



REGULAR CITY COUNCIL MEETING

City Hall Council Chambers, 298 West Washington Street
Tuesday, February 07, 2023 at 5:30 PM

AGENDA

CALL TO ORDER

PLEDGES OF ALLEGIANCE

INVOCATION

MAY 6, 2023 ELECTION

[Consider](#) Approval of the Order of Election for the May 6, 2023 General Election

[Consider](#) Approval of Contract with Erath County for Election Services

CITIZENS GENERAL DISCUSSION

REGULAR AGENDA

- [1.](#) Consider Approval of Acquisition of New Phone System
- [2.](#) Consider Approval of the 377 Elevated Storage Tank Logo
- [3.](#) 2022 Stephenville Police Department Racial Profiling Report

PLANNING AND ZONING COMMISSION

Steve Killen, Director of Development Services

[4.](#) PUBLIC HEARING

Case Nos.: RZ2023-001 and RP2023-001

Applicant Andrew Hansen of Swiss Management, LLC, representing John Wayland is Requesting a Rezone of Property Located at 3050 W Washington, Parcel R44948, being 13.836 Acres out of 40.740 Acres, A0613 PEARSON HENRY of the City of Stephenville, Erath County, Texas from Retail & Commercial Business (B-2) to Multi-Family Residential District (R-3) with Simultaneous Platting

- [5.](#) Consider Approval of Ordinance Rezoning Property Located at 3050 W Washington, Parcel R44948, being 13.836 Acres out of 40.740 Acres, A0613 PEARSON HENRY of the City of Stephenville, Erath County, Texas from (B-2) Retail & Commercial Business to (R-3) Multi-Family Residential District with Simultaneous Platting

[6.](#) PUBLIC HEARING

Case No.: AS2023-001

Abandonment of 20-foot Alleyway Located in Block 8 of the Cage Addition of the City of Stephenville Authorized by Section 95.51 of the Code of Ordinances and the Sale of the Same

- [7.](#) Consider Approval of an Ordinance Abandoning a 20-foot Alleyway Located in Block 8 of the Cage Addition of the City of Stephenville Authorized by Section 95.51 of the Code of Ordinances and Authorizing the Sale of the Same

PUBLIC WORKS COMMITTEE

Mark McClinton, Chair

- [8.](#) Public Works Committee Report from January 17, 2023
- [9.](#) Consider Approval of Proposed Amendment to Annual Operations Agreement Amendment with Jacobs/CH2M OMI for Wastewater Treatment Plant Operations
- [10.](#) Consider Approval of the Transfer of the 100 Block of South Graham from TxDOT to City of Stephenville
- [11.](#) Consider Approval of Professional Service Agreement for Evaluation of Sanitary Sewer Basin 4-North

FINANCIAL REPORTS

Monica Harris, Director of Finance

- [12.](#) Monthly Budget and Quarterly Investment Report for the Period Ending December 31, 2022

STEPHENVILLE ECONOMIC DEVELOPMENT AUTHORITY REPORT

Jeff Sandford, Executive Director

CONSENT AGENDA

- [13.](#) Consider Approval of Minutes - January 3, 2023 - Regular Meeting
- [14.](#) Consider Approval of Minutes - January 17, 2023 Special Meeting
- [15.](#) Consider Approval of Minutes - January 27, 2023 Special Meeting
- [16.](#) Consider Approval to Sell Auction Items

COMMENTS BY CITY MANAGER

COMMENTS BY COUNCIL MEMBERS

EXECUTIVE SESSION

In compliance with the provisions of the Texas Open Meetings Law, Subchapter D, Government Code, Vernon's Texas Codes, Annotated, in accordance with

- 17. Section 551.071 Consultation with Attorney** - to consult over a pending or contemplated litigation or a settlement offer

ACTION TAKEN ON ITEMS DISCUSSED IN EXECUTIVE SESSION, IF NECESSARY

ADJOURN

Note: The Stephenville City Council may convene into Executive Session on any matter related to any of the above agenda items for a purpose, such closed session allowed under Chapter 551, Texas Government Code.

In accordance with the Americans with Disabilities Act, persons who need accommodation to attend or participate in this meeting should contact City Hall at 254-918-1287 within 48 hours prior to the meeting to request such assistance.

ORDER OF GENERAL ELECTION FOR THE CITY OF STEPHENVILLE, TEXAS

An election is hereby ordered to be held on Saturday, May 6, 2023, for the purpose of electing the following:

Council Member - Place 1
Council Member - Place 3
Council Member - Place 5
Council Member - Place 7

Early voting by personal appearance will be conducted each weekday at:

Main Early Voting Location

Erath County Courthouse
100 W. Washington
Stephenville, TX 76401

Branch Early Voting Location

Patrick Street Church of Christ
630 N. Patrick St.
Dublin, TX 76446

Early Voting Hours

April 25-28 Tuesday – Friday 8:00 am – 5:00 pm and
May 2nd Tuesday 8:00 am – 5:00 pm

Extended Hours

Monday, April 24 & Monday, May 1st 7:00 am – 7:00 pm

Applications for ballot by mail shall be mailed to:

Gwinda Jones, County Election Officer
100 W. Washington
Stephenville, Texas 76401
(254) 965-1482
vote@co.erath.tx.us
www.co.erath.tx.us/184/Elections

Applications for Ballots by Mail (ABBM)s must be received no later than the close of business on **Tuesday, April 25, 2022.**

Federal Post Card Applications (FPCAs) must be received no later than the close of business on **Monday, April 17, 2022.**

Ordered this 7TH day of February, 2023, by the City Council of the City of Stephenville, Texas.

Doug Svien, Mayor

ATTEST:

Sarah Lockenour, City Secretary

ELECTION SERVICES CONTRACT WITH THE COUNTY ELECTIONS OFFICER STATE OF TEXAS, COUNTY OF ERATH

THIS CONTRACT made by and between the City of Stephenville, hereinafter referred to as “Political Subdivision,” and Gwinda Jones, County Election Officer for Erath County, Texas hereinafter referred to as “Contracting Officer,” and by authority of Section 31.092(b), Texas Election Code, for the conduct and supervision of the May General Election. THIS AGREEMENT is entered into in consideration of the mutual covenants and promises hereinafter set out:

Political Subdivision is holding a general election for the selection of certain elected officers (at the expense of Political Subdivision).

The County owns an electronic voting system, the ES&S ExpressVote System (Version 6.0.2.0), which has been duly approved by the Secretary of State pursuant to Texas Election Code Chapter 122 as amended and is compliant with the accessibility requirements set forth by Texas Election Code Section 61.012. Political Subdivision desires to use the County’s electronic voting system and to compensate the County for such use.

NOW THEREFORE, in consideration of the mutual covenants, agreements, and benefits to the parties, IT IS AGREED as follows:

DUTIES AND SERVICES OF “CONTRACTING OFFICER”

The Contracting Officer shall be responsible for performing the following duties and shall furnish the following services and equipment.

- (a) Contact the designated polling places and arrange for their use in the election.
- (b) Procure and distribute election kits and all necessary election supplies.
- (c) Procure all necessary voting machines and equipment, transport machines and equipment to and from the vote centers and prepare the voting machine and equipment for use at the vote centers. Perform all testing as required by law.
- (d) Work with ES&S Service Bureau to program ballot on behalf of Political Subdivision. The Contracting Officer may enter into a separate election’s services contract with another political subdivision for an election conducted on the same day. The participating parties shall share a mutual ballot in those precincts where jurisdictions overlap. However, in no instance shall a voter be permitted to receive a ballot containing an office or proposition stating a measure on which the voter is ineligible to vote. Each Political Subdivision will furnish a list of candidates and/or propositions showing the order and the exact manner in which they are to appear on the official ballot, including

titles and text in each language in which the ballot is to be printed as soon after the filing period as possible.

(e) Serve as early voting clerk and provide deputy early voting clerks to assist with the early voting. As Early Voting Clerk, the Contracting Officer, shall receive applications for early voting ballots to be voted by mail. Any requests for early voting ballots to be voted by mail received by the Political Subdivision shall be forwarded immediately to the Contracting Officer, for processing.

(f) Notify the Political Subdivision of the date, time, and place of the election school and arrange for a facility for holding the school.

(g) Publish the legal notice of date, time, and place of the test of the electronic tabulating equipment and conduct such test.

(h) Be responsible for accumulating votes cast at each of the vote centers. In accordance with TEC, Chapter 127.151:

Accumulation Station Manager: Gwinda Jones, County Clerk

Station Supervisor: Sharlene Talamantes, Election Coordinator

The Contracting Officer will prepare the unofficial canvass reports after all precincts have been counted and will deliver a copy of the unofficial canvass to the Political Subdivision as soon as possible after all returns have been tabulated. All participating authorities shall be responsible for the official canvass of their respective elections.

The Contracting Officer shall be responsible for conducting the post-election manual recount required by Section 127.201 of the Texas Election Code unless a waiver is granted by the Secretary of State. Notification and copies of the recount, if waiver is denied, will be provided to each participating authority and the Secretary of State's Office.

(i) Assist in the general overall supervision of the election and provide advisory services in connection with the decisions to be made and the actions to be taken by the officers of the Subdivision who are responsible for holding the election.

DUTIES AND SERVICES OF "POLITICAL SUBDIVISION"

(a) Political Subdivision will furnish a list of candidates and/or propositions showing the order and the exact manner in which they are to appear on the official ballot, including titles and text in each language in which the ballot is to be printed as soon after the filing period as possible.

(b) Publish and Post Notice of Election.

(c) Political Subdivision will provide copies of the Order of Election, Cancellation of Election, official canvass, and any other notices or orders regarding the Election made by the Political Subdivision

FEES

(a) The Contracting Officer will be responsible to pay the early voting judges/clerks, Election Day judges/clerks, and the ballot board. If more than one entity is holding an election on the same date the election judge/clerk costs will be divided by the participants. The Political Subdivision will receive a statement for their portion of the costs as applicable, including a summary and copies of all invoices. The number of election judges used will vary depending on the number and type of election(s) being held, but the number of judges will never be less than three per location.

(b) Political Subdivision shall be responsible for paying a rental fee of voting machines during the election(s) at a rate of 3% of the purchase price of the equipment. This fee will be paid individually; it is not split between entities sharing the election. This includes the ExpressVote machines (ballot marking device), DS200s (scanner), laptops (electronic voter registration list), and ElectionWare reports software needed to conduct the election.

(c) ES&S will program and code the ballot for the election and bill Erath County. The Contracting Officer will then bill the Political Subdivision for their portion of the election.

(d) Contracting Officer will provide absentee ballot services to mail and process absentee ballots. The fee for the service is \$350.00, \$.68 per packet for postage, and \$2.56 per ballot packet processed.

(e) Political Subdivision will be charged the actual cost of publishing the Notice of Logic and Accuracy Test, or their portion of the fee if multiple entities are holding an election on the same day.

(f) There will also be a mileage fee and supply kit fee. If more than one entity is holding an election on the same date, these fees will be divided between the participants.

(g) An administrative fee of ten percent (10%) of the total cost of the election will be charged for overall supervision by the Contracting Officer.

(h) With the exception of the rental fee, if multiple entities share an election, the percentage of the election cost paid by the Political Subdivision will be based on the

number of registered voters within that entity. The Contracting Officer will include the percentage calculations with the statement and invoice copies.

GENERAL CONDITIONS

(a) Nothing contained in this contract shall authorize or permit a change in the officer with whom or the place at which any document or record relating to the election is to be filed, the place at which any function is to be carried out, the officers who conduct the official canvass of the election returns, the officer to serve as custodian of the voted ballots or other election records, or any other nontransferable function specified by section 31.096 of the Texas Election Code.

(b) This contract is ongoing and shall continue until cancelled by either party by giving a ninety (90) days prior written notice of any such cancellation to the other party.

(c) The Contracting Officer is the agent of the Political Subdivision for the purposes of contracting with third parties with respect to the election expenses within the scope of the Contracting Officer's duties, and the Contracting Officer is not liable for the failure to pay a claim.

(d1) Unless otherwise agreed in the contract between the parties, where the Political Subdivision or Contracting Officer fails to perform one or more of its contractual duties, the consequences set out in this clause will follow if and to the extent that that party establishes: (1) that its failure to perform was caused by an impediment beyond its reasonable control and (2) that it could not reasonably have avoided or overcome the effects of the impediment.

(d2) The party invoking this clause shall be presumed to have established the conditions described in the preceding paragraph in the case of the occurrence of one or more of the following impediments: war (whether declared or not), armed conflict or the serious threat of the same (including but not limited to hostile attack, blockade, military embargo), hostilities, invasion, act of a foreign enemy, extensive military mobilization, civil war, riot, rebellion, revolution, military or usurped power, insurrection, civil commotion or disorder, mob violence, act of civil disobedience, act of terrorism, sabotage or piracy; plague, epidemic, pandemic, outbreaks of infectious disease or any other public health crisis, including quarantine, social distancing, isolation or other behavioral restrictions; act of authority whether lawful or unlawful, compliance with any law or governmental order, rule, regulation or direction, curfew restriction, expropriation, compulsory acquisition, seizure of works, requisition, nationalization; act of God or natural disaster such as but not limited to violent storm, cyclone, typhoon, hurricane, tornado, earthquake, landslide, flood, damage or destruction by lightning, drought; explosion, fire, destruction of machines, equipment and of any kind of installation, prolonged breakdown of transport, telecommunication or electric current; shortage or inability to obtain critical material or supplies to the extent not subject to the reasonable control of the subject party ("force majeure event").

(d3) This provision shall become effective only if the party failing to perform notifies the other party within a reasonable time of the extent and nature of the Force Majeure event, limits delay in performance to that required by the Event, and takes all reasonable steps to minimize damages and resume performance.

(d4) If the party failing to perform does not prove an impediment listed above, they are subject to a penalty fee due to the other party equal to the rental cost of the equipment and all expenses accrued up to that time/date.

(d5) If the party failing to perform does prove a Force Majeure event, the Political Subdivision will be responsible for all expenses accrued up to the time/date of the Force Majeure event.

(e) The Contracting Officer shall have this contract approved by Commissioners' Court of Erath County.

(f) Only the actual expenses directly attributable to the Contract may be charged (Section 31.00(b), Texas Election Code).

By signing this agreement, Political Subdivision is acknowledging that the Contracting Officer may enter into a separate election's services contract with another political subdivision for an election conducted on the same day.

IN WITNESS WHEREOF, the parties hereto acting under authority of their respective governing bodies have caused this Contract to be duly executed in several counterparts, each of which shall constitute an original, as of the ____ day of _____, 2023.

City of Stephenville

Attest

Gwinda Jones, Erath County Clerk

Date



STAFF REPORT

SUBJECT: Acquisition of new Phone system

DEPARTMENT: Information Technology

STAFF CONTACT: James Wiley

RECOMMENDATION:

Staff recommends the acquisition of the cloud based GoTo Phone system to replace the aging on premise Mitel system.

BACKGROUND:

The Mitel system has already reached end of life and will reach end of support in June 2023.

FISCAL IMPACT SUMMARY:

The current support cost for the Mitel system is approximately \$5,800/year. The initial cost of GoTo Phone will be \$7,715.50 and the monthly, ongoing cost will be \$1,544.40/month. \$10,000 was included in the FY22-23 adopted budget. The difference in cost can be absorbed in the regular IT budget.

ALTERNATIVES

Continue to use the old, non supported Mitel system and hope it doesn't stop working.

STEPHENVILLE



City of Champions
**Honeybees &
Yellow Jackets**



POSSIBLE LOGOS

Side One



COWBOY CAPITAL OF THE WORLD

Side Two



CITY OF CHAMPIONS


2022 Racial Profiling Report

Stephenville Police Department



"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 23, 2023

Stephenville City Council
356 N. Belknap
Stephenville, TX 76401

Dear Distinguished Members of the City Council,

In 2001 the Texas Legislature, with the intent of addressing the issue of racial profiling in policing, enacted the Texas Racial Profiling Law. During the last calendar year, the Stephenville 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. All of these requirements have been met by the Stephenville Police Department and are included in this report.

This report consists of three sections with information on motor vehicle-related contacts. In addition, when appropriate, documentation is included which demonstrates the manner in which the Stephenville 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 Stephenville 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.

Finally, section three contains statistical data relevant to contacts (as defined by the law) which were made during the course of motor vehicle stops that took place between 1/1/22 and 12/31/22. Further, this section contains the Tier 2 form, which is required to be submitted to this particular organization and the law enforcement agency's local governing authority by March 1 of each year. The data in this report has been 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.

The last section of the report includes 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 (Texas Commission on Law Enforcement), is included. The findings in this report support the Stephenville 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 Stephenville 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 Stephenville 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 Stephenville 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 Stephenville 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 Stephenville Police Department have completed the TCOLE basic training on racial profiling. The main outline used to train the officers of Stephenville has been included in this report.

It is important to recognize that the Chief of the Stephenville 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 Stephenville 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: <http://tlo2.tlc.state.tx.us/tlo/77r/billtext/SB01074F.htm>

*Report on
Compliments
and Racial
Profiling
Complaints*



Report on Complaints

The following table contains data regarding officers that have been the subject of a complaint, during the time period of 1/1/22-12/31/22 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 Stephenville 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 1/1/22-12/31/22.

Complaints Filed for Possible Violations of The Texas Racial Profiling Law

Complaint Number	Alleged Violation	Disposition of the Case

Additional Comments:

Tables Illustrating Motor Vehicle-Related Contacts

TIER 2 DATA

TOTAL STOPS: 5,930

STREET ADDRESS OR APPROXIMATE LOCATION OF STOP.

City Street	4,016
US Highway	1,282
County Road	546
State Highway	13
Private Property	73

WAS RACE OR ETHNICITY KNOWN PRIOR TO STOP?

Yes	477
No	5,453

RACE OR ETHNICITY

Alaska Native/American Indian	13
Asian/Pacific Islander	36
Black	328
White	4,484
Hispanic/Latino	1,069

GENDER

Female Total: 2,489

Alaska Native/American Indian	1
Asian/Pacific Islander	17
Black	93
White	1,980
Hispanic/Latino	398

Male Total: 3,441

Alaska Native/American Indian	12
Asian/Pacific Islander	19
Black	235
White	2,504
Hispanic/Latino	671

REASON FOR STOP?

Violation of Law Total: 88

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	4
White	68
Hispanic/Latino	16

Pre-existing Knowledge Total: 109

Alaska Native/American Indian	0
Asian/Pacific Islander	3
Black	7
White	83
Hispanic/Latino	16

Moving Traffic Violation Total: 4,023

Alaska Native/American Indian	10
Asian/Pacific Islander	25
Black	213
White	3,083
Hispanic/Latino	692

TIER 2 DATA

Vehicle Traffic Violation Total: 1,710

Alaska Native/American Indian	3
Asian/Pacific Islander	8
Black	104
White	1,250
Hispanic/Latino	345

Contraband (in plain view) Total: 4

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

WAS SEARCH CONDUCTED?

	YES	NO
Alaska Native/American Indian	1	12
Asian/Pacific Islander	3	33
Black	48	280
White	302	4,182
Hispanic/Latino	98	971
TOTAL	452	5,478

Probable Cause Total: 178

Alaska Native/American Indian	1
Asian/Pacific Islander	1
Black	30
White	109
Hispanic/Latino	37

Inventory Total: 113

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	7
White	72
Hispanic/Latino	34

REASON FOR SEARCH?

Consent Total: 87

Alaska Native/American Indian	0
Asian/Pacific Islander	1
Black	2
White	60
Hispanic/Latino	24

Incident to Arrest Total: 70

Alaska Native/American Indian	0
Asian/Pacific Islander	1
Black	9
White	57
Hispanic/Latino	3

TIER 2 DATA

Item 3.

WAS CONTRABAND DISCOVERED?

	YES	NO
Alaska Native/American Indian	0	1
Asian/Pacific Islander	0	3
Black	26	22
White	153	52
Hispanic/Latino	52	46
TOTAL	231	221

Did the finding result in arrest?

	YES	NO
Alaska Native/American Indian	0	0
Asian/Pacific Islander	0	0
Black	14	12
White	27	25
Hispanic/Latino	52	101
TOTAL	93	138

DESCRIPTION OF CONTRABAND

Drugs Total: 151

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	21
White	102
Hispanic/Latino	28

Currency Total: 1

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

Weapons Total: 27

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	5
White	11
Hispanic/Latino	11

Alcohol Total: 51

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	3
White	34
Hispanic/Latino	14

TIER 2 DATA

Stolen Property Total: 3

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

Other Total: 28

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	3
White	21
Hispanic/Latino	4

RESULT OF THE STOP

Verbal Warning Total: 84

Alaska Native/American Indian	0
Asian/Pacific Islander	1
Black	2
White	68
Hispanic/Latino	13

Written Warning Total: 4,493

Alaska Native/American Indian	11
Asian/Pacific Islander	30
Black	234
White	3,473
Hispanic/Latino	745

Citation Total: 1,007

Alaska Native/American Indian	2
Asian/Pacific Islander	4
Black	63
White	700
Hispanic/Latino	238

Written Warning and Arrest Total: 50

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	3
White	38
Hispanic/Latino	9

Citation and Arrest Total: 10

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	7
Hispanic/Latino	3

Arrest Total: 286

Alaska Native/American Indian	0
Asian/Pacific Islander	1
Black	26
White	198
Hispanic/Latino	61

TIER 2 DATA

ARREST BASED ON

Violation of Penal Code Total: 207

Alaska Native/American Indian	0
Asian/Pacific Islander	1
Black	12
White	145
Hispanic/Latino	49

Violation of Traffic Law Total: 74

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	6
White	51
Hispanic/Latino	17

Violation of City Ordinance Total: 4

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

Outstanding Warrant Total: 61

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	10
White	44
Hispanic/Latino	7

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

	YES	NO
Alaska Native/American Indian	0	13
Asian/Pacific Islander	0	36
Black	0	328
White	1	4,483
Hispanic/Latino	0	1,069
TOTAL	1	5,929

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	13	2	0	11	0%	0%	0%	0%
Asian/ Pacific Islander	36	4	1	30	1%	0%	1%	1%
Black	328	63	2	234	6%	6%	2%	5%
White	4,484	707	68	3,473	76%	70%	81%	77%
Hispanic/ Latino	1,069	241	13	745	18%	24%	15%	17%
TOTAL	5,930	1,017	84	4,493	100%	100%	100%	100%

Table 2. Motor Vehicle Contacts and Fair Roads Standard Comparison

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

Race/Ethnicity	Contact Percentage	Households with Vehicle Access
Alaska Native/American Indian	0%	0%
Asian/Pacific Islander	1%	0%
Black	6%	3%
White	76%	86%
Hispanic/Latino	18%	10%
TOTAL	100%	99%

Table 3. Motor Vehicle Searches and Arrests.

Race/Ethnicity	Searches	Consent Searches	Arrests
Alaska Native/American Indian	1	0	0
Asian/Pacific Islander	3	1	1
Black	48	2	29
White	302	60	243
Hispanic/Latino	98	24	73
TOTAL	452	87	346

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
1	02/12/22	City Street	Pre-Existing Knowledge

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	1	0	1	0	0%	0%	0%	0%
Asian/ Pacific Islander	3	0	3	1	1%	0%	1%	0%
Black	48	26	22	29	11%	11%	10%	8%
White	302	153	149	243	67%	66%	67%	21%
Hispanic/ Latino	98	52	46	73	22%	23%	21%	21%
TOTAL	452	231	221	346	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 1/1/22-12/31/22.

Number of Data Audits Completed	Date of Completion	Outcome of Audit
1	03/01/22	Data was valid and reliable
2	06/01/22	Data was valid and reliable
3	09/01/22	Data was valid and reliable
4	12/01/22	Data was valid and reliable

ADDITIONAL COMMENTS:**Table 7. Instance Where Force Resulted in Bodily Injury.**

Race/Ethnicity	Number	Percent
Alaska Native/American Indian	0	0%
Asian/Pacific Islander	0	0%
Black	0	0%
White	1	100%
Hispanic/Latino	0	0%
TOTAL	1	100%

Table 8. Reason for Arrests from Vehicle Contact

Race/ Ethnicity	Violation of Penal Code	Violation of Traffic Law	Violation of City Ordinance	Outstanding Warrant	Percent Penal Code	Percent Traffic Law	Percent City Ordinance	Percent Warrant
Alaska Native/ American Indian	0	0	0	0	0%	0%	0%	0%
Asian/ Pacific Islander	1	0	0	0	0%	0%	0%	0%
Black	12	6	1	10	6%	8%	25%	16%
White	145	51	3	44	70%	69%	75%	72%
Hispanic/ Latino	49	17	0	7	24%	23%	0%	11%
TOTAL	207	74	4	61	100%	100%	100%	100%

Table 9. Contraband Hit Rate

Race/ Ethnicity	Searches	Contraband Found Yes	Contraband Hit Rate	Search Percent	Contraband Percent
Alaska Native/ American Indian	1	0	0%	0%	0%
Asian/ Pacific Islander	3	0	0%	1%	0%
Black	48	26	54%	11%	11%
White	302	153	51%	67%	66%
Hispanic/Latino	98	52	53%	22%	23%

Analysis and Interpretation of Data

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 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 central 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 previously noted, 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.

More recently, 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.

As part of their effort to comply with The Texas Racial Profiling/Sandra Bland Law, the Stephenville Police Department commissioned the analysis of its 2022 contact data. Hence, two different types of data analyses were performed. The first of these involved a careful evaluation of the 2022 motor vehicle-related data. This particular analysis measured, as required by the law, the number and percentage of Whites, Blacks, Hispanics or Latinos, Asians and Pacific Islanders, Alaska Natives and American Indians (Middle Easterners and individuals belonging to the “other” category, as optional categories), 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 additional data analysis performed was based on a comparison of the 2022 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 Stephenville Police Department accepted our recommendation to rely, 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 Stephenville Police Department in 2022 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, some 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 Stephenville 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 city of Stephenville.

Tier 2 (2022) Motor Vehicle-Related Contact Analysis

When examining the enhanced and more detailed Tier 2 data collected in 2022, it was evident that most motor vehicle-related contacts were made with Whites, followed by Hispanics. Of those who came in contact with police, most tickets or citations were issued to Whites and Hispanics; this was followed by Blacks. However, in terms of written warnings, most of these were issued to Whites, followed by Hispanics.

On searches and arrests, the data showed that most searches took place among Whites. When considering all searches, most were consented by Whites and Hispanics, while most custody arrests were also of Whites. Overall, most searches resulted in contraband; of those that produced contraband, most were of Whites; this was followed by Hispanics. Of the searches that did not produce contraband, most were of Whites. Most arrests were made of Whites. Most of the arrests that originated from a violation of the penal code involved Whites. Overall, the police department reports one instance where force was used that resulted in bodily injury.

Comparative Analysis

A comprehensive analysis of the motor vehicle contacts to the census data relevant to the number of “households” in Stephenville who indicated in the 2020 census that they had access to vehicles, produced interesting findings. Specifically, the percentage of Whites and American Indians who came in contact with police was the same or lower than the percentage of White and American Indian households in Stephenville that claimed in the 2020 census to have access to vehicles. The opposite was true of Blacks, Hispanics, and Asians. That is, a higher percentage of Blacks, Hispanics, and Asians came in contact with police than the percentage of Black, Hispanic, and Asian households in Stephenville that claimed in the 2020 census to have access to vehicles. It should be noted that the percentage difference among Black and Asian contacts with households is of 3% or less; thus, deemed by some as statistically insignificant.

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 and Whites. This means that among all searches performed in 2022, the most significant percentage of these that resulted in contraband was among Blacks. The lowest contraband hit rate was among Asians.

Summary of Findings

As referenced earlier, 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 Stephenville 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 Stephenville 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 Stephenville Police Department should continue to:

- 1) Perform an independent analysis on contact and search data in the upcoming year.
- 2) Commission data audits in 2023 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 included in this report serves as evidence that the Stephenville 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 tolerated.

Checklist

The following requirements were met by the Stephenville 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 Stephenville 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 complaint 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, 2023.
- ✓ Adopt a policy, if video/audio equipment is installed, on standards for reviewing video and audio documentation.



Legislative & Administrative **Addendum**



TCOLE GUIDELINES

Guidelines for Compiling and Reporting Data under Senate Bill 1074

Background

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

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

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

Standard 1

Each law enforcement agency has a detailed written directive that:

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

Commentary

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

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

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

Standard 2

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

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

Commentary

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

Standard 3

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

Commentary

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

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

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

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

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

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

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

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

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

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

Standard 4

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

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

Commentary

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

Standard 5

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

Commentary

None

Standard 6

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

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

Commentary

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

Standard 7

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

Commentary

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

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

The Texas Law on Racial Profiling

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

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

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

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

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

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

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

(1) clearly define acts constituting racial profiling;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) the person's gender; and

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

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

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

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

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

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

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

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

Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED.

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

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

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

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

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

(A) determine the prevalence of racial profiling by peace officers employed by the agency; and

(B) examine the disposition of traffic and pedestrian stops made by officers employed by the agency, including searches resulting from the stops; and

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

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

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

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

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

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

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

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

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

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

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

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

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT.

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

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

(2) smaller jurisdictions; and

(3) municipal and county law enforcement agencies.

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

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

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

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

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

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

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

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

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

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

(3) analyzing and reporting collected information.

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

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

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

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

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

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

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

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

(2) the registration number of the vehicle involved;

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

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

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

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

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

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

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

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

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

SECTION 9. Not later than January 1, 2002:

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

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

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

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

SECTION 12. This Act takes effect September 1, 2001

President of the Senate

Speaker of the House

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

Secretary of the Senate

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

Chief Clerk of the House

Approved:

Date

Governor

Modifications to the Original Law

(H.B. 3389)

Amend CSHB 3389 (Senate committee report) as follows:

(1) Strike the following SECTIONS of the bill:

- (A) SECTION 8, adding Section 1701.164, Occupations Code (page 4, lines 61-66);
- (B) SECTION 24, amending Article 2.132(b), Code of Criminal Procedure (page 8, lines 19-53);
- (C) SECTION 25, amending Article 2.134(b), Code of Criminal Procedure (page 8, lines 54-64);
- (D) SECTION 28, providing transition language for the amendments to Articles 2.132(b) and 2.134(b), Code of Criminal Procedure (page 9, lines 40-47).

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

(a) In this article:

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

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

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

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

- (1) clearly define acts constituting racial profiling;
- (2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;
- (3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;
- (4) provide public education relating to the agency's complaint process;
- (5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;
- (6) require collection of information relating to motor vehicle ~~[traffic]~~ stops in which a citation is issued and to arrests made as a result of ~~[resulting from]~~ those ~~[traffic]~~ stops, including information relating to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) the person's gender; and

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

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

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

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

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

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

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

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

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

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

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

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

(a) In this article:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) a sentence is imposed on the person;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) a records management and preservation services fee (Art. 102.005, Code of Criminal Procedure) . . . \$25;

(4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;

(5) a juvenile delinquency prevention and graffiti eradication fee (Art. 102.0171, Code of Criminal Procedure) . . . \$50 [~~\$5~~]; [~~and~~]

(6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5; and

(7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

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

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

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

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

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

(3) a records management and preservation services fee (Art. 102.005, Code of Criminal Procedure) . . . \$25;

(4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;

(5) a juvenile delinquency prevention and graffiti eradication fee (Art. 102.0171, Code of Criminal Procedure) . . . \$50 [~~\$5~~]; [~~and~~]

(6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5; and

(7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

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

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

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

(1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$3;

(2) a fee for withdrawing request for jury less than 24 hours before time of trial (Art. 102.004, Code of Criminal Procedure) . . . \$3;

(3) a jury fee for two or more defendants tried jointly (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of \$3;

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

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

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

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

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

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

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

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

- (1) this chapter;

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

(3) a commission rule.

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

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

Racial and Ethnic Designations

(H.B. 3051)

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

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

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

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

(A) Alaska native or American Indian;

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

(C) black;

(D) white; and

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

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

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

(1) Alaska native or American Indian;

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

(3) black;

(4) white; and

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

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

President of the Senate

Speaker of the House

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

Chief Clerk of the House

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

Secretary of the Senate

APPROVED: _____

Date

Governor

The Sandra Bland Act

(S.B. 1849)

S.B. No. 1849

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

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

ARTICLE 1. SHORT TITLE

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

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

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

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

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

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

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

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

(2) The magistrate is not required to order the collection of information under Subdivision

(1) if the defendant in the year preceding the defendant's applicable date of arrest has been determined to have a mental illness or to be a person with an intellectual disability [mental retardation] by the local mental health or intellectual and developmental disability [mental retardation] authority or another mental health or intellectual disability [mental retardation] expert described by Subdivision

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

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

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

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

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

(3) recommended treatment.

(c) After the trial court receives the applicable expert's written assessment relating to the defendant under Subsection (b) or elects to use the results of a previous determination as described by Subsection (a)(2), the trial court may, as applicable:

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

(2) resume or initiate competency proceedings, if required, as provided by Chapter 46B

or other proceedings affecting the defendant's receipt of appropriate court-ordered mental health or intellectual disability [mental retardation] services, including proceedings related to the defendant's receipt of outpatient mental health services under Section 574.034, Health and Safety Code; or

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

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

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

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

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

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

(2) it is reasonable to divert the person;

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

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

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

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

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

(1) establishing [a] new collaboratives; or

(2) establishing or expanding collaboratives that serve two or more counties, each with a population of less than 100,000 [collaborative].

(b) The department shall require each entity awarded a grant under this section to:

(1) leverage additional funding from private sources in an amount that is at least equal to the amount of the grant awarded under this section; [and]

(2) provide evidence of significant coordination and collaboration between the entity, local mental health authorities, municipalities, local law enforcement agencies, and other community stakeholders in establishing or expanding a community collaborative funded by a grant awarded under this section; and

(3) provide evidence of a local law enforcement policy to divert appropriate persons from jails or other detention facilities to an entity affiliated with a community collaborative for the purpose of providing services to those persons.

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

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

(1) how local mental health authorities, municipalities, local law enforcement agencies, and other community stakeholders in the county could coordinate to establish or expand a community collaborative to accomplish the goals of Section 539.002;

(2) how entities in the county may leverage funding from private sources to accomplish the goals of Section 539.002 through the formation or expansion of a community collaborative; and

(3) how the formation or expansion of a community collaborative could establish or support resources or services to help local law enforcement agencies to divert persons who have been arrested to appropriate mental health care or substance abuse treatment.

(b) The governing body of a county in which an entity that received a grant under Section 539.002 before September 1, 2017, is located is not required to develop a plan under Subsection (a).

(c) Two or more counties, each with a population of less than 100,000, may form a joint plan under Subsection (a).

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

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

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

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

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

otherwise if the:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

standards, and procedures of the commission; and

(C) solutions to operational challenges for jails;

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

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

(A) determine if a prisoner is pregnant; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

as follows:

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

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

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

(b) The prisoner safety fund consists of:

- (1) appropriations of money to the fund by the legislature; and
- (2) gifts, grants, including grants from the federal government, and other donations received for the fund.

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

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

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

- (1) a suicide;
- (2) an attempted suicide;
- (3) a death;
- (4) a serious bodily injury, as that term is defined by

Section 1.07, Penal Code;

- (5) an assault;
- (6) an escape;
- (7) a sexual assault; and
- (8) any use of force resulting in bodily injury, as that term is defined by Section 1.07, Penal

Code.

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

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

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

Sec. 511.021. INDEPENDENT INVESTIGATION OF DEATH OCCURRING IN COUNTY JAIL. (a) On the death of a prisoner in a county jail, the commission shall appoint a law enforcement agency, other

than the local law enforcement agency that operates the county jail, to investigate the death as soon as possible.

(b) The commission shall adopt any rules necessary relating to the appointment of a law enforcement agency under Subsection

(a), including rules relating to cooperation between law enforcement agencies and to procedures for handling evidence.

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

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

(1) adopt the rules and procedures required by Section 511.009(d), Government Code, as added by this article, and the rules required by Section 511.021(b), Government Code, as added by this article; and

(2) prescribe the form required by Section 511.020(b), Government Code, as added by this article.

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

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

ARTICLE 4. PEACE OFFICER AND COUNTY JAILER TRAINING

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

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

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

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

section.

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

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

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

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

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

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

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

- (1) topics selected by the agency; and
- (2) for an officer holding only a basic proficiency certificate, not more than 20 hours of education and training that contain curricula incorporating the learning objectives developed by the commission regarding:
 - (A) civil rights, racial sensitivity, and cultural diversity;
 - (B) de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments; [and]
 - (C) de-escalation techniques to facilitate interaction with members of the public, including techniques for limiting the use of force resulting in bodily injury; and
 - (D) unless determined by the agency head to be inconsistent with the officer's assigned duties:
 - (i) the recognition and documentation of cases that involve child abuse or neglect, family violence, and sexual assault; and
 - (ii) issues concerning sex offender characteristics.

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

as follows:

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

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

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

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

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

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

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

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

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

- (1) clearly define acts constituting racial profiling;
- (2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;
- (3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;
- (4) provide public education relating to the agency's compliment and complaint process, including providing the telephone number, mailing address, and e-mail address to make a compliment or complaint with respect to each ticket, citation, or warning issued by a peace officer;

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

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

relating to:

- (A) the race or ethnicity of the individual detained;
- (B) whether a search was conducted and, if so, whether the individual detained consented to the search; [and]
- (C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;
- (D) whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop;
- (E) the location of the stop; and
- (F) the reason for the stop; and

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

- (A) the Texas Commission on Law Enforcement; and
- (B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

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

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

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

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

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

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

(2) the initial reason for the stop;

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

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

and a description of the contraband or evidence;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT. (a) The Department of Public Safety shall adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras [as described by Article 2.135(a)(1)(A)], including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may include consideration of tax effort, financial hardship,

available revenue, and budget surpluses. The criteria must give priority to:

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

(2) smaller jurisdictions; and

(3) municipal and county law enforcement agencies.

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

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

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

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

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

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

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

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

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

(2) make accessible online:

(A) a downloadable format of any information submitted under Article 2.134(b), Code of Criminal

Procedure, that is not exempt from public disclosure under Chapter 552, Government Code; and
 (B) a glossary of terms relating to the information to make the information readily understandable to the public. This Act takes effect September 1, 2017.

 Senate Speaker of the House

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

 Secretary of the Senate

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

ARTICLE 6. EFFECTIVE DATE

SECTION 6.01. Except as otherwise provided by this Act,

Approved:

 Date

 Governor

 Chief Clerk of the House

STEPHENVILLE POLICE DEPARTMENT RACIAL PROFILING POLICY

**STEPHENVILLE POLICE DEPARTMENT
POLICY AND PROCEDURE**

**GENERAL ORDER
DISTRIBUTION: ALL PERSONNEL**

ORDER NUMBER: **60.17**

EFFECTIVE

TITLE: **RACIAL PROFILING**

CANCELS: **60.17 DATED Jan. 1, 2010**

60.01 POLICY, PURPOSE AND DEFINITIONS

A. Policy and Purpose

This Racial/Biased Based Profiling Policy is adopted in compliance with the requirements of Articles 2.131 through 2.136, Texas Code of Criminal Procedure, which prohibits peace officers from engaging in racial/biased based profiling.

B. Definitions

Racial Biased Based Profiling. Is defined as a law enforcement-initiated action based on, but not limited to, an individual's race, ethnicity, national origin, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable groups; rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity. Racial profiling pertains to persons who are viewed as suspects or potential suspects of criminal behavior. The term is not relevant as it pertains to witnesses, complainants, persons needing assistance, or other citizen contacts.

Race or Ethnicity. Of a particular descent, including Caucasian, African, Hispanic, Asian, Native American or Middle Eastern descent.

An Act Constituting Racial Profiling. Acts initiating law enforcement action, such as a traffic stop, a subject stop, a search, issuance of a citation, or an arrest based solely upon an individual's race, ethnicity, national origin, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable groups; 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.

Subject Stop. An interaction between a peace officer and an individual who is being stopped for the purposes of an investigation in which the individual is not under arrest.

Traffic Stop. The stopping of a motor vehicle by a peace officer for an alleged violation of law or ordinance.

60.02 PROHIBITION

Officers are strictly prohibited from engaging in racial profiling in traffic contacts, field/pedestrian contacts, and in asset seizure and forfeiture efforts. The prohibition against racial profiling does not preclude the use of race, ethnicity, or other factors in a detention decision by a peace officer. Race, ethnicity, or other factors may be legitimate indicators in

such a decision when used as part of a description of a suspect or witness for whom a peace officer is searching.

60.03 COMPLAINT PROCESS, PUBLIC EDUCATION AND CORRECTIVE ACTION

- A. **Complaint Process.** Any person who believes that a peace officer employed by the City has engaged in racial profiling with respect to that person may file a complaint with the City, and no person shall be discouraged, intimidated, or coerced from filing such a complaint, or be discriminated against because they have filed such a complaint. The City shall accept and investigate citizen complaints alleging racial profiling by its peace officers. Such complaints shall be in writing, or the City employee, officer, or official receiving the complaint should reduce the same to writing, and should include the time, place and details of the incident of alleged racial profiling, the identity or description of the peace officer or officers involved, and the identity and manner of contacting the complainant. Any peace officer, City employee, or City official that receives a citizen complaint alleging racial profiling shall forward the complaint to the internal affairs division within 12 hours of receipt of the complaint. Receipt of each complaint shall be acknowledged to the complainant in writing, all such complaints shall be reviewed and investigated by Internal Affairs within guidelines set forth in G.O. 204.00, and the results of the review and investigation shall be filed with the Chief of Police and with the complainant. In investigating a complaint alleging racial profiling, Internal Affairs shall seek to determine if the officer who is the subject of the complaint 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. A single act constituting racial profiling may not be considered a pattern of racial profiling.
- B. **Public Education.** The Police Department shall provide education to the public concerning the racial profiling complaint process. A summary of the public education efforts made during the preceding year shall be included with the annual report filed with the governing body under 414.04 below.
- C. **Corrective Action.** Any peace officer who is found, after investigation, to have engaged in racial profiling in violation of this policy shall be subject to corrective action, which may include reprimand, diversity, sensitivity or other appropriate training or counseling; paid or unpaid suspension, termination of employment, or other appropriate action as determined by the Chief of Police.

60.04 DATA COLLECTION AND ANNUAL REPORTING GUIDELINES

- A. The Stephenville Police Department will ensure compliance with the Legislative mandate on Racial Profiling by equipping all of its marked police vehicles with video recording equipment and requiring their use by all officers. The Racial/Biased Based Profiling Law requires that certain information be collected and summarized in an annual report covering the period January 1 through December 31 of each year, and that the report be submitted to the Mayor and City Council, and to the Texas Commission on Law Enforcement Standards and Education (TCLEOSE), no later than March 1 of the following year. The annual report shall not include identifying information about any individual stopped or arrested, and shall not include identifying information about any peace officer involved in a stop or arrest.

60.05 COLLECTION, COMPILATION, ANALYSIS AND REPORTING REQUIREMENTS

- A. Each peace officer of the City shall make the following report for each "motor vehicle" contact where a citation is issued or an arrest is made, unless the police vehicle the officer is operating is equipped with video equipment capable of recording the event, and such equipment is operating properly and is recording the event:
1. the traffic law or ordinances alleged to have been violated or the suspected offense ;
 2. whether the officer conducted a search as a result of the stop, and, if so, whether the person detained consented to the search;
 3. whether any contraband was discovered in the course of the search and the type of contraband discovered;
 4. whether probable cause to search existed and the facts supporting the existence of that probable cause;
 5. whether the officer made an arrest as a result of the stop or the search, including a statement of the offense charged;
 6. the street address or approximate location of the stop; and
 7. whether the officer issued a citation as a result of the stop, including a description of the violation charged.
 8. whether the officer knew the race or ethnicity of the individual detained before detaining the individual.
- B. The following process will be adhered to when officers conduct traffic stops or subject stops in which the officer is not dispatched, and video recording equipment is not functioning:
1. Officers must follow established standard operating procedures and collect mandated information.
 2. Officers must checkout on every vehicle and subject stop, either via the MDC/MDT or through Dispatch.
 3. A call for service will be initiated automatically for every vehicle and subject stop. Initiating the call requires no additional action by the officer. However, the call must be cleared with a disposition code at the conclusion of the stop.
 4. Every officer with a MDC/MDT must clear the call on the MDC/MDT and not through Dispatch. Only an officer without a properly operating MDC/MDT will clear the call through Dispatch.
 5. It is important that the clearance of the call be recorded separately from any other police activity:

- If the call vehicle or subject stop results in any additional police action (such as an arrest), an additional, separate call must be initiated and cleared independent of the vehicle or subject stop call.
 - Whenever a second call is initiated, the officer must connect the two incidents by listing the traffic or subject stop call number in the "MI" comment area of the second call.
 - The officer should clear the traffic or subject stop call as soon as reasonably possible in order for all new information to be connected to the correct new call.
6. **Special Circumstances:** Overtaking/Pursuits without a vehicle stop, stopping suspect vehicles or individuals related to open calls:
- When an officer engages in overtaking or a pursuit, and the vehicle is not finally stopped, it does not qualify as a "vehicle stop" for the purposes of this program.
 - An officer stopping a suspect vehicle or individual related to an open (dispatched) call should carry that stop as part of the open call, and not as a traffic or subject stop.
 - An officer that stops a subject because they witnessed an offense would open a call based on that offense, and this program would not apply.
- C. Stephenville Police Department Supervisors will be responsible for reviewing traffic stops and subjects recorded on audio/video equipment and, each recording shall be retained by the Stephenville Police Department for a minimum of ninety (90) days.
- D. The information in each report shall be analyzed and compiled in a report that covers the period January 1 through December 31 of each year, and shall be submitted to the Mayor and City Council and the Texas Commission on Law Enforcement Standards and Education (TCLEOSE), no later than March 1 of the following year. Each such report shall include:
1. a comparative analysis of the information compiled by each officer under 414.05A (1)-(8) to:
 - determine the prevalence of racial profiling by peace officers employed by the City; and
 - examine the disposition of traffic and subject stops made by officers employed by the City, including searches resulting from such stops; and
 - information relating to each complaint filed with the City alleging that a peace officer employed by the City had engaged in racial profiling.
 2. The report required by 414.05 may not include identifying information about a peace officer that makes a traffic or pedestrian stop or about an individual who is stopped or arrested by an officer.
 - 3.

60.6 POLICE CHIEF AND PEACE OFFICER TRAINING

- A. Each peace officer employed by the City shall complete the comprehensive education and training program on racial profiling established by the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE), including legal aspects, not later than the second anniversary of the date the officer was licensed, or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.

- B. The Chief of Police shall, in completing the training required by Section 96.641, Texas Education Code, complete the program on racial profiling established by the Bill Blackwood Law Enforcement Management Institute of Texas.

Patrick C. Bridges
Chief of Police
Stephenville Police Department



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

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817.681.7840
www.texasracialprofiling.com
www.delcarmenconsulting.com

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STAFF REPORT

SUBJECT: Case Nos.: RZ2023-001 and RP2023-001

Applicant Andrew Hansen of Swiss Management, LLC, representing John Wayland is requesting a rezone of property located at 3050 W Washington, Parcel R44948, being 13.836 acres out of 40.740 Acres, A0613 PEARSON HENRY of the City of Stephenville, Erath County, Texas from (B-2) Retail & Commercial Business to (R-3) Multi-Family Residential District with simultaneous platting

DEPARTMENT: Development Services

STAFF CONTACT: Steve Killen, Director of Development Services

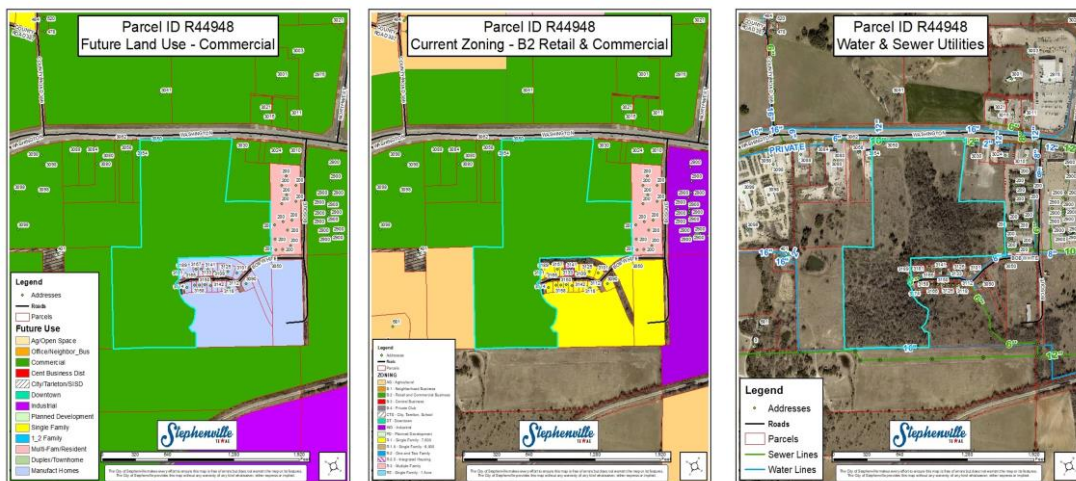
RECOMMENDATION:

The Planning and Zoning Commission convened on January 18, 2023, and by a unanimous vote, recommended the City Council approve the rezone request. If zoning request is approved, the Conveyance Plat will also be approved.

BACKGROUND:

Applicant is requesting the simultaneous consideration of the rezone and replat of the property.

PROPERTY PROFILE:



STAFF COMMENTS:

The Conveyance Plat has been reviewed by staff and meets conditions for recordation once the conveyance occurs.

Sec. 155.4.03. General subdivision and platting procedures.

- A. *Plats Required for Land Subdivision.* A Preliminary Plat or Minor Plat shall be approved prior to any land division that is subject to these regulations and prior to commencement of any new development.
- B. *Replats and Amending Plats.*

1. *Replat.* A Replat, in accordance with State law, and the provisions of Section 4.08 shall be required any time a platted, recorded lot is further divided or expanded, thereby changing the boundary and dimensions of the property.
2. *Amending Plat.* In the case of minor revisions to recorded Plats or lots, an Amending Plat may also be utilized if in accordance with Section 4.09.

C. *Zoning.*

1. *Conformance with Existing Zoning.* All Applications shall be in conformance with the existing zoning on property inside the City Limits.
2. *Request to Rezone First.* If an Applicant seeks to amend the zoning for the property, the request to rezone the land shall be submitted and approved prior to acceptance of an Application for filing of a plat, unless as otherwise provided below.
 - a. The Applicant may request approval from the City Administrator to submit an application simultaneous with the zoning change request, in which case the Application for the zoning amendment shall be acted upon first, provided that the Application is accompanied by a properly executed Waiver of Right to 30-Day Action (due to the lengthier time frame necessary to advertise and process zoning Applications).
 - b. In the event that the requested zoning amendment is denied, the Plat Application shall also be rejected or denied.

Sec. 154.05.6. Multiple family residential district (R-3).

5.6.A Description. This residential district provides for medium to high-density city neighborhood development.

The primary land use allows for single-family dwellings, two-to-four family dwelling units, and multiple family housing buildings and complexes platted as one parcel and sole source management. All R-3 zoning will be appropriate to a city-style neighborhood. Recreational, religious and educational uses are also permitted so as to contribute to the natural elements of a convenient, balanced and attractive neighborhood.

Development within this district is intended to be protected from the encroachment of land activities that do not contribute to the esthetic and functional well-being of the intended district environment.

5.6.B Permitted Uses.

- (1) Single-family detached dwelling, limited to occupancy by a family having no more than three individuals who are unrelated by blood, legal adoption, marriage or conservatorship. The owner and any agent of the owner shall be legally responsible for directly or indirectly allowing, permitting, causing, or failing to prohibit residential use of a dwelling in this district by more than three unrelated individuals;
- (2) Two-to-four family dwellings, with each family limited as in division (1) above;
- (3) Multiple family dwellings, with each family limited as in division (1) above; Student living complexes will be subject to a variance request for units designed to occupy more than three unrelated students per unit;
- (4) Assisted living center;
- (5) Convalescent, nursing or long term-care facility;
- (6) Retirement housing complex;
- (7) Accessory buildings;
- (8) Churches, temples, mosques and related facilities;
- (9) Community home;
- (10) Park or playground;
- (11) SISD school—public;
- (12) Bed and breakfast/boarding house;
- (13) Group day care home;

- (14) Registered family home;
- (15) Day care center; and
- (16) Fraternity or sorority house.

5.6.C Conditional Uses.

- (1) Home occupation;
- (2) Common facilities as the principal use of one or more platted lots in a subdivision;
- (3) Adult and/or children's day care centers;
- (4) Foster group home; and
- (5) Residence hall.

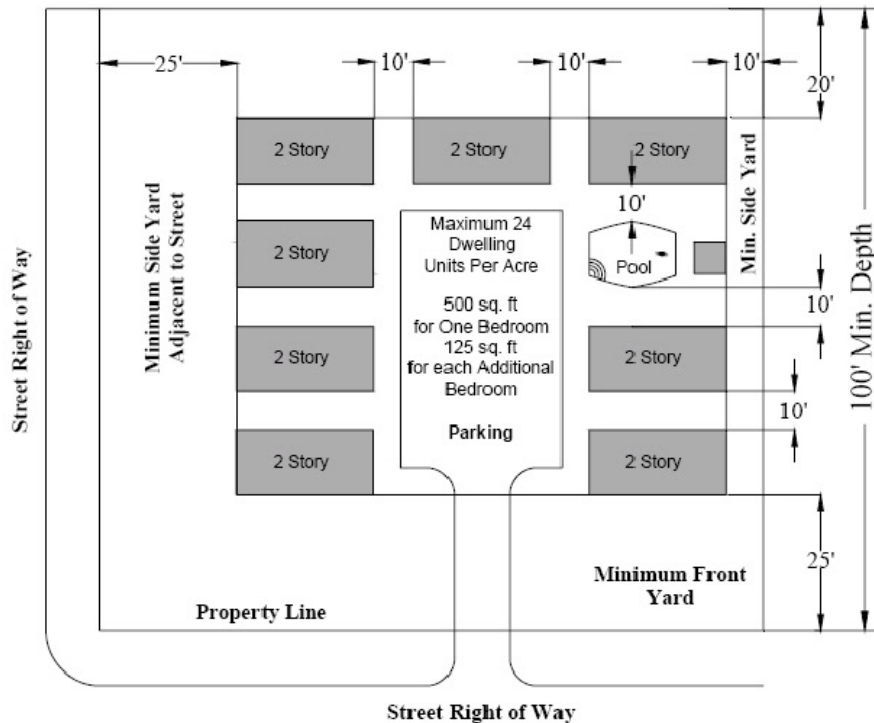
5.6.D Height, Area, Yard and Lot Coverage Requirements.

- (D) *Multiple family dwellings.*
 - (1) Minimum lot area: maximum density of 24 dwelling units per acre, which includes parking, access and all other area improvements.
 - (2) Minimum lot depth: 100 feet.
 - (3) Minimum depth of front setback: 25 feet.
 - (4) Minimum depth of rear setback: 20 feet.
 - (5) Minimum width of side setback:
 - (a) Internal lot: ten feet.
 - (b) Corner lot: 25 feet from intersecting side street.
 - (6) Building size: Minimum area of each dwelling unit: 500 ft² for one bedroom or less plus 125 ft² of floor area for each additional bedroom.
 - (7) Maximum height of structures: 35 feet.
 - (8) Public, semi-public or public service buildings, hospitals, institutions or schools may not exceed a height of 60 feet. Churches, temples and mosques may not exceed 75 feet, if the building is set back from each yard line at least one foot for each two feet additional height above the height limit in this district.

Height, Area, Yard and Lot Coverage Requirements Multiple-Family Dwelling

5.6.D Height, Area, Yard and Lot Coverage Requirements

Multiple Family Dwelling



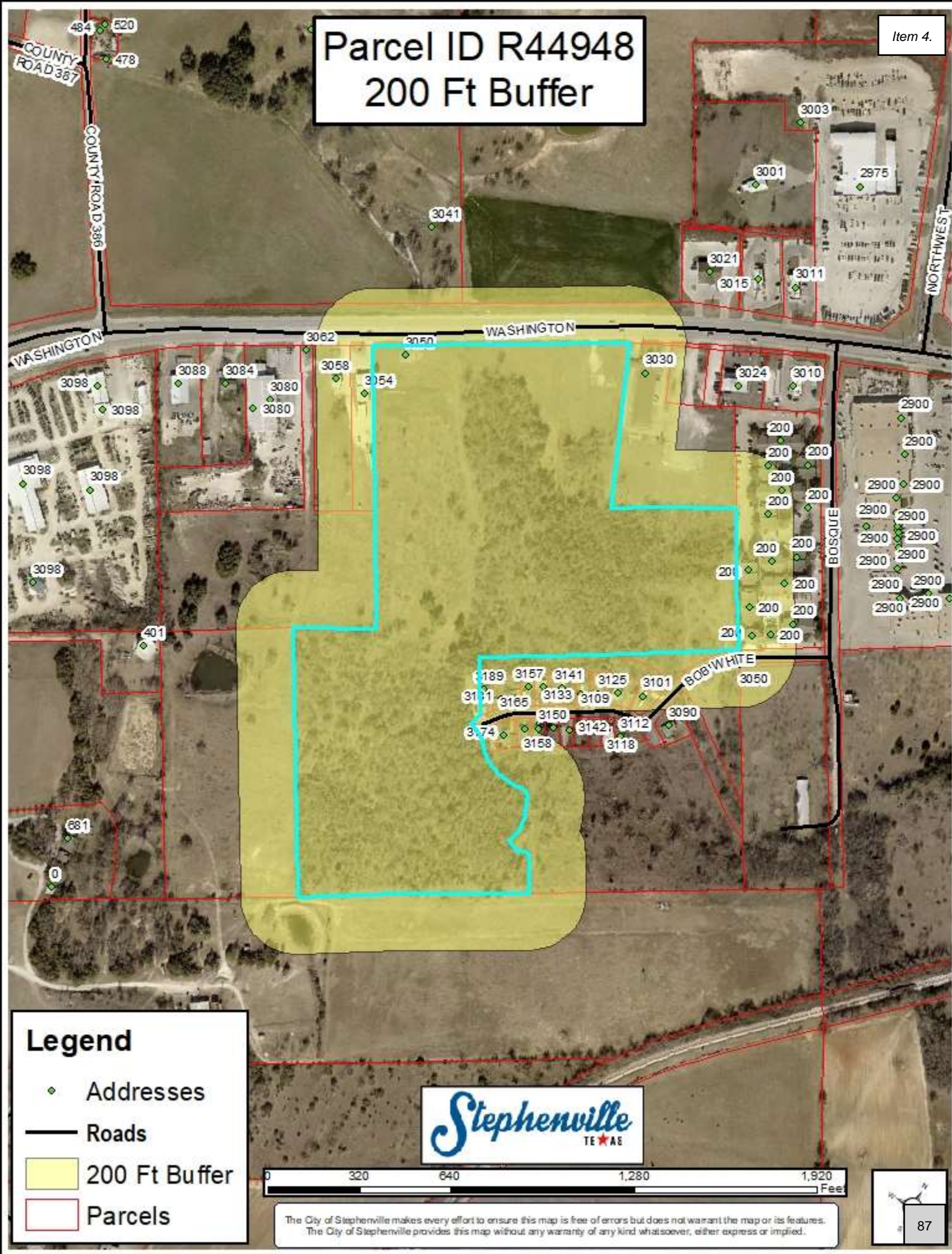
5.6.E Parking Regulations. Lots in this District shall provide a minimum of two vehicle parking spaces per dwelling unit, with a driveway connecting the parking spaces with a street or alley and meet all the pertinent requirements contained in Section 154.11 *Parking spaces for vehicles* of this ordinance. Student housing whereby individual rooms are leased by unit must require 1.5 spaces per rented bed.

ALTERNATIVES:

- 1) Accept the recommendation of the Planning and Zoning Commission and approve the rezone request. Such action will result in the approval of the plat.
- 2) Reject the recommendation of the Planning and Zoning Commission and deny the rezone request. Such action will result in the denial of the plat.

Parcel ID R44948 200 Ft Buffer

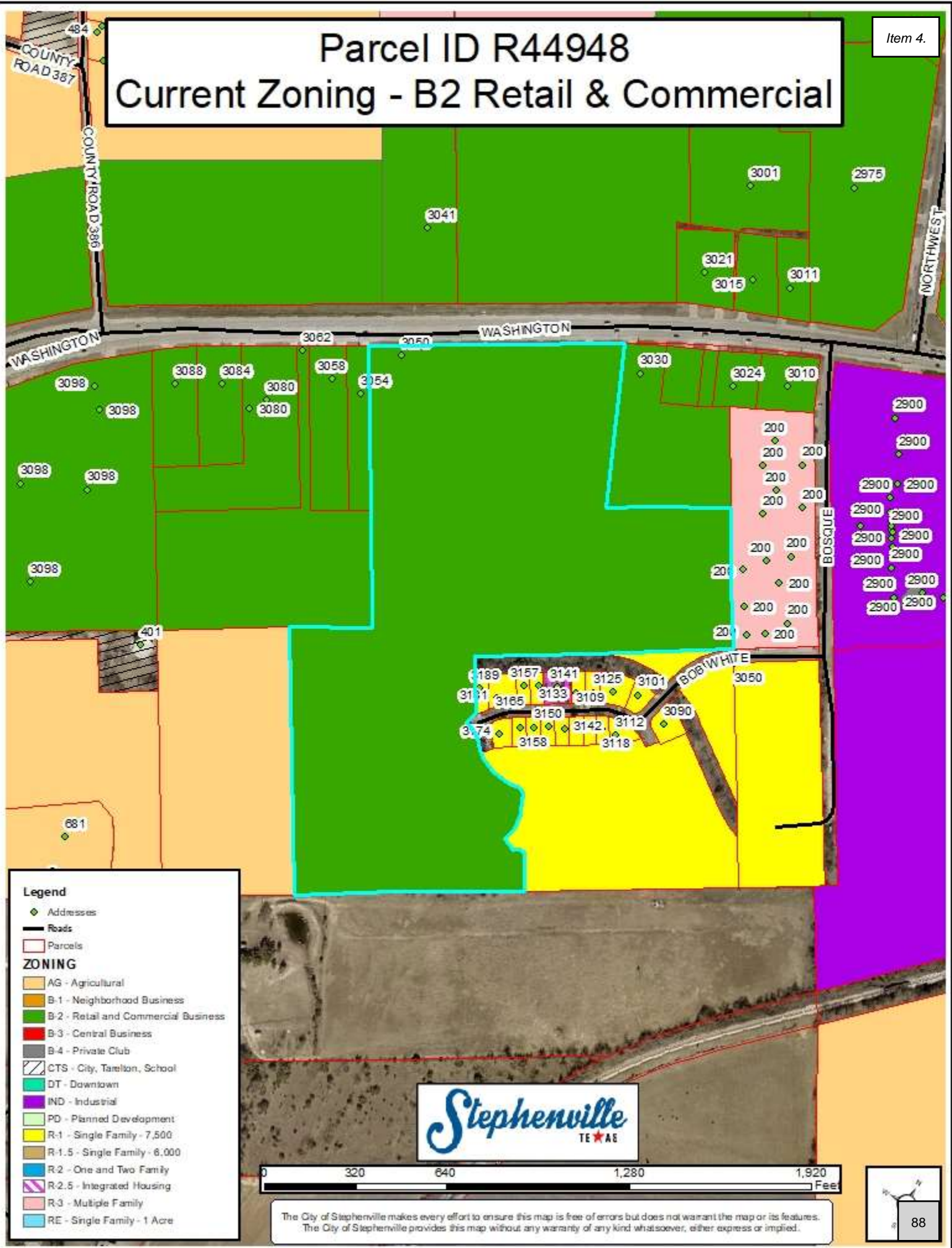
Item 4.



Parcel ID R44948

Current Zoning - B2 Retail & Commercial

Item 4.



Item 4.



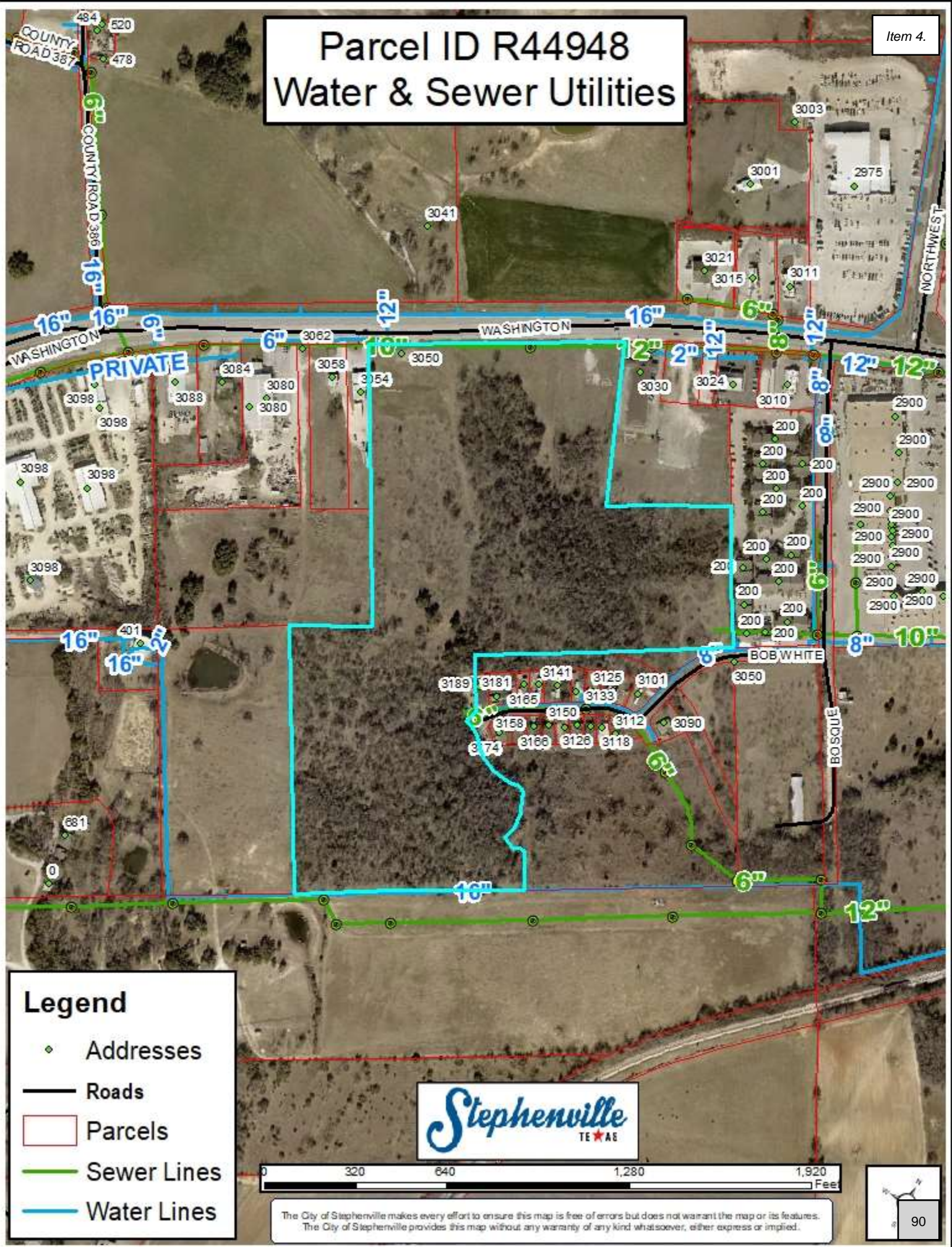
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Stephenville
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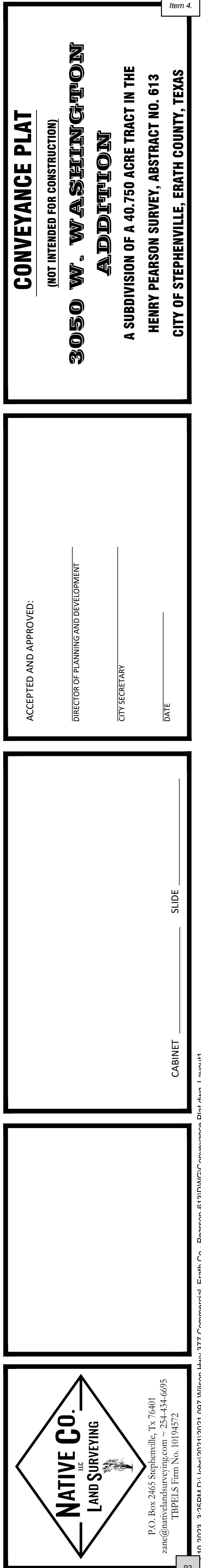
Parcel ID R44948 Water & Sewer Utilities

Item 4.



Parcel R44948 200 ft Buffer Addresses

Parcel ID	Parcel Address	Parcel Owner	Owner Address	City	State	Zip Code
R000061933	3030 W WASHINGTON	B D BAPS LLC	3030 W WASHINGTON	STEPHENVILLE	TX	76401
R000039992	3174 BOB WHITE RD	BARHAM JACI	1539 HILL VALLEY	STEPHENVILLE	TX	76401
R000023749	200 BOSQUE RD	BOSQUE RIVER APARTMENTS	PO BOX 1470	WACO	TX	76703
R000023750	0 BOB WHITE RD	BOSQUE RIVER APARTMENTS	PO BOX 1470	WACO	TX	76703
R000039989	3150 BOB WHITE RD	CIRCLE M REAL ESTATE LLC	PO BOX 441	GORDON	TX	76453
R000039990	3158 BOB WHITE RD	CIRCLE M REAL ESTATE LLC	PO BOX 441	GORDON	TX	76453
R000039988	3142 BOB WHITE RD	CIRCLE M REAL ESTATE LLC	PO BOX 441	GORDON	TX	76453
R000039977	3141 BOB WHITE RD	CIRCLE M REAL ESTATE LLC	PO BOX 441	GORDON	TX	76453
R000039983	3189 BOB WHITE RD	DURAN JOSE JORGE	3189 BOB WHITE	STEPHENVILLE	TX	76401
R000044320	0 CR257 (OFF)	FREELS RITA	681 PEACH ORCHARD RD	STEPHENVILLE	TX	76401
R000023876	0 CR257	FREELS RITA	681 PEACH ORCHARD RD	STEPHENVILLE	TX	76401
R000039979	3157 BOB WHITE RD	GONZALEZ ALVARO	1726 CR508	DUBLIN	TX	76446
R000054144	3054 W WASHINGTON	HORTON EDMOND ROBERT	2445-A NORTHWEST LOOP	STEPHENVILLE	TX	76401
R000039973	3109 BOB WHITE RD	MACIAS EDGAR	3109 BOB WHITE RD	STEPHENVILLE	TX	76401
R000057809	0 BOB WHITE RD	MILLS JAY	PO BOX 1669	STEPHENVILLE	TX	76401-0000
R000039995	0 BOB WHITE RD	MILLS JAY M	PO BOX 1669	STEPHENVILLE	TX	76401-0000
R000039994	0 BOB WHITE RD	MILLS JAY M	PO BOX 1669	STEPHENVILLE	TX	76401-0000
R000063284	3028 W WASHINGTON	PEACOCK INVESTMENTS LLC	1279 DIANA LANE	STEPHENVILLE	TX	76401
R000039980	3165 BOB WHITE RD	PIPER CADE	PO BOX 267	MORGAN MILL	TX	76465
R000023754	0 BOB WHITE RD	REF INVESTMENTS LLC	681 PEACH ORCHARD RD	STEPHENVILLE	TX	76401
R000075915	3062 W WASHINGTON	REF INVESTMENTS LLC	681 PEACH ORCHARD RD	STEPHENVILLE	TX	76401
R000050853	3058 W WASHINGTON	REF INVESTMENTS LLC	681 PEACH ORCHARD RD	STEPHENVILLE	TX	76401
R000039976	3133 BOB WHITE RD	RIOJAS RAFAEL & ROSA	3133 BOB WHITE	STEPHENVILLE	TX	76401-0000
R000039972	3101 BOB WHITE RD	RODRIGUEZ SANDRA ADELA	3101 BOB WHITE RD	STEPHENVILLE	TX	76401
R000039982	3181 BOB WHITE RD	SHERIDAN BECKY & DALTON SHERIDAN	PO BOX 219	BLUFF DALE	TX	76433
R000065368	0 W WASHINGTON	TEXAS DEPARTMENT OF TRANSPORTATION	PO BOX 6868	FORT WORTH	TX	76115-6868
R000039993	3090 BOB WHITE RD	TREVINO JANIE	3090 BOB WHITE RD	STEPHENVILLE	TX	76401
R000039991	3166 BOB WHITE RD	VEH SERIES, LLC	6413 MCCARTNEY LANE	GARLAND	TX	75043
R000044948	3050 W WASHINGTON	WAYLAND JOHN R ET AL	560 CR383	STEPHENVILLE	TX	76401-8796
R000067066	0 W WASHINGTON	WHITEFIELD DONNA & LINDA HARDIN LIVING TRUST	23002 RED RIVER DR	KATY	TX	77450
R000023827	3041 W WASHINGTON	WHITEFIELD DONNA & LINDA HARDIN LIVING TRUST	23002 RED RIVER DR	KATY	TX	77450
R000039975	3125 BOB WHITE RD	WILLIAMS RAY	1404 PRAIRIE WIND BLVD	STEPHENVILLE	TX	76401-5911



Item 4.

WASHINGTON

BOSQUE

BOB WHITE

Legend

- Addresses
 - ▭ Parcels
 - ◆ Hydrant
 - Water_Lines
 - ⊙ Manhole
 - Sewer_Line
- ### Thoroughfare Plan
- Existing Collector
 - Existing Major Arterial
 - Existing Minor Arterial
 - Existing Rural Arterial
 - Proposed Collector
 - Proposed Minor Arterial
 - Proposed Rural Arterial
 - ▭ City Limits

Stephenville
TEXAS

0 150 300 600 900 1,200 Feet

The City of Stephenville makes every effort to ensure this map is free of errors but does not warrant the map or its features.
The City of Stephenville provides this map without any warranty of any kind whatsoever, either expressed or implied.



ORDINANCE NO. 2023-O-XX

AN ORDINANCE REZONING THE LAND DESCRIBED FROM RETAIL & COMMERCIAL BUSINESS (B-2) TO MULTI-FAMILY RESIDENTIAL DISTRICT (R-3)

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

All that lot, tract or parcel of land legally described as follows:

Being 13.836 acres out of 40.740 Acres, A0613 PEARSON HENRY of the City of Stephenville, Erath County, Texas, and identified as Parcel No. R44948 in the Erath County Appraisal District Records, located at 3050 W Washington Street

is hereby rezoned and the zoning classification changed from the classification of Retail & Commercial Business (B-2) to Multi-Family Residential District (R-3), in accordance with the Zoning Ordinance of the City of Stephenville.

PASSED AND APPROVED this the 7th day of February 2023.

Doug Svien, Mayor

ATTEST:

Sarah Lockenour, City Secretary

Reviewed by Jason M. King,
City Manager

Randy Thomas, City Attorney
Approved as to form and legality



STAFF REPORT

SUBJECT: Case No.: AS2023-001
Abandonment of Alley in the Cage Addition

DEPARTMENT: Development Services

STAFF CONTACT: Steve Killen, Director of Development Services

RECOMMENDATION:

The Planning and Zoning Commission convened on January 18, 2023, and by unanimous vote, recommended the City Council abandon a portion of a 20-foot alleyway in the Cage Addition. The portion of alleyway to be abandoned is East of Ivy, West of Bates and South of Elm.

BACKGROUND:

On January 3, 2023, the City Council initiated action to abandon an alleyway located East of Ivy, West of Bates and South of Elm. The Planning and Zoning Commission conducted the public hearing January 18, 2023.

Several adjacent parcels were recently rezoned to R-3, Multifamily District, each of which are owned by a sole property owner. Parcel R28924, 380 Elm, is owned by another party.

A 12" sanitary sewer line traverses the alley at 1273 Ivy, Parcel R28921. If approved for sale, any purchaser of the property will be required to honor the existing easement.

DEPARTMENTAL COMMENTS:

Public Works Department

Retain easement for existing 12" sanitary sewer main

Development Services

No additional comments.

Police Department

No additional comments.

Fire Department

No additional comments.

ADVANTAGES:

An advantage to closing the alley will allow for the development of multiple parcels. In doing so, three mobile homes and accessory structures will be removed to allow the construction of multifamily dwellings.

DISADVANTAGES:

No disadvantages have been identified at this time.

ESTIMATE OF VALUE:

ARTICLE IV. - CLOSING STREETS AND ALLEYS

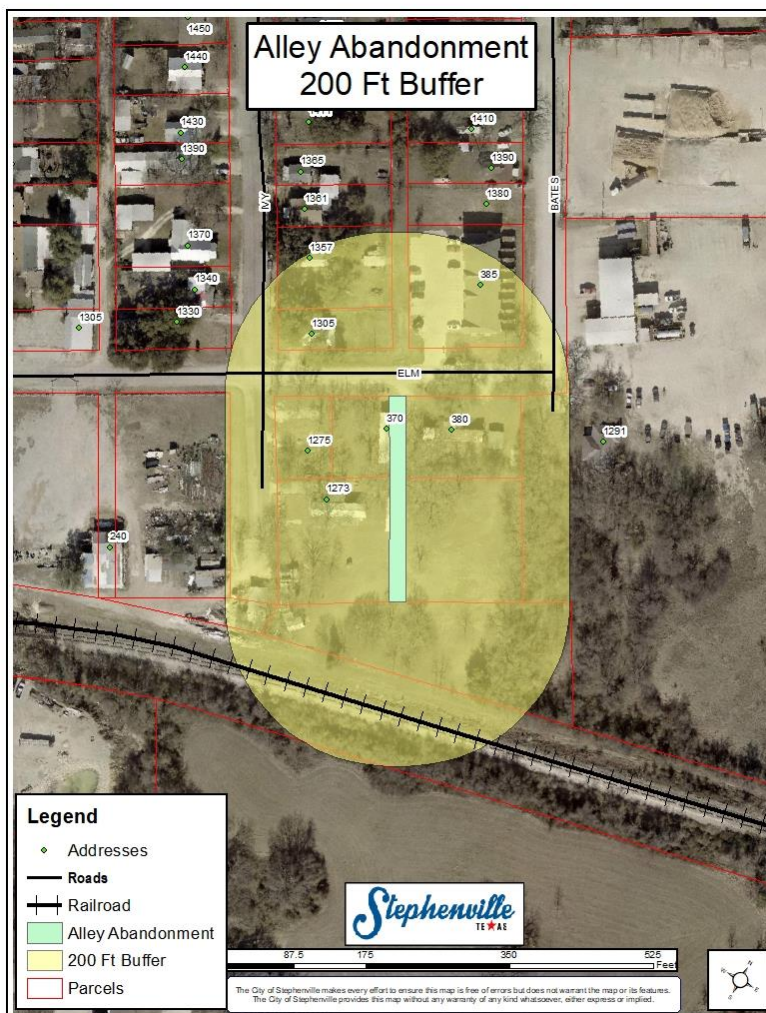
Sec. 95.56. - Appraisal of real property required.

- A. Within 90 days after the City Council public hearing and Planning and Zoning Commission recommendation, but before City Council final action, the petitioner shall provide an appraisal by a certified appraiser of real property. The cost of the appraisal is to be paid in full by the petitioner. Upon written application by the petitioner stating the need therefor, this time period may be extended by the City Administrator. Such extension shall be in writing.
- B. As an alternative to the above, the petitioner may elect, in writing, to utilize the average appraised values of the land immediately adjacent to the street or alley to be closed as shown on the most recent approved municipal tax roll. Such average value shall be calculated by city staff.
- C. If the requested closure is approved by City Council, the actual selling price shall be determined solely by the City Council, but in no case shall the selling price be less than the appraised value as determined under this section.

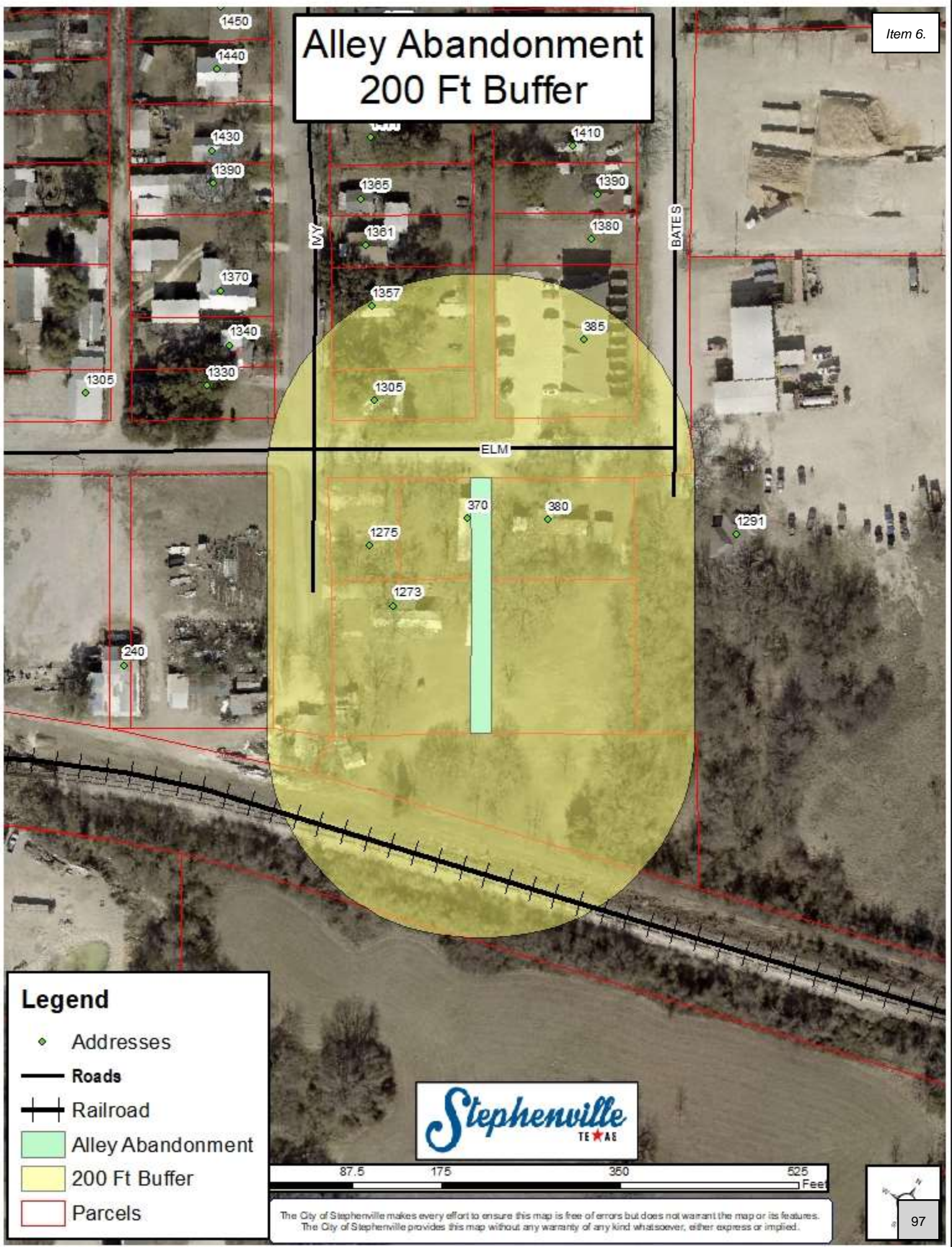
(Ord. 2015-11, passed 7-7-2015)

ALTERNATIVES:

- 1) Accept the recommendation of the Planning and Zoning Commission and abandon the alley as initiated.
- 2) Reject the recommendation of the Planning and Zoning Commission and not abandon the alley.

Exhibit – Twenty-foot alleyway East of Ivy, West of Bates and South of Elm.

Alley Abandonment 200 Ft Buffer



Legend

- ◆ Addresses
- Roads
- + Railroad
- Alley Abandonment
- 200 Ft Buffer
- Parcels

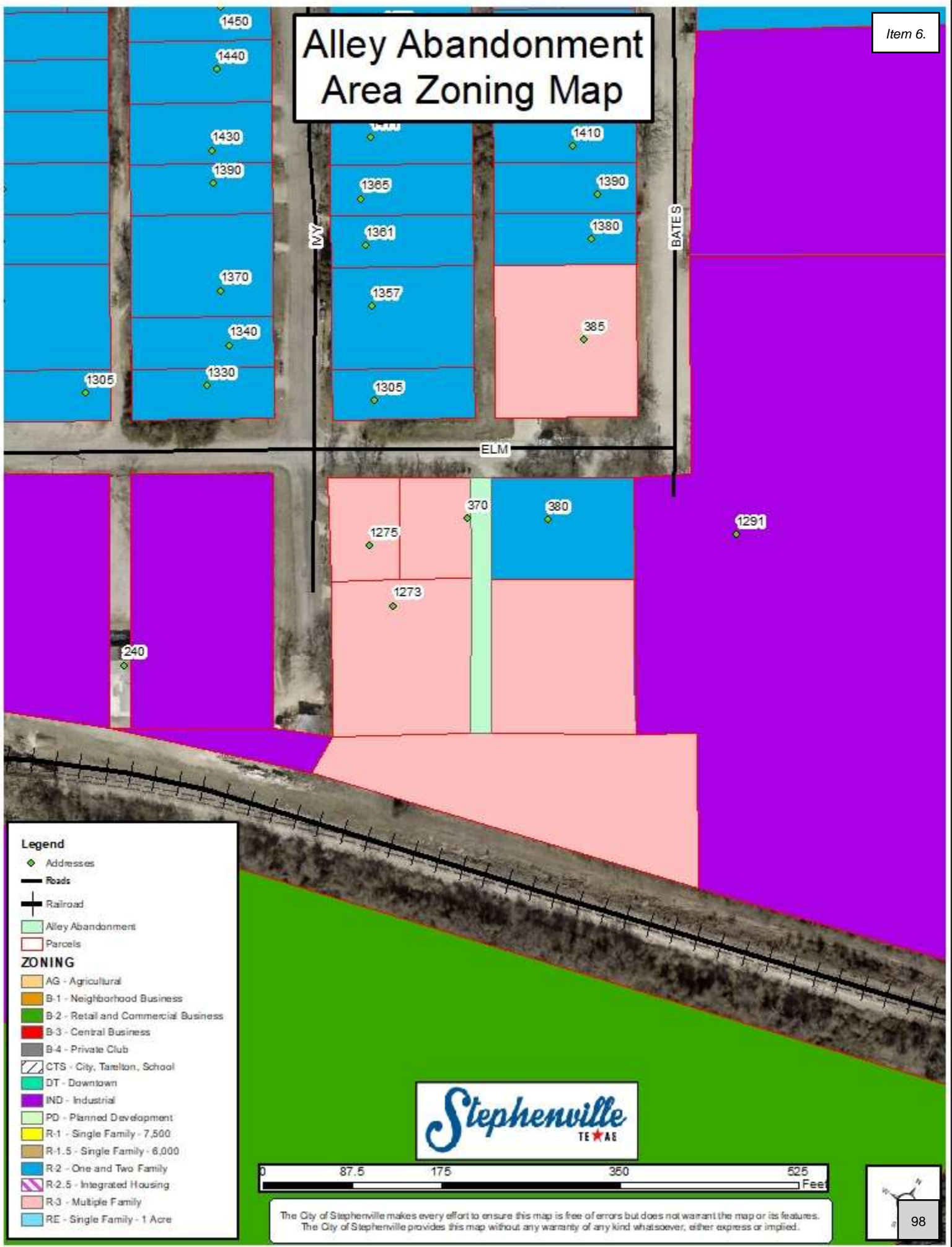
Stephenville
TEXAS

87.5 175 350 525 Feet

The City of Stephenville makes every effort to ensure this map is free of errors but does not warrant the map or its features. The City of Stephenville provides this map without any warranty of any kind whatsoever, either express or implied.

Alley Abandonment Area Zoning Map

Item 6.



Legend

◆ Addresses

— Roads

— Railroad

Alley Abandonment

Parcels

ZONING

AG - Agricultural

B-1 - Neighborhood Business

B-2 - Retail and Commercial Business

B-3 - Central Business

B-4 - Private Club

CTS - City, Tarrant, School

DT - Downtown

IND - Industrial

PD - Planned Development

R-1 - Single Family - 7,500

R-1.5 - Single Family - 6,000

R-2 - One and Two Family

R-2.5 - Integrated Housing

R-3 - Multiple Family

RE - Single Family - 1 Acre



0 87.5 175 350 525 Feet

The City of Stephenville makes every effort to ensure this map is free of errors but does not warrant the map or its features. The City of Stephenville provides this map without any warranty of any kind whatsoever, either express or implied.

Alley Abandonment Area Future Land Use Map





Alley Abandonment South 200 ft Buffer Addresses

Parcel ID	Parcel Address	Parcel Owner	Owner Address	City	State	Zip Code
R000029966	205 E FREY	CTMS INC	PO BOX 1457	STEPHENVILLE	TX	76401
R000028919	1275 IVY	ERATH CAPITAL INVESTMENTS LLC	2699 CR223	STEPHENVILLE	TX	76401
R000028920	378 ELM	ERATH CAPITAL INVESTMENTS LLC	2699 CR223	STEPHENVILLE	TX	76401
R000029961	0 BATES	ERATH CAPITAL INVESTMENTS LLC	2699 CR223	STEPHENVILLE	TX	76401
R000028921	1273 IVY	ERATH CAPITAL INVESTMENTS LLC	2699 CR223	STEPHENVILLE	TX	76401
R000014966	0 N PADDOCK & VANDERBILT	FORT WORTH & WESTERN RAILROAD	6300 RIDGLEA PLACE STE 1200	FORT WORTH	TX	76116-5738
R000028860	240 E ELM	HALE BETTY RUTH	1248 N ESTES	STEPHENVILLE	TX	76401-0000
R000029962	0 IVY	HALE BETTY RUTH	1248 N ESTES	STEPHENVILLE	TX	76401-0000
R000029960	1291 BATES	IESI TX CORPORATION	PO BOX 819	IOWA PARK	TX	76367-0819
R000028908	1357 IVY	MITCHELL ROSE	497 RETA	STEPHENVILLE	TX	76401
R000028911	385 E ELM	TRAFALGAR HOMES OF TEXAS LLC	PO BOX 65	STEPHENVILLE	TX	76401
R000028924	380 E ELM	VEST HAZEL & BILLY RAY VEST JR	380 E ELM	STEPHENVILLE	TX	76401
R000028910	1305 IVY	VO LOI N	883 MIMOSA CT	STEPHENVILLE	TX	76401

SURVEY PLAT

LEGEND:

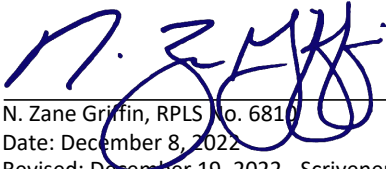
CNF.....Capped 100D Nail Found Marked "JRP 5959"
"IRF.....Iron Rod Found
IRS.....5/8" Capped Iron Rod Set Marked "NATIVE CO., LLC"
PFC.....Point for Corner
D.R.E.C.T.....Deed Records, Erath County, Texas
R.R.E.C.T.....Real Records, Erath County, Texas

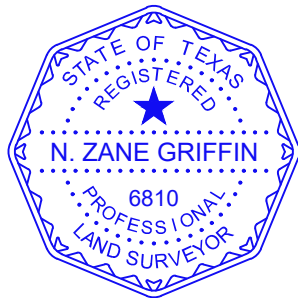
NOTES:

1. Basis of bearing being U.S. State Plane Grid - Texas North Central Zone (4202) NAD83 as established using the AllTerra RTKNet Cooperative Network. Reference frame is NAD83(2011) Epoch 2010.0000. Distances shown are U.S. Survey feet displayed in surface values.
2. According to the scaled location of FEMA Firm Map No. 48143C0430D, effective date November 16, 2011, the subject property lies within Zone X - Areas determined to be outside the 0.2% chance annual flood.
3. This survey was prepared without the benefit of a current commitment for title insurance. Additional easements and/or restrictions may affect the surveyed property.
4. See separate metes and bounds description prepared with this survey.

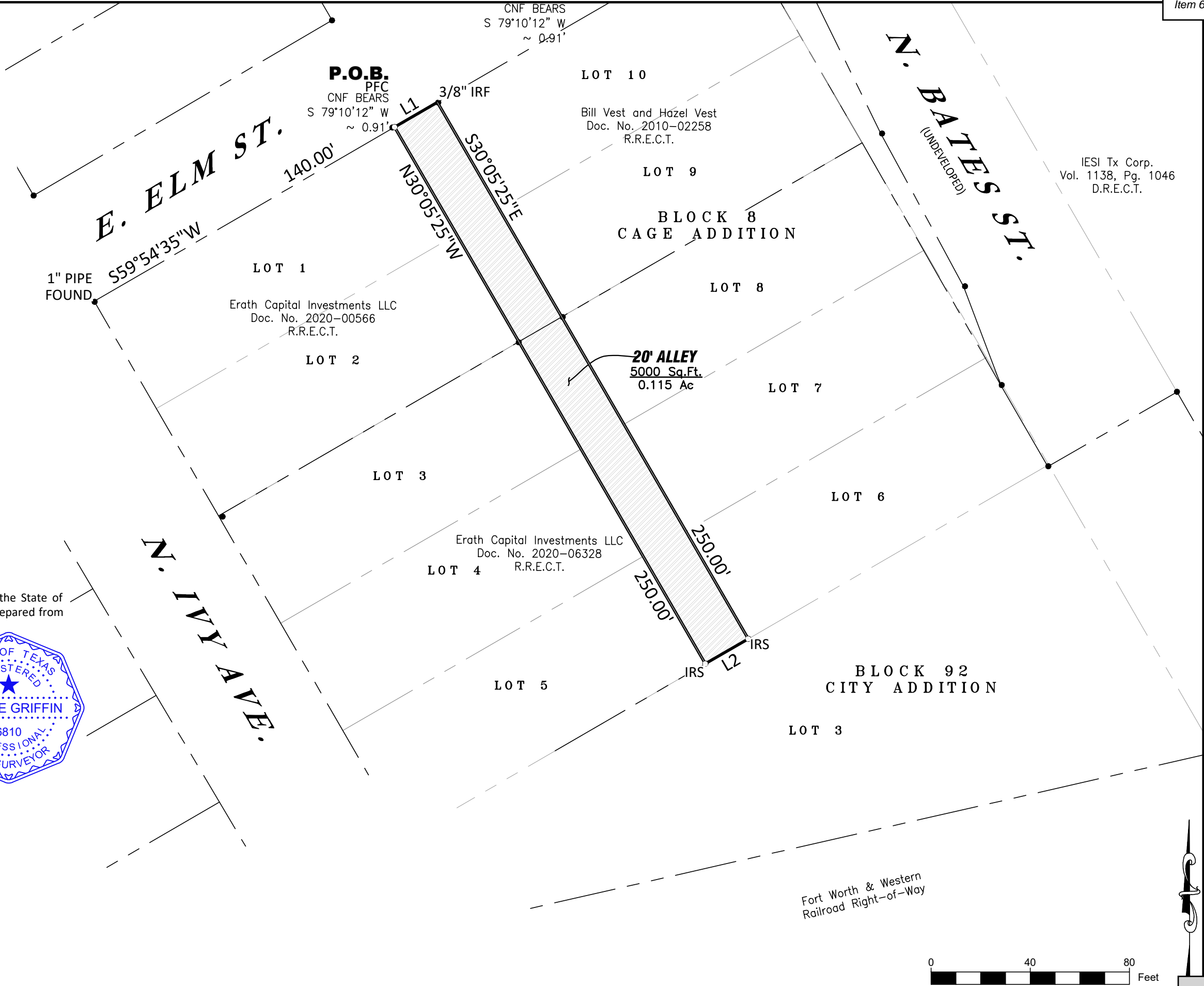
SURVEYOR'S CERTIFICATION

I, N. Zane Griffin, a Registered Professional Land Surveyor licensed in the State of Texas, do hereby declare that this survey is true and correct and was prepared from an actual survey made under my supervision on the ground.


N. Zane Griffin, RPLS No. 6810
Date: December 8, 2022
Revised: December 19, 2022 - Scrivener's Error



P.O. Box 2465 Stephenville, Tx 76401
zane@nativelandsurveying.com ~ 254-434-6695
TBPELS Firm No. 10194572



METES AND BOUNDS DESCRIPTION:

Item 6.

BEING all of that 20 feet wide ally in Block 8, Cage Addition, an addition to the City of Stephenville, Erath County, Texas, as shown per King's 1956 Map of the City of Stephenville, as recorded in Volume 381, Page 105, Deed Records, Erath County, Texas (DIRECT), and being more particularly described by metes and bounds as follows: (Basis of bearing being U.S. State Plane Grid - Texas North Central Zone (4202) NAD83 as established using the AllTerra RTKNet Cooperative Network. Reference frame is NAD83(2011) Epoch 2010.0000. Distances shown are U.S. Survey feet displayed in surface values).

BEGINNING at a point at the intersection of the south right-of-way line of E. Elm St. and the west line of said 20 feet wide alley for the northeast corner of Lot 1 of said Block 8 and being the northwest corner of the herein described tract, from which a capped 100D nail found marked "JRP 5959" bears South 79°10'12" West, a distance of 0.91 feet and a 1 inch pipe found for the northwest corner of said Block 8 bears South 59°54'35" West, a distance of 140.00 feet;

THENCE North 59°54'35" East, with the south right-of-way line of E. Elm St., a distance of 20.00 feet to a 3/8 inch iron rod found at the intersection of the south right-of-way line of E. Elm St. and the east line of said 20 feet wide alley for the northwest corner of Lot 10 of said Block 8 and being the northeast corner of the herein described tract;

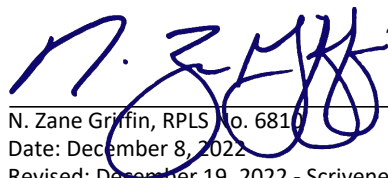
THENCE South 30°05'25" East, with the east line of said 20 feet wide alley, passing a 3/8 inch iron rod found for the southwest corner of Lot 9 and the northwest corner of Lot 8 of said Block 8 at a distance of 100.00 feet, continuing for a total distance of 250.00 feet to a 5/8 inch iron rod set marked "NATIVE CO., LLC" (IRS) at the southeast corner of said 20 feet wide alley and the southwest corner of Lot 6 of said Block 8, also being in the north line of Lot 3, Block 92, City Addition, an addition to the City of Stephenville as shown per said King Map;

THENCE South 59°54'35" West, with the north line of said Lot 3, Block 92, a distance of 20.00 feet to an IRS for the southwest corner of said 20 feet wide alley and the southeast corner of Lot 5 of said Block 8;

THENCE North 30°05'25" West, with the west line of said 20 feet wide alley, a distance of 250.00 feet to the **POINT OF BEGINNING** and containing 5,000 Square Feet or 0.115 of an Acre of Land.

SURVEYOR'S CERTIFICATION

I, N. Zane Griffin, a Registered Professional Land Surveyor licensed in the State of Texas, do hereby declare that this survey is true and correct and was prepared from an actual survey made under my supervision on the ground.


N. Zane Griffin, RPLS No. 6810
Date: December 8, 2022
Revised: December 19, 2022 - Scrivener's Error



P.O. Box 2465 Stephenville, Tx 76401
zane@nativelandsurveying.com ~ 254-434-6695
TBPELS Firm No. 10194572

ORDINANCE NO. 2023-O-xx**AN ORDINANCE ABANDONING AN TWENTY-FOOT-WIDE ALLEYWAY LOCATED IN BLOCK 8 OF THE CAGE ADDITION OF THE CITY OF STEPHENVILLE, ALONG WITH A MAP SHOWING THE LOCATION OF THE ALLEYWAY TO BE ABANDONED.**

WHEREAS, on January 3, 2023, the Stephenville City Council passed Resolution No. 2023-R-01 initiating the abandonment of a twenty-foot-wide alleyway located in Block 8 of the Cage Addition of the City of Stephenville; and

WHEREAS, on January 18, 2023, the Stephenville Planning and Zoning Commission voted to make a positive recommendation to the Stephenville City Council.

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

1. That an twenty-foot-wide alleyway in Block 8 of the Cage Addition, as depicted in Exhibit "A", which is attached to this order and made a part hereof, is hereby abandoned as a public alleyway.
2. Staff is hereby authorized to execute the sale of said alleyway in accordance with local and state law.

PASSED AND APPROVED on the _____ day of February 2023.

Doug Svien, Mayor

ATTEST:

Sarah Lockenour, City Secretary

Reviewed by Jason King, City Manager

Approved as to form and legality by
Randy Thomas, City Attorney

Public Works Committee

COMMITTEE REPORT



MEETING: Public Works Committee Meeting – 17 JAN 2023
Present: P8 Mark McClinton, Chair; P1 LeAnn Durfey; P5 Ricky Thurman; P6 David Basket
Absent: None
DEPARTMENT: Public Works / Development Services
STAFF CONTACT: Nick Williams

Agenda Item 1: Jacobs/CH2M OMI Proposed Agreement Amendment for FY 2022-2023

Discussion: The proposed amendment to the wastewater treatment plant operations agreement was discussed. It was noted the calculated, contractual rate of 8.52% was negotiated down to 3.50%. The overall increase is 10.5%, largely due to increases to the pass-through, rebateable items for sludge hauling and treatment chemical costs, results in an annual WWTP operational cost of \$934,636. It was noted \$63,678 would be made up in additional revenues to cover the cost between the proposed amount and the \$870,958 amount budgeted.

Committee Action: Following discussion, a motion was made by Mr. Thurman, seconded by Mrs. Durfey, to forward a positive recommendation to the full council to approve the annual operations agreement amendment as presented.

Recommendation: The committee voted to forward a positive recommendation to the full council to approve the annual operations agreement amendment as presented.

Agenda Item 2: Lillian 1 MG GST – Additional Repairs

Discussion: The proposed agreement with Texas Aquastore, Inc. to perform repairs to the Lillian Ground Storage Tank was presented. It was noted there was \$7,508 in savings from the original project to perform repairs to the sides of the tank and that the corrosion and holes in the floor of the tank was not evident until the tank was completely taken offline, drained, and cleaned. The proposed \$129,965 will be covered by savings from the 377 Elevated Storage Tank Rehabilitation Project.

It was noted the specialty panels have an approximate 36-week lead time from the date of order.

Committee Action: Following discussion, a motion was made by Mr. Thurman, seconded by Mrs. Durfey, to forward a positive recommendation to the full council to award the agreement as presented.

Recommendation: The committee voted unanimously to forward a positive recommendation to the full council to award the agreement with Texas Aquastore, Inc. as presented.

Agenda Item 3: Graham – 100 Block – TxDOT Transfer of Public Roadway

Discussion: A history of the brick paving on the 100 Block of Graham Avenue, on the east side of the Erath County Courthouse, was covered. It was noted the city, in partnership with TxDOT, advance funded \$2,000,000 to replace aging utilities with the project. It was also noted that the \$11,735.67 deficit between project savings and the installation of the brick pavement would come from the FY22-23 annual street capital fund balance. A draft resolution was also presented council to transfer ownership of the 100 block of Graham Ave. from TxDOT to the City of Stephenville for review.

Committee Action: Following discussion, a motion was made by Mr. Baskett, seconded by Mrs. Durfey, to forward a positive recommendation to the full council to approve the transfer of ownership of the 100 block of Graham Avenue from TxDOT to the City of Stephenville as presented.

Recommendation: The committee voted unanimously to forward a positive recommendation to the full council to transfer ownership of the 100 block of Graham Avenue from TxDOT to the City of Stephenville as presented.

STAFF REPORT

SUBJECT: Stephenville Wastewater Treatment Plant
Amendment to Agreement for Operations, Maintenance and Management Services
Jacobs/CH2M OMI Proposed Agreement Amendment for FY 2022-2023

MEETING: Public Works Committee Meeting - 17 JAN 2023

DEPARTMENT: Public Works

STAFF CONTACT: Nick Williams

RECOMMENDATION:

Staff recommends approval of the proposed contract amendment with a 3.50% base rate increase. The proposed increase of \$23,445.52 yields an annual wastewater treatment operational cost of \$934,635.52 in accordance with the existing agreement.

BACKGROUND:

Provisions of the existing operations and maintenance agreement with CH2MHILL/OMI are reviewed annually. The city originally entered into an agreement with OMI in 1996 for the daily operations and maintenance of the wastewater treatment plant (WWTP). The city renewed the contract with CH2MHILL/OMI on October 7, 2014. The term of the agreement was extended to match the finance period for two backup electrical generators, which CH2MHILL/OMI agreed to finance at no cost to the city. The agreement was renewed in FY20-21 with a five-year renewal setting the existing agreement expiration at September 30, 2026.

The base fee for last fiscal year (FY21-22) was \$845,590 and included \$87,000.00 and \$79,400.00 for the respective rebateable items of sludge hauling and chemical usage. The base fee also included \$9,318.00 for the continued management of the city's state-mandated Fats, Oils, and Greases (FOG) program.

FISCAL IMPACT SUMMARY:

The FY22-23 proposal negotiates a 3.50% operational base rate increase of \$23,445.52 for a total annual operational cost of \$934,635.52.

The requested base rate percentage increase is a negotiated, proposed increase.

Using the contractually calculated, default adjustment, verified using the contract Base Fee Adjustment Formula in Appendix E of the executed agreement, would result in an 8.52% increase. The 5.02% cost savings, achieved between the contractually calculated 8.52% increase and the proposed 3.50% increase, yields \$31,972.43 in negotiated cost savings.

The amendment proposes to increase the rebateable sludge hauling costs by \$11,000 (12.6%), from \$87,000 to \$98,000, as well as increase the rebateable bulk chemical costs by \$54,600 (68.8%), from \$79,400.00 to \$134,000. Rebateable items are pass-through costs and waste hauling and chemicals have increased significantly since last year. The substantial increases in the rebateable items totaled \$65,600. This is a 39.4% increase in rebateable items and accounts for over 70% of the total operational increase this FY.

The proposal maintains the provision for the Fats, Oils, and Greases (FOG) tracking program at the rate of \$9,318.00.

The total proposed contract amount, including base fee operations, sludge hauling, chemicals, and FOG program management is \$934,635.52; an \$89,045.52 or 10.5% overall increase from FY21-22.

The FY22-23 budget approved \$870,958 for operations. \$63,678 would need to be allocated from fund balance to make up the difference in the budgeted amount and the proposed amount.

ALTERNATIVES TO PROPOSAL:

The following alternatives are offered for consideration:

1. Do not recommend approval of the contract amendment with the proposed 3.50% operational base rate increase;
2. Postpone amendment approval and renegotiate the terms of the amendment.

ADVANTAGES:

Approval of the proposed agreement amendment provides for a \$31,972.43 (5.02%) cost savings. Approval also provides access to global, industry expertise and allows the city to take advantage of bulk pricing discounts for chemical usage.

DISADVANTAGES:

Approval of the proposed agreement amendment provides is a 10.5% overall increase and is \$63,678 over budget for the cost of daily operations and maintenance of the Stephenville Wastewater Treatment Plant.

ATTACHMENTS:

Attached is a copy of the proposed annual agreement amendment from Jacobs/CH2M OMI for FY2022-2023 for the continued daily operations and maintenance of the Stephenville Wastewater Treatment Plant. Also attached are supporting calculations.

1. [WWTP Operations Amendment – Proposed](#)
2. [WWTP Operations Amendment – Supporting Calculations](#)

Base Fee adjustment formula as shown in Appendix E.3

ABF = Adjusted Base Fee

E = ECI for Total Compensation for Civilian Workers, Not Seasonally Adjusted (Employment Cost Index) reported as a percentage for the first quarter of the year for which an ABF is being calculated as published by U.S. Department of Labor, Bureau of Labor Statistics in the Detailed Report Series Id: CIU1010000000000A.

C_o = Consumer Price Index for all urban consumers as published by U.S. Department of Labor, Bureau of Labor Statistics in the CPI Detailed Report Series Id: CUUR0000SA0 for the month that is eighteen (18) months prior to the beginning of the period for which an ABF is being calculated, which is the month of March.

C = Consumer Price Index for all urban consumers as published by U.S. Department of Labor, Bureau of Labor Statistics in the CPI Detailed Report Series Id: CUUR0000SA0 for the month that is six (6) months prior to the beginning of the period for which an Adjusted Base Fee is being calculated, which is the month of March.

ABF = Adjusted Base Fee

ABF = BF x AF

BF = Base Fee

AF = Adjustment Factor as determined by the formula:

$$AF = [((E)0.50 + ((C-C_o)/C_o)0.50)] + 1.02$$

$$E = 4.50\%, \quad C = 287.504, \quad C_o = 264.877$$

$$AF = [(4.5\%)0.50 + ((287.504-264.877)/264.877)0.50] + 1.02$$

$$AF = [(.045*.5) + (.0854*.5)] + 1.02$$

$$AF = 1.0852 \text{ shown as an } 8.52\% \text{ increase}$$

DEFAULT INCREASE OF 8.52%

Contractual Default Fee Calculation

FY21-22 Base Fee = \$669,872.00

Amount of Base Fee Increase = \$669,872.00 x 0.0852 = \$57,073.09

ABF = \$669,872.00 x 1.0852 = \$726,945.09

✓ ABF = \$669,872.00 + \$57,073.09 = \$726,945.09

Operational Fee (OF) Calculation

OF = ABF + Sludge Hauling + Chemicals + FOG

✓ OF = \$726,945.09 + \$87,000 + \$79,400 + \$9,318 = **\$902,663.09**

NEGOTIATED AND PROPOSED INCREASE OF 3.50%

Negotiated Fee Calculation

FY21-22 Base Fee = \$669,872.00

Amount of Base Fee Increase = \$669,872.00 x 0.0350 = \$23,445.52

ABF = \$669,872.00 x 1.035 = \$693,317.52

✓ ABF = \$669,872.00 + \$23,445.52 = \$693,317.52

Operational Fee (OF) Calculation

OF = ABF + Sludge Hauling + Chemicals + FOG

✓ OF = \$693,317.52 + \$98,000 + \$134,000 + \$9,318 = **\$934,635.52**

OF Cost Savings: 8.52%OF – 3.50%OF = \$934,635.52 - \$902,663.09 = **\$31,972.43**

Supporting Documentation for (E) Employment Cost Index and (CPI) Consumer Price Index:

<http://data.bls.gov/timeseries/CIU1010000000000A>

Data extracted on: January 11, 2023 (3:24:24 PM)

Employment Cost Index

Series Id: CIU1010000000000A (B,C)

Not seasonally adjusted

Series Title: Total compensation for All Civilian workers in All industries and occupations, 12-month percent change

Ownership: Civilian workers

Component: Total compensation

Occupation: All workers

Industry: All workers

Subcategory: All workers

Area: United States (National)

Periodicity: 12-month percent change

Year	Qtr1	Qtr2	Qtr3	Qtr4
2012	1.9	1.7	1.9	1.9
2013	1.9	1.9	1.9	2.0
2014	1.8	2.0	2.2	2.2
2015	2.6	2.0	2.0	2.0
2016	1.9	2.3	2.3	2.2
2017	2.4	2.4	2.5	2.6
2018	2.7	2.8	2.8	2.9
2019	2.8	2.7	2.8	2.7
2020	2.8	2.7	2.4	2.5
2021	2.6	2.9	3.7	4.0
2022	4.5	5.1	5.0	

B : Includes wages, salaries, and employer costs for employee benefits.

C : See Footnote C on www.bls.gov/ect/cimapnote.htm.

http://data.bls.gov/timeseries/cuur0000sa0?series_id=cwur0000sa0

Data extracted on: January 11, 2023 (3:24:39 PM)

Consumer Price Index - All Urban Consumers

Series Id: CUUR0000SA0

Not Seasonally Adjusted

Area: U.S. city average

Item: All items

Base Period: 1982-84=100

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2012	226.665	227.663	229.392	230.085	229.815	229.478	229.104	230.379	231.407	231.317	230.221	229.601
2013	230.280	232.166	232.773	232.531	232.945	233.504	233.596	233.877	234.149	233.546	233.069	233.049
2014	233.916	234.781	236.293	237.072	237.900	238.343	238.250	237.852	238.031	237.433	236.151	234.812
2015	233.707	234.722	236.119	236.599	237.805	238.638	238.654	238.316	237.945	237.838	237.336	236.525
2016	236.916	237.111	238.132	239.261	240.229	241.018	240.628	240.849	241.428	241.729	241.353	241.432
2017	242.839	243.603	243.801	244.524	244.733	244.955	244.786	245.519	246.819	246.663	246.669	246.524
2018	247.867	248.991	249.554	250.546	251.588	251.989	252.006	252.146	252.439	252.885	252.038	251.233
2019	251.712	252.776	254.202	255.548	256.092	256.143	256.571	256.558	256.759	257.346	257.208	256.974
2020	257.971	258.678	258.115	256.389	256.394	257.797	259.101	259.918	260.280	260.388	260.229	260.474
2021	261.582	263.014	264.877	267.054	269.195	271.696	273.003	273.567	274.310	276.589	277.948	278.802
2022	281.148	283.716	287.504	289.109	292.296	296.311	296.276	296.171	296.808	298.012	297.711	

Below is a table summarizing the proposed base fee from Jacobs/CH2MHILL/OMI:

2021-2022 Base Fee		669,872.00
Sludge Hauling		87,000.00
Chemicals		79,400.00
FOG Program		9,318.00
2020-2021 Total Fee		845,590.00
Adj Rate (not applied to rebateables/FOG)	3.50%	23,445.52
2022-2023 Base Fee		693,317.52
Sludge Hauling		98,000.00
Chemicals		134,000.00
FOG Program		9,318.00
2022-2023 Base Fee		934,635.52
2022-2023 Total Fee (Rounded)		934,636.00

AMENDMENT NO. 16
to the
AGREEMENT FOR OPERATIONS, MAINTENANCE AND
MANAGEMENT SERVICES
for the
CITY OF STEPHENVILLE, TEXAS

This Amendment No. 16 to the Agreement for Operations, Maintenance and Management Services for City of Stephenville, Texas dated October 1, 2006 (the "Agreement") is made and entered into this ____ day of _____ 2022 (the "Effective Date") by the City of Stephenville, Texas (hereinafter the "Owner") and Operations Management International, Inc. (hereinafter "CH2M HILL OMI"), whose address for formal notice is 6312 S. Fiddler's Green Circle, Suite 300N, Greenwood Village, CO 80111.

NOW THEREFORE, Owner and CH2M HILL OMI agree to amend the Agreement as follows:

1. Paragraph 3.1 Owners Responsibilities is hereby deleted in its entirety and replaced with the following:

3.1 The Owner shall pay for all expenditures for: (1) Capital Expenditures; (2) Electrical Cost; (3) Sludge Hauling Cost in excess of the Sludge Hauling Limit; and (4) Chemicals Cost in excess of the Chemicals Limit.
2. Paragraph E.1.1. of Appendix E is hereby deleted in its entirety and replaced with the following:

E.1.1. Owner shall pay to CH2M HILL OMI as compensation for services performed under this Agreement a Base Fee of Nine Hundred Thirty-Four Thousand Six Hundred Thirty-Six Dollars (\$934,636) which includes the Sludge Hauling Limit, Chemical Limit, and FOG costs which shall be payable in twelve monthly installments of Seventy-Seven Thousand Eight Hundred Eighty-Six Dollars and Thirty-Three Cents (\$77,886.33) for the period of October 1, 2022 through September 30, 2023. Subsequent years' base fees shall be determined as hereinafter specified.
2. Paragraph E.1.3 of Appendix E is hereby deleted in its entirety and replaced with the following:

E.1.3 The total amount CH2M HILL OMI shall be required to pay for Sludge Hauling Cost shall not exceed the annual Sludge Hauling Limit of Ninety-Eight Thousand Dollars (\$98,000). This amount will remain the same every year until the expiration of the Agreement or if both Parties agree to negotiate a new amount prior to the expiration of the Agreement. Owner will pay as additional compensation to CH2M HILL OMI any amount above the annual Sludge Hauling Limit and CH2M HILL OMI will rebate to City any amount less the annual Sludge Hauling Limit.
3. Paragraph E.1.5 of Appendix E is hereby deleted in its entirety and replaced with the following:

E.1.5 Option 1: The total amount CH2M HILL OMI shall be required to pay for Chemical costs shall not exceed the annual Chemicals Limit of One Hundred Thirty-Four Thousand Dollars (\$134,000). This amount will remain the same every

year until the expiration of the Agreement or if both Parties agree to negotiate a new amount prior to the expiration of the Agreement. Owner will pay as additional compensation to CH2M HILL OMI any amount above the annual Chemicals Limit and CH2M HILL OMI will rebate to City any amount less the annual Chemicals Limit.

This Amendment No. 16 constitutes the entire agreement between the Parties and supersedes all prior oral and written understandings with respect to the subject matter set forth herein. Unless specifically stated otherwise, all other terms and conditions of the Agreement shall remain in full force and effect. Neither this Amendment nor the Agreement shall be modified except in writing signed by an authorized representative of the Parties.

The Parties, intending to be legally bound, indicate their approval of the Amendment by their signatures below.

Authorized signature:

Authorized signature:

**OPERATIONS MANAGEMENT
INTERNATIONAL, INC.**

CITY OF STEPHENVILLE, TX

Name: Greg Weeks
Title: Designated Manager
Date: 12/15/2022_____

Name: Doug Svien
Title: Mayor
Date: _____

STAFF REPORT

SUBJECT: Graham – 100 Block – TxDOT Transfer of Public Roadway
MEETING: Public Works Committee Meeting - 17 JAN 2023
DEPARTMENT: Public Works
STAFF CONTACT: Nick Williams

RECOMMENDATION:

Staff supports approval of the Resolution to transfer ownership of the 100 block of Graham Avenue (U.S. 108) from TxDOT to the City of Stephenville.

BACKGROUND:

At a Special Council Meeting on March 8, 2021, approval of a change order was granted to place brick pavement on the 100 block of Graham Avenue on the east side of the Erath County courthouse from (and including) the intersections of Washington/Graham and College/Graham. TxDOT permitted the change order on the condition that the City of Stephenville would take ownership of the bricked pavement section.

FISCAL IMPACT SUMMARY:

The city, in partnership with TxDOT, advance funded \$2,000,000 to the state for the project to replace utilities under Graham during the state's project to reconstruct the roadway. The bid for the city's portion of the construction work was \$1,757,898.45, leaving a balance of \$242,101.55.

TxDOT project Change Order No. 11 for \$11,440.00 was authorized by the city for installation of utility anchor collars that were not included in the original bid leaving a positive balance of \$230,661.55.

TxDOT project Change Order No. 14 for \$15,869.22 was authorized by the city for the boring of water and sewer utilities under an unforeseen, existing storm water crossing at Tarleton and Graham leaving a positive balance of \$214,792.33.

TxDOT project Change Order No. 18 for \$226,528.00 as authorized by the city to place brick pavement along Graham from Washington Street to College Street leaving a negative balance of \$11,735.67.

The project will need additional funding of \$11,735.67 paid to TxDOT upon project completion from the FY22-23 Street capital fund balance. The project is scheduled for completion in February of 2023.

There is no cost to the city for the process to transfer ownership of the roadway.

ATTACHMENTS:

Attached is a copy of the appropriate DRAFT resolution with exhibit to transfer ownership of the 100 block of Graham Avenue from TxDOT to the City of Stephenville.

[2023-R-XX – Graham – TxDOT Transfer of Public Roadway - DRAFT](#)

RESOLUTION NO. 2023-R-XX**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STEPHENVILLE, TEXAS, REQUESTING THE TRANSFER OF THAT CERTAIN PUBLIC ROADWAY DESCRIBED HEREIN ON EXHIBIT "A" FROM THE TEXAS DEPARTMENT OF TRANSPORTATION TO THE CITY OF STEPHENVILLE**

WHEREAS, the City of Stephenville wishes to undertake full jurisdiction, control, and maintenance of the property, for public road purposes, which property is situated within the City of Stephenville and more particularly described in Exhibit "A" attached hereto; and

WHEREAS, the City of Stephenville will work to maintain and improve the aforementioned property in perpetuity;

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

Upon transfer of the property more particularly described in Exhibit "A" attached hereto from the State of Texas, by and through the Texas Transportation Commission, to the City of Stephenville, the City of Stephenville undertakes full jurisdiction, control, and maintenance of the property for public road purposes with the understanding that, if the property is no longer used for public road purposes, it shall automatically revert to the State of Texas.

PASSED, APPROVED, and ADOPTED on this the ____ day of _____, 20__.

Doug Svien, Mayor

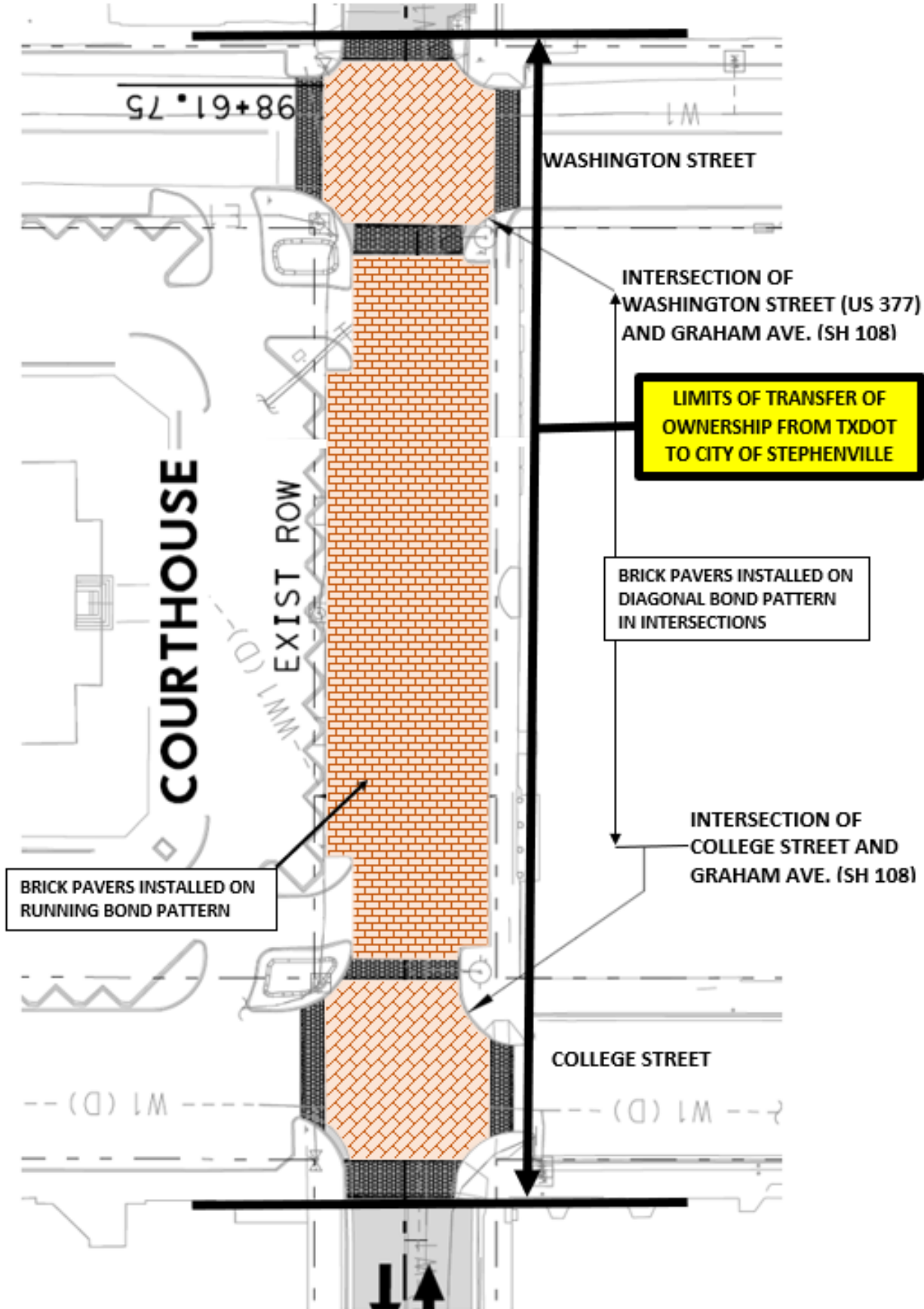
ATTEST:

Sarah Lockenour, City Secretary

Reviewed by Jason M. King
City Manager

Approved as to form and legality by
Randy Thomas, City Attorney

EXHIBIT "A"



STAFF REPORT

SUBJECT: FY 2022-2023 Sanitary Sewer Basin 4N Evaluation Survey
Professional Services Agreement

MEETING: Regular Business Council Meeting - 07 Feb 2023

DEPARTMENT: Public Works

STAFF CONTACT: Nick Williams

RECOMMENDATION:

Staff recommends approval of the proposed professional services agreement with Pipeline Analysis, LLC. to perform an Evaluation of Sanitary Sewer Basin Four - North as allocated in the FY 22-23 budget.

BACKGROUND:

The City of Stephenville entered into a Sanitary Sewer Overflow Agreement with the Texas Commission on Environmental Quality in 2009. Terms of participation require the city to conduct an evaluation of the sanitary sewer collection system. In exchange for participation, the TCEQ withholds formal enforcement of penalties associated with Notices of Violation.

The TCEQ defines a sanitary sewer overflow as “an unauthorized discharge of untreated wastewater from a collection system or its components (e.g., manhole, lift station, or cleanout) prior to reaching a treatment facility.” Overflows normally occur due to structural blockages such as debris, offset joints or partially collapsed lines. Maintenance-related issues such as root intrusion, sedimentation, and grease build-up are also significant contributors to overflow events.

Nine of the ten collection system basins identified have been previously evaluated. Pipeline Analysis has performed the previous evaluations of the sanitary sewer collection system with consistency in data collection and reporting.

PROPOSAL:

Attached is a proposal from Pipeline Analysis, LLC., a firm specializing in wastewater collection systems, to provide a Sanitary Sewer Evaluation Survey of collection Basin Four - North. This is phase 1 of 2 whereby Basin Four – South will be the final basin to be evaluated as required by the state. The work will include dye testing, closed-circuit televising, and manhole inspections to identify areas of deficiency within the basin, including undersized lines, failing infrastructure and potential and existing, partial line blockages as well as provide an analysis of inflow and infiltration.

The results and recommendations will be summarized to provide a listing of problematic areas. The cataloged results will be used to further identify and prioritize routine repairs and capital improvement plans within the basin.

The proposal sets a 120-calendar day agreement duration and, under Section 3.2, provides a liquidated damages clause to address and encourage adherence to the allotted time schedule.

FISCAL IMPACT SUMMARY:

The FY 22-23 adopted budget allocated \$56,725.00 to complete a sanitary sewer evaluation survey for Sewer Basin 4-N. The agreement proposes to complete the project for \$56,721.30; under budget by \$3.70.

A moderate amount of staff time will be required to administer the agreement and coordinate the work.

ALTERNATIVES:

The following alternatives are provided for council consideration:

1. Do not approve the proposal as presented;
2. Recommend an alternate firm.

ADVANTAGES:

Approval of the agreement satisfies state evaluation criteria and provides for the budgeted work to be completed under budget.

DISADVANTAGES:

There are no disadvantages identified with approval of the agreement.

ATTACHMENTS:

[Basin 04-North – Proposed Agreement](#)

Professional Services Contract
City of Stephenville, Texas
Sanitary Sewer Evaluation Survey
Basin 4N



Nick Williams, P.E., CFM
Director
Public Works Department
P: (254) 918-1223
E: nwilliams@stephenvilletx.gov
298 W. Washington, Stephenville, TX 76401

February 2, 2023



PIPELINE ANALYSIS LLC
1115 Main Street
Garland, Texas 75040
800-637-0164
TBPE Firm No. F-6538

CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES

THIS CONTRACT made and entered into on the date last stated below between the City of Stephenville, hereinafter called "City", acting by and through Doug Svien, Mayor, duly authorized to act on behalf of CITY and Pipeline Analysis, LLC hereinafter called "ENGINEER", acting by and through James H. Forbes, Jr., P.E. (Project Manager) duly authorized to so act on behalf of the ENGINEER.

WHEREAS, the CITY desires professional engineering services in connection with the Sanitary Sewer Evaluation Survey of sewer drainage Basin 4N for the City of Stephenville, Texas, hereinafter called "the PROJECT"; and

WHEREAS, the CITY has determined that the ENGINEER has experience in the area involved in the Project and is qualified to perform the work, and the ENGINEER is willing to enter into a contract with CITY to perform the engineering services desired by CITY in connection with the PROJECT.

THE CITY AND ENGINEER AGREE AS FOLLOWS:

The CITY hereby retains the ENGINEER to perform engineering services in connection with the PROJECT described above.

1. SCOPE OF SERVICES

The scope of Engineering services to be performed by the ENGINEER shall be as follows:

1.1 Approach to Project

This project will perform various field testing and inspection of the wastewater collection system within Basin 4N and prepare draft and final reports that recommend system repairs and estimated costs to reduce wet weather infiltration/inflow.

1.2 Detailed Scope of Services

See Exhibit B attached.

2. CITY'S RESPONSIBILITIES

So as not to delay the services of ENGINEER, the CITY shall do the following in a timely manner:

2.1 Provide Existing Data

CITY will provide to ENGINEER at no cost those sewer maps and any applicable previous reports.

Existing data delivered to the ENGINEER by the CITY remains the property of the CITY and must be returned to the CITY after completion of the PROJECT.

2.2 Provide Access

Arrange for access to, and make all provisions for, ENGINEER to perform services under this AGREEMENT.

2.3 CITY Representative

CITY designates Nick Williams, P.E., Director of Public Works as representative to act as the contact person on behalf of the CITY.

3. SCHEDULE

3.1 Schedule

Smoke testing to locate inflow sources is weather dependent and requires dry soil conditions to optimize results. For this reason, the field tasks are scheduled for summer 2023. The ENGINEER'S services shall be performed in a timely manner consistent with sound professional practices. The ENGINEER will complete the work according to the following schedule:

Task	Description	Month			
		July	Aug	Sep	Oct
100	Mobilization				
200	Manhole/Pipe Inspection -(100%)				
300	Smoke Testing, Public Awareness, Data Entry & Analysis (100%)				
400	Dye Flooding				
500*	Preparatory Cleaning				
600	CCTV Inspection				
700	Admin., Project Mgt.				
800	Defect Analysis/Rehab.				
900	Database, Cost Estimates, Mapping, Final Reports				

* Performed by City Crew

The time limits set forth in the schedule shall include allowances for reasonable and expected review time by the CITY and approval by authorities having jurisdiction over the PROJECT, and shall not be allowed as cause for delay or adjustments to the schedule. Delays in the project critical path caused by review times by the CITY or a permitting

agency exceeding those anticipated by the ENGINEER'S schedule are cause for adjustments in the schedule. Any adjustments made to the agreed upon schedule shall be made in writing and acceptable to both parties.

The ENGINEER shall begin work immediately upon receipt of the executed CONTRACT and/or written Notice to Proceed.

3.2 Completion of Services

ENGINEER'S services under each item of the finalized Scope of Work shall be considered complete on the date when the submissions for that item have been accepted by CITY.

Failure to meet the time limit for completion of the Final Reports, as stated above under "Schedule", will result in liquidated damages of \$50.00 per consecutive calendar day until the Final Reports are submitted.

3.3 Changes

If the CITY requests significant modifications or changes in the Scope of Services, general scope, extent or character of the PROJECT, the time of performance of ENGINEER'S services, the various rates of compensation and schedule shall be adjusted equitably.

3.4 Written Authorization for Additional Work

Any provision in this CONTRACT notwithstanding, it is specifically understood and agreed that the ENGINEER shall not authorize or undertake any work pursuant to this CONTRACT which would require the payment of any fee, expense or reimbursement in addition to the fees stipulated in Section 4 (Payment for Services) of this CONTRACT, without first having obtained the specific written authority to do so from CITY.

4. PAYMENT FOR SERVICES

4.1 Terms

Terms used in describing the applicable method of payment for services provided by the ENGINEER shall have the meaning indicated below:

Basic Engineering Fee:

Basic Engineering Fee shall mean those expenses incurred by the ENGINEER in prosecuting the PROJECT Scope of Services.

Reimbursable Expenses

Not applicable

Additional Services

Additional services **not** covered under the Scope of Services, will be provided to the CITY on a unit price or lump sum basis. A revised written detailed scope of services for additional services will be provided with the pricing summary. Additional services must be approved by City along with a written notice to proceed.

4.2 Basis and Amount of Compensation for Basic Services

Compensation for basic services will be as shown in Exhibit A. These services will be billed monthly based on a percentage completed and will not exceed the total presented.

4.3 Basis and Amount of Compensation for Additional Services

Not applicable. No additional services are anticipated.

4.4 Partial Payments for Services

Partial fee payments may be applied for at monthly intervals, based upon statements which reflect the percentage of work completed for the various items listed under Scope of Services. These statements shall be prepared by the ENGINEER and must be verified and approved by CITY.

4.5 Delay

If ENGINEER'S design services or service during construction of the PROJECT are delayed or suspended in whole or in part by the CITY for more than one year for reasons beyond ENGINEER'S control the various rates of compensation, including Additional Services, provided for elsewhere in this CONTRACT shall be subject to equitable adjustment.

5. TERMINATION, SUSPENSIONS OR ABANDONMENT

5.1 Termination

The CITY or the ENGINEER may terminate this CONTRACT for reasons identified elsewhere in this CONTRACT. In the event such termination becomes necessary, the party effecting termination shall so notify the other party, and termination will become effective thirty (30) calendar days after receipt of the termination notice. Irrespective of which party shall effect termination or the cause therefore, CITY shall within thirty (30) calendar days of termination remunerate ENGINEER for services rendered and costs incurred, in accordance with the ENGINEER'S prevailing fee schedule (Exhibit A).

Services shall include those rendered up to the time of termination. All plans, field survey, and other data related to the PROJECT shall become the property of CITY upon termination of the CONTRACT and shall be promptly delivered to CITY in a reasonably organized form. Should CITY subsequently contract with a new Engineer for continuation of services on the PROJECT, ENGINEER shall cooperate in providing information. No amount shall be due for lost or anticipated profits.

5.2 Suspension

If the Project is suspended by CITY for more than thirty (30) consecutive days, the ENGINEER shall be compensated for services performed prior to notice of such suspension. When the Project is resumed, the ENGINEER'S compensation shall be equitably adjusted to provide for expenses incurred in the interruption and resumption of the ENGINEER'S services.

5.3 Abandonment

This CONTRACT may be terminated by CITY upon not less than seven (7) days written notice to the ENGINEER in the event that the Project is permanently abandoned. If the Project is abandoned by CITY for more than ninety (90) consecutive days, the ENGINEER or CITY may terminate this CONTRACT by giving written notice.

5.4 Failure to Pay

Failure of CITY to make payments to the ENGINEER in accordance with this CONTRACT shall be considered substantial nonperformance and cause for termination.

If CITY fails to make payment to ENGINEER within thirty (30) days of a statement for services properly performed, the ENGINEER may, upon fourteen (14) days written notice to CITY, suspend performance of services under this CONTRACT. Unless ENGINEER receives payment in full within fourteen (14) days of the date of the notice, the suspension shall take effect without further notice. In the event of a suspension of services under this section, the ENGINEER shall have no liability to CITY for delay or damage caused CITY because of such suspension of services.

6. GENERAL CONSIDERATIONS

6.1 Professional Standards

Services performed by the ENGINEER under this CONTRACT will be conducted in a manner consistent with that level of care and skill ordinarily exercised by members of the profession currently practicing in the same locality under similar conditions. The ENGINEER shall comply with the applicable laws and rules of the current "Texas Engineering Practice Act". CITY's approval, acceptance, use of or payment for all or any part of the ENGINEER'S services herein under or of the project itself shall in no way alter

the ENGINEER'S obligations or CITY'S rights thereunder.

6.2 Progress and Performance

The provisions of this CONTRACT and the compensation to ENGINEER have been agreed to in anticipation of continuous and orderly progress through the completion of the ENGINEER'S services. Time for performance shall be extended to the extent necessary for delays due to circumstances over which the ENGINEER has no control. If the ENGINEER'S services are suspended or delayed the times of performance shall be extended to the extent of such delay or suspension. A delay or suspension shall not terminate this CONTRACT unless ENGINEER elects to terminate in accordance with the provisions of Section 5 of this CONTRACT. If a delay or suspension extends for a period of greater than one year for reasons beyond the control of the ENGINEER, the fees and rates of compensation set forth in Section 4 shall be subject to re-negotiating.

6.3 CITY Control

It is understood and agreed that CITY shall have complete control of the services to be rendered, and that no work shall be done under this CONTRACT until the ENGINEER is instructed to proceed with the work.

6.4 Independent Agent

ENGINEER and CITY agreed that ENGINEER and any officer, employee or agent of ENGINEER, in the performance of this CONTRACT shall act in an independent capacity and not as an officer, agent or employee of CITY.

6.5 Compliance with Laws

ENGINEER shall comply with all Federal, State, and local laws and ordinances in the execution of all work in connection with this PROJECT.

6.6 No Additional Work Without Authorization

Any provision in the CONTRACT notwithstanding, it is specifically understood and agreed that the ENGINEER shall not authorize or undertake any work pursuant to this CONTRACT, which would require the payment of any fee, expense or reimbursement in addition to the fee stipulated in Article 4 of this CONTRACT, without having first obtained specific written authority therefore from CITY.

6.7 Assignment & Subcontracting

This CONTRACT shall not be assigned or subcontracted in whole or part without the written consent of CITY.

6.8 Indemnification

ENGINEER, its officers, agents and employees agree to indemnify, hold harmless, and defend CITY, at ENGINEER'S cost, its officers, agents, and employees from and against any and all claims or suits for injuries, damages, loss, or liability of whatever kind of character, arising out of or in connection with the performance by the ENGINEER of those services contemplated by the CONTRACT, based upon negligent acts or omissions of ENGINEER, its officers, agents, employees, consultants and subcontractors, whether or not caused solely by the ENGINEER, its officers, agents, employees, consultants or subcontractors or jointly with any other party.

ENGINEER agrees that he is solely responsible for the safety of himself and his employees in the performance of this CONTRACT and agrees to indemnify and hold harmless CITY, its officers and agents from and against any liability arising from the personal injury or death of the ENGINEER or the employees of the ENGINEER arising out of or in connection with this CONTRACT.

6.9 Insurance

ENGINEER shall secure and maintain insurance that will protect him from claims under the Worker's Compensation Act (statutory amounts).

ENGINEER shall secure and maintain Commercial General Liability Insurance that will protect him from claims for bodily injury, death or property damage which may arise from the performance of his services under this CONTRACT, written on an occurrence basis, in the following amounts:

For engineering design contracts for more than \$10,000.00, insurance in an amount not less than \$500,000 per occurrence and \$1,000,000 annual aggregate for bodily injury or death and property damage. ENGINEER shall maintain Comprehensive Automobile Liability Insurance covering all owned, non-owned, and hired vehicles with combined single limit coverage of \$1,000,000 for bodily injury, death or property damage.

ENGINEER shall maintain, at no expense to CITY, a professional liability (errors and omissions) insurance policy placed with a company rated at least A-/VII by Best's Key Rating Guide, authorized to do business in Texas. This coverage must be maintained for at least two (2) years after the PROJECT is completed. Coverage must be written on an occurrence basis. However, at its sole discretion, the CITY may accept coverage written on a claims-made basis if the policy provides for a retroactive date equivalent to the inception date of the CONTRACT or earlier, maintained during the full term of the CONTRACT.

All policies, except Worker's Compensation and Professional Liability, shall name the CITY as additional insured. All policies shall contain a waiver of subrogation in favor of the CITY and shall require the giving of written notice to CITY at least thirty (30) days

prior to cancellation, non-renewal or material modification of any policies, evidenced by return receipt of United States Certified Mail. ENGINEER shall furnish CITY with copies of said policies or certificates evidencing such coverage.

6.10 Property

All documents, including drawings, field notes, surveys, tracings, calculations, computer input and output, digital or computer files, etc., prepared by the ENGINEER pursuant to this contract shall become the property of CITY. The ENGINEER may retain copies of all documents. Any reuse of the documents shall conform to The Texas Engineering Practice Act.

6.11 Governing Law

This CONTRACT has been made under and shall be governed by the laws of the State of Texas. The parties agree that the performance and all matters related thereto shall be in Stephenville, Texas.

7. DOCUMENT EXECUTION

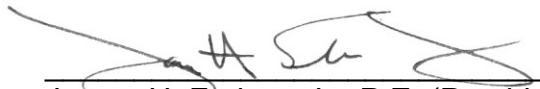
IN WITNESS WHEREOF, the parties have executed this CONTRACT the _____ day of _____, 2023.

**City of Stephenville, Texas
298 West Washington
Stephenville, Texas 76401-4257
(254)918-1220
(254)918-1207 FAX**

By: _____
Doug Svien (Mayor)

Date: _____

**ENGINEER
Pipeline Analysis, LLC
1115 Main Street
Garland, Texas 75040
(800)637-0164
(972)479-0659 FAX**

By:  _____
James H. Forbes, Jr., P.E. (President)

Date: February 2, 2023

Exhibit A Compensation Basin 4N Sewer System Evaluation Survey

Sanitary Sewer Evaluation Survey Basin 4N (39,302 l.f., 77 manholes)

Task	Description	Estimated Quantity	Unit Price	Total
100	Mobilization	L.S.	L.S.	\$ 1,780.00
200	Manhole/Pipe Inspection -(100%)	77	\$ 135.00	\$ 10,395.00
300	Smoke Testing, Public Awareness, Data Entry & Analysis (100%)	39,302	\$ 0.65	\$ 25,546.30
400	Dye Flooding	1	\$ 225.00	\$ 225.00
500*	Preparatory Cleaning	0	\$ 2.50	\$ -
600	CCTV Inspection	5900	\$ 1.75	\$ 10,325.00
700	Admin.,Project Mgt.	L.S.	L.S.	\$ 1,700.00
800	Defect Analysis/Rehab.	L.S.	L.S.	\$ 1,600.00
900	Database, Cost Estimates, Mapping, Final Reports	L.S.	L.S.	\$ 5,150.00
Total Not To Exceed (City performs Preparatory Cleaning)				\$ 56,721.30

* Performed by City Crew

Exhibit B

Detailed Scope of Services

Basin 4N

Using the prioritized results of the wastewater flow monitoring performed in July 2008, the system-wide evaluation is being phased such that the highest priority areas are investigated first. This phase of field testing and rehabilitation will concentrate effort on Basin 4N. Tasks include:

- Manhole Inspection
- Smoke Testing
- Clean and CCTV Inspection
- Map Update
- Draft and Final Report

TASK 100 MOBILIZATION

Mobilize project team and coordinate startup. Establish personnel assignments and responsibilities. Inventory equipment needs and order expendable supplies. Review all relevant existing materials, previous reports, etc. developed for or by the City of Stephenville concerning this project, including, but not limited to, the following:

1. Previous studies for the service areas to be investigated
2. Sewer maps including converting to ArcView mapping system. Also modifying the existing asset numbering system in the project area.

Deliverable:

1. Delivery of equipment and personnel
2. Work maps of Basin 4N with delineated boundaries

To Be Provided by City:

- Access for placement of equipment and personnel
- Copies of all applicable reports, maps and historical data for the study area at no cost to ENGINEER
- As-built drawings, sewer key maps, street plans, electronic aerial photographs if available and if requested at no cost to ENGINEER

TASK 200 MANHOLE/PIPE INSPECTION

Manholes can be a significant source of extraneous infiltration/inflow and thereby reduce system wet weather capacity. For this reason, each manhole within the study area is inspected. For the study area designated (Basin 4N), field inspection crews will perform an inspection of manholes. The data gathered during this phase of the project will be used to prioritize manholes for rehabilitation and establish the base data necessary to accurately determine mainline sewer rehabilitation alternatives and costs. Other important deliverables resulting from this work task are the updating of the collection system map, determination of debris levels in pipes and verification of pipe sizes. This information is critical in preparing subsequent rehabilitation plans, cleaning requirements to restore capacity and updating of the system maps.

Inspection personnel will use digital cameras during the inspection of all manholes on this project. All photographs will be included in the field inspection computer database so that a permanent electronic record can be maintained. During inspection, each of the following types of information will be obtained to establish the condition and prioritize least cost repairs:

1. Basin and Sub-area Designation
2. Manhole/Cleanout ID
3. Inspection Status – buried, CNL, CNO
4. Address and GPS coordinate (x,y) of manhole
5. Surface cover, grade, type of cover (paved, yard, etc.)
6. Material of construction – brick, concrete, etc.
7. Area and Internal photo of manhole
8. All incoming and outgoing pipe depths from rim to invert
9. All incoming and outgoing pipe digital photographs
10. Outgoing pipe length
11. Defects – Active, Evidence or No Infiltration/Inflow with digital photographs
12. Field corrections to collection system map

Upon completion of the manhole inspection, a prioritized manhole rehabilitation summary will be prepared that will include:

- Documentation with summary of field observations
- List of manholes/lines requiring immediate attention
- Digital photos
- Documentation for preparing manhole rehabilitation quantities
- Field updated map(s)
- Prioritized Manhole Repair Recommendations and Cost Estimates

To Be Provided by City:

- Current collection system map
- Access (if requested) to manholes that are buried or could not be opened.
- Assistance in locating assets (if requested)

Measurement of Payment:

Payment for this work task shall be a unit price for each manhole documented. Those manholes that are located, but buried or could not be opened will be noted and a list provided to the City. Manholes that could not be located using metal detectors or probes will be listed as Could Not Located (CNL). CNL manholes will not be billed. Manholes located, but were buried or could not be opened will be billed. The City will provide replacement covers at no cost should a cover be broken while attempting opening.

TASK 300 SMOKE TESTING OF STUDY AREA

Smoke testing will provide detailed information on wet weather inflow sources for the study area. In order to identify defects in the lines, a non-toxic smoke will be forced into the sewer by high-capacity blowers. Data documentation includes measurements from two permanent points and will be sufficient to establish the location of each defect and determine the best repair method and priority. Color digital photographs will be taken to document each defect during the smoke test.

Forty-eight (48) hours prior to testing, door hangers will be used to notify residents. A telephone number will be provided for those individuals with questions or for anyone requiring special assistance. Each day the fire department will be notified of the crew location since smoke may enter homes through defective plumbing.

To Be Provided by City:

- Review and approval of Notice to Residents
- Previous City testing data, if any

Deliverables:

- Defects listing and database
- Defect location sketch
- Digital photographs
- Smoke Notification Flyers and Notification of Residents
- Priority ranking of defects (both private and public sector)
- Repair methods and estimated costs



SMOKE TESTING NOTICE TO RESIDENT

For the next few days, inspection crews will conduct a physical survey of the wastewater collection system. Pipeline Analysis will perform this study, which involves opening manholes in the streets and backyard utility easements. Information gained from this study will be used to repair and improve the wastewater collection system.

One important task of the survey will be **smoke testing** of sewer lines to locate breaks and defects in the system. During this testing, white smoke will exit through vent pipes on the roofs of homes and through sewer line breaks. **The smoke is non-toxic, leaves no residue, and creates no fire hazard.** The smoke should not enter your home unless defective plumbing exists or drain traps are dry.

If you have seldom-used drains, please pour a gallon of water in the drain to fill the drain trap. This procedure will help prevent the possibility of smoke entering your living areas through those drains.

Field crews will perform testing of all sewers in the area. **At no time will field crews have to enter your business or residence.**

Your cooperation is appreciated. Should you have any additional questions concerning this study or if you desire special assistance, please phone:

800-637-0164



Task 400 Dye Flooding

Dye water testing can be anticipated to assist in locating specific defects during the evaluation. Non-toxic dye will be introduced as a powder or liquid. Cross-connections, roof drains and area drains that are suspected of being connected to the sanitary sewer will be positively identified using the dye tracer procedure. Field documentation and photographs will be used to record all findings. Internal inspection will determine the exact source of the 'cross-connection' and establish the best repair option (i.e., point repair, direct connection, etc.).

To Be Provided by City:

- Water for dye flooding at no cost to Engineer

TASK 500 & 600 CLEANING AND CCTV

Preparatory cleaning shall consist of hydraulic jet cleaning to facilitate the internal CCTV inspection. Preparatory cleaning will consist of not more than three passes of the jet hose (normal cleaning). Heavy cleaning to remove large deposits of debris is not included in this work task. The City of Stephenville staff may perform this phase of the work in close coordination with the CCTV operator. Debris will be removed from the line and transported for disposal. CCTV investigation is found to be critical in establishing best practical repair methods. The following information will be provided:

1. Field forms, equipment, supplies and oversight QA/QC
2. Document findings. Data to include:
 - a. Date inspected
 - b. Line segment being inspected
 - c. Project name
 - d. Location (Address)
 - e. Footage location from manhole
 - f. Defect code and/or type and severity rating using the national Pipeline Assessment Certification Program (PACP) codes
 - g. Pipeline surface cover
3. Review video and logs
4. Provide reports on of segments televised in electronic format
5. Summary of line segments cleaned and CCTV'd
6. Results of TV inspection provided on printed logs
7. Prepare prioritized mainline rehabilitation plan

To Be Provided by City:

- Hydraulic jet cleaning of line segments if this task is to be performed by City staff
- Access to site of work for placement of equipment and personnel
- Disposal of any debris removed from the sewer system
- Water for cleaning and dye testing at no cost to engineer

Measurement of Payment:

Note: It is anticipated that all preparatory cleaning will be performed by the City. Should the City elect not to perform the preparatory cleaning, then Pipeline Analysis will invoice for the actual linear feet of sewer cleaned per the unit price specified in Exhibit A. In the case of CCTV, should the camera not be able to pass the entire length of the segment (due to protruding taps, roots, dropped joints, etc.), then an attempt will be made from the opposite direction (if possible). Where a reverse setup was attempted, then the entire segment length will be billed at the unit price specified. If a reverse setup cannot be performed, then the actual segment footage CCTV'd will be billed. Summary listings of the database with field logs will serve as the basis for the periodic partial payment requests.

TASK 700 ADMINISTRATION AND PROJECT MANAGEMENT

This task includes internal project administration and oversight including scheduling, budget, quality assurance and control meetings and reporting. The project schedule will be reviewed and milestones for the completion of each task will be assigned. The project schedule will be reviewed and updated monthly to ensure that all tasks are completed in a timely and organized fashion.

Management work items include:

1. Field crew supervision and project planning
2. Obtain initial maps for field use and verification
3. Prepare monthly billings
4. Schedule equipment and order supplies

Major system deficiencies that are identified during the field inspections that if corrected would result in significant reduction in I/I or is deemed to be of a safety concern will be recorded and forwarded as soon as possible to City's designated project manager. Likewise, should City undertake a major repair within the study area, they will immediately notify ENGINEER to determine the impact on data analysis.

Deliverables:

1. Monthly invoice
2. Status reports
3. Project schedule and updates

To Be Provided by City:

- All reports or materials deemed necessary by ENGINEER and identified during the course of the project that is not specifically stated above will be provided at no additional cost to the ENGINEER

TASK 800 DEFECT ANALYSIS/ REHABILITATION

This project will generate a considerable amount of data that will require proper entry and quality control. Data collection will include the following:

1. All collected data will be integrated into the project existing defect database and will be compatible with ArcView GIS system.
2. All collected defect data will be correlated between sources to address duplicate defects that were identified by different testing methods. Identify duplicate defects to ensure multiple rehabilitation methods are not recommended for the same defect.
3. Defect data will be presented graphically (data visualization).
4. Using industry standard quantification of source defects, (i.e. ASCE Manual of Practice for Sewer Evaluation and WEF Manual of Practice for Manhole Rehabilitation) Pipeline Analysis staff will prioritize defects and recommend rehabilitation.
5. Much of the baseline data required for rehabilitation decision is gathered during the normal course of field investigations. For example, “area photos” are taken of each manhole in the direction of the outgoing pipe. This photograph not only shows the location of the manhole but also provide data on the line cover and easement conditions.
6. Since private sector defects can contribute to excessive inflow, proper documentation for subsequent repair is important. Property owner address, photograph and sufficient information to document the defect will be recorded and incorporated into the City database. TECQ’s SSO Initiative program and EPA’s CMOM program both address the need for private sector repairs. Private sector defects will be prioritized and repair methods/costs established.
7. Rehabilitation recommendations will consider the best repair for the particular asset (manhole, pipeline, etc.) being rehabilitated. A long-term least-cost solution may have an initial higher cost, but provide a higher level of service and lower operating and maintenance cost. Supporting data will be provided on accompanying flash drive.

To Be Provided by City:

- Complaint records and SSO database if requested
- Review and comments on rehabilitation methods, cost estimates, and alternatives

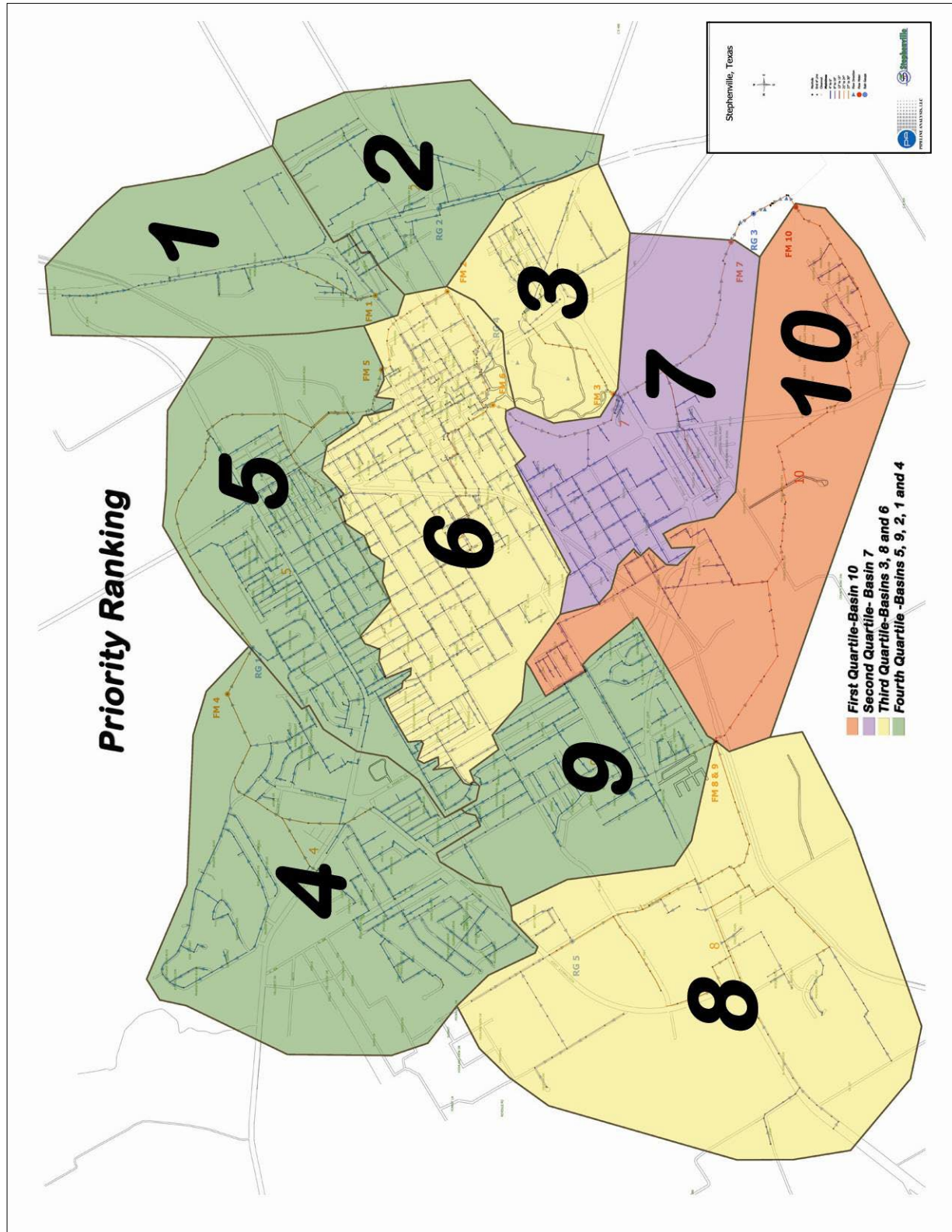
TASK 900 FINAL REPORT

Prepare and submit a Final Report that includes the following:

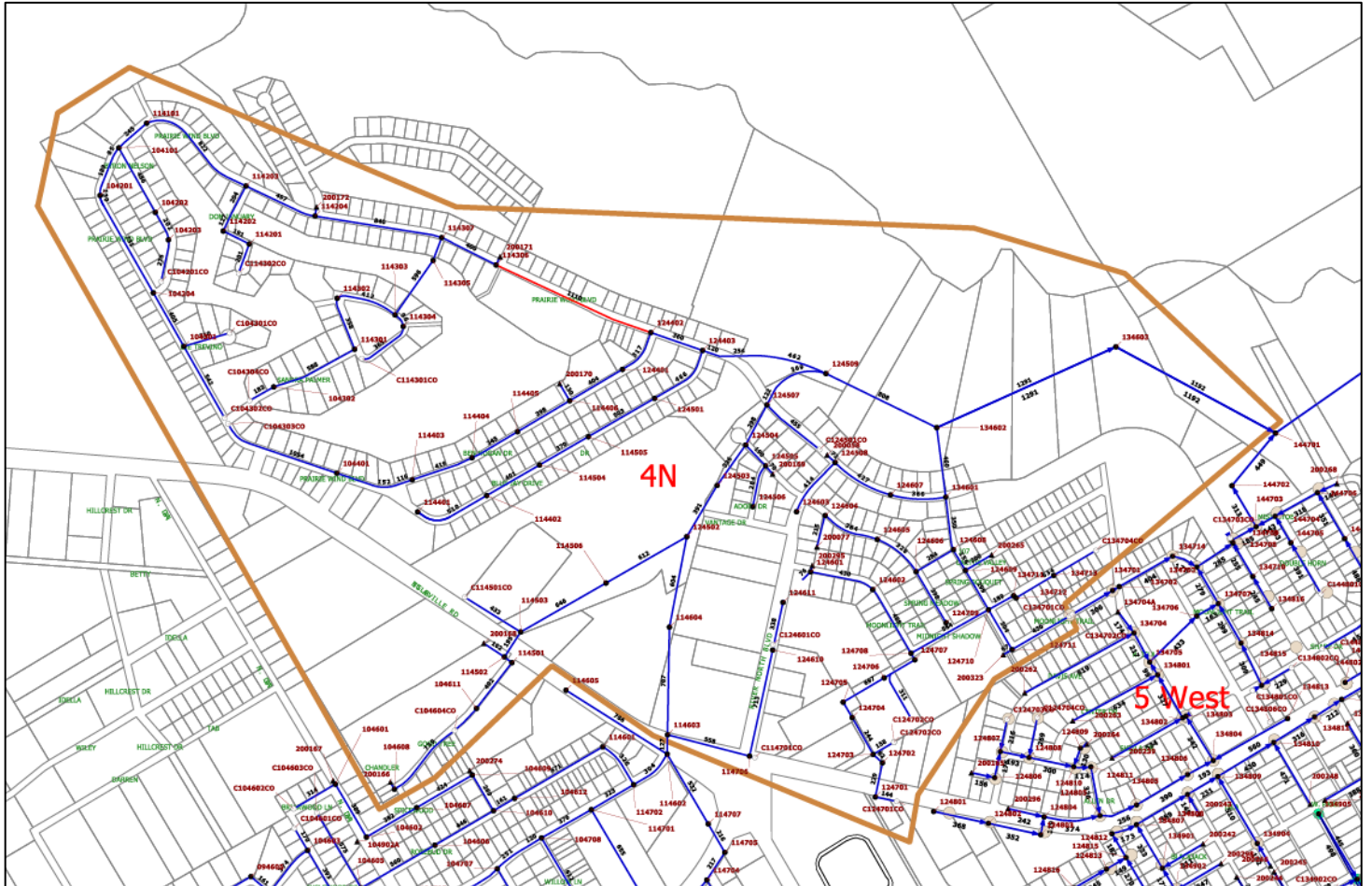
- Executive Summary
- Description of all tasks
- Manhole and pipe inspection summary/inventory
- Manhole defect summary
- Pipeline defect summary
- Service lateral defect summary
- Smoke test data summary
- Cleaning and CCTV findings
- Recommendations and Cost Estimates for Private and Public sector repairs

Prepare and submit three (3) Final Reports and electronic data.

Basins by Flow Monitoring Priority



Study Area Map Basin 4N





STAFF REPORT

SUBJECT: Monthly Budget and Quarterly Investment Report for the Period Ending December 31, 2022

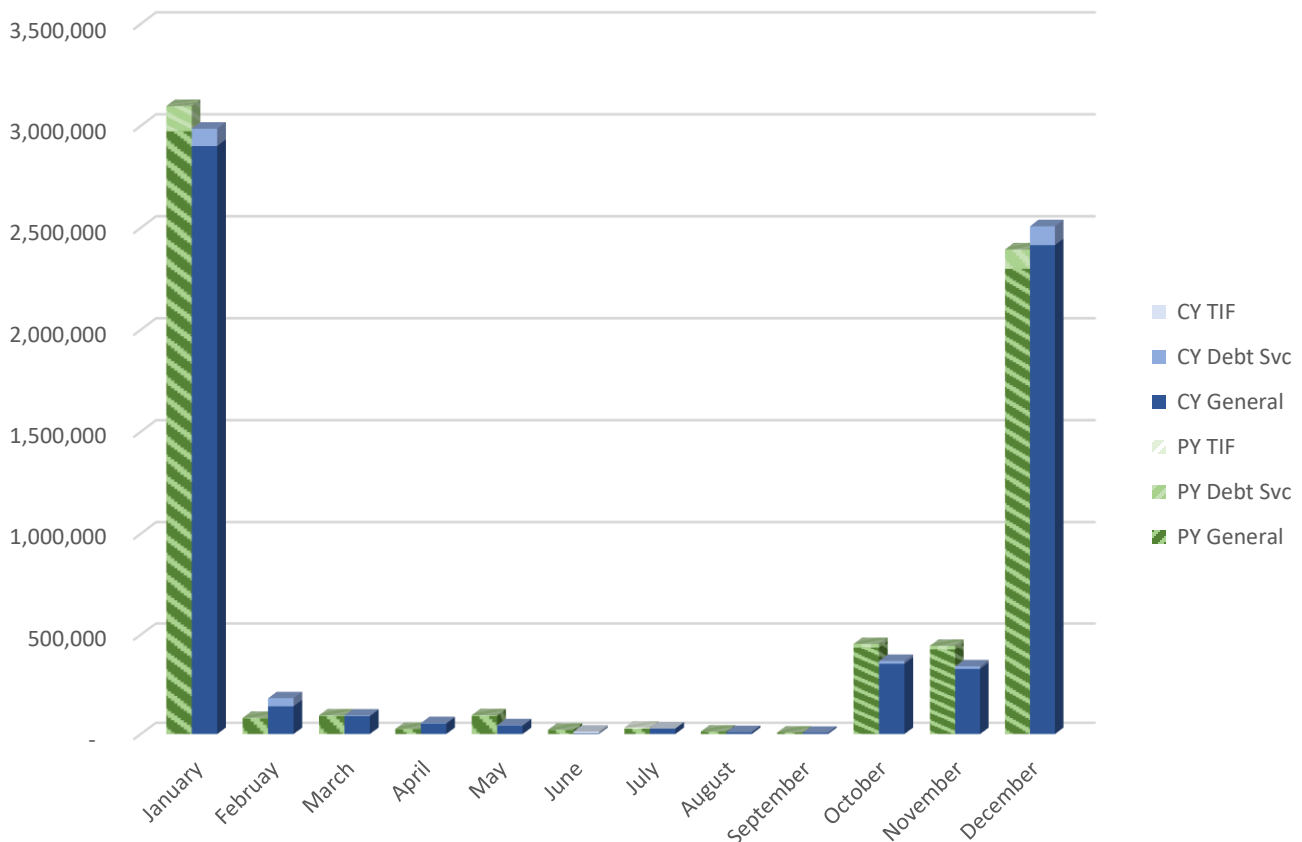
DEPARTMENT: Finance

STAFF CONTACT: Monica Harris

BACKGROUND:

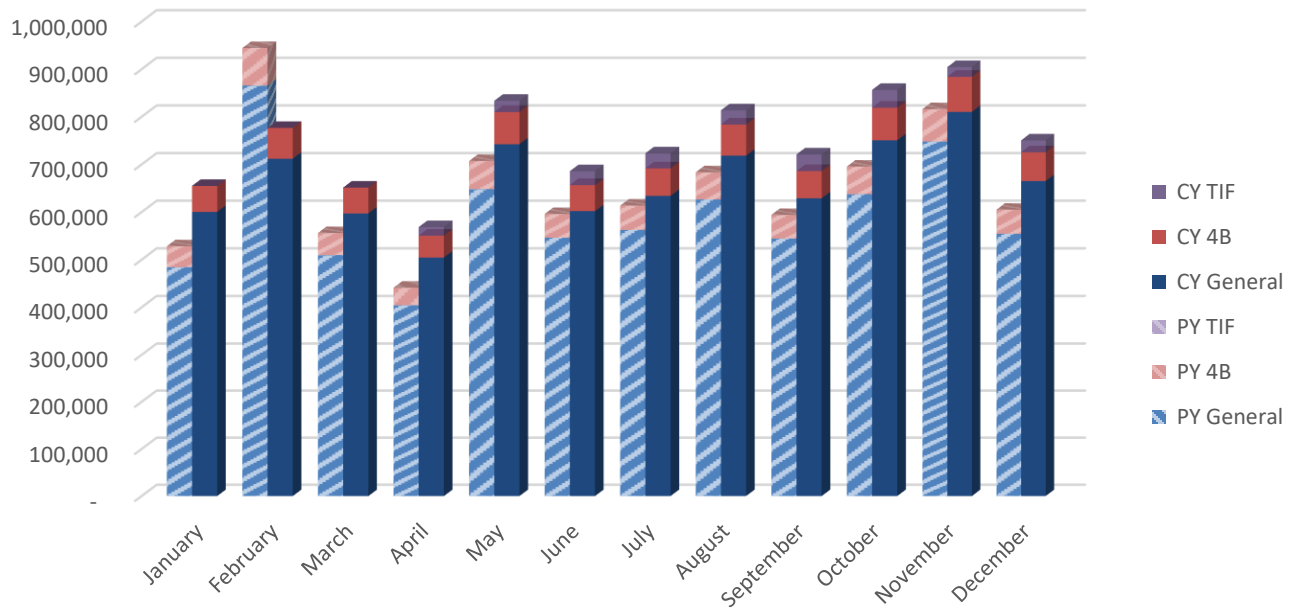
In reviewing the financial statements ending December 31, 2022, the financial indicators are overall as or better than anticipated.

Property Tax Collections
2 year 12 month rolling comparison



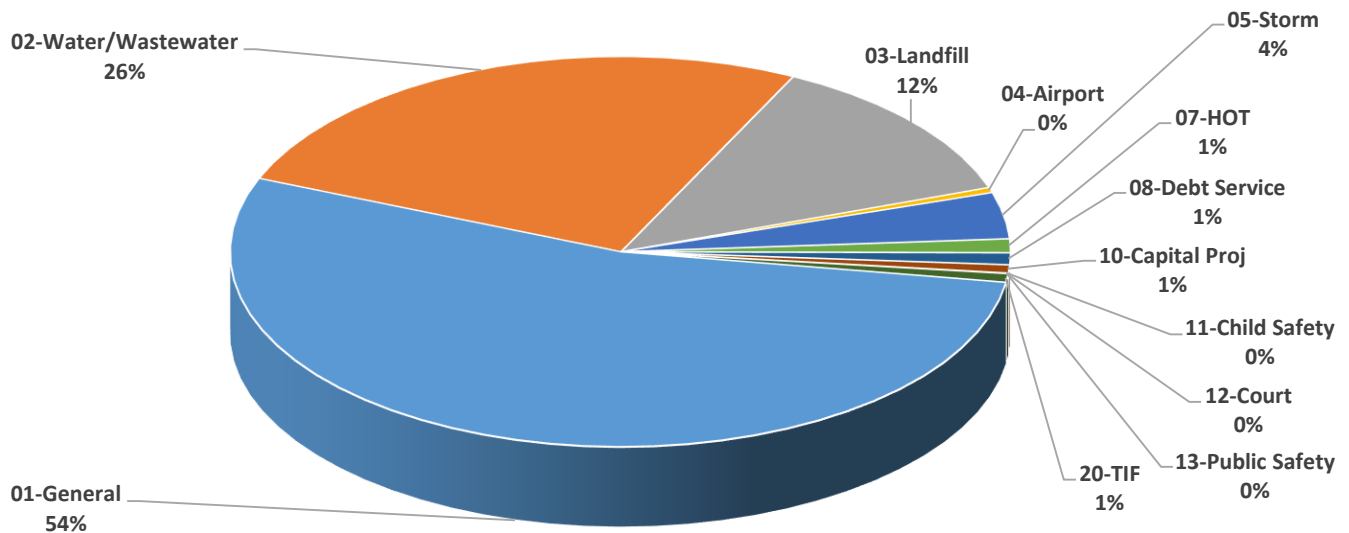
We received \$2.5 million in property taxes in the month of December, resulting in \$75K decrease over funds collected last fiscal year to date. The amount collected is almost 44% of budget, which is \$294K less than anticipated.

Sales and Use Tax 2 year 12 month rolling comparison



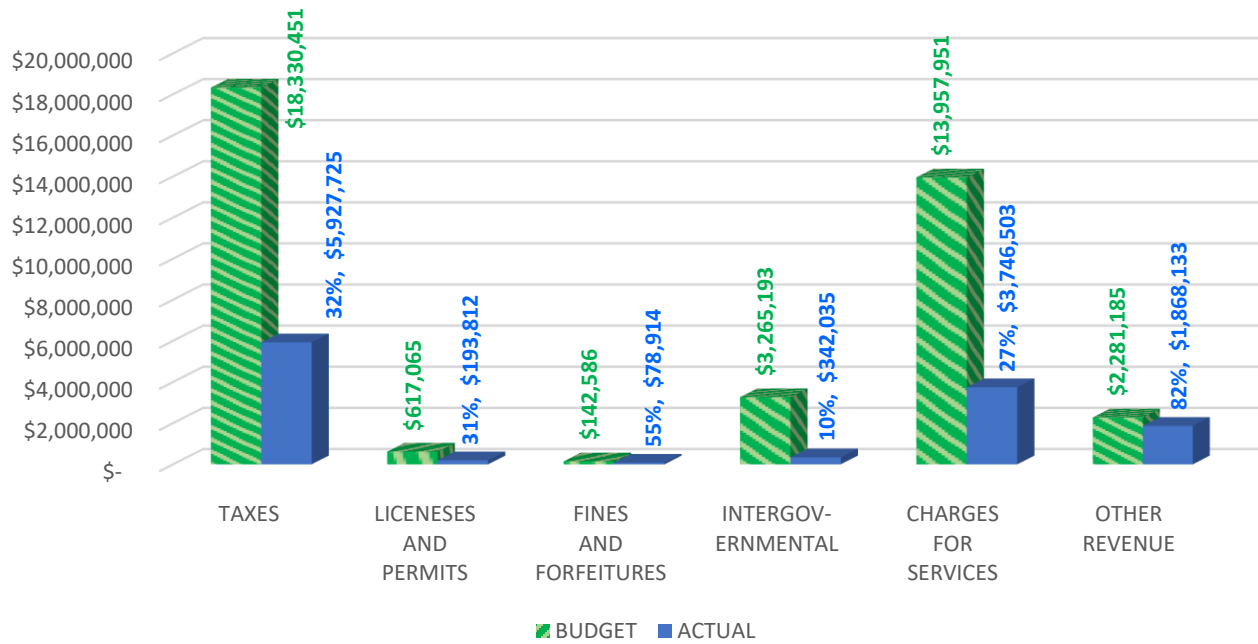
We received \$751K in sales tax in December, resulting in \$395K or 19% more than the funds collected last fiscal year to date. The amount collected is 28% of the \$9 million budget, which is \$168K higher than anticipated.

Revenue by Fund



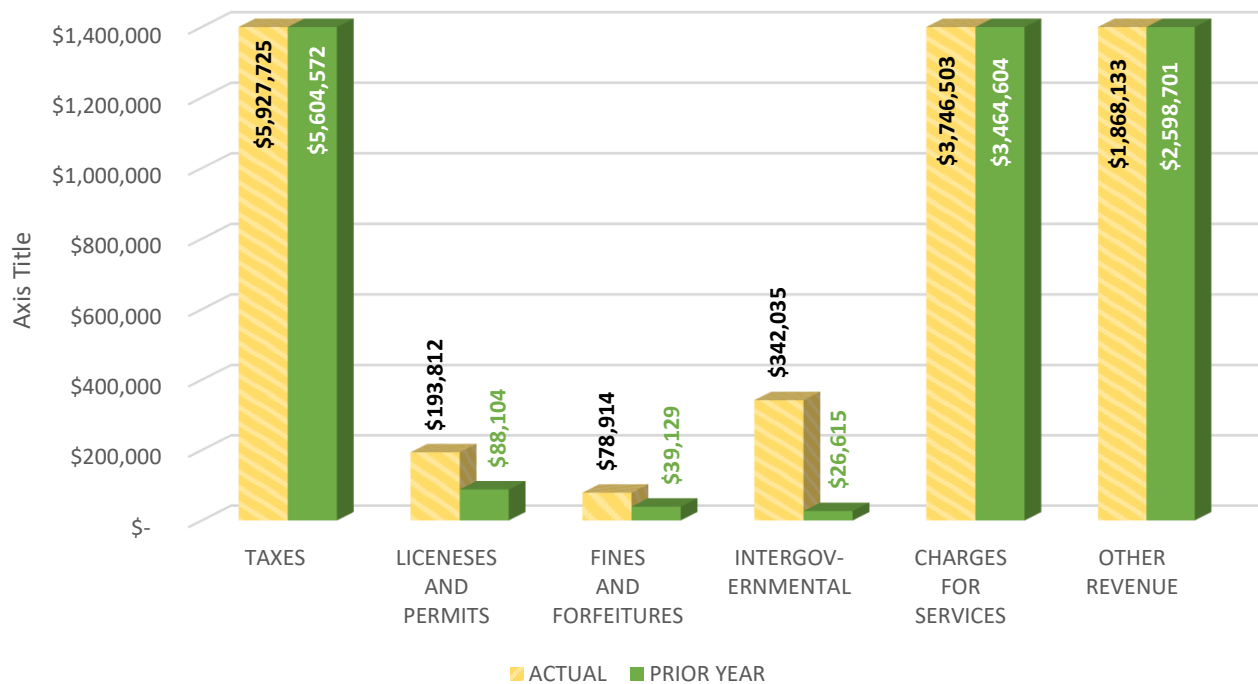
Most of the revenue received to date is in the General Fund at 54%, Water/Wastewater Fund at 26%, and Landfill at 12%.

Revenue - Budget vs Actual



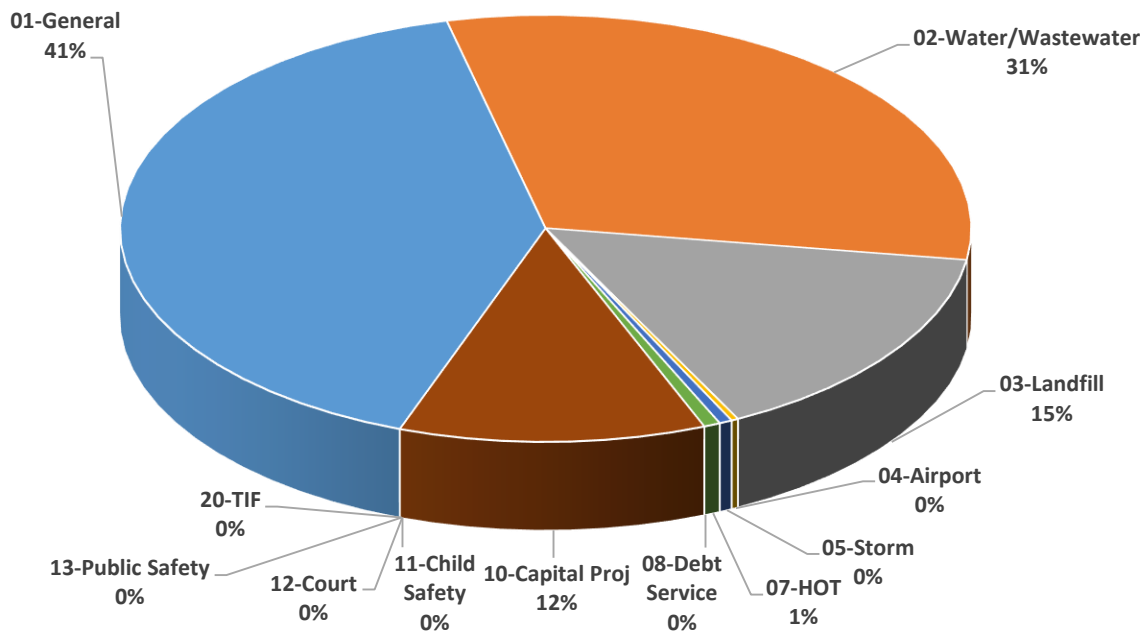
We have received 31% of the total budgeted revenues, which is over \$1.6 million more than anticipated due to charges for services, debt proceeds, and interest income.

Revenue - Prior Year Comparison



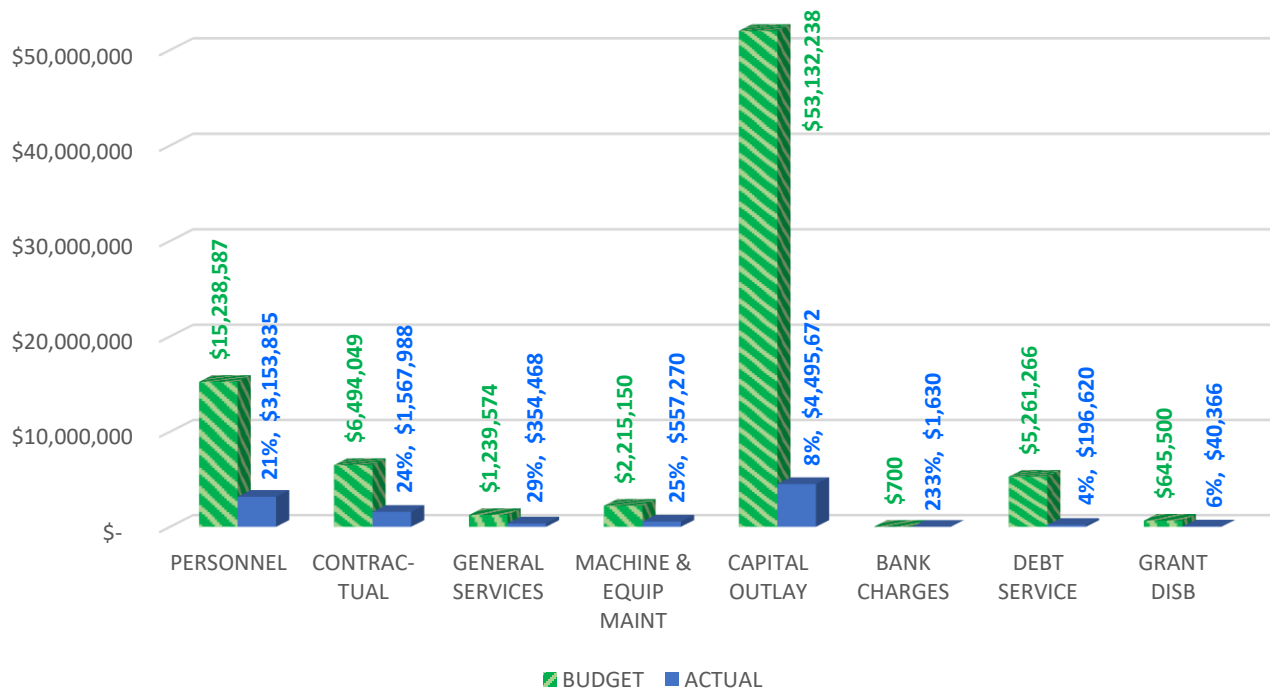
We received \$335K more in revenue than last year largely due to taxes, intergovernmental revenue, and charges for services.

Expenditures by Fund



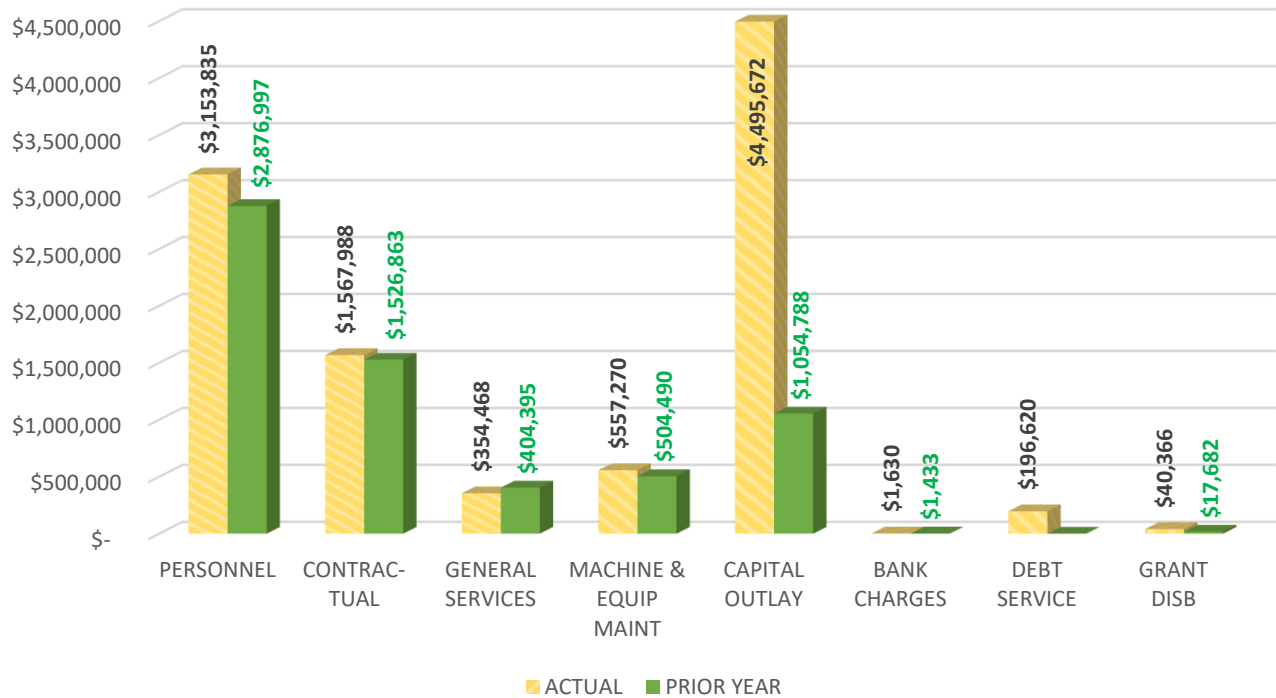
Most of the expenditures are in the General Fund at 41%, Water/Wastewater at 31%, and Landfill at 15%.

Expenditures - Budget vs Actual



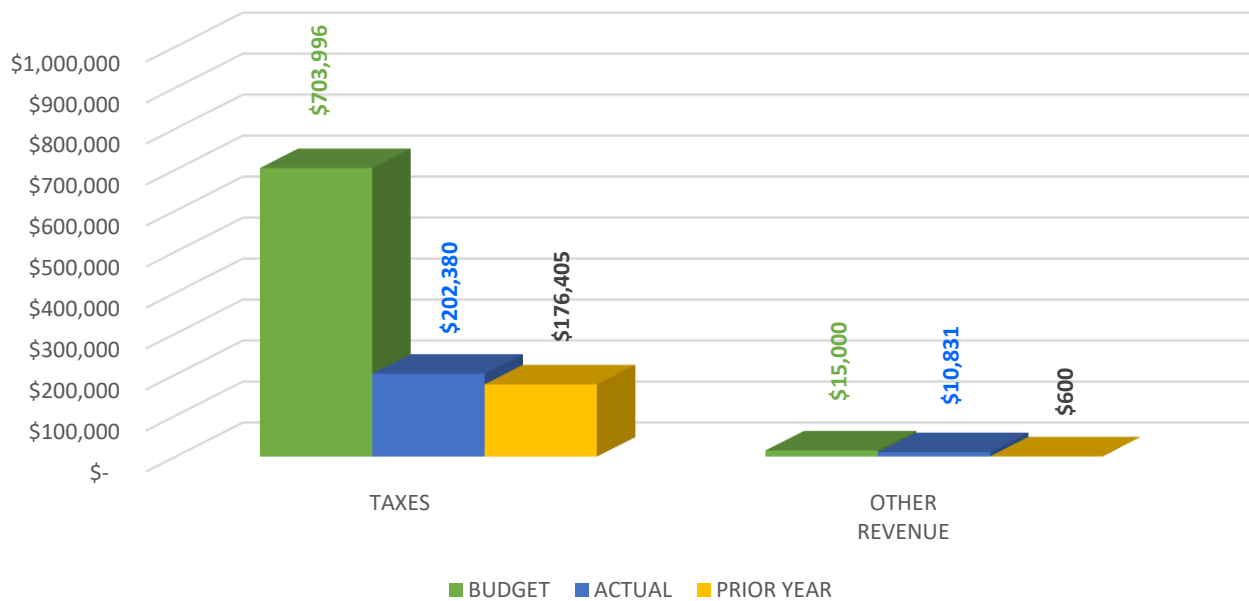
We have expended 12% of the total budgeted expenditures, which is \$9 million less than anticipated due to personnel and capital projects.

Expenditures - Prior Year Comparison



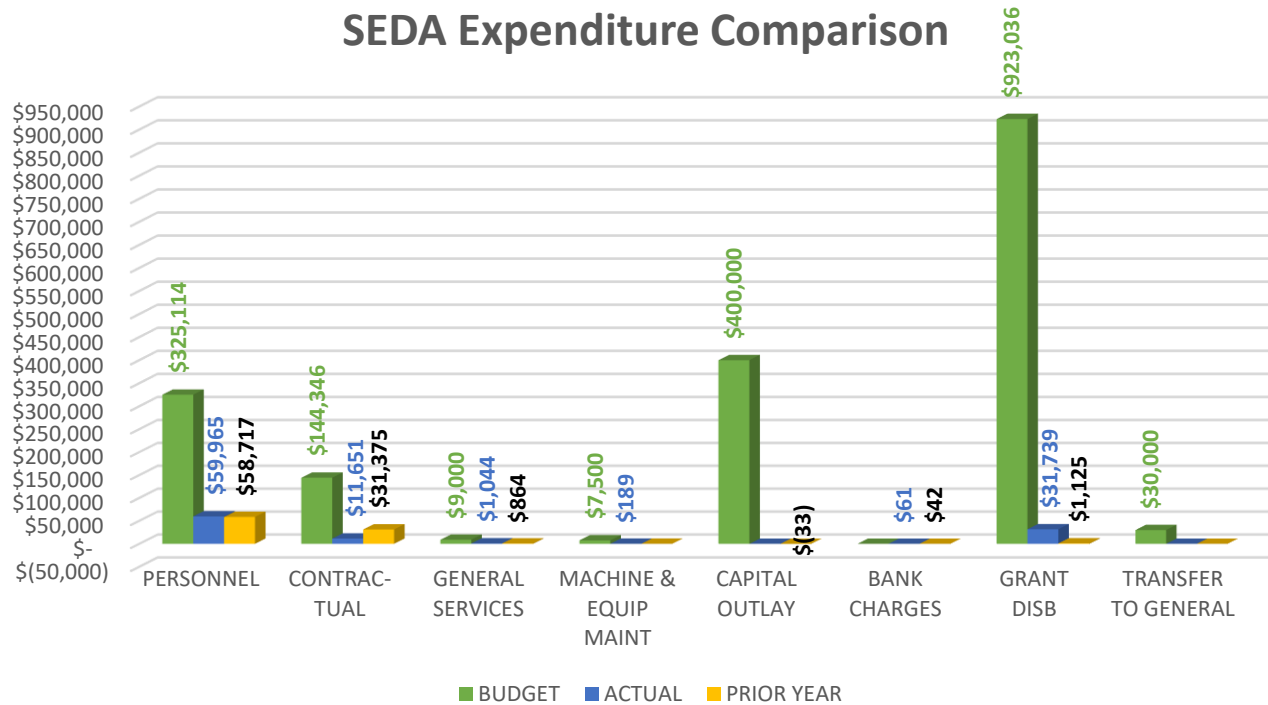
We spent almost \$4 million more in expenditures than last year, the bulk of which is personnel and capital outlay.

SEDA Revenue Comparison



SEDA has received an overall 30% of budgeted revenue through December, which is \$36,000 more than last year and \$37,000 more than anticipated.

SEDA Expenditure Comparison

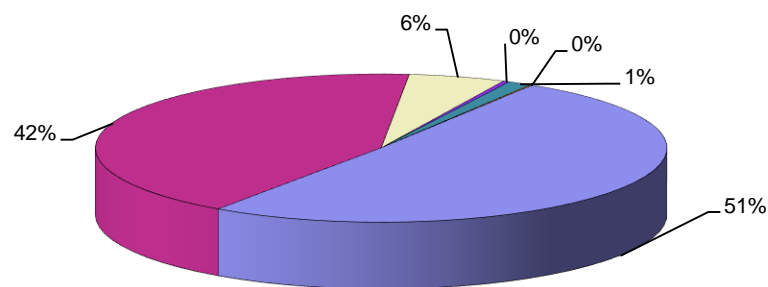


SEDA has spent an overall 6% of budgeted expenditures, which is \$12,000 more than last year due to grant disbursements but \$338K less than anticipated.

The City of Stephenville's total market value of cash and investments on December 31, 2022, was \$72,268,454. This is allocated 6% in demand accounts, less than 1% in cash/money market accounts, 1% in Certificates of Deposits, less than 1% in US Treasuries, 51% in TexStar investment pool, and 42% in TexPool investment pool.

We earned \$623K in interest for the quarter. The average yield to maturity for all account types for the quarter was 2.41%. The average yield to maturity for investment accounts for the quarter was 2.66%. The average yield to maturity for a 3-month treasury bill for the quarter was 4.04%.

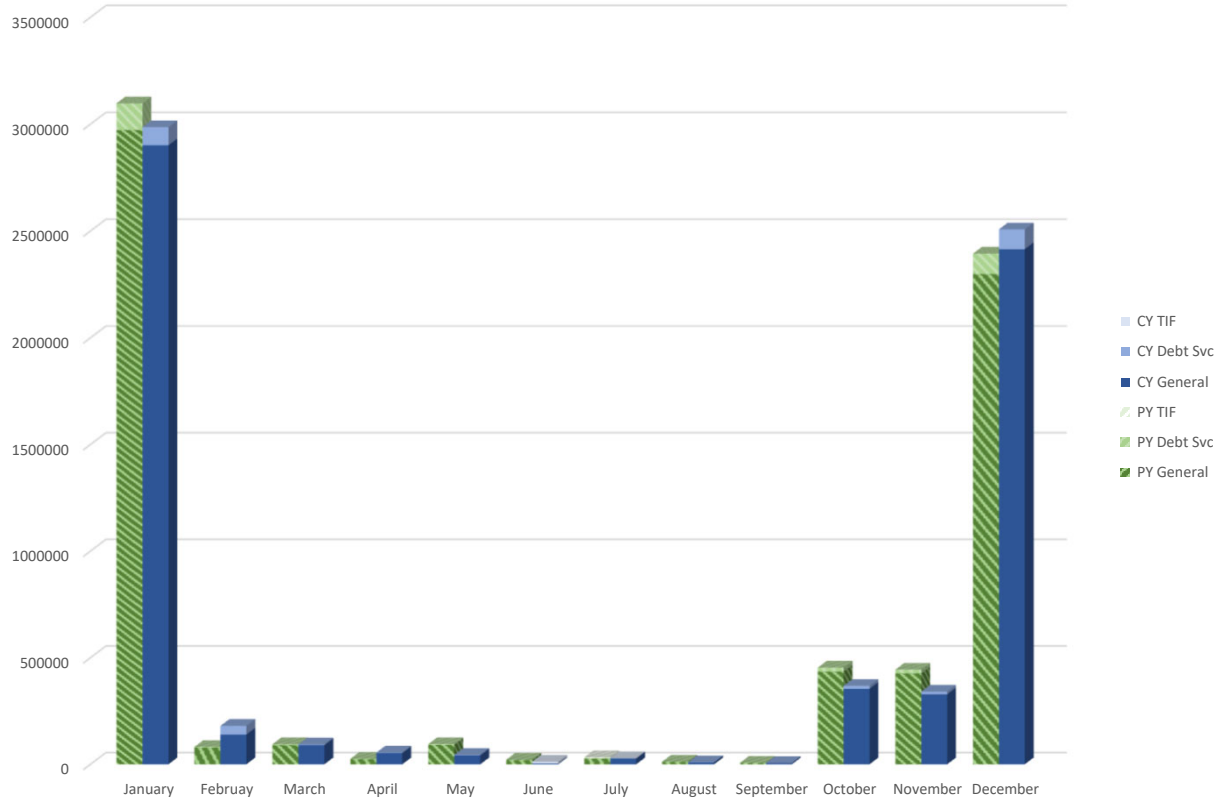
City Portfolio By Investment



■ TexStar
 ■ TexPool
 ■ Demand Accounts
 ■ Cash/Money Market
 ■ Certificates of Deposit
 ■ US Treasuries



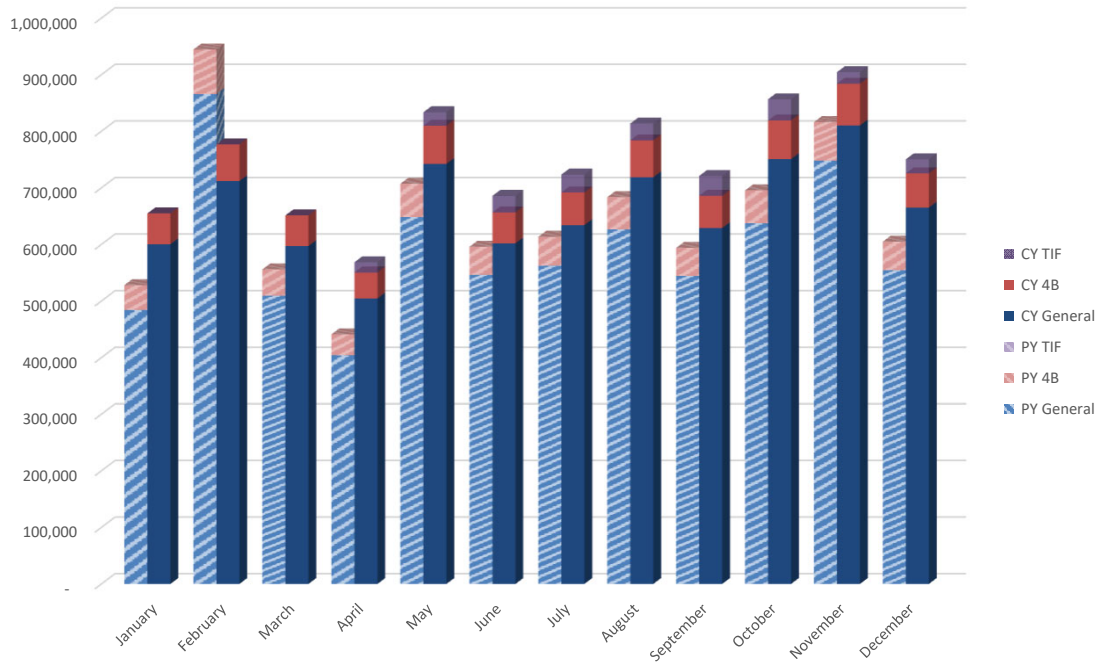
Property Tax Collections
2 year 12 month rolling comparison



Month	General Fund	Debt Svc	TIF	Total	Month	General Fund	Debt Svc	TIF	Total
Jan-21	2,973,159	123,936	-	3,097,096	Jan-22	2,900,794	84,898	-	2,985,692
Feb-21	78,158	3,268	-	81,427	Feb-22	139,716	40,485	-	180,201
Mar-21	90,202	3,822	-	94,024	Mar-22	89,653	3,698	-	93,351
Apr-21	24,696	1,064	-	25,760	Apr-22	52,666	2,172	-	54,838
May-21	90,794	3,893	-	94,687	May-22	42,164	1,926	-	44,090
Jun-21	20,314	1,266	-	21,580	Jun-22	3,566	652	7,969	12,187
Jul-21	27,201	1,304	3,789	32,294	Jul-22	27,022	1,193	-	28,214
Aug-21	11,946	508	-	12,454	Aug-22	8,974	521	-	9,495
Sep-21	7,059	300	-	7,359	Sep-22	5,893	252	-	6,145
Oct-21	435,350	17,955	-	453,305	Oct-22	353,997	13,810	-	367,806
Nov-21	426,306	17,588	-	443,894	Nov-22	328,095	12,581	-	340,676
Dec-21	2,299,000	94,802	-	2,393,802	Dec-22	2,414,751	92,491	-	2,507,242
12 month total				<u>6,757,681</u>	12 month total				<u>6,629,937</u>
Oct 2021-Dec 2021				<u>3,291,002</u>	Oct 2022-Dec 2022				<u>3,215,724</u>
FY 2021-2022 Total				6,705,214	FY 2022-2023 Budget				7,332,322
Collection to date as percentage of fiscal year total				49.08%	Collection to date as percentage of fiscal year budget				43.86%



Sales and Use Tax
2 year 12 month rolling comparison



Month	General	4B	TIF	Total	Month	General	4B	TIF	Total	% Change +/-
Jan-21	484,228	44,021	-	528,249	Jan-22	600,295	54,572	-	654,868	23.97%
Feb-21	865,761	78,706	-	944,466	Feb-22	712,030	64,730	-	776,760	-17.76%
Mar-21	509,621	46,329	-	555,950	Mar-22	597,069	54,279	-	651,348	17.16%
Apr-21	404,427	36,766	-	441,193	Apr-22	504,572	45,870	18,078	568,520	28.86%
May-21	648,372	58,943	-	707,314	May-22	742,430	67,494	23,768	833,692	17.87%
Jun-21	546,259	49,660	-	595,919	Jun-22	601,902	54,718	29,243	685,863	15.09%
Jul-21	562,550	51,141	-	613,691	Jul-22	634,088	57,644	31,769	723,501	17.89%
Aug-21	626,605	56,964	-	683,569	Aug-22	718,562	65,324	29,738	813,623	19.03%
Sep-21	544,489	49,499	-	593,988	Sep-22	628,870	57,170	35,054	721,094	21.40%
Oct-21	637,613	57,965	-	695,578	Oct-22	750,773	68,252	37,529	856,555	23.14%
Nov-21	748,251	68,023	-	816,274	Nov-22	810,371	73,670	20,398	904,439	10.80%
Dec-21	554,591	50,417	-	605,009	Dec-22	665,034	60,458	25,020	750,511	24.05%
12 month total				<u>7,781,201</u>	12 month total				<u>8,940,774</u>	14.90%
Oct 2021-Dec 2021				<u>2,116,861</u>	Oct 2022-Dec 2022				<u>2,511,505</u>	18.64%
FY 2021-2022 Total				8,546,130	FY 2022-2023 Budget				9,047,981	
Collection to date as percentage of fiscal year total				24.77%	Collection to date as percentage of fiscal year budget				27.76%	



City of Stephenville

Budget Variance Report

As Of: 12/31/2022

Item 12.

Fund: 01 - GENERAL FUND

	CURRENT MONTH			YEAR TO DATE				ANNUAL BUDGET		
	ACTUAL	BUDGETED	VARIANCE	ACTUAL	BUDGETED	VARIANCE	%	TOTAL	REMAINING	%
REVENUE SUMMARY										
TAXES	3,167,229.24	3,281,519.18	(114,289.94)	5,595,301.19	5,497,182.93	98,118.26	34	16,675,797.00	(11,080,495.81)	66
LICENSES AND PERMITS	121,725.83	27,115.73	94,610.10	189,922.79	85,061.26	104,861.53	32	588,565.00	(398,642.21)	68
FINES AND FORFEITURES	20,721.91	(6,512.78)	27,234.69	75,397.19	30,520.63	44,876.56	57	133,325.00	(57,927.81)	43
INTERGOVERNMENTAL	59,458.09	300.00	59,158.09	132,813.48	900.00	131,913.48	56	236,600.00	(103,786.52)	44
CHARGES FOR SERVICES	94,762.26	72,665.39	22,096.87	346,847.09	230,699.24	116,147.85	29	1,203,208.00	(856,360.91)	71
OTHER REVENUE	54,783.03	1,707.80	53,075.23	180,232.32	4,257.07	175,975.25	70	256,920.00	(76,687.68)	30
TRANSFER	0.00	0.00	0.00	0.00	0.00	0.00	0	1,679,307.00	(1,679,307.00)	100
TOTAL REVENUE	3,518,680.36	3,376,795.32	141,885.04	6,520,514.06	5,848,621.13	671,892.93	31	20,773,722.00	(14,253,207.94)	69
EXPENSE SUMMARY										
CITY COUNCIL	3,934.60	44,617.49	40,682.89	51,565.68	142,231.42	90,665.74	9	546,280.00	(494,714.32)	91
CITY MANAGER	20,284.74	31,828.76	11,544.02	59,932.68	96,090.22	36,157.54	14	416,165.00	(356,232.32)	86
CITY SECRETARY	6,869.27	12,377.07	5,507.80	56,561.00	35,624.18	(20,936.82)	36	155,487.00	(98,926.00)	64
EMERGENCY MANAGEMENT	312.49	1,508.99	1,196.50	9,789.23	4,526.97	(5,262.26)	54	18,108.00	(8,318.77)	46
MUNICIPAL BUILDING	5,971.17	16,183.27	10,212.10	37,618.18	52,049.77	14,431.59	19	199,936.00	(162,317.82)	81
MUNICIPAL SERVICES CTR	26,954.72	9,432.85	(17,521.87)	58,625.81	32,808.55	(25,817.26)	48	122,834.00	(64,208.19)	52
HUMAN RESOURCES	17,504.97	18,086.88	581.91	40,001.06	55,058.06	15,057.00	18	224,890.00	(184,888.94)	82
DOWNTOWN	16,478.91	18,483.48	2,004.57	50,784.97	55,063.13	4,278.16	22	228,123.00	(177,338.03)	78
FINANCE	72,869.55	69,504.20	(3,365.35)	172,409.79	211,184.17	38,774.38	20	881,636.00	(709,226.21)	80
INFORMATION TECHNOLOGY	24,428.99	35,264.14	10,835.15	111,417.60	105,660.02	(5,757.58)	25	440,022.00	(328,604.40)	75
TAX	49,658.64	16,732.74	(32,925.90)	100,398.88	50,198.22	(50,200.66)	50	200,793.00	(100,394.12)	50
LEGAL COUNSEL	9,284.25	11,034.89	1,750.64	23,600.99	33,272.67	9,671.68	18	132,587.00	(108,986.01)	82
MUNICIPAL COURT	10,866.79	10,458.49	(408.30)	34,385.07	31,964.78	(2,420.29)	26	131,170.00	(96,784.93)	74
STREET MAINTENANCE	58,883.15	85,044.61	26,161.46	167,625.71	282,078.53	114,452.82	15	1,083,683.00	(916,057.29)	85
PARKS & LEISURE ADM	0.00	0.00	0.00	0.00	0.00	0.00		0.00	0.00	

Budget Variance Report
Fund: 01 - GENERAL FUND

	CURRENT MONTH			YEAR TO DATE				ANNUAL BUDGET		
	ACTUAL	BUDGETED	VARIANCE	ACTUAL	BUDGETED	VARIANCE	%	TOTAL	REMAINING	%
PARKS & RECREATION	114,548.33	167,893.25	53,344.92	361,886.40	525,378.02	163,491.62	17	2,181,084.00	(1,819,197.60)	83
PARK MAINTENANCE	0.00	0.00	0.00	0.00	0.00	0.00		0.00	0.00	
LIBRARY	20,588.53	21,890.19	1,301.66	55,610.17	68,175.85	12,565.68	20	282,811.00	(227,200.83)	80
SENIOR CENTER	13,616.03	103,413.69	89,797.66	44,496.52	314,120.06	269,623.54	4	1,252,674.00	(1,208,177.48)	96
AQUATIC CENTER	5,975.52	24,309.61	18,334.09	19,410.43	80,336.83	60,926.40	5	412,045.00	(392,634.57)	95
FIRE DEPARTMENT	334,509.17	298,175.40	(36,333.77)	1,030,573.17	995,416.35	(35,156.82)	25	4,195,841.00	(3,165,267.83)	75
POLICE DEPARTMENT	536,991.80	471,477.04	(65,514.76)	1,592,758.61	1,549,028.13	(43,730.48)	24	6,542,936.00	(4,950,177.39)	76
DEVELOPMENT SERVICES	46,691.58	91,293.91	44,602.33	127,374.64	273,438.09	146,063.45	11	1,150,126.00	(1,022,751.36)	89
GIS	6,454.18	6,453.11	(1.07)	13,932.70	20,093.82	6,161.12	16	85,263.00	(71,330.30)	84
TRANSFERS	0.00	0.00	0.00	0.00	0.00	0.00	0	1,771,322.00	(1,771,322.00)	100
TOTAL EXPENSE	1,403,677.38	1,565,464.06	161,786.68	4,220,759.29	5,013,797.84	793,038.55	19	22,655,816.00	18,435,056.71	81
REVENUE OVER/(UNDER) EXPENDITURE	2,115,002.98	1,811,331.26	303,671.72	2,299,754.77	834,823.29	1,464,931.48		(1,882,094.00)	(32,688,264.65)	

Budget Variance Report
Fund: 02 - WATER AND WASTEWATER FUND

	CURRENT MONTH			YEAR TO DATE				ANNUAL BUDGET		
	ACTUAL	BUDGETED	VARIANCE	ACTUAL	BUDGETED	VARIANCE	%	TOTAL	REMAINING	%
REVENUE SUMMARY										
LICENSES AND PERMITS	0.00	309.65	(309.65)	0.00	309.65	(309.65)	0	1,000.00	(1,000.00)	100
INTERGOVERNMENTAL	0.00	219,708.41	(219,708.41)	0.00	659,125.23	(659,125.23)	0	2,637,556.00	(2,637,556.00)	100
CHARGES FOR SERVICES	820,403.43	813,140.62	7,262.81	2,795,253.64	2,613,229.21	182,024.43	27	10,471,363.00	(7,676,109.36)	73
OTHER REVENUE	151,012.05	858.67	150,153.38	382,726.25	2,746.41	379,979.84	83	463,000.00	(80,273.75)	17
TRANSFER	0.00	0.00	0.00	0.00	0.00	0.00	0	82,662.00	(82,662.00)	100
TOTAL REVENUE	971,415.48	1,034,017.35	(62,601.87)	3,177,979.89	3,275,410.50	(97,430.61)	23	13,655,581.00	(10,477,601.11)	77
EXPENSE SUMMARY										
UTILITIES ADMINISTRATION	548,641.79	644,781.72	96,139.93	672,363.97	1,941,978.48	1,269,614.51	9	7,831,634.00	(7,159,270.03)	91
WATER PRODUCTION	450,044.84	452,920.49	2,875.65	1,335,300.34	1,381,485.36	46,185.02	24	5,477,117.00	(4,141,816.66)	76
WATER DISTRIBUTION	25,822.34	340,802.93	314,980.59	376,718.25	1,030,221.56	653,503.31	9	4,116,581.00	(3,739,862.75)	91
CUSTOMER SERVICE	24,163.26	24,482.04	318.78	137,900.89	77,754.24	(60,146.65)	44	314,470.00	(176,569.11)	56
WASTEWATER COLLECTION	20,734.79	1,971,770.31	1,951,035.52	98,455.18	5,925,508.65	5,827,053.47	0	23,707,108.00	(23,608,652.82)	100
WASTEWATER TREATMENT	81,956.14	185,558.47	103,602.33	272,959.95	566,144.41	293,184.46	12	2,237,062.00	(1,964,102.05)	88
BILLING & COLLECTION	69,767.05	33,141.98	(36,625.07)	132,669.35	99,014.20	(33,655.15)	33	405,266.00	(272,596.65)	67
NON-DEPARTMENTAL	59,921.63	60,489.62	567.99	199,488.97	181,468.86	(18,020.11)	4	5,183,089.00	(4,983,600.03)	96
TOTAL EXPENSE	1,281,051.84	3,713,947.56	2,432,895.72	3,225,856.90	11,203,575.76	7,977,718.86	7	49,272,327.00	46,046,470.10	93
REVENUE OVER/(UNDER) EXPENDITURE	(309,636.36)	(2,679,930.21)	2,370,293.85	(47,877.01)	(7,928,165.26)	7,880,288.25		(35,616,746.00)	(56,524,071.21)	

Budget Variance Report
Fund: 03 - SANITARY LANDFILL FUND

	CURRENT MONTH			YEAR TO DATE				ANNUAL BUDGET		
	ACTUAL	BUDGETED	VARIANCE	ACTUAL	BUDGETED	VARIANCE	%	TOTAL	REMAINING	%
REVENUE SUMMARY										
CHARGES FOR SERVICES	103,466.82	85,470.19	17,996.63	298,944.69	280,329.18	18,615.51	27	1,100,400.00	(801,455.31)	73
OTHER REVENUE	6,248.03	228.17	6,019.86	1,206,549.95	1,024.24	1,205,525.71	6,954	17,350.00	1,189,199.95	-6,854
TRANSFER	0.00	0.00	0.00	0.00	0.00	0.00		0.00	0.00	
TOTAL REVENUE	109,714.85	85,698.36	24,016.49	1,505,494.64	281,353.42	1,224,141.22	135	1,117,750.00	387,744.64	-35
EXPENSE SUMMARY										
LANDFILL	37,065.81	76,366.47	39,300.66	1,571,671.26	252,772.79	(1,318,898.47)	151	1,040,961.00	530,710.26	-51
TOTAL EXPENSE	37,065.81	76,366.47	39,300.66	1,571,671.26	252,772.79	(1,318,898.47)	151	1,040,961.00	(530,710.26)	-51
REVENUE OVER/(UNDER) EXPENDITURE	72,649.04	9,331.89	63,317.15	(66,176.62)	28,580.63	(94,757.25)		76,789.00	918,454.90	

Budget Variance Report
Fund: 04 - AIRPORT FUND

	CURRENT MONTH			YEAR TO DATE				ANNUAL BUDGET		
	ACTUAL	BUDGETED	VARIANCE	ACTUAL	BUDGETED	VARIANCE	%	TOTAL	REMAINING	%
REVENUE SUMMARY										
INTERGOVERNMENTAL	0.00	0.00	0.00	0.00	0.00	0.00	0	10,000.00	(10,000.00)	100
CHARGES FOR SERVICES	8,404.68	10,654.47	(2,249.79)	52,603.93	31,854.42	20,749.51	40	130,350.00	(77,746.07)	60
OTHER REVENUE	0.00	118,539.21	(118,539.21)	0.00	355,617.63	(355,617.63)	0	1,423,040.00	(1,423,040.00)	100
TRANSFER	0.00	0.00	0.00	0.00	0.00	0.00	0	297,325.00	(297,325.00)	100
TOTAL REVENUE	8,404.68	129,193.68	(120,789.00)	52,603.93	387,472.05	(334,868.12)	3	1,860,715.00	(1,808,111.07)	97
EXPENSE SUMMARY										
AIRPORT	5,908.18	142,127.14	136,218.96	27,352.72	432,816.22	405,463.50	2	1,719,462.00	(1,692,109.28)	98
TOTAL EXPENSE	5,908.18	142,127.14	136,218.96	27,352.72	432,816.22	405,463.50	2	1,719,462.00	1,692,109.28	98
REVENUE OVER/(UNDER) EXPENDITURE	2,496.50	(12,933.46)	15,429.96	25,251.21	(45,344.17)	70,595.38		141,253.00	(3,500,220.35)	

Budget Variance Report
Fund: 05 - STORM WATER DRAINAGE FUND

	CURRENT MONTH			YEAR TO DATE				ANNUAL BUDGET		
	ACTUAL	BUDGETED	VARIANCE	ACTUAL	BUDGETED	VARIANCE	%	TOTAL	REMAINING	%
REVENUE SUMMARY										
LICENSES AND PERMITS	0.00	2,082.50	(2,082.50)	0.00	6,247.50	(6,247.50)	0	25,000.00	(25,000.00)	100
INTERGOVERNMENTAL	209,221.49	9,371.25	199,850.24	209,221.49	28,113.75	181,107.74	186	112,500.00	96,721.49	-86
CHARGES FOR SERVICES	83,880.03	84,615.00	(734.97)	251,847.38	253,845.00	(1,997.62)	25	1,015,380.00	(763,532.62)	75
OTHER REVENUE	3,131.97	4.09	3,127.88	6,579.98	12.00	6,567.98	292	2,250.00	4,329.98	-192
TOTAL REVENUE	296,233.49	96,072.84	200,160.65	467,648.85	288,218.25	179,430.60	40	1,155,130.00	(687,481.15)	60
EXPENSE SUMMARY										
STORM WATER DRAINAGE	27,974.85	29,164.99	1,190.14	50,614.71	87,494.97	36,880.26	5	1,062,812.00	(1,012,197.29)	95
TOTAL EXPENSE	27,974.85	29,164.99	1,190.14	50,614.71	87,494.97	36,880.26	5	1,062,812.00	1,012,197.29	95
REVENUE OVER/(UNDER) EXPENDITURE	268,258.64	66,907.85	201,350.79	417,034.14	200,723.28	216,310.86		92,318.00	(1,699,678.44)	

Budget Variance Report
Fund: 07 - HOTEL OCCUPANCY TAX FUND

	CURRENT MONTH			YEAR TO DATE				ANNUAL BUDGET		
	ACTUAL	BUDGETED	VARIANCE	ACTUAL	BUDGETED	VARIANCE	%	TOTAL	REMAINING	%
REVENUE SUMMARY										
TAXES	71,381.28	70,207.58	1,173.70	130,496.87	116,894.32	13,602.55	19	694,278.00	(563,781.13)	81
INTERGOVERNMENTAL	0.00	0.00	0.00	0.00	0.00	0.00		0.00	0.00	
CHARGES FOR SERVICES	0.00	0.00	0.00	0.00	0.00	0.00	0	24,750.00	(24,750.00)	100
OTHER REVENUE	3,376.04	14.62	3,361.42	8,520.67	39.50	8,481.17	189	4,500.00	4,020.67	-89
TRANSFER	0.00	0.00	0.00	0.00	0.00	0.00		0.00	0.00	
TOTAL REVENUE	74,757.32	70,222.20	4,535.12	139,017.54	116,933.82	22,083.72	19	723,528.00	(584,510.46)	81
EXPENSE SUMMARY										
TOURISM	31,800.33	53,605.29	21,804.96	65,075.35	162,624.56	97,549.21	8	786,707.00	(721,631.65)	92
TOTAL EXPENSE	31,800.33	53,605.29	21,804.96	65,075.35	162,624.56	97,549.21	8	786,707.00	721,631.65	92
REVENUE OVER/(UNDER) EXPENDITURE	42,956.99	16,616.91	26,340.08	73,942.19	(45,690.74)	119,632.93		(63,179.00)	(1,306,142.11)	

Budget Variance Report
Fund: 08 - DEBT SERVICE FUND

	CURRENT MONTH			YEAR TO DATE				ANNUAL BUDGET		
	ACTUAL	BUDGETED	VARIANCE	ACTUAL	BUDGETED	VARIANCE	%	TOTAL	REMAINING	%
REVENUE SUMMARY										
TAXES	92,509.04	102,389.04	(9,880.00)	118,980.34	129,272.10	(10,291.76)	44	270,443.00	(151,462.66)	56
OTHER REVENUE	199.71	4.25	195.46	489.37	8.12	481.25	98	500.00	(10.63)	2
TRANSFER	0.00	0.00	0.00	0.00	0.00	0.00	0	823,850.00	(823,850.00)	100
TOTAL REVENUE	92,708.75	102,393.29	(9,684.54)	119,469.71	129,280.22	(9,810.51)	11	1,094,793.00	(975,323.29)	89
EXPENSE SUMMARY										
DEBT SERVICE	0.00	58.31	58.31	0.00	174.93	174.93	0	1,092,925.00	(1,092,925.00)	100
TOTAL EXPENSE	0.00	58.31	58.31	0.00	174.93	174.93	0	1,092,925.00	1,092,925.00	100
REVENUE OVER/(UNDER) EXPENDITURE	92,708.75	102,334.98	(9,626.23)	119,469.71	129,105.29	(9,635.58)		1,868.00	(2,068,248.29)	

Budget Variance Report
Fund: 10 - CAPITAL PROJECTS FUND

	CURRENT MONTH			YEAR TO DATE				ANNUAL BUDGET		
	ACTUAL	BUDGETED	VARIANCE	ACTUAL	BUDGETED	VARIANCE	%	TOTAL	REMAINING	%
REVENUE SUMMARY										
LICENSES AND PERMITS	0.00	208.25	(208.25)	3,888.75	624.75	3,264.00	156	2,500.00	1,388.75	-56
INTERGOVERNMENTAL	0.00	0.00	0.00	0.00	0.00	0.00	0	265,737.00	(265,737.00)	100
CHARGES FOR SERVICES	0.00	1,041.25	(1,041.25)	1,006.25	3,123.75	(2,117.50)	8	12,500.00	(11,493.75)	92
OTHER REVENUE	27,682.21	502.30	27,179.91	77,825.62	1,473.86	76,351.76	69	112,500.00	(34,674.38)	31
TRANSFER	0.00	0.00	0.00	0.00	0.00	0.00	0	1,384,897.00	(1,384,897.00)	100
TOTAL REVENUE	27,682.21	1,751.80	25,930.41	82,720.62	5,222.36	77,498.26	5	1,778,134.00	(1,695,413.38)	95
EXPENSE SUMMARY										
STREET MAINTENANCE	240,690.39	679,176.13	438,485.74	1,206,519.09	2,037,528.39	831,009.30	15	8,153,375.00	(6,946,855.91)	85
PARKS & RECREATION	0.00	166,600.00	166,600.00	0.00	499,800.00	499,800.00	0	2,000,000.00	(2,000,000.00)	100
FIRE DEPARTMENT	0.00	0.00	0.00	0.00	0.00	0.00		0.00	0.00	
TRANSFERS	0.00	0.00	0.00	0.00	0.00	0.00		0.00	0.00	
TOTAL EXPENSE	240,690.39	845,776.13	605,085.74	1,206,519.09	2,537,328.39	1,330,809.30	12	10,153,375.00	8,946,855.91	88
REVENUE OVER/(UNDER) EXPENDITURE	(213,008.18)	(844,024.33)	631,016.15	(1,123,798.47)	(2,532,106.03)	1,408,307.56		(8,375,241.00)	(10,642,269.29)	

Budget Variance Report
Fund: 11 - CHILD SAFETY FUND

	CURRENT MONTH			YEAR TO DATE				ANNUAL BUDGET		
	ACTUAL	BUDGETED	VARIANCE	ACTUAL	BUDGETED	VARIANCE	%	TOTAL	REMAINING	%
REVENUE SUMMARY										
FINES AND FORFEITURES	154.55	197.03	(42.48)	696.11	801.06	(104.95)	28	2,500.00	(1,803.89)	72
OTHER REVENUE	27.88	0.39	27.49	70.60	1.03	69.57	94	75.00	(4.40)	6
TRANSFER	0.00	0.00	0.00	0.00	0.00	0.00		0.00	0.00	
TOTAL REVENUE	182.43	197.42	(14.99)	766.71	802.09	(35.38)	30	2,575.00	(1,808.29)	70
EXPENSE SUMMARY										
CHILD SAFETY	0.00	0.00	0.00	0.00	0.00	0.00		0.00	0.00	
TOTAL EXPENSE	0.00	0.00	0.00	0.00	0.00	0.00		0.00	0.00	
REVENUE OVER/(UNDER) EXPENDITURE	182.43	197.42	(14.99)	766.71	802.09	(35.38)		2,575.00	(1,808.29)	

Budget Variance Report
Fund: 12 - COURT TECHNOLOGY FUND

	CURRENT MONTH			YEAR TO DATE				ANNUAL BUDGET		
	ACTUAL	BUDGETED	VARIANCE	ACTUAL	BUDGETED	VARIANCE	%	TOTAL	REMAINING	%
REVENUE SUMMARY										
FINES AND FORFEITURES	812.54	666.98	145.56	2,820.20	1,717.42	1,102.78	42	6,761.00	(3,940.80)	58
OTHER REVENUE	69.62	0.40	69.22	173.42	1.19	172.23	116	150.00	23.42	-16
TOTAL REVENUE	882.16	667.38	214.78	2,993.62	1,718.61	1,275.01	43	6,911.00	(3,917.38)	57
EXPENSE SUMMARY										
COURT TECHNOLOGY	0.00	0.00	0.00	0.00	0.00	0.00		0.00	0.00	
TOTAL EXPENSE	0.00	0.00	0.00	0.00	0.00	0.00		0.00	0.00	
REVENUE OVER/(UNDER) EXPENDITURE	882.16	667.38	214.78	2,993.62	1,718.61	1,275.01		6,911.00	(3,917.38)	

Budget Variance Report
Fund: 13 - PUBLIC SAFETY FUND

	CURRENT MONTH			YEAR TO DATE				ANNUAL BUDGET		
	ACTUAL	BUDGETED	VARIANCE	ACTUAL	BUDGETED	VARIANCE	%	TOTAL	REMAINING	%
REVENUE SUMMARY										
FINES AND FORFEITURES	0.00	0.00	0.00	0.00	0.00	0.00		0.00	0.00	
INTERGOVERNMENTAL	0.00	0.00	0.00	0.00	0.00	0.00	0	2,800.00	(2,800.00)	100
OTHER REVENUE	312.92	2.32	310.60	816.30	6.60	809.70	109	750.00	66.30	-9
TOTAL REVENUE	312.92	2.32	310.60	816.30	6.60	809.70	23	3,550.00	(2,733.70)	77
EXPENSE SUMMARY										
PUBLIC SAFETY	0.00	1,731.55	1,731.55	0.00	5,194.65	5,194.65	0	20,787.00	(20,787.00)	100
TOTAL EXPENSE	0.00	1,731.55	1,731.55	0.00	5,194.65	5,194.65	0	20,787.00	20,787.00	100
REVENUE OVER/(UNDER) EXPENDITURE	312.92	(1,729.23)	2,042.15	816.30	(5,188.05)	6,004.35		(17,237.00)	(23,520.70)	

Budget Variance Report

Fund: 20 - TAX INCREMENT FINANCING FUND

	CURRENT MONTH			YEAR TO DATE				ANNUAL BUDGET		
	ACTUAL	BUDGETED	VARIANCE	ACTUAL	BUDGETED	VARIANCE	%	TOTAL	REMAINING	%
REVENUE SUMMARY										
TAXES	25,019.60	78,933.20	(53,913.60)	82,946.68	186,273.20	(103,326.52)	12	689,933.00	(606,986.32)	88
OTHER REVENUE	1,955.57	1.27	1,954.30	4,148.13	2.44	4,145.69	2,765	150.00	3,998.13	-2,665
TRANSFER	0.00	0.00	0.00	0.00	0.00	0.00	0	133,917.00	(133,917.00)	100
TOTAL REVENUE	26,975.17	78,934.47	(51,959.30)	87,094.81	186,275.64	(99,180.83)	11	824,000.00	(736,905.19)	89
EXPENSE SUMMARY										
TAX INCREMENT FINANCING	0.00	0.00	0.00	0.00	0.00	0.00	0	823,850.00	(823,850.00)	100
TOTAL EXPENSE	0.00	0.00	0.00	0.00	0.00	0.00	0	823,850.00	823,850.00	100
REVENUE OVER/(UNDER) EXPENDITURE	26,975.17	78,934.47	(51,959.30)	87,094.81	186,275.64	(99,180.83)		150.00	(1,560,755.19)	

	CURRENT MONTH			YEAR TO DATE				ANNUAL BUDGET		
	ACTUAL	BUDGETED	VARIANCE	ACTUAL	BUDGETED	VARIANCE	%	TOTAL	REMAINING	%
REVENUE SUMMARY										
TAXES	60,457.62	50,414.99	10,042.63	202,379.81	176,396.70	25,983.11	29	703,996.00	(501,616.19)	71
INTERGOVERNMENTAL	0.00	0.00	0.00	0.00	0.00	0.00		0.00	0.00	
OTHER REVENUE	4,203.04	60.22	4,142.82	10,831.32	170.59	10,660.73	72	15,000.00	(4,168.68)	28
TOTAL REVENUE	64,660.66	50,475.21	14,185.45	213,211.13	176,567.29	36,643.84	30	718,996.00	(505,784.87)	70
EXPENSE SUMMARY										
SEDA	54,739.67	148,429.06	93,689.39	104,649.58	442,548.19	337,898.61	6	1,838,996.00	(1,734,346.42)	94
TOTAL EXPENSE	54,739.67	148,429.06	93,689.39	104,649.58	442,548.19	337,898.61	6	1,838,996.00	1,734,346.42	94
REVENUE OVER/(UNDER) EXPENDITURE	9,920.99	(97,953.85)	107,874.84	108,561.55	(265,980.90)	374,542.45		(1,120,000.00)	(2,240,131.29)	



City of Stephenville

Prior-Year Comparative Income Statement

Item 12.

Group Summary

For the Period Ending 12/31/2022

Categor...	2021-2022 Dec. Activity	2022-2023 Dec. Activity	Dec. Variance Favorable / (Unfavorable)	Variance %	2021-2022 YTD Activity	2022-2023 YTD Activity	YTD Variance Favorable / (Unfavorable)	Variance %
Fund: 01 - GENERAL FUND								
Revenue								
40 - TAXES	2,952,340.49	3,167,229.24	214,888.75	7.28%	5,362,992.94	5,595,301.19	232,308.25	4.33%
41 - LICENSES AND PERMITS	37,976.28	121,725.83	83,749.55	220.53%	87,301.94	189,922.79	102,620.85	117.55%
42 - FINES AND FORFEITURES	-367.06	20,721.91	21,088.97	5,745.37%	36,207.02	75,397.19	39,190.17	108.24%
43 - INTERGOVERNMENTAL	26,015.19	59,458.09	33,442.90	128.55%	26,615.19	132,813.48	106,198.29	399.01%
44 - CHARGES FOR SERVICES	66,728.80	94,762.26	28,033.46	42.01%	227,129.87	346,847.09	119,717.22	52.71%
45 - OTHER REVENUE	2,371,636.25	54,783.03	-2,316,853.22	-97.69%	2,594,630.80	180,232.32	-2,414,398.48	-93.05%
Revenue Total:	5,454,329.95	3,518,680.36	-1,935,649.59	-35.49%	8,334,877.76	6,520,514.06	-1,814,363.70	-21.77%
Expense								
Department: 101 - CITY COUNCIL								
51 - PERSONNEL	1,937.70	1,937.70	0.00	0.00%	4,569.41	5,516.87	-947.46	-20.73%
52 - CONTRACTUAL	953.69	1,737.98	-784.29	-82.24%	10,590.23	43,619.64	-33,029.41	-311.89%
53 - GENERAL SERVICES	0.00	258.92	-258.92	0.00%	0.00	2,429.17	-2,429.17	0.00%
Department 101 - CITY COUNCIL Total:	2,891.39	3,934.60	-1,043.21	-36.08%	15,159.64	51,565.68	-36,406.04	-240.15%
Department: 102 - CITY MANAGER								
51 - PERSONNEL	33,632.16	20,283.71	13,348.45	39.69%	95,371.20	55,895.60	39,475.60	41.39%
52 - CONTRACTUAL	353.90	1.03	352.87	99.71%	13,229.48	3,975.01	9,254.47	69.95%
53 - GENERAL SERVICES	137.97	0.00	137.97	100.00%	196.74	62.07	134.67	68.45%
Department 102 - CITY MANAGER Total:	34,124.03	20,284.74	13,839.29	40.56%	108,797.42	59,932.68	48,864.74	44.91%
Department: 103 - CITY SECRETARY								
51 - PERSONNEL	7,928.03	6,095.73	1,832.30	23.11%	21,952.18	13,637.39	8,314.79	37.88%
52 - CONTRACTUAL	190.47	734.26	-543.79	-285.50%	7,721.90	10,775.27	-3,053.37	-39.54%
53 - GENERAL SERVICES	0.00	39.28	-39.28	0.00%	319.09	324.09	-5.00	-1.57%
54 - MACHINE & EQUIPMENT MAI	0.00	0.00	0.00	0.00%	24,622.39	31,824.25	-7,201.86	-29.25%
55 - CAPITAL OUTLAY	0.00	0.00	0.00	0.00%	4,535.11	0.00	4,535.11	100.00%
Department 103 - CITY SECRETARY Total:	8,118.50	6,869.27	1,249.23	15.39%	59,150.67	56,561.00	2,589.67	4.38%
Department: 104 - EMERGENCY MANAGEMENT								
52 - CONTRACTUAL	491.18	312.49	178.69	36.38%	12,919.86	9,789.23	3,130.63	24.23%
Department 104 - EMERGENCY MANAGEMENT Total:	491.18	312.49	178.69	36.38%	12,919.86	9,789.23	3,130.63	24.23%
Department: 105 - MUNICIPAL BUILDING								
51 - PERSONNEL	1,781.80	2,220.20	-438.40	-24.60%	5,199.86	5,938.03	-738.17	-14.20%
52 - CONTRACTUAL	1,393.59	3,186.68	-1,793.09	-128.67%	7,130.99	10,090.53	-2,959.54	-41.50%
53 - GENERAL SERVICES	1,015.14	479.29	535.85	52.79%	3,185.57	3,855.32	-669.75	-21.02%

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Categor...	2021-2022 Dec. Activity	2022-2023 Dec. Activity	Dec. Variance Favorable / (Unfavorable)	Variance %	2021-2022 YTD Activity	2022-2023 YTD Activity	YTD Variance Favorable / (Unfavorable)	Variance %
54 - MACHINE & EQUIPMENT MAI	603.98	85.00	518.98	85.93%	12,114.52	17,734.30	-5,619.78	-46.39%
Department 105 - MUNICIPAL BUILDING Total:	4,794.51	5,971.17	-1,176.66	-24.54%	27,630.94	37,618.18	-9,987.24	-36.15%
Department: 106 - MUNICIPAL SERVICES CTR								
51 - PERSONNEL	4,733.82	5,161.51	-427.69	-9.03%	12,752.51	14,092.80	-1,340.29	-10.51%
52 - CONTRACTUAL	1,858.07	2,104.48	-246.41	-13.26%	8,063.22	8,841.19	-777.97	-9.65%
53 - GENERAL SERVICES	1,364.48	14,229.13	-12,864.65	-942.82%	11,196.13	30,232.22	-19,036.09	-170.02%
54 - MACHINE & EQUIPMENT MAI	53.50	5,459.60	-5,406.10	-10,104.86%	481.49	5,459.60	-4,978.11	-1,033.90%
Department 106 - MUNICIPAL SERVICES CTR Total:	8,009.87	26,954.72	-18,944.85	-236.52%	32,493.35	58,625.81	-26,132.46	-80.42%
Department: 107 - HUMAN RESOURCES								
51 - PERSONNEL	6,830.28	7,187.34	-357.06	-5.23%	20,573.69	19,188.10	1,385.59	6.73%
52 - CONTRACTUAL	22,987.58	10,240.86	12,746.72	55.45%	33,213.04	20,587.82	12,625.22	38.01%
53 - GENERAL SERVICES	0.00	76.77	-76.77	0.00%	39.45	225.14	-185.69	-470.70%
Department 107 - HUMAN RESOURCES Total:	29,817.86	17,504.97	12,312.89	41.29%	53,826.18	40,001.06	13,825.12	25.68%
Department: 108 - DOWNTOWN								
51 - PERSONNEL	3,538.42	6,510.75	-2,972.33	-84.00%	10,292.23	17,487.23	-7,195.00	-69.91%
52 - CONTRACTUAL	3,388.29	9,968.16	-6,579.87	-194.19%	12,546.14	33,297.74	-20,751.60	-165.40%
53 - GENERAL SERVICES	2,026.00	0.00	2,026.00	100.00%	4,050.27	0.00	4,050.27	100.00%
55 - CAPITAL OUTLAY	0.00	0.00	0.00	0.00%	2,156.19	0.00	2,156.19	100.00%
Department 108 - DOWNTOWN Total:	8,952.71	16,478.91	-7,526.20	-84.07%	29,044.83	50,784.97	-21,740.14	-74.85%
Department: 201 - FINANCE								
51 - PERSONNEL	29,850.45	39,066.69	-9,216.24	-30.87%	81,680.06	102,805.69	-21,125.63	-25.86%
52 - CONTRACTUAL	5,790.07	6,744.06	-953.99	-16.48%	22,124.53	41,178.21	-19,053.68	-86.12%
53 - GENERAL SERVICES	0.00	0.00	0.00	0.00%	300.66	80.58	220.08	73.20%
54 - MACHINE & EQUIPMENT MAI	21,805.79	26,958.80	-5,153.01	-23.63%	21,805.79	27,258.78	-5,452.99	-25.01%
56 - BANK CHARGES	120.00	100.00	20.00	16.67%	427.25	1,086.53	-659.28	-154.31%
Department 201 - FINANCE Total:	57,566.31	72,869.55	-15,303.24	-26.58%	126,338.29	172,409.79	-46,071.50	-36.47%
Department: 203 - INFORMATION TECHNOLOGY								
51 - PERSONNEL	21,713.28	17,058.36	4,654.92	21.44%	51,825.07	48,181.13	3,643.94	7.03%
52 - CONTRACTUAL	550.01	62.71	487.30	88.60%	2,763.43	680.22	2,083.21	75.38%
53 - GENERAL SERVICES	1,670.03	3,215.62	-1,545.59	-92.55%	5,676.91	12,031.29	-6,354.38	-111.93%
54 - MACHINE & EQUIPMENT MAI	7,987.26	4,092.30	3,894.96	48.76%	52,485.30	50,524.96	1,960.34	3.74%
55 - CAPITAL OUTLAY	0.00	0.00	0.00	0.00%	19,454.60	0.00	19,454.60	100.00%
Department 203 - INFORMATION TECHNOLOGY Total:	31,920.58	24,428.99	7,491.59	23.47%	132,205.31	111,417.60	20,787.71	15.72%
Department: 204 - TAX								
52 - CONTRACTUAL	44,845.04	49,658.64	-4,813.60	-10.73%	85,675.36	100,398.88	-14,723.52	-17.19%
Department 204 - TAX Total:	44,845.04	49,658.64	-4,813.60	-10.73%	85,675.36	100,398.88	-14,723.52	-17.19%
Department: 301 - LEGAL COUNSEL								
51 - PERSONNEL	8,917.11	9,284.25	-367.14	-4.12%	20,317.91	23,417.51	-3,099.60	-15.26%
52 - CONTRACTUAL	6.25	0.00	6.25	100.00%	11,785.59	172.67	11,612.92	98.53%

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53 - GENERAL SERVICES	0.00	0.00	0.00	0.00%	0.00	10.81	-10.81	0.00%
Department 301 - LEGAL COUNSEL Total:	8,923.36	9,284.25	-360.89	-4.04%	32,103.50	23,600.99	8,502.51	26.48%
Department: 302 - MUNICIPAL COURT								
51 - PERSONNEL	5,810.80	6,550.10	-739.30	-12.72%	15,855.09	17,545.09	-1,690.00	-10.66%
52 - CONTRACTUAL	1,289.74	3,344.71	-2,054.97	-159.33%	8,762.49	11,163.01	-2,400.52	-27.40%
53 - GENERAL SERVICES	970.45	971.98	-1.53	-0.16%	1,794.60	2,493.50	-698.90	-38.94%
54 - MACHINE & EQUIPMENT MAI	0.00	0.00	0.00	0.00%	3,031.88	3,183.47	-151.59	-5.00%
Department 302 - MUNICIPAL COURT Total:	8,070.99	10,866.79	-2,795.80	-34.64%	29,444.06	34,385.07	-4,941.01	-16.78%
Department: 402 - STREET MAINTENANCE								
51 - PERSONNEL	31,146.49	35,148.05	-4,001.56	-12.85%	92,020.33	102,847.25	-10,826.92	-11.77%
52 - CONTRACTUAL	17,670.19	18,338.83	-668.64	-3.78%	45,367.44	48,249.86	-2,882.42	-6.35%
53 - GENERAL SERVICES	1,579.16	2,213.48	-634.32	-40.17%	5,465.18	6,956.58	-1,491.40	-27.29%
54 - MACHINE & EQUIPMENT MAI	6,666.87	3,182.79	3,484.08	52.26%	35,726.91	9,572.02	26,154.89	73.21%
55 - CAPITAL OUTLAY	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Department 402 - STREET MAINTENANCE Total:	57,062.71	58,883.15	-1,820.44	-3.19%	178,579.86	167,625.71	10,954.15	6.13%
Department: 501 - PARKS & RECREATION								
51 - PERSONNEL	68,265.59	74,006.77	-5,741.18	-8.41%	190,398.79	203,072.85	-12,674.06	-6.66%
52 - CONTRACTUAL	19,828.95	26,266.23	-6,437.28	-32.46%	70,609.37	72,558.21	-1,948.84	-2.76%
53 - GENERAL SERVICES	4,054.92	4,073.87	-18.95	-0.47%	28,869.16	25,808.37	3,060.79	10.60%
54 - MACHINE & EQUIPMENT MAI	7,752.01	10,201.46	-2,449.45	-31.60%	15,355.51	25,543.02	-10,187.51	-66.34%
55 - CAPITAL OUTLAY	25,481.07	0.00	25,481.07	100.00%	57,195.03	34,898.62	22,296.41	38.98%
56 - BANK CHARGES	0.00	0.00	0.00	0.00%	501.08	5.33	495.75	98.94%
Department 501 - PARKS & RECREATION Total:	125,382.54	114,548.33	10,834.21	8.64%	362,928.94	361,886.40	1,042.54	0.29%
Department: 504 - LIBRARY								
51 - PERSONNEL	15,881.47	17,513.06	-1,631.59	-10.27%	43,221.12	46,807.31	-3,586.19	-8.30%
52 - CONTRACTUAL	1,134.94	1,875.37	-740.43	-65.24%	5,005.13	5,627.33	-622.20	-12.43%
53 - GENERAL SERVICES	722.51	1,140.10	-417.59	-57.80%	1,968.69	2,591.50	-622.81	-31.64%
54 - MACHINE & EQUIPMENT MAI	1,063.12	60.00	1,003.12	94.36%	1,201.21	584.03	617.18	51.38%
Department 504 - LIBRARY Total:	18,802.04	20,588.53	-1,786.49	-9.50%	51,396.15	55,610.17	-4,214.02	-8.20%
Department: 506 - SENIOR CENTER								
51 - PERSONNEL	6,216.71	6,762.21	-545.50	-8.77%	18,223.81	18,404.86	-181.05	-0.99%
52 - CONTRACTUAL	2,047.55	4,512.81	-2,465.26	-120.40%	8,863.48	11,082.74	-2,219.26	-25.04%
53 - GENERAL SERVICES	1,470.46	1,851.51	-381.05	-25.91%	2,999.04	3,522.71	-523.67	-17.46%
54 - MACHINE & EQUIPMENT MAI	326.11	489.50	-163.39	-50.10%	1,105.57	787.21	318.36	28.80%
55 - CAPITAL OUTLAY	0.00	0.00	0.00	0.00%	0.00	10,699.00	-10,699.00	0.00%
Department 506 - SENIOR CENTER Total:	10,060.83	13,616.03	-3,555.20	-35.34%	31,191.90	44,496.52	-13,304.62	-42.65%
Department: 507 - AQUATIC CENTER								
51 - PERSONNEL	0.00	96.88	-96.88	0.00%	2,521.91	2,704.57	-182.66	-7.24%
52 - CONTRACTUAL	1,599.24	3,601.80	-2,002.56	-125.22%	10,730.98	12,320.27	-1,589.29	-14.81%
53 - GENERAL SERVICES	638.50	0.00	638.50	100.00%	4,147.08	2,108.75	2,038.33	49.15%

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54 - MACHINE & EQUIPMENT MAI	743.95	2,276.84	-1,532.89	-206.05%	753.95	2,276.84	-1,522.89	-201.99%
Department 507 - AQUATIC CENTER Total:	2,981.69	5,975.52	-2,993.83	-100.41%	18,153.92	19,410.43	-1,256.51	-6.92%
Department: 601 - FIRE DEPARTMENT								
51 - PERSONNEL	246,226.21	289,334.68	-43,108.47	-17.51%	724,207.01	793,652.09	-69,445.08	-9.59%
52 - CONTRACTUAL	6,500.92	13,305.09	-6,804.17	-104.66%	48,132.86	92,180.84	-44,047.98	-91.51%
53 - GENERAL SERVICES	6,144.17	19,844.40	-13,700.23	-222.98%	22,185.39	63,643.04	-41,457.65	-186.87%
54 - MACHINE & EQUIPMENT MAI	11,505.87	12,025.00	-519.13	-4.51%	22,612.41	33,268.20	-10,655.79	-47.12%
55 - CAPITAL OUTLAY	223,014.50	0.00	223,014.50	100.00%	243,014.50	47,829.00	195,185.50	80.32%
56 - BANK CHARGES	0.00	0.00	0.00	0.00%	1.03	0.00	1.03	100.00%
Department 601 - FIRE DEPARTMENT Total:	493,391.67	334,509.17	158,882.50	32.20%	1,060,153.20	1,030,573.17	29,580.03	2.79%
Department: 701 - POLICE DEPARTMENT								
51 - PERSONNEL	358,389.77	382,634.19	-24,244.42	-6.76%	1,012,835.98	1,094,912.12	-82,076.14	-8.10%
52 - CONTRACTUAL	18,379.52	22,369.13	-3,989.61	-21.71%	147,567.04	143,781.09	3,785.95	2.57%
53 - GENERAL SERVICES	19,637.22	23,830.71	-4,193.49	-21.35%	41,966.43	68,634.02	-26,667.59	-63.55%
54 - MACHINE & EQUIPMENT MAI	14,538.10	13,281.08	1,257.02	8.65%	47,803.56	32,290.44	15,513.12	32.45%
55 - CAPITAL OUTLAY	0.00	94,876.69	-94,876.69	0.00%	2,026.25	253,140.94	-251,114.69	-12,393.08%
Department 701 - POLICE DEPARTMENT Total:	410,944.61	536,991.80	-126,047.19	-30.67%	1,252,199.26	1,592,758.61	-340,559.35	-27.20%
Department: 801 - DEVELOPMENT SERVICES								
51 - PERSONNEL	31,767.91	38,705.09	-6,937.18	-21.84%	80,310.75	101,986.00	-21,675.25	-26.99%
52 - CONTRACTUAL	1,257.23	6,107.10	-4,849.87	-385.76%	23,309.25	12,063.10	11,246.15	48.25%
53 - GENERAL SERVICES	618.94	1,879.39	-1,260.45	-203.65%	2,035.38	4,011.54	-1,976.16	-97.09%
54 - MACHINE & EQUIPMENT MAI	0.00	0.00	0.00	0.00%	8,248.67	9,314.00	-1,065.33	-12.92%
Department 801 - DEVELOPMENT SERVICES Total:	33,644.08	46,691.58	-13,047.50	-38.78%	113,904.05	127,374.64	-13,470.59	-11.83%
Department: 804 - GIS								
51 - PERSONNEL	0.00	6,454.18	-6,454.18	0.00%	0.00	13,658.71	-13,658.71	0.00%
52 - CONTRACTUAL	0.00	0.00	0.00	0.00%	0.00	273.99	-273.99	0.00%
Department 804 - GIS Total:	0.00	6,454.18	-6,454.18	0.00%	0.00	13,932.70	-13,932.70	0.00%
Expense Total:	1,400,796.50	1,403,677.38	-2,880.88	-0.21%	3,813,296.69	4,220,759.29	-407,462.60	-10.69%
Total Revenues	5,454,329.95	3,518,680.36	-1,935,649.59	-35.49%	8,334,877.76	6,520,514.06	-1,814,363.70	-21.77%
Fund 01 Surplus (Deficit):	4,053,533.45	2,115,002.98	-1,938,530.47	-47.82%	4,521,581.07	2,299,754.77	-2,221,826.30	-49.14%

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Fund: 02 - WATER AND WASTEWATER FUND								
Revenue								
44 - CHARGES FOR SERVICES	816,779.73	820,403.43	3,623.70	0.44%	2,670,703.03	2,795,253.64	124,550.61	4.66%
45 - OTHER REVENUE	2,328.49	151,012.05	148,683.56	6,385.41%	2,600.09	382,726.25	380,126.16	14,619.73%
Revenue Total:	819,108.22	971,415.48	152,307.26	18.59%	2,673,303.12	3,177,979.89	504,676.77	18.88%
Expense								
Department: 000 - UTILITIES ADMINISTRATION								
51 - PERSONNEL	32,556.83	55,752.94	-23,196.11	-71.25%	91,620.38	159,626.24	-68,005.86	-74.23%
52 - CONTRACTUAL	7,587.64	2,719.30	4,868.34	64.16%	12,375.02	6,350.03	6,024.99	48.69%
53 - GENERAL SERVICES	45.26	29.99	15.27	33.74%	723.35	1,002.96	-279.61	-38.65%
55 - CAPITAL OUTLAY	0.00	490,139.56	-490,139.56	0.00%	0.00	505,384.74	-505,384.74	0.00%
Department 000 - UTILITIES ADMINISTRATION Total:	40,189.73	548,641.79	-508,452.06	-1,265.13%	104,718.75	672,363.97	-567,645.22	-542.07%
Department: 001 - WATER PRODUCTION								
51 - PERSONNEL	23,545.60	21,215.17	2,330.43	9.90%	58,339.99	55,043.65	3,296.34	5.65%
52 - CONTRACTUAL	51,870.07	54,186.84	-2,316.77	-4.47%	282,277.28	301,949.66	-19,672.38	-6.97%
53 - GENERAL SERVICES	796.84	618.38	178.46	22.40%	2,733.94	3,024.17	-290.23	-10.62%
54 - MACHINE & EQUIPMENT MAI	578.29	1,607.79	-1,029.50	-178.02%	16,871.17	35,480.36	-18,609.19	-110.30%
55 - CAPITAL OUTLAY	17,240.00	372,416.66	-355,176.66	-2,060.19%	38,120.00	939,802.50	-901,682.50	-2,365.38%
Department 001 - WATER PRODUCTION Total:	94,030.80	450,044.84	-356,014.04	-378.61%	398,342.38	1,335,300.34	-936,957.96	-235.21%
Department: 002 - WATER DISTRIBUTION								
51 - PERSONNEL	10,716.94	8,526.54	2,190.40	20.44%	33,444.78	23,856.66	9,588.12	28.67%
52 - CONTRACTUAL	38,869.17	10,800.33	28,068.84	72.21%	74,181.78	23,981.91	50,199.87	67.67%
53 - GENERAL SERVICES	1,419.92	1,657.06	-237.14	-16.70%	9,022.28	15,731.20	-6,708.92	-74.36%
54 - MACHINE & EQUIPMENT MAI	91,715.72	4,838.41	86,877.31	94.72%	142,103.23	18,031.18	124,072.05	87.31%
55 - CAPITAL OUTLAY	7,750.00	0.00	7,750.00	100.00%	18,535.00	295,117.30	-276,582.30	-1,492.22%
Department 002 - WATER DISTRIBUTION Total:	150,471.75	25,822.34	124,649.41	82.84%	277,287.07	376,718.25	-99,431.18	-35.86%
Department: 003 - CUSTOMER SERVICE								
51 - PERSONNEL	15,753.49	15,245.59	507.90	3.22%	41,197.51	40,206.52	990.99	2.41%
52 - CONTRACTUAL	4,622.93	8,405.10	-3,782.17	-81.81%	18,543.31	21,476.08	-2,932.77	-15.82%
53 - GENERAL SERVICES	787.91	408.70	379.21	48.13%	2,471.00	1,545.23	925.77	37.47%
54 - MACHINE & EQUIPMENT MAI	28,639.83	103.87	28,535.96	99.64%	30,872.98	74,673.06	-43,800.08	-141.87%
Department 003 - CUSTOMER SERVICE Total:	49,804.16	24,163.26	25,640.90	51.48%	93,084.80	137,900.89	-44,816.09	-48.15%
Department: 011 - WASTEWATER COLLECTION								
51 - PERSONNEL	18,914.45	17,906.90	1,007.55	5.33%	53,901.83	66,924.47	-13,022.64	-24.16%
52 - CONTRACTUAL	233.65	117.77	115.88	49.60%	4,603.59	6,624.08	-2,020.49	-43.89%
53 - GENERAL SERVICES	911.25	372.12	539.13	59.16%	2,699.94	3,734.42	-1,034.48	-38.31%
54 - MACHINE & EQUIPMENT MAI	237.98	2,338.00	-2,100.02	-882.44%	7,738.42	8,722.21	-983.79	-12.71%
55 - CAPITAL OUTLAY	1,755.50	0.00	1,755.50	100.00%	2,712.50	12,450.00	-9,737.50	-358.99%
Department 011 - WASTEWATER COLLECTION Total:	22,052.83	20,734.79	1,318.04	5.98%	71,656.28	98,455.18	-26,798.90	-37.40%

Prior-Year Comparative Income Statement

For the Period Ending 12/31/2022 Item 12.

Categor...	2021-2022 Dec. Activity	2022-2023 Dec. Activity	Dec. Variance Favorable / (Unfavorable)	Variance %	2021-2022 YTD Activity	2022-2023 YTD Activity	YTD Variance Favorable / (Unfavorable)	Variance %
Department: 012 - WASTEWATER TREATMENT								
52 - CONTRACTUAL	79,854.29	11,490.29	68,364.00	85.61%	257,334.38	191,050.09	66,284.29	25.76%
54 - MACHINE & EQUIPMENT MAI	1,037.50	70,465.85	-69,428.35	-6,691.89%	1,934.72	81,909.86	-79,975.14	-4,133.68%
Department 012 - WASTEWATER TREATMENT Total:	80,891.79	81,956.14	-1,064.35	-1.32%	259,269.10	272,959.95	-13,690.85	-5.28%
Department: 020 - BILLING & COLLECTION								
51 - PERSONNEL	7,179.21	7,842.48	-663.27	-9.24%	18,596.87	20,297.39	-1,700.52	-9.14%
52 - CONTRACTUAL	8,076.89	16,224.95	-8,148.06	-100.88%	18,747.04	29,597.91	-10,850.87	-57.88%
53 - GENERAL SERVICES	20,163.33	26,276.27	-6,112.94	-30.32%	40,342.22	58,880.82	-18,538.60	-45.95%
54 - MACHINE & EQUIPMENT MAI	22,070.77	19,423.35	2,647.42	12.00%	26,353.04	23,893.23	2,459.81	9.33%
Department 020 - BILLING & COLLECTION Total:	57,490.20	69,767.05	-12,276.85	-21.35%	104,039.17	132,669.35	-28,630.18	-27.52%
Department: 901 - NON-DEPARTMENTAL								
52 - CONTRACTUAL	0.00	59,916.68	-59,916.68	0.00%	0.00	199,451.06	-199,451.06	0.00%
56 - BANK CHARGES	2.34	4.95	-2.61	-111.54%	4.08	37.91	-33.83	-829.17%
59 - TRANSFER	64,345.20	0.00	64,345.20	100.00%	192,552.32	0.00	192,552.32	100.00%
Department 901 - NON-DEPARTMENTAL Total:	64,347.54	59,921.63	4,425.91	6.88%	192,556.40	199,488.97	-6,932.57	-3.60%
Expense Total:	559,278.80	1,281,051.84	-721,773.04	-129.05%	1,500,953.95	3,225,856.90	-1,724,902.95	-114.92%
Total Revenues	819,108.22	971,415.48	152,307.26	18.59%	2,673,303.12	3,177,979.89	504,676.77	18.88%
Fund 02 Surplus (Deficit):	259,829.42	-309,636.36	-569,465.78	-219.17%	1,172,349.17	-47,877.01	-1,220,226.18	-104.08%

Prior-Year Comparative Income Statement

For the Period Ending 12. Item 12.

Categor...	2021-2022 Dec. Activity	2022-2023 Dec. Activity	Dec. Variance Favorable / (Unfavorable)	Variance %	2021-2022 YTD Activity	2022-2023 YTD Activity	YTD Variance Favorable / (Unfavorable)	Variance %
Fund: 03 - SANITARY LANDFILL FUND								
Revenue								
44 - CHARGES FOR SERVICES	81,149.80	103,466.82	22,317.02	27.50%	262,127.40	298,944.69	36,817.29	14.05%
45 - OTHER REVENUE	48.34	6,248.03	6,199.69	12,825.18%	486.97	1,206,549.95	1,206,062.98	247,666.79%
Revenue Total:	81,198.14	109,714.85	28,516.71	35.12%	262,614.37	1,505,494.64	1,242,880.27	473.27%
Expense								
Department: 030 - LANDFILL								
51 - PERSONNEL	18,683.58	22,911.39	-4,227.81	-22.63%	57,517.85	69,924.43	-12,406.58	-21.57%
52 - CONTRACTUAL	3,497.19	-741.27	4,238.46	121.20%	30,442.69	19,458.75	10,983.94	36.08%
53 - GENERAL SERVICES	7,290.95	12,013.01	-4,722.06	-64.77%	17,419.70	41,028.53	-23,608.83	-135.53%
54 - MACHINE & EQUIPMENT MAI	13,727.40	2,882.68	10,844.72	79.00%	24,436.38	54,808.81	-30,372.43	-124.29%
55 - CAPITAL OUTLAY	32,006.78	0.00	32,006.78	100.00%	56,306.78	1,189,831.07	-1,133,524.29	-2,013.12%
57 - DEBT SERVICE	0.00	0.00	0.00	0.00%	0.00	196,619.67	-196,619.67	0.00%
Department 030 - LANDFILL Total:	75,205.90	37,065.81	38,140.09	50.71%	186,123.40	1,571,671.26	-1,385,547.86	-744.42%
Expense Total:	75,205.90	37,065.81	38,140.09	50.71%	186,123.40	1,571,671.26	-1,385,547.86	-744.42%
Total Revenues	81,198.14	109,714.85	28,516.71	35.12%	262,614.37	1,505,494.64	1,242,880.27	473.27%
Fund 03 Surplus (Deficit):	5,992.24	72,649.04	66,656.80	1,112.39%	76,490.97	-66,176.62	-142,667.59	-186.52%

Prior-Year Comparative Income Statement

For the Period Ending 12/31/2022 Item 12.

Categor...	2021-2022 Dec. Activity	2022-2023 Dec. Activity	Dec. Variance Favorable / (Unfavorable)	Variance %	2021-2022 YTD Activity	2022-2023 YTD Activity	YTD Variance Favorable / (Unfavorable)	Variance %
Fund: 04 - AIRPORT FUND								
Revenue								
44 - CHARGES FOR SERVICES	9,150.72	8,404.68	-746.04	-8.15%	46,425.70	52,603.93	6,178.23	13.31%
Revenue Total:	9,150.72	8,404.68	-746.04	-8.15%	46,425.70	52,603.93	6,178.23	13.31%
Expense								
Department: 040 - AIRPORT								
51 - PERSONNEL	498.21	624.73	-126.52	-25.39%	625.86	1,892.24	-1,266.38	-202.34%
52 - CONTRACTUAL	1,914.92	5,283.45	-3,368.53	-175.91%	24,726.14	17,433.76	7,292.38	29.49%
53 - GENERAL SERVICES	34.80	0.00	34.80	100.00%	34.80	0.00	34.80	100.00%
54 - MACHINE & EQUIPMENT MAI	0.00	0.00	0.00	0.00%	6,830.88	8,026.72	-1,195.84	-17.51%
Department 040 - AIRPORT Total:	2,447.93	5,908.18	-3,460.25	-141.35%	32,217.68	27,352.72	4,864.96	15.10%
Expense Total:	2,447.93	5,908.18	-3,460.25	-141.35%	32,217.68	27,352.72	4,864.96	15.10%
Total Revenues	9,150.72	8,404.68	-746.04	-8.15%	46,425.70	52,603.93	6,178.23	13.31%
Fund 04 Surplus (Deficit):	6,702.79	2,496.50	-4,206.29	-62.75%	14,208.02	25,251.21	11,043.19	77.73%

Prior-Year Comparative Income Statement

For the Period Ending 12/31/2022 Item 12.

Categor...	2021-2022 Dec. Activity	2022-2023 Dec. Activity	Dec. Variance Favorable / (Unfavorable)	Variance %	2021-2022 YTD Activity	2022-2023 YTD Activity	YTD Variance Favorable / (Unfavorable)	Variance %
Fund: 05 - STORM WATER DRAINAGE FUND								
Revenue								
43 - INTERGOVERNMENTAL	0.00	209,221.49	209,221.49	0.00%	0.00	209,221.49	209,221.49	0.00%
44 - CHARGES FOR SERVICES	89,199.66	83,880.03	-5,319.63	-5.96%	258,217.79	251,847.38	-6,370.41	-2.47%
45 - OTHER REVENUE	5.37	3,131.97	3,126.60	58,223.46%	15.74	6,579.98	6,564.24	41,704.19%
Revenue Total:	89,205.03	296,233.49	207,028.46	232.08%	258,233.53	467,648.85	209,415.32	81.10%
Expense								
Department: 050 - STORM WATER DRAINAGE								
52 - CONTRACTUAL	31,038.42	27,974.85	3,063.57	9.87%	173,760.00	48,011.39	125,748.61	72.37%
54 - MACHINE & EQUIPMENT MAI	0.00	0.00	0.00	0.00%	0.00	2,103.32	-2,103.32	0.00%
55 - CAPITAL OUTLAY	5,050.00	0.00	5,050.00	100.00%	42,420.00	0.00	42,420.00	100.00%
56 - BANK CHARGES	0.00	0.00	0.00	0.00%	500.00	500.00	0.00	0.00%
Department 050 - STORM WATER DRAINAGE Total:	36,088.42	27,974.85	8,113.57	22.48%	216,680.00	50,614.71	166,065.29	76.64%
Expense Total:	36,088.42	27,974.85	8,113.57	22.48%	216,680.00	50,614.71	166,065.29	76.64%
Total Revenues	89,205.03	296,233.49	207,028.46	232.08%	258,233.53	467,648.85	209,415.32	81.10%
Fund 05 Surplus (Deficit):	53,116.61	268,258.64	215,142.03	405.04%	41,553.53	417,034.14	375,480.61	903.61%

Prior-Year Comparative Income Statement

For the Period Ending 12/31/2022 Item 12.

Categor...	2021-2022 Dec. Activity	2022-2023 Dec. Activity	Dec. Variance Favorable / (Unfavorable)	Variance %	2021-2022 YTD Activity	2022-2023 YTD Activity	YTD Variance Favorable / (Unfavorable)	Variance %
Fund: 07 - HOTEL OCCUPANCY TAX FUND								
Revenue								
40 - TAXES	66,435.69	71,381.28	4,945.59	7.44%	110,614.19	130,496.87	19,882.68	17.97%
45 - OTHER REVENUE	19.67	3,376.04	3,356.37	17,063.40%	53.15	8,520.67	8,467.52	15,931.36%
Revenue Total:	66,455.36	74,757.32	8,301.96	12.49%	110,667.34	139,017.54	28,350.20	25.62%
Expense								
Department: 070 - TOURISM								
51 - PERSONNEL	6,799.76	5,440.25	1,359.51	19.99%	17,622.78	14,312.09	3,310.69	18.79%
52 - CONTRACTUAL	30,149.34	4,800.79	25,348.55	84.08%	33,760.42	9,896.79	23,863.63	70.69%
53 - GENERAL SERVICES	0.00	0.00	0.00	0.00%	0.00	500.00	-500.00	0.00%
58 - GRANT DISBURSEMENTS	9,540.74	21,559.29	-12,018.55	-125.97%	17,682.19	40,366.47	-22,684.28	-128.29%
Department 070 - TOURISM Total:	46,489.84	31,800.33	14,689.51	31.60%	69,065.39	65,075.35	3,990.04	5.78%
Expense Total:	46,489.84	31,800.33	14,689.51	31.60%	69,065.39	65,075.35	3,990.04	5.78%
Total Revenues	66,455.36	74,757.32	8,301.96	12.49%	110,667.34	139,017.54	28,350.20	25.62%
Fund 07 Surplus (Deficit):	19,965.52	42,956.99	22,991.47	115.16%	41,601.95	73,942.19	32,340.24	77.74%

Prior-Year Comparative Income Statement

For the Period Ending 12/31/2022 Item 12.

Categor...	2021-2022 Dec. Activity	2022-2023 Dec. Activity	Dec. Variance Favorable / (Unfavorable)	Variance %	2021-2022 YTD Activity	2022-2023 YTD Activity	YTD Variance Favorable / (Unfavorable)	Variance %
Fund: 08 - DEBT SERVICE FUND								
Revenue								
40 - TAXES	95,235.92	92,509.04	-2,726.88	-2.86%	130,965.02	118,980.34	-11,984.68	-9.15%
45 - OTHER REVENUE	3.54	199.71	196.17	5,541.53%	6.77	489.37	482.60	7,128.51%
Revenue Total:	95,239.46	92,708.75	-2,530.71	-2.66%	130,971.79	119,469.71	-11,502.08	-8.78%
Total Revenues	95,239.46	92,708.75	-2,530.71	-2.66%	130,971.79	119,469.71	-11,502.08	-8.78%
Fund 08 Total:	95,239.46	92,708.75	-2,530.71	-2.66%	130,971.79	119,469.71	-11,502.08	-8.78%

Prior-Year Comparative Income Statement

For the Period Ending 12

Item 12.

Categor...	2021-2022 Dec. Activity	2022-2023 Dec. Activity	Dec. Variance Favorable / (Unfavorable)	Variance %	2021-2022 YTD Activity	2022-2023 YTD Activity	YTD Variance Favorable / (Unfavorable)	Variance %
Fund: 10 - CAPITAL PROJECTS FUND								
Revenue								
41 - LICENSES AND PERMITS	801.56	0.00	-801.56	-100.00%	801.56	3,888.75	3,087.19	385.15%
44 - CHARGES FOR SERVICES	0.00	0.00	0.00	0.00%	0.00	1,006.25	1,006.25	0.00%
45 - OTHER REVENUE	306.64	27,682.21	27,375.57	8,927.59%	899.75	77,825.62	76,925.87	8,549.69%
Revenue Total:	1,108.20	27,682.21	26,574.01	2,397.94%	1,701.31	82,720.62	81,019.31	4,762.17%
Expense								
Department: 402 - STREET MAINTENANCE								
55 - CAPITAL OUTLAY	427,709.00	240,690.39	187,018.61	43.73%	568,312.00	1,206,519.09	-638,207.09	-112.30%
Department 402 - STREET MAINTENANCE Total:	427,709.00	240,690.39	187,018.61	43.73%	568,312.00	1,206,519.09	-638,207.09	-112.30%
Department: 501 - PARKS & RECREATION								
55 - CAPITAL OUTLAY	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Department 501 - PARKS & RECREATION Total:	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Expense Total:	427,709.00	240,690.39	187,018.61	43.73%	568,312.00	1,206,519.09	-638,207.09	-112.30%
Total Revenues	1,108.20	27,682.21	26,574.01	2,397.94%	1,701.31	82,720.62	81,019.31	4,762.17%
Fund 10 Surplus (Deficit):	-426,600.80	-213,008.18	213,592.62	50.07%	-566,610.69	-1,123,798.47	-557,187.78	-98.34%

Prior-Year Comparative Income Statement

For the Period Ending 12/31/2022 Item 12.

Categor...	2021-2022 Dec. Activity	2022-2023 Dec. Activity	Dec. Variance Favorable / (Unfavorable)	Variance %	2021-2022 YTD Activity	2022-2023 YTD Activity	YTD Variance Favorable / (Unfavorable)	Variance %
Fund: 11 - CHILD SAFETY FUND								
Revenue								
42 - FINES AND FORFEITURES	202.95	154.55	-48.40	-23.85%	825.13	696.11	-129.02	-15.64%
45 - OTHER REVENUE	0.27	27.88	27.61	10,225.93%	0.71	70.60	69.89	9,843.66%
Revenue Total:	203.22	182.43	-20.79	-10.23%	825.84	766.71	-59.13	-7.16%
Total Revenues	203.22	182.43	-20.79	-10.23%	825.84	766.71	-59.13	-7.16%
Fund 11 Total:	203.22	182.43	-20.79	-10.23%	825.84	766.71	-59.13	-7.16%

Prior-Year Comparative Income Statement

For the Period Ending 12 Item 12.

Categor...	2021-2022 Dec. Activity	2022-2023 Dec. Activity	Dec. Variance Favorable / (Unfavorable)	Variance %	2021-2022 YTD Activity	2022-2023 YTD Activity	YTD Variance Favorable / (Unfavorable)	Variance %
Fund: 12 - COURT TECHNOLOGY FUND								
Revenue								
42 - FINES AND FORFEITURES	814.42	812.54	-1.88	-0.23%	2,097.16	2,820.20	723.04	34.48%
45 - OTHER REVENUE	0.31	69.62	69.31	22,358.06%	0.92	173.42	172.50	18,750.00%
Revenue Total:	814.73	882.16	67.43	8.28%	2,098.08	2,993.62	895.54	42.68%
Total Revenues	814.73	882.16	67.43	8.28%	2,098.08	2,993.62	895.54	42.68%
Fund 12 Total:	814.73	882.16	67.43	8.28%	2,098.08	2,993.62	895.54	42.68%

Prior-Year Comparative Income Statement

For the Period Ending 12/31/2022 Item 12.

Categor...	2021-2022 Dec. Activity	2022-2023 Dec. Activity	Dec. Variance Favorable / (Unfavorable)	Variance %	2021-2022 YTD Activity	2022-2023 YTD Activity	YTD Variance Favorable / (Unfavorable)	Variance %
Fund: 13 - PUBLIC SAFETY FUND								
Revenue								
45 - OTHER REVENUE	2.09	312.92	310.83	14,872.25%	5.95	816.30	810.35	13,619.33%
Revenue Total:	2.09	312.92	310.83	14,872.25%	5.95	816.30	810.35	13,619.33%
Total Revenues	2.09	312.92	310.83	14,872.25%	5.95	816.30	810.35	13,619.33%
Fund 13 Total:	2.09	312.92	310.83	14,872.25%	5.95	816.30	810.35	13,619.33%

Prior-Year Comparative Income Statement

For the Period Ending 12/31/2022 Item 12.

Categor...	2021-2022 Dec. Activity	2022-2023 Dec. Activity	Dec. Variance Favorable / (Unfavorable)	Variance %	2021-2022 YTD Activity	2022-2023 YTD Activity	YTD Variance Favorable / (Unfavorable)	Variance %
Fund: 20 - TAX INCREMENT FINANCING FUND								
Revenue								
40 - TAXES	0.00	25,019.60	25,019.60	0.00%	0.00	82,946.68	82,946.68	0.00%
45 - OTHER REVENUE	0.00	1,955.57	1,955.57	0.00%	0.00	4,148.13	4,148.13	0.00%
Revenue Total:	0.00	26,975.17	26,975.17	0.00%	0.00	87,094.81	87,094.81	0.00%
Total Revenues	0.00	26,975.17	26,975.17	0.00%	0.00	87,094.81	87,094.81	0.00%
Fund 20 Total:	0.00	26,975.17	26,975.17	0.00%	0.00	87,094.81	87,094.81	0.00%

Prior-Year Comparative Income Statement

For the Period Ending 12

Item 12.

Categor...	2021-2022 Dec. Activity	2022-2023 Dec. Activity	Dec. Variance Favorable / (Unfavorable)	Variance %	2021-2022 YTD Activity	2022-2023 YTD Activity	YTD Variance Favorable / (Unfavorable)	Variance %
Fund: 79 - SEDA								
Revenue								
40 - TAXES	50,417.39	60,457.62	10,040.23	19.91%	176,405.09	202,379.81	25,974.72	14.72%
45 - OTHER REVENUE	35.43	4,203.04	4,167.61	11,762.94%	600.37	10,831.32	10,230.95	1,704.11%
Revenue Total:	50,452.82	64,660.66	14,207.84	28.16%	177,005.46	213,211.13	36,205.67	20.45%
Expense								
Department: 790 - SEDA								
51 - PERSONNEL	23,448.47	22,801.76	646.71	2.76%	58,717.16	59,965.44	-1,248.28	-2.13%
52 - CONTRACTUAL	13,162.65	1,376.91	11,785.74	89.54%	31,374.60	11,651.24	19,723.36	62.86%
53 - GENERAL SERVICES	229.44	505.39	-275.95	-120.27%	864.07	1,044.47	-180.40	-20.88%
54 - MACHINE & EQUIPMENT MAI	133.13	25.00	108.13	81.22%	133.13	189.00	-55.87	-41.97%
55 - CAPITAL OUTLAY	0.00	0.00	0.00	0.00%	-33.00	0.00	-33.00	-100.00%
56 - BANK CHARGES	0.00	30.61	-30.61	0.00%	42.22	60.72	-18.50	-43.82%
58 - GRANT DISBURSEMENTS	0.00	30,000.00	-30,000.00	0.00%	1,125.00	31,738.71	-30,613.71	-2,721.22%
Department 790 - SEDA Total:	36,973.69	54,739.67	-17,765.98	-48.05%	92,223.18	104,649.58	-12,426.40	-13.47%
Expense Total:	36,973.69	54,739.67	-17,765.98	-48.05%	92,223.18	104,649.58	-12,426.40	-13.47%
Total Revenues	50,452.82	64,660.66	14,207.84	28.16%	177,005.46	213,211.13	36,205.67	20.45%
Fund 79 Surplus (Deficit):	13,479.13	9,920.99	-3,558.14	-26.40%	84,782.28	108,561.55	23,779.27	28.05%
Total Surplus (Deficit):	4,082,277.86	2,109,702.03	-1,972,575.83	-48.32%	5,519,857.96	1,897,832.91	-3,622,025.05	-65.62%

Fund Summary

Fund	2021-2022	2022-2023	Dec. Variance		2021-2022	2022-2023	YTD Variance	
	Dec. Activity	Dec. Activity	Favorable / (Unfavorable)	Variance %	YTD Activity	YTD Activity	Favorable / (Unfavorable)	Variance %
01 - GENERAL FUND	4,053,533.45	2,115,002.98	-1,938,530.47	-47.82%	4,521,581.07	2,299,754.77	-2,221,826.30	-49.14%
02 - WATER AND WASTEWATE...	259,829.42	-309,636.36	-569,465.78	-219.17%	1,172,349.17	-47,877.01	-1,220,226.18	-104.08%
03 - SANITARY LANDFILL FUND	5,992.24	72,649.04	66,656.80	1,112.39%	76,490.97	-66,176.62	-142,667.59	-186.52%
04 - AIRPORT FUND	6,702.79	2,496.50	-4,206.29	-62.75%	14,208.02	25,251.21	11,043.19	77.73%
05 - STORM WATER DRAINAGE...	53,116.61	268,258.64	215,142.03	405.04%	41,553.53	417,034.14	375,480.61	903.61%
07 - HOTEL OCCUPANCY TAX F...	19,965.52	42,956.99	22,991.47	115.16%	41,601.95	73,942.19	32,340.24	77.74%
08 - DEBT SERVICE FUND	95,239.46	92,708.75	-2,530.71	-2.66%	130,971.79	119,469.71	-11,502.08	-8.78%
10 - CAPITAL PROJECTS FUND	-426,600.80	-213,008.18	213,592.62	50.07%	-566,610.69	-1,123,798.47	-557,187.78	-98.34%
11 - CHILD SAFETY FUND	203.22	182.43	-20.79	-10.23%	825.84	766.71	-59.13	-7.16%
12 - COURT TECHNOLOGY FU...	814.73	882.16	67.43	8.28%	2,098.08	2,993.62	895.54	42.68%
13 - PUBLIC SAFETY FUND	2.09	312.92	310.83	14,872.25%	5.95	816.30	810.35	13,619.33%
20 - TAX INCREMENT FINANCI...	0.00	26,975.17	26,975.17	0.00%	0.00	87,094.81	87,094.81	0.00%
79 - SEDA	13,479.13	9,920.99	-3,558.14	-26.40%	84,782.28	108,561.55	23,779.27	28.05%
Total Surplus (Deficit):	4,082,277.86	2,109,702.03	-1,972,575.83	-48.32%	5,519,857.96	1,897,832.91	-3,622,025.05	-65.62%



**Quarterly Investment Report
For the Quarter Ending
December 31, 2022**

City of Stephenville, Texas
Quarterly Investment Report
December 31, 2022
Portfolio Summary Management Report

<u>Portfolio as of September 30, 2022:</u>			<u>Portfolio as of December 31, 2022:</u>		
Beginning Book Value	\$	73,647,073	Ending Book Value	\$	72,276,496
Beginning Market Value	\$	73,633,469	Ending Market Value	\$	72,268,454
			Total Income for Quarter	\$	622,928
			Change in Book Value	\$	(1,370,576)
			Change in Market Value	\$	(1,365,016)
			Net Change in Value	\$	5,561

Average Yield to Maturity for period - Total	2.41%
Average Yield to Maturity for period - Non-Demand	2.66%
3 Month Treasury Average October - December 2022	4.04%

/s/ Monica D. Harris

Monica D. Harris, CPA
Director of Finance and Administration
City of Stephenville

City of Stephenville, TX
Investment Report
12/31/2022

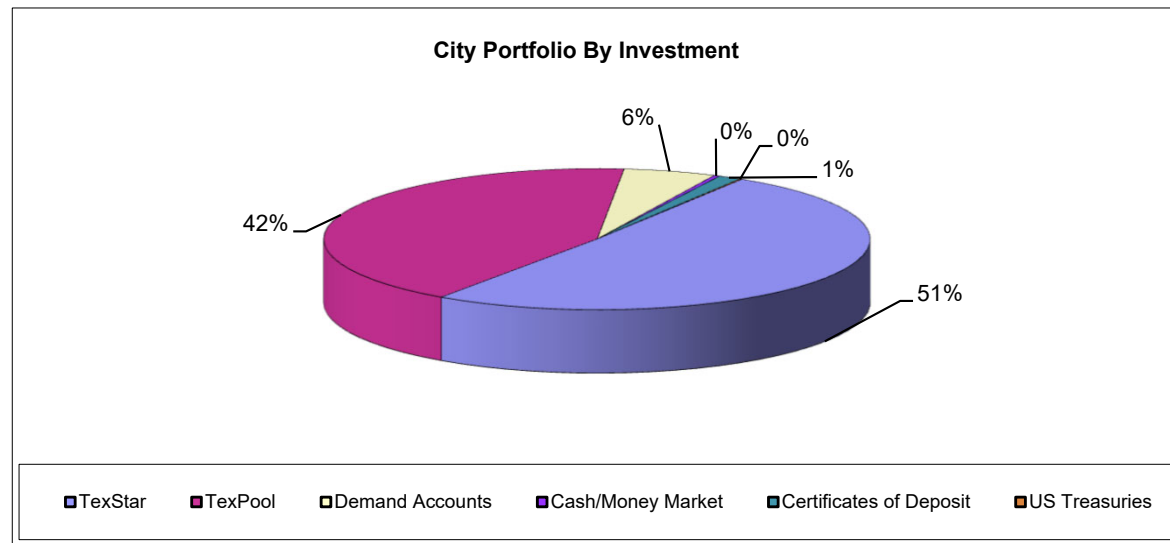
Purchase Date	Maturity Date	CUSIP	Investment Type	Par Amount	Coupon	Purchase Price	Purchase Yield	Beginning Book Value	Interest Earned October 2022	Interest Earned November 2022	Interest Earned December 2022	Interest Earned for the Quarter	Ending Book Value	Earnings YTD	Market Price	Market Value
<u>Pooled Cash</u>																
12/31/2022	1/1/2023	N/A	Demand	3,654,758.49	2.250%	100.000	2.250%	3,654,758.49	2,466.72	4,747.17	7,241.32	14,455.21	3,654,758.49	14,455.21	100.0000	3,654,758.49
Sub Total				3,654,758.49				3,654,758.49	2,466.72	4,747.17	7,241.32	14,455.21	3,654,758.49	14,455.21		3,654,758.49
<u>General Fund</u>																
12/31/2022	1/1/2023	N/A	Texpool	6,428,689.28	3.980%	100.000	3.980%	6,428,689.28	28,625.95	27,420.95	25,410.82	81,457.72	6,428,689.28	81,457.72	100.0000	6,428,689.28
12/31/2022	1/1/2023	N/A	TexSTAR	3,319,763.70	3.968%	100.000	3.968%	3,319,763.70	7,973.80	9,649.53	11,150.65	28,773.98	3,319,763.70	28,773.98	100.0000	3,319,763.70
12/31/2022	1/1/2023	N/A	Pershing	254,350.55	0.000%	100.000	0.000%	254,350.55					254,350.55	-	100.0000	254,350.55
5/11/2022	12/12/2022	251795AW0	CD	-	0.000%	0.000	0.000%	-	208.08	201.37	73.83	483.28	-	483.28	0.0000	-
5/13/2022	4/13/2023	31034RGQ2	CD	245,000.00	100.000%	100.000	1.550%	245,000.00	322.53	312.12	322.53	957.18	245,000.00	957.18	99.2530	243,169.85
5/18/2022	6/20/2023	38150VAK5	CD	245,000.00	100.000%	100.000	2.000%	245,000.00	416.17	402.74	416.16	1,235.07	245,000.00	1,235.07	98.9440	242,412.80
5/18/2022	2/17/2023	95763PEV9	CD	245,000.00	100.000%	100.000	1.500%	245,000.00	312.12	302.05	312.12	926.29	245,000.00	926.29	99.6560	244,157.20
5/20/2022	5/19/2023	48128WWP6	CD	245,000.00	100.000%	100.000	2.000%	245,000.00	416.17	402.74	416.17	1,235.08	245,000.00	1,235.08	99.1570	242,934.65
6/2/2022	5/31/2023	912828R69	US Treasury	100,000.00	100.000%	99.5414	1.625%	99,541.40	137.63	137.68	138.40	413.71	99,541.40	413.71	98.8240	98,824.00
Sub Total				11,082,803.53				11,082,344.93	38,412.45	38,829.18	38,240.68	115,482.31	11,082,344.93	115,482.31		11,074,302.03
<u>Enterprise</u>																
12/31/2022	1/1/2023	N/A	Texpool	10,052,433.81	3.980%	100.0000	3.980%	10,052,433.81	20,918.76	25,042.15	31,942.74	77,903.65	10,052,433.81	77,903.65	100.0000	10,052,433.81
12/31/2022	1/1/2023	N/A	Texpool	1,730,451.85	3.980%	100.0000	3.980%	1,730,451.85	4,581.52	5,539.33	6,248.03	16,368.88	1,730,451.85	16,368.88	100.0000	1,730,451.85
12/31/2022	1/1/2023	N/A	TexSTAR	1,306,279.25	3.968%	100.0000	3.968%	1,306,279.25	3,137.59	3,797.00	4,387.64	11,322.23	1,306,279.25	11,322.23	100.0000	1,306,279.25
12/31/2022	1/1/2023	N/A	TexSTAR	12,618,924.80	3.968%	100.0000	3.968%	12,618,924.80	30,309.68	36,679.41	42,385.38	109,374.47	12,618,924.80	109,374.47	100.0000	12,618,924.80
12/31/2022	1/1/2023	N/A	TexSTAR	19,422,037.59	3.968%	100.0000	3.968%	19,422,037.59	46,650.13	56,453.99	65,236.16	168,340.28	19,422,037.59	168,340.28	100.0000	19,422,037.59
Sub Total				45,130,127.30				45,130,127.30	105,597.68	127,511.88	150,199.95	383,309.51	45,130,127.30	383,309.51		45,130,127.30
<u>Storm Drainage</u>																
12/31/2022	1/1/2023	N/A	Texpool	854,582.60	3.980%	100.0000	3.980%	854,582.60	912.51	1,993.01	2,794.71	5,700.23	854,582.60	5,700.23	100.0000	854,582.60
12/31/2022	1/1/2023	N/A	Texpool	100,112.26	3.980%	100.0000	3.980%	100,112.26	247.24	295.25	337.26	879.75	100,112.26	879.75	100.0000	100,112.26
12/31/2022	1/1/2023	N/A	Demand	128,278.51	0.000%	100.0000	0.000%	128,278.51	-	-	-	-	128,278.51	-	100.0000	128,278.51
Sub Total				1,082,973.37				1,082,973.37	1,159.75	2,288.26	3,131.97	6,579.98	1,082,973.37	6,579.98		1,082,973.37
<u>Hotel Occupancy Tax</u>																
12/31/2022	1/1/2023	N/A	Texpool	1,032,499.20	3.980%	100.0000	3.980%	1,032,499.20	2,351.86	2,787.28	3,372.56	8,511.70	1,032,499.20	8,511.70	100.0000	1,032,499.20
12/31/2022	1/1/2023	N/A	TexSTAR	1,035.04	3.968%	100.0000	3.968%	1,035.04	2.48	3.01	3.48	8.97	1,035.04	8.97		1,035.04
Sub Total				1,033,534.24				1,033,534.24	2,354.34	2,790.29	3,376.04	8,520.67	1,033,534.24	8,520.67		1,033,534.24
<u>Child Safety</u>																
12/31/2022	1/1/2023	N/A	Texpool	8,327.66	3.980%	100.0000	3.980%	8,327.66	18.90	23.82	27.88	70.60	8,327.66	70.60	100.0000	8,327.66
Sub Total				8,327.66				8,327.66	18.90	23.82	27.88	70.60	8,327.66	70.60		8,327.66
<u>Court Technology</u>																
12/31/2022	1/1/2023	N/A	Texpool	21,024.71	3.980%	100.0000	3.980%	21,024.71	45.62	58.18	69.62	173.42	21,024.71	173.42	100.0000	21,024.71
Sub Total				21,024.71				21,024.71	45.62	58.18	69.62	173.42	21,024.71	173.42		21,024.71
<u>Public Safety</u>																
12/31/2022	1/1/2023	N/A	Texpool	92,892.51	3.980%	100.0000	3.980%	92,892.51	229.42	273.96	312.92	816.30	92,892.51	816.30	100.0000	92,892.51
Sub Total				92,892.51				92,892.51	229.42	273.96	312.92	816.30	92,892.51	816.30		92,892.51
<u>SEDA</u>																
12/31/2022	1/1/2023	N/A	Texpool	1,265,437.40	3.980%	100.0000	3.980%	1,265,437.40	3,068.45	3,559.83	4,203.04	10,831.32	1,265,437.40	10,831.32	100.0000	1,265,437.40
				1,265,437.40				1,265,437.40	3,068.45	3,559.83	4,203.04	10,831.32	1,265,437.40	10,831.32		1,265,437.40
<u>Debt Service</u>																
12/31/2022	1/1/2023	N/A	Demand	125,542.78	2.250%	100.0000	2.250%	125,542.78	125.28	164.38	199.71	489.37	125,542.78	489.37	100.0000	125,542.78
Sub Total				125,542.78				125,542.78	125.28	164.38	199.71	489.37	125,542.78	489.37		125,542.78

City of Stephenville, TX
Investment Report
12/31/2022

Purchase Date	Maturity Date	CUSIP	Investment Type	Par Amount	Coupon	Purchase Price	Purchase Yield	Beginning Book Value	Interest Earned October 2022	Interest Earned November 2022	Interest Earned December 2022	Interest Earned for the Quarter	Ending Book Value	Earnings YTD	Market Price	Market Value
<u>Employee Benefit</u>																
12/31/2022	1/1/2023	N/A	Demand	53,115.06	1.500%	100.0000	1.500%	53,115.06	116.87	49.45	59.03	225.35	53,115.06	225.35	100.0000	53,115.06
Sub Total				<u>53,115.06</u>				<u>53,115.06</u>	<u>116.87</u>	<u>49.45</u>	<u>59.03</u>	<u>225.35</u>	<u>53,115.06</u>	<u>225.35</u>		<u>53,115.06</u>
<u>Capital Projects</u>																
12/31/2022	1/1/2023	N/A	Texpool	6,116,141.47	3.980%	100.0000	3.980%	6,116,141.47	18,516.93	20,851.19	20,864.46	60,232.58	6,116,141.47	60,232.58	100.0000	6,116,141.47
12/31/2022	1/1/2023	N/A	TexSTAR	2,029,772.23	3.968%	100.0000	3.968%	2,029,772.23	4,875.35	5,899.94	6,817.75	17,593.04	2,029,772.23	17,593.04	100.0000	2,029,772.23
Sub Total				<u>8,145,913.70</u>				<u>8,145,913.70</u>	<u>23,392.28</u>	<u>26,751.13</u>	<u>27,682.21</u>	<u>77,825.62</u>	<u>8,145,913.70</u>	<u>77,825.62</u>		<u>8,145,913.70</u>
<u>Tax Increment Financing</u>																
12/31/2022	1/1/2023	N/A	Texpool	580,504.29	3.980%	100.0000	3.980%	580,504.29	666.97	1,525.59	1,955.57	4,148.13	580,504.29	4,148.13	100.0000	580,504.29
Sub Total				<u>580,504.29</u>				<u>580,504.29</u>	<u>666.97</u>	<u>1,525.59</u>	<u>1,955.57</u>	<u>4,148.13</u>	<u>580,504.29</u>	<u>4,148.13</u>		<u>580,504.29</u>
Grand Total				<u>72,276,955.04</u>				<u>72,276,496.44</u>	<u>177,654.73</u>	<u>208,573.12</u>	<u>236,699.94</u>	<u>622,927.79</u>	<u>72,276,496.44</u>	<u>622,927.79</u>		<u>72,268,453.54</u>

**City of Stephenville
Investment Diversification
For Month Ending December 31, 2022**

Investments	Par Value	Market Value	% of Portfolio	Avg Yield
TexStar	36,667,005.34	36,667,005.34	50.73%	3.97%
TexPool	30,313,904.31	30,313,904.31	41.94%	3.98%
Demand Accounts	3,961,694.84	3,961,694.84	5.48%	2.25%
Cash/Money Market	254,350.55	254,350.55	0.35%	0.00%
Certificates of Deposit	980,000.00	972,674.50	1.36%	1.61%
US Treasuries	100,000.00	98,824.00	0.14%	1.63%
	72,276,955.04	72,268,453.54	100.00%	



City of Stephenville, TX
Consolidated Yield Worksheet
 October - December 2022

<u>October</u>	<u>Average Monthly Balance</u>	<u>Net Monthly Earnings</u>	<u>Average Monthly Rate</u>
Brokered CD's	1,213,472.75	1,675.07	1.61%
US Treasuries	98,297.00	137.63	1.63%
Demand - Operating	1,393,644.61	2,466.72	1.98%
Demand - Others	126,052.93	242.15	1.98%
Texpool	32,128,581.29	80,184.13	2.93%
TexSTAR	38,362,394.46	92,949.03	2.85%
<i>Totals for October</i>	73,322,443.04	177,654.73	2.16%
<u>November</u>			
Brokered CD's	1,214,749.20	1,621.02	1.61%
US Treasuries	98,543.00	137.68	1.63%
Demand - Operating	2,737,470.23	4,747.17	2.19%
Demand - Others	122,546.68	213.83	2.19%
Texpool	30,088,514.22	89,370.54	3.61%
TexSTAR	38,455,348.67	112,482.88	3.56%
<i>Totals for November</i>	72,717,172.00	208,573.12	2.46%
<u>December</u>			
Brokered CD's	972,674.50	1,540.81	1.61%
US Treasuries	98,824.00	138.40	1.63%
Demand - Operating	4,128,166.20	7,241.32	2.25%
Demand - Others	148,137.70	258.74	2.25%
Texpool	28,858,979.15	97,539.61	3.98%
TexSTAR	38,567,831.55	129,981.06	3.97%
<i>Totals for December</i>	72,774,613.10	236,699.94	2.61%



REGULAR CITY COUNCIL MEETING

City Hall Council Chambers, 298 West Washington Street
Tuesday, January 03, 2023 at 5:30 PM

MINUTES

The City Council of the City of Stephenville, Texas, convened on Tuesday, January 03, 2023, in the City Hall Council Chambers, 298 West Washington Street, for the purpose of a Regular City Council Meeting, with the meeting being open to the public and notice of said meeting, giving the date, time, place and subject thereof, having been posted as prescribed by Chapter 551, Government Code, Vernon's Texas Codes Annotated, with the following members present, to wit:

COUNCIL PRESENT:

Mayor Doug Svien
Council Member LeAnn Durfey
Council Member Justin Haschke (arrived at 5:33 PM)
Council Member Lonn Reisman
Council Member Bob Newby
Council Member Ricky Thurman
Council Member David Baskett
Council Member Gerald Cook
Council Member Mark McClinton

COUNCIL ABSENT:

OTHERS ATTENDING:

Jason M. King, City Manager
Randy Thomas, City Attorney
Sarah Lockenour, City Secretary

CALL TO ORDER

The Mayor called the Regular City Council meeting to order at 5:30 PM.

PLEDGES OF ALLEGIANCE

Council Member Reisman led the pledges to the flags of the United States and the State of Texas.

INVOCATION

David Whiteman with the Stephenville Minister's Alliance voiced the invocation.

CITIZENS GENERAL DISCUSSION

Donna Wesson of 1325 Lydia Street addressed the Council regarding the Senior Center. She is a member of the Center and wanted to express her gratitude for all the hard work and planning put in to relocate the Senior Center. She also invited all Council members to join the bi-monthly dance at the Senior Center on Tuesday nights after Council meetings.

REGULAR AGENDA

1. Consider Approval of Mayor's Appointments to the TIRZ Board of Directors

Mayor Svien tabled this item.

2. Consider Approval of the MOU between the City and the City of Granbury for the Granbury Regional Radio Network Access

Chief of Police Dan Harris presented this item at tonight's Regular Council Meeting. December of 2021 council approved a systems purchase agreement for the procurement of the Public Safety Radio system. This system will be part of the Granbury Regional Radio Network. (GRRN) The City of Granbury will build and maintain the radio core and provide us access via the attached MOU. The cost of the access will vary according to the number of users, services, and types of radios in use. We estimate this will cost no more than \$5,400 per month. For FY 22/23 the amount was budgeted for 9 months at \$5,400 a month. It is currently anticipated that payments will begin in March of 2023.

MOTION by Mark McClinton, second by Gerald Cook, to approve the MOU as presented. MOTION CARRIED unanimously.

3. Consider Approval of the Agreement with Innova Zones for SPD Inventory Management Systems

Chief of Police Dan Harris presented this item at tonight's Regular Council Meeting. The police department issues and manages a great deal of equipment and consumables. As part of the best practices/recognition program departments must be able to audit and inventory equipment and track consumables issued and used by the department and officers. After reviewing products from several vendors, the services by Innova Zones were selected. This program allows electronic management and auditing of uniforms, equipment, capital equipment and ammunition through an electronic interface. This is an unbudgeted expense. However, cost savings in other program areas will be used to cover the amount.

MOTION by Ricky Thurman, second by Mark McClinton, to approve the agreement with Innova Zones for electronic inventory management systems in the amount of \$3,670.00. MOTION CARRIED unanimously.

4. Consider Approval of an MOU with Tarleton State University for Stormwater Drainage Improvements Related to a TSU Convocation Center Project

Public Works Director Nick Williams presented this item at tonight's Regular Council Meeting. A separate MOU was originally executed with a subsequent Amendment No. 1, whereby TSU committed to providing \$1.4 million to provide for campus stormwater improvements in conjunction with the Harbin Drive Improvements Project, that was approved by the city council on August 6, 2019. Amendment No. 1 was approved at the January 4, 2022, regular business meeting. The proposed MOU is related to, but separate from, the previous MOU.

Discussions with city and university staff have produced the proposed MOU. The proposed MOU serves to accommodate the university's request to abandon the stormwater line that was installed using the original project alignment under Tarleton Street and install new, larger diameter, stormwater line under Turner Street. The proposed MOU indicates the university will reimburse the city for the additional

design services cost, not to exceed \$28,000 as well as the cost of the construction improvements at \$534,397.50. An appropriate change order and exhibits are included as part of the MOU.

MOTION by Mark McClinton, second by Gerald Cook, to approve the Memorandum of Understanding (MOU) with Tarleton State University (TSU) to provide for the installation of storm water drainage line under Turner Street as part of the Harbin Drive Improvements Project. MOTION CARRIED unanimously. Councilman Lonn Reisman abstained from voting due to his conflict of interest/ relationship to Tarleton State University.

5. Consider Expenditure of a Grant Award from Firehouse Subs

Stephenville Fire Department Chief Robert Isbell presented this item at tonight's Regular Council Meeting. The Firehouse Subs Public Safety Foundation Inc. Lifesaving Equipment award is to provide lifesaving equipment to first responders. The Stephenville Fire Department was awarded \$29,045.96 for the purchase of new rescue extrication tools. The Fire department will utilize this grant to purchase a new Holmatro rescue tool set. The grant covers the purchase at 100% and no additional funds are needed to put this system in service. The tools are bid directly through Firehouse Subs Foundation and the award is to be used through their vendor.

MOTION by Bob Newby, second by LeAnn Durfey, to approve the expenditure of grant funds from Firehouse Subs on rescue extrication tools in the amount of \$29,045.96. MOTION CARRIED unanimously.

PLANNING AND ZONING COMMISSION

Steve Killen, Director of Development Services

6. PUBLIC HEARING

Case No.: RZ2022-021

Applicant Ophelia Mosbey, representing Moways Communications, LLC, is requesting a rezone of property located at 0 College Farm Rd, Parcel R77880, being 0.809 acres of CITY ADDITION; BLOCK 91; LOT 1(PT OF) of the CITY ADDITION to the City of Stephenville, Erath County, Texas from Industrial (I) to Multifamily Residential District (R-3)

Director of Development Services Steve Killen presented this item at tonight's Regular Council Meeting. The Planning and Zoning Commission convened on October 19, 2022, and by a vote of 4-1-1, recommended the City Council approve the rezoning request. During the process of review for the rezone request, the property was conveyed from the previous owner to Moways Communications. As a result, the legal description was changed, negating the actions of the Commission, prompting the case to be resubmitted for consideration.

The Planning and Zoning Commission convened again on December 21, 2022 and held a Public Hearing to reconsider the case. Two letters of opposition were received. The Commission, by a vote of 4-2, recommended the City Council approve the rezoning request.

Ophelia and Elmer Mosbey addressed the Council regarding the request. Ophelia shared their plans for the property development. Elmer Mosbey shared their love for Stephenville and the community and are excited to be involved in the growth.

Mayor opened the Public Hearing at 5:47 PM.

Debra Davenel of 620 College Farm Road addressed the Council to express concerns regarding the rezoning due to the condition and size of the roadway and parking on the lot.

Ophelia Mosbey addressed the comments by Ms. Mitchell. She stated they are working with the Fire Department and Geo Tech to address any parking concerns.

Mayor closed the Public Hearing at 5:50 PM.

6. Consider Approval of Ordinance Rezoning Property Located at 0 College Farm Rd, Parcel R77880, being 0.809 acres of CITY ADDITION; BLOCK 91; LOT 1(Pt OF) of the CITY ADDITION to the City of Stephenville, Erath County, Texas from Industrial (I) to Multifamily Residential District (R-3)

MOTION by Justin Haschke, second by David Baskett, to approve Ordinance No. 2023-O-01 rezoning property located at 0 College Farm Rd, Parcel R77880, being 0.809 acres of CITY ADDITION; BLOCK 91; LOT 1(Pt OF) of the CITY ADDITION to the City of Stephenville, Erath County, Texas from Industrial (I) to Multifamily Residential District (R-3). MOTION CARRIED 7:1.

AYES: LeAnn Durfey, Justin Haschke, Lonn Reisman, Bob Newby, Ricky Thurman, David Baskett, Gerald Cook

NOES: Mark McClinton

8. PUBLIC HEARING

Case Nos.: RZ2022-026 and PP2022-002

Applicant Casey Raitz, representing RF Land Holdings, LLC, is requesting a rezone with simultaneous approval of the Preliminary Plat for property located at 0 E Collins Street, Parcel R29629, being 5.29 acres of CITY ADDITION, BLOCK 65, LOT 1 (Pt. OF) of the City of Stephenville, Erath County, Texas from Neighborhood Business District (B-1) to Single Family Residential District (R-1)

Director of Development Services Steve Killen presented this item at tonight's Regular Council Meeting. Recent rezoning cases in the vicinity have been approved resulting in residential construction along Miller Street. The property has two 15" sanitary sewer lines traversing the property that will require easements remain dedicated to the city. Vertical construction within these easements will be prohibited. The Planning and Zoning Commission convened on December 21, 2022 and held a Public Hearing. The Commission voted unanimously (6-0) to approve the rezone request. The Commission also granted conditional approval of the replat as presented by staff. Should the City Council deny the rezoning request, the plat shall also be denied pursuant to Sec. 155.4.03 of the zoning code.

Mayor opened the Public Hearing at 5:56 PM.

No one addressed the Council regarding the case and Mayor closed the Public Hearing at 5:57 PM.

9. Consider Approval of Ordinance Rezoning Property Located at 0 E Collins Street, Parcel R29629, being 5.29 acres of CITY ADDITION, BLOCK 65, LOT 1 (Pt. OF) of the City of Stephenville, Erath County, Texas from Neighborhood Business District (B-1) to Single Family Residential District (R-1)

MOTION by Ricky Thurman, second by Mark McClinton and LeAnn Durfey, to approve Ordinance No. 2023-O-002 rezoning property located at 0 E Collins Street, Parcel R29629, being 5.29 acres of CITY ADDITION, BLOCK 65, LOT 1 (Pt. OF) of the City of Stephenville, Erath County, Texas from Neighborhood Business District (B-1) to Single Family Residential District (R-1). MOTION CARRIED unanimously.

10. Consider Initiation of the Abandonment of a 20-foot Alleyway Located in Block 8 of the Cage Addition of the City of Stephenville Authorized by Section 95.51 of the Code of Ordinances

Director of Development Services Steve Killen presented this item at tonight's Regular Council Meeting. Steve explained Recently, several parcels were rezoned to R-3, Multifamily District by the property owner. One property owner owns each parcel surrounding the alley with exception to 380 Elm, Parcel R28924.

A 12" sanitary sewer line traverses the alley at 1273 Ivy, Parcel R28921. If approved, the property owner will be required to honor the existing easement.

Chapter 95 of the City of Stephenville Code of Ordinances allows for the abandonment of streets and alleys by petition or council initiative. If the City Council opts to pursue the abandonment, the matter will be forwarded to the Planning and Zoning Commission for a public hearing. The Commission will then make a recommendation to City Council regarding the abandonment.

MOTION by Mark McClinton, second by Gerald Cook, to approve Resolution No. 2023-R-01, initiating the abandonment of a 20-foot alleyway in Block 8 of the Cage Addition of the City of Stephenville. MOTION CARRIED unanimously.

11. Consider Approval of Revision to Chapter 154.05.8.D(C)(12) of the Zoning Ordinance relating to the Deviation from Required Standards

Director of Development Services Steve Killen presented this item at tonight's Regular Council Meeting. City Ordinance 2021-0-28 was adopted in September 2021. Since that time, paragraph 12 of the adopted ordinance has been further reviewed and discussed with Legal Counsel. Repealing Paragraph 12 will require any deviations from the R-2.5 zoning requirements to be reviewed by the Board of Adjustments. The City Council Development Services Committee convened November 15, 2022, to consider a proposed revision to Section 154.05.8.D(C)(12) of the Zoning Ordinance. The Committee, by a unanimous vote of 4/0, assigned the Planning and Zoning Commission to hold a public hearing to consider the proposed revisions as presented and make a recommendation to the City Council for adoption. The Planning and Zoning Commission convened on December 21, 2022 and held a Public Hearing. No public comments were received. The Commission voted unanimously (6-0) to recommend the City Council revise the ordinance as presented.

MOTION by Gerald Cook, second by Mark McClinton, to approve Ordinance No. 2023-O-03, revising Chapter 154.05.8D(c)(12) of the Zoning Ordinance relating to the deviation from required standards. MOTION CARRIED unanimously.

TOURISM AND VISITORS BUREAU COMMITTEE

LeAnn Durfey, Chair

12. Consider Approval of Sponsorship for Buckles and Bugs 2023 Event

January 3, 2023, at the Tourism and Visitors Bureau Committee Meeting, the Committee had a zoom call with event planner, Charlie Diggs to discuss the sponsorship from the City. MOTION by Gerald Cook, second by Bob Newby, to make a positive recommendation to the Council for the \$25,000 sponsorship for the March 4, 2023, Buckles and Bugs event. MOTION CARRIED unanimously.

Chair of the Tourism and Visitors Bureau Committee LeAnn Durfey presented this item at tonight's Regular Council Meeting.

MOTION by LeAnn Durfey, second by Bob Newby, to approve the \$25,000 sponsorship of the Buckles and Bugs event to be held on March 4, 2023. MOTION CARRIED unanimously.

FINANCIAL REPORTS

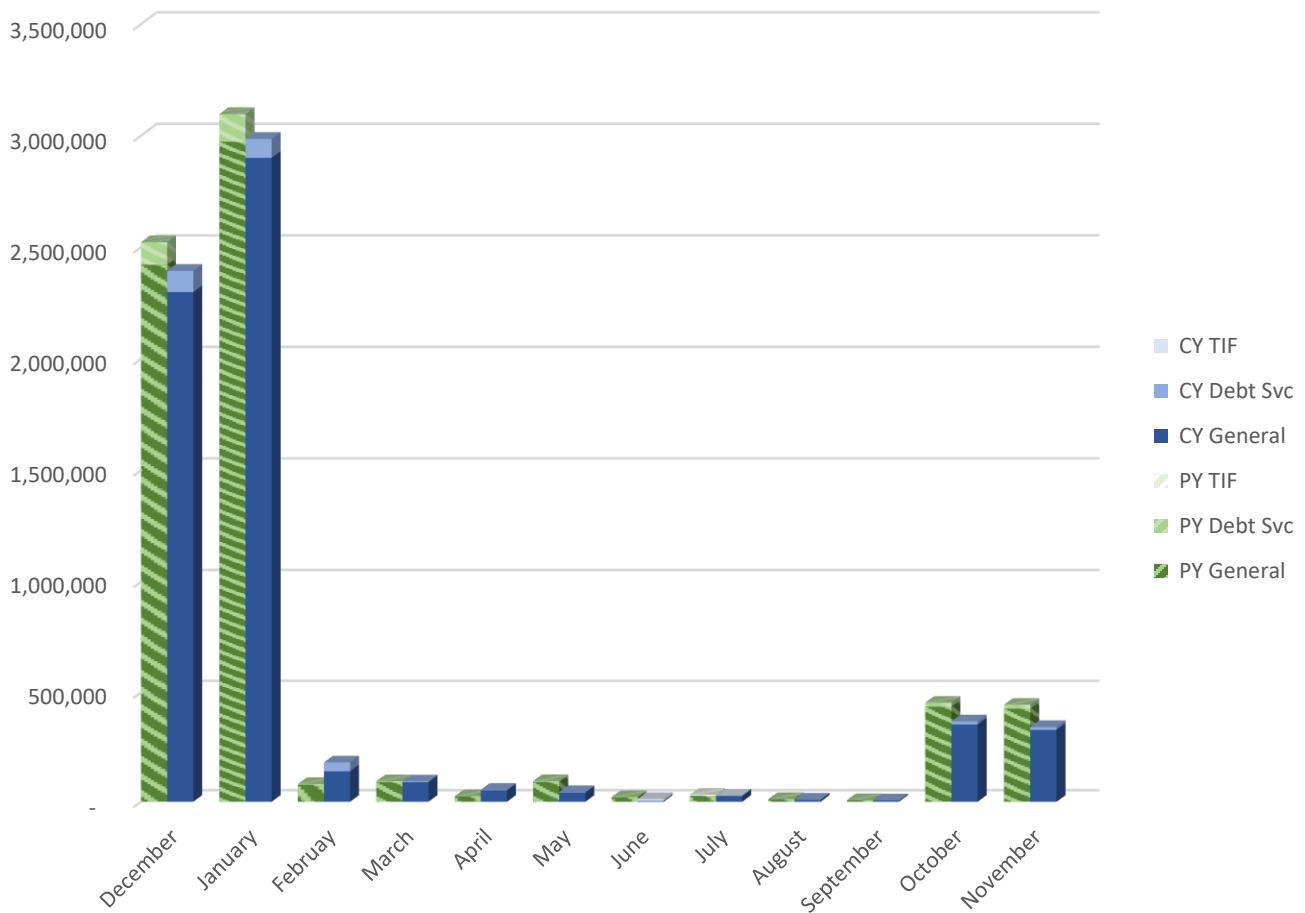
Monica Harris, Director of Finance

13. Monthly Budget Report for the Period Ending November 30, 2022

Finance Director Monica Harris presented the following:

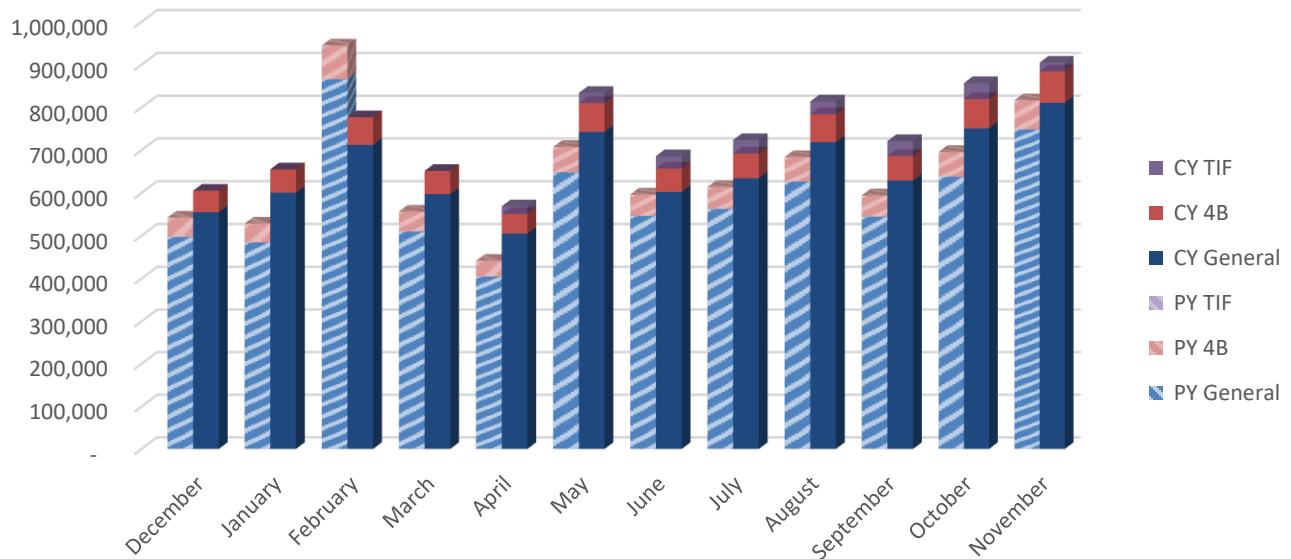
In reviewing the financial statements ending November 30, 2022, the financial indicators are overall as or better than anticipated.

Property Tax Collections
2 year 12 month rolling comparison



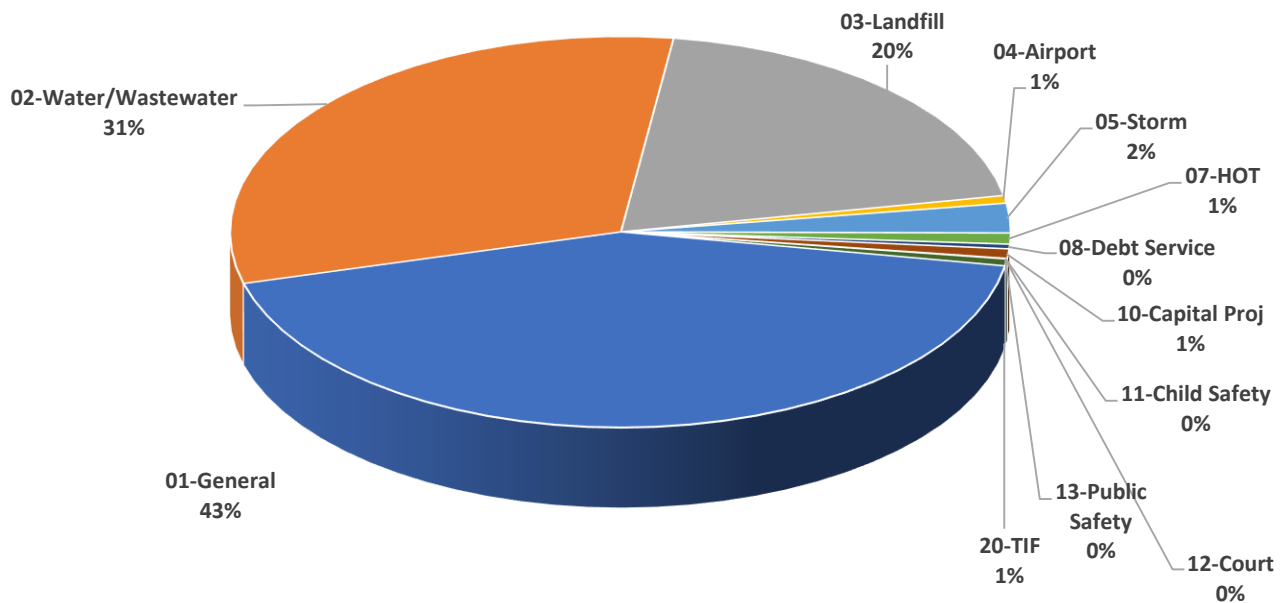
We received \$342K in property taxes in the month of November, resulting in \$187K decrease over funds collected last fiscal year to date. The amount collected is almost 10% of budget, which is \$15K less than anticipated.

Sales and Use Tax 2 year 12 month rolling comparison



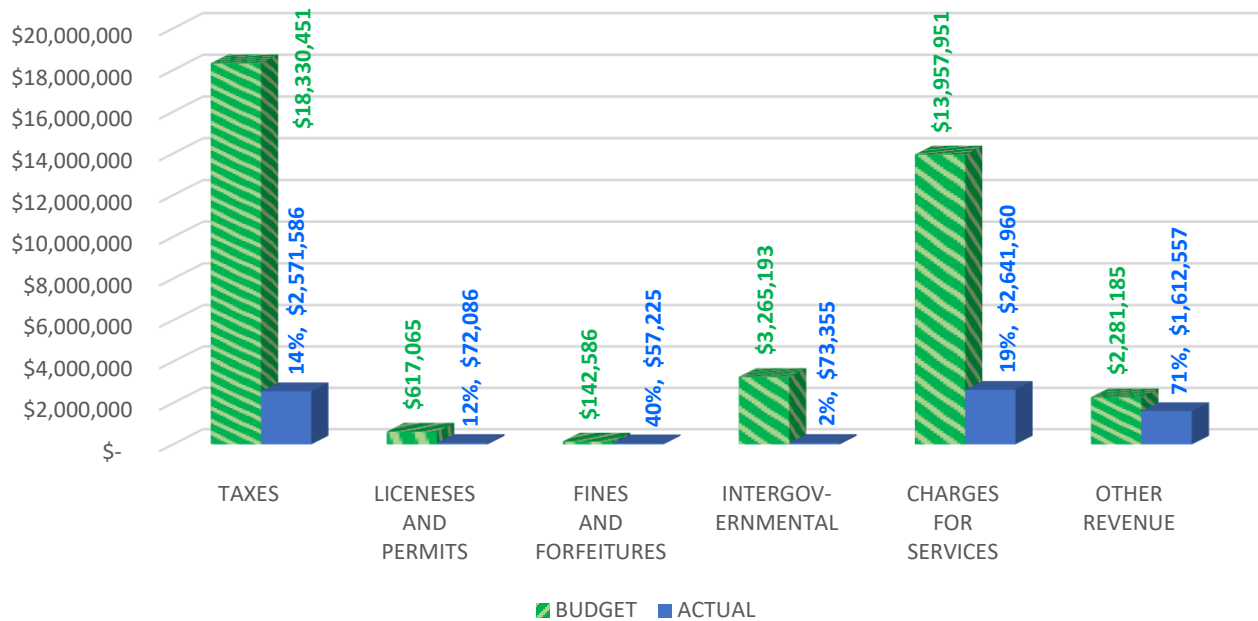
We received \$904K in sales tax in November, resulting in \$249K or 16% more than the funds collected last fiscal year to date. The amount collected is 19% of the \$9 million budget, which is \$150K higher than anticipated.

Revenue by Fund



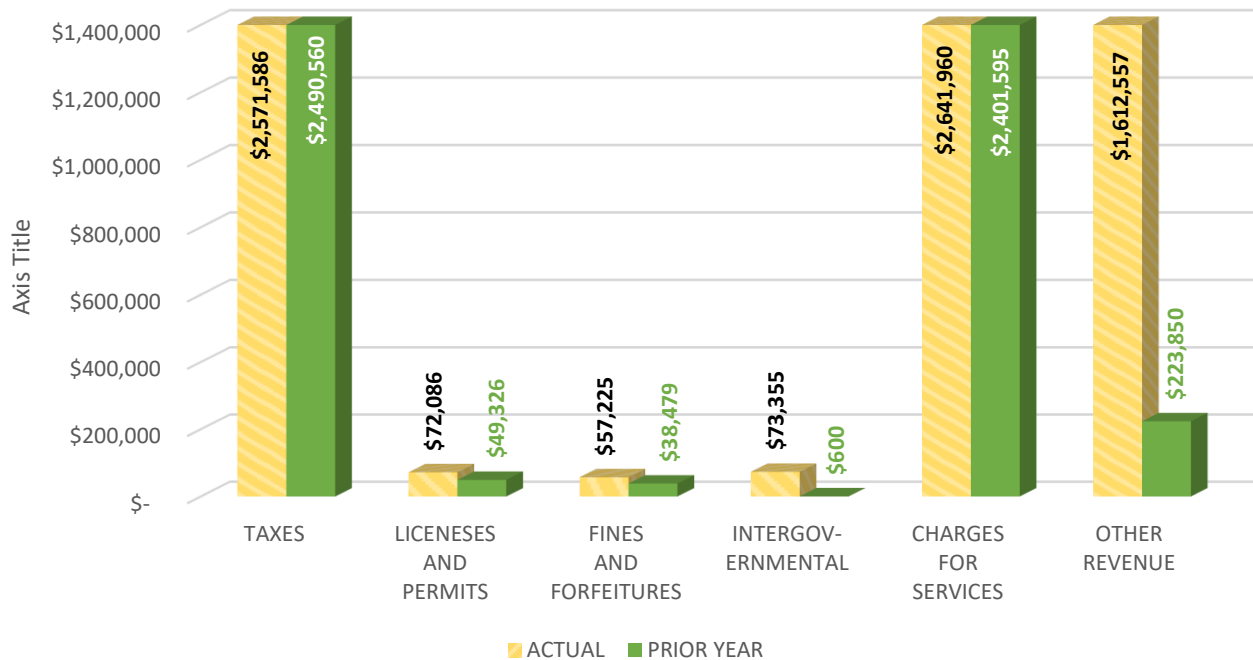
Most of the revenue received to date is in the General Fund at 43%, Water/Wastewater Fund at 31%, and Landfill at 20%.

Revenue - Budget vs Actual



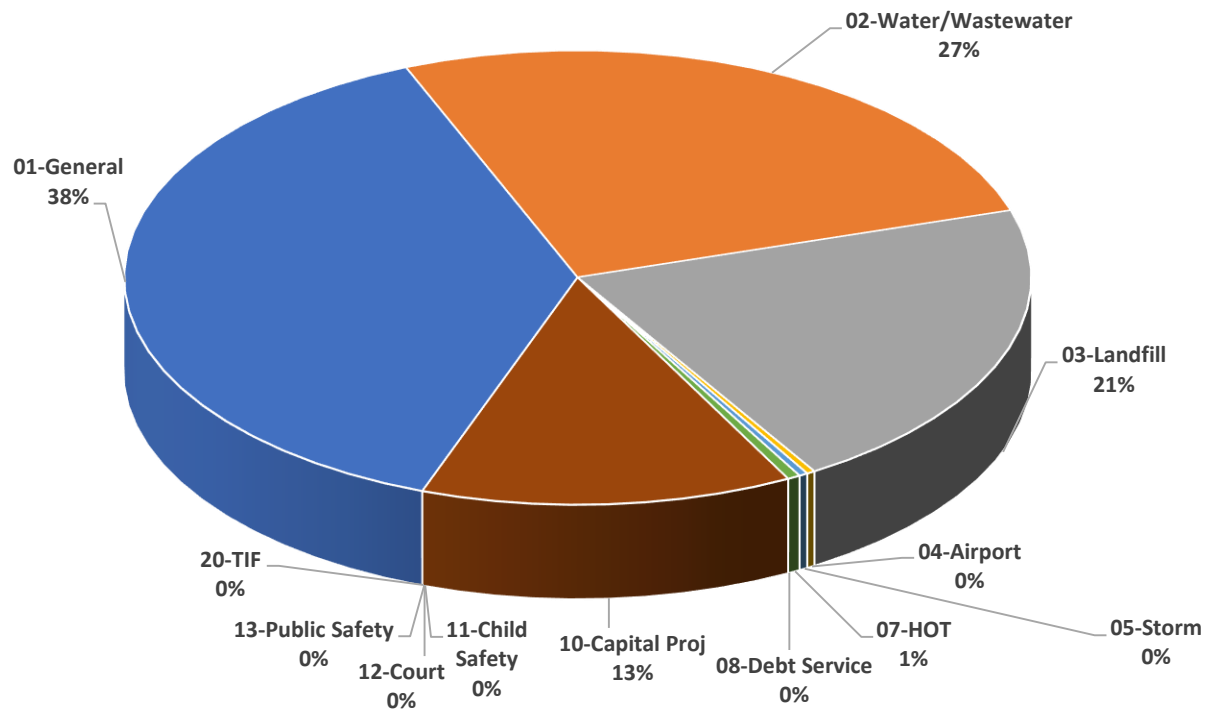
We have received 18% of the total budgeted revenues, which is almost \$1.5 million more than anticipated due to taxes, charges for services, debt proceeds, and interest income.

Revenue - Prior Year Comparison



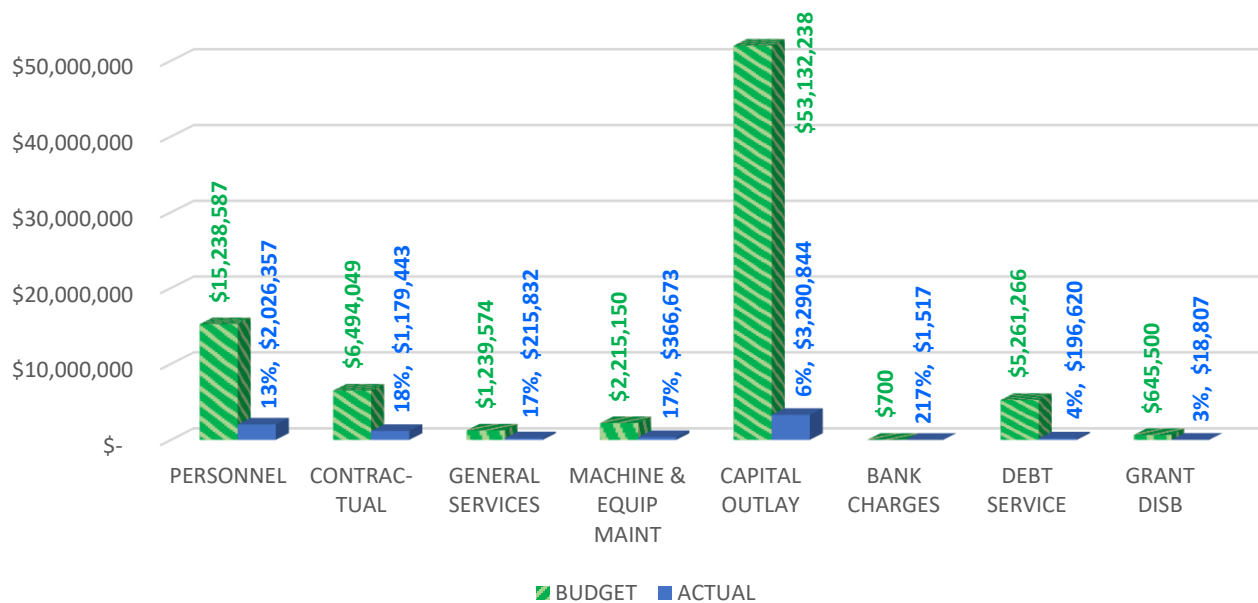
We received \$1.8 million more in revenue than last year largely due to charges for services, debt proceeds, and interest income.

Expenditures by Fund



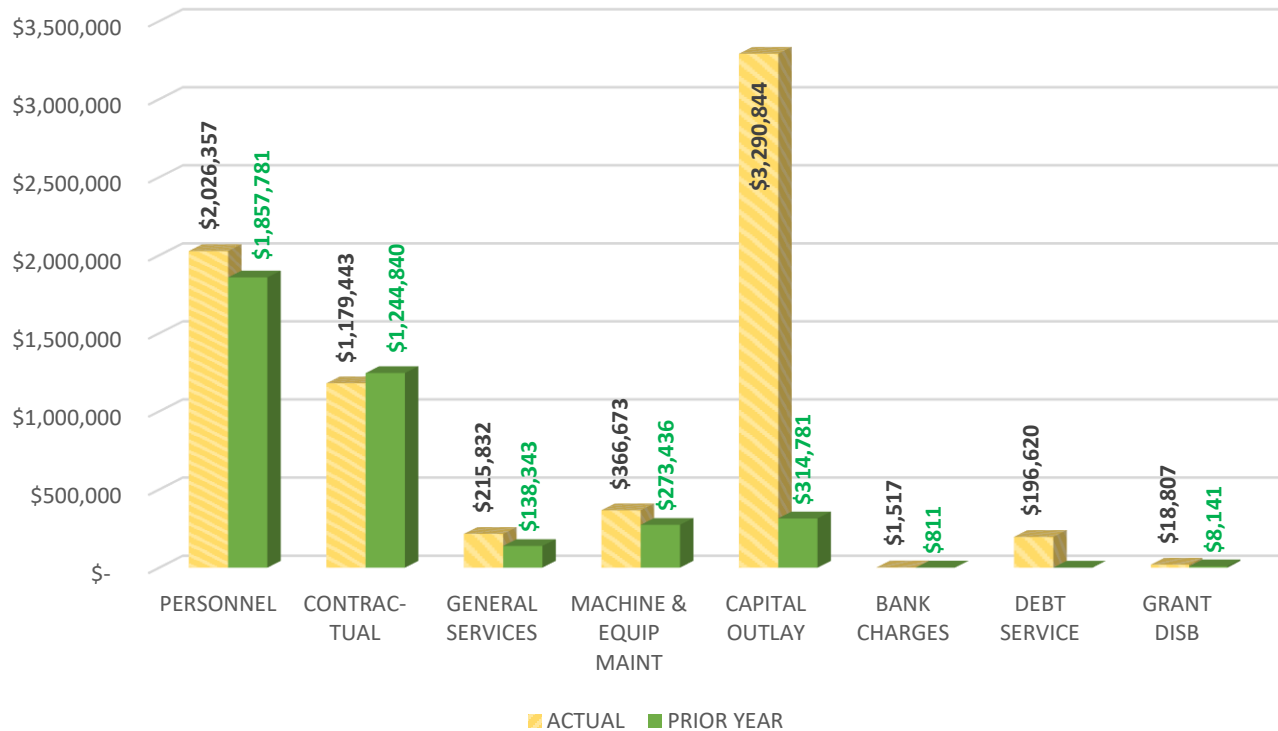
Most of the expenditures are in the General Fund at 38%, Water/Wastewater at 27%, and Landfill at 21%.

Expenditures - Budget vs Actual



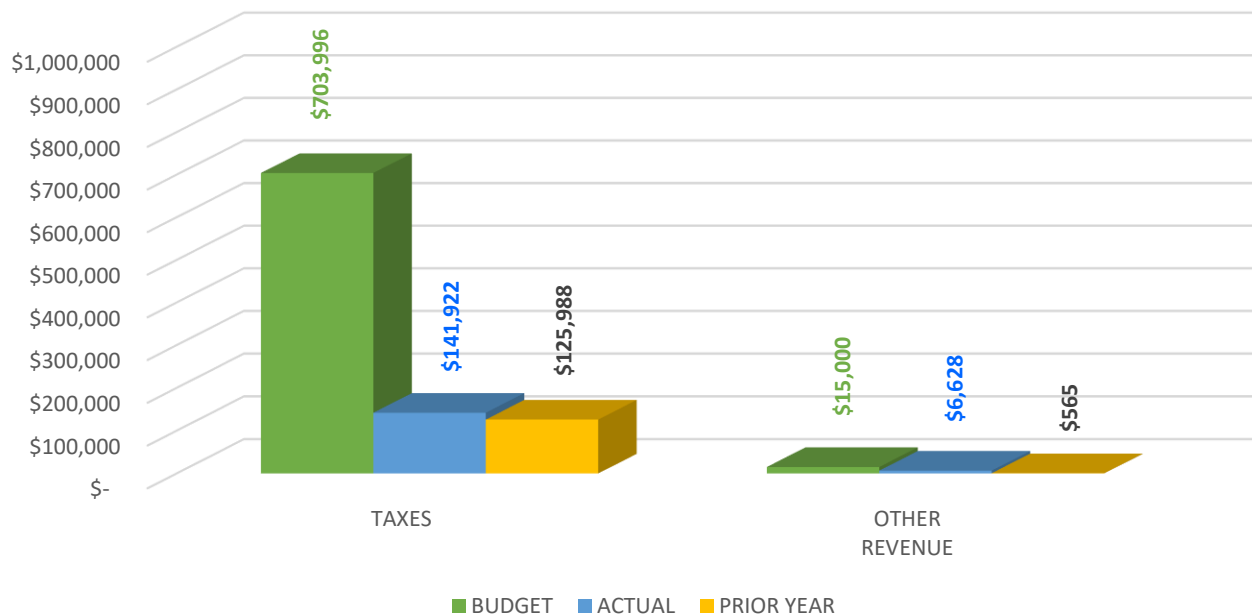
We have expended 9% of the total budgeted expenditures, which is \$6 million less than anticipated due to personnel and capital projects.

Expenditures - Prior Year Comparison



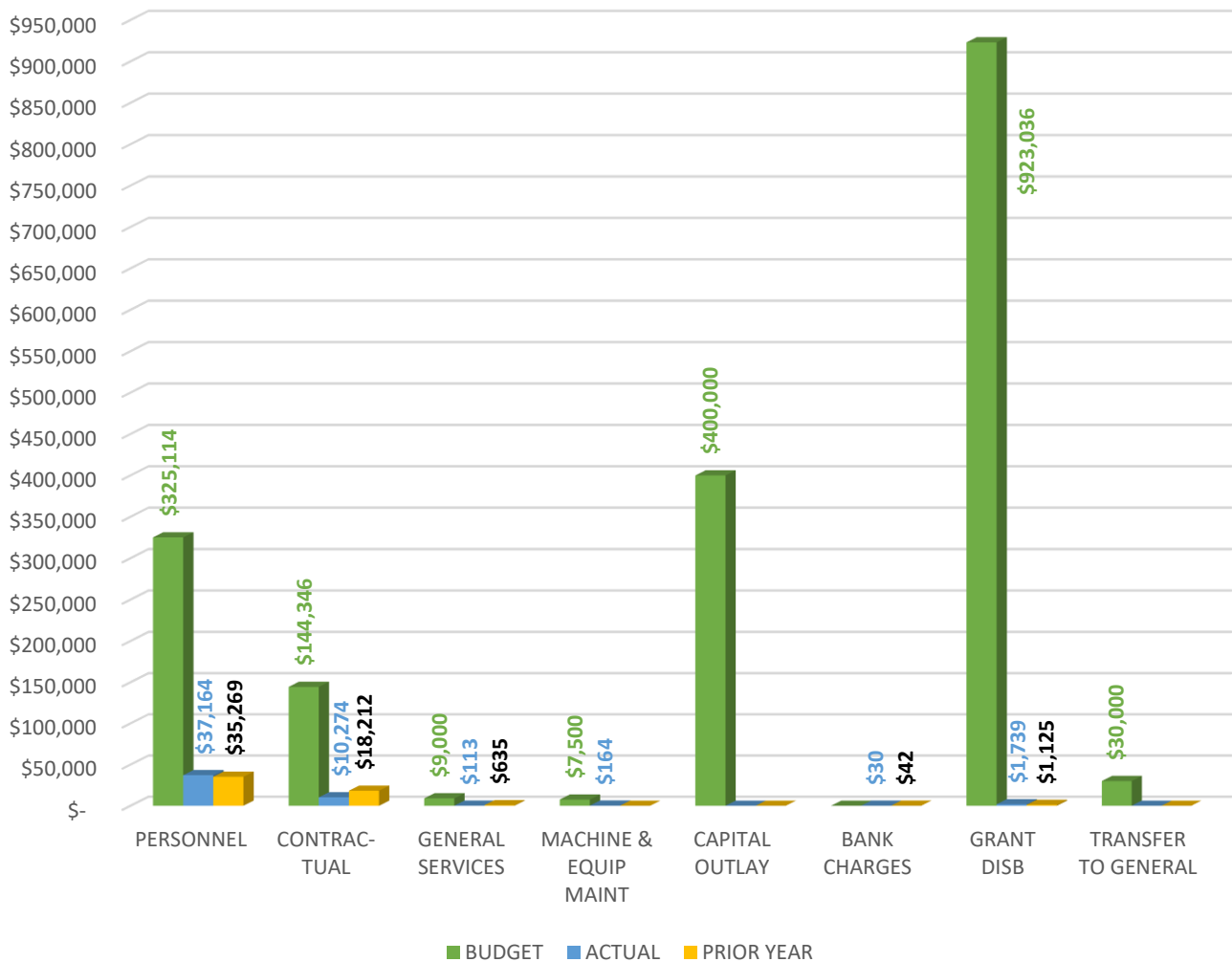
We spent \$3.5 million more in expenditures than last year, the bulk of which is capital outlay.

SEDA Revenue Comparison



SEDA has received an overall 21% of budgeted revenue through November, which is almost \$22,000 more than last year.

SEDA Expenditure Comparison



SEDA has spent an overall 3% of budgeted expenditures, which is \$5,700 less than last year.

STEPHENVILLE ECONOMIC DEVELOPMENT AUTHORITY REPORT

Jeff Sandford, Executive Director

SEDA Executive Director Jeff Sandford addressed the Council. He wished everyone a Happy New Year and gave a recap on holiday spending trends.

Mr. Sandford commented that SEDA can provide the Council data for the Buckles and Bugs event.

Mr. Sandford announced the groundbreaking celebration for the Stable at 9 AM on January 4. Vidal Garcia with the Las Aguilas Development Group addressed Council as well. Mr. Garcia believes this development will pave the way for new and more exciting developments in Stephenville. He expressed his excitement about the development and invited all to attend the celebration. He shared the objective for this development has been to bring unique dining experiences to Stephenville and that is what they are doing.

Jeff Sandford expressed his thanks to the Council and to Mr. Garcia for the progress of the Stable development. The celebration on January 3 will effectively open the new extension of Wolfe Nursery Road. Exciting times in Stephenville.

Mayor Doug Svien announced that the original Wolfe for Wolfe Nursery Road will be place on the new extension. He expressed appreciation for LeAnn Durfey's assistance on that project.

CONSENT AGENDA

14. Consider Approval of Minutes - December 6, 2022 - Regular Meeting

15. Consider Approval a Change Order to the System Purchase Agreement Between the City and L3 Harris

16. Consider Approval of the Contract Renewal for Del Carmen Consulting, LLC.

MOTION by Mark McClinton, second by David Basket, to approve all Consent Agenda items. MOTION CARRIED unanimously.

COMMENTS BY CITY MANAGER

City Manager Jason King announced the upcoming City Hall closure on Monday, January 16, 2023, to observe Martin Luther King, Jr. Day. Mr. King announced the next City Council meeting will be Tuesday, January 17, 2023, for the Council Committee meeting.

Mr. King briefed citizens on the meeting he and the Mayor recently attended with Delisi Communications regarding TXDOT Aviation and the runway extension project. There are some challenges the city is currently facing with receiving federal funding but solutions being sought.

COMMENTS BY COUNCIL MEMBERS

LeAnn Durfey wished everyone a Happy New Year and shared appreciation for how busy the downtown area was during the Holiday season. Thank you to everyone who was part of a beautiful Christmas downtown.

Justin Haschke echoed LeAnn's comments and thanks Mainstreet and Downtown folks for their efforts. He encouraged everyone to attend and support the Erath County Junior Livestock Show that is this week.

Lonn Reisman shared his appreciation for all of the economic development in Stephenville that allowed for local Christmas shopping.

Bob Newby wished everyone a Happy New Year!

Ricky Thurman congratulated all of the County officials that were sworn in today.

David Basket congratulated all of the County officials that were sworn in today. It is a great thing to witness! Encouraged all to attend the Erath County Junior Livestock Show this week.

Gerald Cook encouraged everyone to appreciate what we have in Stephenville. There are lots of positive things happening in the city.

Mayor Doug Svien announced the Dr. MLK Jr Town & Gown Community Breakfast event at Tarleton State University on January 16, 2023. Shared appreciation to Mr. Darrel Brown for his efforts on that event. Mayor Svien commented on the economic development. The potential for growth in Stephenville is enormous. Mayor Svien also shared information about the Texas government's 'rainy day fund'.

Mayor recessed the Regular Council Meeting at 6:32 PM and convened the Executive Session at 6:36 PM.

EXECUTIVE SESSION

In compliance with the provisions of the Texas Open Meetings Law, Subchapter D, Government Code, Vernon's Texas Codes, Annotated, in accordance with

17. Section 551.072 Deliberation Regarding Real Property - to deliberate the purchase, exchange, lease, or value of real property, to wit: real property located in **City Addition**

Mayor adjourned the Executive Session at 6:52 PM and reconvened the Regular Council Meeting at 6:54 PM.

ACTION TAKEN ON ITEMS DISCUSSED IN EXECUTIVE SESSION, IF NECESSARY

ADJOURN

Mayor Svien adjourned the Regular Council Meeting at 6:54 PM.

Note: The Stephenville City Council may convene into Executive Session on any matter related to any of the above agenda items for a purpose, such closed session allowed under Chapter 551, Texas Government Code.

Doug Svien, Mayor

ATTEST:

Sarah Lockenour, City Secretary



SPECIAL CITY COUNCIL MEETING

City Hall Council Chambers, 298 West Washington Street
Tuesday, January 17, 2023 at 5:30 PM

MINUTES

The City Council of the City of Stephenville, Texas, convened on Tuesday, January 17, 2023 at 5:30 PM, in the City Hall Council Chambers, 298 West Washington Street, for the purpose of a Special City Council Meeting, with the meeting being open to the public and notice of said meeting, giving the date, time, place and subject thereof, having been posted as prescribed by Chapter 551, Government Code, Vernon's Texas Codes Annotated, with the following members present, to wit:

COUNCIL PRESENT:

Mayor Doug Svien
Council Member LeAnn Durfey
Council Member Justin Haschke
Council Member Lonn Reisman
Council Member Bob Newby
Council Member Ricky Thurman
Council Member David Baskett
Council Member Gerald Cook
Council Member Mark McClinton

COUNCIL ABSENT:

OTHERS ATTENDING:

Jason M. King, City Manager
Sarah Lockenour, City Secretary

CALL TO ORDER

The Mayor called the Special City Council Meeting to order at 6:22 PM.

REGULAR AGENDA

1. Consider Application from CareFlite for EMS/Ambulance Permit

Stephenville Fire Department Chief Robert Isbell presented this item at tonight's Special City Council Meeting. The Public Health and Safety Committee met on November 15, 2022 and considered an application to operate a private ambulance in the City by CareFlite – Ground. CareFlite has been operating an ambulance service since 1979 and has served the Stephenville Hospital for many years. The Committee unanimously affirmed the application to come to council for final approval.

MOTION by Mark McClinton, second by Gerald Cook, to approve the application from CareFlite for EMS/Ambulance Permit as presented. MOTION CARRIED unanimously.

2. Consider Approval of an Oncor Substation Easement at the WWTP

Public Works Director Nick Williams presented this item at tonight's Special City Council Meeting. Oncor has a substation directly adjacent to the Stephenville Wastewater Treatment Plant (WWTP). Oncor is the electrical service provider for many city facilities, including the WWTP. The easement is necessary for the operation of Oncor's new substation adjacent to the WWTP. Allowing the easement will improve Oncor's ability to maintain consistent electrical service, not only to the plant, but also to the community. Oncor has requested the easement at no cost. There is also no cost to the city to grant the electrical service easement.

MOTION by Mark McClinton, second by Bob Newby, to approve the Oncor Substation Easement at the WWTP. MOTION CARRIED unanimously.

3. Consider Approval of Lillian GST Floor Repairs

Public Works Director Nick Williams presented this item at tonight's Council Committee Meeting. The city maintains a 1 MG GST at the Lillian pump station. The tank is an above ground, glass-lined, bolted, steel-panel tank. The tank was installed in 2001 and has developed leaks around some of the caulked wall panel joints. The original wall panel repairs for this tank were approved at the Special Council Meeting on October 18, 2022.

Upon draining and cleaning the tank to perform the wall-panel repairs, damage was discovered in the floor of the tank. The damage was undetectable until the tank was drained and the floor thoroughly cleaned. Texas Aquastore, Inc. is performing temporary repairs to the existing tank floor panels to seal the tank until the replacement panels are installed. Attached is a quote received from Texas Aquastore, Inc. to perform the additional, necessary repairs to the floor of the tank for \$129,965.00. Texas Aquastore, Inc. has stated the glass-lined, bolted, steel-panels for the tank have a 36-week lead time from the date of order.

The FY22-23 adopted budget included \$110,000 for the originally identified repairs. The original proposal was for \$102,492, leaving a positive balance of \$7,508.00 under the approved budget. The proposal to replace the tank's floor panels is \$129,965.00. With the \$7,508 savings from the original project, a balance of \$122,457 is necessary to fund the Lillian tank's floor repairs. Savings from the 377 Elevated Storage Tank (EST) Rehabilitation project would be used for the Lillian tank floor repairs. \$500,000 was budgeted for the 377 EST project and the total cost is anticipated to be \$357,900 leaving a balance of \$142,100. This would leave a positive balance between the two projects of \$19,643.00.

The Committee voted unanimously to move the repairs forward to City Council as presented.

MOTION by Mark McClinton, second by David Baskett, to approve the Lillian Ground Storage Tank Floor repairs as presented. MOTION CARRIED unanimously.

4. Consider Award of Half-Ton and one Three-Quarter Ton Vehicle Bids

City Manager Jason King presented this item at tonight's Special City Council Meeting. Bids were solicited and opened on December 14, 2022.

Staff recommends award for twelve (12) Pickups to Bruner Motors of Stephenville, Texas as follows:

- Fire Dept – two (2) Dodge ½-ton crew cab 4x4 trucks with towing package and side nerf bars, \$42,214.42 each

- Police Dept – five (5) Dodge ½-ton crew cab trucks with no optional equipment, \$40,567.50 each
- Development Services – one (1) Dodge ½-ton crew cab truck with no optional equipment, \$40,567.50
- Public Works – three (3) Dodge ½-ton crew cab 4x4 trucks with towing package, light strobes, rhino lining, tool box, and headache rack, \$44,516.79 each
- Landfill – one (1) Chevrolet ¾-ton 4 door truck with towing package and amber light bar, \$43,933.09.

All of the general fund vehicles will be financed and the action for the financing will be taken as a separate item.

MOTION by Ricky Thurman, second by LeAnn Durfey, to award the bid for twelve (12) Pickups to Bruner Motors of Stephenville, Texas as presented. MOTION CARRIED unanimously.

5. Consider Adopting Resolution for Vehicle and Equipment Financing

MOTION by Justin Haschke, second by Mark McClinton to approve Resolution No. 2023-R-02 for the Vehicle and Equipment Financing. MOTION CARRIED unanimously.

Mayor Svien recessed the Special City Council Meeting at 6:28 PM and convened the Executive Session at 6:32 PM.

EXECUTIVE SESSION

In compliance with the provisions of the Texas Open Meetings Law, Subchapter D, Government Code, Vernon's Texas Codes, Annotated, in accordance with

6. Section 551.087 Deliberation Regarding Economic Development Negotiations - Project Frontier

The Mayor adjourned the Executive Session at 6:46 PM and reconvened the Special City Council Meeting at 6:48 PM.

ACTION TAKEN ON ITEMS DISCUSSED IN EXECUTIVE SESSION, IF NECESSARY

6. Section 551.087 Deliberation Regarding Economic Development Negotiations - Project Frontier

MOTION by Mark McClinton, second by Gerald Cook, to approve Resolution No. 2023-R-03 as discussed in Executive Session. MOTION CARRIED unanimously.

ADJOURN

Mayor Svien adjourned the Special City Council Meeting at 6:49 PM.

Note: The Stephenville City Council may convene into Executive Session on any matter related to any of the above agenda items for a purpose, such closed session allowed under Chapter 551, Texas Government Code.

Doug Svien, Mayor

ATTEST:

Sarah Lockenour, City Secretary



SPECIAL CITY COUNCIL MEETING

City Hall Council Chambers, 298 West Washington Street
Friday, January 27, 2023 at 3:00 PM

MINUTES

The City Council of the City of Stephenville, Texas, convened on January 27, 2023, in the City Hall Council Chambers, 298 West Washington Street, for the purpose of a Special City Council Meeting, with the meeting being open to the public and notice of said meeting, giving the date, time, place and subject thereof, having been posted as prescribed by Chapter 551, Government Code, Vernon's Texas Codes Annotated, with the following members present, to wit:

COUNCIL PRESENT:

Mayor Doug Svien
Council Member LeAnn Durfey
Council Member Lon Reisman
Council Member Ricky Thurman
Council Member David Baskett
Council Member Gerald Cook

COUNCIL ABSENT:

Council Member Justin Haschke
Council Member Bob Newby
Council Member Mark McClinton

OTHERS ATTENDING:

Jason King, City Manager
Sarah Lockenour, City Secretary

CALL TO ORDER

The Mayor called the Special City Council meeting to order at 3:00 PM.

REGULAR AGENDA

1. Consider Approval of an Interlocal Agreement between Erath County and City of Stephenville

City Manager Jason King presented this item at today's meeting. The interlocal agreement between Erath County and City of Stephenville allows Erath County to perform excavating work on property owned by City of Stephenville. The County will provide all equipment and manpower for this work. Point of contact for the County will be County Commissioner Precinct 3. Point of contact for the City will be the City Manager.

MOTION by, Ricky Thurman, second by Gerald Cook, to approve the Interlocal Agreement between Erath County and City of Stephenville as presented. MOTION CARRIED unanimously.

ADJOURN

Mayor Svien adjourned the Special City Council Meeting at 3:00 PM.

Note: The Stephenville City Council may convene into Executive Session on any matter related to any of the above agenda items for a purpose, such closed session allowed under Chapter 551, Texas Government Code.

Doug Svien, Mayor

ATTEST:

Sarah Lockenour, City Secretary



STAFF REPORT

SUBJECT: Auction Items

DEPARTMENT: Finance

STAFF CONTACT: Robert Oswald

RECOMMENDATION:

Staff is seeking authorization to sell the following item, via online auction:

Quantity	Description	Department
41	50-60ft long power line poles	Parks & Leisure