

JAMES BURGESS

Mayor

RITA BISHOP

Councilmember Place 1

KAYLA SANGUINETTI

Councilmember Place 2



JEANIE SCOTT

Mayor Pro Tem/

Councilmember Place 3

GERONIMO HERNANDEZ

Councilmember Place 4

PHYLLIS LEWIS

Councilmember Place 5

VENUS REGULAR COUNCIL MEETING

Venus Civic Center

210 S. Walnut

Venus, Texas 76084

Monday, March 14, 2022 7:00 PM

Regular Agenda

Page

1. Call to Order, Roll Call, Invocation, Pledge of Allegiance

2. Announcements from Mayor:

Cell phones are to be turned off or placed on vibrate/silent only. No conversation or comment from the audience is permitted unless specifically called upon by the Mayor. Please remain respectfully quiet.

3. Citizen Public Comment Period:

Citizens may sign up before the meeting begins and will be allowed up to 5 minutes to address the Mayor and Council. The Mayor, Council members and staff members may not respond or converse with speakers during this time. The comments from the speaker must be in the form of a statement. By State law, no questions may be asked or answered for items not appearing on the agenda.

4. Consent Agenda:

All matters listed under consent agenda have been previously discussed, require little or no deliberation, or are routine by the council. If discussion is desired, then an item will be removed from the consent agenda and considered separately. Otherwise, approval of the consent agenda authorizes the City Administrator to implement each item in accordance with staff's recommendation.

4.1. Approval of meeting minutes for City Council regular meeting on February 14, 2022.

4.2. Ratifying the payment of bills for the month of February 2022.

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[February 2022 Check Report.pdf](#) 

I make a motion to approve the consent agenda as presented.

5. Staff Reports:

- 5.1. Police Department -James Groom 21 - 93
February 2022 Monthly Report - [VPD February 2022 Monthly Report.pdf](#) 
2021 Racial Profiling Report - [Venus 2021 Racial Profiling Report-Final.pdf](#) 
- 5.2. Building Official - Michael Gleason- March report. 94 - 99
[Monthly report march Building Department.pdf](#) 
[manager_98800_1646766878_PI_Report_Monthly-Permit-Activity_2022-03-08_13.14.pdf](#) 
[manager_98800_1646767016_PI_Report_Inspection-Activity-Summary_2022-03-08_13.16.pdf](#) 
- 5.3. City Administrator- Tonya Roberts- March report, March FD report and March PW report. 100 - 106
[City Administrator's Report - March 2022.pdf](#) 
[March 2022 Fire Dept.pdf](#)  [March 2022 Public Works.pdf](#) 

6. Consideration & Action Items:

- 6.1. Discuss and consider approving Carolyn Welcher as Election Judge for the City of Venus.
I make a motion to approve/deny appointing Carolyn Welcher as Election Judge for the City of Venus.
- 6.2. Discuss and consider a FY 21-22 budget amendments to the General Fund and Water/Sewer Fund for the Public Works Civil Inspector Position. 107 - 108
[FY 21-22 Proposed Budget Amendments.pdf](#) 
I make a motion to approve/deny FY 21-22 budget amendments to the general fund and water/sewer fund as presented.

- 6.3. Discuss and consider Amendments to the City of Venus Time Clock Policy.
I make a motion to approve/deny amendments to the City of Venus Time Clock Policy. 109 - 111
[City Time Clock Policy 2022.pdf](#) 
- 6.4. Discuss and consider interlocal agreement for repair of County Road 620. 112 - 114
[City of Venus C.R. 620 Part 2.pdf](#)  [VENUS interlocal with johnson for cr 620.pdf](#) 
I make a motion to approve/deny entering into a local agreement with Johnson County for the repair of County Road 620.
- 6.5. Discuss and consider Ordinance No. 752-2022-03 authorizing the Mayor to execute a 25 year non-exclusive franchise agreement with Universal Natural Gas, LLC to maintain, construct, equip, extend, alter and otherwise establish and operate in the City, all related facilities necessary or appropriate to sell, manufacture and store, distribute, transport, convey or otherwise conduct, serve, supply and furnish the gas for light, fuel, power, heat and any all other useful purpose. 115 - 131
[752-2022-03-Venus Franchise Agreement - Universal Natural Gas LLC 3.4.22.pdf](#) 
I make a motion to approve/deny Ordinance No. 752-2022-03.
- 6.6. Discuss and consider appointing a Commissioner to the Planning and Zoning Commission for Place 4.
Mr. Ronald Lewis resigned his seat on February 24, 2022. Place 4 is nominated by Council Place 4.
I make a motion to appoint_____ to Place 4 as a voting member on the Planning and Zoning Commission.

7. Executive Session:

The City Council reserves the right to meet in Executive Session closed to the public at any time in the course of this meeting to discuss matters listed on the agenda, pursuant to authorization by the Texas Open Meetings Act TEXAS GOVERNMENT CODE, Chapter 551.071(2) (Private consultation with attorney for the city), 551.072 (deliberations about real property), 551.073 (deliberations about gifts and donations),

551.074 (personnel matters), 551.076 (deliberations about security devices), 551.087 (economic development), 418.183 (homeland security).

EXECUTIVE SESSIONS: 551.087 (Economic Development) & 551.071(2) (Private Consultation with Attorney)

1- Discuss negotiations regarding Brahman II.

2- Discuss negotiations regarding Buffalo Hills.

3- Discuss negotiations regarding Partnership 67213.

4- Discuss the acquisition of property, without mineral rights, on property consisting of approximately .630 acres of land, generally located west of 157 and south of 67 and within the territorial limits of the City of Venus, Texas, Johnson County.

7.1. Recess into Executive Session.

7.2. Reconvene into Open Session.

8. Adjourn:

The City Council reserves the right to meet in Executive Session closed to the public at any time in the course of this meeting to discuss matters listed on the agenda, pursuant to authorization by the Texas Open Meetings Act TEXAS GOVERNMENT CODE, Chapter 551.071(2) (Private consultation with attorney for the city), 551.072 (deliberations about real property), 551.073 (deliberations about gifts and donations), 551.074 (personnel matters), 551.076 (deliberations about security devices), 551.087 (economic development), 418.183 (homeland security).

This is to certify that a copy of this Notice of Meeting was posted on the bulletin of City Hall, 700 W. Hwy 67 Venus, Texas and at a place readily accessible to the general public at all times and to the City's website www.cityofvenus.org, Wednesday, March 9, 2022 by 5:00 pm.

Callie Green,
City Secretary

This building is wheelchair accessible. Any requests for Interpretive Services must be named 48 hours in advance of the scheduled meeting. To make arrangements please call 972-366-3348.

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
NON-DEPARTMENTAL	GENERAL FUND	TEXAS MUNICIPAL RETIREMENT SYSTEM	TMRS RETIREMENT	4,324.35
			TMRS RETIREMENT	4,724.49
		U. S. TREASURY	FEDERAL WITHHOLDING	5,403.84
			FEDERAL WITHHOLDING	5,351.83
			FICA WITHHOLDING	4,106.94
			FICA WITHHOLDING	4,067.78
			MEDICARE WITHHOLDING	960.47
			MEDICARE WITHHOLDING	951.31
		CHILD SUPPORT DISTRIBUTION FUND	CASE #0011334214-11305	136.15
			CASE #0011334214-11305	136.15
			CASE ID 0010216557	253.85
			CASE ID 0012061075	340.15
			001416398532571060821	295.38
			001416398532571060821	295.38
			001413824936069749121	139.69
			001413824936069749121	362.20
			0012848314CV32231	244.15
			0012848314CV32231	137.65
		MISC VENDOR KRISTEN CASSEY	REFUNDABLE CC DEPOSIT	300.00
		FIRST UNUM LIFE INSURANCE CO	VCH-YATES REFUND 4 MONTHS	14.20-
			ADJUST ALLOCATION	2.50-
			DCH PAYROLL ACCRUAL	68.30
			DCH PAYROLL ACCRUAL	68.30
			DFM PAYROLL ACCRUAL	48.34
			DFM PAYROLL ACCRUAL	48.32
			DSP PAYROLL ACCRUAL	47.35
			DSP PAYROLL ACCRUAL	47.33
			VCH PAYROLL ACCRUAL	7.98
			VCH PAYROLL ACCRUAL	7.93
			VFM PAYROLL ACCRUAL	9.07
			VFM PAYROLL ACCRUAL	9.07
			VSP PAYROLL ACCRUAL	7.41
			VSP PAYROLL ACCRUAL	7.36
		TML HEALTH	MCH PAYROLL ACCRUAL	562.89
			MCH PAYROLL ACCRUAL	562.89
			MFM PAYROLL ACCRUAL	322.20
			MFM PAYROLL ACCRUAL	322.20
			MSP PAYROLL ACCRUAL	847.22
			MSP PAYROLL ACCRUAL	846.76
		TML RISK POOL	QUARTER 3 & 4 WC RERATE	7,396.00
		CITIBANK	GROOM CC CHARGES	550.65
			ESTES CC CHARGES	887.99
			GREEN CC CHARGES	891.24
			GLEASON CC CHARGES	865.84
			ALLEN CC CHARGES	193.67
			GORDON CC CHARGES	422.86
			HOPKINS CC CHARGES	2,139.35
			ROBERTS CC CHARGES	684.73
		WEX BANK	MONTHLY SERVICE FEE	4.99
			REBATE	67.69-
		COLONIAL LIFE	COL ACCIDENT PR DEDUCTIONS	22.71
			COL ACCIDENT PR DEDUCTIONS	22.71
			COL CANCER PR DEDUCTIONS	38.28
			COL CANCER PR DEDUCTIONS	38.28
			COL HOSPCONF PR DEDUCTIONS	8.22
			COL HOSPCONF PR DEDUCTIONS	8.22

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			COL CRITICAL ILL PR DEDUCT	7.57
			COL CRITICAL ILL PR DEDUCT	7.57
		DEARBORN LIFE INSURANCE CO	LVC PAYROLL DEDUCTIONS	6.87
			LVC PAYROLL DEDUCTIONS	6.87
			LVE PAYROLL DEDUCTIONS	301.74
			LVE PAYROLL DEDUCTIONS	302.61
			LVS PAYROLL DEDUCTIONS	53.94
			LVS PAYROLL DEDUCTIONS	53.94
		**PAYROLL EXPENSES	2/01/2022 - 2/28/2022	<u>0.03</u>
			TOTAL:	51,205.17
NON-DEPARTMENTAL	GENERAL FUND	TIB-THE INDEPENDENT BANKERSBANK NA	2021 POLICE VEHICLES	77,784.75
			2021 POLICE VEHICLES	<u>6,546.07</u>
			TOTAL:	84,330.82
CITY ADMIN OFFICE	GENERAL FUND	TEXAS MUNICIPAL RETIREMENT SYSTEM	TMRS RETIREMENT	227.72
			TMRS RETIREMENT	227.72
		U. S. TREASURY	FICA WITHHOLDING	130.20
			FICA WITHHOLDING	130.20
			MEDICARE WITHHOLDING	30.45
			MEDICARE WITHHOLDING	30.45
		AT&T MOBILITY	DEC 20-JAN19	25.16
		FIRST UNUM LIFE INSURANCE CO	DCH PAYROLL ACCRUAL	6.86
			DCH PAYROLL ACCRUAL	6.86
			DEE PAYROLL ACCRUAL	8.17
			DEE PAYROLL ACCRUAL	8.17
			VEE PAYROLL ACCRUAL	1.50
			VEE PAYROLL ACCRUAL	1.50
			VFM PAYROLL ACCRUAL	1.82
			VFM PAYROLL ACCRUAL	1.82
		MICHAEL B. HALLA	JAN 2022 RETAINER	5,200.00
		TML HEALTH	MEE PAYROLL ACCRUAL	175.24
			MEE PAYROLL ACCRUAL	175.24
		VENUS MOBILE 1	OIL CHANGE	95.91
		DEARBORN LIFE INSURANCE CO	ADD/LIFE	1.84
			LTD 2022-02	15.86
			STD	13.70
		**PAYROLL EXPENSES	2/01/2022 - 2/28/2022	<u>3,006.66</u>
			TOTAL:	9,523.05
CITY SECRETARY	GENERAL FUND	TEXAS MUNICIPAL RETIREMENT SYSTEM	TMRS RETIREMENT	288.99
			TMRS RETIREMENT	288.99
		U. S. TREASURY	FICA WITHHOLDING	166.22
			FICA WITHHOLDING	166.22
			MEDICARE WITHHOLDING	38.87
			MEDICARE WITHHOLDING	38.87
		AT&T MOBILITY	DEC 20-JAN19	92.84
		FIRST UNUM LIFE INSURANCE CO	DEE PAYROLL ACCRUAL	16.33
			DEE PAYROLL ACCRUAL	16.33
			VEE PAYROLL ACCRUAL	2.99
			VEE PAYROLL ACCRUAL	2.99
		TML HEALTH	MEE PAYROLL ACCRUAL	350.47
			MEE PAYROLL ACCRUAL	350.47
		MUNICIPAL CODE CORPORATION	ONLINE CODE HOSTING	400.00
			ORDBANK	275.00
		DEARBORN LIFE INSURANCE CO	ADD/LIFE	3.68

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			LTD 2022-02	19.53
			STD	21.40
		**PAYROLL EXPENSES	2/01/2022 - 2/28/2022	<u>4,101.76</u>
			TOTAL:	6,641.95
PLANNING & DEVELOPMENT GENERAL FUND		TEXAS MUNICIPAL RETIREMENT SYSTEM	TMRS RETIREMENT	467.26
			TMRS RETIREMENT	599.40
		U. S. TREASURY	FICA WITHHOLDING	443.76
			FICA WITHHOLDING	443.76
			MEDICARE WITHHOLDING	103.78
			MEDICARE WITHHOLDING	103.78
		AT&T MOBILITY	DEC 20-JAN19	82.17
		FIRST UNUM LIFE INSURANCE CO	DEE-HOPKINS, J 2022-01	32.66
			VEE-HOPKINS, J 2022-01	5.98
			DEE PAYROLL ACCRUAL	16.33
			DEE PAYROLL ACCRUAL	16.33
			DSP PAYROLL ACCRUAL	7.92
			DSP PAYROLL ACCRUAL	7.92
			VEE PAYROLL ACCRUAL	2.99
			VEE PAYROLL ACCRUAL	2.99
			VSP PAYROLL ACCRUAL	1.49
			VSP PAYROLL ACCRUAL	1.49
		MICHAEL B. HALLA	JAN 2022 RETAINER	500.00
		CITY HALL ESSENTIALS	JAN 1-15, 2022	4,086.01
			CITY PLANNER 01/15-01/31/2	1,413.71
		PAPE-DAWSON CONSULTING ENGINEERS INC	RIDGEVIEW ADDITION	3,880.00
			BRAHMAN RANCH I	665.00
			HERITAGE HILLS	2,656.25
		P3WORKS LLC	VEN 67213 SAP/DIST FORMATI	968.33
		TML HEALTH	MEE PAYROLL ACCRUAL	700.94
			MEE PAYROLL ACCRUAL	700.94
			MSP PAYROLL ACCRUAL	170.19
			MSP PAYROLL ACCRUAL	170.19
		STAPLES CREDIT PLAN	PLANNER SUPPLIES	298.20
		WEX BANK	FUEL	34.69
		BUREAU VERITAS NORTH AMERICA, INC	140 HIGHGATE DR	1,523.61
			INSPECTIONS	200.00
			220 OCELOT LN	1,684.89
			130 CLIFF RIDGE LN	1,560.57
			211 HIGHGATE DR	550.05
			112 W 2ND ST	250.00
		DEARBORN LIFE INSURANCE CO	ADD/LIFE	7.36
			LTD 2022-02	35.98
			STD	39.46
		BIRKHOFF,HENDRICKS & CARTER, LLP	BANKSTON	670.39
			SEVEN S RANCH	222.83
			HERITAGE HILLS MULTI-FAMIL	1,247.11
			CHARLEY'S RESTAURANT	334.25
		**PAYROLL EXPENSES	2/01/2022 - 2/28/2022	<u>11,262.17</u>
			TOTAL:	38,173.13
FINA	GENERAL FUND	TEXAS MUNICIPAL RETIREMENT SYSTEM	TMRS RETIREMENT	306.05
			TMRS RETIREMENT	306.05
		U. S. TREASURY	FICA WITHHOLDING	171.93
			FICA WITHHOLDING	171.93
			MEDICARE WITHHOLDING	40.22

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			MEDICARE WITHHOLDING	40.22
		BROADVOICE	LATE FEE	5.00
		FIRST UNUM LIFE INSURANCE CO	DEE PAYROLL ACCRUAL	16.34
			DEE PAYROLL ACCRUAL	16.34
			DSP PAYROLL ACCRUAL	3.96
			DSP PAYROLL ACCRUAL	3.96
			VEE PAYROLL ACCRUAL	3.00
			VEE PAYROLL ACCRUAL	3.00
			VSP PAYROLL ACCRUAL	0.75
			VSP PAYROLL ACCRUAL	0.75
		TML HEALTH	MEE PAYROLL ACCRUAL	350.48
			MEE PAYROLL ACCRUAL	350.48
			MSP PAYROLL ACCRUAL	85.10
			MSP PAYROLL ACCRUAL	85.10
		TML RISK POOL	QUARTER 1 & 2 RERATE	7,396.00
		DEARBORN LIFE INSURANCE CO	ADD/LIFE	3.68
			LTD 2022-02	19.84
			STD	19.99
		**PAYROLL EXPENSES	2/01/2022 - 2/28/2022	<u>4,282.12</u>
			TOTAL:	13,682.29
HUMAN RESOURCES	GENERAL FUND	TEXAS MUNICIPAL RETIREMENT SYSTEM	TMRS RETIREMENT	249.63
			TMRS RETIREMENT	221.66
		U. S. TREASURY	FICA WITHHOLDING	141.75
			FICA WITHHOLDING	138.28
			MEDICARE WITHHOLDING	33.15
			MEDICARE WITHHOLDING	32.34
		AT&T MOBILITY	DEC 20-JAN19	5.79
		FIRST UNUM LIFE INSURANCE CO	DEE PAYROLL ACCRUAL	16.33
			DEE PAYROLL ACCRUAL	16.33
			VEE PAYROLL ACCRUAL	2.99
			VEE PAYROLL ACCRUAL	2.99
		AMERIFLEX	38 EMPLOYEES @ \$5.15/EACH	195.70
			HRA FEES - 36 EMP @ \$5.15	185.40
		CASA JACARANDA	40 GUESTS @ \$11.99/EACH	479.60
			15% GRATUITY	71.94
		STAPLES CREDIT PLAN	PAPERMATE INKJOY PENS	39.44
		DEARBORN LIFE INSURANCE CO	ADD/LIFE	3.68
			LTD 2022-02	14.51
			STD	15.92
		**PAYROLL EXPENSES	2/01/2022 - 2/28/2022	<u>3,400.31</u>
			TOTAL:	5,267.74
ECONOMIC DEVELOPMENT	GENERAL FUND	TEXAS MUNICIPAL RETIREMENT SYSTEM	TMRS RETIREMENT	275.87
			TMRS RETIREMENT	275.87
		U. S. TREASURY	FICA WITHHOLDING	160.00
			FICA WITHHOLDING	160.00
			MEDICARE WITHHOLDING	37.42
			MEDICARE WITHHOLDING	37.42
		FIRST UNUM LIFE INSURANCE CO	DEE-SIMMONS 2022-01	32.66
			VEE-SIMMONS 2022-01	5.98
			DEE PAYROLL ACCRUAL	16.33
			DEE PAYROLL ACCRUAL	16.33
			VEE PAYROLL ACCRUAL	2.99
			VEE PAYROLL ACCRUAL	2.99
		DEARBORN LIFE INSURANCE CO	ADD/LIFE	7.36

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			LTD 2022-02	37.48
			STD	41.10
		**PAYROLL EXPENSES	2/01/2022 - 2/28/2022	<u>3,873.60</u>
			TOTAL:	4,983.40
POLICE DEPARTMENT	GENERAL FUND	TEXAS MUNICIPAL RETIREMENT SYSTEM	TMRS RETIREMENT	3,584.32
			TMRS RETIREMENT	3,545.87
		U. S. TREASURY	FICA WITHHOLDING	2,004.80
			FICA WITHHOLDING	1,933.29
			MEDICARE WITHHOLDING	468.87
			MEDICARE WITHHOLDING	452.14
		AT&T MOBILITY	DEC 20 - JAN 19, 2022	548.00
		C.S. LEE TIRE & AUTO SVC #5	SPARE TIRE RESERVE	1,597.03
		FIRST UNUM LIFE INSURANCE CO	DEE-HOFFMAN 2022-01	32.66
			VEE-HOFFMAN 2022-01	5.98
			VCH-YATES REFUND 4 MONTHS	38.16-
			VEE-YATES RECORD 4 MONTHS	23.92
			ADJUST ALLOCATION	3.59-
			DCH PAYROLL ACCRUAL	41.13
			DCH PAYROLL ACCRUAL	41.13
			DEE PAYROLL ACCRUAL	228.62
			DEE PAYROLL ACCRUAL	228.62
			DFM PAYROLL ACCRUAL	48.34
			DFM PAYROLL ACCRUAL	48.34
			DSP PAYROLL ACCRUAL	23.76
			DSP PAYROLL ACCRUAL	23.76
			VCH PAYROLL ACCRUAL	5.34
			VCH PAYROLL ACCRUAL	5.34
			VEE PAYROLL ACCRUAL	41.86
			VEE PAYROLL ACCRUAL	41.86
			VFM PAYROLL ACCRUAL	7.28
			VFM PAYROLL ACCRUAL	7.28
			VSP PAYROLL ACCRUAL	2.98
			VSP PAYROLL ACCRUAL	2.98
		SHREDAMERICAN LLC	PD SHRED BINS	83.20
		TML HEALTH	MCH PAYROLL ACCRUAL	376.74
			MCH PAYROLL ACCRUAL	376.74
			MEE PAYROLL ACCRUAL	4,906.58
			MEE PAYROLL ACCRUAL	4,906.58
			MFM PAYROLL ACCRUAL	322.21
			MFM PAYROLL ACCRUAL	322.21
			MSP PAYROLL ACCRUAL	340.38
			MSP PAYROLL ACCRUAL	340.38
		ANGELFIRE AMMUNITION	PD AMMUNITION 9MM AND 223	2,585.24
		TML RISK POOL	FY 20-21 WC AUDIT REFUND	1,834.00-
		VENUS AUTO PARTS LLC	TRIM ADHESIVE	29.99
		JOHNSON COUNTY TREASURER	ALEXANDER,FRANCONA A	58.28
			DAVIS, LORENA MAY	174.84
		VENUS MOBILE 1	INSPECTION VIN:9418	25.50
			SAFETY INSP VIN:9350	7.00
			INSPECTION VIN:6795	25.50
			SAFETY INSP VIN:7422	7.00
			OIL CHANGE	54.95
			OIL CHANGES	54.95
			2014 CHEV TAHOE VIN:8746	54.95
			OIL CHANGE	54.95

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
		WEX BANK	FUEL	2,798.67
			CAR WASHES	39.00
		FRONTIER COMMUNICATIONS	PD FAX LINE	68.83
		DEARBORN LIFE INSURANCE CO	ADD/LIFE	55.20
			LTD 2022-02	247.29
			STD	270.91
		**PAYROLL EXPENSES	2/01/2022 - 2/28/2022	<u>45,445.74</u>
			TOTAL:	77,153.56
CODE ENFORCE/ANIMAL CO GENERAL FUND		TEXAS MUNICIPAL RETIREMENT SYSTEM	TMRS RETIREMENT	190.67
			TMRS RETIREMENT	190.67
		U. S. TREASURY	FICA WITHHOLDING	99.45
			FICA WITHHOLDING	99.45
			MEDICARE WITHHOLDING	23.26
			MEDICARE WITHHOLDING	23.26
		AT&T MOBILITY	DEC 20 - JAN 19, 2022	51.95
		FIRST UNUM LIFE INSURANCE CO	DEE PAYROLL ACCRUAL	16.33
			DEE PAYROLL ACCRUAL	16.33
			DSP PAYROLL ACCRUAL	7.92
			DSP PAYROLL ACCRUAL	7.92
			VEE PAYROLL ACCRUAL	2.99
			VEE PAYROLL ACCRUAL	2.99
			VSP PAYROLL ACCRUAL	1.49
			VSP PAYROLL ACCRUAL	1.49
		TML HEALTH	MEE PAYROLL ACCRUAL	350.47
			MEE PAYROLL ACCRUAL	350.47
			MSP PAYROLL ACCRUAL	170.19
			MSP PAYROLL ACCRUAL	170.19
		DEARBORN LIFE INSURANCE CO	ADD/LIFE	3.68
			LTD 2022-02	12.59
			STD	13.81
		**PAYROLL EXPENSES	2/01/2022 - 2/28/2022	<u>2,254.63</u>
			TOTAL:	4,062.20
COURT	GENERAL FUND	TEXAS MUNICIPAL RETIREMENT SYSTEM	TMRS RETIREMENT	182.08
			TMRS RETIREMENT	182.08
		U. S. TREASURY	FICA WITHHOLDING	96.86
			FICA WITHHOLDING	96.86
			MEDICARE WITHHOLDING	22.65
			MEDICARE WITHHOLDING	22.65
		BILL J. SCOTT	MUNICIPAL JUDGE SERVICES	800.00
		AT&T MOBILITY	DEC 20-JAN19	28.25
		RODNEY RAMSEY	COURT PROSECUTOR	400.00
		FIRST UNUM LIFE INSURANCE CO	DCH PAYROLL ACCRUAL	13.71
			DCH PAYROLL ACCRUAL	13.71
			DEE PAYROLL ACCRUAL	16.33
			DEE PAYROLL ACCRUAL	16.33
			VCH PAYROLL ACCRUAL	1.78
			VCH PAYROLL ACCRUAL	1.78
			VEE PAYROLL ACCRUAL	2.99
			VEE PAYROLL ACCRUAL	2.99
		TML HEALTH	MCH PAYROLL ACCRUAL	125.58
			MCH PAYROLL ACCRUAL	125.58
			MEE PAYROLL ACCRUAL	350.47
			MEE PAYROLL ACCRUAL	350.47
		DEARBORN LIFE INSURANCE CO	ADD/LIFE	3.68

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			LTD 2022-02	12.30
			STD	13.48
		**PAYROLL EXPENSES	2/01/2022 - 2/28/2022	<u>2,330.83</u>
			TOTAL:	5,213.44
FIRE DEPARTMENT	GENERAL FUND	TEXAS MUNICIPAL RETIREMENT SYSTEM	TMRS RETIREMENT	74.15
			TMRS RETIREMENT	370.76
		U. S. TREASURY	FICA WITHHOLDING	215.04
			FICA WITHHOLDING	215.04
			MEDICARE WITHHOLDING	50.29
			MEDICARE WITHHOLDING	50.29
		AT&T MOBILITY	DEC 20-JAN19	5.79
		STATE FIREFIGHTERS & FIRE MARSHAL'S AS	2022 DEPT DUES	620.00
		BJH ENTERPRISES LLC	UNIFORM T-SHIRTS	2,300.00
		STAPLES CREDIT PLAN	FD CLEANING SUPPLIES/TOWEL	425.26
		GEHA ENERGY	ELECTRIC USAGE 12/3-01/04/	168.91
			ICE STORM RECOVERY	76.82
		**PAYROLL EXPENSES	2/01/2022 - 2/28/2022	<u>5,416.98</u>
			TOTAL:	9,989.33
STREETS	GENERAL FUND	TEXAS MUNICIPAL RETIREMENT SYSTEM	TMRS RETIREMENT	295.26
			TMRS RETIREMENT	438.26
		U. S. TREASURY	FICA WITHHOLDING	186.89
			FICA WITHHOLDING	247.61
			MEDICARE WITHHOLDING	43.70
			MEDICARE WITHHOLDING	57.91
		AT&T MOBILITY	DEC 20-JAN19	55.37
		FRONTIER ACCESS LLC	25% PUBLIC WORKS	38.41
		CINTAS	FITZGERALD,KISTNER,HOMESLE	14.07
			FITZGRLD,KISTNER,OLDHAM,HO	18.64
			FITZGRALD,KISTNER,OLDHAM,H	16.98
		FIRST UNUM LIFE INSURANCE CO	ADJUST ALLOCATION	1.28
			DCH PAYROLL ACCRUAL	3.31
			DCH PAYROLL ACCRUAL	3.31
			DEE PAYROLL ACCRUAL	24.18
			DEE PAYROLL ACCRUAL	24.15
			DSP PAYROLL ACCRUAL	1.90
			DSP PAYROLL ACCRUAL	1.88
			VCH PAYROLL ACCRUAL	0.43
			VCH PAYROLL ACCRUAL	0.43
			VEE PAYROLL ACCRUAL	4.42
			VEE PAYROLL ACCRUAL	4.42
			VSP PAYROLL ACCRUAL	0.36
			VSP PAYROLL ACCRUAL	0.35
		AXIS CONSTRUCTION, LP	WALL CONST FOR 2 OFFICES	725.00
		G & S SAFETY PRODUCTS	KISTNER SAFETY SHIRTS	193.28
		LINDE GAS & EQUIPMENT INC.	GAS & RENTAL	121.63
		TML HEALTH	MCH PAYROLL ACCRUAL	30.28
			MCH PAYROLL ACCRUAL	30.28
			MEE PAYROLL ACCRUAL	518.77
			MEE PAYROLL ACCRUAL	518.30
			MSP PAYROLL ACCRUAL	40.69
			MSP PAYROLL ACCRUAL	40.46
		TXU ENERGY	STLG 1 78924SD	1,641.38
			STLG 2 61834SD	76.36
			STLG A 962586LE	51.70

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			STLG-C LE 22287LE	1,033.85
			STLG-C LE 141-180	146.57
		VENUS AUTO PARTS LLC	BUNGEE CORDS FOR TARPS - P	17.94
			10 X 12 TARP	16.99
		HOLT CAT RENTAL	BACKHOE INJECTOR REPAIR	125.00
		GRAINGER	HARD HATS	25.54
		VENUS MOBILE 1	OIL CHANGE	25.10
		MOUNTAIN PEAK SPECIAL UTILITY DISTRICT	1090 N FM 157 - PW SHOP	13.77
		WEX BANK	FUEL	464.74
		GEXA ENERGY	STREETS	256.02
			ICE STORM RECOVERY	112.16
		DEARBORN LIFE INSURANCE CO	ADD/LIFE	3.68
			ADD/LIFE	1.84
			LTD 2022-02	9.31
			LTD 2022-02	8.99
			STD	10.19
			STD	9.86
		**PAYROLL EXPENSES	2/01/2022 - 2/28/2022	<u>4,882.68</u>
			TOTAL:	12,635.88
PARKS & RECREATION	GENERAL FUND	TEXAS MUNICIPAL RETIREMENT SYSTEM	TMRS RETIREMENT	461.94
			TMRS RETIREMENT	567.69
		U. S. TREASURY	FICA WITHHOLDING	290.04
			FICA WITHHOLDING	265.15
			MEDICARE WITHHOLDING	67.83
			MEDICARE WITHHOLDING	62.02
		AT&T MOBILITY	DEC 20-JAN19	99.74
		FRONTIER ACCESS LLC	25% PUBLIC WORKS	38.40
		CINTAS	CANTU,MOORE,HOMESLEY	14.06
			CANTU,MOORE, HOMESLEY	14.42
			CANTU,MOORE,HOMESLEY	14.29
		FIRST UNUM LIFE INSURANCE CO	ADJUST ALLOCATION	1.26
			DCH PAYROLL ACCRUAL	3.31
			DCH PAYROLL ACCRUAL	3.31
			DEE PAYROLL ACCRUAL	24.18
			DEE PAYROLL ACCRUAL	24.15
			DSP PAYROLL ACCRUAL	1.90
			DSP PAYROLL ACCRUAL	1.88
			VCH PAYROLL ACCRUAL	0.43
			VCH PAYROLL ACCRUAL	0.43
			VEE PAYROLL ACCRUAL	4.42
			VEE PAYROLL ACCRUAL	4.42
			VSP PAYROLL ACCRUAL	0.36
			VSP PAYROLL ACCRUAL	0.35
		AXIS CONSTRUCTION, LP	WALL CONST FOR 2 OFFICES	1,320.00
		LINDE GAS & EQUIPMENT INC.	GAS & RENTAL	121.63
		TML HEALTH	MCH PAYROLL ACCRUAL	30.28
			MCH PAYROLL ACCRUAL	30.28
			MEE PAYROLL ACCRUAL	869.24
			MEE PAYROLL ACCRUAL	868.77
			MSP PAYROLL ACCRUAL	40.69
			MSP PAYROLL ACCRUAL	40.46
		VENUS AUTO PARTS LLC	BAR CHAIN OIL	25.98
		HOLT CAT RENTAL	BACKHOE INJECTOR REPAIR	125.00
		GRAINGER	HARD HATS	25.54
		VENUS MOBILE 1	OIL CHANGE	25.10

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
		WEX BANK	FUEL	449.76
		GEXA ENERGY	PARKS & REC	156.02
			ICE STORM RECOVERY	43.16
		DEARBORN LIFE INSURANCE CO	ADD/LIFE	7.36
			ADD/LIFE	1.84
			LTD 2022-02	21.27
			LTD 2022-02	8.99
			STD	23.31
			STD	9.86
		**PAYROLL EXPENSES	2/01/2022 - 2/28/2022	<u>6,870.86</u>
			TOTAL:	13,081.38
CITY-WIDE (NON-DEPARTM GENERAL FUND		AT&T MOBILITY	DEC 20-JAN19	97.80
		FRONTIER ACCESS LLC	CITY HALL	92.40
		CINTAS	CITY HALL FLOOR MATS	31.41
			CITY HALL FLOOR MATS	31.41
			CITY HALL FLOOR MATS	31.41
		BROADVOICE	CITY HALL LANDLINES	308.00
			EFAX	23.13
		MIDLO H2O	#5 GAL RO H2O - 10 GALLONS	75.00
		FTDJ, LLC	MONTHLY IT CONTRACT	3,000.00
			EMAIL PROTECT & BACK-UP	210.00
			MICROSOFT OFFICE 365	666.00
		SHREDAMERICAN LLC	CITY SHRED BIN	93.60
		DALLAS COOL AIR CORP.	LABOR	170.00
			TRIP CHARGE - FUEL	15.00
		AKINS ENVIRONMENTAL CLEANING	WEEKLY CLEANING 02.01.22	497.72
			WEEKLY CLEANING 02.08.22	497.72
			WEEKLY CLEANING 02.15.22	497.72
			WEEKLY CLEANING 02.22.22	497.72
		STAPLES CREDIT PLAN	PENS/FORKS	33.98
			COPY PAPER	147.96
			30 GAL TRASH BAGS	45.49
		ONCOR CITIES STEERING COMM	2021 ANNUAL MEMBERSHIP	262.08
			2022 ANNUAL MEMBERSHIP	458.80
		TYLER TECHNOLOGIES	PY ENCUMBRANCE	1,650.00
			ANNUAL MAINTENANCE	413.00
		MOUNTAIN PEAK SPECIAL UTILITY DISTRICT	700 W HWY 67 CITY HALL	51.47
		GEXA ENERGY	CITY-WIDE	1,191.61
			ICE STORM RECOVERY	497.42
		COAST TO COAST COMPUTER PRODUCTS INC	TRANSFER BELT MX KIT	204.99
			IMAGING DRUM KIT	304.99
			WASTE TONER CONTAINER	<u>39.99</u>
			TOTAL:	12,137.82
NON-DEPARTMENTAL	CPF-2020 BOND PROC BIRKHOFF,HENDRICKS & CARTER, LLP		RAILROAD PERMITTING COSTS	235.93
			FINAL DESIGN BUDGET	<u>23,970.90</u>
			TOTAL:	24,206.83
NON-DEPARTMENTAL	VVFD FUND	ATMOS ENERGY CORP.	PAST DUE GAS BILL 101 W 3R	148.28
			CURRENT 101 W 3RD ST	184.03
		VENUS AUTO PARTS LLC	SECURITY KEY FIRE DEPT	4.99
			BATTERIES/WIRE BRUSH	13.78
		FIRST FINANCIAL BANK	VVFD LOAN PAYMENT	8,401.06
			VVFD LOAN PAYMENT	<u>1,318.79</u>
			TOTAL:	10,070.93

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
DEBT SERVICE	DEBT SERVICE FUND	AMEGY BANK	2020 BOND PRINCIPAL	130,000.00
			2020 BOND INTEREST	38,810.00
			2018 CO BOND PRINCIPAL	60,000.00
			2018 CO BOND INTEREST	<u>42,800.00</u>
			TOTAL:	271,610.00
SPECIAL REV DEPT/VCSDC VENUS COMM DEVELOP		AT&T MOBILITY	DEC 20-JAN19	5.78
		FRONTIER ACCESS LLC	CIVIC CENTER	91.65
		MICHAEL B. HALLA	JAN 2022 RETAINER	300.00
		AKINS ENVIRONMENTAL CLEANING	01/10/2022 CIVIC ROUTINE C	125.00
			01/27/2022 CIVIC ROUTINE C	125.00
			01/30/2022 CIVIC ROUTINE C	175.00
		MOUNTAIN PEAK SPECIAL UTILITY DISTRICT	502 E HWY 67 - VENUS SIGN	28.33
			CR 213 IRRIG-VENUS SIGN	27.93
		GEXA ENERGY	CIVIC CENTER	815.97
			ICE STORM RECOVERY	<u>337.13</u>
			TOTAL:	2,031.79
PUBLIC WORKS	STREET TAX FUND	EXPRESS SAND AND GRAVEL LLC	6.0 YDS @ \$55.00/YARD	330.00
		THURMAN TRANSPORTATION	M-52016 LOAD 1 15.69 TONS	362.50
			M-52042 LOAD 2 15.68 TONS	362.50
			M-52071 LOAD 3 14.96 TONS	<u>362.50</u>
			TOTAL:	1,417.50
NON-DEPARTMENTAL	BRAHMAN RANCH I PS	BIRKHOFF,HENDRICKS & CARTER, LLP	RECLASS SPENT REVENUE	308.85
			RECLASS SPENT REVENUE	<u>308.85-</u>
			TOTAL:	0.00
NON-DEPARTMENTAL	BRAHMAN RANCH I PS	BIRKHOFF,HENDRICKS & CARTER, LLP	BRAHMAN RANCH	<u>308.85</u>
			TOTAL:	308.85
NON-DEPARTMENTAL	WATER & SEWER FUND	TEXAS MUNICIPAL RETIREMENT SYSTEM	TMRS RETIREMENT	1,015.73
			TMRS RETIREMENT	981.87
		U. S. TREASURY	FEDERAL WITHHOLDING	802.99
			FEDERAL WITHHOLDING	879.18
			FICA WITHHOLDING	860.65
			FICA WITHHOLDING	902.69
			MEDICARE WITHHOLDING	201.30
			MEDICARE WITHHOLDING	211.13
		CHILD SUPPORT DISTRIBUTION FUND	CASE ID 0014129442	436.46
			CASE ID 0014129442	436.46
		MISC VENDOR STARKS, CHAD	01-0666-01	89.85
		VPI	01-1505-04	72.94
		URBAN ASSET MANAGEME	01-4280-04	60.21
		SFR JV-2 PROPERTY LL	01-4335-02	18.42
		JENKINS, MITCH	01-4400-02	135.40
		PIERCE, VIOLET	02-1230-01	100.00
		TRT ENVIRONMENTAL, L	02-8001-00	200.00
		FIRST UNUM LIFE INSURANCE CO	ADJUST ALLOCATION	1.02-
			DCH PAYROLL ACCRUAL	27.67
			DCH PAYROLL ACCRUAL	27.67
			DSP PAYROLL ACCRUAL	8.09
			DSP PAYROLL ACCRUAL	8.11
			VCH PAYROLL ACCRUAL	0.92
			VCH PAYROLL ACCRUAL	0.92
			VFM PAYROLL ACCRUAL	1.82

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			VFM PAYROLL ACCRUAL	1.82
			VSP PAYROLL ACCRUAL	1.53
			VSP PAYROLL ACCRUAL	1.52
		TML HEALTH	MCH PAYROLL ACCRUAL	65.01
			MCH PAYROLL ACCRUAL	65.01
			MSP PAYROLL ACCRUAL	173.92
			MSP PAYROLL ACCRUAL	174.38
		STATE COMPTROLLER	TOTAL SALES TAXES COLLECTE	2,794.03
			SALES TAXES PAID ON PURCHA	19.11-
			TIMELY PAYMENT DISCOUNT	13.90-
		COLONIAL LIFE	COL ACCIDENT PR DEDUCTIONS	11.86
			COL ACCIDENT PR DEDUCTIONS	11.86
			COL CANCER PR DEDUCTIONS	15.80
			COL CANCER PR DEDUCTIONS	15.80
			COL HOSPCONF PR DEDUCTIONS	8.23
			COL HOSPCONF PR DEDUCTIONS	8.23
			COL CRITICAL ILL PR DEDUCT	7.58
			COL CRITICAL ILL PR DEDUCT	7.58
		DEARBORN LIFE INSURANCE CO	LVC PAYROLL DEDUCTIONS	2.33
			LVC PAYROLL DEDUCTIONS	2.33
			LVE PAYROLL DEDUCTIONS	76.85
			LVE PAYROLL DEDUCTIONS	76.90
			LVS PAYROLL DEDUCTIONS	34.81
			LVS PAYROLL DEDUCTIONS	<u>34.81</u>
			TOTAL:	11,038.64
NON-DEPARTMENTAL	WATER & SEWER FUND	FIRST NATIONAL BANK OF TEXAS	2016 GO BOND PRINCIPAL	188,000.00
			2016 GO BOND INTEREST	3,496.00
		AMEGY BANK	2018 CO BOND PRINCIPAL	40,000.00
			2018 CO BOND INTEREST	<u>37,000.00</u>
			TOTAL:	268,496.00
ADMINISTRATION	WATER & SEWER FUND	TEXAS MUNICIPAL RETIREMENT SYSTEM	TMRS RETIREMENT	671.45
			TMRS RETIREMENT	669.31
		U. S. TREASURY	FICA WITHHOLDING	382.73
			FICA WITHHOLDING	381.98
			MEDICARE WITHHOLDING	89.50
			MEDICARE WITHHOLDING	89.33
		AT&T MOBILITY	DEC 20-JAN19	66.50
		FIRST UNUM LIFE INSURANCE CO	DCH PAYROLL ACCRUAL	6.85
			DCH PAYROLL ACCRUAL	6.85
			DEE PAYROLL ACCRUAL	40.81
			DEE PAYROLL ACCRUAL	40.81
			DSP PAYROLL ACCRUAL	3.96
			DSP PAYROLL ACCRUAL	3.96
			VEE PAYROLL ACCRUAL	7.46
			VEE PAYROLL ACCRUAL	7.46
			VFM PAYROLL ACCRUAL	1.82
			VFM PAYROLL ACCRUAL	1.82
			VSP PAYROLL ACCRUAL	0.74
			VSP PAYROLL ACCRUAL	0.74
		FTDJ, LLC	FIX INTERNET/PHONES AT PW	7,312.00
		DATAPROSE, LLC	JANUARY REGULAR BILLING	572.79
			JANUARY REGULAR BILLING	649.15
		TML HEALTH	MEE PAYROLL ACCRUAL	876.16
			MEE PAYROLL ACCRUAL	876.16

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			MSP PAYROLL ACCRUAL	85.09
			MSP PAYROLL ACCRUAL	85.09
		TYLER TECHNOLOGIES	CIS/CRM MODULES	1,485.16
			1,472 NOTICES @ \$0.10 EACH	147.20
		MOUNTAIN PEAK SPECIAL UTILITY DISTRICT	1090 N FM 157 - PW SHOP	13.76
		DEARBORN LIFE INSURANCE CO	ADD/LIFE	3.68
			ADD/LIFE	5.52
			LTD 2022-02	9.59
			LTD 2022-02	35.70
			STD	10.52
			STD	33.69
		**PAYROLL EXPENSES	2/01/2022 - 2/28/2022	9,389.89
			TOTAL:	24,065.23
WATER DEPARTMENT	WATER & SEWER FUND	TEXAS MUNICIPAL RETIREMENT SYSTEM	TMRS RETIREMENT	510.24
			TMRS RETIREMENT	517.49
		U. S. TREASURY	FICA WITHHOLDING	292.65
			FICA WITHHOLDING	319.13
			MEDICARE WITHHOLDING	68.44
			MEDICARE WITHHOLDING	74.64
		ATMOS ENERGY CORP.	301 S MAIN ST	191.46
		CITY OF MIDLOTHIAN	9,860,800 GALLONS	64,579.20
		MISC VENDOR SHAWN LUTTRELL	TCEQ EXAM - \$25.00 PLUS MI	40.35
		AT&T MOBILITY	DEC 20-JAN19	123.12
		FRONTIER ACCESS LLC	25% PUBLIC WORKS	38.41
		CINTAS	MOORE,WESTEN,LUTTRELL,HOME	16.63
			MOORE,WESTEN,LUTTRELL,HOME	16.99
			MOORE,WESTEN,LUTTRELL,HOME	16.86
		FIRST UNUM LIFE INSURANCE CO	ADJUST ALLOCATION	29.40-
			DCH PAYROLL ACCRUAL	15.18
			DCH PAYROLL ACCRUAL	17.16
			DEE PAYROLL ACCRUAL	30.59
			DEE PAYROLL ACCRUAL	32.97
			DSP PAYROLL ACCRUAL	2.10
			DSP PAYROLL ACCRUAL	2.12
			VCH PAYROLL ACCRUAL	0.49
			VCH PAYROLL ACCRUAL	0.49
			VEE PAYROLL ACCRUAL	5.59
			VEE PAYROLL ACCRUAL	6.05
			VSP PAYROLL ACCRUAL	0.39
			VSP PAYROLL ACCRUAL	0.40
		AXIS CONSTRUCTION, LP	WALL CONST FOR 2 OFFICES	150.00
		ABILENE PLUMBING SUPPLY CO., INC	GASKET PIPE	1,467.20
			GATE VALVE	367.53
			3 BRASS THREADED COMP FLAN	1,091.34
			CAP AND WEATHERSEAL	226.40
			COUPLING/GATE VALVE/SADDLE	4,181.78
			1" CTS G NUT CURB STOP	354.18
		LINDE GAS & EQUIPMENT INC.	GAS & RENTAL	121.63
		TML HEALTH	MCH PAYROLL ACCRUAL	34.73
			MCH PAYROLL ACCRUAL	34.73
			MEE PAYROLL ACCRUAL	656.40
			MEE PAYROLL ACCRUAL	707.55
			MSP PAYROLL ACCRUAL	45.15
			MSP PAYROLL ACCRUAL	45.47
		VENUS AUTO PARTS LLC	BOLTS	2.78

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			LIGHT CONTROLS	10.99
			LOCK FOR SAMPLE STATION	15.99
		TRINITY RIVER AUTHORITY	WATER SAMPLES	100.00
		TRACTOR SUPPLY CO.	ANTIFREEZE	15.96
		HOLT CAT RENTAL	BACKHOE INJECTOR REPAIR	125.00
		GRAINGER	HARD HATS	25.54
		VENUS MOBILE 1	OIL CHANGE	25.10
		WEX BANK	FUEL	409.46
		GEXA ENERGY	50% PW BLDG&GDL	242.71
			ICE STORM RECOVERY	67.32
		DEARBORN LIFE INSURANCE CO	ADD/LIFE	7.36
			LTD 2022-02	25.50
			STD	27.95
		**PAYROLL EXPENSES	2/01/2022 - 2/28/2022	7,333.86
			TOTAL:	84,809.35
SANITATION	WATER & SEWER FUND	FRONTIER ACCESS LLC	1523 RESIDENTIAL CARTS	15,806.13
			48 RESIDENTIAL EXTRA CARTS	254.40
			1523 RESIDENTIAL RECYCLE C	6,305.22
			11 COMMERCIAL CARTS	210.43
			2 COMMERCIAL EXTRA CARTS	22.96
			DUMPSTERS	10,247.37
			ROLL-OFFS	8,812.33
			TOTAL:	41,658.84
SEWER DEPARTMENT	WATER & SEWER FUND	TEXAS MUNICIPAL RETIREMENT SYSTEM	TMRS RETIREMENT	369.47
			TMRS RETIREMENT	312.62
		U. S. TREASURY	FICA WITHHOLDING	185.27
			FICA WITHHOLDING	201.57
			MEDICARE WITHHOLDING	43.34
			MEDICARE WITHHOLDING	47.12
		MISC VENDOR SHAWN LUTTRELL	95.2 MILES @ \$.585 CENTS/M	40.35
		AT&T MOBILITY	DEC 20-JAN19	123.12
		FRONTIER ACCESS LLC	25% PUBLIC WORKS	38.40
		CINTAS	WESTEN,LUTTRELL,HOMESLEY	10.72
			WESTEN,LUTTRELL,HOMESLEY	11.09
			WESTEN,LUTTRELL,HOMESLEY	10.95
		UNITED COOPERATIVE	FM 157/WASTE WATER TREAT	219.67
			CR 213	25.00
			PLAINVIEW ACRES	25.00
			CR 214/TS2/3PH/C11	595.96
			LIFTSTATION	25.00
			CR 214 LIFTSTATION	570.59
			CR 214/TS2/3PH/C11 LIFTSTA	20.12
			FM 157/WASTE WATER TREAT	219.67
			CR 213	25.00
			PLAINVEIW ACRES	25.00
			CR 214/TS2/3PH/C11	595.96
			LIFTSTATION	25.00
			CR 214 LIFTSTATION	570.59
			CR 214/TS2/3PH/C11 LIFTSTA	19.20
		FIRST UNUM LIFE INSURANCE CO	ADJUST ALLOCATION	26.86
			DCH PAYROLL ACCRUAL	5.62
			DCH PAYROLL ACCRUAL	3.64
			DEE PAYROLL ACCRUAL	19.03
			DEE PAYROLL ACCRUAL	16.71

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			DSP PAYROLL ACCRUAL	2.02
			DSP PAYROLL ACCRUAL	2.04
			VCH PAYROLL ACCRUAL	0.43
			VCH PAYROLL ACCRUAL	0.43
			VEE PAYROLL ACCRUAL	3.51
			VEE PAYROLL ACCRUAL	3.05
			VSP PAYROLL ACCRUAL	0.38
			VSP PAYROLL ACCRUAL	0.39
		AXIS CONSTRUCTION, LP	WALL CONST FOR 2 OFFICES	150.00
		LINDE GAS & EQUIPMENT INC.	GAS & RENTAL	121.64
		TML HEALTH	MCH PAYROLL ACCRUAL	30.29
			MCH PAYROLL ACCRUAL	30.29
			MEE PAYROLL ACCRUAL	408.88
			MEE PAYROLL ACCRUAL	358.67
			MSP PAYROLL ACCRUAL	43.66
			MSP PAYROLL ACCRUAL	43.80
		VENUS AUTO PARTS LLC	BOLTS FOR NO TREES. SIGNS	10.08
		TRINITY RIVER AUTHORITY	JANUARY 2022 M&O	22,251.00
			JANUARY 2022 DEBT SERVICE	75,522.00
			OPERATION & MAINT	22,251.00
			DEBT SERVICE	75,522.00
			OPERATION & MAINT	22,251.00
			DEBT SERVICE	75,522.00
		HOLT CAT RENTAL	BACKHOE INJECTOR REPAIR	125.00
		GRAINGER	HARD HATS	25.54
		VENUS MOBILE 1	OIL CHANGE	25.11
		WEX BANK	FUEL	409.46
		GEXA ENERGY	50% PW BLDG&GDL	242.71
			LIFT STATIONS	745.76
			ICE STORM RECOVERY	454.67
		PETERSON PUMP AND MOTOR SERVICE	PRISON LIFT STATION	400.00
			PRISON LIFT STATION MAINT	3,000.00
			PRISON LIFT STATION MAINT	350.00
		DEARBORN LIFE INSURANCE CO	ADD/LIFE	7.36
			LTD 2022-02	25.50
			STD	27.95
		**PAYROLL EXPENSES	2/01/2022 - 2/28/2022	<u>4,518.65</u>
			TOTAL:	309,313.91
NON-DEPARTMENTAL	W/S CPF - 2018 CO	ATKINS BROS. EQUIPMENT COMPANY, INC	RETAINAGE-PROJECT COMPLETE	<u>24,877.20</u>
			TOTAL:	24,877.20
NON-DEPARTMENTAL	W/S CPF - 2018 CO	PAPE-DAWSON CONSULTING ENGINEERS INC	CIVIL INSPECTION	<u>1,757.50</u>
			TOTAL:	1,757.50
NON-DEPARTMENTAL	GF CPF - 2018 CO B	AZUL VALLEY CONSTRUCTION	CO 1-PLUMBING ISSUES	3,825.00
			CO 2-ADD-IN BATT/BOARD INS	3,577.00
			FINAL CONTRACT PAYMENT	6,781.00
			50AMP FLUSH MOUNT POWER OU	<u>2,103.00</u>
			TOTAL:	16,286.00

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
------------	------	-------------	-------------	--------

===== FUND TOTALS =====				
10	GENERAL FUND			348,081.16
11	CPF-2020 BOND PROCEEDS			24,206.83
13	VVFD FUND			10,070.93
20	DEBT SERVICE FUND			271,610.00
30	VENUS COMM DEVELOP			2,031.79
50	STREET TAX FUND			1,417.50
56	BRAHMAN RANCH I PSA			308.85
60	WATER & SEWER FUND			739,381.97
64	W/S CPF - 2018 CO BONDS			26,634.70
70	GF CPF - 2018 CO BONDS			16,286.00

	GRAND TOTAL:			1,440,029.73

TOTAL PAGES: 15

SELECTION CRITERIA

SELECTION OPTIONS

VENDOR SET: 01-CITY OF VENUS
VENDOR: All
CLASSIFICATION: All
BANK CODE: Include: 99
ITEM DATE: 0/00/0000 THRU 99/99/9999
ITEM AMOUNT: 99,999,999.00CR THRU 99,999,999.00
GL POST DATE: 0/00/0000 THRU 99/99/9999
CHECK DATE: 2/01/2022 THRU 2/28/2022

PAYROLL SELECTION

PAYROLL EXPENSES: YES
EXPENSE TYPE: NET
CHECK DATE: 2/01/2022 THRU 2/28/2022

PRINT OPTIONS

PRINT DATE: None
SEQUENCE: By Department
DESCRIPTION: Distribution
GL ACCTS: NO
REPORT TITLE: FEBRUARY 2022
SIGNATURE LINES: 0

PACKET OPTIONS

INCLUDE REFUNDS: YES
INCLUDE OPEN ITEM:NO



VENUS POLICE DEPARTMENT

MONTHLY REPORT

February 2022

Crime Stats

	02-2022	% + or -	Jan-21	Dec-21	3 MONTH AVERAGE
CAD EVENTS	1595	11.3%	1433	1997	1675
REPORTS TAKEN	28	-31.7%	41	41	37
ARRESTS	12	9.1%	11	9	11
ACCIDENTS WORKED	12	50.0%	8	12	11
TRAFFIC ASSIGNMENTS	41	64.0%	25	44	37
TRAFFIC STOPS	227	35.9%	167	263	219
CITATIONS ISSUED	75	29.3%	58	69	67

Significant Police Responses

Date	Call Type	Status	Notes
02/01/2022	Warrant Arrest	Arrest Made	Arrest
02/04/2022	UUMV	Report Made	Known suspect, vehicle entered, case to be filed
02/06/2022	Assault FV Impede breath	Arrest Made	Case to be filed with district attorney
02/06/2022	Assault BI	Report Made	Suspended
02/08/2022	DWI/UCW	Arrest Made	Case filed with district attorney
02/12/2022	Poss CS PG 2	Arrest Made	Case to be filed pending lab results
02/13/2022	Poss CS PG2 4-400g /UCW	Report Made	Pending lab results
02/13/2022	DWI	Arrest Made	Case to be filed with County Attorney

2021 Racial Profiling Report

Venus 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)

February 9, 2022
Venus City Council
P.O. Box 380
Venus, Texas 76084

Dear Distinguished Members of the City Council,

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



This particular report contains three sections with information on motor vehicle-related contact data. In addition, when appropriate, documentation is also a component of this report, aiming at demonstrating the manner in which the Venus Police Department has complied with the Texas Racial Profiling Law. In section 1, you will find the table of contents. In section 2, the report includes documentation which demonstrates compliance by the Venus Police Department relevant to the requirements as 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.

In section 3, the report includes statistical data relevant to contacts (as defined by the law) which were made during the course of motor vehicle stops that took place between 1/1/21 and 12/31/21. In addition, 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 1st 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 contains 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 serve as evidence of the Venus 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 Venus 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 Venus 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 Venus 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 Venus 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 Venus Police Department have completed the TCOLE basic training on racial profiling. The main outline used to train the officers of Venus has been included in this report.

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

RACIAL PROFILING
COURSE NUMBER 3256
TEXAS COMMISSION ON LAW ENFORCEMENT
SEPTEMBER 2001

Racial Profiling 3256

Instructor's Note:

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

Abstract

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

Target Population: Licensed law enforcement personnel in Texas

Prerequisites: Experience as a law enforcement officer

Length of Course: A suggested instructional time of 4 hours

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

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

Evaluation Process and Procedures

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

Reference Materials

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

Racial Profiling 3256

1.0 RACIAL PROFILING AND THE LAW

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

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

Racial Profiling Requirements:

Racial profiling CCP 3.05

Racial profiling prohibited CCP 2.131

Law enforcement policy on racial profiling CCP 2.132

Reports required for traffic and pedestrian stops CCP 2.133

Liability CCP 2.136

Racial profiling education for police chiefs Education Code 96.641

Training program Occupations Code 1701.253

Training required for intermediate certificate Occupations Code 1701.402

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

A. Written departmental policies

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

B. Not prima facie evidence

C. Feasibility of use of video equipment

D. Data does not identify officer

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

F. Vehicle stop report

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

G. Compilation and analysis of data

H. Exemption from reporting – audio/video equipment

I. Officer non-liability

J. Funding

K. Required training in racial profiling

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

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>

A close-up, slightly blurred photograph of a stack of colorful folders or binders. The folders are in various colors including blue, orange, and white. A black-bordered text box is overlaid on the top left of the image.

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 1/1/21-12/31/21 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 Venus Police Department has not received any complaints, on any members of its police force, for having violated the Texas Racial Profiling Law during the time period of 1/1/21-12/31/21.

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: 2,490

STREET ADDRESS OR APPROXIMATE LOCATION OF STOP.

City Street	423
US Highway	1,714
County Road	89
State Highway	225
Private Property	39

WAS RACE OR ETHNICITY KNOWN PRIOR TO STOP?

Yes	59
No	2,431

RACE OR ETHNICITY

Alaska Native/American Indian	27
Asian/Pacific Islander	28
Black	325
White	1,434
Hispanic/Latino	676

GENDER

Female Total: 789

Alaska Native/American Indian	3
Asian/Pacific Islander	5
Black	104
White	477
Hispanic/Latino	200

Male Total: 1,701

Alaska Native/American Indian	24
Asian/Pacific Islander	23
Black	221
White	957
Hispanic/Latino	476

REASON FOR STOP?

Violation of Law Total: 134

Alaska Native/American Indian	3
Asian/Pacific Islander	0
Black	16
White	64
Hispanic/Latino	51

Pre-existing Knowledge Total: 68

Alaska Native/American Indian	2
Asian/Pacific Islander	1
Black	8
White	38
Hispanic/Latino	19

Moving Traffic Violation Total: 1,498

Alaska Native/American Indian	15
Asian/Pacific Islander	17
Black	206
White	900
Hispanic/Latino	360

TIER 2 DATA CONTINUED

Vehicle Traffic Violation Total: 790

Alaska Native/American Indian	7
Asian/Pacific Islander	10
Black	95
White	432
Hispanic/Latino	246

Contraband (in plain view) Total: 15

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	2
White	10
Hispanic/Latino	3

WAS SEARCH CONDUCTED?

	YES	NO
Alaska Native/American Indian	2	25
Asian/Pacific Islander	0	28
Black	13	312
White	56	1,378
Hispanic/Latino	36	640
TOTAL	107	2,383

Probable Cause Total: 48

Alaska Native/American Indian	2
Asian/Pacific Islander	0
Black	8
White	20
Hispanic/Latino	18

Inventory Total: 3

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

REASON FOR SEARCH?

Consent Total: 25

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	1
White	17
Hispanic/Latino	7

Incident to arrest Total: 16

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	1
White	8
Hispanic/Latino	7

TIER 2 DATA CONTINUED

WAS CONTRABAND DISCOVERED?

	YES	NO
Alaska Native/American Indian	1	1
Asian/Pacific Islander	0	0
Black	10	3
White	34	22
Hispanic/Latino	25	11
TOTAL	70	37

Did the finding result in arrest (total should equal previous column)?

	YES	NO
Alaska Native/American Indian	1	0
Asian/Pacific Islander	0	0
Black	0	10
White	3	31
Hispanic/Latino	2	23
TOTAL	6	64

DESCRIPTION OF CONTRABAND

Drugs Total: 32

Alaska Native/American Indian	1
Asian/Pacific Islander	0
Black	5
White	16
Hispanic/Latino	10

Currency Total: 0

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

Weapons Total: 2

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

Alcohol Total: 21

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	1
White	10
Hispanic/Latino	10

TIER 2 DATA CONTINUED

Stolen Property Total: 0

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

Other Total: 22

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	4
White	12
Hispanic/Latino	6

RESULT OF THE STOP

Verbal Warning Total: 1,720

Alaska Native/American Indian	17
Asian/Pacific Islander	20
Black	221
White	1,033
Hispanic/Latino	429

Written Warning Total: 185

Alaska Native/American Indian	2
Asian/Pacific Islander	3
Black	28
White	119
Hispanic/Latino	32

Citation Total: 552

Alaska Native/American Indian	7
Asian/Pacific Islander	5
Black	68
White	266
Hispanic/Latino	206

Written Warning and Arrest Total: 6

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

Citation and Arrest Total: 7

Alaska Native/American Indian	1
Asian/Pacific Islander	0
Black	1
White	2
Hispanic/Latino	3

Arrest Total: 20

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	4
White	12
Hispanic/Latino	4

TIER 2 DATA CONTINUED

ARREST BASED ON

Violation of Penal Code Total: 17

Alaska Native/American Indian	1
Asian/Pacific Islander	0
Black	2
White	9
Hispanic/Latino	5

Violation of Traffic Law Total: 2

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

Violation of City Ordinance Total: 0

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

Outstanding Warrant Total: 14

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	4
White	7
Hispanic/Latino	3

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

	YES	NO
Alaska Native/American Indian	0	27
Asian/Pacific Islander	0	28
Black	0	325
White	1	1,433
Hispanic/Latino	0	676
TOTAL	1	2,489



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	27	8	17	2	1%	1%	1%	1%
Asian/ Pacific Islander	28	5	20	3	1%	1%	1%	2%
Black	325	69	221	29	13%	12%	13%	16%
White	1,434	268	1,033	119	58%	48%	60%	64%
Hispanic/ Latino	676	209	429	32	27%	37%	25%	17%
TOTAL	2,490	559	1,720	185	100%	100%	100%	100%

Table 2. Motor Vehicle Contacts and Fair Roads Standard Comparison

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

Race/Ethnicity	Contact Percentage	Households with Vehicle Access
Alaska Native/American Indian	1%	0%
Asian/Pacific Islander	1%	5%
Black	13%	14%
White	58%	60%
Hispanic/Latino	27%	19%
TOTAL	100%	98%

Table 3. Motor Vehicle Searches and Arrests.

Race/Ethnicity	Searches	Consent Searches	Arrests
Alaska Native/American Indian	2	0	1
Asian/Pacific Islander	0	0	0
Black	13	1	7
White	56	17	16
Hispanic/Latino	38	7	9
TOTAL	107	25	33

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	01.15.21	Parking Lot	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	2	1	1	1	2%	1%	3%	3%
Asian/ Pacific Islander	0	0	0	0	0%	0%	0%	0%
Black	13	10	3	7	12%	14%	8%	21%
White	56	34	22	16	52%	49%	59%	48%
Hispanic/ Latino	36	25	11	9	34%	36%	30%	27%
TOTAL	107	70	37	33	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 1/1/21-12/31/21.

Audit Data	Number of Data Audits Completed	Date of Completion	Outcome of Audit
	1	03/01/21	Data is accurate
	2	06/01/21	Data is accurate
	3	09/01/21	Data is accurate
	4	12/01/21	Data is accurate

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	1	0	0	0	6%	0%	0%	0%
Asian/ Pacific Islander	0	0	0	0	0%	0%	0%	0%
Black	2	1	0	4	12%	50%	0%	29%
White	9	0	0	7	53%	0%	0%	50%
Hispanic/ Latino	5	1	0	3	29%	50%	0%	21%
TOTAL	17	2	0	14	100%	100%	0%	100%

Table 9. Contraband Hit Rate

Race/ Ethnicity	Searches	Contraband Found Yes	Contraband Hit Rate	Search Percent	Contraband Percent
Alaska Native/ American Indian	2	1	50%	2%	1%
Asian/ Pacific Islander	0	0	0%	0%	0%
Black	13	10	77%	12%	14%
White	56	34	61%	52%	49%
Hispanic/Latino	36	25	69%	34%	36%



ANALYSIS AND INTERPRETATION

The Texas legislature, in 2001, passed Senate Bill 1074 which 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 1st 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 where a citation was issued or an arrest made. Further, the modification to the law further requires that all police officers indicate whether or not they knew the race or ethnicity of individuals before detaining them. Further, 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 1st of each year. The purpose in collecting and disclosing this information has been to determine if police officers, in a particular municipality, are engaging in the practice of racially profiling minority motorists.

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



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

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

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

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

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

In an attempt to comply with The Texas Racial Profiling/Sandra Bland Law, the Venus Police Department commissioned the analysis of its 2021 contact data. Hence, two different types of data analyses were performed. The first of these involved a careful evaluation of the 2021 motor vehicle-related data. This particular analysis measured, as required by the law, the number and percentage of Whites, Blacks, Hispanics or Latinos, Asians and Pacific Islanders, Alaska Natives and American Indians (Middle Easterners and individuals belonging to the "other" category, as optional categories), that came in contact with the police in the course of a motor vehicle related contact, and were either issued a ticket, citation, warning were issued or an arrest was made. Also, included in this data were instances where a motor vehicle contact took place for an alleged violation of the law or ordinance. The Tier 2 data analysis included, but was not limited to, information relevant to the number and percentage of contacts by race/ethnicity, gender, reason for the stop, location of stop, searches while indicating the type of search performed, result of stop, basis of an arrest and use of physical force resulting in bodily injury.

It should be noted that the additional data analysis performed was based on a comparison of the 2021 motor vehicle contact data with a specific baseline. When reviewing 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 Venus Police Department accepted our recommendation to rely, as a baseline measure, on the Fair Roads Standard. This particular baseline is based 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.

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 of the fact they may or may not be 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 Venus Police Department in 2021 but live outside city limits. In some cases, 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, several civil rights groups in Texas expressed their desire 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). This, in essence, constitutes a comparison that may result in ecological fallacy. Despite this, as noted earlier, the Venus Police Department accepted the recommendation to utilize this form of comparison (i.e., census data relevant to households with vehicles) in an attempt to demonstrate its “good will” and “transparency” before the community. Thus, the Fair Roads Standard data obtained and used in this study is specifically relevant to the Dallas Fort-Worth (DFW) Metroplex.

Tier 2 (2021) Motor Vehicle-Related Contact Analysis

When analyzing the enhanced and more detailed Tier 2 data collected in 2021, it was evident that most motor vehicle-related contacts were made with Whites. This was followed by Hispanics. Of those that came in contact with the 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.

Regarding 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 on Whites. Most of the arrests that originated from a violation of the penal code involved Whites. Overall, the police department does report one instance where force was used that resulted in bodily injury.

Comparative Analysis

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

The 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 2021, the most significant percentage of these that resulted in contraband was among Blacks. The lowest contraband hit rate was among American Indians.

Summary of Findings

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

While considering the findings made in this analysis, it is recommended that the Venus 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 Venus Police Department should continue to:

- 1) Perform an independent analysis on contact and search data in future years.
- 2) Commission data audits in 2022 in order to assess data integrity; that is, to ensure that the data collected is consistent with the data being reported.

The comprehensive analysis of the data included in this report demonstrates that the Venus 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 Venus 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 Venus Police Department from engaging in racial profiling.
- ☒ Implement a process by which an individual may file a complaint regarding racial profiling violations.
- ☒ Provide public education related to the compliment and complaint process.
- ☒ Implement disciplinary guidelines for officers found in violation of the Texas Racial Profiling Law.
- ☒ Collect, report and analyze motor vehicle data (Tier 2).
- ☒ Commission Data Audits and a Search Analysis.
- ☒ Indicate total number of officers who knew and did not know, the race/ethnicity of individuals before being detained.
- ☒ Produce an annual report on police contacts (Tier 2) and present this to the local governing body and TCOLE by March 1, 2022.
- ☒ 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

**VENUS
POLICE DEPARTMENT
RACIAL PROFILING POLICY**

	VENUS POLICE DEPARTMENT	
	Policy 2.2 Professional Police Contacts	
	Effective Date: 12-30-15	Replaces: NEW
	Approved: <u>Michael Boese</u> Chief of Police	
	Reference:	

I. PURPOSE

The purpose of this policy is to unequivocally state that bias-based profiling in law enforcement is totally unacceptable, to provide guidelines for officers to prevent such occurrences, and to protect our officers when they act within the dictates of the law and policy from unwarranted accusations. This directive strictly prohibits the use of bias based profiling by employees of the Venus Police Department.

II. POLICY

It is the policy of this Department to patrol in a proactive manner, to aggressively investigate suspicious persons and circumstances, and to actively enforce the statutes, laws, and ordinances while insisting that individuals will only be stopped or detained when there exists reasonable suspicion to believe they have committed, are committing, or are about to commit, an infraction of the law. Employees of the Venus Police Department are prohibited from practices of bias-based profiling. Any employee found, after thorough investigation and review, to have engaged in racial or bias-based profiling shall be subject to disciplinary action up to and including termination. Any person or persons alleging racial or bias-based profiling may file a complaint against any employee(s) of the Department.

III. DEFINITIONS

- A. Bias-based Profiling – The detention, interdiction, search or seizure of any person based upon the person's age, gender, sexual orientation, race, color, creed, ethnicity, national origin, or similar personal characteristic.
- B. Racial Profiling – A law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.
 1. Examples of racial profiling include but are not limited to the following:
 - a. Detaining a driver who is speeding in a stream of traffic, where most other drivers are speeding, because of the driver's race, ethnicity, or national origin.
 - b. Detaining the driver of a vehicle based on the determination that a person of that race, ethnicity, or national origin is unlikely to own or possess that specific make or model of vehicle.
 - c. Detaining an individual based on the determination that a person of that race, ethnicity or national origin does not belong in a specific part of town or a specific place.
- C. Race or Ethnicity – Means of a particular descent, including Caucasian, African, Hispanic, Asian, Native American or Middle Eastern descent.
- D. Motor Vehicle Stop – An occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.
- E. Reasonable Suspicion – Also known as articulable suspicion. Specific, articulable facts and circumstances, and reasonable inferences from those facts and circumstances, that would lead a reasonable peace officer to believe that some type of criminal activity is afoot, and the person(s) detained are somehow involved.

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- F. Detention – Any restriction upon a person's liberty imposed by a peace officer.
- G. Seizure – any taking of property from an individual without the individual's consent or any restriction of an individual's liberty without the individual's consent. A detention will be considered a seizure, as will an arrest.

IV. PROCEDURES

A. Training

1. Officers will receive initial and ongoing training in proactive enforcement tactics, including training in officer safety, courtesy, cultural diversity, the laws governing search and seizure, racial profiling, and interpersonal communication skills. Training will also cover bias based profiling issues including legal aspects.
2. Training programs will emphasize the need to respect the rights of all persons to be free from unreasonable government intrusion or police action.
3. The Chief's Office shall make available to the public information describing the process by which a complaint may be filed. The information will be readily accessible to the public in the police department lobby and other City facilities open to the public.

B. Stops / Detentions

1. Individuals shall only be subjected to stops, seizures or detentions based upon reasonable suspicion that they have committed, are committing, or are about to commit an infraction.
2. In the absence of a specific, credible report containing a physical description, a person's gender, sexual orientation, race, color, creed, ethnicity, national origin, or similar personal characteristic or any combination of these shall not be a factor in determining probable cause for an arrest or reasonable suspicion for a stop.

C. Oversight

1. Enforcement of statutes, laws, and ordinances will be accompanied by consistent, ongoing supervisory oversight to ensure that officers do not go beyond the parameters of reasonableness in conducting such activities.
2. Supervisors shall randomly review vehicle related Mobile Digital Video Recordings (MDVR) and or body camera recordings of each of their subordinates.
3. The supervisor shall determine compliance with this and other applicable directives.
4. The supervisor shall discuss their assessment with the respective employee.
5. The supervisor shall report his/her assessment each calendar quarter, via chain of command, to the Chief of Police. The reports shall be uniformly structured and contain:
 - a. The name of the employee under review
 - b. The date and time stamp of each contact reviewed
 - c. A written assessment of each contact reviewed, which shall include:
 - (1) The race/ethnicity of the person detained

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- (2) Whether a search was conducted
- (3) If a search was conducted, whether consent was provided by the person
- (4) Whether employee actions were in accordance with Department policy and procedures
- (5) A summary of the feedback provided to the employee

D. Seven Point Violator Contact

1. Absent some articulable reason for deviation, officers shall utilize the following seven-step action, in the order specified, when conducting motor vehicle stops.
 - a. Greeting and identifying the police officer and the police agency. The greeting is accomplished in the most natural way for the officer. He will introduce himself as Officer John Doe with the Venus Police Department. This is a courtesy we owe every person stopped. The objectives in the greeting are to employ business courtesy, to help make the person feel at ease, and to establish a common ground free of superiority or deference. Example: "Hello. I'm Officer Doe, with the Venus Police Department."
 - b. Stating the reason for the stop. This will be done upon initial contact as a basic courtesy. The officer should ascertain whether extenuating circumstances might morally justify the infraction to a normal, prudent person. This offers the individual stopped an opportunity to justify his actions if a reason exists and, if none, places him in the position of admitting the violation. Listen politely and allow the person ample opportunity to explain his perspective. However, with the above exception, one should refrain from asking questions concerning the person's knowledge of the violation committed. Remarks made by the officer should be in the form of a statement rather than a question. Example: "The reason your vehicle was stopped was for speeding, 55 in a 40 mph zone. Do you have an emergency?"
 - c. Identifying the individual detained and checking their condition as well as the vehicle. The officer should identify every individual stopped by requesting their driver license. If the person has no license, the officer should ask for other forms of identification, preferably one that carries the person's description. The officer should not accept an identification document if offered in a wallet, case or purse – ask the person to remove the document and accept that only. The officer, after identifying the person, should call him by name for the remainder of the interview.
 - d. State the action being taken. The officer should make a clear statement, in a firm but calm manner that will leave no doubt as to the action being taken. For example, "You are receiving a citation for the offense of speeding. Officers should refrain from using the word "I" during the interview. Place emphasis on the person and the violation committed by using the word "you". This technique keeps the person from shifting blame onto the officer. Officers have the option of informing the person of the action being taken during the first or second contact.
 - e. Taking the action. Issue the citation, take the person into custody, or call his attention to the seriousness of the violation and possible consequences (warning).
 - f. Explaining what the person is to do. Explain to the person exactly what action he must

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take. That is, he is to sign the citation and contact the court within a certain time frame, or, he is under arrest and will be required to post a cash bond, etc. In some cases a short explanation helps to dispel much of the uncertainty in the mind of the person detained. Make the explanation clear and be sure that the person understands. Example: "You will need to contact the Municipal Court within eleven (11) days to arrange for a court date and/or pay the fine."

- g. Leaving. Closing the contact with the person is awkward for many officers. It is an opportunity to create feelings of friendliness if the proper technique is used. An expression of helpfulness and service is desired. The leave-taking should be as firm and impersonal as the approach. A "take care" or "drive carefully" spoken in a sincere, yet business-like tone is sufficient. Do not use the trite expression, "have a nice day" or "good afternoon", which would be inappropriate in these circumstances. When the contact with the person has been broken, make sure the driver is able to merge safely back into the traffic stream.

E. Enforcement Action

1. Appropriate enforcement action should always be completed. A written warning, citation, juvenile notice/warning, or arrest should be made when probable cause exists. Verbal warnings may be issued when appropriate. Field Contact Information should be completed when the stop or detention was made based on reasonable suspicion and no other enforcement action will be taken.
2. No person, once cited or warned, shall be detained beyond the point where there exists no reasonable suspicion of further criminal activity, and no person or vehicle shall be searched in the absence of a warrant, a legally recognized exception to the warrant requirement, or the person's voluntary consent.

F. Mobile Digital Vehicle Recording (MDVR) Equipment

1. Officers shall ensure the MDVR and body camera are activated to record before the stop, to document the behavior of the vehicle or person. The MDVR and body camera shall remain activated until the person is released to resume their journey. Officers may elect not to activate the MDVR microphone as long as their body camera is activated and in working order throughout the contact.
2. Officers are responsible for ensuring the body camera and the vehicle's recording equipment are fully operational throughout their tour of duty. Any equipment failures or repairs needed should be immediately reported to a direct supervisor.
3. Should a MDVR or body camera fail during a motor vehicle stop or a stop is not recorded, the officer shall note such on the citation, the juvenile warning/notice, the written warning, arrest report, or Field Contact Information.
4. Body camera recordings and MDVR recordings shall be retained for a period of at least one-hundred and eighty (180) days, in accordance with Department policy. However, if a complaint is filed alleging an employee engaged in racial profiling with respect to a motor vehicle or pedestrian stop, the recording of the stop shall be retained until final disposition of the complaint. Upon the commencement of such a complaint, and pursuant to his or her written request, the officer who is the subject of the complaint shall be provided a copy of the

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recording.

G. Consent to Search

1. It is not necessary for a consent search to be supported by reasonable suspicion or probable cause. Voluntary consent to search may be utilized by officers for the search of both persons and property, and may be used at any point during the detention.
2. The officer should ask for consent to search a vehicle before the person detained is released and the initial detention is completed. However, any further detention or consent to search at this point must be completely voluntary by the driver or owner of the vehicle, or the person being detained.
3. Consent searches should only be conducted when consent is documented in writing or video/audio recording.

H. Reporting

1. When completing a citation, a written warning, a juvenile notice/warning, an adult or juvenile arrest report or a field contact information, officers shall report the following information:
 - a. The race and ethnicity of the individual detained as determined by the officer.
 - (1) Officers should avoid asking detained individuals what their race or ethnicity is.
 - b. Whether the officer knew the race or ethnicity of the individual detained before detaining that individual.
 - c. Whether a search was conducted, and, if so
 - d. Whether the individual detained consented to the search.
2. The Office of the Chief of Police shall submit to the Texas Commission on Law Enforcement Officer's Standards and Education and to the Office of the City Administrator, no later than March 1 of each year an annual report concerning citation and arrest data recorded in the preceding year.



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

Del Carmen Consulting

817.681.7840

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www.delcarmenconsulting.com

Disclaimer: The author of this report, Alejandro del Carmen/del Carmen Consulting , is not liable for any omissions or errors committed in the acquisition, analysis, or creation of this report. Further, Dr. del Carmen/del Carmen Consulting is not responsible for the inappropriate use and distribution of information contained in this report. Further, no liability shall be incurred as a result of any harm that may be caused to individuals and/or organizations as a result of the information contained in this report.

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Department Update Building Inspections

1. Permits are picking up in the inspection department, LGI now has almost 40 permits paid for and ready to start going vertical. This month we have issued 23 out of 31 permit applications with an average turn around time of 3 business days.
2. We recently were audited by the ISO (Insurance services organization) and are awaiting the results. Likely we will need to adopt the 2021 Codes later this year to maintain or improve our scores.
3. Inspections are also starting to pick up around the city as we transition to all in house services with a total of 48 inspections for February (normally a very slow time of the year).
4. Our overarching project right now is gathering all of the user data for our permitting software transition which is slated to begin around the beginning of April, start stress / beta testing in June, and hopefully be live by August.
5. We have also had a decrease in unpermitted work resulting in written notices and stop work orders down to only 4 last month.



Monthly Permit Activity

Activity Date from Activity Summary feed: 02/01/2022 - 03/14/2022

ACTIVITY DATE	REQUESTED PROJECTS	ACTIVE PROJECTS	EXPIRING PROJECTS	EXPIRED PROJECTS	SUSPENDED PROJECTS	ON HOLD PROJECTS	COMPLETED PROJECTS	CANCELED PROJECTS	DENIED PROJECTS	REVOKED PROJECTS	ISSUED PERMITS	REVOKED PERMITS	ISSUED CO'S	TEMPLATE NAME
02/01/2022	0	0	0	0	0	0	0	0	0	0	2	0	0	New Residential Building
02/01/2022	0	0	0	0	0	0	1	0	0	0	0	0	0	Residential Detached Alteration Permit
02/07/2022	0	0	0	0	0	0	1	0	0	0	0	0	1	Commercial Remodel / Finishout
02/10/2022	0	0	0	0	0	0	0	0	0	0	1	0	0	Plumbing Permit (C)
02/11/2022	0	4	4	0	0	0	0	0	0	0	0	0	0	Fire Sprinkler Permit
02/11/2022	0	2	2	0	0	0	0	0	0	0	0	0	0	New Residential Building
02/11/2022	0	1	1	0	0	0	1	0	0	0	1	0	0	Residential Roof Shingles
02/16/2022	0	0	0	0	0	0	0	0	0	0	1	0	0	Mechanical Permit (R)
02/16/2022	0	0	0	0	0	0	0	0	0	0	2	0	0	New Residential Building
02/16/2022	0	0	0	0	0	0	1	0	0	0	0	0	0	Plumbing Permit (C)

ACTIVITY DATE	REQUESTED PROJECTS	ACTIVE PROJECTS	EXPIRING PROJECTS	EXPIRED PROJECTS	SUSPENDED PROJECTS	ON HOLD PROJECTS	COMPLETED PROJECTS	CANCELED PROJECTS	DENIED PROJECTS	REVOKED PROJECTS	ISSUED PERMITS	REVOKED PERMITS	ISSUED CO'S	TEMPLATE NAME
02/16/2022	0	0	0	0	0	0	0	0	0	0	1	0	0	Solar Panel Permit (R)
02/17/2022	0	0	0	0	0	0	1	0	0	0	0	0	0	Mechanical Permit (R)
02/17/2022	0	0	0	0	0	0	1	0	0	0	1	0	0	Rental Inspection
02/17/2022	0	0	0	0	0	0	1	0	0	0	1	0	0	Solar Panel Permit (R)
02/23/2022	0	0	0	0	0	0	2	0	0	0	2	0	0	Commercial Roof Shingles
02/24/2022	0	1	1	0	0	0	0	0	0	0	0	0	0	Irrigation Permit (R)
02/25/2022	0	0	0	0	0	0	0	0	0	0	1	0	0	Irrigation Permit (R)
02/25/2022	0	1	1	0	0	0	0	0	0	0	1	0	0	Residential Roof Shingles
02/28/2022	0	2	2	0	0	0	0	0	0	0	2	0	0	Accessory Building Permit (R)
02/28/2022	0	1	1	0	0	0	0	0	0	0	1	0	0	Residential Remodel / Addition
02/28/2022	0	1	1	0	0	0	0	0	0	0	1	0	0	Residential Roof Shingles
03/01/2022	0	0	0	0	0	0	1	0	0	0	0	0	0	Right of Way Permit for Oncor or their subcontractors

ACTIVITY DATE	REQUESTED PROJECTS	ACTIVE PROJECTS	EXPIRING PROJECTS	EXPIRED PROJECTS	SUSPENDED PROJECTS	ON HOLD PROJECTS	COMPLETED PROJECTS	CANCELED PROJECTS	DENIED PROJECTS	REVOKED PROJECTS	ISSUED PERMITS	REVOKED PERMITS	ISSUED CO'S	TEMPLATE NAME
03/02/2022	0	1	1	0	0	0	0	0	0	0	1	0	0	Residential Roof Shingles
03/04/2022	0	0	0	0	0	0	0	0	0	0	1	0	0	Fence Permit (R)
03/04/2022	0	0	0	0	0	0	1	0	0	0	0	0	0	Residential Attached Alteration Permit
03/06/2022	0	12	12	0	0	0	0	0	0	0	0	0	0	Fire Sprinkler Permit
03/07/2022	0	3	3	0	0	0	0	0	0	0	0	0	0	Irrigation Permit (R)
03/07/2022	0	1	0	0	0	0	0	0	0	0	0	0	0	Solar Panel Permit (R)
03/08/2022	0	1	1	0	0	0	0	0	0	0	0	0	0	Fire Sprinkler Permit
03/08/2022	0	0	0	0	0	0	0	0	0	0	3	0	0	Irrigation Permit (R)
AVERAGE	0.00	1.03		0.00							0.77		0.03	
TOTAL	0.00	31.00		0.00							23.00		1.00	



Inspection Activity Summary

Activity Date from Activity Summary feed: 02/01/2022 - 03/14/2022

ACTIVITY DATE	PENDING INSPECTIONS	PASSED INSPECTIONS	PARTIAL INSPECTIONS	FAILED INSPECTIONS	ON HOLD INSPECTIONS	CANCELED INSPECTIONS	ALL INSPECTIONS	TEMPLATE NAME
02/01/2022	0	0	0	0	0	0	10	Commercial Remodel / Finishout
02/01/2022	0	2	0	0	0	0	2	Residential Detached Alteration Permit
02/02/2022	0	1	0	0	0	0	1	Commercial Remodel / Finishout
02/02/2022	0	0	0	0	0	0	2	Plumbing Permit (C)
02/03/2022	0	0	0	3	0	0	7	Commercial Remodel / Finishout
02/07/2022	0	4	0	0	0	0	4	Commercial Remodel / Finishout
02/07/2022	0	0	0	1	0	0	1	Plumbing Permit (C)
02/09/2022	0	0	0	0	0	0	1	Residential Roof Shingles
02/10/2022	0	0	0	0	0	0	1	Residential Roof Shingles
02/11/2022	0	1	0	0	0	0	1	Residential Roof Shingles
02/15/2022	0	0	0	0	0	0	1	Plumbing Permit (C)
02/16/2022	0	0	0	0	0	0	1	Mechanical Permit (R)
02/16/2022	0	1	0	0	0	0	1	Plumbing Permit (C)
02/17/2022	0	1	0	0	0	0	1	Mechanical Permit (R)

ACTIVITY DATE	PENDING INSPECTIONS	PASSED INSPECTIONS	PARTIAL INSPECTIONS	FAILED INSPECTIONS	ON HOLD INSPECTIONS	CANCELED INSPECTIONS	ALL INSPECTIONS	TEMPLATE NAME
02/17/2022	0	1	0	0	0	0	1	Rental Inspection
02/17/2022	0	1	0	0	0	0	1	Solar Panel Permit (R)
02/22/2022	0	1	0	0	0	0	1	Residential Attached Alteration Permit
03/03/2022	0	0	0	0	0	0	4	New Residential Building
03/04/2022	0	2	0	2	0	0	4	New Residential Building
03/04/2022	0	1	0	0	0	0	1	Residential Attached Alteration Permit
03/04/2022	0	0	0	1	0	0	2	Residential Remodel / Addition
AVERAGE	0.00	0.76	0.00	0.33	0.00	0.00	2.29	
TOTAL	0.00	16.00	0.00	7.00	0.00	0.00	48.00	



City Administrator's Report February 2022

Purpose:

To give a brief overview of projects as well as productivity throughout the organization. In depth departmental reports may be viewed on the City website for public view. Additionally, department heads will give reports in rotation during city council meetings.

Administration

- Weekly meetings with Jacob Martin to receive status reports on Comprehensive Plan
- Weekly (sometimes daily) meetings to work through a contract for a new sewer line
- There will be an Easter event on April 16th with activities beginning at 9:30 AM and wrapping up by noon. This event is coordinated by First Baptist Church of Venus. The City will host the Easter egg hunts as well as invite the Easter Bunny for a visit. Advertising will be handled by FBC – Venus. *3,000 filled eggs provided by City of Venus.
- Staff have begun working on capital requests for the 2022-2023 budget.
- Our new phone system should be in place prior to this meeting. It is set for Friday, March 11th around the noon hour.
- Review of Franchise Agreement for natural gas service in Patriot Estates
- Remodel of Venus Development Services Office
 - Advertised for Bids with bid closing end of March.
- Continued work on forward movement of Venus Parkway

Human Resources

- Working on Timeclock Policy – Salaried / Hourly Time entry
- Pre-employment testing completed on new fire department staff
- Processed civil inspector and street crew chief Acquired payroll processing from time entry up to but not including transfer of packet to the bank to alleviate workload in Finance. With our Finance Director's knowledge in payroll, we now officially have cross-trained and have additional staff with knowledge to process payroll.
- Planned and successfully executed Employee Appreciation Day 2022 – including Pizza, Ice Cream, Drinks, and axe throwing. Everyone enjoyed the afternoon and I would like to thank Stacey for that.

Municipal Court

- Received 70 new violations from Police Department
- Collected \$14,348.20 in fines and fees

Fire Department

- Interviewed 20+ applicants for firefighter positions

- All volunteers are enrolled in EMT class
- Most of the equipment that was damaged or broken is out for repair
- 114 Calls for Service – details of which can be found on the following report

Public Works

- Utility Maintenance – Installed hour meters in lift stations for run time records
- Streets – Patch potholes on CR 620, CR 213 and various streets throughout town
- Parks - Installed Purple Heart City signs at entrances to city
- Administration – Set – up RecDesk which is a simplified process for renting city facilities without having to go through MyGov and obtaining credentials, Assisted with Fleet Management set-up including centralizing the issuance of gas cards and tracking maintenance on all city vehicles
- Additional accomplishments for the departments are noted in detail in reports to follow

Planning & Development

- Receiving calls on a daily basis from developers seeking information on available land, land use, utilities and processes for obtaining city approvals.
- Working diligently to create a simplified all-inclusive checklist to provide to developers
- Reviewing the subdivision ordinance
- Reviewing and updating development standards.



VENUS FIRE DEPARTMENT

March Report

INCIDENT COUNT		
INCIDENT TYPE		# INCIDENTS
EMS		71
FIRE		42
TOTAL		113
MUTUAL AID		
Aid Type		Total
Aid Given		8
Aid Received		32
LIGHTS AND SIREN - AVERAGE TURNOUT TIME (Dispatch to Enroute)		
Station	EMS	FIRE
Station 72	0:02:38	0:04:42
AVERAGE FOR ALL CALLS		0:03:09

IN CITY LIMITS		# INCIDENTS
Fires		4
Rescue & Emergency Medical Service		29
Hazardous Condition (No Fire)		1
Service Call		2
Good Intent Call		1
TOTAL		37
OUT OF CITY LIMITS		# INCIDENTS
Fires		14
Rescue & Emergency Medical Service		42
Hazardous Condition (No Fire)		1
Service Call		7
Good Intent Call		11
Special Incident Type		1
TOTAL		76

- Waiting on PPE before part-time employees can start.
- All volunteers starting EMT class.
- Most of the equipment that was broken or damaged is out for repairs.

Public Works Accomplishments

February 2022

Utility Maintenance:

- Installed hour meters in lift stations for run time records
- Repaired leaking flange at High School
- Assisted and supervised manhole repairs

Utility Operations:

- Ensured TCEQ compliance with water sampling and rounds
- Completed Quarterly sampling for TCEQ
- Flushed hydrants for water quality

Streets:

- Patch potholes on CR 620, CR 213 and various streets through town
- Replaced damaged signs and poles in downtown area

Parks:

- Cleaned property @ Oak and 4th
- Replaced rebar with cable at Fielder Park
- Installed Purple Heart City signs

Admin:

- RecDesk set-up
- Assist with Fleet Management set-up
- Work with Johnson County on CR 213 and CR 620 repair

Projects/Engineering:

- Fuel Tanks
 - The fuel tanks are on site
 - Fuel management consoles installed
 - Training will be on the schedule for training as soon as company calls back
- Patriot Estates Traffic Light
 - Latest update has construction slated to begin in March 2022
 - Working with Chief to work through speed/wreck concerns and speed limits
- SCADA
 - The SCADA contract awarded to Dedicated Controls at December Council meeting
 - Contract signed and given back to Jacob Martin on 2/11
 - Pre-Con meeting should be scheduled in coming weeks
- Manhole Repairs
 - Fuquay has completed all manhole repairs
- Sewer RFQ's
 - Sewer RFQ was posted to the City's website and was sent to 11 firms
 - Proposal due date is 12/10/21

- Received 13 RFQ's on December 17, 2021
 - Review of RFQ's complete. Will award, if needed, once decision is made by developer
- Lonestar Road Rehab
 - 3 areas where concrete has sunk, and road is uneven
 - Working on obtaining quotes for repair.
 - Will more than likely must be budgeted into next year's budget → more than \$50,000
 - Will continue to patch bad spots to make sure the road is safe and will not tear up a vehicle
- Water Tower
 - Working with JMJ for placement and funding
 - Have an agreement with BHC on 2/14 council agenda for approval
 - JMJ is holding up the tower placement according to Max Barton
- Pump Station
 - Waiting on exact placement – Unknown now due to moving parts. Last known option was on the West side of Venus PKWY, just North of CR 109
- County Road 620 Repair
 - Re-submitted quote for interlocal agreement
 - Originally approved by Council on August 30, 2021 @ \$260,000.
 - Taken to Council on March 14, 2022 for \$290,000
 - Expected start for project, weather permitting, June 2022, ending October 2022
- Brahman Ranch WWTP
 - The road construction has been "completed". Road came up 50 ft' short of plant site. Working with Mark to finalize
 - The electrical easements are conditionally approved by Rick. Waiting on UCS to reach out about alignment.
 - Land easements will be included in the electrical and road easements
 - Plant is ready to ship to site
- City Hall Sewer Line Project
 - This project was awarded to BHC.
 - Project was to run sewer line from City Hall East along HWY 67 to tie into existing system. This project is no longer a long-term option for sewer with new interceptor. With your approval, I want to close this project out.
- Rate Study
 - Waiting on completion of CIP plan to finalize
- CIP Study
 - Waiting on comprehensive plan to be completed to ensure all is covered.
 - Once Comp plan is finished, will be sent to BHC to get the water CIP added.
 - All components will be bound and made into CIP plan to present to Council
- Emergency Preparedness Plan
 - Jacob & Martin have plan all but finalized.
- Venus Parkway
 - BNSF comments have been received
 - TXDOT comments were received with questions
 - Email sent to Brenda Johnson for clarification, no response
- Construction Standards
 - 1st review is completed.

- 2nd review by City is complete
- Jacob Martin working on edits from comments

Developments/Inspections:

- Brahman Ranch
 - LOMR was received by BHC for review. Review was submitted back to City on February 2.
 - Review comments
 - Contractor was given the ok to begin paving 1/13/22
 - Work on project:
 - Installing Storm Line
 - Finish Off-Site sewer to WWTP in coming weeks
- Bluestem Hills
 - Punch list items have been completed except for the fire hydrant splash pads(Mt. Peak water, not our concern)
 - Maintenance Bond expires on May 2, 2022.
 - We will schedule inspections prior to this date to get an updated punch list, if needed
 - PW end of Bluestem has been completed. Now in the hands of Finance and Administration
- Ridgeview
 - Final walkthrough to be scheduled in the coming weeks
- Buffalo Hills
 - Received development agreement this week (2/6/2022)
- Horizons
 - Plans have been submitted to consultant to review for completion prior to signing final set of plans
 - Developer was granted ability to begin earthwork, no digging until set of plans is finalized.
 - Inspection agreement with Pape-Dawson is on the council agenda for 2/14
- Heritage Hills II
 - Installing storm drain lines
 - Will be working on sewer lines in the upcoming weeks.
- Heritage Hills Multi-Family
 - Flood study was denied by City staff at the recommendation of BHC
 - Waiting on revisions to study before allowing contractor to commence work
- Stallion Ranch
 - In discussion with Pape-Dawson for engineering on Water, Wastewater, Streets and Drainage
- Starlight - Bloomfield
 - Working with engineers to get alignment of water line completed.
 - Working with Bloomfield on funding for Water Tower and infrastructure
- JMJ –
 - Working with JMJ engineers for tower placement
 - Working with JMJ engineers for water line and sewer line alignments and tie in points

Personnel:

- Positions/Vacancies

- Civil Inspector – Job offer accepted by James Gesumwa
- Street Crew Leader position will be offered to Brandon Gazaway
- Training
 - Casey Homesley – Pump and Motor Maintenance through American Water College
 - Needs Utility Management to upgrade wastewater license
 - Needs Valve and Hydrant to upgrade water license
 - Shawn Luttrell – Water Distribution through American Water College
 - Applied through TCEQ to take Wastewater Collection III Exam
 - Needs Valve and Hydrant to upgrade water license
 - Kohner Westen – Basic Water and Basic Wastewater through American Water College
 - Needs to complete the above classes to apply for water and wastewater licenses
 - Jeff Smith – Wastewater Treatment through American Water College
 - Class will assist with wastewater treatment plant operation. Will not qualify for license for wastewater treatment

GENERAL FUND
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGE IN FUND BALANCE
FY 21-22 PROPOSED BUDGET AMENDMENT

	ORIGINAL BUDGET	FY 20-21 Encumbrances	Civil Insp 3/14/2022	FINAL BUDGET
REVENUES:				
Property Taxes	\$ 2,058,208	\$ -	\$ -	\$ 2,058,208
Sales Taxes	845,226	-	-	845,226
Franchise Fees	135,445	-	-	135,445
Licenses and Permits	789,390	-	(250,000)	539,390
Charge for Services	6,050	-	-	6,050
Fines and Forfeitures	60,000	-	-	60,000
Intergovernmental	1,400	-	-	1,400
Investment Earnings	8,000	-	-	8,000
Contributions	246,159	-	-	246,159
Other	5,000	-	-	5,000
TOTAL REVENUES	4,154,878	-	(250,000)	3,904,878
EXPENDITURES:				
City Administrator's Office	170,940	-	-	170,940
City Secretary	146,735	-	-	146,735
Finance	160,518	-	-	160,518
Human Resources	116,684	-	-	116,684
City-Wide (Non-Departmental)	162,455	-	-	162,455
Planning & Development	468,306	52,000	(58,299)	462,007
Police	1,463,942	-	-	1,463,942
Code Enforcement/Animal Control	96,142	-	-	96,142
Municipal Court	101,598	-	-	101,598
Fire	530,256	-	-	530,256
Streets & Drainage	287,038	26,000	-	313,038
Parks & Recreation	287,933	-	-	287,933
Debt Payments	84,331	-	-	84,331
Capital Outlay	78,000	10,000	-	88,000
TOTAL EXPENDITURES	4,154,878	88,000	(58,299)	4,184,579
REVENUE OVER (UNDER)				
EXPENDITURES	-	(88,000)	(191,701)	(279,701)
BEGINNING FUND BALANCE-TOTAL	1,954,468	88,000	-	2,042,468
ENDING FUND BALANCE-TOTAL	\$ 1,954,468	\$ -	\$ (191,701)	\$ 1,762,767

CIVIL INSPECTIONS PROPOSED BUDGET AMENDMENT:

FY 21-22 original budget for General Fund includes \$250,000 in civil inspection fees revenue. Since civil inspection fees are collected to cover cost to inspect water and sewer infrastructure, and if expenditures related to the new civil inspector position are going to be budgeted and paid out of Water/Sewer Fund, it makes sense to reclassify this revenue to the Water/Sewer Fund.

Until now, all civil and non-civil inspection expenditures were budgeted and paid from Planning & Development Department in the General Fund. For FY 21-22, only \$100,000 was budgeted for "inspections-not performed by Chief Building Official (CBO)" referring to Bureau Veritas who performed non-civil inspections before CBO was hired. Nothing was budgeted for civil inspections as it was assumed during the budget process that the Public Works Director would be performing all civil inspections.

City Administrator reclassified \$75,000 of \$100,000 to civil inspections of which \$16,701 has already been spent on contracted civil inspectors. Therefore, \$58,299 of unspent budgeted expenditures will be reclassified to Water/Sewer Fund to offset new Civil Inspector position.

If General Fund proposed budget amendment is approved as presented, the amended budget for the General Fund reflects a budgeted **deficit** of \$191,701.

WATER & SEWER FUND
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGE IN FUND BALANCE
FY 21-22 PROPOSED BUDGET AMENDMENT

	ORIGINAL BUDGET	FY 20-21 Encumbrances	Civil Insp 3/14/2022	3/14/2022	FINAL BUDGET
OPERATING REVENUES:					
Water Sales	\$ 1,259,360	\$ -	\$ -	\$ -	\$ 1,259,360
Water Taps	4,000	-	-	-	4,000
Water Meters	2,375	-	-	-	2,375
Sewer Sales	1,980,193	-	-	-	1,980,193
Sewer Taps	150,000	-	-	-	150,000
Sewer Connections	-	-	-	-	-
Sanitation Revenue	703,302	-	-	-	703,302
Administration Revenues	21,000	-	-	-	21,000
Civil Inspection Fees	-	-	250,000	-	250,000
TOTAL OPERATING REVENUES	4,120,230	-	250,000	-	4,370,230
OPERATING EXPENSES:					
Administration Department	370,139	15,000	58,299	13,209	456,647
Water Department	1,054,418	23,500	-	-	1,077,918
Sanitation Department	676,252	-	-	-	676,252
Sewer Department	1,485,622	23,500	-	-	1,509,122
TOTAL OPERATING EXPENSES	3,586,431	62,000	58,299	13,209	3,719,939
OPERATING INCOME (LOSS)	533,799	(62,000)	191,701	(13,209)	650,291
NON-OPERATING EXPENSES:					
Interest Earnings	5,000	-	-	-	5,000
Sale of Capital Assets	5,000	-	-	-	5,000
Debt Principal Payments	(327,013)	-	-	-	(327,013)
Debt Interest Payments	(113,472)	-	-	-	(113,472)
INCOME BEFORE CAPITAL & TRANSFER	103,314	(62,000)	191,701	(13,209)	219,806
Capital Contributions	-	-	-	-	-
Capital Expenditures	(180,000)	-	-	-	(180,000)
NET CHANGE IN FUND BALANCE	(76,686)	(62,000)	191,701	(13,209)	39,806
BEGINNING FUND BALANCE	1,640,115	62,000	-	-	1,702,115
ENDING FUND BALANCE	1,563,429	-	191,701	(13,209)	1,741,921

CIVIL INSPECTIONS PROPOSED BUDGET AMENDMENT:

See General Fund proposed budget amendment. Proposed budget amendment to reclassify all budgeted revenues and expenditures related to civil inspections from General Fund to Water/Sewer Fund proposes an increase in ending fund balance of \$191,701.

CIVIL INSPECTOR BUDGET AMENDMENT - NEW POSITION

The previously proposed budget amendment does not cover the total amount of budget expenditures estimated for the new position. Unspent civil inspection expenditures to be reclassified to the Water/Sewer Fund only covers \$58,299 of the requested \$71,508. Therefore, management is requesting that an additional \$13,209 in expenditures be added to the previously proposed amendment for a total proposed increase in W/S Fund budgeted expenditures of \$71,508.

\$ 63,943	Personnel costs
1,800	Computer/tablet
250	Cell phone
5,015	Vehicle lease payments
500	Uniforms/safety
<u>\$ 71,508</u>	<u>Total proposed budget amendment</u>



City of Venus Employee Time Clock Policy

The City of Venus utilizes an electronic time clock system whereby each employee can punch in and out utilizing a four-digit pin or fingerprint. All city employees will use this system both exempt and non-exempt.

Requirements:

- Each city employee is required to punch in at the beginning of their shift and punch out at the end of their shift.
- All time worked for the City of Venus Texas, by an exempt or non-exempt employee will be calculated and recorded by punching the electronic time clock.
- No city employee will punch in or punch out for another employee under any circumstances; city employees are only authorized to punch in and punch out using their own city issued pin or fingerprint.
- Any time an employee is going off duty, for any reason, they are required to punch out, and back in, if returning later in the same day.

Missed punch procedures:

- Exempt employees are not allowed to correct their own missed punch; any missed punch for an exempt employee must be corrected by Human Resource; Human Resource will document on the electronic record the reason for the missed punch.
- Any missed punch for a non-exempt employee must be corrected by their Department Head and will be documented on the electronic record the reason for the missed punch.
- Excessive miss punches may lead to disciplinary action; Excessive is defined as more than six times in a 3-month period (The electronic time clock being down due to malfunction, does not count towards a missed punch).

Improper use procedure:

- Any falsification of punches, by any means, will be considered theft of public funds.
- Any employee found to be involved in the falsification act will be subject to termination under Chapter 6 of the City Employee Handbook.

Remote punch in and out is available via the Uattend Application

Authorized employees for the remote punch include:

- All department heads
- All police officer
- Any other employee who has received exception authorization

Exception authorization for remote punch:

- Exempt employees will be allowed to remote punch, with the approval of their immediate supervisor.
- Non-exempt, when on call, will be allowed to remote punch only if approved by their immediate supervisor; non-exempt employee, who is on call, must be within City limits of Venus Texas when the employee uses the remote function, unless previously approved by Department Head and/or City Administrator.
- Prior authorization for an exception authorization of the remote punch system must be obtained from Human Resources.
- An authorization form will be completed and stored in the employee's personnel file; employee will receive a copy of the completed authorization form.

Conditions for utilizing the remote punch system

- The employee's GPS must be activated for the remote punch to be valid.
- The employee must be within the Venus city limits.
- The employee must be on city business and at the specified location where city business is conducted.

Request time off

- All employees, exempt and non-exempt, will be required to fill out a leave request form and have it signed by their department head and then given to Human Resources to obtain in the payroll file.
- Any day's off by an exempt employee or non-exempt employee must be recorded in the electronic time clock system; exempt employees will be done by Human Resources; non-exempt will be done by their Department Head.
- Any full day off taken by an exempt employee in any given scheduled pay period must be replaced by using Vacation time or Sick leave. If none of these are available, then the hours taken off must be administrative leave without pay with the approval by the City Administrator.

City of Venus Employee Time Clock Policy

I, _____, have received a copy of the City of Venus Time Clock Policy.

Employee Signature

Date Signed

JOHNSON COUNTY, TEXAS

SCHEDULE OF COSTS FOR PRECINCT SERVICES (page 1 of 2)

Rates Approved in Commissioners Court on 9/9/2019

ATTACHMENT A

DATE:	3/3/2022	DATE QUOTE EXPIRES:	9/30/2022
TO:	Name: City of Venus Attn: Address: City, State, Zip: Venus, Tx. 76084		
PROJECT:	Location of Project C.R. 620 Quote for Rebuild of C.R. 620 (1.150 Miles of road) Prices may change some if the price of TR-3000 Liquid Asphalt, or Stabilizer goes up in cost ** I suggest replacing (1) culvert in curve going back towards Hwy 157 to make it wider for future traffic flow		
SERVICES:	Basic Labor \$35.00 per hour x 28 hours x 2 Men \$1,960.00		
Total Services Cost:			\$1,960.00
MATERIALS:	Road Base \$10.00 per ton x 3582.00 tons \$35,820.00 Grade #4 Rock \$28.00 per ton x 350.00 tons \$9,800.00 Pea Gravel \$8.00 per ton x tons \$0.00 MC-30 Prime \$3.99 per gal. x gallons \$0.00 TR-3,000 Liquid Asphalt \$3.25 per gal. x 7,577 gallons \$24,625.25 Hot Mix Asphalt \$58.00 per ton x tons \$0.00 P2 Stabilizer \$2.70 per gal. x 29142.00 gallons \$78,683.40 Spread Fee \$300.00 per trucks x trucks \$0.00 Culverts (installation only) \$18.00 per foot x 50.00 feet \$900.00 Concrete for Header Walls \$0.00 per yard x yards \$0.00 Signage and Hardware \$8.00 all sign & hardware Total Signage: \$456.23 Crack Sealer Poly Flex 3 \$16.56 per box x boxes \$0.00 Herbicide Spray per quart x quarts \$0.00		
Total Materials Cost:			\$150,284.88
HAULING:	Hauling (Round Trip) \$3.00 per mile x 6,105 miles \$18,315.00		
Total Hauling Cost:			\$18,315.00
EQUIPMENT:	Minimum charge -- 2 hours		
	Truck w/ operator \$76.00 per hour x 140 hours x 4 \$42,560.00		
	Loader w/ operator \$83.00 per hour x 5 hours x 1 \$415.00		
	Track machine w/ operator \$126.00 per hour x hours x \$0.00		
	Durapatcher w/ 2 operators \$105.00 per hour x hours x \$0.00		
	Distributor w/ operator \$105.00 per hour x 50 hours x 1 \$5,250.00		
	Water truck w/ operator \$76.00 per hour x 140 hours x 1 \$10,640.00		
	Bobtail w/ operator \$67.00 per hour x 4 hours x 5 \$1,340.00		
	Backhoe w/ operator \$76.00 per hour x hours x \$0.00		
	Roller (Compactor) w/ operator \$76.00 per hour x 140 hours x 2 \$21,280.00		
	Motorgrader (Blade) w/ operator \$105.00 per hour x 140 hours x 1 \$14,700.00		

SCHEDULE OF COSTS FOR PRECINCT SERVICES (page 2 of 2)

Reclaimer w/ operator	\$155.00 per hour x 40 hours x 1	\$6,200.00
Gradall w/ operator	\$105.00 per hour x hours x	\$0.00
Sign Truck w/ operator	\$47.00 per hour x 4 hours x 1	\$188.00
Pickups w/ operator	\$47.00 per hour x 140 hours x 2	\$13,160.00
Broom w/ operator	\$76.00 per hour x 6 hours x 1	\$456.00
Excavator w/ operator	\$76.00 per hour x 10 hours x 1	\$760.00
Chip spreader w/ operator	\$105.00 per hour x 4 hours x 1	\$420.00
Brushcutter w/ operator	\$76.00 per hour x 20 hours x 1	\$1,520.00
Crack Sealer w/ operator	\$105.00 per hour x hours x	\$0.00
Wood Chipper w/ operator	\$105.00 per hour x hours x	\$0.00
Total Equipment Cost:		\$118,889.00
Grand Total:		\$289,448.88

NOTES / SPECIAL CONDITIONS

Please Make Checks Payable To: Johnson County Precinct #3

Please Mail To: Johnson County Precinct #3
Attn: Mike White, Commissioner
10420 E. FM 917
Alvarado, Tx 76009

STATE OF TEXAS §
 §
COUNTY OF JOHNSON §

**INTERLOCAL AGREEMENT BETWEEN COUNTY OF JOHNSON, TEXAS AND
CITY OF VENUS, TEXAS**

This Agreement entered into between the County of Johnson, a body politic of the State of Texas, hereinafter referred to as (the “County”), and the City of Venus, a Type A General Law Municipal Corporation, of the State of Texas, hereinafter referred to as (the “City”).

WITNESSETH:

WHEREAS, the City currently has a need for road maintenance, enhancements, repairs, and other projects located within its boundaries along CR 620 and within the County and the City is not equipped to render such services (the “Project”); and

WHEREAS, the City and the County find that the road maintenance, enhancements, repairs, and other projects will provide benefit to the citizens of both the City and the County and that a cooperative effort by the City and the County, pursuant to the Interlocal Cooperation Act, Texas Government Code, Sec. 791.001 et seq, will more efficiently accomplish the purposes set forth herein.

NOW, THEREFORE, for the mutual covenants and considerations expressed herein, the County and the City hereby agree as follows:

1. The County agrees to provide the labor, equipment and materials necessary to complete the road maintenance, enhancements, repairs, and other projects that may be requested by the City and accepted by the County.
2. The City agrees to provide funding for the road maintenance, enhancements, repairs and other projects as follows: attached as Exhibit “A” is the estimate from the County which will not expire until September 30, 2022, and by which the City agrees to pay an amount not to exceed two-hundred eighty-nine thousand four-hundred forty-eight and eighty-eight cents (\$289,448.88) towards the Project. Upon the execution of this Agreement, the City will remit the agreed amount of funding to the County in the manner described below and will become a part of this Agreement upon submission to and acceptance by the City.
3. Proceeding in order, no work shall commence on a road or other project until the required funds, as listed above, have been deposited by the City with the Johnson County Treasurer’s Office. Said funds shall be placed into an escrow account pending completion of repairs. Once repairs are completed and accepted by the City on a road or other project, the funds will be released from escrow to the County.

4. Repairs and other work are to be made in a good and workmanlike manner and in accordance with the conditions in each specific estimate for such particular types of repairs and other work.

5. The term of this Agreement shall be for one year from the effective date hereof and will be automatically renewed annually unless the City or the County provides a thirty (30) day written notice of termination and/or intention of non-renewal. The City and the County agree that each shall exercise a good faith effort to proceed in a timely fashion with its respective responsibilities under this Agreement.

6. To the extent allowed by law, the County agrees and is hereby bound to hold the City whole and harmless from any act or omission of any representative, agent, customer, employee and/or invitee of Johnson County. To the extent allowed by law, the City agrees and is bound to hold the County whole and harmless from any act or omission of any representative, agent, customer, employee and/or invitee of the City.

7. This Agreement represents the entire understanding of both the City and the County and may not be changed, altered or modified without prior written consent of the City and the County.

IN WITNESS WHEREOF, the City and the County hereto have executed this Agreement by their duly authorized agents, officers and/or officials on the dates set forth below.

City of Venus

By: _____
James L. Burgess, Mayor

Date: _____

Attest: _____
Callie Green, City Secretary

Johnson County

By: _____
Honorable _____
Johnson County Judge

Dates: _____

Attest: _____
_____, County Clerk

ORDINANCE NO. 752-2022-03

AN ORDINANCE GRANTING TO UNIVERSAL NATURAL GAS, LLC (d/b/a UNIVERSAL NATURAL GAS, INC.) AND ITS SUCCESSORS AND ASSIGNS, FOR A PERIOD OF TWENTY-FIVE (25) YEARS FROM THE EFFECTIVE DATE OF THIS ORDINANCE, A NON-EXCLUSIVE FRANCHISE AND RIGHT TO ENTER THE PUBLIC WAYS TO INSTALL, OPERATE AND MAINTAIN A DISTRIBUTION SYSTEM WITHIN, ALONG, ACROSS, OVER AND UNDER THE PUBLIC WAYS OF THE CITY OF VENUS, TEXAS FOR THE TRANSPORTATION, DISTRIBUTION AND/OR SALE OF GAS TO CUSTOMERS AND THE PUBLIC GENERALLY IN THE CITY; DEFINING THE WORDS AND PHRASES THEREIN; PROVIDING FOR ASSIGNMENT, SALE OR LEASE OF THE FRANCHISE; PROVIDING FOR USE AND REPAIR OF THE PUBLIC WAYS; PROVIDING FOR REGULATION OF SERVICE; ESTABLISHING DEPTH OF PIPELINES; ESTABLISHING RIGHTS AND DUTIES IN THE MOVEMENT AND ALTERATION OF PIPELINES; PROVIDING FOR INDEMNIFICATION OF THE CITY OF VENUS; PROVIDING FOR INSPECTION OF GRANTEE'S RECORDS; REQUIRING GRANTEE TO PAY A FRANCHISE FEE; PROVIDING FOR CONDITIONS OF THE FRANCHISE; PROVIDING FOR CONSTRUCTION OF THIS ORDINANCE UPON THE INVALIDITY OF ANY PART THEREOF; PROVIDING FOR ACCEPTANCE OF THIS FRANCHISE BY GRANTEE AND BOTH AN EFFECTIVE AND AN OPERATIVE DATE THEREOF; REPEALING ALL OTHER ORDINANCES DIRECTLY IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION AND PRESCRIBING AN EFFECTIVE DATE.

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

SECTION 1. DEFINITIONS

As used in this Ordinance, the following words and phrases shall have the following meanings:

- A. "Affiliate" means any person or entity that directly or indirectly owns or controls, that is directly or indirectly owned or controlled by, or that is under common ownership or control with Grantee.
- B. "City" means the City of Venus, in Johnson County and Ellis County, Texas, a municipal corporation, hereinafter also referred to as "Grantor".
- C. "City Parks" shall mean and include all areas dedicated or used as a public park, recreation area, scientific area, wildlife refuge or historic site.
- D. "City Secretary" means the City Secretary of the City or other such officer of the City designated to serve as the filing officer for official documents and records of the City.
- E. "City Council" means the City Council of the City as the governing body of the City.

- F. "City Engineer" means the City Engineer of the City, the Public Works Director of the City, or such other officer of the City designated to approve engineering plans and designs for construction within Public Ways.
- G. "City Manager" means the City Manager of the City, the City Administrator of the City, or such other chief administrative officer of the City designated to hear appeals from the decisions of other City officers.
- H. "Consumer" means any individual person, corporation, company, partnership, firm, unincorporated association, trust, municipality, or public or private entity located within the municipal corporate limits of the City and serviced by the Grantee through any use of the Public Ways.
- I. "Customer" shall mean any person or organization being billed for gas service whether used by him or her, or by others.
- J. "Distribution System" shall mean, in its entirety, all pipes, equipment and other appurtenances and any portion thereof, used or necessary for the transporting and delivery of gas to customers and consumers within the corporate limits of the City.
- K. "Franchise" shall mean this Ordinance, and all rights and obligations established herein.
- L. "Franchise Fee" or "Franchise Fees" shall mean the sum of fees to be paid to the City by Grantee under Section 11 of this Ordinance.
- M. "Gas" shall mean natural gas and any synthetic gas distributed by the Company through its Distribution System.
- N. "Gas Sales" means the sale of natural gas to Grantee's Customers located within the corporate limits of the City by use of the System.
- O. "Gas Transportation" means the transportation of Transport Gas for redelivery to Customers with re-delivery points located within the corporate limits of the City.
- P. "Grantee" shall mean UNIVERSAL NATURAL GAS, LLC, a Texas limited liability company, and its successors and assigns.
- Q. "Gross Receipts from Gas Sales" shall constitute and include Grantee's total receipts from Gas Sales to Grantee's Customers within the corporate limits of the City. Grantee's Gross Receipts from Gas Sales subject to the Franchise Fee shall specifically exclude, without limitation:
- [1] receipts from gas sales or services to Customers located at delivery points outside the corporate limits of the City;
- [2] revenues derived from monthly service fees and miscellaneous service charges, such as charges to connect, disconnect, or reconnect customers within the corporate limits of the City, charges to handle returned checks from consumers within the

corporate limits of the City, and such other service charges as may, from time to time, be authorized in the rates of the Grantee;

- [3] sales of gas billed but not collected or received by the Grantee;
- [4] the revenue of any Affiliate of Grantee, to the extent that such revenue is also included in Gross Receipts from Gas Sales of the Grantee;
- [5] sales taxes, gross receipts taxes, other applicable taxes under state or local law, and Franchise Fees collected by Grantee;
- [6] any interest income earned by the Grantee; and
- [7] all monies received from the lease or sale of real or personal property, provided, however, that this exclusion does not apply to the lease of facilities within the City's Public Ways.

R. "Gross Receipts from Gas Transportation" shall constitute and include Grantee's total receipts from its transportation of Transport Gas, consisting of receipts from cost of service. Grantee's Gross Receipts from Gas Transportation subject to the Franchise Fee shall specifically exclude, without limitation:

- [1] receipts from gas transportation services to Customers located at delivery points outside the corporate limits of the City;
- [2] fees for gas transportation services billed but not collected or received by the Grantee;
- [3] the revenue of any Person including, without limitation, an Affiliate of Grantee, to the extent that such revenue is also included in Gross Sales Revenues of the Grantee;
- [4] sales taxes, gross receipts taxes, other applicable taxes under state or local law, and Franchise Fees collected by Grantee;
- [5] any interest income earned by the Grantee; and
- [6] all monies received from the lease or sale of real or personal property, provided, however, that this exclusion does not apply to the lease of facilities within the City's Public Ways.

S. "Permit" means the authorization to Grantee:

- [1] for the opening of the streets, avenues, alleys, other public places or Public Ways shown on maps or plans submitted by Grantee to the City Engineer, showing the streets, avenues, alleys, and other public places and the locations thereon wherein Grantee proposes to construct new mains and pipes,

- [2] for the new construction or laying of the new mains and pipes by Grantee as shown on plans, and
- [3] to perform all work on existing Grantee facilities or the System within the Public Ways or other City rights-of-way.
- T. "Person" means an individual, corporation, general or limited partnership, limited liability company, trust, association, or other business or legal entity.
- U. "Public Easement" shall mean those public easements held, owned or controlled by the City, the terms, conditions or limitations upon which are not inconsistent with the construction or maintenance of a natural gas distribution system.
- V. "Public Ways" means the present and future streets, avenues, boulevards, parkways, lanes, alleys, bridges, sidewalks, easements, highways, and public places within the municipal corporate limits of the City, whether dedicated or not.
- W. "Service Line" shall mean lines connected at or nearly at right angles to the Company's mains and used to convey gas therefrom to the property line of customers and/or consumers.
- X. "System" means Grantee's system of mains, pipelines, conduits, valves, feeders, regulator stations, laterals, service lines, measuring devices, and all other necessary plants, attachments, land, structures, facilities and appurtenances for the purpose of selling, storing, supplying, conveying, transmitting, distributing, and/or transporting natural gas and any gas, including the equivalent substitutes, for all other lawful purposes in, through, upon, under, and along the present and future streets, avenues, alleys, bridges, sidewalks, easements, highways, and any other public place within the municipal corporate limits of the City.
- Y. "Transport Gas" means gas owned or controlled by a user or its designee (i.e., gas that is purchased or otherwise acquired by a user from someone other than Grantee) and delivered by such user or its designee to Grantee at a point on Grantee's System, such point of delivery to be defined by Grantee, and carried, delivered or transported through Grantee's System at a point of redelivery within the municipal corporate limits of the City by Grantee to the user for a fee.

SECTION 2. GRANT OF FRANCHISE

- A. There is hereby granted to the Company a non-exclusive Franchise to maintain, construct, equip, extend, alter and otherwise establish and operate in the City, as now or hereafter constituted, works, systems, plants, lines and all related facilities (including those now in service) necessary or appropriate to sell, manufacture and store, distribute, transport, convey or otherwise conduct, serve, supply and furnish the inhabitants of the City and others, and to the City, whenever the City may desire to contract therefore, gas for light, fuel, power, heat and any and all other useful purposes, and the said Company is hereby granted passage, right-of-way in, under, along and across, the right to occupy and use in any and all lawful way during the life of this Franchise any and all streets, avenues, public

easements, rights-of-way, alleys, highways, sidewalks and bridges, of the City, beneath the surface of the same, as said streets, avenues, public easements, rights-of-ways, alleys, highways, sidewalks, and bridges of the City, now or may hereafter exist, and lawful purpose as herein mentioned. Nothing in this Franchise shall grant the Company the right to use or operate a gas distribution system owned by the City, absent a separate license agreement supported by independent consideration. The Ordinance shall have the effect of and shall be a contract between Grantor and Grantee and shall be the measure of the rights and liabilities of Grantor as well as Grantee.

- B. The Franchise granted by this Ordinance shall in no way affect or impair the present or future rights, obligations, or remedies of the City or Grantee under the Texas Gas Utility Regulatory Act, as amended. This is a non-exclusive franchise.
- C. The construction, maintenance, and operation of the Company's Distribution System and property of the Company subject to this Franchise shall be subject to ordinances and regulations passed or approved by the City Council, to the extent that such ordinances and regulations are not in conflict with the laws of the United States, the State of Texas, or the orders, rules or regulations of the Railroad Commission of Texas or other regulatory authority where such authorities have pre-emptive jurisdiction over the subject matter of such City ordinances or regulations.
- D.

SECTION 3. FRANCHISE ASSIGNMENT, SALE OR LEASE

- A. The Company shall not transfer this Franchise as part of a sale of stock or assets involving the Company and some or all of its divisions and subsidiaries without the written approval of the Council expressed by ordinance, and such approval shall not be unreasonably withheld.
- B. (2) The Council may revoke this Franchise if the Company sells, transfers, conveys or otherwise disposes of its rights or interests under this Franchise, or attempts to do so, without the Council's prior written consent. All rights and interests of the Company shall cease if this Franchise is revoked.
- C. A transfer in violation of this section is void.
- D. The Company may not assign this Franchise to evade fee payment.
- E. In the event the City determines, for good cause, that it will not approve the transfer of this Franchise to the proposed purchaser of the Distribution System, then the City must set forth its reasons for not approving the transfer, and the Company shall not be released from its obligations or liabilities under this Franchise until such time as the City does not extend or transfer the franchise to a new franchisee. When the City makes its decision not to extend or to transfer the Franchise to the purchaser of the Company's Distribution System, the City will immediately begin negotiations with the Company and the purchaser in an effort to address, in a timely manner, the City's reasons for not extending the franchise.

Nothing in this Franchise shall be construed to limit the City's right to refuse to transfer or extend the franchise to the proposed purchaser.

SECTION 4. USE AND REPAIR OF THE PUBLIC WAYS

4.1. The Company is hereby authorized, licensed and empowered to do any and all things necessary and proper to be done and performed in executing the powers and utilizing the privileges herein mentioned and granted by this Franchise, provided the same do not conflict with existing water pipes, sewers, electric power lines, telephone lines, cable television lines and other authorized installations, and provided that all work done in said streets, avenues, Public Easements, Rights-of-Way, alleys, highways, sidewalks, and bridges by the Company shall be done with the utmost diligence and without unnecessary inconvenience to the public or individuals. Further, the Company's use of the foregoing shall be in accordance with all City Ordinances and the "Standard Specifications for Cuts in Public Rights-of-Way."

4.2. The mainlines of the Company shall be laid in alleys, streets, and avenues, and other Public Easements, and when in streets and avenues, shall be laid parallel with the curb line thereof, or in such locations as shall be most practical. The Company's main lines shall be installed or replaced at depths which comply with all applicable state and federal rules and regulations establishing minimum safety standards for the design, construction, maintenance and operation of pipelines, provided, however, that in no case shall any main be laid less than twenty-four (24) inches below the established street grade, without permission of the Director of Public Works.

4.3. When the Company shall desire to lay any mains hereunder, and before commencing its construction work, it shall submit to the Director of Public Works or other proper authority an application for permit, and a map or plan showing the streets, avenues, alleys, and other Public Easements wherein it proposes to construct its facilities. The Director of Public Works or other proper authority, shall respond in writing to the Company within ten (10) calendar days of the Company's submission either approving or rejecting the plan and if a rejection, listing the reasons for such rejection. Actual approval by the Director of Public Works or other proper authority shall constitute a permit to the Company for the opening of all of the streets, avenues, alleys and other public places shown on the map or plan, and for the construction or laying of the mainlines and other facilities or equipment by the Company. Provided, however, that it shall not be necessary for the Company to secure a permit for the laying of service lines from the mainline pipes of the Company to its customers and/or consumers. Nor shall the Company be required to secure a permit in advance of excavation in the event of an emergency, as defined herein, provided that the Company shall file with the Director of Public Works no later than ten (10) days after the last day of such an emergency,

4.4 In furtherance of the public interest in safety, health and public welfare and to facilitate the safe management of public right of way, the construction, expansion, reconstruction, excavation, use, maintenance and operation of the Company's Distribution System and property is subject to all generally applicable City requirements. In addition to any other City requirements, the Company shall provide the City's Office of Right of Way Management, or such other officials as the City may designate construction plans and maps showing the routing of any new construction and construction plans, forty- five (45) days prior to the commencement of construction which involves an alteration to the surface or beneath the surface of the public right-of way, to the extent generally required. The Company shall not begin construction until the plans

and drawings have been approved in writing by the Office of Right of Way Management; this approval shall not be unreasonably delayed.

4.5 A. Noise, dust, debris, hours of work. The Company shall conduct work in such a manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. In the performance of the work, the Company shall take appropriate measures to reduce noise, dust, and unsightly debris. No Excavation work shall be done between the hours of 5:00 p.m. and 8:00 a.m., except with the written permission of the City Engineer, or in case of an Emergency Activity. Bore time for any Work Area within four (4) feet of any High-Risk Main is further restricted to the following schedule: 8:00 a.m. to 4:00 p.m. Monday through Thursday, 8:00 a.m. to noon on Friday and no bore on Saturday and Sunday without prior written approval of the City Engineer, a ten (10) business day advance written notification to the Facility owner, and payment of applicable overtime fees established. Missiles are not considered to be an acceptable directional boring method and are not allowed unless otherwise approved in writing by the City Engineer in advance. City may grant an exception to the operating hours if necessary.

B. As the work progresses, all Rights-of-Way and private property shall be thoroughly cleaned of all rubbish, excess dirt, rock, and other debris. All clean-up operations shall be done at the expense of the Company. Company shall restore the Work Area to its original condition. All restoration work must be completed within twenty (20) business days following the date of substantial completion of the work in the Right-of-Way. Such clean-up and restoration shall be subject to the sole, reasonable approval of the City Engineer.

C. All Construction must be done in a good and workmanlike manner and in faithful and strict compliance with the Permit, this ordinance, other City ordinances, and regulations promulgated by the City relating to Construction within the Right-of-Way. The Company shall maintain the Work Area in a manner that avoids health hazards, and hazards to vehicular and pedestrian traffic until the Right-of-Way is permanently restored.

SECTION 5. REGULATION OF SERVICE

The Distribution System of Grantee shall at all times be installed, operated and maintained in accordance with accepted good practice, and in accordance with all State, Federal and City regulations, and in such condition as will enable the Grantee to furnish adequate and continuous service as required by the orders, rules and regulations of the Railroad Commission of Texas or other regulatory authority having jurisdiction. The requirements set forth in this Section shall not relieve Grantee of any other obligations set forth herein.

SECTION 6. DEPTH OF PIPELINES

After the effective date of this franchise, Grantee's main or lateral lines installed or replaced in Public Ways shall be installed or replaced at depths which comply with all applicable state and federal rules, regulations and company policies establishing minimum safety standards for the

design, construction, maintenance and operation of pipelines. Depth shall be measured from the lower of existing grade or proposed future grade as set forth on plans or other specifications existing at the time such lines are installed or replaced.

SECTION 7. DUTY TO MOVE OR ALTER LINES

- A. Grantor reserves the right to lay or permit to be laid cables, electric conduits, water, sewer, gas or other pipelines and to do or permit to be done any underground work deemed necessary and proper by the Grantor, along, across, over or under the Public Ways. The City shall be liable to the Company only for any damage to the facilities of the Company, the producing cause of which is the negligence of the City or its employees, but not its independent contractors.
- B. When Grantee is required by Grantor to remove or relocate its mains, laterals, and other facilities to accommodate construction of streets and alleys by the Grantor, and Grantee is eligible under federal, state, county, local or other programs for reimbursement of costs and expenses incurred by Grantee as a result of such removal or relocation, and such reimbursement is required to be handled through Grantor, then Grantee's costs and expenses shall be included in any application by Grantor for reimbursement, if Grantee provides the Grantor its appropriate cost and expense documentation prior to the filing of the application. Grantor shall provide reasonable notice to Grantee of the deadline for Grantee to submit documentation of the costs and expenses of such relocation to Grantor.
- C. When Grantee is required to remove or relocate its mains, laterals or other facilities to accommodate construction of streets or alleys by the Grantor without reimbursement, Grantee shall have the right to seek a surcharge to recover relocation costs pursuant to Section 104.112 of the Texas Utilities Code or any other applicable law or regulations.
- D. If Grantor shall require the Grantee to adapt or conform its System or in any way to alter, relocate or change its property to enable any other person, firm, corporation or entity (whether public or private), other than the Grantor, to use the Public Ways, the Grantee shall be reimbursed by the person, firm corporation or entity desiring or occasioning such change for any and all loss, cost or expense occasioned thereby.

SECTION 8. INDEMNIFICATION

GRANTEE AND ITS SUCCESSORS AND ASSIGNS SHALL INDEMNIFY, SAVE, DEFEND, PROTECT AND HOLD CITY AND ITS AGENTS, SUCCESSORS, ASSIGNS, LEGAL REPRESENTATIVES, EMPLOYEES, CONTRACTORS, ELECTED AND NON-ELECTED OFFICIALS AND OFFICERS HARMLESS FROM AND AGAINST ANY AND ALL CLAIMS, DAMAGES, LOSSES, LIABILITIES, DEMANDS, COSTS, CAUSES OF ACTION, SETTLEMENTS, AWARDS, PENALTIES, FEES ASSESSMENTS, FINES, CHARGES, DEMANDS, LIENS, PUNITIVE DAMAGES, ATTORNEY FEES AND JUDGMENTS OF EVERY KIND OR CHARACTER, KNOWN OR UNKNOWN, FIXED OR CONTINGENT (COLLECTIVELY "CLAIMS") ARISING OUT OF THE ACTS OR OMISSIONS OF THE GRANTEE, ITS SERVANTS, AGENTS, EMPLOYEES, CONTRACTORS, SUBCONTRACTORS, LICENSEES, OR ANY OTHER PERSON OR

ENTITY IN CONNECTION WITH THE GRANTEE AND THE OPERATION OF THIS FRANCHISE, INCLUDING WITHOUT LIMITATION ANY CLAIMS ARISING FROM TORT, PERSONAL INJURY, DEATH, PROPERTY DAMAGE OR NUISANCE, PROVIDED HOWEVER, THAT IN THE EVENT OF SUCH CLAIM OR CLAIMS BEING PROSECUTED AGAINST THE CITY, GRANTEE SHALL HAVE THE RIGHT TO DEFEND AGAINST THE SAME, AND TO SETTLE OR DISCHARGE SAME IN SUCH MANNER AS IT MAY SEE FIT, AND THE CITY SHALL GIVE PROMPT WRITTEN NOTICE TO GRANTEE OF THE PRESENTATION OR PROSECUTION OF SUCH CLAIMS. THE INDEMNITY PROVIDED FOR IN THIS PARAGRAPH SHALL NOT APPLY TO ANY CLAIMS OR LIABILITY RESULTING FROM THE ACTS, OMISSIONS, OR NEGLIGENCE OF THE CITY, ITS AGENTS, LEGAL REPRESENTATIVES, EMPLOYEES, CONTRACTORS, ELECTED AND NON-ELECTED OFFICIALS AND OFFICERS OR ANY OTHER PERSON OR ENTITY IN CONNECTION WITH THE CITY.

SECTION 9. GRANTEE'S RATES, RULES AND REGULATIONS

The Grantee shall have the right to make and enforce such reasonable rules and regulations as it may deem necessary for the extension of its facilities, the sale of its gas and the conduct of its business, provided that such rules and regulations shall neither be in conflict with the laws of the State of Texas, with the orders, rules or regulations of the Railroad Commission of Texas or other regulatory authority having jurisdiction, nor with the ordinances, and regulations of the Grantor insofar as they are consistent with the jurisdiction of the Railroad Commission of Texas or such other regulatory authority. Grantee shall supply natural gas and provide regulated services at the rates and under the terms and conditions specified by such rules, any tariffs filed with the appropriate regulatory authority, and as provided herein.

SECTION 10. INSPECTION OF RECORDS

Grantee shall permit Grantor or its agents to inspect, examine and audit, during regular business hours, the books, papers and records kept by Grantee in the ordinary course of business and pertaining to the natural gas business carried on by it in the City, such as plats, maps and atlases identifying Grantee's pipelines in the City, and the books and records necessary to verify the franchise fee payment provided for in Section 11 hereof. Notwithstanding the obligation herein, Grantee shall have the right to the reasonable protection of proprietary information and to provide redacted documents or require Grantor or its agents to enter into such agreements pertaining to confidentiality as may reasonably protect the proprietary information of Grantee but which do not unreasonably frustrate the purposes of this Section.

SECTION 11. CONSIDERATION FOR FRANCHISE: FRANCHISE FEE

A. As full consideration for the rights and privileges conferred by this Ordinance, Grantee agrees to pay Grantor as follows:

- [1] Grantee shall collect the Franchise Fee from its Customers and shall pay Grantor a Franchise Fee the sum of which is equal to Five Percent (5%) of the Gross Receipts received by Grantee, per billing period, from the transportation and sale of natural

gas for consumption within the municipal corporate limits of the City. The Franchise Fee shall include only Gross Receipts from Gas Sales to Customers located in the City; Gross Receipts from Gas Transportation to Transport Gas Customers with re-delivery points located in the City. All sums due from Grantee shall be in lieu of all other franchise fees, licenses, or occupational taxes, which may be levied or attempted to be levied on Grantee by the City.

- [2] Grantee shall pay such Franchise Fee collected from its Customers to the Grantor under the terms of this Ordinance, based upon meters read on or after the effective date of this Ordinance. During the term of this Ordinance, Grantee shall collect from its Customers and pay the City on January 31st (for the last six months of the prior calendar year) and July 31st (for the first six months of the calendar year). Grantee shall include with the Franchise Fee payment a statement showing its collections of Gross Receipts from Gas Sales and Gross Receipts from Gas Transportation in the City, including the calculation of the Franchise Fee for the subject time period. Collection and payment of Franchise Fee shall be final as to both parties unless questioned by written notice provided by one party to the other within one year after payment thereof has been made.
- [3] Any payments that are received after 5:00 P.M. of the due date constitute late payments. Late payments shall accrue interest from such due date until payment is received by the Grantor. Interest shall be calculated in accordance with the interest rate for customer deposits established in accordance with Texas Utilities Code Section 183.003 for the time period involved.
- [4] It is expressly agreed that the Franchise Fee payments shall be in lieu of any payments for the right to use the Public Ways or other public rights-of-way of the City, including expressly the charge permitted to be levied by the Texas Tax Code Sections 182.021-182.026 and 182.081-182.082, or any successor statute permitting such a charge, however designated. The Franchise Fee shall be in lieu of and accepted as payment of all of Grantee's obligations to pay all other franchise fees, licenses, easement or occupation taxes, levies, exactions, rentals, street-cut fees, inspection fees, right of way inspection fees, permit fees, franchise fees, easement taxes, or charges of any kind whatsoever which may be levied or attempted to be levied in general by the City for the use of City's Public Ways and other rights-of-way, with the sole exception of sales taxes, ad valorem taxes and special assessments which are made without reference to or dependence upon Grantee's franchise or occupancy of the streets and public right of way, e.g., special assessment paving liens.

The rights, privileges, and franchises granted by this Ordinance are not to be considered exclusive, and City hereby expressly reserves the right to grant, at any time as it may see fit, like privileges, rights, and franchises to any other person or corporation for the purpose of furnishing gas in the City.

Unless expressly set forth herein, or otherwise provided by law, by accepting this Ordinance, Grantee does not agree to be responsible for the payment of franchise fees other

than as expressly set forth herein, or for the payment of franchise fees owed to the City by any other entity, corporation or firm.

SECTION 12. CONDITIONS OF FRANCHISE

This contract, franchise, grant and privilege is granted and accepted under and subject to all applicable laws and under and subject to all of the orders, rules, regulations, and ordinances of Grantor now or hereafter adopted by governmental bodies now or hereafter having jurisdiction.

To the extent that all or any other existing ordinance shall conflict with any provision of this Ordinance, this Ordinance shall prevail upon passage, adopting and acceptance of this Ordinance.

In addition to all other rights, powers and remedies retained by the Grantee and Grantor under this Franchise Agreement or otherwise, in the event a dispute arises regarding the obligations under this Franchise Agreement, the Grantor shall give written notice specifying the nature of the dispute to the Grantee. The Grantee shall have 45 days from receipt of such notice to remedy the dispute. If the cure cannot reasonably be completed within such 45-day period, commercially reasonable best efforts to complete such cure shall be used. In the event a remedy does not occur, the Grantor shall give 20 days' written notice of intent to pursue additional judicial and/or legal remedies to the Grantee, including but not limited to injunctions to prevent breaches of this Franchise Agreement and to enforce specifically the terms and provisions of this Franchise Agreement. Actions taken by Grantee in order to comply with then-current laws and regulations shall not be considered grounds for a dispute hereunder. Nothing herein shall be construed to limit Grantee's or Grantor's right to seek judicial determination of a breach of this Franchise Agreement.

SECTION 13. INVALIDITY OF ORDINANCE

SECTION 14. IF ANY CLAUSE, SENTENCE, OR SECTION OF THIS ORDINANCE SHALL BE HELD TO BE INVALID, IT SHALL NOT AFFECT THE REMAINING PORTIONS OF THIS ORDINANCE, WHICH SHALL REMAIN VALID AND EFFECTIVE AS IF SUCH INVALID PROVISION DID NOT EXIST, ALTHOUGH THE PARTIES SHALL BE ENTITLED TO A JUDICIAL INTERPRETATION OR CONSTRUCTION OF THIS ORDINANCE TO ADDRESS THE VALIDATION OF SUCH PROVISION BY MINIMAL AMENDMENT THEREOF. FURTHER, SHOULD ANY GOVERNMENTAL BODY NOW OR HEREAFTER HAVING JURISDICTION DETERMINE THAT GRANTEE SHALL NOT BE PERMITTED TO COLLECT IN WHOLE OR IN PART THE COMPENSATION DUE GRANTOR BY OTHERS FOR TRANSPORT GAS AS SET FORTH IN PARAGRAPH (2) OF SUBSECTION A OF SECTION 11 OF THIS ORDINANCE, GRANTEE SHALL THEREAFTER HAVE NO OBLIGATION TO MAKE SUCH PAYMENT TO GRANTOR AND PARAGRAPH (2) OF SUBSECTION A OF SECTION 11 SHALL BE OF NO FORCE AND EFFECT WITH REGARD TO THE SALE OF TRANSPORT GAS.EFFECTIVE DATE AND TERM

This ordinance shall take effect and be in full force immediately upon the date of its final passage.

SECTION 15. NOTICE OF ORDINANCE

Full text of Ordinance shall be published once, within fifteen (15) days following the first reading, in a newspaper of general circulation in the City, and the expense of such publication shall be borne by the prospective franchise holder.

SECTION 16. ACCEPTANCE BY GRANTEE

Grantee shall have thirty (30) days from the execution of this Ordinance within which to file in the office of the City Secretary its consent to and written acceptance of the provisions and conditions of this Franchise Ordinance.

SECTION 17. REPEALER

Each and every other ordinance or part thereof which is directly in conflict with any provision herein as to the grant of a franchise for natural gas services and the regulation thereof is hereby repealed.

SECTION 18. SEVERABILITY

That it is hereby declared that the sections, articles, subsections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and if any phrase, clause, sentence, paragraph, subsection, article, or section of this ordinance shall be declared void, ineffective, or unconstitutional by a valid judgment or final decree of a court of competent jurisdiction, such voidness, ineffectiveness, or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections, articles, or sections of this ordinance since the same would have been enacted by the City Council without the incorporation herein of any such void, ineffective, or unconstitutional phrase, clause, sentence, paragraph, subsection, article, or section.

SECTION 19. NO WAIVER OF POWER.

In granting this Franchise, the City does not waive its regulatory powers, nor any rights under the Constitution and laws, present and future, of the State of Texas, nor any of its rights under future ordinances which are not in conflict herewith. The enumeration of special duties required of the Grantee shall not be construed as a limitation of the powers and duties conferred upon the City by the Constitution or laws of the State of Texas, or any present or future ordinances; and the Grantee shall perform all duties required by of it, by any valid ordinances not in conflict herewith adopted by the City, and by the laws of the State of Texas.

SECTION 20. CITY RESERVES POWER

The City retains exclusive control over its streets, including (without enumerating all of its powers and without limiting its other powers) the power to lay out, establish, open, alter, widen, lower, elevate, extend, grade, abandon, discontinue, abolish, close, sell, pave, supervise, maintain and improve all of its streets and to construct, maintain and repair sewer pipes, water mains, drainage systems and other public works within its streets. In the exercise of such powers, the City may, whenever it deems it to be necessary, require the Grantee to alter, lower, elevate, relocate, or remove its pipelines in any such street, as and when required by the City. Such alterations to the

Grantee's systems shall be made at Grantee's expense, subject to the Grantee's right to recover such costs from the ratepayers within the City pursuant to Section 104.112 of the Texas Utilities Code.

SECTION 21. VENUE

This franchise agreement is performable in Johnson County or Ellis County, Texas and in the event of a dispute between such parties hereto, by agreement of such parties, venue shall be established in Johnson County or Ellis County, Texas.

SECTION 22. ANNEXATIONS

Grantor shall promptly notify Grantee in writing of areas newly annexed into or de-annexed from the corporate limits of Grantor, and Grantee shall update its records for the purpose of payment of franchise fees as soon as reasonably practicable after receiving such notice. Upon receipt of notice of annexation from the City, Grantee shall have one hundred eighty (180) days to begin collecting and paying the Franchise Fee for any revenues received from Grantee's customers residing in the newly annexed territories.

SECTION 23. RENEWAL OF FRANCHISE; NOTICE

Upon expiration of the initial twenty-five (25) year term of this franchise, unless one of the parties provides written notice of termination to the other party hereto, this franchise shall be automatically renewed up to three (3) successive terms, with each renewal term lasting for five (5) years. Either party may provide written notice of termination to the other party prior to the expiration of a renewal term.

Notices to the City shall be provided as set forth in Section 3. Notices to Grantee shall be sent by registered or certified mail, return receipt requested, postage prepaid, and addressed to:

Universal Natural Gas, LLC (d/b/a Universal Natural Gas, Inc.)
Attn: General Counsel
61 Carlton Woods Dr., Building 2
The Woodlands, TX 77382

Any party may change the address to which notices and other communications hereunder are to be delivered by giving notice to the other party in the manner described herein.

SECTION 24. PROOF OF LIABILITY TO PERFORM UNDER THIS FRANCHISE

At the City's request, the Grantee will provide a copy of its Annual Report to the City Manager each year as proof of its financial ability to perform the duties required by this franchise.

SECTION 25. INSURANCE

During the term hereof, the Grantee shall maintain one or more policies of general liability insurance having policy limits of not less than \$5,000,000.00 per occurrence. Grantee will submit current certificate of insurance at the time of the execution of this agreement. Grantee will submit,

to the Public Works Director these required certificate of insurance documents no later than thirty (30) days prior to the expiration of each insurance policy.

SECTION 26. Forfeiture and Termination.

26.1 In addition to all other rights and powers retained by the City under this Franchise or otherwise, the City reserves the right to declare this Franchise forfeited and to terminate the Franchise and all rights and privileges of the Company hereunder in the event of a material breach of its terms and conditions. A material breach by the Company shall include, but shall not be limited to, the following:

- (A) Failure on more than three (3) occasions to pay when due the Franchise Fee prescribed by this Ordinance. Failure to pay a single installment of the Franchise Fee in full (including late payment charges) within thirty (30) days after the due date, in the absence of a bona fide dispute communicated to the City in writing on or before the due date of the applicable Franchise Fee installment, is a material breach.
- (B) Failure to materially provide the services provided for in this Franchise Ordinance;
- (C) Material misrepresentation of fact in the application for or negotiation of the Franchise; and
- (D) Conviction of any director, officer, employee or agent of the Company of the offense of bribery or fraud connected with or resulting from the awarding of this Franchise to the Company.

26.2 The foregoing shall not constitute a material breach if the violation occurs without fault of the Company or of its employees or occurs as a result of circumstances beyond its control. Company shall not be excused by mere economic hardship or by malfeasance or the malfeasance of its directors, officers, or employees.

26.3. In order for the City to declare forfeiture, the City shall make a written demand that the Company comply with any such provision, rule, order, or determination under or pursuant to this Franchise. If the violation by the Company continues for a period of forty-five (45) days following such written demand without written proof that the corrective action has been taken or is being actively and expeditiously pursued to completion, the. Council may take under consideration the issue of termination of the Franchise. The City shall cause to be served upon the Company, at least twenty (20) days prior to the date of such a Council meeting, a written notice of intent to request such termination and the time and place of the meeting. Public notice shall be given of the meeting and issue which the Council is to consider.

26.4. The Council shall hear and consider the issue, shall hear any person interested therein, and shall determine, in its discretion, whether or not any violation by the Company has occurred.

26.5. If the Council shall determine that the violation by the Company was the fault of the Company and within its control, the Council may declare the Franchise of the Company forfeited and terminated, or the Council may grant to Company a period of time for compliance. Nothing herein shall be deemed a waiver of the Company's right to pursue all available legal remedies.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
VENUS, TEXAS, THIS _____ DAY OF _____, 2022.**

MAYOR

ATTEST:

City Secretary

APPROVED AS TO FORM:

City Attorney

The above and forgoing Franchise Ordinance and the grants, franchise, powers, rights and privileges thereto were accepted by Grantee this ____ day of _____, 2022.

UNIVERSAL NATURAL GAS, LLC

By: _____

Name: _____

Title: _____

STATE OF _____ §

COUNTY OF _____ §

This instrument was acknowledged before me on the ____ day of _____, 2022, by _____, _____ of UNIVERSAL NATURAL GAS, LLC, and who represents he has been given authority to sign this Agreement by and on behalf of said entity.

Notary Public, State of _____