tarrant County Elections  
P.O. Box 961011  
Fort Worth, Texas 76161-0011

Express Courier Delivery:  
Tarrant County Elections  
2700 Premier Street  
Fort Worth, Texas 76111-3011

Phone: 817-831-8683  
Fax: 817-850-2344

Email: [votebymail@tarrantcountytx.gov](mailto:votebymail@tarrantcountytx.gov)

Website: <https://www.tarrantcountytx.gov/en/elections/voting-by-mail.html>

Applications for Ballots by Mail (ABBM)s must be received no later than the close of business on: April 22, 2025 by 5:00 p.m.

Federal Post Card Applications (FPCAs) must be received no later than the close of business on: April 22, 2025 by 5:00 p.m.

C. Early voting both by personal appearance and by mail shall be canvassed by the Early Voting Ballot Board established by Tarrant County under the terms of the Joint Elections Agreement and Section 87.001 of the Texas Election Code.

**Section 6:** Appointment of Election Judge and Alternate Election Judge: The Presiding Judge and Alternate Presiding Judge shall be appointed by Tarrant County as authorized by Chapter 271 of the Election Code.

**Section 7:** The election shall be held in accordance with the Constitution of the State of Texas and the Election Code, and all resident qualified voters of the City shall be eligible to vote at the election.

**Section 8.** The City Manager is hereby authorized to negotiate and execute a contract for the joint election and election services with Tarrant County.

**Section 9.** The City Secretary is hereby authorized and directed to file, publish, and/or post, in the time and manner prescribed by law, all notices required to be so filed, published and/or posted in connection with this election.

**Section 10:** This ordinance is effective from and after its passage and approval as may be required by law, by the City Charter or by ordinance.

PASSED, APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF  
EVERMAN, TARRANT COUNTY, TEXAS THIS THE 11TH DAY OF FEBRUARY, 2025.

Section 8, Item G.

\_\_\_\_\_  
Ray Richardson, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Mindi Parks  
City Secretary

\_\_\_\_\_  
Victoria Thomas  
City Attorney

4899-1535-8230, v. 3



**CITY OF EVERMAN**  
212 North Race Street Everman, TX 76140  
**STAFF REPORT**

**AGENDA TITLE:** RESOLUTION NO. 2025-02-01 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS, APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF EVERMAN AND THE EVERMAN INDEPENDENT SCHOOL DISTRICT FOR THE PROVISION OF POLICE SERVICES; AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

**MEETING DATE:** 02/11/2025

**PREPARED BY:** C. W. Spencer

**RECOMMENDED ACTION:**

Approval

**BACKGROUND INFORMATION:**

Each year, the City of Everman and the Everman ISD renew an interlocal agreement to provide for school resources officers. This item was previously discussed as a part of the City Council Work Session on June 11, 2024. The Everman ISD school board took action on this item and approved the agreement, however city management failed to place this item on an agenda for council action.

This agreement is essentially a renewal of all previous terms, providing for 8 full-time police officers, with a 5% increase in cost of prior year. Staff recommendation is approval of the resolution which provides for a retroactive effective date.

**FISCAL IMPACT:**

\$809,435.55 in revenue. Already identified within the FY25 budget.

**CITY OF EVERMAN, TEXAS**  
**RESOLUTION NO. 2025-02-01**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS, APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF EVERMAN AND THE EVERMAN INDEPENDENT SCHOOL DISTRICT FOR THE PROVISION OF POLICE SERVICES; AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Everman, Texas (the "City"), and the Everman Independent School District (the "District") desire to enter into an Interlocal Agreement pursuant to Chapter 791 of the Texas Government Code (the "Interlocal Cooperation Act") for the provision of police services by the City to the District; and

**WHEREAS**, the City Council finds that the Interlocal Agreement will serve the best interests of the residents of the City and the students and staff of the District by enhancing safety and security on school campuses; and

**WHEREAS**, the City Council has reviewed the Interlocal Agreement, attached hereto as Exhibit "A," and finds it to be acceptable and in compliance with applicable laws; and

**WHEREAS**, the City Council desires to authorize the City Manager to execute the Interlocal Agreement on behalf of the City of Everman; and

**WHEREAS**, the parties have agreed that the effective date of the Interlocal Agreement shall be retroactive to August 1, 2024.

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

**SECTION 1.** The City Council hereby approves the Interlocal Agreement between the City of Everman and the Everman Independent School District for the provision of police services, attached hereto as Exhibit "A" and incorporated herein by reference.

**SECTION 2.** The City Manager is hereby authorized to execute the Interlocal Agreement on behalf of the City of Everman and to take all necessary steps to implement the terms of the Agreement.

**SECTION 3.** The effective date of the Interlocal Agreement shall be retroactive to August 1, 2024.

**SECTION 4.** This Resolution shall be effective immediately upon its passage.

DULY RESOLVED AND ADOPTED ON THIS THE \_\_\_\_ DAY OF FEBRUARY 2025, BY THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS.

APPROVED:

\_\_\_\_\_  
Ray Richardson, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Mindi Parks, City Secretary

\_\_\_\_\_  
Victoria Thomas, City Attorney



**EXHIBIT A**  
**City of Everman and Everman ISD Interlocal Agreement for Police Services**

4883-4107-9275, v. 1

STATE OF TEXAS           §  
  §  
COUNTY OF TARRANT   §

**INTERLOCAL AGREEMENT**

In consideration of the mutual covenants, promises and agreements contained herein, this agreement is made and entered into between the City of Everman, a home rule municipal corporation of the State of Texas, located within Tarrant County, Texas (hereinafter referred to as "City,") acting by and through Craig Spencer, its duly authorized City Manager, and the Everman Independent School District, a political subdivision of the State of Texas located in Tarrant County and a legally constituted Independent School District (hereinafter referred to as "District,") acting by and through Dr. Felicia Donaldson, its duly authorized Superintendent.

**RECITALS**

WHEREAS, the Interlocal Cooperation Act, Chapter 791, Government Code, authorizes local governments to contract with one another for the performance of governmental functions and services, and

WHEREAS, the City and the District desire to enter into an agreement for the purpose of providing police services to the District by the City, as hereinafter set out in the body of this agreement.

NOW, THEREFORE, City and District do hereby contract, agree, and covenant for good and valuable consideration the mutual promises and agreements made in the body of this agreement, as follows:

**AGREEMENT**

I.

District covenants and agrees to fully cooperate with the City of Everman in the implementation of this agreement and both parties agree that during the term of this contract City shall provide eight (8) School Resource Officers assigned by District to various school campuses and facilities within the District and to be present during regular school hours (hereinafter "SRO" or "SRO's"). Each SRO shall be an armed security officer meeting the requirements of Section 37.081 of the Texas Education Code. District agrees to the annual contract price of \$809,435.55 ("Annual Contract Price") which allows City to recoup direct costs incurred as a result of this interlocal agreement, including personnel costs incurred by the City on this project, which will include, but may not be limited to base pay, overtime if warranted, bilingual pay, FLSA, court attendance costs, Medicare, workers compensation insurance, group health insurance, training and certificates, vehicle costs and retirement.

II.

It is understood and agreed that District shall remit funds to the City in a timely manner following receipt of an official invoice. Invoices shall be provided on a monthly basis and shall be based upon the \$809,435.55 Annual Contract Price, billed evenly in twelve monthly invoices of \$67,452.96. City and District agree that should City be unable, in any month, to provide the six SRO's, the invoice for said month will be reduced by \$8,431.62 per position the City is unable to provide per month. As an example, if City, due to personnel availability, is only able to provide seven SRO's during one month, the monthly invoice for that month will be \$59,021.34 (\$67,452.96 - \$8,432.62). Any expenditure of funds related to the services hereunder will be made from current revenues available to the party making the expenditure.

III.

The term of this agreement is for a period beginning on August 1, 2024 and ending on July 31, 2025.

IV.

It is understood and agreed by the parties that the City will employ the eight (8) SROs to serve on designated district campuses. The parties acknowledge that for designated campuses located outside of the City of Everman and the SRO's jurisdiction over certain offenses committed outside of the City of Everman is limited by the Texas Code of Criminal Procedure.

V.

This agreement may be terminated by either party, in whole or in part, at any time and for any reason, upon written notice to the other party. Such written notice shall specify to what extent the work under the agreement is being terminated and the effective date of the termination. Within thirty (30) days after the effective date of such termination, City shall forward to District a final invoice for reimbursement to the City for personnel expenditures and District shall remit payment in full within sixty (60) days after the date of such invoice.

VI.

District and City covenant and agree that in the event either party fails to comply with, or breaches, any of the terms and provisions of this agreement, the non-breaching party shall provide written notice of breach to the breaching party as soon as reasonably possible. If the breaching party fails to cure or correct such breaches within a reasonable time following receipt of notice, such reasonable time not to exceed fifteen (15) days, the non-breaching party shall have the right to declare this agreement immediately terminated, and neither party shall have further responsibility or liability hereunder.

VII.

District covenants and agrees to fully cooperate with the City in monitoring the effectiveness of the services and work to be performed with the District under this agreement,

and City shall have access at all reasonable hours and after reasonable notice to offices and records of the District, its officers, members, agents, employees, and subcontractors for the purpose of such monitoring, such access being subject to the limitations and requirements under the Texas Public Information Act and the Family Educational Rights and Privacy Act (FERPA). In this connection, it is specifically agreed and understood that the City and the SRO's will at all times comply with FERPA and the regulations thereunder and will not use education records (as that phrase is defined in District policy FL (Legal) and FERPA) or the information contained therein in connection with their police activities and duties without first obtaining the consents or authorizations required by FERPA. District policies FL (Legal) and FL (Local) are available at the District's website or copies will be made available to the City upon request.

VIII.

City shall operate hereunder as an independent contractor and not as an officer, agent, servant or employee of the District.

IX.

City agrees that the SROs shall be assigned by and/or responsible to the Everman Police Department but shall work directly with District administrators. When acting as an SRO, the officers shall perform the duties required under Texas Education Code Sec. 37.081. Such duties shall not include routine school discipline. If requested by the District, the officers shall serve on the School's or District's threat assessment team. If the District's Superintendent or a campus Principal is not satisfied with the performance of any SRO assigned to his or her campus, the District's Superintendent may ask the City to replace the dedicated the SRO, and the City will make every reasonable effort to do so. The SRO's will not regularly be assigned additional police duties. The City reserves the right; however, to reassign an SRO temporarily in the event of an emergency or when other circumstances require an enhanced police presence elsewhere in the City and school is not in session. City shall provide all law enforcement training and certification, vehicle and police equipment provided to all police officers employed by the City. This training shall include the training required by Texas Education Code Sections 37.0021, 37.0812, and 37.0814, and Texas Occupations Code Sections 1701.262 and 1701.263. City shall coordinate assignments and duty hours with District. If necessary, to handle unplanned absences of the designated SRO, an officer from a different unit may be temporarily assigned to provide coverage, but the Department is not required to do so.

X.

The City shall in no way nor under any circumstances be responsible for any property belonging to District, its officers, members, agents, employees, subcontractors, program participants, licensees, or invitees, which may be lost, stolen, destroyed or in any way damaged. City shall, however, be solely responsible for the acts and omissions of its officers, members, agents, servants, and employees. To the extent allowed by law, City agrees to waive, release, indemnify, and hold harmless the District from any and all claims, damages, injuries, causes of action, or lawsuits arising out of the acts or omissions of the assigned officers. Neither City nor District shall be responsible under the doctrine of respondent superior for the acts and omissions

of officers, members, agents, servants, employees, or trustees of the other. Nothing in this agreement shall waive any statutory or common-law immunity or defense of City or District.

XI.

City and District covenant that neither they nor any of their officers, members, agents, employees, program participants, or subcontractors, while engaged in performing this contract shall in connection with the employment, advancement, or discharge of employees, or in connection with the terms, conditions or privileges of their employment, discriminate against persons because of their age, except on the basis of a bona fide occupational qualification, retirement plan, or statutory requirement.

XII.

City and District, in the execution, performance or attempted performance of this contract and agreement will not discriminate against any person or persons because of sex, race, religion, color or national origin, not will they permit their agents, employees, subcontractors or program participants to engage in such discrimination.

XIII.

The provisions of this agreement are severable and if for any reason a clause, sentence, paragraph or other part of this agreement shall be determined to be invalid by a court or federal or state agency, board or commission having jurisdiction over the subject matter thereof, such invalidity shall not affect other provisions which can be given effect with the invalid provision.

XIV.

The failure of the City or District to insist upon the performance of any term or provision of this agreement or to exercise any right herein conferred shall not be construed as a waiver or relinquishment to any extent of City's or District's right to assert or rely upon any such term or right on any future occasion.

XV.

Should any action, whether real or asserted, at law or in equity, arise out of the execution, performance, attempted performance or non-performance of this contract and agreement, venue for said action shall lie in the state District Courts of Tarrant County, Texas.

XVI.

The governing bodies of City and District have approved the execution of this agreement, and the persons signing have been duly authorized by the governing bodies of the City and District to sign this agreement on behalf of the governing bodies.

XVII.

This written instrument constitutes the entire agreement by the parties hereto concerning the work and services to be performed hereunder, and any prior or contemporaneous, oral, or written agreement which purports to vary from the terms hereof shall be void.

XVIII.

Notices to District shall be deemed given when delivered in person to the District's Superintendent, or the next business day after the mailing of said notice addressed to said District by United States mail, certified or registered mail, return receipt requested, and postage paid at 1520 Everman Parkway, Everman, Texas 76140.

Notices to City shall be deemed given when delivered in person to the City Manager of the City, or the next business day after the mailing of said notice addressed to said City by United States mail, certified or registered mail, return receipt requested, and postage paid at 212 North Race Street, Everman, Texas 76140.

XIX.

The City and the District agree that any use of body-worn cameras ("BWC") by City officers will be subject to and in compliance with state law and local regulations regarding their use and operation. Every officer equipped with a BWC shall be trained in the operation of the equipment prior to its use on campus. When utilizing BWCs, the officer shall adhere to the objectives and procedures outlined in this Agreement and the City's Police Department General Orders to maximize the effectiveness of the BWC and the integrity of the video documentation. The City may, if not otherwise prohibited by law, provide to the District copies of any such filming of students, parents, employees, or others upon school property, upon request for such copies by the District, as an intergovernmental transfer. In the event the City believes the providing of a copy of such videos would be prohibited, City agrees to utilize its best efforts to facilitate the availability of the officer who made the video to testify, upon request by the District, in any school disciplinary hearing concerning the officer's knowledge of the facts and circumstances of the incident which was videoed. The parties also agree that any such film or video taken by, and kept in the possession of, the City's officers may be considered "law enforcement records" under FERPA and 34 C.F.R. Sec. 99.8, and that any copy of such film or video, if permitted by law to be provided to the District, may then become an educational record of the District under FERPA.


EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, 2024 by the City of Everman.

CITY OF EVERMAN

By: \_\_\_\_\_  
Craig Spencer  
City Manager


EXECUTED this 17 day of June, 2024 by the Everman Independent School District.

EVERMAN INDEPENDENT SCHOOL DISTRICT

By:   
Dr. Felicia Donaldson  
Superintendent of Schools

APPROVED AS TO FORM AND LEGALITY:

By: \_\_\_\_\_  
John D. Oliver, Asst. City Attorney

By:   
James M. Whitton, Attorney for the District

Date: \_\_\_\_\_

Date: 06/17/2024

1723189-v1/5618-021000



**CITY OF EVERMAN**  
 212 North Race Street Everman, TX 76140  
**STAFF REPORT**

**AGENDA TITLE:** RESOLUTION NO. 2025-02-02 A RESOLUTION OF THE CITY COUNCIL OF THE CITY EVERMAN, TEXAS AUTHORIZING CONTINUED PARTICIPATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR; AND AUTHORIZING THE PAYMENT OF ELEVEN CENTS PER CAPITA TO THE STEERING COMMITTEE TO FUND REGULATORY AND LEGAL PROCEEDINGS AND ACTIVITIES RELATED TO ONCOR ELECTRIC DELIVERY COMPANY, LLC.

**MEETING DATE:** 02/11/2025

**PREPARED BY:** C. W. Spencer

**RECOMMENDED ACTION:**

Approval

**BACKGROUND INFORMATION:**

Purpose of the Resolution

The City of Everman is a member of a 169-member city coalition known as the Steering Committee of Cities Served by Oncor (Steering Committee). The resolution approves the assessment of a eleven cent (\$0.11) per capita fee to fund the activities of the Steering Committee.

Why this Resolution is Necessary

The Steering Committee undertakes activities on behalf of municipalities for which it needs funding support from its members. Municipalities have original jurisdiction over the electric distribution rates and services within the city. The Steering Committee has been in existence since the late 1980s. It took on a formal structure in the early 1990s. Empowered by city resolutions and funded by per capita assessments, the Steering Committee has been the primary public interest advocate before the Public Utility Commission, ERCOT, the courts, and the Legislature on electric utility regulation matters for over three decades.

The Steering Committee is actively involved in rate cases, appeals, rulemakings, and legislative efforts impacting the rates charged by Oncor Electric Delivery Company, LLC within the City. Steering Committee representation is also strong at ERCOT. It is possible that additional efforts will be necessary on new issues that arise during the year, and it is important that the Steering Committee be able to fund its participation on behalf of its member cities. A per capita assessment has historically been used and is a fair method for the members to bear the burdens associated with the benefits received from that membership.



Explanation of “Be It Resolved” Paragraphs

I. The City is currently a member of the Steering Committee; this paragraph authorizes the continuation of the City’s membership.

II. This paragraph authorizes payment of the City’s assessment to the Steering Committee in the amount of eleven cents (\$0.11) per capita, based on the population figure for the City as shown in the latest TML Directory of City Officials.

III. This paragraph requires payment of the 2025 assessment be made and a copy of the resolution be sent to the Steering Committee.

Payment of Assessment

A copy of the resolution should be mailed with payment of the fee to Brandi Stigler, Steering Committee of Cities Served by Oncor, Mail Stop 63-0300, PO Box 90231, Arlington, Texas 76004. Checks should be made payable to: Steering Committee of Cities Served by Oncor, c/o City of Arlington

**FISCAL IMPACT:**

\$701.14

RESOLUTION NO. 2025-02-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY EVERMAN, TEXAS AUTHORIZING CONTINUED PARTICIPATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR; AND AUTHORIZING THE PAYMENT OF ELEVEN CENTS PER CAPITA TO THE STEERING COMMITTEE TO FUND REGULATORY AND LEGAL PROCEEDINGS AND ACTIVITIES RELATED TO ONCOR ELECTRIC DELIVERY COMPANY, LLC.

WHEREAS, the City of Everman is a regulatory authority under the Public Utility Regulatory Act (PURA) and has exclusive original jurisdiction over the rates and services of Oncor Electric Delivery Company, LLC (Oncor) within the municipal boundaries of the city; and

WHEREAS, the Steering Committee of Cities Served By Oncor (Steering Committee) has historically intervened in Oncor rate proceedings and electric utility related rulemakings to protect the interests of municipalities and electric customers residing within municipal boundaries; and

WHEREAS, the Steering Committee is participating in Public Utility Commission dockets and projects, as well as court proceedings, and legislative activity, affecting transmission and distribution utility rates; and

WHEREAS, the City is a member of the Steering Committee; and

WHEREAS, the Steering Committee functions under the direction of an Executive Committee which sets an annual budget and directs interventions before state and federal agencies, courts and legislatures, subject to the right of any member to request and cause its party status to be withdrawn from such activities; and

WHEREAS, the Steering Committee at its December 2024 meeting set a budget for 2025 that compels an assessment of eleven cents (\$0.11) per capita; and

WHEREAS, in order for the Steering Committee to continue its participation in these activities which affects the provision of electric utility service and the rates to be charged, it must assess its members for such costs.

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

I.

That the City is authorized to continue its membership with the Steering Committee of Cities Served by Oncor to protect the interests of the City of Everman and protect the interests of the customers of Oncor Electric Delivery Company, LLC residing and conducting business within the City limits.

II.

The City is further authorized to pay its assessment to the Steering Committee of eleven cents (\$0.11) per capita based on the population figures for the City shown in the latest TML Directory of City Officials.

III.

A copy of this Resolution and the assessment payment check made payable to “*Steering Committee of Cities Served by Oncor, c/o City of Arlington*” shall be sent to Brandi Stigler, Steering Committee of Cities Served by Oncor, Mail Stop 63-0300, PO Box 90231, Arlington, Texas 76004.

PRESENTED AND PASSED on this the \_\_\_\_\_ day of February, 2025, by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays at a regular meeting of the City Council of the City of Everman, Texas.

\_\_\_\_\_  
Ray Richardson  
Mayor

ATTEST:

\_\_\_\_\_  
Mindi Parks  
City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Victoria Thomas  
City Attorney

Oncor Cities Steering Committee

Section 8, Item 1.

# Invoice

C/O City of Arlington  
Attn: Brandi Stigler  
PO Box 90231  
Arlington, TX 76004

Date	Invoice #
12/30/2024	25-48

Bill To
City of Everman

Item	Population	Per Capita	Amount
2025 Membership Assessment	6,374	0.11	701.14
Please make check payable to: Oncor Cities Steering Committee and mail to Oncor Cities Steering Committee, C/O City of Arlington, Attn: Brandi Stigler, PO Box 90231, Arlington, Texas 76004			<b>Total</b> \$701.14

# 2024 OCSC Newsletter

## 2024 YEAR IN REVIEW ISSUE

This past year was an active one for the Steering Committee of Cities Served by Oncor. This Year in Review edition of the OCSC newsletter highlights significant 2024 events and looks ahead to 2025.



## ONCOR 2024 YEAR IN REVIEW

### **PUC Approves Oncor Resiliency Plan in 2024; OCSC Negotiates Improvements**

A \$3 billion resiliency plan submitted by Oncor, the north Texas electric utility, received approval Nov. 14 by the Texas Public Utility Commission.

The plan, which includes pro-consumer modifications negotiated by OCSC and other intervenors, marks a first. Several other utilities have also submitted resiliency plans to the PUC as authorized by House Bill 2555, enacted by the Texas Legislature in 2023. The resiliency plans are intended to harden the grid against extreme weather events, wildfires, cybersecurity, and physical threats.

Oncor said its planned upgrades will reduce the impact of severe weather outages and address other physical and cybersecurity risks. Investments include those for overhead and underground lines, smart grid technologies, enhanced wildfire mitigation, additional vegetation management, improved physical security, and improved cybersecurity risk mitigation.

Oncor based its plan on two decades of weather and grid data. The improvements will “substantially reduce outage minutes,” Oncor CEO Allen Nye said in a statement.

However, because the plan was the first of its kind, it lacked some of the technical data common to some other rate filings. As such, OCSC, during settlement talks, focused on obtaining commitments from Oncor to improve its metrics so parties can better evaluate the plan’s success and have a baseline to judge the success of plans in the future.

Oncor’s current plan covers the three-year period from 2025 to 2027. The company will recover implementation costs through interim rate adjustment mechanisms, such as the Distribution Cost Recovery Factor. Details of the settlement agreement, which was reached after multiple meetings between Oncor, the OCSC, and other intervenors, can be found on the PUC website, under PUC Docket No. 56545.

The PUC’s approval allows Oncor to begin implementing its resiliency measures and — as specified in 2555 — allows the utility to recover the costs associated with the improvements through rates applied to their customers’ future electric bills.

## PUC Adopts Ancillary Services Rules with OCSC Input

On Dec. 19, the Public Utility Commission adopted a new set of rules governing Ancillary Services, a key component of the ERCOT-managed energy market employed to help maintain system reliability.

The rules included considerations of recommendations forwarded by OCSC and other intervenors and were adopted as part of a study of the state’s Ancillary Services posture mandated by Texas lawmakers in the aftermath of Winter Storm Uri. In approving the Ancillary Services Study in December, the PUC made two significant AS policy decisions as detailed below.

### ERCOT Confirms—and Maintains—Recent “Conservative Operations”

During the AS study process, ERCOT confirmed a recent shift in its operational practices. Before Winter Storm Uri, ERCOT acquired AS quantities necessary to avoid load shed or blackout events. After Winter Storm Uri, ERCOT acquired greater quantities of AS so as also to avoid emergency “Watches.” OCSC and an allied municipal coalition, the Texas Coalition for Affordable Power, argued that this new conservative posture is unnecessary and inflates consumer costs and that ERCOT’s AS new acquisition procedures are ambiguous and require supporting cost analysis.

However, the PUC directed ERCOT to continue conservative operations until ERCOT produces the cost analysis necessary to compare competing operating postures. ERCOT will now develop cost analysis related to various operating postures before 2027 when the Commission will update the AS Study. In 2027, cost analysis may compel ERCOT to adjust its operating

posture to a less conservative, more consumer-friendly, approach.

### PUC Broadens the Scope of AS Objectives

The Commissioners, in its adopted AS Study, also directed ERCOT to develop the Dispatchable Reliability Reserve Service — that is, ERCOT’s newest AS — in a manner that both promotes operational reliability and resource adequacy initiatives. Cities argued that resource adequacy initiatives are outside the scope of AS policy and could possibly inflate DRRS costs. Nonetheless, in large part due to ongoing resource adequacy concerns, the PUC directed ERCOT to develop DRRS in a manner that preserves “optionality”— i.e., the ability to deploy DRRS for operational reliability *and* resource adequacy. ERCOT stakeholders, including Cities, will now determine to what extent DRRS should serve as a resource adequacy initiative.

The rulemaking comes in response to Senate Bill 3 from 2021, under which the PUC, ERCOT, and ERCOT’s Independent Market Monitor (IMM) were charged with conducting a top-to-bottom examination of Ancillary Services in the ERCOT region. This examination includes the type, volume, and cost of ancillary services, whether those services continue to meet the needs of the ERCOT region, and whether additional services are needed for reliability, with an emphasis on dispatchable generation.

More information about this rulemaking can be found on the PUC website, under Project No. 55845, *Review of Ancillary Services in ERCOT*. More information about Ancillary Services can be found in the OCSC ERCOT glossary, found online on the OCSC website.



# Oncor Receives Approval for Multiple DCRF Increases

On Oct. 24, the PUC adopted another Oncor Distribution Cost Recovery Factor rate increase —the fourth since June 2023 — bringing the total increases over that period to more than \$377 million.

Under the newest increase, the per-customer DCRF charge will increase from .003472 per kilowatt hour approved in its most recent DCRF case to .004553. This new charge amounts to more than \$71 per year for a typical customer consuming 1,300 kWh of power per month.

The repeated rate hikes are a result of state laws adopted in 2011 and 2023 that created and then modified the DCRF ratemaking process. Under it, transmission and distribution utilities can file for rate increases at the Public Utility Commission to recover capital expenditures on their distribution systems in an expedited fashion.

Texas lawmakers initially adopted Senate Bill 1693 in 2011 that laid out initial DCRF guidelines and included rules barring utilities from filing more than one DCRF per year. Then, in 2023, the Texas Legislature adopted Senate Bill 1015 that allowed electric utilities to seek DCRF rates hike twice annually.

However, Oncor has taken advantage of an otherwise trivial semantic distinction— that is, the difference in meaning between “calendar year” and “every 12 months” — to file a total of four rate cases within 14 months. That is, the company filed two rate cases during the 2023 calendar year and two during the 2024 calendar year, making for a total of four rate hikes since the law took effect in June 2023.

Under DCRF rules, the PUC reviews the rate requests in an accelerated fashion, and interested parties, such as the Steering Committee of Cities Served by Oncor, can intervene in those reviews.

Details of Oncor’s four recent rate filings include:

## Docket No. 55190

- Application filed on June 29, 2023.
- Distribution revenue requirement increase requested by utility: \$152,777,465.
- Distribution revenue requirement increase granted: \$152,508,937 (\$268,528 decrease from request).

## Docket No. 55525

- Application filed on September 15, 2023.
- Distribution revenue requirement increase requested by utility: \$56,536,428.
- Distribution revenue requirement increase granted: \$53,536,428 (\$3 million decrease from request).

## Docket No. 56306

- Application filed on March 1, 2024.
- Distribution revenue requirement increase requested by utility: \$81,323,815.
- Distribution revenue requirement increase granted: \$81,323,815.

## Docket No. 56963

- Application filed on August 16, 2024.
- Distribution revenue requirement increase requested by utility: \$90,288,143.
- Distribution revenue requirement increase granted: \$90,288,143.



Find out more about ERCOT, the non-profit corporation that oversees the state’s electric power grid, in the glossary and primer from the Steering Committee of Cities Served by Oncor. The 18-page document includes definitions of key ERCOT terms, plus information about the organization’s history, structure and board structure. You can find the publication, “Coming to Terms with ERCOT,” in PDF form on the OCSC Report page at this [link](#).

# OCSC Advocates for Consumers in 2024 Securitization Proceeding

Although facing years of Winter Storm Uri-related debt, residential and commercial customers should end up shouldering a smaller portion of it thanks in part to regulatory recommendations made by cities.

Adopted Aug. 29 by the Public Utility Commission as part of a broader set of debt-financing rules, the recommendations should result in indirect benefits for residential and commercial customers. At the same time, certain industrial energy users could end up paying comparatively more.

## The Background

In 2021, the Texas Legislature funded several debt-financing programs to soften the short-term pain of spiraling gas and electric energy costs during Winter Storm Uri. Known as “securitized” financing or “securitization,” the programs allow for large fiscal obligations to be retired over time with interest.

As has been widely reported, wholesale prices exceeded a regulatory threshold during Winter Storm Uri because of emergency orders issued by the PUC. One such securitization program is designed to address \$2.1 billion in excess market costs associated with those controversial regulatory decisions. The securitization program would provide short-term relief for retail electric providers and other “Load Serving Entities” (such as electric cooperatives and municipal utilities) affected by those high prices, with the cost of that relief generally borne by market participants.

One of the recommendations from the OCSC adopted by the PUC would increase the relative share of that burden borne by certain industrial customers. This, in turn, would indirectly lessen the burden on retail electric

providers and other LSEs that serve residential and small commercial users.

## The Details

In more specific terms, ERCOT, under the program will assess securitization charges to each Load Serving Entity in accordance with their actual, real-time energy usage. However, transmission voltage customers — that is, certain large industrial users — have the option to “opt-out” of the program. Those that do so wouldn’t be eligible to benefit from payments under it nor would they have to make payments to support it.

Under the Aug. 29 PUC ruling, transmission-voltage customers who have had a transfer in ownership will lose the ability to opt-out. All else equal, this should benefit other load serving entities. The OCSC and PUC staff recommended this regulatory interpretation.

## Regulatory History

PUC staff earlier filed a petition seeking a declaratory order that transmission-voltage customers, after a transfer in ownership, lose their securitization opt-out status. OCSC also took that position in agency proceedings, arguing that that interpretation was consistent with legislative directives while simultaneously avoiding a disproportionate assessment of securitization charges to residential ratepayers.

Texas Industrial Energy Consumers, a coalition including transmission voltage customers, argued otherwise. Because many transmission voltage customers are owned by the same parent company, TIEC’s interpretation would have almost certainly reduced cost savings for non-industrial customers.

## Oncor Loses Appeal in Rate Case

On February 22, a District Court Judge denied “with prejudice” an Oncor legal objection relating to a 2022 rate case, a legal action representing the final determination in the case.

### The History and Background

Oncor’s 2022 rate case resulted in a June 2023 PUC Order on Rehearing that set a 6.65 percent rate of return and ordered a reduction to Oncor’s revenues. In September 2023, Oncor filed a petition in District Court in Travis County appealing the PUC’s June Order on Rehearing.

In November 2023, the PUC, represented by attorneys with the Texas Attorney General, filed a “Plea to the Jurisdiction” arguing that Oncor failed to meet the requirements for an administrative appeal. On February 22, 2024, a District Court Judge granted the PUC’s Plea to the Jurisdiction. Oncor’s petition for review of the PUC’s decision was denied with prejudice, meaning this is the final determination in the case and Oncor cannot re-file its appeal.



# Oncor Reports Increased Revenues in 2024, Anticipates More Spending Going Forward

Oncor reported year-to-date earnings of \$800 million, as compared to the \$683 million during last year’s corresponding nine-month period, according to information released to investors on Nov. 6.

The \$117 million increase was driven by overall higher revenues primarily attributable to updated interim rates and new base rates implemented in May 2023, according to the company.

As of September 30, Oncor had 884 active generation and LC&I transmission points of interconnection requests in queue. Generation customers represented 505 of the active requests, of which 44 percent are solar, 44 percent are storage, 7 percent are wind, 4 percent are gas and 1 percent are other.

Oncor also expects to announce a new five-year

capital expenditure plan for 2025 through 2029 during the first quarter of 2025 that will project a 40-50 percent increase over its previously announced 2024 through 2028 capital plan of \$24.2 billion. The increase is largely driven by the forecasted growth of customer demand within ERCOT, according to Oncor.

### About Oncor

Headquartered in Dallas, Oncor Electric Delivery Company operates the largest transmission and distribution system in Texas. The company delivers electricity to more than 4 million homes and businesses and operates more than 143,000 circuit miles of transmission and distribution lines. While Oncor is owned by two investors (indirect majority owner, Sempra, and minority owner, Texas Transmission Investment LLC), it is managed by a separate board of directors.

## Arlington City Attorney Molly Shortall Named OCSC Chair



Molly Shortall

OCSC welcomed a new chair in 2024, Arlington City Attorney Molly Shortall. Prior to being named City Attorney in 2022, Ms. Shortall was an assistant city attorney for 15 years. Ms. Shortall has been a licensed attorney since 2006. Congratulations Ms. Shortall!



Paige Mims

Ms. Shortall replaced Paige Mims, City Attorney for the City of Plano, who stepped down as OCSC chair at the end of 2023 after serving nine years in the position. Ms. Mims has been a tireless advocate for the organization, and OCSC thanks her for her years of leadership.

2025 OCSC Meetings  
March 6  
June 12 (virtual only)  
September 11  
December 11 (virtual only)

OCSC Officers  
Chair—Molly Shortall  
Vice Chair—Don Knight  
Secretary—Lupe Orozco  
Treasurer—David Johnson

For more questions or concerns regarding any ACSC matter or communication, please contact the following representative, who will be happy to provide assistance:



Thomas L. Brocato  
(512) 322-5857  
tbrocato@lglawfirm.com

Jamie Mauldin  
(512) 322-5890  
jmauldin@lglawfirm.com

## MEMORANDUM

TO: Steering Committee of Cities Served by Oncor  
 FROM: Molly Shortall, Chair  
 DATE: January 13, 2025  
 RE: **Action Needed – 2025 Membership Assessment Invoice**

Enclosed please find the 2025 Steering Committee of Cities Served by Oncor (“Steering Committee”) membership assessment invoice and draft resolution. These items are discussed below. We ask that your city please take action on the membership assessment as soon as possible.

Although the Steering Committee does not require that your city take action by resolution to approve the assessment, some members have requested a resolution authorizing payment of the 2025 membership assessment. Payment of the membership assessment fee shall be deemed to be in agreement with the terms of the Steering Committee participation agreement.

Please forward the membership assessment fee and, if applicable, the signed resolution to Brandi Stigler, Steering Committee of Cities Served by Oncor, Mail Stop 63-0300, PO Box 90231, Arlington, Texas 76004. Checks should be made payable to: *Steering Committee of Cities Served by Oncor, c/o City of Arlington*. If you have any questions, please feel free to contact me at (817-459-6878) or Thomas Brocato ([tbrocato@lglawfirm.com](mailto:tbrocato@lglawfirm.com), (512/914-5061).

### **Membership Assessment Invoice and Resolution**

The Steering Committee is the most active consumer group advocating the interests of cities and residential and small commercial customers within the cities to keep electric transmission and distribution (*i.e.*, wires) rates reasonable. Steering Committee activities protect the authority of municipalities over the regulated wires service and rates charged by Oncor Electric Delivery Company, LLC (“Oncor”).

The work undertaken by the Steering Committee has saved cities and ratepayers millions of dollars in unreasonable charges. In order to continue to be an effective voice before the Public Utility Commission of Texas (“Commission” or “PUC”), ERCOT, the Legislature, and in the courts, the Steering Committee must have your support. The membership assessment is deposited in an account which funds Steering Committee activities.

On December 12, 2024, the Steering Committee approved the 2025 assessment for Steering Committee membership. Based upon the population-based assessment protocol previously adopted by the Steering Committee, the assessment for 2025 is a per capita fee of \$0.11 based upon the population figures for each city shown in the latest TML Directory of City Officials. The enclosed invoice represents your city’s assessment amount.

To assist you in the assessment process, we have attached several documents to this memorandum for your use:

- OCSC 2024 Year in Review

- Model resolution approving the 2025 assessment (optional, provided for those cities that have requested a resolution to authorize payment)
- Model staff report supporting the resolution
- List of Steering Committee members
- 2025 Assessment invoice
- 2024 Assessment invoice and statement (only if not yet paid)
- Blank member contact form to update distribution lists

1669/16/7990684

**Statement**

City of Arlington C/O Oncor Cities Steering  
 Committee  
 Attn: Brandi Stigler  
 PO Box 90231  
 Arlington, TX 76004

Date
1/15/2025

To:
City of Everman

		Amount Due	Amount Enc.
		\$ 1,338.54	
Date	Transaction	Amount	Balance
1/8/2024	Invoice #24-48	\$ 637.40	\$ 637.40
12/30/2024	Invoice #25-48	\$ 701.14	\$ 1,338.54
			Amount Due
			\$ 1,338.54



**CITY OF EVERMAN**  
212 North Race Street Everman, TX 76140  
**STAFF REPORT**

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**AGENDA TITLE:** RESOLUTION NO. 2025-02-03 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS, APPROVING A CONTRACT BETWEEN THE CITY OF EVERMAN POLICE DEPARTMENT AND THE TEXAS COMMISSION ON LAW ENFORCEMENT AUTHORIZING THE DEPARTMENT TO SERVE AS A TRAINING PROVIDER; AUTHORIZING THE POLICE CHIEF TO EXECUTE SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

**MEETING DATE:** 02/11/2025

**PREPARED BY:** C. W. Spencer

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**RECOMMENDED ACTION:**

Approval

**BACKGROUND INFORMATION:**

The Everman Police Department has served as a contract training provider for the Texas Commission on Law Enforcement for many years. This means that the agency is equipped and staffed to provide TCOLE approved training to law enforcement officers across the State of Texas. All training provided by our agency is accredited, allowing Officers from our agency and others to earn certifications and continuing education hours.

Every few years, the Texas Commission on Law Enforcement conducts audits of training records to ensure compliance with standards. The Everman Police Department has passed all historical audits and has applied to renew our agreement.

**FISCAL IMPACT:**

None

**CITY OF EVERMAN, TEXAS**

**RESOLUTION NO. 2025-02-03**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS, APPROVING A CONTRACT BETWEEN THE CITY OF EVERMAN POLICE DEPARTMENT AND THE TEXAS COMMISSION ON LAW ENFORCEMENT AUTHORIZING THE DEPARTMENT TO SERVE AS A TRAINING PROVIDER; AUTHORIZING THE POLICE CHIEF TO EXECUTE SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Everman, Texas (the "City"), and the Texas Commission on Law Enforcement (the "TCOLE") desire to enter into contract agreement pursuant to Texas Occupations Code Chapter 1701 and 37 Texas Administrative Code Chapters 211-29 for the provision of authorizing the Everman Police Department to serve as an authorized Training Provider; and

**WHEREAS**, the City Council finds that the contract will serve the best interests of the residents of the City and the staff of the Everman Police Department by enhancing training opportunities; and

**WHEREAS**, the City Council has reviewed the contract, attached hereto as Exhibit "A," and finds it to be acceptable and in compliance with applicable laws; and

**WHEREAS**, the City Council desires to authorize the Police Chief to execute the Interlocal Agreement on behalf of the City of Everman; and

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

**SECTION 1.** The City Council hereby approves the contract between the City of Everman and the Texas Commission on Law Enforcement authorizing the Everman Police Department to serve as a Training Provider, attached hereto as Exhibit "A" and incorporated herein by reference.

**SECTION 2.** The Police Chief is hereby authorized to execute the contract on behalf of the City of Everman and to take all necessary steps to implement the terms of the Agreement.

**SECTION 4.** This Resolution shall be effective immediately upon its passage.

DULY RESOLVED AND ADOPTED ON THIS THE \_\_\_\_ DAY OF FEBRUARY 2025, BY  
THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS.

APPROVED:

\_\_\_\_\_  
Ray Richardson, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Mindi Parks, City Secretary

\_\_\_\_\_  
Victoria Thomas, City Attorney

**EXHIBIT A**  
**TCOLE Training Provider Contract**

4883-4107-9275, v. 1



## TEXAS COMMISSION ON LAW ENFORCEMENT TRAINING PROVIDER CONTRACT

### I. AUTHORITY AND APPLICABLE STANDARDS.

1. The Texas Commission on Law Enforcement (Commission) and **Everman Police Department (439212)** (Contract Training Provider) enter into this contract by the Commission's approval of Training Provider's application under Texas Occupations Code Chapter 1701 and 37 - Texas Administrative Code Chapters 211-29.

2. All requirements and standards of Texas Occupations Code Chapter 1701, 37 Texas Administrative Code Chapters 211-29, and any other applicable law are incorporated into this contract by reference. As such, this contract's lack of expressly mentioning a specific provision or requirement does not waive the requirement or otherwise excuse Training Provider's noncompliance.

3. By the signatures below, the designated individuals have full authority to enter into this agreement for their respective party.

4. The Commission's Executive Director or Designee has the authority to execute the provisions incorporated into this contract.

### II. REQUIREMENTS AND OBLIGATIONS.

5. The Training Provider desires to provide law enforcement related training courses to licensees and for these licensees to receive credit for such training from the Commission.

6. In consideration of the Training Provider's promise to comply with all requirements incorporated into this contract, mutual covenants, agreements, and benefits to both parties the Commission and Training Provider agree to the following provisions of this contract.

7. Training Provider represents it is in compliance with applicable provisions of the Americans with Disabilities Act of 1990 and the regulations promulgated by the Equal Employment Opportunity Commission, the United States Department of Justice and other applicable laws and regulations.

8. Training Provider represents that it is in compliance, and shall continue to comply, with all requirements incorporated into this contract. Thus, these requirements include:

- (a) Training Provider shall appoint and maintain the appointment of an Advisory Board (Board) for the duration of this contract;
- (b) Training Provider shall appoint a qualified training coordinator meeting all Commission requirements;

# TEXAS COMMISSION ON LAW ENFORCEMENT TRAINING PROVIDER CONTRACT

- (c) Training Provider shall not conduct any basic licensing course as defined by Commission rules. Sheriffs' Offices with an active contract may conduct a Basic County Corrections licensing course with the consent of the Commission;
- (d) Training Provider shall not conduct any Distance Education unless an approved Distance Education Addendum is executed.
- (e) Training Provider shall conduct all classroom instruction in accordance with the Commission's minimum enrollment and training standards;
- (f) Training Provider shall follow Commission instructor guides, when available, and retains the ability to enhance these instructor guides.
- (g) Training Provider shall, on the basis of training needs identified in the application, develop instructor lesson plans containing learning objectives and student evaluations for each course. The courses provided shall be in accordance with the original application or addendums;
- (h) Training Provider shall submit a report of training for each course conducted. Courses shall be submitted electronically through TCLEDDS. The Training Provider will not submit reports of credit hours for annual weapons proficiency or similar recertification by test only;
- (i) Training Provider agrees not to represent itself as a Law Enforcement Academy, as defined by statute and Commission rules and guidelines or use the term "Academy" in the providers name; and
- (j) Training Provider shall submit to the Commission on a form approved by the Commission within thirty days of: any change in the chief administrator or training coordinator; any failure to meet commission rules and standards by the academy, training coordinator, instructors, or advisory board; when non-compliance with federal or state requirements is discovered; or any change in name, physical location, mailing address, electronic mail address, or telephone number; any change in the department dean or Southern Association of Colleges & Schools (SACS) or Texas Higher Education Coordinating Board (THECB) status for academic alternative training providers.
- (k) Training Provider shall send a representative to the Annual TCOLE Training Coordinators' Conference.

## TEXAS COMMISSION ON LAW ENFORCEMENT TRAINING PROVIDER CONTRACT

### III. CANCELLATION, SUSPENSION, AND TERMINATION.

9. - The Commission may immediately suspend operation of a contract for a Training Provider's noncompliance with the terms of the contract or any Commission rule or law. Operation of the contract may be suspended for a period of time, including a period pending outcome of an investigation or until remedial compliance with applicable standards has been met. The suspension is considered effective when the Training Coordinator is notified in writing.

10. The Commission may cancel a contract issued in error or based on false or incorrect information.

11. Either party may terminate this contract upon ten days written notice. The Commission may also terminate this contract if:

- (a) The training coordinator intentionally or knowingly submits, or causes the submission of, a falsified document or a false written statement or representation to the commission;
- (b) Training Provider has not met the needs of the communities or agencies it serves;
- (c) Training Provider fails to comply with any term of a contract or violation of a commission rule or law, including when a provider has been classified as at risk under this chapter for a twelve-month period without complying with commission rules;
- (d) Training Provider has failed to conduct training within a calendar year without a waiver from the commission; or
- (e) If applicable, Training Provider has lost accreditation, including SACS or THECB approval.

### IV. EXPIRATION AND RENEWAL.

12. This contract will expire on **December 31, 2029**, unless otherwise cancelled, suspended or terminated earlier.

13. To be considered for renewal, the Training Provider shall submit to the Commission a contract renewal application that meets the timeline set forth by the Commission rules. The Commission may renew this contract for any term deemed appropriate and dependent upon an evaluation which includes an assessment of the provider's compliance with: commission standards; terms of the contract; program performance; and needs of the community or agencies it services.

## TEXAS COMMISSION ON LAW ENFORCEMENT TRAINING PROVIDER CONTRACT

### V. OTHER CONTRACT CLAIMS.

**14.** If applicable, Training Provider shall use the dispute resolution process provided for in Chapter 2260 of the Texas Government Code to attempt to resolve any claim for breach of contract made by the Training Provider:

- (a) Training Provider's claims for breach of this Contract that the parties cannot resolve in the ordinary course of business shall be submitted to the negotiation process provided in Chapter 2260, subchapter B, of the Government Code. To initiate the process, the Training Provider shall submit written notice, as required by subchapter B, to the Executive
- (b) Director of the Commission. Said notice shall specifically state that the provisions of Chapter 2260, subchapter B, are being invoked. A copy of the notice shall also be given to all other representatives of the Training Provider and the Commission otherwise entitled to notice under the parties' Contract. Compliance by the Training Provider with subchapter B is a condition precedent to the filing of a contested case proceeding under Chapter 2260, subchapter C, of the Government Code.
- (c) The contested case process provided in Chapter 2260, subchapter C, of the Government Code is Training Provider's sole and exclusive process for seeking a remedy for any and all alleged breaches of contract by the Commission if the parties are unable to resolve their disputes under Section A.
- (d) Compliance with the contested case process provided in subchapter C is a condition precedent to seeking consent to sue from the Legislature under Chapter 107 of the Civil Practices and Remedies Code. Neither the execution of this contract by the Commission nor any other conduct of any representative of the Commission relating to the Contract shall be considered a waiver of sovereign immunity to suit.
- (e) The submission, processing and resolution of the Training Provider's claim is governed by the published rules adopted by the Office of the Attorney General pursuant to Chapter 2260, as currently effective.

### VI. INDEMNITY.

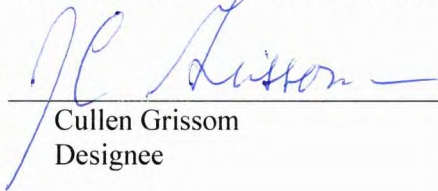
**15.** To the extent authorized by the Texas Constitution and state law, the Training Provider agrees to indemnify and save harmless the Commission, its Commissioners, Executive Director, and employees from and against any and all claims, demands, actions, and suits; including but not limited to any liability for damages by reason or arising out of any and all

**TEXAS COMMISSION ON LAW ENFORCEMENT  
TRAINING PROVIDER CONTRACT**

contents contained in the courses or the locations at which the courses are conducted pursuant to this contract, or arising out of or involving any negligence on the part of the Training Provider, its chief administrator, training coordinator or its agents, employees or appointees.

**TEXAS COMMISSION ON LAW ENFORCEMENT**

**EVERMAN POLICE DEPARTMENT**

By:   
Cullen Grissom  
Designee

By: \_\_\_\_\_  
Chief Craig W. Spencer  
Chief Administrator

Date: January 6, 2025

Date: \_\_\_\_\_



**CITY OF EVERMAN**  
212 North Race Street Everman, TX 76140  
**STAFF REPORT**

**AGENDA TITLE:** Actions Concerning Appointments to Various Boards, Commissions, or Committees.

**MEETING DATE:** 02/11/2025

**PREPARED BY:** C. W. Spencer

**RECOMMENDED ACTION:**

Select Appointees to the Senior Citizen Advisory Board

**BACKGROUND INFORMATION:**

Currently, two vacancies still remain on the Senior Citizen Advisory Board. This item has been tabled several times and by requirement of the City Council Rules and Procedures, must remain on the agenda until all vacancies are filled.

**FISCAL IMPACT:**

None



**SENIOR CITIZEN ADVISORY COMMITTEE**

Created by Ordinance 792 - November 1, 2022  
 Terms Begin November 1.  
 Places 1, 2, & 3 are odd years Places 4, 5, 6, & 7 are even years.

Position	Name	Address	Phone Number	E-mail	Appointment Date	Appointment Expiration
Staff Liason	Jennifer Nateros	[REDACTED]	[REDACTED]	[REDACTED]	N/A	N/A
Place 1	Johnnie Allen	[REDACTED]	[REDACTED]	[REDACTED]	1/14/2025	11/1/2027
Place 2	Bobbie Montgomery	[REDACTED]	[REDACTED]	[REDACTED]	1/14/2025	11/1/2026
Place 3	Judith Graham	[REDACTED]	[REDACTED]	[REDACTED]	1/14/2025	11/1/2027
Place 4	Jackie Johnson				1/14/2025	11/1/2026
Place 5	Linda Sanders				1/28/2025	11/1/2027
Place 6	VACANT					
Place 7	VACANT					