

**RICHLAND HILLS CITY COUNCIL
REGULAR MEETING AGENDA
FEBRUARY 27, 2023
CITY HALL, 3200 DIANA DRIVE**

The Work Session and Regular Session are open to the public. If Executive Session is required, it will be held in the Council Conference Room, and is closed to the public. Please note that although the Council will generally consider the items on the agenda in the order shown below, they may elect to re-order items in order to accommodate the needs of the Council, city staff, presenters, or the public generally. Therefore, members of the public interested in any agenda item are encouraged to be in attendance at the start of the meeting.

CITY COUNCIL WORK SESSION – 6:30 PM

1. **Executive Session:** Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Sections 551.071, 551.072, 551.073, 551.074, 551.076, 551.087, 418.183(f) and 418.106(d) & (e). **Executive Session may be held, under these exceptions, at any time during the meeting that a need arises for the City Council to seek advice from the City Attorney as to the posted subject matter of this City Council meeting.**
2. Discuss items listed on tonight's City Council agenda. No action will be taken and each item will be considered during the Regular Session.

REGULAR SESSION – 7:00 PM

CALL TO ORDER

INVOCATION AND PLEDGES OF ALLEGIANCE

1. PRESENTATIONS

- A. Business Spotlight: Darla's Florist
- B. Employee Service Awards
 - Human Resources Specialist Karen Evans
 - Property/Evidence & Crime Scene Technician Zoe Hansberger
 - Sergeant Daniel Sawyer
- C. 2022 Achievement of Library Excellence Award Recognition
- D. Citizen Appearances/Public Comments

Citizen comments emailed to Lindsay Rawlinson (lrawlinson@richlandhills.com) on an item either listed on this agenda or not listed on this agenda will be heard at this time. Citizens in attendance at the meeting who have signed a card to speak to the City Council will also be heard at this time. In compliance with the Texas Open Meetings Act, unless the subject matter of the presentation is on the agenda, the city staff and City Council

members are prevented from discussion of the subject and may respond only with statements of factual information or existing city policy. Public comment will not be taken on items that the Council has previously considered in a public hearing.

2. CONSENT AGENDA

All items listed below are considered to be routine by the City Council and will be enacted with one motion. There will be no separate discussion of the items unless a Councilmember or citizen so requests, in which event the item will be removed from the consent agenda and considered in its normal sequence. Approval of the consent agenda authorizes the City Manager to implement each item in accordance with staff recommendations.

- A. Approve minutes from the February 13, 2023 City Council Regular Meeting
- B. Approve award of bid to Excel 4 Construction, LLC for sewer system improvements in the 2800 to 3000 blocks of Elm Park Drive as part of the 48th Year Community Development Block Grant Program
- C. Approve an order cancelling the May 6, 2023 General Election and declaring unopposed candidates for City Council, Places 1, 3, and 5 be elected in accordance with provisions of Subchapter C of Chapter 2, Texas Election Code

3. PUBLIC HEARINGS, MEETINGS, AND OTHER RELATED ITEMS

- A. None

4. ORDINANCES & RESOLUTIONS AND OTHER RELATED ITEMS

- A. Consider Ordinance 1468-23 amending Chapter 58 "Offenses and Miscellaneous Provisions" of the Richland Hills Code of Ordinances by adding Article VIII "Street Racing and Reckless Driving Exhibitions" to prohibit taking part in, spectating and/or aiding in street racing exhibitions
- B. Consider Resolution 571-23 supporting the passage of legislation during the 88th Regular Session of the Texas Legislature related to funding transportation initiatives in the Dallas-Fort Worth Metroplex, enhancing safety of the statewide transportation system, improving air quality and expanding broadband as a mode of transportation

5. CONTRACTS, AGREEMENTS, BID AWARDS AND OTHER RELATED ITEMS

- A. Consider interlocal agreement with Tarrant County for reconstruction of the 1100 block of Norton Drive
- B. Consider professional services agreement with Catalyst Commercial, Inc. for development of Glenview Corridor Master Plan and authorize City Manager to sign agreement

6. OTHER ITEMS FOR CONSIDERATION

- A. Consider purchase of park amenities from Lea Park & Play, Inc.

7. REPORTS & DISCUSSIONS

- A. Richland Hills Police Department 2022 Racial Profiling Report
- B. Street Improvement Projects
- C. Richland Crossing and Baker Landing Development Update
- D. January Department Reports

8. COMMUNITY INTEREST ITEMS

This is a standing item on the agenda of every regular meeting of the City Council. (The Texas Open Meetings Act effective September 1, 2009, provides that *“a quorum of the city council may receive from municipal staff, and a member of the governing body may make, a report regarding items of community interest during a council meeting without having given notice of the subject of the report, provided no action is taken or discussed.”* The Open Meetings Act does not allow Council to discuss an item concerning pending City Council business unless it is specifically, appropriately posted on the agenda.) An “item of community interest” includes the following:

- information regarding holiday schedules;
- honorary recognitions of city officials, employees, or other citizens;
- reminders about upcoming events sponsored by the city or other entity that is scheduled to be attended by a city official or city employee; and
- announcements involving imminent public health and safety threats to the city

9. EXECUTIVE SESSION

Executive Session: Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Sections 551.071, 551.072, 551.073, 551.074, 551.076, 551.087, 418.183(f) and 418.106(d) & (e). **Executive Session may be held, under these exceptions, at any time during the meeting that a need arises for the City Council to seek advice from the City Attorney as to the posted subject matter of this City Council meeting.**

1. Section 551.074: Deliberation regarding Personnel Matters
 - a) City Manager Annual Review

Reconvene into open session for possible action resulting from any items posted and legally discussed in Executive Session.

10. ADJOURNMENT

CERTIFICATE

I hereby certify that the above agenda was posted on this the 23rd day of February 2023 by 5:30 p.m., on the official bulletin board at the Richland Hills City Hall, 3200 Diana Drive, Richland Hills, Texas, pursuant to the Texas Government Code, Chapter 551.

Lindsay Rawlinson

Lindsay Rawlinson
City Secretary



ACCESSIBILITY STATEMENT

The Facility is wheelchair accessible. If you plan to attend this public meeting and have a disability that requires special arrangements, please notify the City Secretary 48 hours in advance at (817) 616-3810 and reasonable accommodations will be made to assist you.

Memorandum

To: Honorable Mayor Edward Lopez and Richland Hills City Council Members

From: Logan Thatcher, Assistant to the City Manager

Date: February 27, 2023

Subject: Business Spotlight

Agenda Item:

Business Spotlight: Darla's Florist

Background Information:

Darla's Florist is located at 6904 Boulevard 26. Darla's Florist received a Certificate of Occupancy on July 19, 2011. Darla's Florist will have a representative in attendance to speak about their company and services.

Financial Considerations:

N/A

Legal Review:

N/A

Board/Citizen Input:

N/A

Attachments:

N/A

Council Action Requested:

No Council Action

Memorandum

To: Honorable Mayor Edward Lopez and Richland Hills City Council Members

From: Lindsay Rawlinson, City Secretary

Date: February 27, 2023

Subject: Employee Service Award

Agenda Item:

Presentation of a 5-year Service Award to Karen Evans, Human Resources Specialist

Background Information:

Ms. Evans has been with Richland Hills since 2018 where she began as an Administrative Assistant/Permit Technician. In 2021, Ms. Evans was promoted to the Human Resources Specialist. She holds an Associates Degree in Business Administration from Tarrant County College and is currently attending Tarleton State University working toward a Bachelors Degree in Business Administration. Additionally, she holds a Texas Registered Municipal Clerk certification.

Prior to Richland Hills Ms. Evans worked in education for 13 years as a secretary in both a high school and an elementary school.

Ms. Evans grew up in North Richland Hills, Texas and still resides there to this day. She has two kids - Toby 27, and Katrina 21 and a very handsome, rambunctious grandson – Stetson.

Financial Considerations:

N/A

Legal Review:

N/A

Board/Citizen Input:

N/A

Attachments:

N/A

Council Action Requested:

No Council Action

Memorandum

To: Honorable Mayor Edward Lopez and Richland Hills City Council Members

From: Lindsay Rawlinson, City Secretary

Date: February 27, 2023

Subject: Employee Service Award

Agenda Item:

Presentation of a 5-year Service Award to Zoe Hansberger, Property/Evidence & Crime Scene Technician

Background Information:

Ms. Hansberger has 5 years of experience in public safety as a civilian employee at the Richland Hills Police Department. Ms. Hansberger was hired as the Property Technician in February 2018 and holds an Associates Degree from Tarrant County College.

While serving at the Richland Hills Police Department, Ms. Hansberger has worked in various assignments. She serves as the Evidence & Crime Scene Technician, Assistant Terminal Agency Coordinator (CJIS), Assistant IT, and is one of the department's SAAs (Spillman Application Administrator). She also assists the Haltom City Police Department on various crime scenes with their technicians.

Ms. Hansberger was born and raised in Richland Hills, Texas and is a member of the Richland Hills Special Olympics Team.

Ms. Hansberger resides in Fort Worth with her soon to be husband, Christopher Willis who is employed as a Patrol Officer for the Arlington Police Department. They will be married on September 3, 2023.

Financial Considerations:

N/A

Legal Review:

N/A

Board/Citizen Input:

N/A

Attachments:

N/A

Council Action Requested:

No Council Action

Memorandum

To: Honorable Mayor Edward Lopez and Richland Hills City Council Members

From: Lindsay Rawlinson, City Secretary

Date: February 27, 2023

Subject: Employee Service Award

Agenda Item:

Presentation of a 5-year Service Award to Daniel Sawyer, Sergeant

Background Information:

Sergeant Sawyer has 6 and a half years' experience in public safety. Four and a half years as Police Officer for the Richland Hills Police Department and 2 years as a firefighter for Prince William County Department of Fire and Rescue, Virginia. Sergeant Sawyer joined the Richland Hills team in February 2018.

While serving at Prince William County Department of Fire Rescue, he was assigned to a fire station with a hazmat response team along with a technical rescue team. Sergeant Sawyer is currently serving the United States of America as a Combat Medic in the Army Reserve.

Sergeant Sawyer was assigned to the RHPD Criminal Investigations Unit in June of 2022 and shortly after promoted to Sergeant in October of 2022. He was assigned to the patrol division on night shift in January of 2023. Sergeant Sawyer has obtained his basic instructor, firearms instructor, less lethal instructor and currently teaches self-aid buddy aid to the department.

Sergeant Sawyer was born and raised in North Fort Worth, and currently lives in Fort Worth, Texas. He comes from a family of public servants. His late Grandfather, James A. Carlberg, was a Sergeant for the Benbrook Police Department. Another Grandfather, Leonard Jensen, was a member of the United States Navy and his Aunt, Linda Stuart, is a retired Captain from Fort Worth Police Department.

Sergeant Sawyer and his wife, Ashley, have a son; Daniel (6) and a daughter, Paisley (5). He loves to hunt and spend quality time with his family.

Financial Considerations:

N/A

Legal Review:

N/A

Board/Citizen Input:

N/A

Attachments:

N/A

Council Action Requested:

No Council Action

Memorandum

To: Honorable Mayor Edward Lopez and Richland Hills City Council Members

From: Lindsay Rawlinson, City Secretary

Date: February 27, 2023

Subject: 2022 Achievement of Library Excellence Award

Agenda Item:

2022 Achievement of Library Excellence Award Recognition

Background Information:

The Richland Hills Public Library received the 2022 Achievement of Library Excellence Award from the Texas Municipal Library Directors Association (TMLDA), an affiliate of the Texas Municipal League. To successfully receive the Achievement of Library Excellence Award, the applicant must exhibit excellence in each of ten categories:

- 1) Services to underserved populations either through outreach, special programs, collaborations with other libraries or organizations, special classes, special collections, etc.
- 2) Innovative and effective marketing materials highlighting basic services and publicity about specific programs the library offers
- 3) Collaborative efforts with community organizations
- 4) Enhanced service to the public during the past year either through increase in service or a change in type of services
- 5) Literacy support for all ages (including summer reading programs)
- 6) Support for digital inclusion through public internet access, digital literacy training, and online library services
- 7) Support for workforce development
- 8) Cultural, topical, and educational programming for adults and families
- 9) Professional staff training to include training opportunities for staff at all levels
- 10) Any other initiatives that speak to library excellence

The Richland Hills Public Library demonstrated distinction with its many programs and services including the Summer Reading Program, Birdville Reads, Richland Hills Literary Club, AARP Tax Services and many others.

Of the 542 public libraries in Texas, only 73 received this award in 2022.

Financial Considerations:

N/A

Legal Review:

N/A

Board/Citizen Input:

N/A

Attachments:

Library Day Proclamation

Council Action Requested:

No Council Action

Proclamation



WHEREAS, public libraries play vital roles in the education, recreation, and empowerment of local communities; and

WHEREAS, libraries continue to level the playing field for all who seek information and access to technologies; and

WHEREAS, each year the Texas Municipal Library Directors Association confers the Achievement of Library Excellence Award for outstanding contributions to public libraries in Texas; and

WHEREAS, the Texas Municipal Library Directors Association Achievement of Library Excellence Award is open to Texas Public Library Directors and the member libraries they represent; and

WHEREAS, applicants must exhibit excellence by providing services to underserved and special populations; marketing in innovative ways; pursuing collaborative efforts; continually enhancing its services; supporting literacy, digital inclusion, and workforce development; providing cultural, topical, and educational programming; and comprehensively training its staff; and

WHEREAS, of the approximately 542 public libraries that exist in Texas, only 73 received this award in 2022;

WHEREAS, the Richland Hills Public Library has met the requirements of excellence and been awarded the 2022 Texas Municipal Library Directors Association Achievement of Library Excellence Award.

NOW, THEREFORE, be it resolved that I, Edward Lopez, Mayor of the City of Richland Hills, proclaim March 1, 2023 to be Richland Hills Public Library Day in the city of Richland Hills and encourage all residents to visit the library and enjoy the many programs and services offered.

Mayor Edward Lopez
City of Richland Hills

Memorandum

To: Honorable Mayor Edward Lopez and Richland Hills City Council Members

From: Lindsay Rawlinson, City Secretary

Date: February 27, 2023

Subject: Minutes from the February 13, 2023 Regular City Council Meeting

Agenda Item:

Approval of minutes from the February 13, 2023 Regular City Council Meeting

Background Information:

N/A

Financial Considerations:

N/A

Legal Review:

N/A

Board/Citizen Input:

N/A

Attachments:

February 13, 2023 Draft Minutes

Council Action Requested:

Motion to approve the minutes from the February 13, 2023 Regular City Council Meeting

**RICHLAND HILLS CITY COUNCIL
REGULAR MEETING
FEBRUARY 13, 2023
MINUTES**

Roll Call:

Council present

Edward Lopez, Mayor
Curtis A. Bergthold, Mayor Pro Tem
Douglas Knowlton, Place 1
Travis Malone, Place 2
Javier Alvarez, Place 4
G.W. Estep, Place 5

Council absent

Staff present

Candice Edmondson, City Manager
Lindsay Rawlinson, City Secretary
James Donovan, City Attorney

CITY COUNCIL WORK SESSION – 6:30 PM

1. **Executive Session:** Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Sections 551.071, 551.072, 551.073, 551.074, 551.076, 551.087, 418.183(f) and 418.106(d) & (e). Executive Session may be held, under these exceptions, at any time during the meeting that a need arises for the City Council to seek advice from the City Attorney as to the posted subject matter of this City Council meeting.
 1. Section 551.071: Consultation with Attorney
 - a. Auto Repair Businesses

Motion: Motion was made by Councilmember Estep and seconded by Councilmember Knowlton to adjourn into Executive Session at 6:31 p.m.

Motion carried by a vote of 5-0.

Mayor Lopez reconvened into open session at 7:07 p.m. with no action taken.

2. **Discuss items listed on tonight's City Council agenda. No action will be taken and each item will be considered during the Regular Session.**

None.

Mayor Lopez adjourned the work session at 7:07 p.m.

REGULAR SESSION – Mayor Lopez Called to Order – Time 7:07 p.m.

INVOCATION AND PLEDGES OF ALLEGIANCE – Council Member Knowlton

PRESENTATIONS

1A. Citizen Appearances/Public Comments

None.

CONSENT AGENDA

2A. Approve minutes from the December 12, 2022 City Council Regular Meeting.

2B. Approve a replat for the properties generally setting southeast of the intersection of Ash Park Drive and Baker Boulevard, Lot 1X and Lots 1-33, Block A, and Lots 1X-2X, and Lots 1-36, Block B, being 7.106 acres of land situated in the Simcoe Popplewell Survey, Abstract Number 1241, Tarrant County, Texas

2C. Approve award of bid to Native Construction for the Richland Hills Public Library Accessibility Improvements Project as part of the 2022 Community Development Block Grant – Care’s Act (CDBG-CV) Program

Motion: Motion was made by Councilmember Malone and seconded by Councilmember Estep to approve the consent agenda.

Motion carried by a vote of 5-0.

PUBLIC HEARINGS, MEETINGS, AND OTHER RELATED ITEMS

3A. Approved Ordinance 1466-23, a Specific Use Permit to allow the use “Outside Storage and Display, (Incidental Use)” for the property described as Block F Lot 1, Richland Hills Addition, Richland Hills, Texas, otherwise known as 3333 Rufe Snow, Richland Hills, Texas 76118 PUBLIC HEARING

Assistant to the City Manager Logan Thatcher presented the item to the City Council and advised that the 5,000 square foot property located at 3333 Rufe Snow Drive is a 18,475 square foot lot and is currently zoned Mixed Use. Applicant Penny Luker is seeking a Specific Use Permit (SUP) to permit the use “Outside Storage and Display, (Incidental Use)” in the Mixed Use zone. Mixed Use does require a Specific Use Permit for this Use.

The applicant is requesting an SUP to make the location more attractive and marketable to future businesses who may require outside storage. A pest control group is currently in the certificate of occupancy process, but they would not be permitted to park fleet and store other items outside the building without an SUP. Fleet that stays outside overnight is considered outside storage. The pest control business has passed a building inspection

but failed fire inspection due to parking vehicles inside the building, which is not allowed without a fire suppression system.

Discussion ensued regarding different screening types such as masonry, concrete, or vinyl slats in fencing and the recommendation of the Planning and Zoning Commission.

Applicant Penny Luker, 3333 Rufe Snow, Richland Hills, presented information for the City Council to consider including pictures of the property when she and her husband purchased it and more recent pictures showing renovations and updates made.

Mayor Lopez opened the public hearing at 7:29 p.m. and asked to hear from any proponents followed by opponents of the case.

Hearing none, Mayor Lopez closed the public hearing at 7:30 p.m.

Additional discussion ensued regarding fencing and screening.

Motion: Motion was made by Mayor Pro Tem Bergthold and seconded by Councilmember Malone to approve Ordinance No. 1466-23, a Specific Use Permit to allow the use "Outside Storage and Display, (Incidental Use)" for the property described as Block F Lot 1, Richland Hills Addition, Richland Hills, Texas, otherwise known as 3333 Rufe Snow, Richland Hills, Texas 76118 as presented with the following conditions:

- 1) Only commercial vehicles used in business operations of tenants or owners of the property may be stored pursuant to the Specific Use Permit.
- 2) Fencing and screening shall be required along the east and north sides of the property, and the section of the west side of the property located north of the northwest corner of the existing structure in compliance with Sec. 91-100(e) of the Richland Hills Code. No other current fencing and screening on the property is affected by the approval of this SUP, however such fencing and screening shall remain subject to all applicable City Ordinances now in effect or adopted in the future.

Motion carried by a vote of 5-0.

ORDINANCES & RESOLUTIONS AND OTHER RELATED ITEMS

4A. Approved Ordinance 1467-23 calling a May 6, 2023 Special Election for the purpose of amending the City Charter

City Manager Candice Edmondson advised that the City Council appointed six residents to serve on the Richland Hills Charter Review Committee and tasked the committee with reviewing the City Charter and recommending proposed amendments. In consultation with the City Attorney and City Staff, the Charter Review Committee recommended several amendments that can be included in one of the following categories:

1. The composition and terms of City Council

2. Compliance with state law
3. Correction of grammar/punctuation errors
4. Uniformity with current policies and procedures

The Charter Review Committee presented their proposed amendments to City Council on January 23, 2023. She stated that Ordinance 1467-23 contains the proposition language that will appear on the ballot.

City Attorney James Donovan advised of additional changes made by the City Attorney's Office following the City Council discussion on January 23, 2023.

Discussion ensued regarding providing election information to the public and Council expressed their appreciation to the members of the Charter Review Committee.

Motion: Motion was made by Councilmember Knowlton and seconded by Mayor Pro Tem Bergthold to approve Ordinance 1467-23 calling a May 6, 2023 Special Election for the purpose of amending the City Charter.

Motion carried by a vote of 5-0.

4B. Approved Resolution 572-23 supporting the passage of legislation during the 88th Regular Session of the Texas Legislature to allow for the expenditure of Municipal Hotel Occupancy Tax Revenue for construction of improvements in municipal parks

City Manager Candice Edmondson presented the item and advised that the City receives approximately \$200,000 in hotel occupancy tax revenue annually. These funds are currently used to market the city and its two hotel properties, provides for the salary and benefits of the city's Event and Tourism Coordinator, and pays for a portion of the debt for the construction of The Link Event and Recreation Center.

The Texas Tax Code details how hotel occupancy tax revenue can be used by a municipality. Currently, hotel occupancy tax revenue can be used to renovate existing entertainment venues but cannot be used to build new venues and attractions.

The City Council has expressed interest in pursuing legislation that would allow the city to use the municipal hotel occupancy tax revenue it receives to build new entertainment and sports venues that would draw visitors and tourists to Richland Hills and the surrounding area. Approval of this Resolution would document Council's support and desire to proceed with the legislation.

Motion: Motion was made by Councilmember Estep and seconded by Councilmember Knowlton to approve Resolution 572-23 supporting the passage of legislation during the 88th Regular Session of the Texas Legislature to allow for the expenditure of Municipal Hotel Occupancy Tax Revenue for construction of improvements in municipal parks.

Motion carried by a vote of 5-0.

CONTRACTS, AGREEMENTS, BID AWARDS AND OTHER RELATED ITEMS

5. None.

OTHER ITEMS FOR CONSIDERATION

6. None.

REPORTS & DISCUSSIONS

7. None.

COMMUNITY INTEREST ITEMS

8. Mayor Pro Tem Bergthold advised of several upcoming events:

- Participate in the Citizen Survey through Monday, February 20, 2023, by visiting www.richlandhills.com/citizensurvey;
- Tuesday, February 14, 2023, Richland Hills Literary Society, Richland Hills Public Library, 6:30 p.m.;
- Thursday, March 9, 2023,
 - o Senior Lunch Bunch and Bingo, The Link, 12:00 to 2:00 p.m.;
 - o Tarrant County Food Pantry, The Link parking lot, 5:30 to 7:00 p.m.;
- Thursday, February 23, 2023, Adult Spelling Bee, El Chico, 6:30 to 8:30 p.m.
- Every Thursday, Coffee Talk, Richland Hills Public Library, 10:00 to 11:30 a.m.;
- 1st, 3rd, and 5th Thursday of the month, Storytime at the library, 6:30 p.m.;
- 2nd and 4th Friday of the month, Arts and Crafts, 6:30 p.m.; and
- Last Thursday of the month, Library Lab, 6:30 p.m.

EXECUTIVE SESSION

9. **Executive Session:** Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Sec. 551.071, Sec. 551.072, Sec. 551.073, Sec. 551.074, Sec. 551.076, Sec. 551.087 and Sec. 418.0183 (f) and 418.106 (d) & (e) of the Texas Government Code (Texas Disaster Act).

1. Section 551.074: Deliberation regarding Personnel Matters
 - a) City Secretary Annual Review

Motion: Motion was made by Councilmember Knowlton and seconded by Councilmember Malone to adjourn into Executive Session at 8:11 p.m.

Motion carried by a vote of 5-0.

Mayor Lopez reconvened into open session at 8:51 p.m.

Motion: Motion was made by Councilmember Knowlton and seconded by Councilmember Malone to approve an employment contract for the City Secretary as discussed in Executive Session.

Motion carried by a vote of 5-0.

ADJOURNMENT

10. A motion was made by Councilmember Estep and seconded by Councilmember Knowlton to adjourn.

Motion carried by a vote of 5-0.

There being no further business to come before the City Council, Mayor Lopez declared the meeting adjourned at 8:52 p.m.

ATTEST:

APPROVED:

Lindsay Rawlinson, City Secretary

Edward Lopez, Mayor

Memorandum

To: Honorable Mayor Edward Lopez and Richland Hills City Council Members

From: Scott Mitchell, Director of Neighborhood Services

Date: February 27, 2023

Subject: Award of Bid for 48th Year Community Development Block Grant Program

Agenda Item:

Approve award of bid to Excel 4 Construction, LLC for sewer system improvements in the 2800 to 3000 blocks of Elm Park Drive as part of the 48th Year Community Development Block Grant Program

Background Information:

In February 2022, City Council authorized submission of a project proposal for the 48th Year Community Development Block Grant (CDBG) Program offered in partnership with Tarrant County. The CDBG program is a Federally funded program, administered through the county, to address infrastructure needs in qualifying areas as determined by the U.S. Department of Housing and Urban Development (HUD). The project includes replacement of approximately 1400 linear feet of 6" sanitary sewer main pipe with 8" pipe, 4 manholes and approximately 38 service connections along the 2800 to 3000 blocks of Elm Park Drive.

Tarrant County issued project specifications for the bid and handled the submission process. The lowest bid was submitted by Excel 4 Construction, LLC. The bid was reviewed by Tarrant County and Halff Engineering and was determined to be the lowest responsive bid.

Financial Considerations:

Excel 4 Construction submitted a bid in the amount of \$246,180. The 48th Year CDBG funding allocation for Richland Hills was \$175,000 leaving an additional \$71,180 that the city will have to contribute to the project. Funding for the additional costs is available in the FY 2023 Utility Fund Budget under sewer system repairs and maintenance.

Legal Review:

N/A

Board/Citizen Input:

Application for the project was approved as Resolution No. 550-22 during a Public Hearing on February 28, 2022.

Attachments:

Bid Tabulation Form
Recommendation Letter from Halff

Council Action Requested:

Motion to approve award of bid to Excel 4 Construction, LLC for sewer system improvements in the 2800 to 3000 blocks of Elm Park Drive as part of the 48th Year Community Development Block Grant Program in the amount of \$246,180

[illegible]



4000 Fossil Creek Boulevard
Fort Worth, Texas 76137
(817) 847-1422
Fax (817) 232-9784

January 27, 2023
AVO 47615.002

Mr. Scott Mitchell
Director of Neighborhood Services
City of Richland Hills
3200 Diana Drive
Richland Hills, Texas 76118

Re: **Bids Received for Program Year 2022 - 48th Year CDBG Project**

Dear Mr. Mitchell:

Bids for the subject project were opened on January 25, 2023. A total of two (2) complete bids were received for the project. The detailed bid tabulation sheet for the bids received is enclosed for your use. All Bidders submitted with their respective Bids a complete set of documents as required by the Contract Documents. The lowest base bid was submitted by Excel 4 Construction, LLC, with a total of \$246,180.00. The bids ranged as high as \$288,607.00.

The surety company to be used by Excel 4 Construction, LLC, is SWISS RE CORPORATE SOLUTIONS PREMIER INSURANCE CORPORATION, 1200 Main Street Suite 800, Kansas City, Missouri 64105, which is under the SWISS REINSURANCE AMERICA CORPORATION. We checked the following:

1) SWISS REINSURANCE AMERICA CORPORATION is on the federal Register list of companies holding certificates of authority as acceptable sureties on federal bonds and as acceptable reinsuring companies. 2) The project total amount does not exceed SWISS REINSURANCE AMERICA CORPORATION's bonding capacity as set by the Department of Treasury.

Excel 4 Construction, LLC, provided experience records that included several utility installation construction projects of similar nature and magnitude, and they provided resumes of the key personnel who will be assigned to the project. The projects and key personnel are summarized below:

Similar Project Experience

Owner	Contact	Phone Number	Project
City of Euless	Allen J. Harts	817-685-1647	FY 2020 Sanitary Sewer Rehab Project and other Pipe Bursting Projects with 8" HDPE
Town of Highland Park	Heather Cerda	214-559-9358	2018 Dartmouth Avenue and other Pipe Bursting Projects
City of Burleson	Lance Barton	817-426-9621	2018 Independent Water/Sewer Rehab Project involving 8" Sewer



4000 Fossil Creek Boulevard
Fort Worth, Texas 76137
(817) 847-1422
Fax (817) 232-9784

City of Hurst	Jim Juneau	817-788-7078	2018 8" Sanitary Sewer Pipe Bursting Improvements, and Yearly Sewer Main Rehabilitation (Pipe Bursting)
City of River Oaks	Gordon Smith	817-626-5421	Roberts Cutoff Rd Sewer Emergency Project, and Multiple Water and Wastewater Projects, both Open Cut and Pipe Bursting

Key Personnel

1. Luis Conchas – President

Halff checked the references listed in the experience record provided, as well as additional references provided by Excel 4 Construction, LLC and received responses from the City of Euless, Town of Highland Park, City of Burleson, City of Hurst, and the City of River Oaks. All references' responses were positive, and each said that they would recommend working with Excel 4 Construction, LLC. Excel 4 has had extensive experience working in the City of Richland Hills and current staff have worked with them on multiple projects.

Based on the information above, we do not find grounds to disqualify Excel 4 Construction, LLC from the project based on their experience and prior performance as defined in the project specifications. This evaluation is limited to review of the Federal Register and project experience furnished to Halff by Excel 4 Construction, LLC, and verifying references listed above.

Halff recommends the following actions be taken at the next appropriate council meeting:

1. Approve awarding the contract to Excel 4 Construction, LLC
2. Approve the contract amount of \$246,180.00

We look forward to working with the City of Richland Hills and the Contractor on the next phase of this important project. Please feel free to contact me if you need additional information.

Sincerely,

HALFF ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read "K. J. Gronwaldt", written over a horizontal line.

Kevin J. Gronwaldt, P.E.
Project Manager

C: Brad Hearne, Program Manager

Attachment

Tarrant County Community Development - City of Richland Hills Sanitary Sewer Improvements (Elm Park and Fir Park)

Bid Opening: January 25, 2023

Tarrant County Community Development Program Manager: Brad Hearne
 City of Richland Hills Director of Neighborhood Services: Scott Mitchell
 City of Richland Hills City Engineer: David Burkett, PE
 Halff Associates, Inc. Project Manager: Kevin Gronwaldt, PE

Low Bidder

BID SUMMARY

	Excel 4 Construction, LLC	Horseshoe Construction, Inc.	
TOTAL BID	\$246,180.00	\$288,607.00	
All Documents	Yes	Yes	
Bid Bond	Yes	Yes	

Bids Certified by:


 Kevin J. Gronwaldt, PE

Memorandum

To: Honorable Mayor Edward Lopez and Richland Hills City Council Members

From: Lindsay Rawlinson, City Secretary

Date: February 27, 2023

Subject: Order cancelling the May 6, 2023 General Election and declaring unopposed candidates for Council Member, Place 1, Place 3, and Place 5 be elected

Agenda Item:

Approve an order cancelling the May 6, 2023 General Election and declaring unopposed candidates for City Council, Places 1, 3, and 5 be elected in accordance with provisions of Subchapter C of Chapter 2, Texas Election Code

Background Information:

The City Council ordered the General Election for Place 1, Place 3, and Place 5 to be held on the May 6, 2023 uniform election date. The filing period was 8:00 a.m. Wednesday, January 18 through 5:00 p.m. Friday, February 17, 2023. As of the filing deadline, the City Secretary's Office received only one application for each place: Doug Knowlton – Place 1, Theresa Bledsoe – Place 3, and GW Estep – Place 5.

The Certification of Unopposed Status was delivered to Council via email on Wednesday February 22, 2023, pursuant to Section 2.052 of the Texas Election Code. Therefore, in accordance with Section 2.053 of the Texas Election Code, the City Council may declare Mr. Knowlton, Mrs. Bledsoe, and Mr. Estep elected to office. The attached Order of Cancellation thereby cancels the General Election.

Pursuant to the Texas Election Code, Mr. Knowlton, Mrs. Bledsoe, and Mr. Estep cannot be issued a certificate of election and be sworn in until the third day after the May 6, 2023 election, and therefore, they can receive their certification and be sworn into office at the Council meeting on May 22, 2023.

Pursuant to Section 2.053(c) of the Election Code, since the city is still holding a Special Charter Election, Mr. Knowlton, Mrs. Bledsoe, and Mr. Estep would still appear on the ballot under the title: "Unopposed Candidates Declared Elected" but no votes would be cast in connection with the candidates.

Financial Considerations:

N/A

Legal Review:

N/A

Board/Citizen Input:

N/A

Attachments:

Certification of Unopposed Status
Order of Cancellation
Section 2.052 and 2.053 Texas Election Code

Council Action Requested:

Motion to approve an order cancelling the May 6, 2023 General Election and declaring unopposed candidates for City Council, Places 1, 3, and 5 be elected in accordance with provisions of Subchapter C of Chapter 2, Texas Election Code



CERTIFICATION OF UNOPPOSED STATUS

I, Lindsay Rawlinson, City Secretary of the City of Richland Hills, Texas, do hereby certify that the candidates for Place 1, Place 3, and Place 5 on the City Council in the May 6, 2023 General Election are unopposed.

Pursuant to Election Code Section 2.052, this certification is made after the filing deadline for placement on the ballot and after the filing deadline for write-in candidates.

Certified this the 22nd day of February 2023.

Lindsay Rawlinson, TRMC, CPM
City Secretary

ORDER OF CANCELLATION
DE ORDEN DE CANCELACIÓN
LỆNH HỦY BỎ

The City of Richland Hills, Texas hereby cancels the general election scheduled to be held on
(official name of governing body)
May 6, 2023 in accordance with Section 2.053(a) of the Texas
(date on which election was scheduled to be held)
Election Code. The following candidates have been certified as unopposed and are hereby elected
as follows:

El Ciudad de Richland Hills, Tejas por la presente cancela la elección que, de lo contrario,
(nombre oficial de la entidad gobernante)
se hubiera celebrado 6 de mayo de 2023 de conformidad, con
(fecha en que se hubiera celebrado la elección)
la Sección 2.053(a) del Código de Elecciones de Texas. Los siguientes candidatos han sido
certificados como candidatos unicos y por la presente quedan elegidos como se haya indicado a
continuación:

Thành phố Richland Hills, Texas hướng hủy bỏ các cuộc bầu cử dự kiến sẽ được tổ chức vào
(tên chính thức của cơ quan chủ quản)
Tháng năm 6, 2023 theo quy định của mục 2.053(a) của Texas Bầu cử mã.
(trên đó bầu cử đã được dự kiến sẽ được tổ chức ngày)
Các ứng viên đã chứng nhận là unopposed và hướng được bầu làm như sau:

Candidate (Candidato)(Thị sinh)	Office Sought (Cargo al que presenta candidatura) (Văn phòng mua)
Doug Knowlton	City Council Member, Place 1 (Concejo Municipal, Lugar 1) (Thành viên hội đồng thành phố, nơi 1)
Theresa Bledsoe	City Council Member, Place 3 (Concejo Municipal, Lugar 3) (Thành viên hội đồng thành phố, nơi 3)
GW Estep	City Council Member, Place 5 (Concejo Municipal, Lugar 5) (Thành viên hội đồng thành phố, nơi 5)

A copy of this order will be posted on Election Day at each polling place that would have been
used in the election.
El Dia de las Elecciones se exhibird una copia de esta orden en todas las mesas electorates que
se hubieran utilizado en la elección.
Một bản sao của lệnh này sẽ được đăng vào ngày bầu cử tại mỗi địa điểm phòng phiếu nào đã
được sử dụng trong cuộc bầu cử.

Mayor (Alcalde) (Thị trưởng)	City Secretary (Secretaria de la Ciudad) (Ngày nhận con nuôi) (seal) (sello)(nim phong)
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February 27, 2023 (27 de Febrero de 2023) (Ngày 27 tháng 2 năm 2023)
Date of adoption (Fecha de adopción)
(Ngày nhận con nuôi)

Sec. 2.052. CERTIFICATION OF UNOPPOSED STATUS.

- a) The authority responsible for having the official ballot prepared shall certify in writing that a candidate is unopposed for election to an office if, were the election held, only the votes cast for that candidate in the election for that office may be counted.
- b) The certification shall be delivered to the governing body of the political subdivision as soon as possible after the filing deadlines for placement on the ballot and list of write-in candidates.
- c) A certification may be made under Subsection (a) following the filing of a withdrawal request by a candidate after the deadline prescribed by Section [145.092](#) if:
 - 1) the withdrawal request is valid except for the untimely filing;
 - 2) ballots for the election have not been prepared; and
 - 3) the conditions for certification under Subsection (a) are otherwise met.
- d) A certification described by Subsection (c) shall be delivered to the governing body of the political subdivision as soon as possible.

Added by Acts 1995, 74th Leg., ch. 667, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2005, 79th Leg., Ch. 1107 (H.B. [2309](#)), Sec. 1.02, eff. September 1, 2005.

Acts 2017, 85th Leg., R.S., Ch. 1032 (H.B. [1661](#)), Sec. 1, eff. September 1, 2017.

Sec. 2.053. ACTION ON CERTIFICATION.

- a) On receipt of the certification, the governing body of the political subdivision by order or ordinance shall declare each unopposed candidate elected to the office. If no election is to be held on election day by the political subdivision, a copy of the order or ordinance shall be posted on election day at each polling place used or that would have been used in the election.
- b) If a declaration is made under Subsection (a), the election is not held.
- c) The ballots used at a separate election held at the same time as an election that would have been held if the candidates were not declared elected under this section shall include the offices and names of the candidates declared elected under this section listed separately after the measures or contested races in the separate election under the heading "Unopposed Candidates Declared Elected." The candidates shall be grouped in the same relative order prescribed for the ballot generally. No votes are cast in connection with the candidates.
- d) The secretary of state by rule may prescribe any additional procedures necessary to accommodate a particular voting system or ballot style and to facilitate the efficient and cost-effective implementation of this section.
- e) A certificate of election shall be issued to each candidate in the same manner and at the same time as provided for a candidate elected at the election. The candidate must qualify for the office in the same manner as provided for a candidate elected at the election.

Added by Acts 1995, 74th Leg., ch. 667, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2003, 78th Leg., ch. 1316, Sec. 4, eff. Sept. 1, 2003.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1235 (S.B. [1970](#)), Sec. 2, eff. September 1, 2009.

Acts 2021, 87th Leg., 2nd C.S., Ch. 1 (S.B. [1](#)), Sec. 3.01, eff. December 2, 2021.

Memorandum

To: Honorable Mayor Edward Lopez and Richland Hills City Council Members

From: Kimberly Sylvester, Chief of Police

Date: February 27, 2023

Subject: Street Racing and Reckless Driving Exhibitions

Agenda Item:

Consider Ordinance 1468-23 amending Chapter 58 “Offenses and Miscellaneous Provisions” of the Richland Hills Code of Ordinances by adding Article VIII “Street Racing and Reckless Driving Exhibitions” to prohibit taking part in, spectating and/or aiding in street racing exhibitions

Background:

Over the past few years, street racing and takeover events involving reckless driving exhibitions have become more prevalent across the metroplex. During these events, large groups of individuals engage in street racing and will block streets so that vehicles can perform reckless driving stunts such as drifting, burnouts, and driving in circles (doughnuts) within the intersection. Typically, attendees and spectators gather in areas near where the takeover event will be held; and in some instances, enter the intersection where the vehicles race and perform. Participants have been known to display and fire guns, shoot paintballs at responding officers and patrol vehicles, throw items, and even jump on top of vehicles.

Texas Transportation Code 545.401-Reckless Driving, prohibits a person from driving a vehicle in a willful or disregard for the safety of persons or property. Texas Transportation Code 5450.420 prohibits a person from participating in a race, vehicle speed competition, or acceleration contest on a public roadway. However, these laws do not provide any criminal penalties for spectators and those promoting these illegal activities.

Since January 2022, the Richland Hills Police Department has responded to five (5) separate intersection takeover incidents. This has resulted in one vehicle pursuit and one arrest. In each event, a large crowd was observed by responding officers. Fortunately, there has been no reported violence or injuries. However, there has been a noticeable increase in violence towards responding law enforcement and related injuries to spectators reported throughout the state.

As a result, staff recommends the adoption of Ordinance 1468-23, which will allow the police department to take enforcement action on individuals who spectate or participate in these dangerous events.

Financial Considerations:

There is no financial impact resulting from adoption of the Ordinance.

Legal Review:

The City Attorney has reviewed the proposed Ordinance.

Board/Citizen Input:

N/A

Attachments:

Ordinance 1468-23

Council Action Requested:

Motion to approve Ordinance 1468-23 amending Chapter 58 "Offenses and Miscellaneous Provisions" of the Richland Hills Code of Ordinances by adding Article VIII "Street Racing and Reckless Driving Exhibitions" to prohibit taking part in, spectating and/or aiding in street racing exhibitions

ORDINANCE NO. 1468-23

AN ORDINANCE OF THE CITY OF RICHLAND HILLS, TEXAS AMENDING CHAPTER 58, "OFFENSES AND MISCELLANEOUS PREVISIONS," OF THE CODE OF ORDINANCES, CITY OF RICHLAND HILLS, TEXAS, BY ADDING A NEW ARTICLE VIII, "STREET RACING AND RECKLESS DRIVING EXHIBITIONS," TO PROHIBIT TAKING PART IN STREET RACING, SPECTATING STREET RACES, AND/OR AIDING IN STREET RACING EXHIBITIONS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS; PROVIDING FOR PUBLICATION AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Richland Hills is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City of Richland Hills has become aware of street racing incidences occurring within the city limits; and

WHEREAS, the City Council finds that street racing endangers public health, safety, and welfare; and

WHEREAS the City Council finds it necessary to implement penalties for those who take part in street racing; and

WHEREAS, the City Council has determined that the regulations as outlined herein are in the best interest of the health, safety, and general welfare of the citizens of the City of Richland Hills and the public.

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

SECTION 1.

Chapter 58, "Offenses and Miscellaneous Provisions," of the Code of Ordinances, Richland Hills, Texas is hereby amended by adding Article VIII "Street Racing and Reckless Driving Exhibitions," to read as follows:

"ARTICLE VIII STREET RACING AND RECKLESS DRIVING EXHIBITIONS

Sec. 58-151. - Definitions.

The following words, terms and phrases, when used in this article, shall have the following meanings:

Days means calendar days including weekends and holidays.

Exhibition of acceleration means the acceleration of a motor vehicle, whether originally stopped or moving, in such a manner as to cause a tire on the vehicle to excessively spin or lose traction, to cause the driving wheels to create a loud noise, to cause the front wheel or wheels to leave the driving surface (commonly known as a "wheelie") or to cause the rear portion of the vehicle to sway or swing from side to side.

Off-street parking facility means any public or private off-street parking area open for use by the public for parking vehicles, other than a private residential property or the parking area of a garage or parking lot for which a charge is made for the storing or parking of vehicles.

Preparations means for a street race or reckless driving exhibition include any of the following acts done for the purpose of causing a street race or reckless driving exhibition:

- (1) Causing one or more motor vehicles and persons to gather at a predetermined location on a public street, highway, or off-street parking facility;
- (2) Causing one or more persons to gather on, or adjacent to, a public street or highway;
- (3) Causing one or more persons to gather in an off-street parking facility;
- (4) Causing one or more persons to impede the free public use of a public street, highway or off-street parking facility by acts, words or physical barriers;
- (5) Causing one or more motor vehicles to line up on a public street, highway, or off-street parking facility with motors running, impeding the free public use of a public street, highway, or off-street parking facility or being a physical barrier;
- (6) Causing one or more drivers to rev a motor vehicle, cause a motor vehicle to present an exhibition of acceleration, or cause the motor vehicle's tires to spin; or
- (7) Standing or sitting in a location to act as a race starter.

Reckless driving exhibition means any exhibition of reckless driving as defined in Section 545.401 of the Texas Transportation Code, as amended.

Spectator means any person who is present at a street race, reckless driving exhibition or the site of the preparations for either of these events, when such a person attends for the purpose of viewing, observing, watching, betting, gambling, recording, transmitting, or witnessing the event as it progresses.

Street race means any vehicle race, speed contest, drag race, acceleration contest, or test of physical endurance of the operator of a motor vehicle as defined in Section 545.420 of the Texas Transportation Code, as amended.

Sec. 58-152. - Spectators prohibited at street races and reckless driving exhibitions.

- (a) *In general.* It shall be unlawful for any person to be present as a spectator:
 - (1) At a street race conducted on a public street or highway;
 - (2) At a reckless driving exhibition conducted on a public street, highway, or off-street parking facility;
 - (3) Where preparations are being made for a street race conducted on a public street or highway; or
 - (4) Where preparations are being made for a reckless driving exhibition conducted on a public street, highway, or in an off-street parking facility.
- (b) *Exemption.* Nothing in this section prohibits law enforcement officers or their agents who are acting in the course of their official duties, or media or news personnel who are reporting on the event, from being spectators at a street race or reckless driving exhibition or spectators at the location of preparations for either of these activities. Additionally, nothing in this section shall prohibit spectators from attending properly sanctioned, licensed, or legally authorized racing events conducted pursuant to city or state regulations.

Sec. 58-153 - Aiding street racing and reckless driving exhibitions.

- (a) *In general.* A person commits an offense if they knowingly:
 - (1) Allow street racing or reckless driving exhibitions to occur on the premises that the person owns, operates or controls; or
 - (2) Engage in preparations for street racing or reckless driving exhibitions, as defined in this article.
- (b) *Defenses.* It is a defense to prosecution that the person who owns, operates, or controls the premises:
 - (1) Submitted a criminal trespass affidavit to law enforcement authorities complaining of street racing or reckless driving exhibitions occurring on the premises that the person owns, operates, or controls within 30 days prior to receiving a citation pursuant to this section; and

- (2) Took reasonable and appropriate measures to make the property inaccessible to the public during non-business hours.
- (c) *Exemption.* Nothing in this section shall prohibit participation in properly sanctioned, licensed, or legally authorized racing events conducted pursuant to city or state regulations.

Sec. 58-154 - Penalty.

- (a) Any person who violates any provision of this article is guilty of an offense.
 - (b) An offense under this article is punishable by a criminal fine of not more than \$500.
- Secs. 58-155 --- 58-165. – Reserved.”**

**SECTION 2.
PROVISIONS CUMULATIVE**

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Richland Hills, Texas, as amended, except where the provisions of the is Ordinance are in direct conflict with the provisions of such Ordinances and such Code are hereby repealed.

**SECTION 3.
RESERVATION OF RIGHTS AND REMEDIES FOR ACCRUED VIOLATIONS**

All rights and remedies of the City of Richland Hills are expressly saved as to any and all violations of the provisions of the Richland Hills Code, as amended or revised herein, which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**SECTION 4.
SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 6.
PENALTY CLAUSE**

Any person, firm or corporation who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine as provided in Section 58-154 in the Code of Ordinances, City of Richland Hills, Texas. Each day any such violation or violations exist shall constitute a separate offense and shall be punishable as such.

**SECTION 5.
PUBLICATION CLAUSE**

The City Secretary of the City of Richland Hills is hereby directed to publish this Ordinance to the extent required by law.

**SECTION 7.
EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

APPROVED AND ADOPTED at a regular meeting of the Richland Hills City Council on February 27, 2023, by a vote of _____ ayes, _____ nays, and _____ abstentions.

APPROVED:

THE HONORABLE MAYOR EDWARD LOPEZ

ATTEST:

LINDSAY RAWLINSON, CITY SECRETARY

Memorandum

To: Honorable Mayor Edward Lopez and Richland Hills City Council Members

From: Candice Edmondson, City Manager

Date: February 13, 2023

Subject: Support of Transportation Related Legislation

Agenda Item:

Consider Resolution 571-23 supporting the passage of legislation during the 88th Regular Session of the Texas Legislature related to funding transportation initiatives in the Dallas-Fort Worth Metroplex, enhancing safety of the statewide transportation system, improving air quality, and expanding broadband as a mode of transportation

Background Information:

The City of Richland Hills is a member agency of the North Texas Regional Transportation Council. The Regional Transportation Council is the independent transportation policy body of the Metropolitan Planning Organization overseeing the metropolitan planning process.

As a member of the Regional Transportation Council, the City of Richland Hills has a vested interest in transportation legislation that will impact the North Texas region and is in support of legislation that will:

1. Allocate funding to the Dallas-Fort Worth metroplex to allow for the planning and development of new and/or expanded transportation corridors including high-speed rail, commuter rail, freight rail, roadways, and trails; and
2. Keep transportation revenue generated in the Dallas-Fort Worth metroplex in the region to be used for local initiative projects and return any previously allocated funds or collected revenue to the appropriate local jurisdiction; and
3. Enhance safety of the statewide transportation system for all users including controlling texting while driving, eliminating driving under the influence, lowering excessive speed limits, reducing aggressive driving, reducing the number of fraudulent temporary tags, reducing distracted driving, and improving bicycle and pedestrian safety; and
4. Improve air quality; and
5. Expand broadband as a mode of transportation.

Approval of Resolution 571-23 will document City Council's support of legislation that meets these objectives.

Financial Considerations:

N/A

Legal Review:

N/A

Board/Citizen Input:

N/A

Attachments:

Resolution 571-23

Council Action Requested:

Motion to approve Resolution 571-23 supporting the passage of legislation during the 88th Regular Session of the Texas Legislature related to funding transportation initiatives in the Dallas-Fort Worth Metroplex, enhancing safety of the statewide transportation system, improving air quality, and expanding broadband as a mode of transportation

RESOLUTION NO. 571-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHLAND HILLS, TEXAS, SUPPORTING THE PASSAGE OF LEGISLATION DURING THE 88TH REGULAR SESSION OF THE TEXAS LEGISLATURE (2023), RELATED TO FUNDING TRANSPORTION INITIATIVES IN THE DALLAS-FORT WORTH METROPLEX, ENHANCING SAFETY OF THE STATEWIDE TRANSPORTATION SYSTEM, IMPROVING AIR QUALITY, AND EXPANDING BROADBAND AS A MODE OF TRANSPORTATION

WHEREAS, the City of Richland Hills, Texas ("City"), is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City of Richland Hills is a member agency of the North Texas Regional Transportation Council; and

WHEREAS, the Regional Transportation Council is the independent transportation policy body of the Metropolitan Planning Organization overseeing the metropolitan transportation planning process; and

WHEREAS, as a member of the Regional Transportation Council, the City of Richland Hills has a vested interest in transportation legislation that will impact the North Texas region and is in support of legislation that will:

1. Allocate funding to the Dallas-Fort Worth metroplex to allow for the planning and development of new and/or expanded transportation corridors including high-speed rail, commuter rail, freight rail, roadways and trails; and
2. Keep transportation revenue generated in the Dallas-Fort Worth metroplex in the region to be used for local initiative projects and return any previously allocated funds or collected revenue to the appropriate local jurisdiction; and
3. Enhance safety of the statewide transportation system for all users including controlling texting while driving, eliminating driving under the influence, lowering excessive speed limits, reducing aggressive driving, reducing the number of fraudulent temporary tags, reducing distracted driving and improving bicycle and pedestrian safety; and
4. Improve air quality; and
5. Expand broadband as a mode of transportation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RICHLAND HILLS, TEXAS, THAT:

SECTION 1.

The City Council adopts the findings and recitals set forth in the preamble of this Resolution.

SECTION 2.

The City Council supports the passage of legislation that will 1) allocate funding for the planning and development of transportation corridors in the Dallas-Fort Worth Metroplex, 2) keep transportation revenue generated in the Dallas-Fort Worth metroplex in the region, 3) enhance safety of the statewide transportation system, 4) improve air quality and 5) expand broadband as a mode of transportation.

SECTION 3.

The City Secretary is authorized and directed to furnish a certified copy of this Resolution to the elected representatives of the city to give notice of the city's support of such transportation legislation.

SECTION 3.

This Resolution shall be effective upon its adoption.

APPROVED AND ADOPTED at a regular meeting of the Richland Hills City Council on February 27, 2023, by a vote of _____ ayes, _____ nays, and _____ abstentions.

APPROVED:

THE HONORABLE EDWARD LOPEZ, MAYOR

ATTEST:

LINDSAY RAWLINSON, CITY SECRETARY

Memorandum

To: Honorable Mayor Edward Lopez and Richland Hills City Council Members

From: Scott Mitchell, Director of Neighborhood Services

Date: February 27, 2023

Subject: Interlocal Agreement with Tarrant County for reconstruction of Norton Drive

Agenda Item:

Consider interlocal agreement with Tarrant County for reconstruction of the 1100 block of Norton Drive

Background Information:

The Texas Government Code (791.001 – 791.029) allows counties and cities to enter into shared cost agreements for the rehabilitation of primary and secondary feeder roads for the benefit of the public.

The proposed interlocal agreement is for the reconstruction of the 1100 block of Norton Drive from Evergreen Road to Richland Road. The agreement stipulates the county will provide labor and equipment needed to assist the city in completing the project. The city will furnish and pay for actual cost of materials, as well as half of the fuel used by Tarrant County during the construction process. The city also agrees to adjust all utilities, manholes and valve boxes at the project site. Engineering, surveying, and any laboratory testing necessary for the project is also the responsibility of the city.

Reconstruction of Norton Drive was approved as an FY 2023 Street Improvements Fund project. Tarrant County anticipates starting reconstruction by June 2023.

Financial Considerations:

Tarrant County estimates the city's portion of the cost to reconstruct Norton Drive will be \$67,975.48. Funding is available in the FY 2023 Street Improvements Fund.

Legal Review:

N/A

Board/Citizen Input:

N/A

Attachments:

Interlocal Agreement with Tarrant County
Tarrant County Cost Estimate

Council Action Requested:

Motion to approve interlocal agreement with Tarrant County for reconstruction of the 1100 block of Norton Drive

THE STATE OF TEXAS

INTERLOCAL AGREEMENT

COUNTY OF TARRANT

This Interlocal Agreement is between Tarrant County, Texas ("COUNTY"), and the City of Richland Hills ("CITY").

WHEREAS, the CITY is requesting the COUNTY's assistance to:

- Rehabilitate and Resurface **Norton Drive** located within the City of Richland Hills from Evergreen Road to Richland Road (Approximately 725 linear feet).

Hereinafter, collectively referred to as the "**Project**".

WHEREAS, the Interlocal Cooperation Act contained in Chapter 791 of the Texas Government Code provides legal authority for the parties to enter into this Agreement; and

WHEREAS, during the performance of the governmental functions and the payment for the performance of those governmental functions under this Agreement, the parties will make the performance and payment from current revenues legally available to that party; and

WHEREAS, the Commissioners Court of the COUNTY and the City Council of the CITY each make the following findings:

- a. This Agreement serves the common interests of both parties;
- b. This Agreement will benefit the public;
- c. The division of costs fairly compensates both parties to this Agreement; and
- d. The CITY and the COUNTY have authorized their representative to sign this Agreement.
- e. Both parties acknowledge that they are each a "governmental entity" and not a "business entity" as those terms are defined in Tex. Gov't Code § 2252.908, and therefore, no disclosure of interested parties pursuant to Tex. Gov't Code Section 2252.908 is required.

NOW, THEREFORE, the COUNTY and the CITY agree as follows:

TERMS AND CONDITIONS

1. COUNTY RESPONSIBILITY

The COUNTY will furnish the labor and equipment to assist the CITY in completing the Project:

- **Norton Drive:** The COUNTY will reclaim, recycle and stabilize the existing roadway materials. The CITY will mill and remove excess materials. The COUNTY will regrade, shape, and prime the roadbed, place two inches of asphalt base, place two inches of asphalt surface, and clean the project jobsite.

2. CITY RESPONSIBILITY

- 2.1 The CITY will furnish and pay for the actual cost of the materials, including any delivery or freight cost. The CITY will provide a purchase order and will be billed directly by the material supplier. The COUNTY may accumulate and bill the CITY for incidental material cost.
- 2.2 The CITY will pay for one-half of the COUNTY's fuel used to construct this Project. The COUNTY will invoice the CITY for the fuel consumed at the conclusion of the Project.
- 2.3 The CITY will be responsible for all traffic control necessary to safely construct this project. This responsibility includes all advance notices, signage, barricades, pilot vehicles, and flagmen necessary to control traffic in and around the construction site. The CITY will be responsible for and provide portable message boards to supplement traffic control as needed.
- 2.4 The CITY will make all necessary repairs and preparations to the existing roadway prior to the COUNTY starting work.
- 2.5 The CITY will adjust all utilities, manholes and valve boxes for this Project.
- 2.6 The CITY will provide the COUNTY with a hydrant meter and all the water necessary for construction of the Project at no cost to the COUNTY.
- 2.7 The CITY will provide or pay for any engineering, survey, and laboratory testing required for this Project.
- 2.8 The CITY will furnish a nearby site for dumping all spoils and waste materials generated during construction of this Project.
- 2.9 The CITY will provide the material to backfill the pavement edges for this project.

- 2.10 If required, the CITY will be responsible for the design and development of a Storm Water Pollution Prevention Plan (SWPPP). The CITY further agrees to pay for all cost (including sub-contractor materials, labor and equipment) associated with the implementation of the plan. The COUNTY will be responsible for maintenance of the plan during the duration of the Project. Documentation and record keeping of the SWPPP will be the responsibility of the CITY.

Compliance with Laws. In providing the services required by this Agreement, CITY must observe and comply with all applicable federal, state, and local statutes, ordinances, rules, and regulations, including, without limitation, workers' compensation laws, minimum and maximum salary and wage statutes and regulations, and non-discrimination laws and regulations. CITY shall be responsible for ensuring its compliance with any laws and regulations applicable to its business, including maintaining any necessary licenses and permits.

3. PROCEDURES DURING PROJECT

COUNTY retains the right to inspect and reject all materials provided for this Project.

If the CITY has a complaint regarding the construction of the project, the CITY must complain in writing to the COUNTY no later than 30 days of the date of project completion.

4. NO WAIVER OF IMMUNITY

This Agreement does not waive COUNTY rights under a legal theory of sovereign immunity. This Agreement does not waive CITY rights under a legal theory of sovereign immunity.

5. OPTIONAL SERVICES

- 5.1 If requested by the CITY, the COUNTY will apply permanent striping coordinated through the Transportation Department. Application of striping by the COUNTY is limited to Project roadways. If the CITY desires permanent striping applied to any roadways or portions of roadways not covered by this Agreement, the CITY will need to enter into a separate agreement with the COUNTY for the provision of those services.

- 5.2 If requested by the CITY, the CITY will reimburse the COUNTY for actual cost of any overtime hours the CITY requires the COUNTY to provide watering the roadway for dust control after regular work hours.

6. TIME PERIOD FOR COMPLETION

The CITY will give the COUNTY notice to proceed at the appropriate time. However, the COUNTY is under no duty to commence construction at any particular time.

7. THIRD PARTY

This contract shall not be interpreted to inure to the benefit of a third party not a party to this contract. This contract may not be interpreted to waive any statutory or common law defense, immunity, including governmental and sovereign immunity, or any limitation of liability, responsibility, or damage of any party to this contract, party's agent, or party's employee, otherwise provided by law.

8. JOINT VENTURE & AGENCY

The relationship between the parties to this Agreement does not create a partnership or joint venture between the parties. This Agreement does not appoint any party as agent for the other party.

9. EFFECTIVE DATE

This Agreement becomes effective when signed by the last party whose signing makes the Agreement fully executed.

10. TERMINATION

This Agreement will automatically terminate on either September 30, 2023 or on the date the project is completed, whichever occurs first. Notwithstanding the foregoing, or any other language to the contrary, either party may terminate this Agreement without cause upon thirty (30) days' written notice to the other party prior to the intended date of termination. In the event of termination by either party, neither party shall have any further obligations to the other party under this Agreement, except that the CITY remains liable to the COUNTY for any outstanding invoice for materials that the COUNTY provides for the project, if any.

TARRANT COUNTY, TEXAS

CITY OF RICHLAND HILLS

Tim O'Hare
County Judge

Edward Lopez
Mayor

Date: _____

Date: _____

Gary Fickes
Commissioner, Precinct 3

Candice Edmondson
City Manager

Date: _____

Date: _____

Attest:

APPROVED AS TO FORM*

APPROVED AS TO FORM AND LEGALITY

Criminal District Attorney's Office*

City Attorney

* By law, the Criminal District Attorney's Office may only approve contracts for its clients. We reviewed this document as to form from our client's legal perspective. Other parties may not rely on this approval. Instead those parties should seek contract review from independent counsel.

Norton Drive
(City of Richland Hills)

12/1/2022
J. Stubblefield

Limits: Evergreen Road to Richland Road

Existing Conditions: Several existing cracks, aligator spots and oxidized asphalt. C&G has some asphalt in gutter pan, heaves and is rolled in spots.

Scope of Work: County will reclaim and stabilize the existing road (12 inches deep) w/ 42 lbs/sy stabilization agent (Cement or Cem-Lime Slurry) The City will remove 4 inches of exposed roadway. Then the county will lay 2 inches of HMAC Ty "B" intermediate course and 2 inches of HMAC Ty"D" surface, clean job site.

Project Size:	Roadway Length (lf):	725 lf										
	Stabilization Width (ft) :	28 ft						Stab Area :	2,256 sy			
	Binder Width (ft):	28 ft						Binder Area:	2,256 sy			
	Surface Width (ft):	28 ft						Surface Area:	2,256 sy			
	Additional Areas (sy):	sy										

Estimate:												
Roadway Materials:												
	Sq Yds	Rate/SY		Cost		Estimate		Final		\$ Estimate	\$ Final	
Spoils 4" + (33% Swell)	2,256	0.15 cy/sy				338 cy				\$ -		
Cement Slurry (12")	2,256	42 lb/sy		\$ 245.66	\$/tn	47 tn		tn		\$ 11,636.10	\$ -	
Prime (30/70 AEP)	2,256	0.15 gal/sy		\$ 2.75	\$/gal	338 gal		gal		\$ 930.42	\$ -	
Tack Coats	4,511	0.10 gal/sy		\$ 2.76	\$/gal	451 gal		gal		\$ 1,245.07	\$ -	
HMAC Binder (2")	2,256	0.11 tn/sy		\$ 77.33	\$/tn	248 tn		tn		\$ 19,186.43	\$ -	
HMAC (2")	2,256	0.110 tn/sy		\$ 78.33	\$/tn	248 tn		tn		\$ 19,434.54	\$ -	
						Subtotal				\$ 52,432.55	\$ -	
Misc Cost												
Fuel Cost Estimate		50%				\$ 2,300				\$ 1,150.00		
Overtime (Watering)										\$ 750.00		
Milling (City Contractor)										\$7,463.33	\$ -	
		Materials + Misc Cost								\$ 61,795.89		
		10% Contingency								\$ 6,179.59		
		Total:								\$67,975.48	\$ -	

Material cost based on Dec 2022 pricing. Subject to Change.

Construction Time Estimate: 8 days

Comments: City will pay for all traffic control cost associated with this project.
City will adjust all utilities and manholes/valves for this project.
City will provide a nearby disposal area for spoils .
City will provide a hydrant meter and all water for this project.

Estimated Cost to Mill the project: (2,256 SY @ 3.3 \$/sy + \$ 20 Mob = \$7,463.33

Norton Drive

(City of Richland Hills)

12/1/2022

Activity	Quantity	Rate		Days	\$ Fuel / Day	Fuel Cost
Locate Utilities				2	\$ 100	\$ 200
Mix Cement	47	30	tn/day	2	\$ 450	\$ 900
Tight Blade	2,256	4,000	sy/day	1	\$ 300	\$ 300
Lay Binder	248	500	tn/day	1	\$ 400	\$ 400
Lay Surface	248	500	tn/day	1	\$ 400	\$ 400
Backfill Edges	1,450	2,500	lf/day	0	\$ 250	\$ -
Clean Up				1	\$ 100	\$ 100

Total Working Days: 8 \$ 2,300

Additional Days Required for Milling.

Memorandum

To: Honorable Mayor Edward Lopez and Richland Hills City Council Members

From: Candice Edmondson, City Manager

Date: February 27, 2023

Subject: Glenview Corridor Master Plan Agreement

Agenda Item:

Consider professional services agreement with Catalyst Commercial, Inc. for development of the Glenview Corridor Master Plan and authorize City Manager to sign agreement

Background Information:

The Richland Hills Development Corporation and City Council approved funding for a master plan for the Glenview Drive corridor during the FY 2023 Budget process. After speaking to several consultants about development along Glenview, staff identified Catalyst Commercial, Inc. as the best firm to provide the master plan services.

Catalyst Commercial has conducted more than 500 economic development projects with a focus on building high-impact solutions that can create “complete communities”. Catalyst has experience in retail, hospitality, residential and commercial analysis and can provide a comprehensive approach to the master plan process. The firm is also familiar with the City Point project just north of Glenview Drive in North Richland Hills creating synergy between the development goals of both communities.

The attached professional services agreement outlines Catalyst’s approach to the corridor master plan from project initiation through adoption.

Financial Considerations:

Catalyst Commercial provided a proposal in the amount of \$85,000 to complete the Glenview Corridor Master Plan. The FY 2023 Richland Hills Development Corporation Budget includes funding in the amount of \$90,000 for economic development consulting services.

Legal Review:

N/A

Board/Citizen Input:

The Richland Hills Development Corporation will consider the professional services agreement on February 27, 2023 prior to the City Council meeting.

Attachments:

Professional Services Agreement with Catalyst Commercial, Inc.

Council Action Requested:

Motion to approve professional services agreement with Catalyst Commercial, Inc. for development of the Glenview Corridor Master Plan in the amount of \$85,000 and authorize City Manager to sign agreement



PROFESSIONAL SERVICES AGREEMENT

This AGREEMENT (the "Agreement") is entered into as of the effective date (the "Effective Date"), by and between Catalyst Commercial, Inc. ("Contractor"), located at 3232 McKinney Avenue #550, Dallas, Texas 75204, and City of Richland Hills ("Client"), located at 3200 Diana Dr, Richland Hills, Texas 76118, Attn: Candice Edmondson, City Manager, (817)616-3807 with an email of cedmondson@richlandhills.com.

1. **PROJECT.** Client hereby retains Contractor and Contractor hereby accepts engagement from Client to provide services for Glenview Corridor Master Plan as set forth in the tasks delineated on **Schedule "1"**, attached hereto (the "Services").

2. **COMPENSATION.** Client shall pay Contractor a total fee equal to \$85,000, as set forth herein and tasks in **Schedule "1"**, plus reimbursable expenses, including, but not limited to, travel, lodging, reprographics, facilities rental, workshop supplies, and plotting. Contractor shall invoice Client upon completion of the tasks delineated in **Schedule "1"**, along with reimbursable expenses incurred to date. All invoices shall be due upon receipt and paid within thirty (30) days. Any local, state or federal taxes applicable to any of the services provided by Contractor shall be added to the amount due. All services undertaken by Contractor and authorized by Client shall be compensated at the following rates:

\$300.00 per hour for principal
\$250.00 per hour for senior consultants
\$175.00 per hour associates
\$105.00 per hour for professional support staff

Unless other arrangements are made by mutual agreement. Contractor may sub-contract any portion of the Services set forth on **Schedule "1"**; provided, however, any increase in fees or compensation due to the use of such sub-contracted services shall be approved in writing by Client.

3. **PROFESSIONAL STANDARDS.** Contractor shall be responsible to the high level of competency presently maintained by other practicing professionals in the same type of work in Client's community, for the professional and technical soundness, accuracy, and adequacy of the work furnished under this Agreement.

4. **TERMINATION.** Either Client or Contractor may terminate this Agreement by giving 30 days written notice to the other party. In such event, Client shall forthwith pay Contractor in full for all work previously authorized and performed prior to the effective date of termination. If no notice of termination is given, relationships and obligations created by this Agreement shall be terminated upon completion of all applicable requirements of this Agreement.

5. **ACCESS TO RECORDS AND WORKPRODUCT.** Contractor agrees that Client shall, until expiration of one (1) year after final payment by Client to Contractor, have access to and the right to examine and photocopy directly pertinent documents, papers and records of Contractor involving transactions relating to this Agreement. Upon forty-eight (48) hours notice, Contractor shall give Client access during normal working hours to all necessary facilities and shall be provided adequate and appropriate workspace in order to conduct audits in compliance with the provisions of this section. Contractor at all times shall retain co-ownership of all final work product resulting from this Agreement and may utilize it for any purposes including, without limitation, marketing. Contractor shall retain sole ownership of source files, digital files, drafts and working documents for all work product. Contractor and Client shall co-own final work products. If Contractor displays Contractor's logo or copyright designation on any draft or final workproduct provided to Client, Client shall continue to utilize and display on the workproduct that logo or copyright designation if the workproduct is reproduced, used, disseminated or displayed publicly, or disseminated to any third party unless other arrangements have been made by mutual agreement. Contractor reserves the right to enforce its copyright through all legal means including common law, statutory and equitable remedies.

6. **INSURANCE.** During the term of this Agreement and for two (2) years thereafter, Contractor shall keep in force General Liability and Professional Liability Insurance coverage up to \$1,000,000.00 per occurrence and \$1,000,000.00 in aggregate total coverage, respectively.

7. **ENTIRE AGREEMENT/ MODIFICATION.** This Agreement, including **Schedule "1"**, attached, is the entire agreement between the parties and supersedes all prior negotiations, agreements and understanding relating to the subject matter of this Agreement. This Agreement may only be modified or amended in writing. Email communication constitutes a writing if intended by both parties to be a writing under this paragraph.

8. **ASSIGNMENT.** Client understands that it may not assign this Agreement or its rights hereunder, or delegate any or all of its duties under this Agreement without written authorization from Contractor. Except for the use of sub-contractors to perform services, Contractor understands that it may not assign this Agreement or its rights hereunder, without written authorization from Client.



9. LEGAL EXPENSES. In the event that legal action is taken by either party to enforce any rights or remedies under this Agreement, it is hereby agreed that the successful or prevailing party shall be entitled to receive any costs, disbursements and reasonable attorney's fees.

10. SEVERABILITY. In the event that any one or more of the provisions contained in this Agreement shall be held invalid, illegal or unenforceable in any respect, this Agreement shall be construed as if such invalid, illegal or unenforceable provisions had never been contained herein, and the enforceability of the remaining provisions contained herein shall not be impaired thereby.

11. BINDING EFFECT. The parties to this Agreement further agree that the promises, covenants, and conditions herein shall be binding upon the parties to this Agreement, their heirs, assigns, successors, administrators, and representatives forever.

12. INDEMNIFICATION AND HOLD HARMLESS. To the extent allowable by law, each party agrees to indemnify and hold the other party, its heirs, assigns, successors, administrators, and representatives harmless of and from any and all claims, actions, liabilities, losses, damages, suits or causes of action brought by any third party, person or entity as a result of any incident, event or occurrence giving rise to such claims, to the extent such claims, actions, liabilities, losses, damages, suits or causes of action are caused by any negligent act, error or omission of the indemnifying party or any person or organization for whom indemnifying party is legally liable.

13. LIMITATION OF LIABILITY. Contractor's liability for any cause or combination of causes is, in the aggregate, limited to an amount no greater than the fee paid to Contractor hereunder or available insurance coverage delineated herein, whichever is greater.

14. GOVERNING LAW. It is understood and agreed by the parties that this Agreement shall be governed by and enforced in accordance with the laws of the State of Texas.

IN WITNESS WHEREOF, this Agreement was executed by the parties as of the Effective Date.

CATALYST COMMERCIAL, INC.

By: _____
(Authorized signature)
Jason Claunch
Date: February 27, 2023
Its: President

CITY OF RICHLAND HILLS

By: _____
(Client Authorized signature)

Name: Candice Edmondson
Date: February 27, 2023
Its: City Manager

EXHIBIT A SCOPE OF SERVICES

Glenview Corridor Master Plan Richland Hills, Texas

The primary purpose of this planning effort is to create a corridor master plan for the City of Richland Hills. This plan will provide guidance for the strategy to create a market-based revitalization plan within the Glenview Corridor (the “Corridor”). This planning process and the implementation strategy will be critical to upgrade infrastructure, upgrade this corridor to create a stronger community entryway, improve the commercial business climate, enhance the tax base, and improve the overall quality of life for Richland Hills residents. The primary deliverable will be a new Corridor Master Plan containing community wide objectives and policies with a feasible, fiscally responsible, and prioritized implementation action plan. This plan does not include engineering services or park design.

Key Catalyst project staff assigned to this effort include:

Catalyst Commercial, Inc. – project management, design, market, fiscal tools, implementation

- Jason Claunch
- Chris Branham

Design: JHP, Inc

Engineering: Halff (per separate agreement/scope)

Parks: Schrickel Rollins and Associates (per separate agreement/scope)

SCOPE OF SERVICES

PHASE 1A | PROJECT INITIATION & MANAGEMENT

Task 1A.1 Project Initiation and Management

- Catalyst will coordinate a project kick-off with internal and external team and City staff to discuss project goals, schedule, available data, refine the planning process, and develop the public engagement strategy.
- City staff shall provide base maps, key data including any existing plans, studies, and other information that may inform this planning process.

Task 1A.2 Pre-Planning and Background Information

- Catalyst shall prepare associated base maps/ GIS files to serve as the foundation of this planning effort.
- The Catalyst team shall review previous studies, zoning cases, existing land use, and any information provided by City.

Task 1A.3 Project Kick-off

- (Day 1) Catalyst shall coordinate and conduct a physical tour (4hrs) with city staff to review the corridor and adjacent conditions.
- Following the tour, Catalyst shall conduct an initial debrief to discuss observations, project objectives, and future data needs and requirements.

Deliverables: Meeting materials, data request, monthly progress reports, corridor base map, public engagement plan

Meetings: Corridor tour

PHASE 1B | CORRIDOR ASSESSMENT

Task 1B.1 Background Analysis

- Review baseline demographic and socioeconomic data from Esri, the U.S. Census Bureau, and other sources as may be necessary and/or applicable.
- Conduct population projections from the City, County, and other sources to establish population forecasts for the planning horizon.
- Review information from City staff documenting progress implementing prior plan actions to understand which previous plan goals and objectives remain community priorities.

Task 1B.2 Existing Conditions Inventory and Analysis

- Identify strengths, weaknesses, key challenges, and opportunities.
- Prepare a community assessment memo which includes updated demographic tables, charts, baseline inventory information in text, map, and table format.
- Calculate baseline existing land use areas per capita for lands within the Corridor.

Task 1B.3 Character Mapping

- Conduct a character-based mapping exercise using development characteristics. Building age, architectural style, size, location, and zoning, will be among the characteristics considered. The resulting map will inform growth scenarios, placemaking strategies, future land use map, and activations.

Task 1B.4 Regulatory Audit

- Through discussion with staff, residents, and development community identify gaps, opportunities, and potential updates to update the zoning code and other regulations.
- Examine stages of the development approval process, including permitting, zoning approvals, and enforcement.
- Summarize regulatory and procedural impacts to local development and identify opportunities for improvement.

Task 1B.5 Transportation & Mobility Audit

- Identify gaps and opportunities in the Corridor's existing mobility network using transportation infrastructure, accessibility, and travel data. Review existing thoroughfare plans for the City and functional needs of the corridor. Explore interventions that can improve safety, mobility, and livability within the Corridor from a transportation perspective.

Task 1B.6 Corridor Core Values

- Summarize early public engagement efforts to help develop Richland Hills' strategic goals and core values for the Corridor. These objectives will be used to guide the planning process and prioritization of implementation and subsequent efforts.

Deliverables: Corridor framework, regulatory review, market assessment, transportation & mobility audit

Items Provided by City: Ownership, roadway plans, development activity

PHASE 2A | FUTURE LAND USE FRAMEWORK

Task 2A.1 Corridor Scenario Development (Design Workshop)

- In conjunction with the City's staff and administration, the Catalyst team will conduct a one-day planning workshop to further facilitate the development of planning scenarios. Catalyst's planners and designers will establish two alternative development concepts for the City. We will define early concepts for the corridor and associated redevelopment opportunities based on previous resident input and aspirations.

Task 2A.2 Preferred Scenario

- Prepare a preferred corridor scenario incorporating feedback received from the city staff.

Task 2A.3 Strategic Vision Document

- Prepare strategic vision document which will include vision statement, future land use map, thoroughfare map, and activation elements.

Deliverables: Strategic Vision Document (future land use map, thoroughfare map, activation elements)

Meetings: Event planning meetings as needed

Items Provided by City: Event promotion and marketing and space for public workshop

PHASE 2B | PLAN COMPONENTS

Task 2B.1 Proposed Themes and Plan Components

- Catalyst will create recommendations for various plan elements including economic development, quality of life, connectivity, redevelopment/revitalization, infrastructure, and other identified priorities.

Task 2B.2 Implementation Program Development

Prepare a work program of recommended implementation actions that categorizes actions by implementation types and responsible entities. Action types may include operational change, capital project, financial investment, regulation, future study, etc. Both short-term and long-range actions will be considered.

- Using the recommendations from each plan element, draft an implementation action plan that details near-, mid-, and long-term prioritization; type of action; and person, group, or entity responsible for implementation.
- Conduct a prioritization (ranking) exercise with staff.
- Draft a plan implementation and administration program that verifies plan administration and oversight roles and establishes plan monitoring and amendment processes.

Deliverables: Refinement of plan themes, implementation program

PHASE 3 | CORRIDOR MASTER PLAN

Task 3.1 Corridor Audit

- Complete preliminary audit of the Corridor and proximate areas to evaluate the existing character and contextual relationship between the Corridor and surrounding neighborhoods. Our team will conduct a physical audit of the current state of conditions of the corridor and the greater surrounding planning area. This will be combined with an assessment of past, current, and future development opportunities within

the planning study area, which will inform initial findings focusing on Richland Hills' assets and strengths and identifying potential needs.

Task 3.2 Market Snapshot

- Based on guidance from other relevant plans and studies we will review the specific market of Richland Hills and take a regional snapshot of surrounding communities to ensure the corridor master plan is realistic and meets the needs of Richland Hills today and into the future. The final report will document and provide a summary for each potential use and relationship to existing land uses and building types within the study area and surrounding contextual neighborhoods.

Elements of the Economic and Market Analysis will include:

- a. Market Context / Existing and Projected
- b. Land Use Industry Trends
- c. Psychographic Indicators
- d. Market Supply and Demand
- e. Preliminary Identification of Catalytic Sites

Task 3.3 Urban Design, Streetscape, and Character Assessment

- Inventory and complete an assessment of existing land uses, character, aesthetics, streetscape features and wayfinding. Key areas will be identified for further enhancement or potential repurposing the corridor to develop a stronger sense of place.

Task 3.4 Catalytic Projects

- Work with city staff on an implementation plan that is financially affordable and fiscally responsible. Prioritize and project key implementation projects and 1-2 catalytic reinvestment opportunities that maximize the City's financial return on investment and attracts more private financial investment into the Corridor. 1-2 Conceptual illustrations will be created to provide a visual representation of what these catalytic projects could be.

Task 3.5 Redevelopment Framework

- A series of framework strategies will be derived from all the previously completed tasks, conversations and dialogue held with civic leaders, stakeholders, and the design workshop. The draft framework "programs" will be created prior to a community public workshop where we will ask key staff to assist in prioritizing the implementation strategies for the individual framework plans. Topics to be addressed within the corridor master plan's framework programs include:
 - a. Corridor Vision
 - b. Future Land Use
 - c. Redevelopment and Revitalization Opportunities
 - d. Urban Design, Streetscape, and Corridor Character
 - e. Mobility, Parking and Enhanced Connectivity
 - f. Economic Development and Fiscal Impact
 - g. Identification and Protection of Assets
 - h. Implementation Strategies

Task 3.6 Corridor Master Plan

- A draft Corridor Master Plan will be submitted for comments and review by identified City staff. A final Corridor Master Plan will be published upon completion of this process.

Deliverables: Draft and final Corridor Master Plan.

Items Provided by City: Review of all draft and final materials.

PHASE 4 | ADOPTION

Task 4.1 Adoption

- Prepare a Draft plan for review at public meetings.
- Review final draft plan and implementation program with key staff and City Council for formal consideration and approval. Additional public hearings or workshops shall be at additional expense.

Meetings: Development Corporation/P&Z/City Council

Fee Schedule

Catalyst Commercial, Inc. shall undertake the tasks and provide the deliverables as attached in “EXHIBIT A (scope).” These tasks do not include engineering services or park design. Below is a fee schedule.

Richland Hills Glenview Corridor Master Plan - Planning Budget	
Task	Fixed Fee Totals
Phase 1A Project Initiation and Management	
1A.1 Project Initiation and Management	\$ 1,100
1A.2 Pre-Planning and Background Information	\$ 2,550
1A.3 Project Kick-off	\$ 2,075
Phase 1B Corridor Assessment	
1B.1 Background Analysis	\$ 2,850
1B.2 Existing Conditions Inventory and Analysis	\$ 3,150
1B.3 Character Mapping	\$ 2,475
1B.4 Regulatory Audit	\$ 1,775
1B.5 Transportation & Mobility Audit	\$ 2,125
1B.6 Corridor Core Values (Workshop)	\$ 3,650
Phase 2A Future Land Use Framework	
2A.1 Corridor Land Use Workshop (1 day)	\$ 4,600
2A.2 Preferred Land Use Scenario	\$ 4,750
2A.3 Strategic Vision Document	\$ 7,050
Phase 2B Plan Components	
2B.1 Proposed Themes and Planning Components	\$ 4,000
2B.2 Implementation Program Development	\$ 3,700
Phase 3 Corridor Master Plan	
3.1 Corridor Audit	\$ 2,850
3.2 Market Snapshot	\$ 6,875
3.3 Streetscape, Open Space, and Activation	\$ 3,750
3.4 Catalytic Economic Development Jumpstart Projects	\$ 4,500
3.5 Redevelopment Framework/Regulating Plan	\$ 3,150
3.6 Corridor Master Plan	\$ 10,450
Phase 4 Adoption	
4.1 Adoption	\$ 3,400
Support Additional Tasks	Hourly
Total Labor (not including ordinary out of pocket expenses or hourly)	\$ 80,825
Project Overhead and Project Management	\$ 4,175
Total Phase 1 Budget (excluding hourly support)	\$ 85,000

Memorandum

To: Honorable Mayor Edward Lopez and Richland Hills City Council Members

From: Jason Brown, Director of Parks and Recreation

Date: February 27, 2023

Subject: Purchase of Park Amenities

Agenda Item:

Consider purchase of park amenities from Lea Park & Play, Inc.

Background Information:

The FY 2023 Oil and Gas Fund budget includes funding for the purchase of amenities throughout the city's parks system. These amenities will include picnic tables, benches, pet waste stations, trash cans, bike racks, grills, and water fountains.

Some of these items will replace older or failing amenities, and some will be new pieces due to the addition of park facilities such as the hike and bike trail, park pavilions and food truck stations at Creek Trail Park.

In total, staff recommends purchasing 14 picnic tables, 15 benches, 22 trash cans, 13 pet waste stations, 6 grills, 4 bike racks, and 3 water fountains with pet dishes.

Financial Considerations:

Lea Park & Play, Inc. provided a quote in the amount of \$60,287 including freight. The FY 2023 Oil and Gas Fund includes \$75,000 for the purchase of new park amenities. There will be some additional costs for installing the amenities.

Lea Park & Play is a BuyBoard cooperative purchasing vendor (Contract #592-19) and offered a \$7,757 discount on the purchase of the amenities. As a BuyBoard vendor, Lea Park & Play has been thoroughly vetted and their contract meets city and state purchasing requirements.

Legal Review:

N/A

Board/Citizen Input:

N/A

Attachments:

Lea Park & Play Quote #25792

Council Action Requested:

Motion to approve purchase of park amenities in the amount of \$60,287 from Lea Park & Play, Inc. utilizing the BuyBoard cooperative purchase contract #592-19



Lea Park & Play, Inc.
1105 Hampshire Ln.
Richardson, TX 75080
+1 9726908163
info@leaparkandplay.com
www.leaparkandplay.com

Quote

ADDRESS

City of Richland Hills
3200 Diana Drive
Richland Hills, TX 76118

SHIP TO

City of Richland Hills
3200 Diana Drive
Richland Hills, TX 76118
Jason Brown
(817) 616-3775
jbrown@richlandhills.com

QUOTE # 25792

DATE 01/24/2023

EXPIRATION DATE 04/24/2023

SALES REP

Sean Moran - MH

DESCRIPTION	QTY	RATE	AMOUNT
MyTCoat MyTCoat #TRT06-C-01-000 6' Rectangular Portable Table - Expanded Metal - Industry Standard Coating	8	994.00	7,952.00T
MyTCoat MyTCoat #TRT08-C-01-001 8' Rectangular Portable Table - Accessible - Expanded Metal - Industry Standard Coating	5	1,031.00	5,155.00T
MyTCoat MyTCoat #TSQ46-C-04-000 46" Square Portable Table - Expanded Metal - Industry Standard Coating	1	1,097.00	1,097.00T
MyTCoat MyTCoat #BRT06-C-18-000 6' Bench with Back - Expanded Metal - Portable - Industry Standard Coating	15	588.00	8,820.00T
MyTCoat MyTCoat #ASM06-S-00-000 Surface Mount Clamp (set of 2) Bolts not included	29	27.00	783.00T
MyTCoat MyTCoat #RRD32-C-00-000 32 Gallon Trash Receptacle - Expanded Metal - Industry Standard Coating	22	342.00	7,524.00T
MyTCoat MyTCoat #RBT32-S-01-000 32 Gallon Bonnet Top Lid - Industry Standard Coating	22	249.00	5,478.00T
MyTCoat MyTCoat #RLN32-P-00-000 32 Gallon Plastic Liner	22	60.00	1,320.00T
Freight Freight for MyTCoat	1	716.00	716.00T
Anova Anova #D022-B Dog Waste Station with Round Perforated Can and ONEpul Bag System	13	260.00	3,380.00T
Anova	6	350.00	2,100.00T

DESCRIPTION	QTY	RATE	AMOUNT
Anova #100PRGSWVL ADA Standard Park Grill with Swivel Grate			
Anova Anova #LBR7PSURF Streetside 7-Bike/5-Loop Rack, Powder Coated, Surface Mount	4	475.00	1,900.00T
Freight Freight for Anova	1	1,541.00	1,541.00T
UltraSite PBARK-499 Accessible Fido & Me Fountain	3	6,549.00	19,647.00T
Freight Freight for UltraSite	1	631.00	631.00T
BuyBoard BuyBoard Discount for contract listed as "Parks and Recreation Equipment and Field Lighting Products and Installation #592-19"	1	-7,757.00	-7,757.00T
Terms TERMS: Net % 30 days, 50% down payment required. Financing available upon request. Tax Exempt/Resale Certificate Required. Initial _____.	1	0.00	0.00T

DELIVERY: Delivery is approximately 10-14 weeks after order is received and approved. Installation date TBD (if included). Customer is responsible for offloading the truck if we are not providing installation. Initial _____.

INSTALLATION: Please Note that installation is not included unless otherwise noted above. If installation is included, price assumes that the site has been prepared and that grade slope does not exceed 1 - 2% in any direction. Grade work and drainage improvements/lines are not included unless specifically listed above. Please turn off sprinkler systems 1 week prior to installation to avoid site damage due to wet ground. Initial _____.

DISCLAIMER: Unless specifically listed in the quote above, payment/performance bonds, permits, sealed engineered drawings, TDLR registration/inspection, and 3rd party safety audits are Not Included in this agreement and, if required, are the responsibility of the customer. A 3% fee will be added for any payments by credit card. Initial _____.

ROCK CLAUSE: In the event that soil or rock conditions are such to prevent normal installation time and procedures, the customer will be responsible for additional equipment, labor expenses and delay costs required to complete the installation. Should the situation arise, the problem will be discussed with the customer prior to incurring any additional cost. Initial _____.

UNDERGROUND UTILITY CLAUSE: The customer hereby agrees that Lea Park & Play, Inc., its employees and/or subcontractors, are not liable for any damage done to any type of underground utilities on the site chosen by the customer unless the customer has had these lines accurately marked prior to installation. The customer further agrees that without properly marked utility lines, the customer shall be responsible for costs incurred to repair any damaged utilities, all costs for medical treatment in the event of injury and any related costs due to delay in the project. It shall be the sole responsibility of the customer to mark, have marked, or hire a professional to establish any and all utility locations prior to Lea Park & Play, Inc., its employees and/or subcontractors starting the project. In the event that Lea Park & Play, Inc., its employees and/or subcontractors start the project before utilities have been located and properly marked, the customer shall again be liable and shall notify Lea Park & Play, Inc., in writing to stop the project until the utilities have been marked. The customer shall further be responsible for any cost incurred due to work stoppage or project delays.

DESCRIPTION	QTY	RATE	AMOUNT
-------------	-----	------	--------

Initial _____.

A purchase order or signed quote is required. Pricing quoted is based on our standard insurance certificate. Unless specifically listed in the quote above, installation, payment/performance bonds, permits, sealed engineered drawings, and 3rd party safety audits are Not Included in this agreement and, if required, are the responsibility of the customer. Customer is responsible for repair of any unmarked underground utility lines damaged during construction. Financing available upon request. A 3% fee will be added for payment by credit card.

SUBTOTAL	60,287.00
TAX	0.00
TOTAL	\$60,287.00

THANKS FOR CONSIDERING OUR PRODUCTS!

Accepted By

Accepted Date

Memorandum

To: Honorable Mayor Edward Lopez and Richland Hills City Council Members

From: Kimberly Sylvester, Chief of Police

Date: February 27, 2023

Subject: 2022 Racial Profiling Report

Agenda Item:

Richland Hills Police Department 2022 Racial Profiling Report

Background Information:

The Sandra Bland Law requires for police agencies in Texas to collect and report data on motor vehicle contacts with the public. Specifically, the law requires agencies to:

- a) Draft a policy that prohibits racial profiling amongst police officers.
- b) Inform the public on how to file a compliment or complaint on racial profiling. This must take place each time a police officer issues a ticket, citation, or warning.
- c) Perform data audits each quarter to ensure that the ticket data is valid and reliable.
- d) Ensure that all officers are trained on racial profiling and that their training is current.
- e) Analyze the data annually with a specific break down on searches. This must show how minorities are compared to non-minority contacts.
- f) Submit the annual report to TCOLE and City Council by March 1st of each year.

If the agency fails to comply with the law, a penalty can be assessed in the amount of \$5,000 per incident and the Police Chief's license can be suspended.

The Department contracts annually with Dr. Alex del Carmen with DC Consulting who analyzes, reviews, conducts quarterly audits throughout the year and prepares the annual racial profiling report. He is an expert in the field and trains across the country.

The 2022 report indicated that the Richland Hills Police Department was in compliance with all mandated requirements of the law and there were no reported concerns of the data analyzed that resulting from motor vehicle stops.

Financial Considerations:

N/A

Legal Review:

N/A

Board/Citizen Input:

N/A

Attachments:

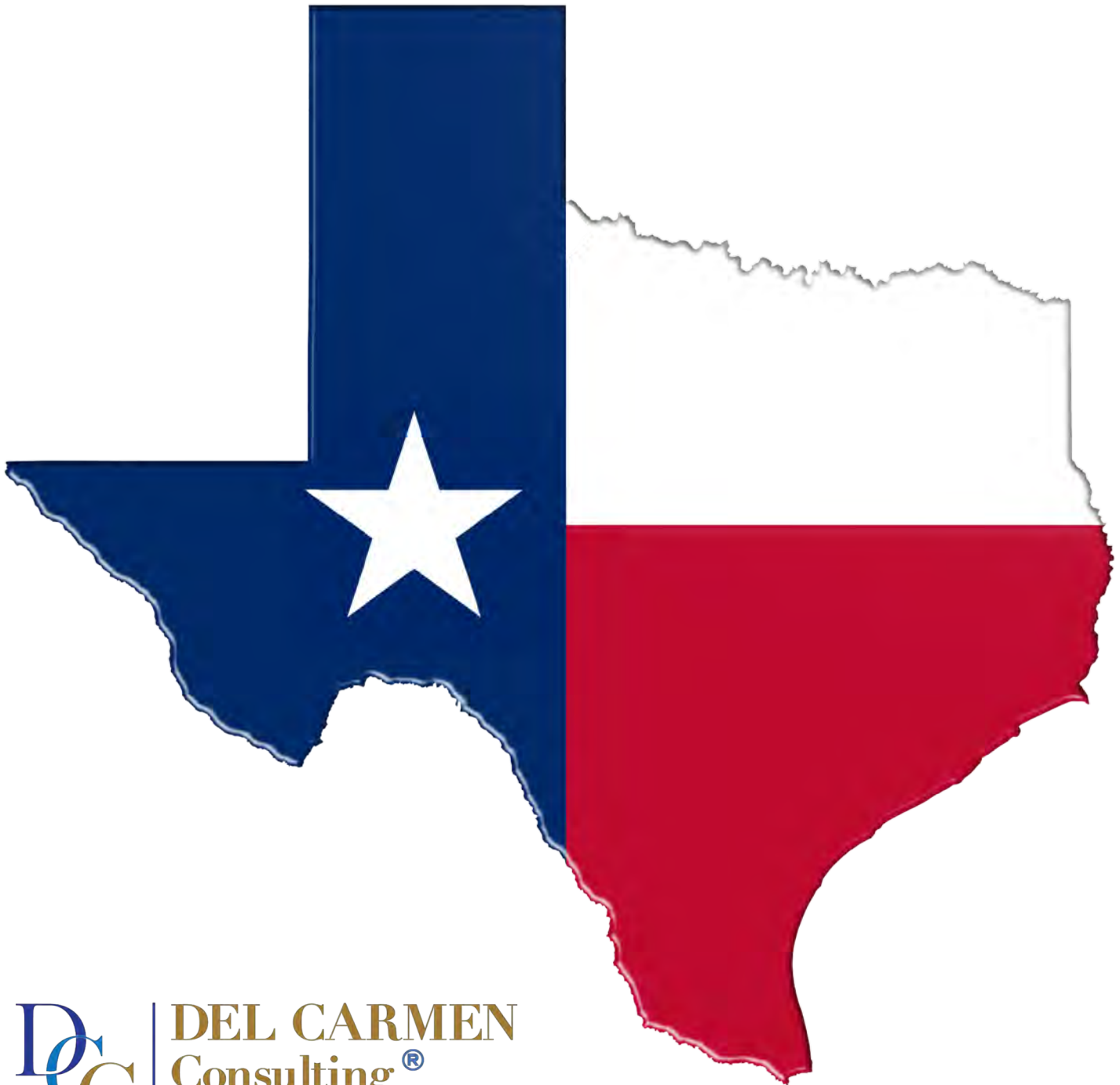
2022 Racial Profiling Report

Council Action Requested:

No Council Action

2022 Racial Profiling Report

Richland Hills Police Department



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

-Quote by Geneva Reed (Mother of Sandra Bland)



January 14, 2023

Richland Hills City Council
6700 Baker Blvd.
Richland Hills, TX 76118

Dear Distinguished Members of the City Council,

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

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

Finally, section three contains statistical data relevant to contacts (as defined by the law) which were made during the course of motor vehicle stops that took place between 1/1/22 and 12/31/22. Further, this section contains the Tier 2 form, which is required to be submitted to this particular organization and the law enforcement agency's local governing authority by March 1 of each year. The data in this report has been analyzed and compared to information derived from the U.S. Census Bureau's Fair Roads Standard. The final analysis and recommendations are also included in this report.

The last section of the report includes the original draft of the Texas Racial Profiling Law, SB1074, as well as the Sandra Bland Act (current law). Also in this section, a list of requirements relevant to the Racial Profiling Law, as established by TCOLE (Texas Commission on Law Enforcement), is included. The findings in this report support the Richland Hills 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 Richland Hills 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 Richland Hills 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 Richland Hills 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 Richland Hills 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 Richland Hills Police Department have completed the TCOLE basic training on racial profiling. The main outline used to train the officers of Richland Hills has been included in this report.

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

Racial Profiling Course 3256

Texas Commission on Law Enforcement

September 2001

Racial Profiling 3256

Instructor's Note:

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

Abstract

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

Target Population: Licensed law enforcement personnel in Texas

Prerequisites: Experience as a law enforcement officer

Length of Course: A suggested instructional time of 4 hours

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

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

Evaluation Process and Procedures

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

Reference Materials

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

Racial Profiling 3256

1.0 RACIAL PROFILING AND THE LAW

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

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

Racial Profiling Requirements:

Racial profiling CCP 3.05

Racial profiling prohibited CCP 2.131

Law enforcement policy on racial profiling CCP 2.132

Reports required for traffic and pedestrian stops CCP 2.133

Liability CCP 2.136

Racial profiling education for police chiefs Education Code 96.641

Training program Occupations Code 1701.253

Training required for intermediate certificate Occupations Code 1701.402

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

A. Written departmental policies

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

B. Not prima facie evidence

C. Feasibility of use of video equipment

D. Data does not identify officer

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

F. Vehicle stop report

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

G. Compilation and analysis of data

H. Exemption from reporting – audio/video equipment

I. Officer non-liability

J. Funding

K. Required training in racial profiling

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

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

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

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

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

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

C. Other cases

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



2.0 RACIAL PROFILING AND THE COMMUNITY

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

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

- A. There are appropriate reasons for unusual traffic stops (suspicious behavior, the officer's intuition, MOs, etc.), but police work must stop short of cultural stereotyping and racism.
- B. Racial profiling would result in criminal arrests, but only because it would target all members of a race randomly – the minor benefits would be far outweighed by the distrust and anger towards law enforcement by minorities and the public as a whole .
- C. Racial profiling is self-fulfilling bad logic: if you believed that minorities committed more crimes, then you might look for more minority criminals, and find them in disproportionate numbers.
- D. Inappropriate traffic stops generate suspicion and antagonism towards officers and make future stops more volatile – a racially-based stop today can throw suspicion on tomorrow's legitimate stop.
- E. By focusing on race, you would not only be harassing innocent citizens, but overlooking criminals of all races and backgrounds – it is a waste of law enforcement resources.



3.0 RACIAL PROFILING VERSUS REASONABLE SUSPICION

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

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

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

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

C. A typical traffic stop resulting from racial profiling

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



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

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

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

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

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

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

B. Vehicle exterior

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

C. Pre-stop indicators

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

D. Vehicle interior

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

Resources

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

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

*Report on
Compliments
and Racial
Profiling
Complaints*



Report on Complaints

The following table contains data regarding officers that have been the subject of a complaint, during the time period of 1/1/22-12/31/22 based on allegations outlining possible violations related to the Texas Racial Profiling Law. The final disposition of the case is also included.



A check above indicates that the Richland Hills 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 1/1/22-12/31/22.

Complaints Filed for Possible Violations of The Texas Racial Profiling Law

Complaint Number	Alleged Violation	Disposition of the Case

Additional Comments:

Tables Illustrating Motor Vehicle-Related Contacts

TIER 2 DATA

TOTAL STOPS: 2,825

STREET ADDRESS OR APPROXIMATE LOCATION OF STOP.

City Street	2,262
US Highway	4
County Road	378
State Highway	5
Private Property	176

WAS RACE OR ETHNICITY KNOWN PRIOR TO STOP?

Yes	2,782
No	43

RACE OR ETHNICITY

Alaska Native/American Indian	10
Asian/Pacific Islander	28
Black	743
White	1,507
Hispanic/Latino	537

GENDER

Female Total: 1,084

Alaska Native/American Indian	0
Asian/Pacific Islander	12
Black	318
White	581
Hispanic/Latino	173

Male Total: 1,741

Alaska Native/American Indian	10
Asian/Pacific Islander	16
Black	425
White	926
Hispanic/Latino	364

REASON FOR STOP?

Violation of Law Total: 34

Alaska Native/American Indian	0
Asian/Pacific Islander	2
Black	9
White	18
Hispanic/Latino	5

Pre-existing Knowledge Total: 16

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	6
White	8
Hispanic/Latino	2

Moving Traffic Violation Total: 874

Alaska Native/American Indian	4
Asian/Pacific Islander	11
Black	219
White	458
Hispanic/Latino	182

TIER 2 DATA

Vehicle Traffic Violation Total: 1,901

Alaska Native/American Indian	6
Asian/Pacific Islander	15
Black	509
White	1,023
Hispanic/Latino	348

Contraband (in plain view) Total: 5

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

WAS SEARCH CONDUCTED?

	YES	NO
Alaska Native/American Indian	0	10
Asian/Pacific Islander	0	28
Black	72	671
White	106	1,401
Hispanic/Latino	48	489
TOTAL	226	2,599

Probable Cause Total: 153

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	54
White	61
Hispanic/Latino	38

Inventory Total: 28

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	11
White	13
Hispanic/Latino	4

REASON FOR SEARCH?

Consent Total: 28

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	4
White	20
Hispanic/Latino	4

Incident to Arrest Total: 12

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

TIER 2 DATA

WAS CONTRABAND DISCOVERED?

	YES	NO
Alaska Native/American Indian	0	0
Asian/Pacific Islander	0	0
Black	54	18
White	77	29
Hispanic/Latino	37	11
TOTAL	168	58

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

	YES	NO
Alaska Native/American Indian	0	0
Asian/Pacific Islander	0	0
Black	8	46
White	19	58
Hispanic/Latino	9	28
TOTAL	36	132

DESCRIPTION OF CONTRABAND

Drugs Total: 142

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	46
White	65
Hispanic/Latino	31

Currency Total: 1

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

Weapons Total: 5

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

Alcohol Total: 20

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	4
White	10
Hispanic/Latino	6

TIER 2 DATA

Stolen Property Total: 2

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

Other Total: 18

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	6
White	10
Hispanic/Latino	2

RESULT OF THE STOP

Verbal Warning Total: 117

Alaska Native/American Indian	0
Asian/Pacific Islander	3
Black	32
White	54
Hispanic/Latino	28

Written Warning Total: 1,337

Alaska Native/American Indian	7
Asian/Pacific Islander	18
Black	318
White	772
Hispanic/Latino	222

Citation Total: 1,218

Alaska Native/American Indian	3
Asian/Pacific Islander	7
Black	351
White	605
Hispanic/Latino	252

Written Warning and Arrest Total: 52

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	15
White	21
Hispanic/Latino	16

Citation and Arrest Total: 81

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	21
White	46
Hispanic/Latino	14

Arrest Total: 20

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	6
White	9
Hispanic/Latino	5

TIER 2 DATA

ARREST BASED ON

Violation of Penal Code Total: 59

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	14
White	26
Hispanic/Latino	19

Violation of Traffic Law Total: 14

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

Violation of City Ordinance Total: 5

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

Outstanding Warrant Total: 75

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	21
White	41
Hispanic/Latino	13

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

	YES	NO
Alaska Native/American Indian	0	10
Asian/Pacific Islander	0	28
Black	1	742
White	0	1,507
Hispanic/Latino	1	536
TOTAL	2	2,823

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	10	3	0	7	0%	0%	0%	1%
Asian/ Pacific Islander	28	7	3	18	1%	1%	3%	1%
Black	743	372	32	318	26%	29%	27%	24%
White	1,507	651	54	772	53%	50%	46%	58%
Hispanic/ Latino	537	266	28	222	19%	20%	24%	17%
TOTAL	2,825	1,299	117	1,337	100%	100%	100%	100%

Table 2. Motor Vehicle Contacts and Fair Roads Standard Comparison

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

Race/Ethnicity	Contact Percentage	Households with Vehicle Access
Alaska Native/American Indian	0%	0%
Asian/Pacific Islander	1%	5%
Black	26%	14%
White	53%	60%
Hispanic/Latino	19%	19%
TOTAL	100%	98%

Table 3. Motor Vehicle Searches and Arrests.

Race/Ethnicity	Searches	Consent Searches	Arrests
Alaska Native/American Indian	0	0	0
Asian/Pacific Islander	0	0	0
Black	72	4	42
White	106	20	76
Hispanic/Latino	48	4	35
TOTAL	226	28	153

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

Instances Where Peace Officers Used Physical Force that Resulted in Bodily Injury	Arrest	Location of Stop	Reason for Stop
1	02/21/22	7210 Boulevard 26	Penal Code Violation
2	04/06/22	3225 Crites St.	Moving Traffic Violation

Table 5. Search Data

Race/ Ethnicity	Searches	Contraband Found Yes	Contraband Found No	Arrests	Percent Searches	Percent Contraband Found	Percent No Contraband	Percent Arrest
Alaska Native/ American Indian	0	0	0	0	0%	0%	0%	0%
Asian/ Pacific Islander	0	0	0	0	0%	0%	0%	0%
Black	72	54	18	42	32%	32%	31%	27%
White	106	77	29	76	47%	46%	50%	50%
Hispanic/ Latino	48	37	11	35	21%	22%	19%	23%
TOTAL	226	168	58	153	100%	100%	100%	100%

Table 6. Report on Audits.

The following table contains data regarding the number and outcome of required data audits during the period of 1/1/22-12/31/22.

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

ADDITIONAL COMMENTS:

Table 7. Instance Where Force Resulted in Bodily Injury.

Race/Ethnicity	Number	Percent
Alaska Native/American Indian	0	0%
Asian/Pacific Islander	0	0%
Black	1	50%
White	0	0%
Hispanic/Latino	1	50%
TOTAL	2	100%

Table 8. Reason for Arrests from Vehicle Contact

Race/ Ethnicity	Violation of Penal Code	Violation of Traffic Law	Violation of City Ordinance	Outstanding Warrant	Percent Penal Code	Percent Traffic Law	Percent City Ordinance	Percent Warrant
Alaska Native/ American Indian	0	0	0	0	0%	0%	0%	0%
Asian/ Pacific Islander	0	0	0	0	0%	0%	0%	0%
Black	14	4	3	21	24%	29%	60%	28%
White	26	7	2	41	44%	50%	40%	55%
Hispanic/ Latino	19	3	0	13	32%	21%	0%	17%
TOTAL	59	14	5	75	100%	100%	100%	100%

Table 9. Contraband Hit Rate

Race/ Ethnicity	Searches	Contraband Found Yes	Contraband Hit Rate	Search Percent	Contraband Percent
Alaska Native/ American Indian	0	0	0%	0%	0%
Asian/ Pacific Islander	0	0	0%	0%	0%
Black	72	54	75%	32%	32%
White	106	77	73%	47%	46%
Hispanic/Latino	48	37	77%	21%	22%

Analysis and Interpretation of Data

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

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

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

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

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

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

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

As part of their effort to comply with The Texas Racial Profiling/Sandra Bland Law, the Richland Hills Police Department commissioned the analysis of its 2022 contact data. Hence, two different types of data analyses were performed. The first of these involved a careful evaluation of the 2022 motor vehicle-related data. This particular analysis measured, as required by the law, the number and percentage of Whites, Blacks, Hispanics or Latinos, Asians and Pacific Islanders, Alaska Natives and American Indians (Middle Easterners and individuals belonging to the “other” category, as optional categories), who came in contact with police in the course of a motor vehicle-related contact and were either issued a ticket, citation, or warning or an arrest was made. Also included in this data were instances when a motor vehicle contact took place for an alleged violation of the law or ordinance. The Tier 2 data analysis included, but was not limited to, information relevant to the number and percentage of contacts by race/ethnicity, gender, reason for the stop, location of stop, searches while indicating the type of search performed, result of stop, basis of an arrest, and use of physical force resulting in bodily injury.

The additional data analysis performed was based on a comparison of the 2022 motor vehicle contact data with a specific baseline. When reading this particular analysis, one should consider that there is disagreement in the literature regarding the appropriate baseline to be used when analyzing motor vehicle-related contact information. Of the baseline measures available, the Richland Hills Police Department accepted our recommendation to rely, as a baseline measure, on the Fair Roads Standard. This particular baseline is established on data obtained through the U.S. Census Bureau (2020) relevant to the number of households that have access to vehicles while controlling for the race and ethnicity of the heads of households.

It should be noted that the census data presents challenges to any effort made at establishing a fair and accurate racial profiling analysis. That is, census data contains information on all residents of a particular community, regardless whether they are among the driving population. Further, census data, when used as a baseline of comparison, presents the challenge that it captures information related to city residents only, thus excluding individuals who may have come in contact with the Richland Hills Police Department in 2022 but live outside city limits. In some jurisdictions the percentage of the population that comes in contact with the police but lives outside city limits represents a substantial volume of all motor vehicle-related contacts made in a given year.

In 2002, some civil rights groups in Texas expressed their concern and made recommendations to the effect that all police departments should rely, in their data analysis, on the Fair Roads Standard. This source contains census data specific to the number of “households” that have access to vehicles. Thus, proposing to compare “households” (which may have multiple residents and only a few vehicles) with “contacts” (an individual-based count). In essence this constitutes a comparison that may result in ecological fallacy. Despite this risk, as noted earlier, the Richland Hills 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 (2022) Motor Vehicle-Related Contact Analysis

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

On searches and arrests, the data showed that most searches took place among Whites. When considering all searches, most were consented by Whites, 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 Blacks. Of the searches that did not produce contraband, most were of Whites. Most arrests were made of Whites. Most of the arrests that originated from a violation of the penal code involved Whites. Overall, the police department reports two instances where force was used that resulted in bodily injury.

Comparative Analysis

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

The comprehensive analysis of the searches resulting in contraband shows that the most significant contraband hit rate is of Hispanics. This was followed by Blacks and Whites. This means that among all searches performed in 2022, the most significant percentage of these that resulted in contraband was among Hispanics. The lowest contraband hit rate was among Whites.

Summary of Findings

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

While considering the findings produced as a result of this analysis, it is recommended that the Richland Hills 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 Richland Hills Police Department should continue to:

- 1) Perform an independent analysis on contact and search data in the upcoming year.
- 2) Commission data audits in 2023 in order to assess data integrity; that is, to ensure that the data collected is consistent with the data being reported.

The comprehensive data analysis included in this report serves as evidence that the Richland Hills 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 Richland Hills 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 Richland Hills 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, 2023.
- ✔ Adopt a policy, if video/audio equipment is installed, on standards for reviewing video and audio documentation.



Legislative & Administrative **Addendum**



TCOLE GUIDELINES

Guidelines for Compiling and Reporting Data under Senate Bill 1074

Background

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

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

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

Standard 1

Each law enforcement agency has a detailed written directive that:

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

Commentary

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

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

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

Standard 2

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

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

Commentary

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

Standard 3

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

Commentary

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

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

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

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

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

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

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

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

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

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

Standard 4

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

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

Commentary

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

Standard 5

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

Commentary

None

Standard 6

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

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

Commentary

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

Standard 7

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

Commentary

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

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

The Texas Law on Racial Profiling

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

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

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

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

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

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

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

(1) clearly define acts constituting racial profiling;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) the person's gender; and

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

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

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

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

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

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

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

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

Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT.

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

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

(2) smaller jurisdictions; and

(3) municipal and county law enforcement agencies.

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

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

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

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

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

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

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

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

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

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

(3) analyzing and reporting collected information.

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

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

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

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

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

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

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

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

(2) the registration number of the vehicle involved;

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

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

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

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

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

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

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

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

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

SECTION 9. Not later than January 1, 2002:

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

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

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

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

SECTION 12. This Act takes effect September 1, 2001

President of the Senate

Speaker of the House

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

Secretary of the Senate

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

Chief Clerk of the House

Approved:

Date

Governor

Modifications to the Original Law

(H.B. 3389)

Amend CSHB 3389 (Senate committee report) as follows:

(1) Strike the following SECTIONS of the bill:

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

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

(a) In this article:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) the person's gender; and

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

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

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

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

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

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

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

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

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

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

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

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

(a) In this article:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) a sentence is imposed on the person;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) this chapter;

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

(3) a commission rule.

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

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

Racial and Ethnic Designations (H.B. 3051)

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

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

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

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

(A) Alaska native or American Indian;

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

(C) black;

(D) white; and

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

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

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

(1) Alaska native or American Indian;

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

(3) black;

(4) white; and

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

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

President of the Senate

Speaker of the House

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

Chief Clerk of the House

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

Secretary of the Senate

APPROVED: _____

Date

Governor

The Sandra Bland Act (S.B. 1849)

S.B. No. 1849

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

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

ARTICLE 1. SHORT TITLE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) recommended treatment.

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

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

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

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

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

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

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

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

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

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

(2) it is reasonable to divert the person;

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

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

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

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

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

(1) establishing [a] new collaboratives; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

otherwise if the:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

standards, and procedures of the commission; and

(C) solutions to operational challenges for jails;

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

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

(A) determine if a prisoner is pregnant; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

as follows:

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

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

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

(b) The prisoner safety fund consists of:

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

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

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

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

- (1) a suicide;
- (2) an attempted suicide;
- (3) a death;
- (4) a serious bodily injury, as that term is defined by Section 1.07, Penal Code;
- (5) an assault;
- (6) an escape;
- (7) a sexual assault; and
- (8) any use of force resulting in bodily injury, as that term is defined by Section 1.07, Penal Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE 4. PEACE OFFICER AND COUNTY JAILER TRAINING

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

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

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

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

section.

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

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

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

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

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

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

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

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

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

as follows:

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

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

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

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

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

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

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

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

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

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

relating to:

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

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

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

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

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

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

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

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

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

(2) the initial reason for the stop;

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

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

and a description of the contraband or evidence;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) smaller jurisdictions; and

(3) municipal and county law enforcement agencies.

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

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

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

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

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

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

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

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

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

(2) make accessible online:

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

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

Senate Speaker of the House

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

Secretary of the Senate

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

ARTICLE 6. EFFECTIVE DATE

SECTION 6.01. Except as otherwise provided by this Act,

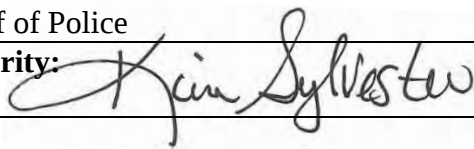
Approved:

Date

Governor

Chief Clerk of the House

**RICHLAND HILLS
POLICE DEPARTMENT
RACIAL PROFILING POLICY**

	Richland Hills Police Department		
	Subject: Racial Profiling and Bias-Based Policing		Number: 200.2
	Category: Professional Standards and Conduct		
	Effective Date: November 12, 2019	Supersedes: General Order 425	Review Date: November 2020
	Issuing Authority: Kimberly L. Sylvester, Chief of Police		
	Signature of Issuing Authority: 		
	References: TBP 2.01		

NOTE: This General Order is for internal use only, and does not enhance an Officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this General Order, if proven, can only form the basis of a complaint by this Department and only in a non-judicial, administrative setting.

I. POLICY

We are committed to upholding constitutional rights in the performance of our duties. Our success is based on the respect we give to our communities, and the respect members of the community observe toward Law Enforcement. To this end, we shall exercise our sworn duties, responsibilities, and obligations in a manner that does not discriminate on the basis of race, sex, gender, sexual orientation, national origin, ethnicity, age, or religion. Understanding and appreciation for diversity and equitable enforcement of the law are essential to our mission.

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

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

II. PURPOSE

The purpose of this General Order is to inform Officers that bias-based policing is prohibited by the Department. Additionally, this order will assist Officers in identifying key contexts in which bias may influence these actions, and emphasize the importance of the constitutional guidelines within which we operate.

III. DEFINITIONS

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

- A. Bias - Prejudice or partiality based on preconceived ideas, a person's upbringing, culture, experience, or education.
- B. Biased-Based Policing - Stopping, detaining, searching, or attempting to search, or using force against a person based upon his or her race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.
- C. Ethnicity - A cluster of characteristics that may include race but also cultural characteristics or traits that are shared by a group with a common experience or history.
- D. Gender - Unlike sex, a psychological classification based on cultural characteristics / traits.
- E. Probable Cause - Specific facts and circumstances within an Officer's knowledge that would lead a reasonable Officer to believe that a specific offense has been or is being committed, and that the suspect has committed it. Probable cause will be determined by the courts reviewing the totality of the circumstances surrounding the arrest or search from an objective point of view.
- F. Race - A category of people of a particular decent, including Caucasian, Black, Hispanic, Asian, Middle Eastern, or Native American descent. As distinct from ethnicity, race refers only to physical characteristics sufficiently distinctive to group people under a classification.
- G. Racial Profiling - A law-enforcement initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.
- H. Reasonable Suspicion - Specific facts and circumstances that would lead a reasonable Officer to believe criminal activity is afoot and the person to be detained is somehow involved. Reasonable suspicion will be determined by the courts reviewing the totality of the circumstances surrounding the detention from an objective point of view.

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- I. Sex - A biological classification, male or female, based on physical / genetic characteristics.
- J. Stop - An investigative detention of a person for a brief period of time, based on reasonable suspicion.

IV. PROCEDURES

A. General responsibilities

1. Officers are prohibited from engaging in racial profiling and/or bias-based profiling or stopping, detaining, searching, arresting, or taking any enforcement action including seizure or forfeiture activities, against any person based solely on the person's race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group. These characteristics, however, may form part of reasonable suspicion or probable cause when Officers are seeking a suspect with one or more of these attributes. [TBP 2.01]
2. Investigative detentions, traffic stops, arrests, searches, and property seizures by Officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the U.S. Constitution. Officers must articulate specific facts and circumstances to support reasonable suspicion or probable cause for investigative detentions, traffic stops, subject stops, arrests, nonconsensual searches, and property seizures. Except as provided in paragraph 3, Officers shall not consider race/ethnicity in establishing reasonable suspicion or probable cause. Similarly, except as provided below, Officers shall not consider race/ethnicity in deciding to initiate nonconsensual encounters that do not amount to legal detentions or to request consent to search.
3. Officers may take into account the reported race or ethnicity of a specific suspect or suspects based on trustworthy, locally relevant information that links a person or persons of a specific race/ethnicity to a particular unlawful incident(s). Race/ethnicity can never be used as the sole basis for probable cause or reasonable suspicion. Except as provided above, reasonable suspicion or probable cause shall form the basis for any enforcement actions or decisions. Individuals shall be subjected to stops, seizures, or detentions only upon reasonable suspicion that they have committed, are committing, or are about to commit an offense. Officers shall document the elements of reasonable suspicion and probable cause in appropriate reports.
4. Officers shall observe all Constitutional safeguards and shall respect the constitutional rights of all persons.

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- a. As traffic stops furnish a primary source of bias-related complaints, Officers shall have a firm understanding of the warrantless searches allowed by law, and particularly the use of consent. How the Officer disengages from a traffic stop may be crucial to a person's perception of fairness or discrimination.
 - b. Officers shall not use the refusal or lack of cooperation to justify a search of the person or vehicle or prolonged detention once reasonable suspicion has been dispelled.
 5. All personnel shall treat everyone with the same courtesy and respect that they would have others observe to Department personnel. To this end, personnel are reminded that the exercise of courtesy and respect engenders a future willingness to cooperate with Law Enforcement.
 - a. Personnel shall facilitate an individual's access to other governmental services whenever possible, and shall actively provide referrals to other appropriate agencies.
 - b. All personnel shall courteously accept, document, and forward to the Chief of Police any complaints made by an individual against the Department. Further, Officers shall provide information on the complaint process when requested or when it is reasonable to assume such information is desired.
 6. When feasible, personnel shall offer explanations of the reasons for enforcement actions or other decisions that bear on the individual's well-being unless the explanation would undermine an investigation or jeopardize an Officer's safety.
 7. When concluding an encounter, personnel shall thank him or her for cooperating.
 8. When feasible, all personnel shall identify themselves by first and last name. When a person requests the information, personnel shall give their Departmental identification number, name of their immediate supervisor, or any other reasonable information.
 9. All personnel are accountable for and shall justify their actions when required.
- B. Supervisory responsibilities
1. Supervisors shall be held accountable for the observance of constitutional safeguards during the performance of their duties and those of their subordinates. Supervisors shall identify and correct instances of bias in the work of their subordinates.
 2. Supervisors shall use the disciplinary mechanisms of the Department to ensure compliance with this order and the constitutional requirements of Law Enforcement.

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3. Supervisors shall be mindful that in accounting for the actions and performance of subordinates, supervisors are critical to maintaining community trust in Law Enforcement. Supervisors shall continually reinforce the ethic of impartial enforcement of the laws, and shall ensure that personnel, by their actions, maintain the community's trust in Law Enforcement.
4. Supervisors are reminded that biased enforcement of the law promotes not only mistrust of Law Enforcement, but increases safety risks to personnel as well as exposing the employee(s) and Department to liability.
5. Supervisors shall be held accountable for repeated instances of biased enforcement of their subordinates if the supervisor knew, or should have known, of the subordinate's actions.
6. Supervisors shall ensure that all enforcement actions are duly documented per Departmental policy. Supervisors shall ensure that all reports show adequate documentation of reasonable suspicion and probable cause, if applicable. Any enforcement action that begins as a consensual encounter will also have the circumstances of the initial encounter documented.
7. Supervisors shall facilitate the filing of any complaints about Law Enforcement service.
8. Supervisors shall randomly review at least three video files per officer (two body camera and one in-car camera video) every quarter. For purposes of this General Order, a "quarter" is defined as a 3-consecutive-month period of time, beginning with the months of January through March. Supervisors are not required to watch each incident of an entire shift; however, reviewing the footage in a manner intended to gain an understanding of that officer's performance and adherence to policy and law is required. Supervisors will document the random review of the video in a review log located in a secure network folder titled "Video Review Log" which contains spreadsheets labeled by Officer name (digital form RHPD-387). The spreadsheets contain worksheets separated by year and quarter.
 - a. Any violations of policy or law will be addressed through the procedures outlined in General Order 200.3, Internal Investigations. Supervisors shall also review video as it relates to an investigation into a complaint received against an Officer under their command or as assigned by a member of the Command Staff.
[TBP 2.01]
9. Section 8 above applies only to first-line uniformed Officers and their immediate supervisors. In the absence of a first-line supervisor this responsibility will move to the Field Services Lieutenant.

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C. Disciplinary consequences

Actions prohibited by this order shall be cause for disciplinary action, up to and including termination. Employees believed to be in violation of any section of this General Order may be subject to investigation as outlined in General Order 200.3, Internal Investigations.

D. Training [TBP 2.01]

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

V. COMPLIMENTS AND COMPLAINTS

- A. The Department shall publish “How to File a Complaint” brochures in both English and Spanish and make them available in the public areas at the Police Department and City Hall. The Department’s complaint process and its bias-based profiling policy will be posted on the Department’s website. The information shall include, but is not limited to, the email, physical address, and telephone contact information for making a complaint against an employee. This information shall also be listed on Department-issued citations and written warnings. Officers shall inform citizens receiving a citation or written warning where this information is located on the document.
- B. Citizens who wish to file a complaint on a member of the Department shall be provided a Complaint Form (RHPD-305). The person filing the complaint may provide their own written account of the incident; however, the Officer accepting the complaint shall request the complainant to read and complete the Complaint Form (RHPD-305) and indicate in the narrative section to refer to the previously written statement and attached to the packet.
- C. Complaints alleging incidents of bias-based profiling will be fully investigated as described under General Order 200.3, Internal Investigations.
- D. The person filing the complaint will be notified of the results of the investigations once the investigation is completed.
- E. Compliments are also handled in a process similar to complaints. Officers receiving compliments from citizens shall forward the compliments to the Chief of Police, utilizing their chain of command. Verbal compliments shall be recorded on a Personnel Incident Form (RHPD-280). Written compliments from citizens shall be accepted and forwarded to the Chief of Police through the chain of command, along with a Personnel Incident Form (RHPD-280) detailing the circumstances surrounding the compliment.

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VI. RECORD KEEPING

- A. The Department will maintain all required records on traffic stops where a citation or warning is issued or where an arrest is made subsequent to a traffic stop. Information gathered during such encounters is outlined in Subsection C below.
- B. The information collected from traffic stops as outlined in Subsection C will be collected and reported by the Chief Administrator to the City Council and to the Texas Commission on Law Enforcement (TCOLE) by March 1st of each year as required by law. The reporting data must include:
 - 1. A comparative analysis of the information compiled under Article 2.133 of the Texas Code of Criminal Procedure which:
 - a. Evaluates and compares the number of motor vehicle stops, within the applicable jurisdiction, of persons recognized as racial or ethnic minorities and persons who are not recognized as ethnic or racial minorities;
 - b. Examines the disposition of motor vehicle stops made by Officers employed by the agency, categorized according to race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops made within the applicable jurisdiction; and
 - c. Evaluates and compares 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.
 - 3. Further, as recommended by law, the Department shall maintain audio and video recording equipment in all vehicles utilized for motor vehicle stops. All personnel whose duties include contact with the public shall also be issued a body worn camera to record such interactions. Department supervisors are responsible for reviewing audio and video documentation gathered on vehicle and body worn recording equipment in accordance with Section IV, Subsection B.8 of this General Order.
 - 4. Failure to submit incident-based data as required by Article 2.134 of the Texas Code of Criminal Procedure shall result in a liability to the state for a civil penalty of an amount not to exceed \$5,000.00 per violation.
- C. The records gathered for purposes of the racial profiling review (referred to as Tier 2 data) shall include:
 - 1. The individual's gender;

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2. The race or ethnicity of the detained individual as stated by the person or as determined by the Officer to the best of their ability;
 - a. Race/Ethnicity means White, Black, Hispanic or Latino, Asian or Pacific Islander, or Alaska Native or American Indian.
3. Whether the peace Officer knew the race or ethnicity of the detained individual prior to detaining them;
4. The initial reason for the stop;
5. Whether a search was conducted and if so, whether the detained individual consented to the search;
6. Whether contraband or other evidence was found as a result of a search;
7. A description of the evidence or contraband found during the search;
 - a. Evidence or contraband may include illegal drugs/paraphernalia, currency, weapons, alcohol, stolen property, or anything else related to a criminal offense or investigation.
8. The reason for the search;
 - a. Consent, Plain View, Probable Cause/Reasonable Suspicion, Inventory, or Incident to Arrest.
9. Information related to an arrest;
 - a. Whether the Officer made an arrest as a result of the stop or search.
 - b. If an arrest was made, the reason for the arrest.
 - (1) Violation of Penal Code, Violation of Traffic Law, Violation of City Ordinance, or Outstanding Warrant.
10. Whether the peace Officer used physical force during the stop that resulted in bodily injury, as defined by Texas Penal Code Section 1.07;
11. The location of the stop; and
 - a. City Street, US Highway, County Road, Private Property, or Other.
12. Whether a written warning or a citation was issued as a result of the stop.



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

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Memorandum

To: Honorable Mayor Edward Lopez and Richland Hills City Council Members

From: Scott Mitchell, Director of Neighborhood Services

Date: February 27, 2023

Subject: Street Improvement Projects

Agenda Item:

Street Improvement Projects

Background Information:

Staff will provide an update on the FY 2023 street improvement projects.

Financial Considerations:

N/A

Legal Review:

N/A

Board/Citizen Input:

N/A

Attachments:

N/A

Council Action Requested:

No Council Action

Memorandum

To: Honorable Mayor Edward Lopez and Richland Hills City Council Members

From: Logan Thatcher, Assistant to the City Manager

Date: February 27, 2023

Subject: Townhome Development Update

Agenda Item:

Richland Crossing and Baker Landing Development Update

Background Information:

Staff will provide an update on the Richland Crossing and Baker Landing townhome developments.

Financial Considerations:

N/A

Legal Review:

N/A

Board/Citizen Input:

N/A

Attachments:

N/A

Council Action Requested:

No Council Action

Memorandum

To: Honorable Mayor Edward Lopez and Richland Hills City Council Members

From: Candice Edmondson, City Manager

Date: February 27, 2023

Subject: January Department Monthly Reports

Agenda Item:

January Department Monthly Reports

Background Information:

Attached are the monthly Department Reports. If you have any questions regarding the reports, please contact me or the appropriate Department Head.

Financial Considerations:

N/A

Board/Citizen Input:

N/A

Legal Review:

N/A

Attachments:

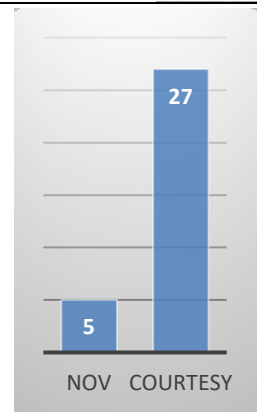
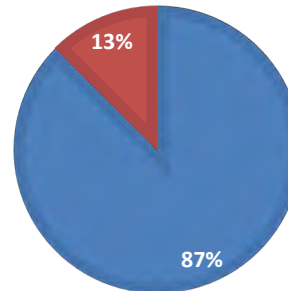
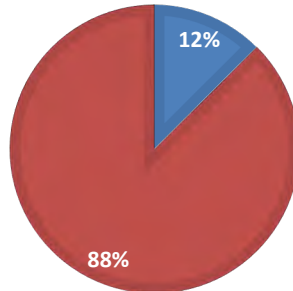
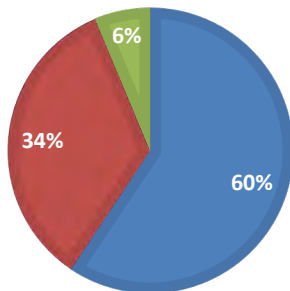
January Department Reports

Council Action Requested:

No Council Action

Code Compliance

■ Nuisance ■ Building ■ Permits ■ Commercial ■ Residential ■ Proactive ■ Reactive



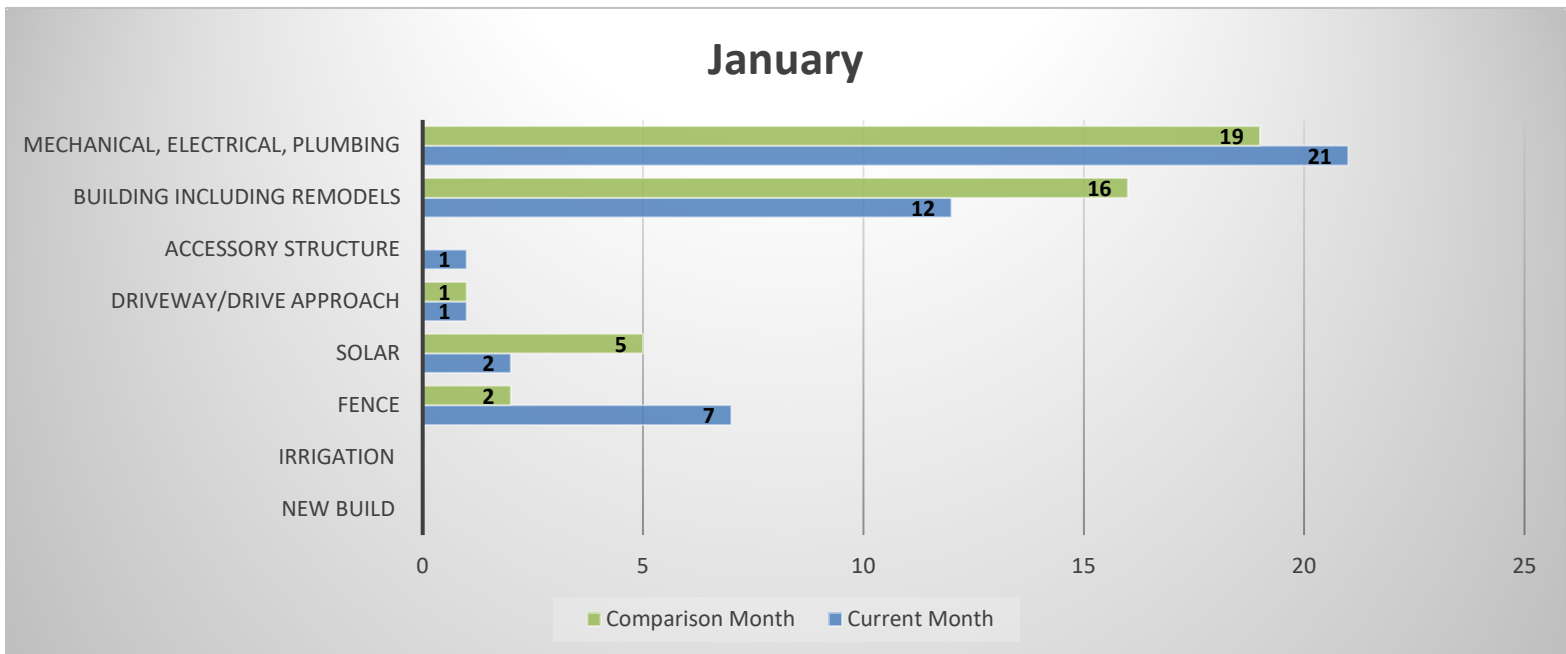
Current Month Violations					
	Notices Issued	Pending Compliance	Compliance Obtained	Citations Issued	Abatement by City
Nuisance Violations	19	4	15	2	0
Building Violations	11	8	3	0	0
Zoning Issues	0	0	0	0	0
Permit Violations	2	0	2	0	0
Fiscal Year Totals	264	61	203	7	0
Previous Fiscal Year Comparison	268	116	152	9	0

Current Month	Comparison Month	December 2022 Inspections
STANDARD BLDG 1 INOPERABLE VEHICLE 1 TREES 10 ACCUMULATIONS 2 PARKING 4 HGW 1	ACCUMULATIONS 9 PARKING 7 TREE 2 INOPERABLE VEHICLE 2 PROPERTY... 1 UNSAFE CONDITIONS 1	3 Inspections Conducted
		Citizen Contact 13 Calls/Voicemails 4 In-Person 17 Total (4 Resulted in Cases)

Signs				
	Current Month	Comparison Month Previous Year	Fiscal Year 22/23	Previous Fiscal Year Comparison
Commercial Sign Violations	0	8	0	9
Bandit Sign Removal	0	4	0	122

Building Summary				
	Current Month	Comparison Month Previous Year	Fiscal Year 22/23	Previous Fiscal Year Comparison
Registered Vacant Building	0	2	0	2
Substandard Buildings – New BBA	0	1	2	1

Development Services



	Mechanical Electrical Plumbing	Building Including Remodels	Accessory Structure	Driveway Drive Approach	Solar	Fence	Irrigation	New Build
Current Month Residential	14	12	1	1	2	5	0	0
Current Month Commercial	7	0	0	0	0	2	0	0
Current Fiscal Year 2022-2023	108	65	6	8	13	13	0	0
Previous Month Residential	14	12	0	0	5	2	0	0
Previous Month Commercial	5	4	0	1	0	0	0	0

	Current Month	Comparison Month Previous Year	Fiscal Year To Date 2022-2023
Sign Permit	2	0	7
ROW Permit	3	4	16
Garage Sale Permit	8	5	50
Zoning, SUP, Code Consults	2	6	9
Pool Permits	0	0	0

Business Summary

	Current Month	Comparison Month Previous Year	Fiscal Year To Date 2022-2023
Registered Rental CO's	12	4	23
Issued Commercial CO's	7	5	15
Mobile Food Vendor	0	0	2

Received Certificate of Occupancy

- Construction Best Builders, 7336 Dogwood Park Suite A – Contractor (Outside Storage)
- City Wide Appliances, 3123 Handley Ederville Suite A – Business Service
- GVN Distribution LLC, 7344 Dogwood Park – Warehouse Distribution
- Apapacho Taqueria, 6940 Baker Blvd – Retail Service, Incidental
- Integrity Termite, 3333 Rufe Snow Suite A – Contractor (No Outside Storage)
- Tasco Auto Color #44, 7072 Boulevard 26 – Retail
- Kala Finishing Systems, 7423 Airport Fwy – Warehouse/Distribution Center

Number of Potential Business Certificate of Occupancy Meetings: 3**Number of Developmental Review Committee / Plan Review: 4**

Finance

GENERAL FUND, UTILITY FUND AND LINK FUND

Fiscal Year 2022-2023, Period Ending 01/31/2023

Monthly Financial Report					
	Budget	Current Month Actual	YTD Actual	Available Budget	% YTD of Total Budget
General Fund (001)					
Revenue					
Property Taxes	\$ 3,123,995	\$ 957,783	\$ 2,486,379	\$ 637,616	80%
Sales Tax	4,712,216	339,417	695,285	4,016,932	15%
Other Tax	2,500	191	848	1,652	34%
Franchise Fees	562,000	10,168	28,114	533,886	5%
Fines & Forfeitures	262,050	24,479	84,086	177,964	32%
Licenses & Permits	209,500	15,228	54,599	154,901	26%
Service Charges	305,850	27,514	124,664	181,186	41%
Miscellaneous	140,152	18,194	42,593	97,559	30%
Total Revenues	\$ 9,318,263	\$ 1,392,974	\$ 3,516,567	\$ 5,801,696	38%
Expenditures					
Municipal Court	\$ 300,039	\$ 20,559	\$ 93,098	\$ 206,941	31%
Administration	690,171	42,956	229,984	460,186	33%
Police	2,091,296	170,663	680,094	1,411,201	33%
Fire	2,567,824	220,395	771,316	1,796,508	30%
Street	325,079	10,368	38,176	286,903	12%
Library	403,133	27,342	126,181	276,952	31%
Recreation	299,807	25,969	92,388	207,419	31%
Parks/Grounds	281,787	7,974	28,514	253,273	10%
Community Development	535,439	36,581	109,914	425,525	21%
Animal Control	202,422	17,757	64,255	138,167	32%
Legislative (City Secretary)	129,940	7,547	42,495	87,445	33%
Shared Services	839,990	113,557	272,508	567,482	32%
Transfers/Non Departmental	510,491	627	139,227	371,264	27%
Total Expenditures	\$ 9,177,418	\$ 702,295	\$ 2,688,152	\$ 6,489,267	29%
Rev/Exp	\$ 140,845	\$ 690,678	\$ 828,416		
Utility Fund (002)					
Revenue					
Water	\$ 2,537,000	\$ 194,092	\$ 677,735	\$ 1,859,265	27%
Sewer	1,800,000	153,150	516,521	1,283,479	29%
Transfers In	2,406,753	39,305	50,535	2,356,218	2%
Misc. (incl. Garbage Billing)	536,600	57,296	214,988	321,612	40%
Total Revenues	\$ 7,280,353	\$ 443,842	\$ 1,459,779	\$ 5,820,574	20%
Expenses					
Shared Services	\$ 311,427	\$ 41,467	\$ 112,809	\$ 198,618	36%
Administration	641,582	45,021	219,130	422,452	34%
Water Services & Distr.	3,633,344	37,001	162,912	3,470,432	4%
Wastewater Service	1,369,360	71,944	198,017	1,171,343	14%
Trsfrs/Debt Service/Non-Dept.	1,004,832	39,305	131,375	873,457	13%
Total Expenses	\$ 6,960,545	\$ 234,738	\$ 824,244	\$ 6,136,300	12%
Rev/Exp	\$ 319,808	\$ 209,104	\$ 635,535		
Link Operating Fund (098)					
Revenue					
Recreation	\$ 542,190	\$ 47,958	\$ 165,348	\$ 376,842	30%
Transfers in	\$ 199,680	\$ -	\$ -	\$ 199,680	0%
Total Revenue	\$ 741,870	\$ 47,958	\$ 165,348	\$ 576,522	22%
Expenditures					
Operating/Personnel	\$ 741,870	\$ 45,292	\$ 183,973	\$ 557,897	25%
Rev/Exp	\$ -	\$ 2,666	\$ (18,625)		
*Unaudited					

Finance

SPECIAL REVENUE FUNDS

Fiscal Year 2022-2023, Period Ending 01/31/2023

Monthly Financial Report					
	Budget	Current Month Actual	YTD Actual	Available Budget	% YTD of Total Budget
Court Security Fund (24)					
Revenue	\$ 5,500	\$ 451	\$ 1,752	\$ 3,748	32%
Expenditures	\$ -	\$ -	\$ -	\$ -	0%
<i>Rev/Exp</i>		\$ 451	\$ 1,752		
Court Technology Fund (39)					
Revenue	\$ 4,800	\$ 396	\$ 1,490	\$ 3,310	31%
Expenditures	\$ -	\$ -	\$ -	\$ -	0%
<i>Rev/Exp</i>	\$ 4,800	\$ 396	\$ 1,490		
Crime Control District (65)					
Revenue					
Sales Tax	\$ 1,779,795	\$ 127,274	\$ 260,268	\$ 1,519,528	15%
Grants/Transfers	\$ 21,760	\$ -	\$ 1,028	\$ 20,732	5%
Total Revenue	\$ 1,801,555	\$ 127,274	\$ 261,295	\$ 1,540,260	15%
Expenditures					
Public Safety	\$ 1,440,266	\$ 175,167	\$ 464,351	\$ 975,915	32%
Capital Expense	78,871	-	6,800	72,071	9%
Transfers Out	50,000	-	-	50,000	0%
Total Expenditures	\$ 1,569,137	\$ 175,167	\$ 471,151	\$ 1,097,986	30%
<i>Rev/Exp</i>	\$ 232,418	\$ (47,893)	\$ (209,856)		
Hotel Occupancy Tax (77)					
Revenue					
HOT (Taxes)	\$ 180,000	\$ 17,879	\$ 66,293	\$ 113,707	37%
Expenditures					
Operating Expense	\$ 93,656	\$ 3,532	\$ 12,084	\$ 81,572	13%
Debt Service	105,013	-	-	105,013	0%
Total Expenditures	\$ 198,669	\$ 3,532	\$ 12,084	\$ 186,585	6%
<i>Rev/Exp*</i>	\$ (18,669)	\$ 14,347	\$ 54,209		
TIF Fund (89)					
Revenue					
Property Tax Allocation	\$ 201,709	\$ -	\$ -	\$ 201,709	0%
Sales Tax Transfer in	\$ 75,000	\$ -	\$ -	\$ 75,000	0%
Total Revenue	\$ 276,709	\$ -	\$ -	\$ 276,709	0%
Expenditures					
Operating	\$ 90,000	\$ -	\$ -	\$ 90,000	0%
Improvement Incentive	\$ 30,000	\$ -	\$ -	\$ 30,000	0%
Capital Projects	\$ 460,000	\$ 11,379	\$ 11,379	\$ 448,621	2%
Total Expenditures	\$ 580,000	\$ 11,379	\$ 11,379	\$ 568,621	2%
<i>Rev/Exp</i>	\$ (303,291)	\$ (11,379)	\$ (11,379)		
Strategic Initiative Fund (107)					
Revenue	\$ 2,400,000	\$ -	\$ 2,400,000	\$ -	100%
Expenditures	\$ 691,000	\$ 2,731	\$ 2,731	\$ 688,269	0%
<i>Rev/Exp</i>	\$ 1,709,000	\$ (2,731)	\$ 2,397,269		

Finance

CAPITAL FUNDS

Fiscal Year 2022-2023, Period Ending 01/31/2023

Monthly Financial Report					
	Budget	Current Month Actual	YTD Actual	Available Budget	% YTD of Total Budget
Oil & Gas Lease Fund (12)					
Revenue	\$ 77,000	\$ 40,181	\$ 188,730	\$ (111,730)	245%
Expenditures	95,000	-	1,100	93,900	1%
<i>Rev/Exp*</i>	\$ (18,000)	\$ 40,181	\$ 187,630		
Capital Projects Fund (20)					
Revenue-Transfers In	\$ 1,288,311	\$ -	\$ -	\$ 1,288,311	0%
Expenditures					
Capital Projects	\$ 1,367,335	\$ 555	\$ 555	\$ 1,366,780	0%
Capital-Lease Pymts	\$ 158,311	\$ -	\$ 65,172	\$ 93,140	41%
Total Expenditures	\$ 1,525,646	\$ 555	\$ 65,727	\$ 1,459,919	4%
<i>Rev/Exp</i>	\$ (237,335)	\$ (555)	\$ (65,727)		
Road and Street Fund (25)					
Revenue					
Sales Tax	\$ 1,767,081	\$ 127,281	\$ 260,732	\$ 1,506,349	15%
Total Revenue	\$ 1,767,081	\$ 127,281	\$ 260,732	\$ 1,506,349	15%
Expenditures					
Street R&M	2,929,388	52,233	403,095	2,526,293	14%
Total Expenditures	\$ 2,929,388	\$ 52,233	\$ 403,095	\$ 2,526,293	14%
<i>Rev/Exp*</i>	\$ (1,162,307)	\$ 75,048	\$ (142,363)		
Vehicle Replace. Fund (30)					
Revenue					
Misc. Income	\$ 279,950	\$ 61,255	\$ 202,588	\$ 77,362	72%
Expenditures					
Capital-Lease/Purchases	\$ 269,240	\$ -	\$ 108,287	\$ 160,953	40%
Operational	\$ 20,000	\$ 7	\$ 8,645	\$ 11,355	43%
Total Expenditures	\$ 289,240	\$ 7	\$ 116,932	\$ 172,308	40%
<i>Rev/Exp*</i>	\$ (9,290)	\$ 61,248	\$ 85,656		
ARPA Fund (101)					
Revenue-Transfers In/Interest	\$ 1,768,541	\$ 6,423	\$ 50,424	\$ 1,718,117	3%
Expenditures					
Project Appropriations	\$ 1,671,768	\$ 8,241	\$ 22,241	\$ 1,649,527	1%
Transfers out-Prem. Pay	\$ 96,773	\$ -	\$ -	\$ 96,773	0%
Total Expenditures	\$ 1,768,541	\$ 8,241	\$ 22,241	\$ 1,746,300	1%
<i>Rev/Exp</i>	\$ -	\$ (1,818)	\$ 28,183		

*Any overages in these funds are covered by fund balance.

Finance

DEBT SERVICE FUND

Fiscal Year 2022-2023, Period Ending 01/31/2023

Monthly Financial Report					
	Budget	Current Month Actual	YTD Actual	Available Budget	% YTD of Total Budget
Debt Service Fund (10)					
Revenue					
Property Taxes	\$ 1,001,117	\$ 289,477	\$ 757,133	\$ 243,984	76%
Expenditures					
Debt Service	\$ 948,844	\$ -	\$ 2,260	\$ 946,584	0%
Rev/Exp	\$ 52,273	\$ 289,477	\$ 754,873		
COMPONENT UNIT					
Richland Hills EDC (26)					
Revenue					
Sales Tax	\$ 1,178,054	\$ 84,854	\$ 173,821	\$ 1,004,233	15%
Total Revenues	\$ 1,178,054	\$ 84,854	\$ 173,821	\$ 1,004,233	15%
Expenses					
Operating	\$ 1,347,868	\$ 7,709	\$ 35,962	\$ 1,311,906	3%
Transfers Out				\$ -	0%
Debt Service	\$ 228,663	\$ -	\$ -	\$ 228,663	0%
Total Expenditures	\$ 1,576,531	\$ 7,709	\$ 35,962	\$ 1,540,569	2%
Rev/Exp*	\$ (398,477)	\$ 77,145	\$ 137,859		
*Any overages in these funds are covered by fund balance.					
DRAINAGE					
Drainage Fund (022)					
Revenue					
Billing/Interest	\$ 909,458	\$ 75,890	\$ 302,923	\$ 606,535	33%
Expenses					
Operating	\$ 446,274	\$ 15,441	\$ 56,046	\$ 390,228	13%
Debt Service	\$ 483,439	\$ -	\$ -	\$ 483,439	0%
Total Fund	\$ 929,713	\$ 15,441	\$ 56,046	\$ 873,667	6%
Rev/Exp*	\$ (20,255)	\$ 60,449	\$ 246,877		

*Any overages in these funds are covered by fund balance.

Fire

Fire Operations:

- Personnel completed **17** business inspections throughout the month.
- Members completed a combined **178** hours of training this month.
- Staff participated in **5** development related meetings during the month of January.
- The mutual aid agreement with Allegiance Ambulance resulted in no calls during January.
- Response times for January averaged **4 minutes 44 seconds** from receipt of call in dispatch to the first fire unit arriving on scene to assist.
- More than **20.13%** of emergency calls in January were received while our crews were already addressing another emergency in the city.
- FF/EMT Jordan Bridges has accepted a position with the Hurst Fire Department and will be leaving us in late January. He will be remaining on as a part time employee.
- FF/EMT Tony Dryer is finishing his last semester of paramedic school and he should graduate in May 2023.
- FM Brock has returned to duty and resumed his normal workload. He has begun his PD field training process and will be out of the FD through mid-April.
- Smoke alarms continue to be available to those who need them. There is no cost and FD personnel will install them. Three smoke detectors were installed in January.
- Vial of Life emergency medical information pouches are available at the fire station.
- Medication disposal pouches are also available at the fire station. The box is mounted on the wall in the lobby of the new fire station. Please help yourself.
- Flushing and flow testing of all fire hydrants will begin later this spring.
- Calls in January 2023 were **13.5%** less than calls in January 2022.
- Mutual aid received from other agencies was 59% more compared to January 2022. Mutual aid given was up over **18%** compared to January 2022.

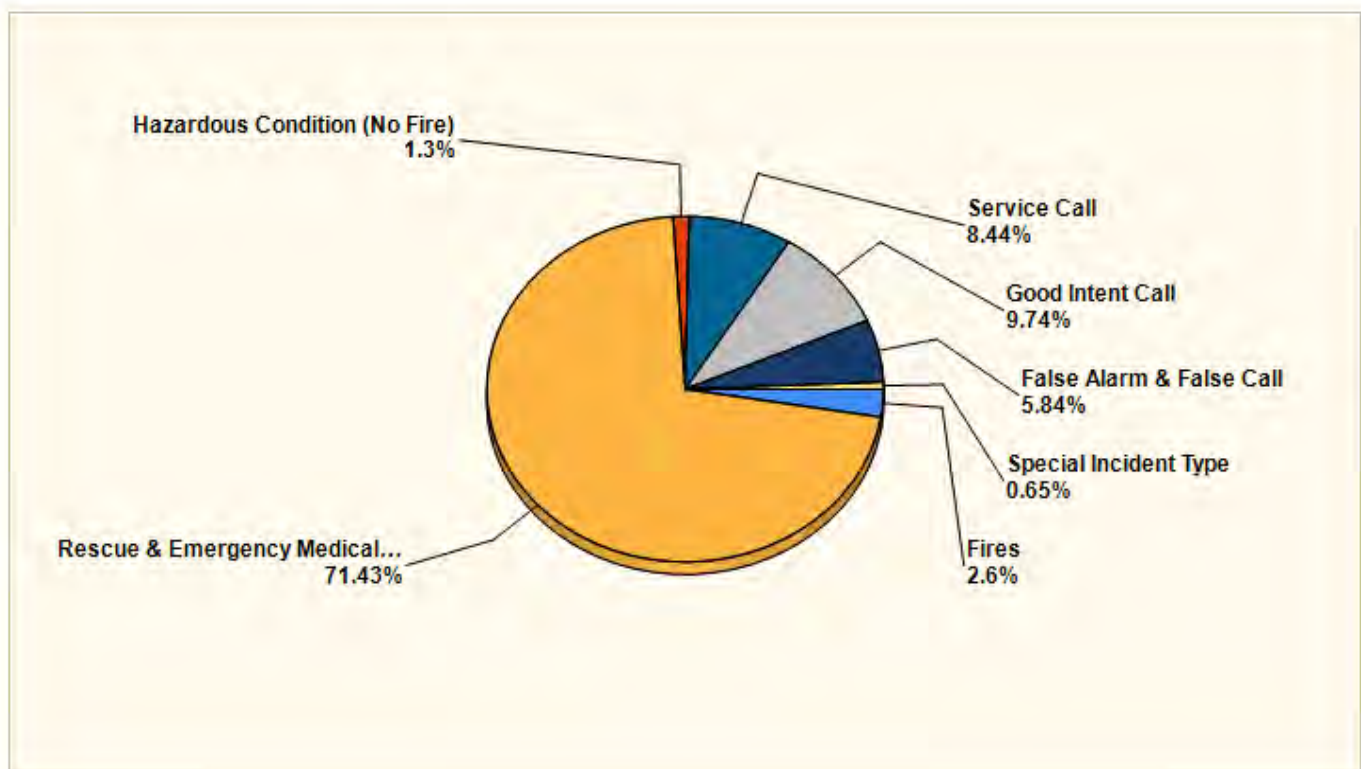
Emergency Management:

- Plans are underway for a more extensive exercise that will be conducted in May 2023.
- Additional needed supplies and equipment will be purchased in the new budget year.

Major Incident Type Data

Service Calls – Through January 31, 2023				
		Current Month	January 2022	FY2023 Total
Fire Calls		4	6	23
EMS/Major Accidents/ Rescues		110	95	417
Hazardous Conditions – No Fire		2	4	28
Public Assistance		13	12	65
Good Intent (No Service Rendered)		15	10	65
False Alarm		9	2	37
Severe Weather & Natural Disaster		1	0	2
Total Calls		154	178	637
Automatic / Mutual Aid				
		Current Month	January 2022	YTD Total
Aid Received		27	16	70
Aid Given		28	23	121

Major Incident Type Chart



Fire Marshal:

CO Inspections: 8

Fire Alarm Inspection: 2

Fire Sprinkler Inspection: 3

School Inspections: 1

Church Fire Inspections: 1

Nursing Home Inspections: 1

Shift Inspections: 3

Plan Reviews: 1

Code Consults: 1

Business Info Updates: updating business and contact info and forwarding to NRHW Alarm; updating Knox Box keys and locks as needed.

DRC Meetings: 2

P&Z Meeting: N/A

Tarrant Co. Emergency Mgmt. Meeting: N/A

NEFDA Haz-Mat Meeting: All personnel attended a Haz-Mat Drill in Grapevine, individual departments updating operations checklists

TCFAI Meeting: opportunity for classes through TCSO and Arson Task Force, TCFP to hold Fire Marshal certification 2023

Building Walkthroughs: Royal Bath on Burns Street.

Uniforms: All new uniform items have been received

SCBA: Four replacement SCBA's have been received and placed in service

Emergency Mgmt.: Looking at TDEM for available classes and grant resources/procedures

Training: working through new officer orientation program at RHPD

Investigations: 1

Other: Working with several businesses regarding indoor storage of motor vehicles in un-sprinklered buildings.

RICHLAND HILLS PUBLIC LIBRARY

JANUARY • 2023



IMPACT

Senior Social Time on Thursday mornings at the library is growing in popularity! This program takes place every Thursday morning, with special guests once a month. Fire Chief Shelley was the guest in January.

The library Gardyn is also growing! Patrons are taking advantage of the opportunity to take home small bags of fresh herbs to enhance their cooking.

KEY FACTS (Last Year)

- 807 Visitors (766)
- 208 Program Attendance (99)
- 9 Programs and Events (5)
- 904 Questions Answered (905)
- 195 Computer Sessions (243)
- 2511 Total Items Checked Out (2040)
- 16 Posters printed for other City Departments (4)

Month of JANUARY 2023

Department Narrative of Significant Actions, Results, and Pending items:

	Current Month # Cleared	Current Month \$ Amt Cleared	YTD Number	YTD Dollar Amount
Warrant Service by Marshal in office				
Turned self in	1	\$ 685.00	9	\$ 4,363.80
Attorney bonds	2	\$ 960.70	5	\$ 2,613.00
Returned for Officer correction	1	\$ 832.00	7	\$ 3,328.80
Unable to locate - bad info	3	\$ 1,251.10	3	\$ 1,251.10
Paid/payment plan	8	\$ 3,689.00	36	\$ 16,823.34
Deceased	0	\$ -	0	\$ -
Cleared-Found Incarcerated	3	\$ 1,218.00	15	\$ 6,063.00
Warrant Service by Marshal in field				
Arrests - transfer to jail	0	\$ -	7	\$ 2,636.00
Payment plan rather than jailed	0		1	\$ 631.00
Attorney bonds rather than jailed	0	\$ -	0	\$ -
Paid rather than jailed	10	\$ 4,348.25	17	\$ 8,182.75
Warrant Service - Other				
Time Served	42	\$ 14,627.20	201	\$ 72,393.40
Arrested by other agencies	53	\$ 20,252.20	188	\$ 72,586.30
Paid by defendant	1	\$ 237.90	7	\$ 1,909.53
Released due to medical reasons	0	\$ -	2	\$ 1,076.80
Attorney bonds	0	\$ -	3	\$ 1,525.03
Prisoner Transfers				
Number of defendants transferred	5	\$ 4,778.00	10	7751
Total hours spent on transfers	6.5	\$ -	13	
Total miles driven on transfers	103	\$ -	246	
Teletype - time serve/plea/court date	16	\$ 6,394.20	77	\$ 30,193.30
Other Duties				
Bank detail	9		46	
Traffic stops	0	0	0	0
Insurance verifications	11		30	
Vehicles inspected	0		0	
Bailiff hours	6		21.5	
Training	0		0	
Serve summons - School	2		2	
Serve summons - Animal Control	0		4	
Serve summons - Code Enforcement	0		2	
Serve summons - Police	0		0	
Officer corrections on citations	9		36	
Returned FTA notices	14		71	

Municipal Court

Department Narrative of Significant Actions, Results, and Pending Items:

None at this time.

Citation Summary		
	Current Month	YTD Total
Violations Filed	224	780
Completed Cases– Paid Fine & Before Judge	101	408
Other Completed - Dismissed deferred, DSC, proof, compliance, by Judge or Prosecutor, plea & bar, void	149	750
Number of Warrants Issued	293	519
Number of Warrants Cleared	78	730
Number of Outstanding Warrants	281	541
Value of Outstanding Warrants	\$125,536.70	\$228,596.36
Total Fees Collected	\$32,182.48	\$119,992.51

Parks and Recreation Director's Report

January 2023



Budget Analysis

The Link's revenue budget is currently more than \$22,500 above the estimated amount. Additionally, staff has been spending responsibly with expenses kept low. Staff is still working on getting the esports, gaming room, and indoor playground all online to help recruit new members and day passes.

Project/Program Updates

- **Memberships: \$6,381.51** Memberships continued to climb in January. However, staff did find a couple of accounts that were past due. That will result in a revenue correction for February. With 33 sales and 48 terminations, the new count is 308 memberships at The Link. Scans increased this month to 1,742 with 341 different users.
 - Medicare programs brought in **\$1,911.50** in additional monthly fees from 138 active members.
- **Camp Connect and Link Learner's Academy (LLA): \$14,275.80** The afterschool program has 78 paid kids across the two campuses (The Link and Binion Elementary). Staff has not been able to get Cheney Hills administrators to reply to our request to host on site.

In addition to the afterschool program, The Link hosted two days off camp with school being out. We had seven enrollees for both days.

- **Programs:** Staff is continuing to work on bringing in more instructors with more classes. The goal is to have a wide variety of art, educational, and physical or athletic classes hosted at The Link.
 - **Classes:** Current classes
 - Karate – 5
 - Belly Dancing – 5
 - Dance – Staff is working on offering new dance classes that will begin in January or February.
 - **Athletics:** The athletics at The Link includes free-play pickleball, volleyball, and basketball opportunities in the gymnasium. These options are open to members for free and the general public for a fee.
 - Pickleball Lessons – 0 – current provider is not hosting anymore. We will restart this program with a new instructor soon.
 - Pickleball players – 90
 - Volleyball players – 40
 - **Special Events:** No events were hosted in January.

- **Community Programs:** The Link, while designed to generate revenue, tries to find a balance with community programs that anyone can join.
 - Lunch Bunch – Chicken Express and sides were served and 77 attended. 63 seniors stayed and played bingo for prizes.
 - Tarrant Area Food Bank – in association with Center Point Church – 89 families were served.
 - Second Saturday Seminars – January’s program was on gut health. We had one participant come to hear the presentation.
- **Senior Programs:** 12 seniors pressed their luck and went to Winstar Casino on January 4. The second trip of the month was to the George W. Bush Presidential Library on January 18 with 12 attendees.
- **Parks:** Parkhill, Halff and staff will have a meeting in February to go through the design and make sure that the design for Kate Baker and Creek Trail Parks are improved and considered all flood and location concerns. Next steps will be to have Parkhill update the design and then forward to Romtec for the updated restroom location.

Fence repairs at Kate Baker and Creek Trail Park will be starting in February. Rollins Fence Company was chosen as the low bid from the three quotes gathered by staff.

Park amenity (trash cans, benches, picnic tables, pet posts, etc) numbers are being finalized and will be ordered before March.
- **Landscaping:** Staff has completed the language for a new RFP. Maps are being created for each location to ensure that vendors have a good representation of the scope of work.
- **ROWS and Medians:** TxDOT is still finalizing the vendor for the 2023 Green Ribbon project. The AFA will be presented to council prior to the project starting. Staff anticipates that will happen by the end of March.
- **Marketing:**
 - Webpage visits: 1,856
 - Google Business Searches: 3,592
 - Yelp Visits: 17
 - Instagram Reach: 57
 - Facebook Page Visits: 635
 - Twitter Impressions: 7
 - YouTube Views: 0
 - Nextdoor: 0
- **Rentals: \$12,671.20** The Link hosted 61 rentals this month, including 5 city events. Many of the rentals for this month were gym rentals for RYA.

Valuable Information:

- The indoor playground – Construction will be completed in February.
- Esports – Staff is working on scheduling a kick-off function in February.
- Staff is currently putting details together for the new Clean, Green and Lean event that will promote the parks system by offering a community-wide clean-up day, planting event and Link 6th Birthday Party!

Link Revenue	January 2021	January 2022	January 2023	Fiscal Year 22-23 YTD
Classes	\$0	353.50	441.50	\$2,598.37
Link Membership	\$4,699.74	\$5,678.41	\$6,381.51	\$24,112.21
One Day Passes	\$397.00	\$389.00	\$181.00	\$1,094.00
Fitness Classes	\$444.08	\$328.96	\$194.13	\$855.32
Personal Training	\$700.00	\$3,001.87	\$655.08	\$2,699.77
Athletics	\$1,597.50	\$2,842.47	\$4,944.00	\$9,679.74
Camps	\$534.00	\$1,120.00	\$562.50	\$6,541.50
After School	\$5,369.60	\$9,783.66	\$13,713.30	\$43,456.80
Rentals	\$7,534.00	\$17,327.30	\$12,671.50	\$55,942.50
Medicare Membership	\$972.50	\$1,399.00	\$1,911.50	7,093.00
	\$22,248.42	\$42,224.17	\$41,655.52	\$154,073.21

Police

- Sergeant Christian Gaytan promoted to Police Lieutenant
- Sgt Atteberry and Sgt Escalante completed ALERRT Active Threat Instructor Course

Service Calls		
	Current Month	YTD Total
Total Calls for Service (CFS)	1636	1636
Calls for Service	416	416
Field Generated CFS	1220	1220
Proactive Policing (Included in Field Generated	1220	1220
Traffic Stops-Spillman	242	242
Violations issued	182	182
Warnings issued	214	214
Traffic stops resulting in an arrest	25	25
Crime Prevention CFS	287	287
Business Checks CFS	433	433
Arrests	56	56
Family Violence-included above	3	3
DWI Arrests-included above	2	2
Priority-1 Total Response Time	5m 39s	
Priority-1 Officer Response Time	3m 07s	
NOTES:		
Part 1 Offenses		
	Current Month	YTD Total
Total Violent Crime Offenses	21	21
Murder	1	1
Rape	4	4
Robbery	0	0
Aggravated Assault	6	6
Simple Assault	10	10
Total Property Crime Offenses	17	17
Burglary	7	7
Business	7	7
Residential	0	0
Larceny	7	7
Burglary of Motor Vehicle	2	2
Auto Theft	1	1
Part -1 Offenses Cleared		
Clearance Rate %	28.95%	28.95%
Stolen Property Reported	\$67,862	\$67,862
Stolen Property Recovered	\$0	\$0

NOTES:

Capital Murder case of 8-year-old boy

Traffic Accidents

	Current Month	YTD Total
Crash Reports		
Accidents-Major	3	3
Accidents-Minor	13	13
Alcohol/Drug Impairment	0	0

NOTES:

Records

	Current Month	YTD Total
Sex Offender Registrations	1	1
Open Records Requests	76	76

Property & Evidence

	Current Month	YTD Total
Pieces of Property Received	152	152
Items Taken to Lab for Narcotics Testing	21	21
Items Taken to Lab for Blood Alcohol Content	2	2
Crime Scene Call Outs (Richland Hills Police	4	4
Crime Scene Call Outs (Haltom City Police	0	0

Criminal Investigations

	Current Month	YTD Total
New Assigned Cases	129	129
Current Open Cases	102	
Total Warrants Issued	11	11
Misdemeanor Arrest Warrant	5	5
Felony Arrest Warrant	1	1
Search Warrant	5	5
Charges Filed with TCDA	44	44
New Emergency Protective Orders	3	3

NOTES:

Animal Services

- On January 26,2023 the Vax Shack serviced 34 pets for Spay/Neuter
- Vax Shack Shot Clinic provided immunization to over 30 pet families
- Next Surgery Day Scheduled for February 23,2023.
- Interior construction projecting coming to completion

Service Calls		
	Current Month	YTD Total
Total Dispatched Calls	29	29
Impounds		
	Current Month	YTD Total
DOGS	13	13
CATS	8	8
OTHER THAN DOGS/CATS	0	0
TOTAL	21	21
Incidents by Type		
	Current Month	YTD Total
ANIMALS AT LARGE	15	15
AGGRESSIVE ANIMAL	0	0
ANIMAL COMPLAINTS	13	13
INJURED ANIMALS	1	1
TOTAL	29	29
NOTES:		
Bite Reports		
	Current Month	YTD Total
ANIMAL BITES	0	0
SHELTER QUARANTINE	0	0
HOME QUARANTINE	0	0
SUBMISSION TO AUSTIN	0	0
UNABLE TO LOCATE	0	0
NOTES:		
Disposition of Animals out of the Shelter		
	Current Month	YTD Total
DOGS ADOPTED	7	7
CATS ADOPTED	12	12
RETURNED TO OWNER/YARD	3	3
TRANSFERRED/RESCUED	0	0

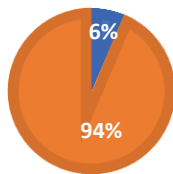
EUTHANIZED	0	0
City License Issued		
	Current Month	YTD Total
ISSUED	19	19
Citations/Violations Issued		
	Current Month	YTD Total
CITATIONS ISSUED	0	0
WARNINGS ISSUED	3	3

Public Works

Public Works – Work Orders				TOTAL WORKORDERS: 213	
STREETS		WATER		SEWER	
Potholes	41	Water Line Break	1	Sewer Line Break	0
Street Patch	0	Water Line Repair	4	Sewer Line Repair	0
Debris Removal/Mowing	2	Meter Leak/Repair	19	Household Back-up	6
Sign Repair/Install	0	After Hour Calls	4	Drainage	1
Manhole Repairs	0	Other (Water pressure, odor, etc.)	6	After Hour Calls	1
After Hour Calls	0			Other (Odor, etc.)	6
Other (Mosquito Testing, Inspections)	0				

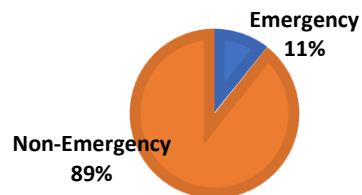
METER READS

■ Electronic Reads ■ Manual Reads



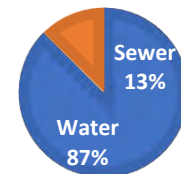
LINE LOCATES

■ Emergency ■ Non-Emergency



AFTER-HOUR CALLS

■ Water ■ Sewer



Utilities – Work Orders

TOTAL WORKORDERS: 385

SERVICES		GENERAL	
Meter Turn On	27	Possible Leak	59
Service Shut Off	41	Meter Repairs/Replacement	4
Final Reads	31	Re-Read Meter	88
Service Starts	33	No Reads	92
Other (Low Consumption, Meter Tests, etc.)	10		

Operational Updates

- 2800' of sewer line cleaned.
- 62 man-hours spent reading wells and water sampling.
- 16 man-hours spent conducting NAP Testing.
- Approximately 400 man-hours spent reading water meters. *Manual: 2545, Electronic: 538*
- Pre-Construction meeting held for the Dover project.
- Bid Opening for the generator project held on January 4th.
- Continued receiving parts/equipment for the Water Meter Replacement Project.
- Rollins Fence started the project at the spoils yard.
- Reliable began street repairs of reported issues throughout the city.
- ExCel4 Baker water project began.

- the Public Works Research and Evaluation Program conducted by RPS was completed.
- Met with BISD – Richland Elementary to be re-activated as temporary home for Mullendore Elementary starting in fall of 2023, for two years during re-construction of the Mullendore building. We will have some signage, cross walk, etc. to take care of later this spring after the PD determines traffic flow, etc.
- DLQOR Quarterly Report submitted to TCEQ.
- The Northern Trinity Ground Water semi-annual report was submitted along with payments.

Staff Update

- Staff had an informal interview with 2 Director candidates and provided feedback to Candice.
- Juan Martinez, Chris Glasgow, and Robert Freeman successfully completed their Basic Water Works Operations training and are now preparing to test for their license.
- Gene Arnold and Jessie Pierson are actively participating in the online Basic Water Works Operations training so they can test for their certification license.
- Internal training continues with new hires.