



TOWN OF TROPHY CLUB

1 Trophy Wood Drive
Trophy Club, Texas 76262

MEETING AGENDA

TOWN COUNCIL

February 10, 2025

6:00 PM

Council Chambers

CALL WORK SESSION TO ORDER AND ANNOUNCE A QUORUM

WORK SESSION ITEM

1. Discussion regarding the Town Council Appointments Committee. (Brandon Wright, Town Manager & Tammy Dixon, Town Secretary)

ADJOURN WORK SESSION

CALL REGULAR MEETING TO ORDER (immediately following Work Session or 7:00 p.m., whichever is later)

INVOCATION led by Pastor Barry Clingan, The Church at Trophy Lakes

PLEDGES led by Council Member

Pledge of Allegiance to the American Flag

Pledge of Allegiance to the Texas Flag

PUBLIC COMMENT(S)

This is an opportunity for citizens to address the Council on any matter pursuant to Texas Government Code 551.007. The Council is not permitted to discuss or take action on any presentations made concerning matters that are not listed on the agenda. Presentations are limited to matters over which the Council has authority. Speakers have up to three (3) minutes or the time limit determined by the Presiding Officer. Each speaker must have submitted their request to speak by completing the Speaker's Form or may email mayorandcouncil@trophyclub.org

COMMUNITY SPOTLIGHT

2. Recognition of Former Council Member LuAnne Oldham
3. Proclamation - Random Acts of Kindness Month
4. Working for You... Trophy Club

- a) Update from Town Council Members
- b) Update from Town Manager (Brandon Wright, Town Manager)
- c) Quick Civic Tip (Dean Roggia, Town Attorney)

CONSENT AGENDA

This part of the agenda consists of non-controversial, or "housekeeping" items required by law. Items may be removed from Consent by any council member by making such request prior to a motion and vote.

- 5. Consider approval of the January 13, 2025, Town Council regular meeting minutes; January 23, 2025, and January 24, 2025, Town Council Retreat meeting minutes. (Tammy Dixon, Town Secretary)
- 6. Consider a resolution appointing Greg Fox to the Economic Development Corporation Board. (Tammy Dixon, Town Secretary)
- 7. Consider authorizing the Town Manager to negotiate and execute a mowing contract with TLC Landscapes for a total annual amount not to exceed \$35,000 with four 1-year renewal options with up to 5% annual increases. (Matt Cox, Director of Community Development)
- 8. Consider an ordinance amending subsection (i), Annual Capital Improvement and Maintenance Charge, of Section A1.014, Water and Wastewater Fees for Public Improvement District No.1, within Appendix A, Fee Schedule, of the Trophy Club Code of Ordinances, to adopt a monthly surcharge for PID residents. (April Duvall, Director of Finance)
- 9. Consider accepting the Third Quarter Investment Report for Fiscal Year 2024. (April Duvall, Director of Finance)
- 10. Consider accepting the Fourth Quarter Investment Report for Fiscal Year 2024. (April Duvall, Director of Finance)

INDIVIDUAL ITEMS

- 11. Consider accepting the Trophy Club Police Department's 2024 Racial Profiling Report. (Patrick Arata, Police Chief)
- 12. Consider designating one Council Member to serve on the Town Council Appointments Committee tasked with making recommendations to the full Council regarding appointments to all Boards, Commissions, and Corporations. (Tammy Dixon, Town Secretary).

ADJOURN

The Town Council may convene into executive session to discuss posted items as allowed by Texas Government Code Sections 551.071 through 551.076 and Section 551.087.

CERTIFICATION

I do hereby certify that the Notice of Meeting was posted on the bulletin board at the Town Hall for the Town of Trophy Club, Texas, in a place convenient and readily accessible to the general public at all times on the following date and time: February 5, 2025, at 12:15 p.m., and said Notice of Meeting was also posted concurrently on the Town's website in accordance with Texas Government Code Ch. 551 at least 72 hours prior to the scheduled time of said meeting.

/s/ Tammy Dixon
Tammy Dixon, Town Secretary

If you plan to attend this public meeting and have a disability that requires special needs, please contact the Town Secretary's Office at 6822372900, 48 hours in advance, and reasonable accommodations will be made to assist you.



TOWN COUNCIL COMMUNICATION

MEETING DATE: February 10, 2025

FROM: Brandon Wright, Town Manager
Tammy Dixon, Town Secretary

AGENDA ITEM: Discussion regarding the Town Council Appointments Committee. (Brandon Wright, Town Manager & Tammy Dixon, Town Secretary)

BACKGROUND/SUMMARY: During the November Work Session, the Town Council discussed alternative methods for managing board and commission appointments, including the current subcommittee process and options for increased council involvement. At that time, the Council reached a consensus to retain the current subcommittee process in the updated Rules of Procedure Manual but agreed to revisit the topic in February to consider potential changes before the next appointment cycle.

In preparation for this discussion, staff conducted a thorough review of appointment processes utilized by other municipalities, considering options for board and commission applicant review while ensuring compliance with the Texas Open Meetings Act (TOMA). Based on this research, staff has developed options for the Town Council's consideration, as detailed below.

Under TOMA, the appointment of advisory committee members is not a proper subject for closed meetings under the Section 551.074 personnel exception, as clarified by Attorney General Opinion DM-149. However, the Attorney General has ruled that certain board members, such as those serving on a planning and zoning commission, are "public officers" due to their exercise of sovereign functions of government largely independent of others' control. Consequently, discussions regarding their appointment may be conducted in closed session under Section 551.074. Similarly, members of the zoning board of adjustment or the building standards commission, who also perform sovereign functions, would likely be considered "public officers."

Options for Council Consideration:

Option 1: Subcommittee Review (Current Process)

A subcommittee of the Council, consisting of fewer than a quorum, reviews applications, conducts interviews, and presents recommendations to the full Council during a regular meeting for consideration.

Option 1 Alternative: Present recommendations to the full Council during a dedicated work session to discuss applications and recommendations prior to formal discussion and consideration in a regular meeting.

Process:

- Applications are submitted to and compiled by the Town Secretary.
- A designated subcommittee reviews the applications, conducts interviews, and deliberates in smaller sessions.
- Recommendations are forwarded to the full Council for discussion either in a regular meeting or work session and final decisions conducted in a regular meeting.

This option provides detailed review by a focused group, saving time for the full Council.

Option 2: Independent Review and Recommendations

Council Members individually review applications and submit their recommendations to the Town Secretary, who compiles the feedback for discussion in a Council Meeting.

Process:

- The Town Secretary distributes application packets to Council Members.
- Each Council Member independently reviews and provides recommendations to the Town Secretary.
- Feedback is compiled and discussed during a dedicated work session.
- Appointments are made in a regular meeting.

This option streamlines the process by allowing independent input with collaboration of a work session ensuring thorough evaluation.

Option 3: Collaborative Review with Town Manager

Council Members review applications and submit feedback to the Town Manager, who consolidates their input into a comprehensive summary report.

Process:

- Applications are distributed to Council Members for review.
- Council Members provide input, which the Town Manager compiles.
- Feedback is compiled and discussed during a dedicated work session.
- Appointments are made in a regular meeting.

This option combines the efficiency of independent review with the Town Manager with the collaboration of a work session, ensuring thorough evaluation.

Option 4: Full Review and Interviews Conducted by Town Council

The entire Town Council reviews applications and conducts interviews in open meetings.

Process:

- Applications are compiled by the Town Secretary and distributed to Council Members beforehand.
- The Council meets in official posted work sessions to conduct interviews, discuss applicants, and make recommendations.

- Appointments are made in a subsequent regular meeting.

This option provides a collaborative and open forum for detailed discussion and interviews with applicants. This process would require approximately six to eight meetings (dependent upon number of applicants), each lasting around two hours, to complete the interviews.

Option 5: Each Town Council Member Nominates One Candidate for a Seat on Each Board or Commission

Process:

- Applications are compiled by the Town Secretary and distributed to Council Members beforehand.
- Each Council Member selects and nominates one candidate for each open seat.
- The nominations are presented and discussed during a regular meeting and voted on.

This option ensures equal representation of Council Members' perspectives by allowing each member to nominate a candidate.

Option 6: Direct Appointment by Council Members

In this option, each Council Member holding a specific place (e.g., Place 1, Place 2, up to Place 6) is responsible for appointing an individual to the corresponding board position.

Process:

- Applications are compiled by the Town Secretary and distributed to Council Members beforehand.
- Each Council Member reviews applications for the board position corresponding to their council place (e.g., Council Member for Place 1 appoints Board Member for Place 1).
- Council Members independently select and appoint their respective board or commission members.
- The appointments are considered during a regular meeting and voted on.

This option provides a clear and structured method for board and commission appointments, ensuring that each Council Member has direct responsibility for selecting appointees to represent their corresponding place.

BOARD REVIEW/CITIZEN FEEDBACK: N/A

FISCAL IMPACT: There is no financial impact associated with this agenda item.

LEGAL REVIEW: Town Attorney, Dean Roggia, has reviewed the provided options.

ATTACHMENTS:

None

ACTIONS/OPTIONS:

This workshop agenda item is being presented for discussion and feedback purposes only. No action regarding this item will be taken by the Town Council during the workshop.

Office of the Mayor
Proclamation

WHEREAS, Random Acts of Kindness Month is an opportunity to encourage people across our community to practice kindness, spread goodwill, and create a ripple effect of positivity that touches lives in meaningful ways; and

WHEREAS, Random Acts of Kindness Week, observed from February 9 to 15, 2025, and culminating in Random Acts of Kindness Day on February 17, 2025, highlights the value of kindness in building stronger, more connected communities; and

WHEREAS, kindness is a unifying force that transcends barriers of age, race, gender, background, or circumstance, fostering compassion, understanding, and a sense of belonging for all; and

WHEREAS, scientific studies show that practicing kindness improves emotional well-being, strengthens social bonds, and contributes to a healthier and happier society; and

WHEREAS, small, selfless acts such as helping a neighbor, expressing gratitude, volunteering, or simply offering a smile can create an immeasurable impact on individuals and our community as a whole; and

WHEREAS, the Town of Trophy Club recognizes and commends the residents, organizations, and businesses that inspire and exemplify the spirit of kindness.

NOW, THEREFORE, I, Jeannette Tiffany, Mayor of the Town of Trophy Club, Texas, and on behalf of the Trophy Club Town Council do hereby proclaim February 2025, as

“RANDOM ACTS OF KINDESS MONTH”

In the Town of Trophy Club and encourage all residents, schools, businesses, and organizations to celebrate kindness throughout the month by practicing and promoting acts of kindness in their everyday lives.

Jeannette Tiffany, MAYOR



TOWN COUNCIL COMMUNICATION

MEETING DATE: February 10, 2025

FROM: Tammy Dixon, Town Secretary

AGENDA ITEM: Consider approval of the January 13, 2025, Town Council regular meeting minutes; January 23, 2025, and January 24, 2025, Town Council Retreat meeting minutes. (Tammy Dixon, Town Secretary)

BACKGROUND/SUMMARY: The Town Council held a regular meeting on January 13, 2025, and a Town Council Retreat on January 23, 2025, and January 24, 2025.

BOARD REVIEW/CITIZEN FEEDBACK: N/A

FISCAL IMPACT: N/A

LEGAL REVIEW: N/A

ATTACHMENTS:

1. 01.13.2025 draft minutes
2. 01.23.2025 retreat draft minutes
3. 01.24.2025 retreat draft minutes

ACTIONS/OPTIONS:

Move to approve the January 13, 2025, Town Council regular meeting minutes; January 23, 2025, and January 24, 2025, Town Council Retreat meeting minutes.

Town of Trophy Club Town Council Meeting Minutes
January 13, 2025, 7:00 p.m., Regular Meeting
1 Trophy Wood Drive, Trophy Club, Texas 76262

CALL REGULAR MEETING TO ORDER

Mayor Tiffany called the regular meeting to order at 7:00 p.m.

COUNCIL MEMBERS PRESENT

Jeannette Tiffany, Mayor
Steve Flynn, Mayor Pro Tem
Stacey Bauer, Council Member Place 1
Jeff Beach, Council Member Place 2
Dennis Sheridan, Council Member Place 3
Rhylan Rowe, Council Member Place 4
LuAnne Oldham, Council Member Place 5

STAFF MEMBERS PRESENT

Brandon Wright, Town Manager
Tammy Dixon, Town Secretary
Dean Roggia, Town Attorney
Jason Wise, Fire Chief
Patrick Arata, Chief of Police
April Duvall, Director of Finance
Chase Ellis, Director of Parks and Recreation
Jill Lind, Director of Communications and Marketing
Matt Cox, Director of Community Development
Denise Deprato, Director of Human Resources
Tamara Smith, Assistant to the Town Manager

INVOCATION

Chaplain David Impwi delivered the invocation.

PLEDGES

Council Member Sheridan led the Pledge of Allegiance to the American and Texas Flags.

PUBLIC COMMENTS

Elizabeth Nelson, 267 Oak Hill Drive, spoke in support of the Town of Patriots campaign.

Jeff Eason, 605 Indian Creek Drive, addressed the Council on agenda item 11, stressing the need for improved tree maintenance, code enforcement, and execution of plans.

COMMUNITY SPOTLIGHT

1. SOS International

Shelly Harp, Director of Development for SOS gave a presentation on SOS International, a nonprofit founded in 2000, that focuses on sustainable solutions for at-risk children worldwide. Their key initiatives include clean water access, food security, combating human trafficking, and community development through education and vocational training.

2. Working for You . . . Trophy Club

a) Update from Town Council Members

Mayor Pro Tem Flynn expressed gratitude to Chief Arata and Chief Wise for their coordinated response to the recent fire on Morgan Lane. Although the house was a total loss, the departments worked collaboratively with neighboring fire departments, ensuring the safe evacuation of all residents with no injuries reported.

Mayor Tiffany extended New Year's greetings to all present and encouraged residents to stay connected with the Town by signing up for TC Alerts, subscribing to the Town Weekly Newsletter, following the Town's social media platforms, and engaging with neighbors.

b) Update from Town Manager

Town Manager Wright provided the following update:

- **Snow Event Update:** The recent snow event was successfully managed with no traffic accidents, thanks to the efforts of the Police, Fire, Streets, and Parks departments.
- **Council Retreat:** Scheduled for January 23-24 at the Metroport Chamber building in Roanoke, focusing on Business plan goals, Strategic plan updates, and Robert's Rules of Order.
- **Consent Agenda Correction:** Item regarding the town's official newspaper reflects a correction to the proper name, *Commercial Recorder*.
- **Upcoming Meetings:**
 - EDC Board meeting: January 16, 7:00 PM, Council Chambers.
- **Holiday Reminder:** Town Hall will be closed on January 20 for Martin Luther King Jr. Day; emergency services will remain available.
- **Council Meeting:** There will not be a regular Council meeting on January 27.

c) Quick Civic Tip (Dean Roggia, Town Attorney)

Town Attorney Roggia provided an overview on Town Council voting requirements. He explained that certain actions, such as charter amendments, require a two-thirds vote of the entire council, while others, like canvassing an election, only need a quorum of two members. Additionally, overturning a Planning and Zoning Commission recommendation requires a three-fourths vote, ensuring the public understands these variations.

CONSENT AGENDA

3. Consider approval of the December 9, 2024, Town Council regular meeting minutes. (Tammy Dixon, Town Secretary)
4. Consider approval of the December 19, 2024, Town Council special meeting minutes. (Tammy Dixon, Town Secretary)
5. Consider an ordinance authorizing and calling for a general election to be held on May 3, 2025, and if required, a runoff election on June 7, 2025, for the purpose of electing council members to Town Council Place 5 and Town Council Place 6 and establishing procedures for the election; and providing an effective date. (Tammy Dixon, Town Secretary) The caption of the ordinance reads as follows:

ORDINANCE NO. 2025-01

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF TROPHY CLUB, TEXAS, AUTHORIZING AND CALLING FOR A GENERAL ELECTION TO BE HELD ON MAY 3, 2025 AND, IF REQUIRED, A RUNOFF ELECTION ON JUNE 7, 2025, FOR THE PURPOSE OF ELECTING COUNCIL MEMBERS TO TOWN COUNCIL PLACE 5 AND TOWN COUNCIL PLACE 6; PRESCRIBING THE TIME AND DESIGNATING THE LOCATIONS AND MANNER OF CONDUCTING THE ELECTION TO BE IN ACCORDANCE WITH THE JOINT ELECTION AGREEMENTS FOR ELECTION SERVICES WITH DENTON AND TARRANT COUNTIES; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENTS; AND PROVIDING AN EFFECTIVE DATE.

6. Consider an ordinance repealing Ordinance 2010-21 and adopting an ordinance designating the Commercial Reporter as the official newspaper of the Town of Trophy Club. (Tammy Dixon, Town Secretary) The caption of the ordinance reads as follows:

ORDINANCE NO. 2025-02

AN ORDINANCE OF THE TOWN OF TROPHY CLUB, TEXAS; REPEALING ORDINANCE NO. 2010-21 IN ITS ENTIRETY AND ADOPTING AN ORDINANCE DESIGNATING THE COMMERCIAL RECORDER AS THE OFFICIAL NEWSPAPER OF THE TOWN OF TROPHY CLUB; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

7. Consider authorizing the Town Manager to negotiate and execute an updated master services agreement and consolidated statement of work between the Town of Trophy Club, TX, and CivicPlus, LLC, aligning all software services to a single annual expiration date of September 30, in the amount of \$52,808.54, with renewal options up to 5% increase per year. (April Duvall, Director of Finance)
8. Consider authorizing the Town Manager to negotiate and execute an updated master services agreement and consolidated statement of work between the Town of Trophy Club, TX, and Tyler Technologies, Inc., aligning all software services to a single annual expiration date of September 30, in the amount of \$59,975. (April Duvall, Director of Finance)
9. Consider a resolution approving the termination of the Metlife 457 Deferred Compensation Plan (Plan Number 1014964-01). (Denise Deprato, Director of Human Resources) The caption of the resolution reads as follows:

RESOLUTION NO. 2025-01

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF TROPHY CLUB, TEXAS, APPROVING THE TERMINATION OF THE METLIFE 457 DEFERRED COMPENSATION PLAN (PLAN NUMBER 1014964-01); AUTHORIZING THE TOWN MANAGER TO TAKE ALL NECESSARY ACTIONS TO IMPLEMENT THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

10. Consider an ordinance of the Town of Trophy Club amending Appendix A “Fee Schedule,” Article A1.000 “General Provisions,” Section A1.006 “Animal Control,” Subsection (a) “Impound Fee,” of the Code of Ordinances. (Patrick Arata, Chief of Police) The caption of the ordinance reads as follows:

ORDINANCE NO. 2025-03

AN ORDINANCE OF THE TOWN OF TROPHY CLUB, TEXAS, AMENDING APPENDIX A “FEE SCHEDULE,” ARTICLE A1.000 “GENERAL PROVISIONS,” SECTION A1.006 “ANIMAL CONTROL,” SUBSECTION (A) “IMPOUND FEE,” OF THE CODE OF ORDINANCES, TOWN OF TROPHY CLUB, TEXAS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

11. Consider accepting the 2025 Parks Maintenance Plan that outlines tree care within the Town of Trophy Club. (Chase Ellis, Director of Parks & Recreation)

Council Member Beach moved to approve Consent Items 3-11. Council Member Rowe seconded the motion.

VOTE ON MOTION

AYES: Bauer, Beach, Flynn, Sheridan, Tiffany, Rowe, Oldham

NAYES: None

VOTE: 7-0

INDIVIDUAL ITEMS

12. Case PD-AMD-24-004 PD 13 Amendment, Tract 1, Ship Shop Conduct a public hearing and consider an ordinance amending Planned Development District 13 (PD-13), Tract 1 to allow for Truck and Trailer Rental as an accessory use with outdoor storage and display of vehicles. The applicant is David Sanders, owner of The Ship Shop, and the subject property is legally described as The Village at Trophy Club, Lot 1, approximately 3.79 acres, Denton County, Texas and is generally located at the northwest corner of Trophy Club Drive and SH 114. The property is addressed as 2003 E TX-114, Suite 340, Trophy Club, Texas. (Matt Cox, Director of Community Development)

i. Conduct Public Hearing

Mayor Tiffany outlined the procedure for the evening's public hearings, explaining that each hearing will include a staff report, a presentation by the applicant (if applicable), public comments, and Council discussion before any action is taken. Citizens will have a three-minute time limit per speaker to ensure an efficient and orderly meeting.

Mayor Tiffany opened the public hearing at 7:30 p.m.

Matt Cox, Director of Community Development, provided an overview of the request. He detailed the history of Mr. Sanders' inquiry in May about allowing larger U-Haul trucks, noting that such use was not permitted under current ordinances. Mr. Sanders applied for the use on November 16th.

Mr. Cox explained that PD-13 lacks a "truck and trailer rental" definition, prompting staff to propose a new definition and 11 conditions, including truck limits, parking restrictions, and fire lane considerations, included in the draft ordinance. He noted that the public hearing notices were distributed, and the ordinance was reviewed by the Town Attorney.

Michael Biggs, P&Z Chair, noted that five speakers opposed the request, while Mr. Sanders presented a petition with 182 signatures. A motion to approve the change and require a Special Use Permit for further review failed by a vote of 2-4.

Mr. Sanders, owner of the Ship Shop, presented his case for continuing U-Haul services at his business, emphasizing it as a valuable service for Trophy Club residents and a significant portion of his income (30%). He noted that U-Haul services have served over 578 Trophy Club residents, providing convenience and supporting local businesses such as nearby restaurants and gas stations. He clarified that his U-Haul operations are small-scale, with limited vehicles and trailers, and do not resemble larger U-Haul facilities.

He argued that removing U-Haul services would harm his business and redirect revenue, services, and taxes out of the town. He requested the Council to consider the economic and community benefits before making a decision.

The following individuals spoke in opposition:

Larry Hoover, 1118 Berkshire Court, Trophy Club
 Patricia Keefer, 216 Fresh Meadow Dr., Trophy Club
 Jennifer Fox, 2753 Enfield Dr., Trophy Club

The following individuals spoke in favor:

David Dill, 109 Pebble Beach Drive, Trophy Club
 Kenneth Kolsti, 14 Chimney Rock Dr., Trophy Club
 Janet Beaty, 18 Hillcrest Ct., Trophy Club
 Deborah Johnson, 6 Hill Court, Trophy Club
 Richard Baker, 7 Glen Eagles Ct., Trophy Club
 Deborah Higgins, 194 Durango Dr., Trophy Club
 Sinisa Mandic, 214 Durango Dr., Trophy Club
 Lisa Garcia, 4233 Ocho Rios Dr., Fort Worth
 Atoosa Kourosh, 90 Trophy Club Dr., Trophy Club
 Wendy Magusiak, 1724 Wisteria, Westlake
 Nancy Acevedo, 1035 Timber Ridge Dr., Justin
 Smokey Duverne, 6 Palmetto Ct., Trophy Club

Mayor Tiffany closed the public hearing at 8:21 p.m.

ii. Consider Ordinance Approval

A lengthy discussion ensued as the Council considered the proposed ordinance amendment to PD-13 to allow truck and trailer rentals as an accessory use, focusing on whether the use would be subject to a Special Use Permit (SUP). The discussion addressed concerns about visual impacts, land use, enforcement of proposed conditions, and the suitability of the location for U-Haul operations. Council members debated limiting vehicle sizes to 10- and 15-foot trucks, requiring parking locations to be determined during the SUP process, and waiving SUP application fees for the applicant, Mr. Sanders.

Council Member Sheridan moved to overturn the Planning and Zoning Commission's recommendation and approve an ordinance amending Planned Development District 13 (PD-13), Tract 1 to allow for Truck and Trailer Rental as an accessory use with outdoor storage and display of vehicles. with the following modifications:

1. Revise the definition section to establish a maximum truck size of 10 feet and clarify that trucks of this size are only allowed by a Specific Use Permit (SUP).
2. Remove references to truck sizes larger than 15 feet in the chart.

3. Eliminate the reference to Exhibit A.1 and specify that the SUP will establish the parking area.
4. Direct staff to allow Mr. Sanders to apply for an SUP and waive the associated application fees.

Mayor Pro Tem Flynn seconded the motion.

VOTE ON MOTION

AYES: Bauer, Flynn, Tiffany, Sheridan, Oldham

NAYES: Beach, Rowe

VOTE: 5-2

RESULT: **Motion Failed.** *A supermajority of six votes required to overturn the Planning and Zoning Commission's recommendation.*

13. Case RP-24-001 The Highlands At Trophy Club, Neighborhood 5, Phase 2B, Lot 23R, Block G (Gardner Replat) Conduct a public hearing to consider a replat request made by Deric Gardner on Lot 23R, Block G of The Highlands at Trophy Club Neighborhood 5, Phase 2B, approximately 0.292 acres of land, for the addition of unplatted land. The property is addressed as 2643 Highlands Court and situated in the Rosalinda Allen Survey, Abstract No. 17, Town of Trophy Club, Denton County, Texas. (Gardner Replat). (Matt Cox, Director of Community Development)

i. Conduct Public Hearing

Mayor Tiffany opened the public hearing at 9:15 p.m.

Mr. Cox explained that the replat was required as part of the Town's land sale to Mr. Gardner in April 2024, Staff recommended approval of the replat with conditions, including addressing outstanding survey corrections, obtaining required signatures, and providing a certified tax certificate prior to filing. The applicant was not present, but staff noted that they had followed up on necessary revisions with the surveyor.

No one spoke in favor or opposition.

Mayor Tiffany closed the public hearing at 9:17 p.m.

ii. Consider Replat

Council Member Rowe moved to approve a replat request made by Deric Gardner on Lot 23R, Block G of The Highlands at Trophy Club Neighborhood 5, Phase 2B, approximately 0.292 acres of land, for the addition of unplatted land. The property is addressed as 2643 Highlands Court and situated in the Rosalinda Allen Survey, Abstract No. 17, Town of Trophy Club, Denton County, Texas. Council Member Bauer seconded the motion.

VOTE ON MOTION**AYES:** Bauer, Beach, Flynn, Tiffany, Sheridan, Rowe, Oldham**NAYES:** None**VOTE:** 7-0

14. Conduct a public hearing and consider an ordinance amending Article 1.08.001 of Chapter 1, Article 1.08 "Parks and Recreation" and adopting the 2025 Youth Programs Standard of Care. (Chase Ellis, Director of Parks & Recreation)

i. Conduct Public Hearing

Mayor Tiffany opened the public hearing at 9:18 p.m.

Chase Ellis, Director of Parks and Recreation, presented the annual adoption of the Standards of Care for the Town's summer camp program, as required by the Texas Department of Family and Protective Services. He noted that, with assistance from the Town Secretary and Town Attorney, the standards were moved from ordinance form to an exhibit of the ordinance in the form of a manual. Mr. Ellis emphasized that adopting these standards ensures the program remains exempt from daycare licensing requirements while providing structured summer camp services.

No one spoke in favor or opposition.

Mayor Tiffany closed the public hearing at 9:20 p.m.

ii. Consider Ordinance Approval

Mayor Pro Tem Flynn moved to approve Ordinance No. 2025-04 amending Article 1.08.001 of Chapter 1, Article 1.08 "Parks and Recreation" and adopting the 2025 Youth Programs Standard of Care. Council Member Beach seconded the motion. The caption of the ordinance reads as follows:

ORDINANCE NO. 2025-04

AN ORDINANCE OF THE TOWN OF TROPHY CLUB, TEXAS, AMENDING CHAPTER 1, ARTICLE 1.08 "PARKS AND RECREATION", DIVISION 1 OF THE CODE OF ORDINANCES, TOWN OF TROPHY CLUB, TEXAS, BY AMENDING SECTION 1.08.001 IN ITS ENTIRETY; AND ADOPTING UPDATED "YOUTH PROGRAMS STANDARDS OF CARE"; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FOR AMENDMENTS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION**AYES:** Bauer, Beach, Flynn, Tiffany, Sheridan, Rowe, Oldham**NAYES:** None**VOTE:** 7-0

15. Conduct a public hearing and consider an ordinance granting a franchise agreement to Community Waste Disposal for solid waste and recycling collection; authorizing the Town Manager to negotiate and execute the franchise agreement; and directing staff to prepare an ordinance to make necessary updates to Article 13.02 Solid Waste of the Town Code of Ordinances. (Tamara Smith, Assistant to the Town Manager)

- i. **Conduct Public Hearing**

Mayor Tiffany opened the public hearing at 9:21p.m.

Tamara Smith, Assistant to the Town Manager, presented upcoming changes to the Town's solid waste and recycling services, including the selection of Community Waste Disposal (CWD) as the new service provider following a competitive bid process. The Town's current contract will expire on May 31, 2025. After reviewing five bids, CWD was selected for its competitive pricing and ability to meet the Town's needs. The new contract will maintain current service levels for residential trash and recycling pickup while introducing new services, including monthly household hazardous waste pickup, curbside Christmas tree recycling, and a seasonal leaf recycling program. Collection zones will be split for efficiency, and bulk waste collection will allow four cubic yards at no charge, with additional waste at \$15 per cubic yard. The first-year residential rate will be \$25.71 per month, with an option to upgrade to a 95-gallon recycling cart for an additional \$3.41 per month. The contract includes an annual rate adjustment based on the DFW Consumer Price Index. Staff also recommended rewriting the solid waste ordinance to be less contract-specific, with a revised ordinance expected at a future meeting.

No one spoke in favor or opposition.

Mayor Tiffany closed the public hearing at 9:28 p.m.

- ii. **Consider Ordinance Approval**

Jason Roemer, President of Community Waste Disposal (CWD), provided an overview of the company's operations and commitment to community engagement. He highlighted CWD's 40 years of experience, fleet of 200 compressed natural gas trucks, and advanced recycling facilities. Council Members asked about service efficiency, communication strategies, and the collection process, particularly regarding split collection zones, holiday and storm response, and manual trash pickup. Raymer assured the Council that CWD would maintain twice-weekly trash collection with flexible service options, including manual bag collection and optional 95-gallon recycling carts. He emphasized proactive communication efforts, including website updates, mailed notices, and direct alerts. Council Members also discussed cart and bin options, the logistics of switching providers, and ensuring a smooth transition for residents and businesses. CWD representatives confirmed their commitment to customer service and responsiveness.

Council Member Rowe moved to approve Ordinance No. 2025-05 granting a franchise agreement to Community Waste Disposal for solid waste and recycling

collection; authorizing the Town Manager to negotiate and execute the franchise agreement; and directing staff to prepare an ordinance to make necessary updates to Article 13.02 Solid Waste of the Town Code of Ordinances. Council Member Beach seconded the motion. The caption of the ordinance reads as follows:

ORDINANCE NO. 2025-05

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF TROPHY CLUB, TEXAS, GRANTING A FRANCHISE AGREEMENT TO COMMUNITY WASTE DISPOSAL FOR SOLID WASTE AND RECYCLING COLLECTION AND DISPOSAL SERVICES WITHIN THE CORPORATE BOUNDARIES OF THE TOWN OF TROPHY CLUB, TEXAS; AUTHORIZING THE TOWN MANAGER TO NEGOTIATE AND EXECUTE THE FRANCHISE AGREEMENT SUBJECT TO THE PROVISIONS OF THE TOWN CHARTER; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Bauer, Beach, Flynn, Tiffany, Sheridan, Rowe, Oldham

NAYES: None

VOTE: 7-0

Council Member Sheridan moved to reconsider the vote on Agenda Item #12 with the intent of determining whether the outcome would change if trucks were removed from the motion. Council Member Bauer seconded the motion.

A debate arose over whether Council Member Sheridan, who presumably voted “yes” on the original motion, could legally bring it back for reconsideration. A point of order was raised by Council Member Rowe referencing the Town's rules of procedure, which default to Roberts Rules when local guidelines do not specify a procedure.

Council Member Sheridan withdrew his motion and indicated he would bring it back for consideration after the Council approves updated rules of procedure. The discussion ended without a revote on Agenda Item #12.

16. Consider authorizing the Town Manager to negotiate and execute a construction contract with Home Run Construction, LLC in an amount not to exceed \$1,121,407 for the construction of dedicated pickleball courts at Harmony Park. (Chase Ellis, Director of Parks & Recreation)

Mr. Ellis presented an overview of the item which includes the construction of six pickleball courts, the relocation of the bocce ball area, and the basketball court. An RFP was issued for construction services, which remained open for 30 days, resulting in two submissions. After evaluation, Home Run Construction, LLC was determined to provide the best value based on price and references. If approved, a contract will be established in the coming weeks, with groundbreaking anticipated in early February and an estimated 8- to 9-month construction timeline, aiming for a fall 2025 opening. The project remains

within the allocated \$1.3 million budget, including design, construction, and contingency funds.

The Council discussed aspects of the project, including lighting, seating areas, and court sizes.

Council Member Sheridan moved to approve authorizing the Town Manager to negotiate and execute a construction contract with Home Run Construction, LLC in an amount not to exceed \$1,121,407 for the construction of dedicated pickleball courts at Harmony Park. Council Bauer seconded the motion.

VOTE ON MOTION

AYES: Bauer, Beach, Flynn, Tiffany, Sheridan, Rowe, Oldham

NAYES: None

VOTE: 7-0

17. Consider a resolution adopting the Trophy Club Town Council Rules of Procedure. (Brandon Wright, Town Manager; Tammy Dixon, Town Secretary)

Town Manager Wright presented updates to the Town Council Rules of Procedure, including the addition of a new section on video conference participation. He explained virtual participation of meetings would also be allowed for certain boards and commissions that handle budget approvals and zoning cases but not for advisory boards like Parks & Recreation or the Arts Council.

Council Member Sheridan inquired about Waiver of Rules as outlined under Section 6.7 which provides rules may be waived by majority of Council.

Council Member Rowe moved to approve Resolution No. 2025-02 adopting the Trophy Club Town Council Rules of Procedure. Council Member Beach seconded the motion. The caption of the resolution reads as follows:

RESOLUTION NO. 2025-02

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF TROPHY CLUB, TEXAS, ADOPTING THE TOWN OF TROPHY CLUB TOWN COUNCIL RULES OF PROCEDURE AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Bauer, Beach, Flynn, Tiffany, Sheridan, Rowe, Oldham

NAYES: None

VOTE: 7-0

Council Member Sheridan made a motion to reconsider Agenda Item 12, based on the possibility that a "no" vote might change if there were no trucks involved. Council Member Steve Flynn seconded the motion.

Town Attorney Roggia clarified that while the Council had adopted new Rules or Procedure by resolution, an ordinance outlining procedural rules was still in place and required action on the next agenda.

Council Member Sheridan withdrew his motion.

18. Consider an ordinance amending Chapter 1, “General Provisions”, Article 1.03, “Town Council”, by repealing Division 2, “Meetings and Rules of Procedure” in its entirety and by amending Article 1.04 “Boards, Commissions and Committees”, Division 1 “Generally” by adding a new section 1.04.011 “Background Checks of Boards and Commissions Applicants”, of the Code of Ordinances. (Brandon Wright, Town Manager; Tammy Dixon, Town Secretary)

Council Member Sheridan moved to approve Ordinance No. 2025-06 amending Chapter 1, “General Provisions”, Article 1.03, “Town Council”, by repealing Division 2, “Meetings and Rules of Procedure” in its entirety and by amending Article 1.04 “Boards, Commissions and Committees”, Division 1 “Generally” by adding a new section 1.04.011 “Background Checks of Boards and Commissions Applicants”, of the Code of Ordinances. Council Member Bauer seconded the motion. The caption of the ordinance reads as follows:

ORDINANCE NO. 2025-06

AN ORDINANCE OF THE TOWN OF TROPHY CLUB, TEXAS, AMENDING CHAPTER 1, “GENERAL PROVISIONS”, ARTICLE 1.03, “TOWN COUNCIL”, BY REPEALING DIVISION 2, “MEETINGS AND RULES OF PROCEDURE” IN ITS ENTIRETY AND BY AMENDING ARTICLE 1.04, “BOARDS, COMMISSIONS AND COMMITTEES”, DIVISION 1 “GENERALLY” BY ADDING A NEW SECTION 1.04.011 “BACKGROUND CHECKS OF BOARDS AND COMMISSIONS APPLICANTS”, OF THE CODE OF ORDINANCES, TOWN OF TROPHY CLUB, TEXAS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Bauer, Beach, Flynn, Tiffany, Sheridan, Rowe, Oldham
NAYES: None
VOTE: 7-0

Council Member Sheridan, citing *Rule 4.10 - Procedures for Agenda Items*, made a motion to reconsider Agenda Item 12. Mayor Pro Tem Flynn seconded the motion.

VOTE ON MOTION

AYES: Bauer, , Flynn, Sheridan, Oldham
NAYES: Beach, Tiffany, Rowe
VOTE: 4-3

12. Case PD-AMD-24-004 PD 13 Amendment, Tract 1, Ship Shop Conduct a public hearing and consider an ordinance amending Planned Development District 13 (PD-13), Tract 1 to allow for Truck and Trailer Rental as an accessory use with outdoor storage and display of vehicles. The applicant is David Sanders, owner of The Ship Shop, and the subject property is legally described as The Village at Trophy Club, Lot 1, approximately 3.79 acres, Denton County, Texas and is generally located at the northwest corner of Trophy Club Drive and SH 114. The property is addressed as 2003 E TX-114, Suite 340, Trophy Club, Texas. (Matt Cox, Director of Community Development)

i. Conduct Public Hearing

Mayor Tiffany reopened the public hearing at 10:02 p.m.

No one spoke in favor or in opposition.

Mayor Tiffany closed the public hearing at 10:02 p.m.

ii. Consider Ordinance Approval

Council Member Sheridan addressed Council Members Beach and Rowe, who voted against the request. He argued that the land use should be reconsidered as a reuse rather than a new development, citing a similar case where a BBQ restaurant was approved under continued use. He acknowledged concerns about large trucks but cautioned that restrictions could also impact necessary drop-offs and transit.

Council Member Beach opposed the request, stating that the business owner had alternative operational options and that the proposed use did not enhance the town's aesthetics. Beach also noted that the owner had been in violation of town codes for years by using a personal trailer without proper approval.

Council Member Rowe expressed concerns that the business already relying on the proposed use so soon after opening suggested a likelihood of future expansion that might not align with the town's vision. Rowe emphasized that the site was too small and located in a high-value frontage area, making it unsuitable for truck rentals, which are typically found in industrial zones.

Following the discussion, there was **no motion and no vote** on the matter.

ADJOURNMENT

Mayor Tiffany adjourned the Town Council meeting 10:06 p.m.

Jeannette Tiffany, Mayor

Attest:

Tammy Dixon, Town Secretary

Town of Trophy Club Town Council Meeting Minutes
January 23, 2025, 12:30 p.m., Town Council Retreat
Metroport Chamber of Commerce, Texas Boardroom
381 W. Byron Nelson Boulevard, Roanoke, TX 76262

CALL TO ORDER

Mayor Tiffany called the retreat to order at 1:01 p.m.

COUNCIL MEMBERS PRESENT

Jeannette Tiffany, Mayor
Steve Flynn, Mayor Pro Tem (*arrived at 1:50 p.m.*)
Stacey Bauer, Council Member Place 1 (*left at 3:35 p.m.*)
Jeff Beach, Council Member Place 2
Dennis Sheridan, Council Member Place 3
Rhylan Rowe, Council Member Place 4 (*arrived at 3:44 p.m.*)
LuAnne Oldham, Council Member Place 5

STAFF MEMBERS PRESENT

Brandon Wright, Town Manager
Tammy Dixon, Town Secretary
Dean Roggia, Town Attorney
Jason Wise, Fire Chief
Patrick Arata, Chief of Police
April Duvall, Director of Finance
Chase Ellis, Director of Parks and Recreation
Jill Lind, Director of Communications and Marketing
Matt Cox, Director of Community Development
Denise Deprato, Director of Human Resources
Tamara Smith, Assistant to the Town Manager

OTHERS PRESENT

Thomas Gwosdz, The Gwosdz Law Firm, PLLC

PUBLIC COMMENTS

There were none.

ITEMS

1. Conduct Town Council Training on Roberts Rules of Order.

Mr. Gwosdz provided training on strategies to streamline meetings, focusing on internal and external factors affecting meeting length. Key topics included structuring agendas effectively, managing citizen comments, utilizing an Agenda Information Memo for clarity, and applying Robert's Rules of Order for motions, deliberation, and voting. He emphasized maintaining order through proper gavel use, keeping discussions focused,

and addressing procedural irregularities. The session also covered best practices for ending lengthy debates and adopting local rules to improve efficiency.

Mayor Tiffany recessed the meeting at 3:05 p.m. for a break and reconvened at 3:35 p.m.

2. Discussion on updates regarding the FY 2025 Business Plan.

A progress update on the FY 2025 Business Plan was presented, reviewing the quarterly status of work plan items related to the Strategic Objectives. Key initiatives discussed included public safety, parks and recreation, infrastructure maintenance, senior housing regulations, and redevelopment strategies. The discussion focused on enhancing emergency management, improving traffic and mobility safety, and promoting responsible golf cart usage.

Additionally, updates were provided on the development of a comprehensive Parks & Recreation Master Plan, emphasizing community engagement and long-term planning. The Council reviewed the status of these initiatives to ensure continued progress toward the town's strategic goals.

3. Discussion on FY 2026 Budget Preparation.

A presentation was provided outlining key components of the FY 2026 budget planning process, including:

- Preliminary Budget Calendar
- Tax Rate History
- Compensation Review & Proposed Increases
- FY 2025 Budget Projections
- Equipment Replacement for FY 2025 & FY 2026
- Capital Projects (Current & FY 2026)
- Tax Rate Goals
- CIP/Business Plan Projects

The Council discussed budget priorities, funding strategies, and next steps in the budget preparation process. Staff was instructed to prepare department budgets assuming a tax rate adoption at the voter approval tax rate as well as an interest and sinking fund rate not to exceed 10.5 cents per \$100 of taxable valuation.

EXECUTIVE SESSION/OPEN SESSION

Pursuant to the Open Meetings Act, Chapter 551, the Town Council convened into a Closed Executive Session at 5:00 p.m. and reconvened into Open Session at 5:47 p.m. in accordance with the Texas Government Code regarding: Section 551.071 Consultation with the Town Attorney to seek legal advice regarding Trophy Club Municipal Utility District #1 boundary expansion, including transferring and/or accepting water, sewer, and fire assets, and any and all legal matters related thereto. **No Action Taken.**

ADJOURNMENT

Mayor Tiffany adjourned the Town Council meeting at 5:47 p.m.

Jeannette Tiffany, Mayor

Attest:

Tammy Dixon, Town Secretary

Town of Trophy Club Town Council Meeting Minutes
January 24, 2025, 9:00 a.m., Town Council Retreat
Metroport Chamber of Commerce, Texas Boardroom
381 W. Byron Nelson Boulevard, Roanoke, TX 76262

CALL TO ORDER

Mayor Tiffany called the retreat to order at 9:00 a.m.

COUNCIL MEMBERS PRESENT

Jeannette Tiffany, Mayor
Steve Flynn, Mayor Pro Tem
Stacey Bauer, Council Member Place 1 (*arrived at 12:03 p.m.*)
Jeff Beach, Council Member Place 2
Dennis Sheridan, Council Member Place 3
Rhylan Rowe, Council Member Place 4 (*left at 11:18 a.m.*)

COUNCIL MEMBERS ABSENT

LuAnne Oldham, Council Member Place 5

STAFF MEMBERS PRESENT

Brandon Wright, Town Manager
Tammy Dixon, Town Secretary
Dean Roggia, Town Attorney
Jason Wise, Fire Chief
Patrick Arata, Chief of Police
April Duvall, Director of Finance
Chase Ellis, Director of Parks and Recreation
Jill Lind, Director of Communications and Marketing
Matt Cox, Director of Community Development
Denise Deprato, Director of Human Resources
Tamara Smith, Assistant to the Town Manager

PUBLIC COMMENTS

There were none.

ITEMS

1. Discussion and review of the Trophy Club Strategic Plan FY 2025-2030.

Town Manager Wright provided an overview of the strategic planning session, emphasizing its role in aligning the strategic plan with the Town Council's vision for the next five years. The session focused on reviewing the existing plan, refining initiatives and tasks, and ensuring they accurately reflect council priorities.

A discussion was held on how to effectively communicate the Strategic Plan to residents, making it easier to read and more accessible. Town Manager Wright explained that the Business Plan serves as the primary public-facing document for this purpose. Additionally, he highlighted the effectiveness of the "Ask Indy" feature and the website's search bar in helping residents locate strategic planning information.

The Council reviewed descriptions of each Focus Area, with the following change recommended revision:

- Support Business Focus Area: Change the description by replacing the word "**partnerships**" with "**initiatives**."

Review of Focus Areas, Objectives, and Initiatives

Prioritize Public Safety

1. **Objective:** Enhance community policing and public safety engagement.

Initiative: Create a unified voluntary database for elderly, homebound, and special needs residents to enhance fire and police assistance, while promoting community connections and proactive outreach to address public safety needs.

- Revision: Update Task 1 to read: "Enhance the communication strategy for soliciting participation from elderly, homebound, and special needs residents."

2. **Objective:** Enhance transparency, accountability, and engagement through communication channels.

Initiative: Engage residents through two-way public safety communication.

- Add: Inclusion of ways to interact with and identify "at risk" and other safety initiatives in two-way communication and engagement.
- Add: Homeowners Association (HOA) and neighborhood specific outreach.

Initiative: Develop public safety transparency pages showcasing statistics and policies and explore integration of transparency tools with public safety departments.

- Define: The transparency tool and tasks associated with the showcasing of statistics should be limited to traffic safety.

Mayor Tiffany recessed the meeting at 10:41 a.m. for a break and reconvened at 10:50 a.m.

Promote Quality of Life

- No changes.

Strengthen Infrastructure

1. **Objective** “Partner with the TC MUD No. 1, NISD, and surrounding stakeholders to coordinate capital projects”

Initiative: Plan and coordinate integrated projects with partner organizations.

- Add: Formation of an internal task force to assess and enhance coordination efforts and opportunities.

Mayor Tiffany recessed the meeting at 11:50 a.m. for a lunch break and reconvened at 12:41 p.m.

Upholding Housing Standards

- No changes.

Mayor Tiffany recessed the meeting at 1:38 p.m. for a break and reconvened at 1:50 p.m.

Support Business

The Council discussed defining "supporting business" within the strategic plan, emphasizing alignment with broader Town objectives while avoiding involvement in individual business finances. The revision of "partnerships" to "initiatives" will better reflect business support through policies, programs, and strategic decisions. The conversation highlighted the need for clear yet flexible definitions to balance business support with other priorities like public safety and quality of life, ensuring alignment with the Town's long-term development goals.

Closing Remarks

The Mayor and Council Members expressed appreciation for the opportunity to engage in meaningful dialogue about the Town's future, highlighting the progress made in refining the strategic plan. There was a shared perspective that the planning process has become more streamlined compared to previous years, making it easier to reference and implement changes.

ADJOURNMENT

Mayor Tiffany adjourned the Town Council meeting at 2:17 p.m.

Jeannette Tiffany, Mayor

Attest:

Tammy Dixon, Town Secretary



TOWN COUNCIL COMMUNICATION

MEETING DATE: February 10, 2025

FROM: Tammy Dixon, Town Secretary

AGENDA ITEM: Consider a resolution appointing Greg Fox to the Economic Development Corporation Board. (Tammy Dixon, Town Secretary)

BACKGROUND/SUMMARY: The Town Council Appointments Committee, comprised of Mayor Tiffany and Council Members Oldham (now former council member) and Beach, is responsible for making recommendations to the full Council regarding appointments to all boards, commissions, and corporations. Due to a resignation on the Economic Development Corporation, the Appointments Committee convened to consider a replacement to fill the vacancy.

Following a review of candidates, the Appointments Committee recommends that Greg Fox be appointed to fill the vacant seat on the Economic Development Corporation Board. The remaining term for the vacant board position is through September 30, 2025.

BOARD REVIEW/CITIZEN FEEDBACK: After reviewing applications and conducting interviews, the Appointments Committee recommends that Greg Fox be appointed to fill the existing term on the Economic Development Corporation Board.

FISCAL IMPACT: There is no financial impact associated with this agenda item.

LEGAL REVIEW: Town Attorney, Dean Roggia, has reviewed the resolution as to form and legality.

ATTACHMENTS:

1. Resolution

ACTIONS/OPTIONS:

Staff recommends approving the resolution appointing Greg Fox to the Economic Development Corporation Board. (Tammy Dixon, Town Secretary)

**TOWN OF TROPHY CLUB, TEXAS
RESOLUTION NO. 2025-XX**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF TROPHY CLUB, TEXAS, PROVIDING FOR THE APPOINTMENT OF A MEMBER TO SERVE ON THE ECONOMIC DEVELOPMENT CORPORATION; DESIGNATING TERMS OF SERVICE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Trophy Club, Texas, benefits by having its citizens involved in local government through service on boards, commissions, and corporations; and

WHEREAS, there is currently a vacancy on the Trophy Club Economic Development Corporation Board; and

WHEREAS, the Trophy Club Town Council is responsible for making appointments to the boards, commissions, and corporations serving the Town; and

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF TROPHY CLUB, TEXAS, THAT:

SECTION 1. The facts and recitals set forth in the preamble of this resolution are hereby found to be true and correct.

SECTION 2. The Town Council of Trophy Club, Texas, hereby appoints the following individual to serve on the Trophy Club Economic Development Corporation Board as specified below:

Name	Place	Term Ending Date
Greg Fox	Place 2	09/30/2025

SECTION 3. This resolution shall become effective from and after its date of passage.

PASSED AND APPROVED THIS THE 10th DAY OF FEBRUARY 2025.

Jeannette Tiffany, Mayor

ATTEST:

Tammy Dixon, Town Secretary

APPROVED AS TO FORM:

Dean Roggia, Town Attorney



TOWN COUNCIL COMMUNICATION

MEETING DATE: February 10, 2025

FROM: Matt Cox, Director of Community Development

AGENDA ITEM: Consider authorizing the Town Manager to negotiate and execute a mowing contract with TLC Landscapes for a total annual amount not to exceed \$35,000 with four 1-year renewal options with up to 5% annual increases.
(Matt Cox, Director of Community Development)

BACKGROUND/SUMMARY: The Town of Trophy Club has utilized the services of Kanelee Landscapes (TLC Landscapes) for several years with excellent customer service and consistent reliability. This annual agreement will cover the period from October 28, 2024, through September 30, 2025, with four 1-year renewal options.

TLC Landscapes will be responsible for mowing and trimming approximately 100,00 square feet of the Byron Nelson Creek, and 105,000 square feet of the Lakeview Creek that runs between Village Trail and Lakeshore Drive. TLC Landscapes will mow/trim each location up to 10 times per year, totaling \$35,000 between the two creeks for FY 2025. The Town received three bids for these mowing services. The bidding process satisfies the requirements of Texas Local Government Code CH 252.

The Town will have the option to exercise four 1-year renewals. Each renewal authorization amount will include a not-to-exceed 5% service cost increase from the previous year.

BOARD REVIEW/CITIZEN FEEDBACK: N/A

FISCAL IMPACT: Funding for mowing services is provided in the FY 2025 Budget in the Stormwater Drainage Utility Fund.

LEGAL REVIEW: Town Attorney, Dean Roggia, has reviewed the contract as to form and legality.

ATTACHMENTS:

1. TLC Service Agreement
2. Creek Mowing Bids
3. Creek Mowing Maps

ACTIONS/OPTIONS:

Staff recommends that the Town Council move to authorize the Town Manager to negotiate

and execute a mowing contract with TLC Landscapes for a total annual amount not to exceed \$35,000 with four 1-year renewal options with up to 5% annual increases.

SERVICE CONTRACT

I. The Parties. This Service Contract ("Agreement") made _____, 20____, is by and between:

Service Provider: _____, with a mailing address of _____ ("Service Provider"), and

Client: _____, with a mailing address of _____ ("Client").

Service Provider and Client are each referred to herein as a "Party" and, collectively, as the "Parties."

NOW, THEREFORE, FOR AND IN CONSIDERATION of the mutual promises and agreements contained herein, the Client hires the Service Provider to work under the terms and conditions hereby agreed upon by the Parties:

II. Term. The term of this Agreement shall commence on _____, 20____, and terminate: (check one)

- ☐ - **At-Will.** Written notice of at least ____ days' notice.
- ☐ - **End Date.** On _____, 20____.
- ☐ - **Other.** option for 1 year extensions, with 5% increase in pricing for 4 years following the above End Date.

III. The Service. The Service Provider agrees to provide the following:

Mowing/weedeating of 100,000 sq ft of Byron Nelson ditch and 105,000 sq ft of Lakeview ditch for the following months: October and November 1x/mo, April and May 2x /mo, June-Sept 1x/mo
Cost of Byron Nelson ditch will be \$2,050/ea.(total 10x \$20,500) Lakeview ditch will be \$1,450/ea. (total 10x \$14,500). Total together \$35,000/yr
Hereinafter known as the "Service".

The Service Provider shall provide, while performing the Service, that he/she/they shall comply with the policies, standards, and regulations of the Client, including local, State, and Federal laws and to the best of their abilities.

IV. Payment Amount. The Client agrees to pay the Service Provider the following compensation for the Service performed under this Agreement: (check one)

- ☐ - \$_____ / Hour
- ☐ - \$_____ / per Job. A "Job" is _____.
- ☐ - Other: \$35,000/year.

Hereinafter known as the "Payment Amount".



V. Payment Method. The Client shall pay the Payment Amount: (check one)

- ☐ - When Invoiced
- ☐ - Daily
- ☐ - Weekly
- ☐ - Bi-Weekly
- ☐ - Monthly
- ☐ - Other: _____.

Hereinafter known as the "Payment Method". The Payment Amount and Payment Method collectively shall be referred to as "Compensation".

VI. Retainer. This Agreement requires: (check one)

- ☐ - **A Retainer.** Client agrees to pay a retainer in the amount of \$_____ to the Service Provider as an advance on future Services to be provided. (check one)
 - ☐ - Retainer is refundable.
 - ☐ - Retainer is non-refundable.

- ☐ - **No Retainer.** The Client is not required to pay a retainer before the Service Provider is able to commence work.

VII. Inspection of Services. Any Compensation shall be subject to the Client inspecting the completed Services of the Service Provider. If any of the Services performed by the Service Provider pursuant to this Agreement are defective or incomplete, the Client shall have the right to notify the Service Provider, at which time the Service Provider shall promptly correct such work within a reasonable time.

VIII. Return of Property. Upon the termination of this Agreement, all property provided by the Client, including, but not limited to, cleaning supplies, uniforms, equipment, and any other items must be returned by the Service Provider. Failure to do so may result in a delay in any final payment made by the Client.

IX. Time is of the Essence. Service Provider acknowledges that time is of the essence in regard to the performance of all Services.

X. Confidentiality. Service Provider acknowledges and agrees that all financial and accounting records, lists of property owned by Client, including amounts paid, therefore, client and customer lists, and any other data and information related to the Client's business is confidential ("Confidential Information"). Therefore, except for disclosures required to be made to advance the business of the Client and information which is a matter of public record, Service Provider shall not, during the term of this Agreement or after its termination, disclose any Confidential Information for the benefit of the Service Provider or any other person, except with the prior written consent of the Client.

- a.) **Return of Documents.** Service Provider acknowledges and agrees that all originals and copies of records, reports, documents, lists, plans, memoranda, notes, and other documentation related to the business of the Client containing Confidential Information shall be the sole and exclusive property of the Client and shall be returned to the Client upon termination of this Agreement or upon written request of the Client.
- b.) **Injunction.** Client agrees that it would be difficult to measure damage to the Client's business from any breach by the Service Provider under this Section; therefore, any monetary damages would be an inadequate remedy for such breach. Accordingly, the Service Provider agrees that if he/she/they should breach this Section, the Client shall be entitled to, in addition to all other remedies it may have at law or equity, to an injunction or other appropriate orders to restrain any such breach, without showing or proving actual damages sustained by the Client
- c.) **No Release.** Service Provider agrees that the termination of this Agreement shall not release him/her/they from the obligations in this Section.

XI. Taxes. Service Provider shall pay and be solely responsible for all withholdings, including, but not limited to, Social Security, State unemployment, State and Federal income taxes, and any other obligations. In addition, Service Provider shall pay all applicable sales or use taxes on the labor provided and materials furnished or otherwise required by law in connection with the Services performed.

XII. Independent Contractor Status. Service Provider acknowledges that he/she/they are an independent contractor and not an agent, partner, joint venture, nor an employee of the Client. Service Provider shall have no authority to bind or otherwise obligate the Client in any manner, nor shall the Service Provider represent to anyone that it has a right to do so. Service Provider further agrees that in the event the Client suffers any loss or damage as a result of a violation of this provision, the Service Provider shall indemnify and hold harmless the Client from any such loss or damage.

XIII. Safety. Service Provider shall, at his/her/their own expense, be solely responsible for protecting its employees, sub-Service Providers, material suppliers, and all other persons from risk of death, injury or bodily harm arising from or in any way related to the Services or the site where it is being performed ("Work Site"). In addition, Service Provider agrees to act in accordance with the rules and regulations administered by federal law and OSHA. Service Provider shall be solely responsible and liable for any penalties, fines, or fees incurred.

XIV. Alcohol and Drugs. Service Provider agrees that the presence of alcohol and drugs are prohibited on the Work Site and while performing their Services. If the Service Provider or any of their agents, employees, or subcontractors are determined to be present or with alcohol or drugs in their possession, this Agreement shall terminate immediately.

XV. Successors and Assigns. The provisions of this Agreement shall be binding upon and inured to the benefit of heirs, personal representatives, successors, and assigns of the Parties. Any provision hereof which imposes upon the Service Provider or Client an obligation after termination or expiration of this Agreement shall survive termination or expiration hereof and be binding upon the Service Provider or Client.

XVI. Default. In the event of default under this Agreement, the defaulted Party shall reimburse the non-defaulting Party or Parties for all costs and expenses reasonably incurred by the non-defaulting Party or Parties in connection with the default, including, without limitation, attorney's fees. Additionally, in the event a suit or action is filed to enforce this Agreement or with respect to this Agreement, the prevailing Party or Parties shall be reimbursed by the other Party for all costs and expenses incurred in connection with the suit or action, including, without limitation, reasonable attorney's fees at the trial level and on appeal.

XVII. No Waiver. No waiver of any provision of this Agreement shall be deemed or shall constitute a continuing waiver, and no waiver shall be binding unless executed in writing by the Party making the waiver.

XVIII. Governing Law. This Agreement shall be governed by and shall be construed in accordance with the laws in the State of _____.

XIX. Severability. If any term, covenant, condition, or provision of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions shall remain in full force and effect and shall in no way be affected, impaired, or invalidated.

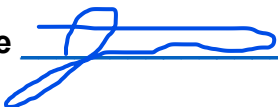
XX. Additional Terms & Conditions. _____

XXI. Entire Agreement. This Agreement constitutes the entire agreement between the Parties to its subject matter and supersedes all prior contemporaneous agreements, representations, and understandings of the Parties. No supplement, modification, or amendment of this Agreement shall be binding unless executed in writing by all Parties.

IN WITNESS WHEREOF, the Parties hereto agree to the above terms and have caused this Agreement to be executed in their names by their duly authorized officers.

Client's Signature _____ **Date** _____

Print Name _____

Service Provider's Signature  _____ **Date** _____

Print Name _____



ESTIMATE

Duran Tree Care Inc.
P.O Box 211627
Dallas, TX 75211

sales@durantreecare.com
+1 (469) 418-3398
https://durantreecare.com



Bill to
Kevin O'Dell
1 Trophy Wood Drive, Trophy Club, TX
76262
Trophy Club, TX 76262

Ship to
Kevin O'Dell
1 Trophy Wood Drive, Trophy Club, TX
76262
Trophy Club, TX 76262

Estimate details
Estimate no.: 1127
Estimate date: 10/10/2024

WO#: 101024
Property Address: BNHS
City, State, Zip Code: Trophy Wood Drive,
Trophy C

#	Date	Product or service	Description	Qty	Rate	Amount
1.	10/10/2024	Lawn Service	BNHS – Initial Clean-Up • Scope: clearing and trimming overgrown vegetation and small trees (3 inches in diameter or smaller) along the creek. Trees in the grassy upper area will remain. • Cost: \$33,000 for initial clean-up and trimming.	1	\$33,000.00	\$33,000.00
2.	10/10/2024	Lawn Service	Maintenance Plan: 1. October • 2 mow per month. Price per service visit \$3500	2	\$3,500.00	\$7,000.00
3.	10/10/2024	Lawn Service	Maintenance Plan: November: • 2 mow per month. Price per service visit \$3500	2	\$3,500.00	\$7,000.00
4.	10/10/2024	Lawn Service	Maintenance Plan: April: • 2 mow per month. Price per service visit \$4500	2	\$4,500.00	\$9,000.00
5.	10/10/2024	Lawn Service	Maintenance Plan: May • 2 mow per month. Price per service visit \$4500	2	\$4,500.00	\$9,000.00
6.	10/10/2024	Lawn Service	Maintenance Plan: June	1	\$4,000.00	\$4,000.00

• 2 mow per month. Price per service visit
\$4000

7.	10/10/2024	Lawn Service	Maintenance Plan: July • 1 mow per month. Price per service visit \$4000	1	\$4,000.00	\$4,000.00
8.	10/10/2024	Lawn Service	Maintenance Plan: August • 1 mow per month. Price per service visit \$4000	1	\$4,000.00	\$4,000.00
9.	10/10/2024	Lawn Service	Maintenance Plan: September • 1 mow per month. Price per service visit \$4000	1	\$4,000.00	\$4,000.00
Total					\$81,000.00	

Accepted date

Accepted by

ESTIMATE

Duran Tree Care Inc.
P.O Box 211627
Dallas, TX 75211

sales@durantreecare.com
+1 (469) 418-3398
https://durantreecare.com



Bill to
Kevin O'Dell
1 Trophy Wood Drive, Trophy Club, TX
76262
Trophy Club, TX 76262

Ship to
Kevin O'Dell
1 Trophy Wood Drive, Trophy Club, TX
76262
Trophy Club, TX 76262

Estimate details
Estimate no.: 1126
Estimate date: 10/10/2024

WO#: 101024
Property Address: Village Creek Trail
City, State, Zip Code: Trophy Club, TX
76262

#	Date	Product or service	Description	Qty	Rate	Amount
1.	10/10/2024	Lawn Service	• Scope: Remove overgrown vegetation and small trees (3 inches in diameter or smaller) along the creek. Trees in the upper grassy area will remain untouched. Once the initial clean-up is done, maintenance will follow as per the client's request. INITIAL CLEAN UP AND TRIMMING.	1	\$45,000.00	\$45,000.00
2.	10/10/2024	Lawn Service	Maintenance Plan: 1. October • 2 mow per month. Price per service visit \$3500	2	\$3,500.00	\$7,000.00
3.	10/10/2024	Lawn Service	Maintenance Plan: November: • 2 mow per month. Price per service visit \$3500	2	\$3,500.00	\$7,000.00
4.	10/10/2024	Lawn Service	Maintenance Plan: April: • 2 mow per month. Price per service visit \$4500	2	\$4,500.00	\$9,000.00
5.	10/10/2024	Lawn Service	Maintenance Plan: May • 2 mow per month. Price per service visit \$4500	2	\$4,500.00	\$9,000.00
6.	10/10/2024	Lawn Service	Maintenance Plan: June	1	\$4,000.00	\$4,000.00

• 1 mow per month. Price per service visit
\$4000

7.	10/10/2024	Lawn Service	Maintenance Plan: July • 1 mow per month. Price per service visit \$4000	1	\$4,000.00	\$4,000.00
8.	10/10/2024	Lawn Service	Maintenance Plan: August • 1 mow per month. Price per service visit \$4000	1	\$4,000.00	\$4,000.00
9.	10/10/2024	Lawn Service	Maintenance Plan: September • 1 mow per month. Price per service visit \$4000	1	\$4,000.00	\$4,000.00
Total					\$93,000.00	

Accepted date

Accepted by



2626 Cole Ave STE 300
Dallas, Texas 75204
972-656-8241

December 10, 2024

Mr. O'Dell,

Thank you for allowing GreenList the opportunity to bid on the mowing of 2 creeks in the Town of Trophy Club for FY25. GreenList would like to present the following:

Village Trail Creek (\$6000 per mow)

- Oct - Nov 2 mows \$12,000
- Apr - May 4 mows \$24,000
- June - Sept 4 mows \$24,000

BNHS Creek (\$4500 per mow)

- Oct - Nov 2 mows \$9,000
- Apr - May 4 mows \$18,000
- June - Sept 4 mows \$18,000

Total Estimated Annual Bid \$105,000

Thank you in advance and I look forward to establishing a working relationship with the Town of Trophy Club.

Thank you,
GreenList Services Team

ESTIMATE

TLC Landscapes and TLC Perfect
Turf
PO Box 443
Roanoke, TX 76262

tlclandscapetx@gmail.com
+1 (469) 751-2959
www.tlcperfectturf.com



Bill to

Kevin O'Dell
Town of Trophy Club - Streets Dept.
1 Trophy Wood Dr.
Trophy Club, TX 76262
United States

Ship to

Kevin O'Dell
Town of Trophy Club - Streets Dept.
1 Trophy Wood Dr.
Trophy Club, TX 76262
United States

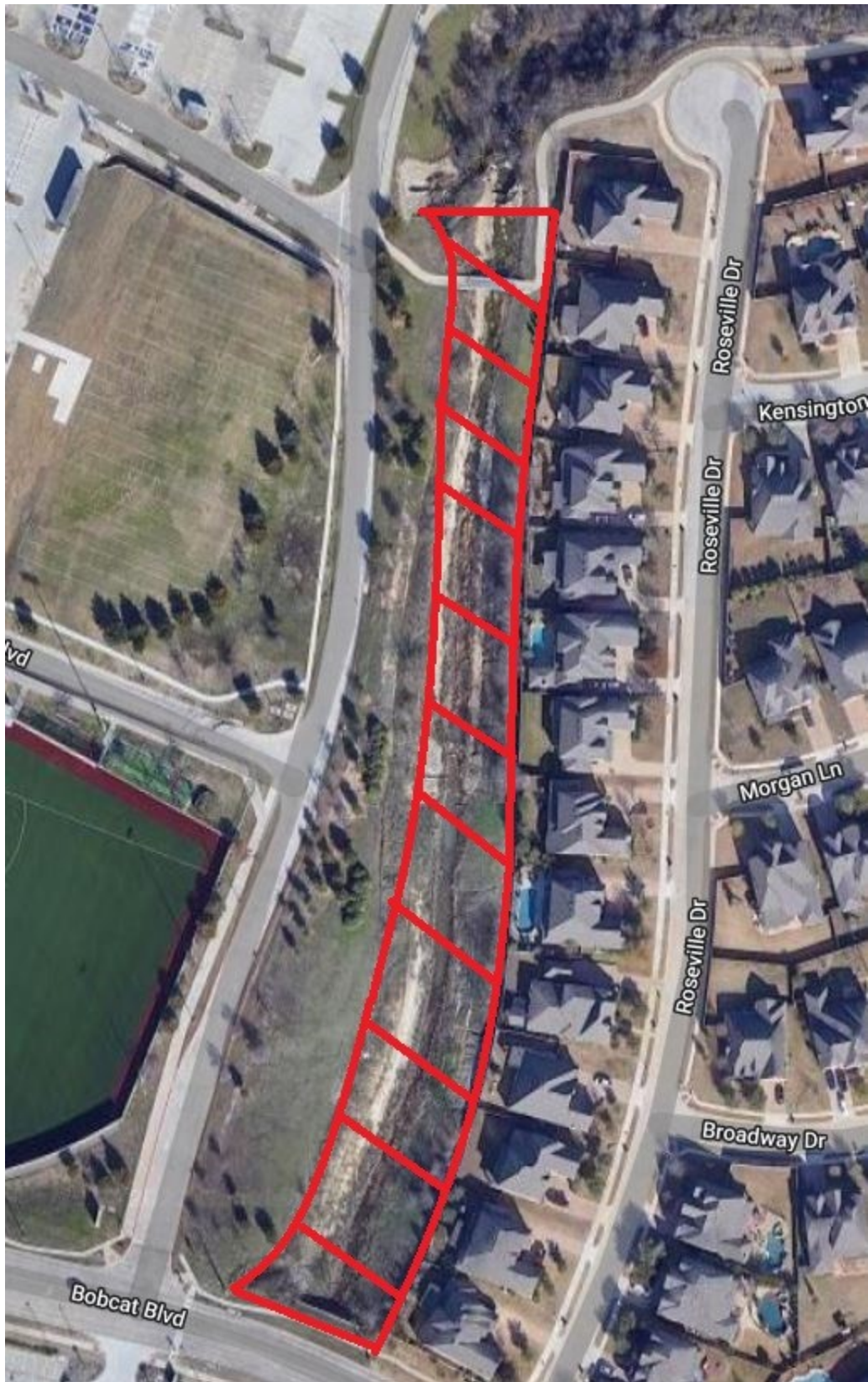
Estimate details

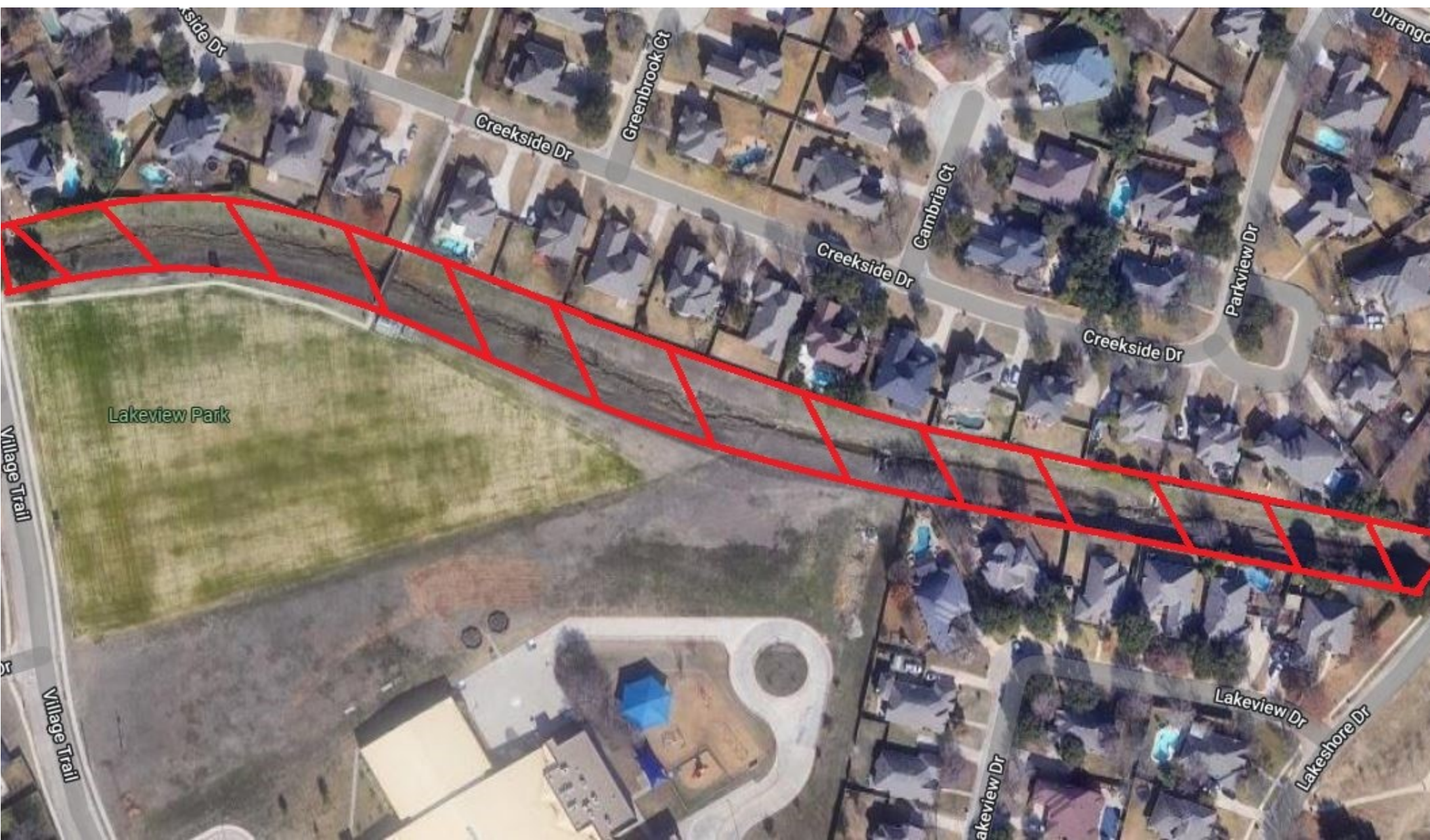
Estimate no.: 1003
Estimate date: 10/03/2024

#	Product or service	Description	Qty	Rate	Amount
1.	Maintenance Contracts	Byron Nelson HS - Ditch: October and November 2024 - Mow/Weedat 1x Monthly April and May 2025 - Mow/Weedat 2x Monthly June - September 2025 - Mow/Weedat 1x Monthly	10	\$2,050.00	\$20,500.00
2.	Maintenance Contracts	Lakeshore - Ditch: October and November 2024 - Mow/Weedat 1x Monthly April and May 2025 - Mow/Weedat 2x Monthly June - September 2025 - Mow/Weedat 1x Monthly	10	\$1,450.00	\$14,500.00
Total					\$35,000.00

Accepted date

Accepted by







TOWN COUNCIL COMMUNICATION

MEETING DATE: February 10, 2025

FROM: April Duvall, Director of Finance

AGENDA ITEM: Consider an ordinance amending subsection (i), Annual Capital Improvement and Maintenance Charge, of Section A1.014, Water and Wastewater Fees for Public Improvement District No.1, within Appendix A, Fee Schedule, of the Trophy Club Code of Ordinances, to adopt a monthly surcharge for PID residents. (April Duvall, Director of Finance)

BACKGROUND/SUMMARY: The Town has received the Trophy Club Municipal Utility District #1 (District) annual calculation for the Public Improvement District (PID) Surcharge. For calendar year 2025, the PID residents' proportional share of MUD operating, maintenance, and debt service expenditures totals \$143,223, equating to \$99.24 per household. Based on this calculation, the PID monthly surcharge remains unchanged from the previous year at \$8.27 for 2025.

Over the last several months, the Town and District have worked cooperatively to allow the District to expand its boundaries to include all areas of Trophy Club, including those areas within the PID. Effective January 1, 2025, the Town and District successfully achieved this goal. Residents who live in the PID area are now within the jurisdictional boundaries of the District. As a result, PID residents will no longer receive a PID Surcharge on their bills beginning with the billing period starting October 1, 2025. Instead, PID residents will pay for these services through the District property tax, the same way that residents who have lived within the District have paid for them. Payment through the District property tax will eliminate the need for Town assessments and District surcharges to collect these amounts. The PID Surcharge approved by this action is for a portion of the amount charged through the FY 2025 Budget process, which included the continuation of assessments and the PID Surcharge through the current fiscal year, which ends on September 30, 2025.

BOARD REVIEW/CITIZEN FEEDBACK: N/A

FISCAL IMPACT: The Calendar Year 2025 PID monthly surcharge remains unchanged from the previous year at \$8.27 for 2025.

LEGAL REVIEW: Town Attorney, Dean Roggia, has reviewed the ordinance as to form and legality.

ATTACHMENTS:

1. Ordinance

2. PID Surcharge

ACTIONS/OPTIONS:

Staff recommends that the Town Council move to approve the ordinance amending subsection (i), Annual Capital Improvement and Maintenance Charge, of Section A1.014, Water and Wastewater Fees for Public Improvement District No.1, within Appendix A, Fee Schedule, of the Trophy Club Code of Ordinances, to adopt a monthly surcharge for PID residents.

**TOWN OF TROPHY CLUB, TEXAS
ORDINANCE NO. 202X-XX**

AN ORDINANCE OF THE TOWN OF TROPHY CLUB, TEXAS AMENDING SUBSECTION (i), "ANNUAL CAPITAL IMPROVEMENTS AND MAINTENANCE CHARGE," OF SECTION A1.014, "WATER AND WASTEWATER FEES FOR PUBLIC IMPROVEMENT DISTRICT NO. 1," WITHIN APPENDIX A, "FEE SCHEDULE," OF THE CODE OF ORDINANCES, TOWN OF TROPHY CLUB, TEXAS, TO ADOPT A MONTHLY SURCHARGE APPLICABLE TO CONNECTIONS IN THE TROPHY CLUB PUBLIC IMPROVEMENT DISTRICT NO. 1 IN ORDER TO PAY THE PID PORTION OF MUD1 OPERATIONS AND MAINTENANCE BUDGET AND DEBT FOR CALENDAR YEAR 2025; PROVIDING A SAVINGS AND REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Trophy Club (the "Town") is a home rule municipality 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, fees imposed by the Town are adopted and codified in Appendix A, "Fee Schedule," of the Code of Ordinances, Town of Trophy Club, Texas (the "Code"); and

WHEREAS, Appendix A, "Fee Schedule," Section A1.014 of the Code contains fees for public works for the Trophy Club Public Improvement District No. 1 ("PID"), including fees for meters utilized within the PID; and

WHEREAS, the Town is the owner and/or operator of a water and sewer system designed to serve present and future inhabitants of the PID (the "Town System"); and

WHEREAS, under the Amended and Restated Contract for Wholesale Water Supply and Wastewater Treatment Services and Water And Wastewater Operational Services between the Town and Trophy Club Municipal Utility District No. 1 dated April 15, 2014 (the "Contract"), the Trophy Club Municipal Utility District No. 1 ("MUD1") has agreed to provide the Town with wholesale water and wastewater services and with operations services related to the Town System within the boundaries of the PID "Property", as that term is defined in the Contract; and

WHEREAS, Sections 7.1 and 7.2 of Article VII of the Contract require the Town to

charge a fee to the residents of the PID for the “Annual Capital Improvements and Maintenance Charge” due to MUD1; and

WHEREAS, MUD1 has issued debt; therefore, pursuant to the Contract, the Town has determined it appropriate to adopt the fee set forth below in accordance with the provision of the Contract providing for an Annual Capital Improvements and Maintenance Charge in order to impose the fee required to fund the PID’s percentage share of the MUD1 Operations and Maintenance budget and debt for calendar year 2025; and

WHEREAS, the Town Council hereby finds that the amendment of Section A1.014 of the Town’s Fee Schedule to adopt the Annual Capital Improvements and Maintenance Charge in the form of a flat monthly fee as further specified herein meets the Town’s contractual obligations pursuant to the Contract and serves the best interests of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF TROPHY CLUB, TEXAS, THAT:

SECTION 1. INCORPORATION OF PREMISES

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2. AMENDMENT

Subsection (i), “Annual capital improvements and maintenance charge” of Section A1.014, “Water and wastewater fees for Public Improvement District No. 1,” of Appendix A, “Fee Schedule,” of the Town of Trophy Club Code of Ordinances is hereby amended to read as follows, and all other fees and provisions of Section A1.014 not specifically amended hereby shall remain in full force and effect:

“(i) Annual capital improvements and maintenance charge: \$8.27 (monthly fee per connection)”

SECTION 3. SAVINGS AND REPEALER

This Ordinance shall be cumulative of all other ordinances of the Town affecting fees and shall not repeal any of the provisions of such ordinances except in those instances where provisions of those ordinances are in direct conflict with the provisions of this Ordinance; whether such ordinances are codified or uncoded, and all other provisions of the ordinances of the Town of Trophy Club, codified or uncoded, not in conflict with the provisions of this Ordinance, shall remain in full force and effect. Notwithstanding the foregoing, any complaint, action, cause of action or claim which prior to the effective date of this Ordinance has been initiated or has arisen under or pursuant

to such repealed ordinance(s) shall continue to be governed by the provisions of that ordinance and for that purpose the ordinance shall be deemed to remain and continue in full force and effect.

SECTION 4. SEVERABILITY

If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereof to any person or circumstance, is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the Town Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 5. ENGROSSMENT AND ENROLLMENT

The Town Secretary of the Town of Trophy Club is hereby directed to engross and enroll this Ordinance.

SECTION 6. PENALTY

It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision of this Ordinance shall be fined, upon conviction, not less than One Dollar (\$1.00) nor more than Five Hundred Dollars (\$500.00), and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

SECTION 7. PUBLICATION

The Town Secretary of the Town of Trophy Club is hereby directed to publish the caption of this Ordinance in the official newspaper of the Town of Trophy Club, Texas, as required by Section 3.16 of the Charter of the Town of Trophy Club, Texas.

SECTION 8. EFFECTIVE DATE

This Ordinance shall take effect from and after its date of publication in accordance with Section 3.16 of the Charter of the Town of Trophy Club, Texas, and it is so ordained.

PASSED AND APPROVED by the Town Council of the Town of Trophy Club, Texas, this 10th day of February 2025.

Jeannette Tiffany, Mayor

ATTEST:

Tammy Dixon, Town Secretary

APPROVED TO AS FORM:

Dean Roggia, Town Attorney



PID SURCHARGE

for Calendar Year 2025

Description	Standard
O&M Revenue from PID Surcharge	27,337.00
I&S Revenue from PID Surcharge	115,886.00
Total	143,223.00
Number of PID Residents	1,444
Standard rate for 12 months (per month)	\$ 8.27
Change in Rate from CY24 (\$8.27)	\$ (0.00)

19% O&M proportion
81% I&S proportion

Rate = (Total/Number of Residents)/12 Months)



October 28, 2024

April Duvall
Director of Finance
Town of Trophy Club
1 Trophy Wood Drive
Trophy Club, TX 76262

Emailed	
Received By:	<u>April Duvall</u>
Date:	<u>11/18/24</u>

PID Surcharge for Calendar Year 2025

In accordance with Section 7.2 of the Amended and Restated Contract for Wholesale Water Supply and Wastewater Treatment Services and Water and Wastewater Operational Services dated April 12, 2014, the District is providing notice of the Annual Capital Improvements and Maintenance Charge requirements for calendar year 2025.

Total amount to be collected from Town retail water and wastewater customers is calculated below.

MUD TARRANT COUNTY:	717,908,930
MUD DENTON COUNTY:	2,003,954,100
DENTON CO. PID:	1,106,013,301

O&M TAX/SURCHARGE RATE

REQUIRED REVENUE

O&M

\$113,070*

\$95,000**

*MUD (All of Dept. 39 Budget)

**PID (Legal and Auditor only Dept 39)

TAX/SURCHARGE RATE = REQUIRED REVENUE/TOTAL VALS/100

Vals/100 = 38,278,763

FY 2024 Tax/Surcharge Rate =	0.00248
Revenue from MUD Tax =	\$ 85,621
Revenue from PID Surcharge =	\$ 27,449
Total:	\$ 113,070

I&S TAX/SURCHARGE RATE

REQUIRED REVENUE

TAX NEW DEBT (I&S)

\$400,463

TAX/SURCHARGE RATE = REQUIRED REVENUE/TOTAL VALS/100

Vals/100 = 38,278,763

FY 2024 PID Surcharge Rate =	0.01046
Revenue from MUD Tax =	\$ 284,754
Revenue from PID Surcharge =	\$ 115,708
Total:	\$ 400,463

Total Due to Trophy Club MUD No. 1

PID Surcharge Calendar 2024	\$ 143,157
-----------------------------	------------

temud.org

Trophy Club Municipal Utility District No. 1
100 Municipal Drive, Trophy Club, Texas 76262
(682) 831-4600



October 28, 2024

The Town of Trophy Club is responsible for calculating the PID surcharge rate and must provide the new rate to Trophy Club Municipal Utility District No. 1 with an approved Town Rate Ordinance. In order for the January 2025 billing to reflect a new PID surcharge rate, the new Town Rate Ordinance must be received by the District no later than December 31, 2024.

The current 2024 PID surcharge rate per connection per month is set at \$8.37, and as of September 30th the PID had 1,447 total water connections. In January, the District will reconcile the total funds collected from the PID surcharge for the calendar year and will submit any overage to the Town or if there is a shortage an invoice will be provided.

Thank you for your prompt attention to this matter, and please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Van Dyke".

Regina Van Dyke
Finance Manager
Trophy Club Municipal Utility District No. 1
100 Municipal Drive
Trophy Club, TX 76262
Phone- 682-831-4692



TOWN COUNCIL COMMUNICATION

MEETING DATE: February 10, 2025

FROM: April Duvall, Director of Finance

AGENDA ITEM: Consider accepting the Third Quarter Investment Report for Fiscal Year 2024.
(April Duvall, Director of Finance)

BACKGROUND/SUMMARY: The Town's current interest-bearing accounts had an ending market value of \$40,022,640 as of June 30, 2024, which is an increase of \$92,338 since March 31, 2024. Property tax revenue is collected primarily in the first and second quarters of the fiscal year. The portfolio is liquid with a weighted average life of 55 days.

The total average yield for this quarter was 5.34%, which is the same as the average yield for a rolling 6-month treasury-bill for the same period.

A substantial portion of the Town's investments remain placed in the InterBank Insured Cash Sweep account to take advantage of the fund's liquidity and the 5.65% yield.

BOARD REVIEW/CITIZEN FEEDBACK: N/A

FISCAL IMPACT: The interest earnings for this quarter amount to \$531,500, bringing the Town's fiscal year-to-date interest earnings to a total of \$1,500,714.

LEGAL REVIEW: N/A

ATTACHMENTS:

1. Third Quarter FY 2024 Investment Report

ACTIONS/OPTIONS:

Staff recommends that the Town Council move to accept the Third Quarter Investment Report for Fiscal Year 2024.



QUARTERLY INVESTMENT REPORT

For the Quarter Ended

June 30, 2024

Prepared by
Valley View Consulting, L.L.C.

The investment portfolio of the Town of Trophy Club is in compliance with the Public Funds Investment Act and the Investment Policy and Strategies.

April Duvall

Investment Officer/Finance Director

Emert G...

Chief Financial Analyst

Disclaimer: These reports were compiled using information provided by the Town. No procedures were performed to test the accuracy or completeness of this information. The market values included in these reports were obtained by Valley View Consulting, L.L.C. from sources believed to be accurate and represent proprietary valuation. Due to market fluctuations these levels are not necessarily reflective of current liquidation values. Yield calculations are not determined using standard performance formulas, are not representative of total return yields, and do not account for investment advisor fees.

Strategy Summary

Quarter End Results by Investment Category:

Asset Type	March 31, 2024			June 30, 2024		
	Ave. Yield	Book Value	Market Value	Ave. Yield	Book Value	Market Value
Demand Accounts	0.67%	\$ 900,784	\$ 900,784	0.72%	\$ 909,184	\$ 909,184
Money Markets/Local Gov't Investment Pools	5.48%	33,950,818	33,950,818	5.46%	29,943,447	29,943,447
CDs/Securities	5.47%	5,078,699.95	5,078,699.95	5.41%	9,170,009	9,170,009
Totals	5.37%	\$ 39,930,302	\$ 39,930,302	5.34%	\$ 40,022,640	\$ 40,022,640

<u>Current Quarter Average Yield (1)</u>	
Total Portfolio	5.34%
Rolling Three Month Treasury	5.47%
Rolling Six Month Treasury	5.34%
TexPool	5.31%

<u>Fiscal Year-to-Date Average Yield (2)</u>	
Total Portfolio	5.35%
Rolling Three Month Treasury	5.48%
Rolling Six Month Treasury	5.40%
TexPool	5.33%

<u>Interest Revenue (Approximate)</u>	
Quarterly Interest Income	\$ 531,500
Year-to-date Interest Income	\$ 1,500,714

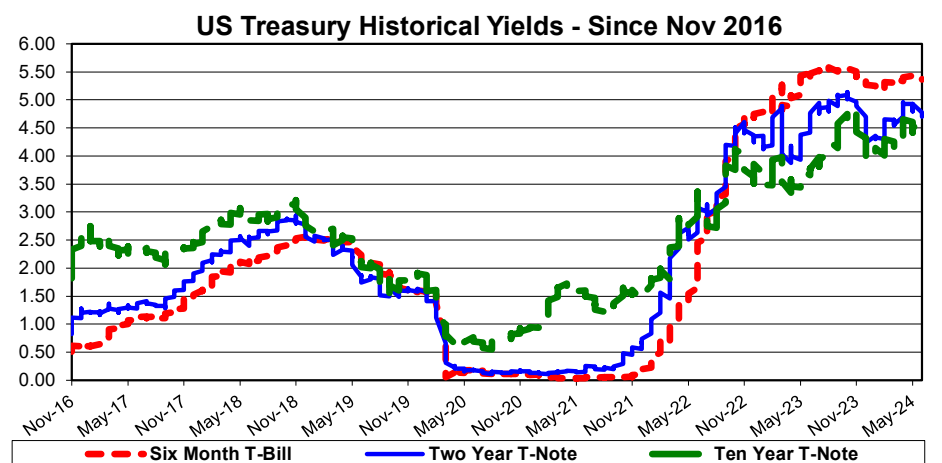
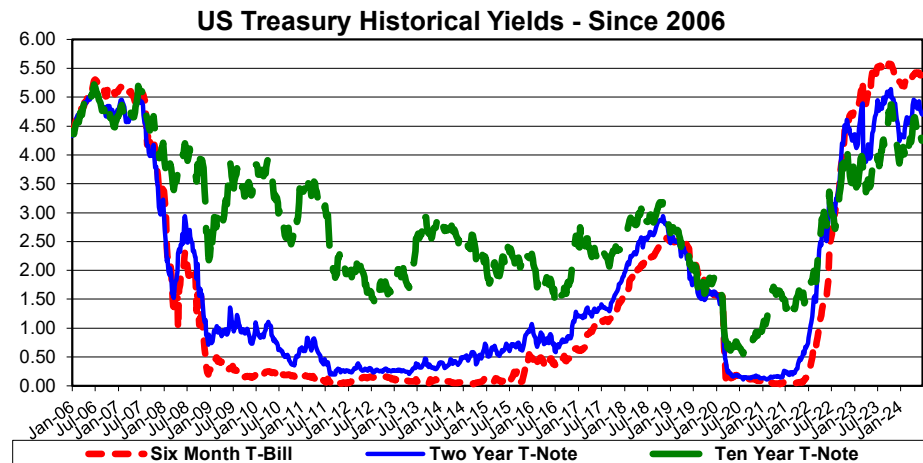
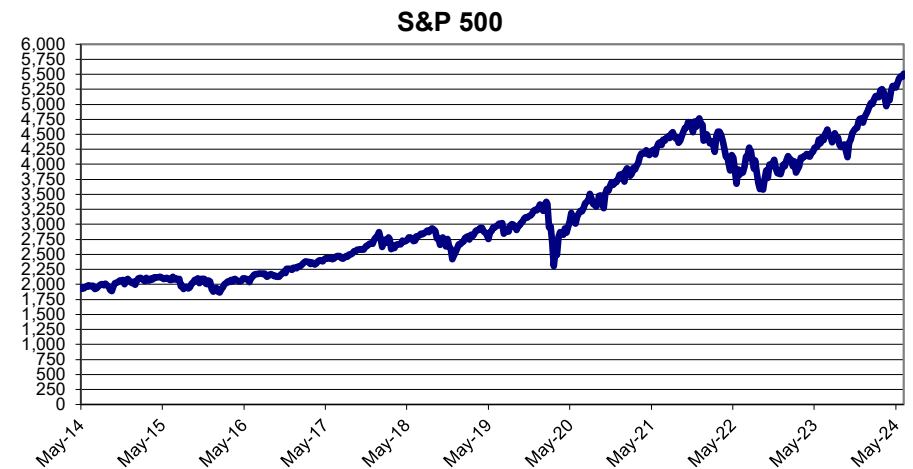
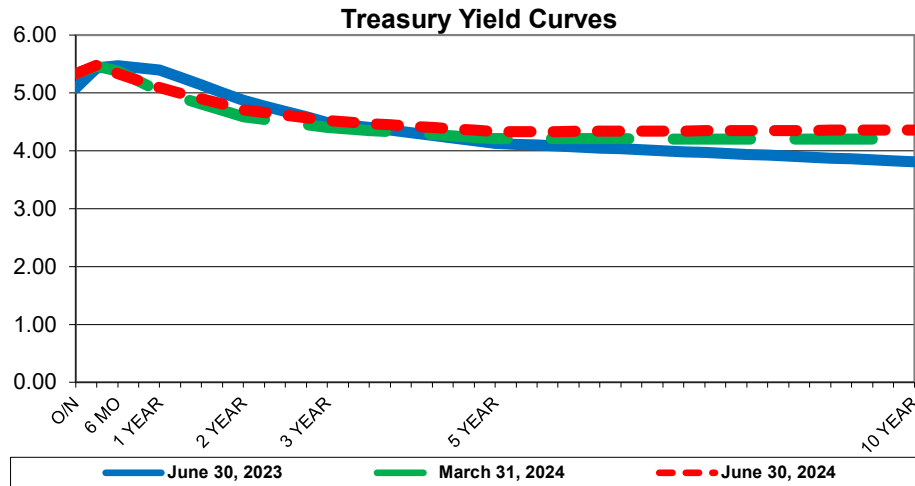
(1) **Current Quarter Average Yield** - based on adjusted book value, realized and unrealized gains/losses and investment advisory fees are not considered. The yield for the reporting month is used for bank, pool, and money market balances.

(2) **Fiscal Year-to-Date Average Yields** - calculated using quarter end report yields and adjusted book values and does not reflect a total return analysis or account for advisory fees.

Economic Overview

6/30/2024

The Federal Open Market Committee (FOMC) maintained the Fed Funds target range 5.25% - 5.50% (Effective Fed Funds are trading +/-5.33%). Expectations are for reduced future rates, but any actions will be meeting-by-meeting and "data-dependent." June Non-Farm Payroll slightly exceeded expectations at 206k new jobs, but the previous two months were revised down causing the Three Month Rolling Average to fall to 177k. Final First Quarter 2024 GDP reported +1.4%. The S&P 500 Stock Index created new highs above +/-5,500. The yield curve remains inverted but longer yields rose slightly. Crude Oil trades over \$80 per barrel. Inflation declined slightly but remains above the FOMC 2% target (Core PCE +/-2.6% and Core CPI +/-3.4%). Reduced global economic outlooks and ongoing/expanding military conflicts continue increasing uncertainty.



Investment Holdings

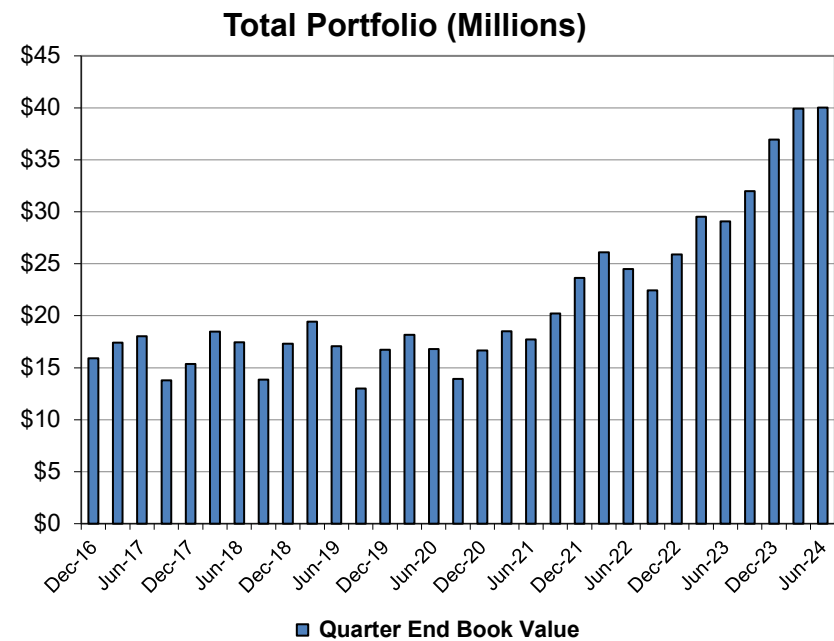
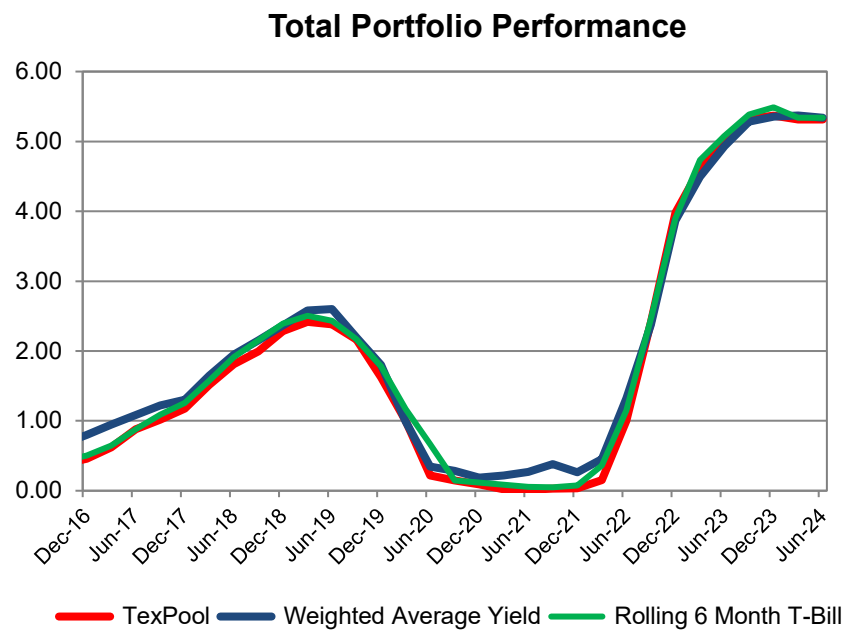
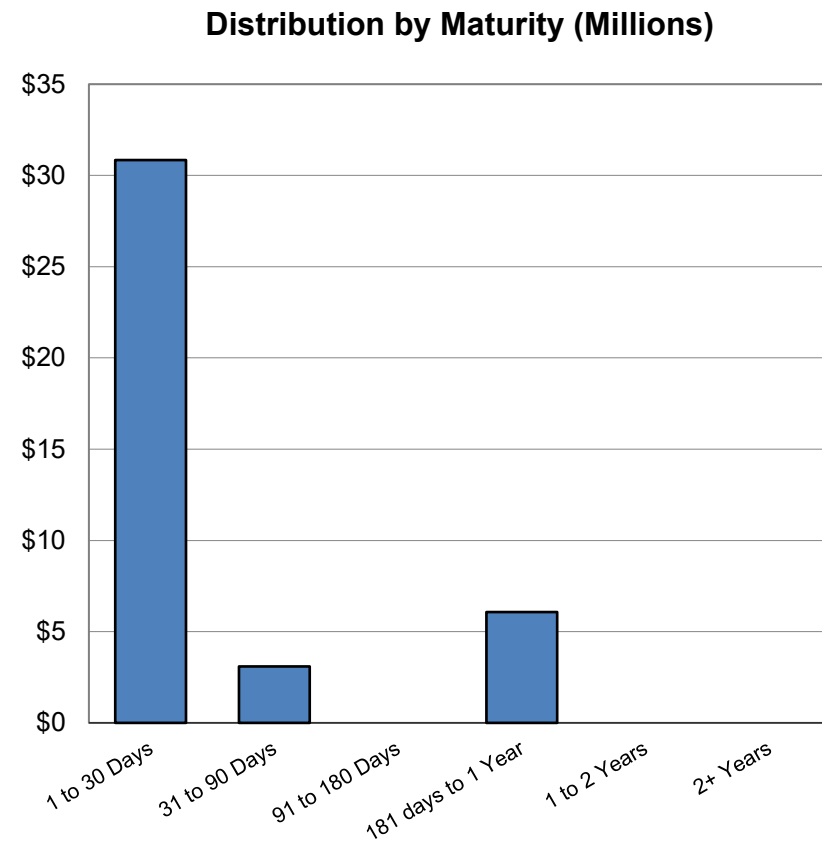
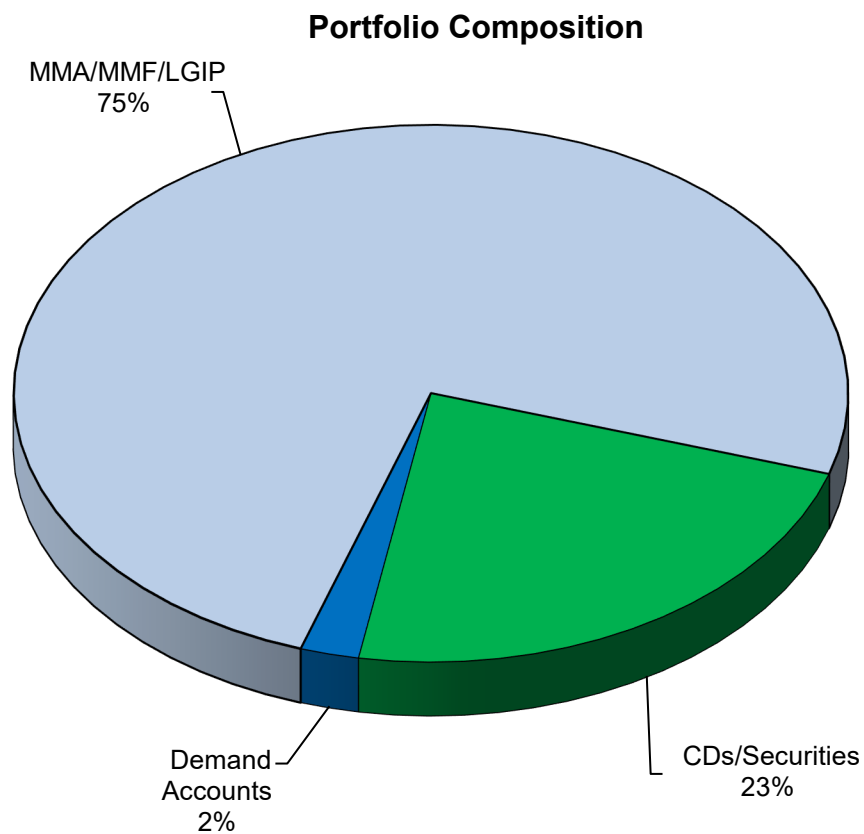
June 30, 2024

Description	Ratings	Coupon/ Discount	Maturity Date	Settlement Date	Par Value	Book Value	Market Price	Market Value	Life (days)	Yield
PlainsCapital Bank - Cash		0.72%	07/01/24	06/30/24	909,184	909,184	1.00	909,184	1	0.72%
InterBank Money Market Account		5.78%	07/01/24	06/30/24	250,154	250,154	1.00	250,154	1	5.78%
InterBank IntraFi MMA		5.65%	07/01/24	06/30/24	13,276,853	13,276,853	1.00	13,276,853	1	5.65%
TexPool LGIP	AAAm	5.31%	07/01/24	06/30/24	12,875,768	12,875,768	1.00	12,875,768	1	5.31%
TexasCLASS LGIP-Gov't	AAAm	5.25%	07/01/24	06/30/24	3,540,672	3,540,672	1.00	3,540,672	1	5.25%
East West Bank CD		5.37%	09/09/24	12/08/23	3,092,307	3,092,307	100.00	3,092,307	71	5.52%
American Nat'l Bank& Trust CD		5.25%	03/20/25	12/28/23	2,054,225	2,054,225	100.00	2,054,225	263	5.39%
East West Bank CD		5.21%	06/16/25	05/21/24	4,023,476	4,023,476	100.00	4,023,476	351	5.35%
					\$ 40,022,640	\$ 40,022,640		\$ 40,022,640	55	5.34%
									(1)	(2)

(1) **Weighted average life** - For purposes of calculating weighted average life, bank accounts, pools and money market funds are assumed to have an one day maturity.

(2) **Weighted average yield to maturity** - The weighted average yield to maturity is based on adjusted book value, realized and unrealized gains/losses and investment advisory fees are not considered. The yield for the reporting month is used for bank accounts, pools and money market funds.

(3) **Effective Blended Rate** - Stated Earnings Credit Rate (0.70%) and GAIC Interest Rate (0.40%) adjusted for Balance Assessment fee and then calculated as a Weighted Average Yield.



Book & Market Value Comparison

Issuer/Description	Yield	Maturity Date	Book Value 03/31/24	Increases	Decreases	Book Value 06/30/24	Market Value 03/31/24	Change in Market Value	Market Value 06/30/24
PlainsCapital Bank - Cash	0.72%	07/01/24	900,784	8,401	—	909,184	900,784	8,401	909,184
InterBank Money Market Account	5.78%	07/01/24	250,192	—	(38)	250,154	250,192	(38)	250,154
InterBank IntraFi MMA	5.65%	07/01/24	17,124,695	—	(3,847,842)	13,276,853	17,124,695	(3,847,842)	13,276,853
TexPool LGIP	5.31%	07/01/24	13,136,194	—	(260,426)	12,875,768	13,136,194	(260,426)	12,875,768
TexasCLASS LGIP-Non-Gov't	5.47%	07/01/24	5,895	—	(5,895)	—	5,895	(5,895)	—
TexasCLASS LGIP-Gov't	5.25%	07/01/24	3,433,844	106,829	—	3,540,672	3,433,844	106,829	3,540,672
East West Bank CD	5.52%	09/09/24	3,051,186	41,122	—	3,092,307	3,051,186	41,122	3,092,307
American Nat'l Bank& Trust CD	5.39%	03/20/25	2,027,514	26,711	—	2,054,225	2,027,514	26,711	2,054,225
East West Bank CD	5.35%	06/16/25	—	4,023,476	—	4,023,476	—	4,023,476	4,023,476
TOTAL / AVERAGE	5.34%		\$ 39,930,302	\$ 4,206,538	\$ (4,114,200)	\$ 40,022,640	\$ 39,930,302	\$ 92,338	\$ 40,022,640

**Allocation
June 30, 2024
Book & Market Value**

	Total	General Fund	Debt Service	Storm Drainage Utility	EDC	Hotel Occupancy Tax	Parkland Dedication
PlainsCapital Bank - Cash	\$ 909,184	\$ 834,700	\$ —	\$ —	\$ —	\$ 74,485	\$ —
InterBank Money Market	250,154	125,077	—	—	—	—	—
InterBank IntraFi MMA	13,276,853	11,759,754	—	—	—	—	—
TexPool LGIP	12,875,768	7,245,671	1,990,667	1,817,064	1,822,365	—	—
TexasCLASS LGIP-Gov't	3,540,672	—	—	—	—	3,064,931	475,741
 East West Bank CD	 3,092,307	 —	 —	 —	 —	 —	 —
American Nat'l Bank& Trust CD	2,054,225	—	—	—	—	—	—
East West Bank CD	4,023,476	—	—	—	—	—	—
 Total	 \$ 40,022,640	 \$ 19,965,202	 \$ 1,990,667	 \$ 1,817,064	 \$ 1,822,365	 \$ 3,139,416	 \$ 475,741

Allocation
June 30, 2024
Book & Market Value

(Continued)

	2021 CO Bond Funds	2023 CO Bond Funds	CIP Funds
PlainsCapital Bank - Cash	\$ —	\$ —	\$ —
InterBank Money Market	—	—	125,077
InterBank IntraFi MMA	307,020	1,024,074	186,005
TexPool LGIP	—	—	—
TexasCLASS LGIP-Gov't	—	—	—
 East West Bank CD	 —	 3,092,307	 —
American Nat'l Bank& Trust CD	—	2,054,225	—
East West Bank CD	—	4,023,476	—
 Total	 \$ 307,020	 \$ 10,194,083	 \$ 311,082

**Allocation
March 31, 2024
Book & Market Value**

	Total	General Fund	Debt Service	Storm Drainage Utility	EDC	Hotel Occupancy Tax	Parkland Dedication
PlainsCapital Bank - Cash	\$ 900,784	\$ 910,370	\$ —	\$ —	\$ —	\$ (9,586)	\$ —
InterBank Money Market	250,192	125,096	—	—	—	—	—
InterBank IntraFi MMA	17,124,695	11,593,518	—	—	—	—	—
TexPool LGIP	13,136,194	7,761,626	1,931,169	1,757,171	1,686,228	—	—
TexasCLASS LGIP-Non-Gov't	5,895	—	—	—	—	—	5,895
TexasCLASS LGIP-Gov't	3,433,844	—	—	—	—	2,970,176	463,667
 East West Bank CD	 3,051,186	 —	 —	 —	 —	 —	 —
American Nat'l Bank& Trust CD	2,027,514	—	—	—	—	—	—
 Total	 \$ 39,930,302	 \$ 20,390,609	 \$ 1,931,169	 \$ 1,757,171	 \$ 1,686,228	 \$ 2,960,590	 \$ 469,562

Allocation
March 31, 2024
Book & Market Value

(Continued)

	2021 CO Bond Funds	2023 CO Bond Funds	CIP Funds
PlainsCapital Bank - Cash	\$ —	\$ —	\$ —
InterBank Money Market	—	—	125,096
InterBank IntraFi MMA	1,119,360	3,733,662	678,154
TexPool LGIP	—	—	—
TexasCLASS LGIP-Non-Gov't	—	—	—
TexasCLASS LGIP-Gov't	—	—	—
East West Bank CD	—	3,051,186	—
American Nat'l Bank& Trust CD	—	2,027,514	—
Total	\$ 1,119,360	\$ 8,812,362	\$ 803,250



TOWN COUNCIL COMMUNICATION

MEETING DATE: February 10, 2025

FROM: April Duvall, Director of Finance

AGENDA ITEM: Consider accepting the Fourth Quarter Investment Report for Fiscal Year 2024. (April Duvall, Director of Finance)

BACKGROUND/SUMMARY: The Town's current interest-bearing accounts had an ending market value of \$36,669,653 as of September 30, 2024, which is a decrease of \$3,352,987 since June 30, 2024. The Town predominantly collects property tax revenue during the first and second quarters of the fiscal year. The portfolio exhibits liquidity, characterized by a weighted average life of 39 days. There is an increase of \$4,681,425 in cash compared to the same period last year.

The total average yield for this quarter was 5.06% which is slightly lower than the average rolling 6-month Treasury-Bill yield of 5.17% for the same period.

A substantial portion of the Town's investments remain placed in the InterBank Insured Cash Sweep account to take advantage of the fund's liquidity and the 5.15% yield.

BOARD REVIEW/CITIZEN FEEDBACK: N/A

FISCAL IMPACT: The accrued interest for the current quarter amounts to \$510,478, contributing to the Town's year-to-date interest earnings of \$2,011,192 in FY 2024.

LEGAL REVIEW: N/A

ATTACHMENTS:

1. Fourth Quarter FY 2024 Investment Report

ACTIONS/OPTIONS:

Staff recommends that the Town Council move to accept the Fourth Quarter Investment Report for Fiscal Year 2024.



QUARTERLY INVESTMENT REPORT

For the Quarter Ended

September 30, 2024

Prepared by
Valley View Consulting, L.L.C.

The investment portfolio of the Town of Trophy Club is in compliance with the Public Funds Investment Act and the Investment Policy and Strategies.

Investment Officer/Finance Director

Chief Financial Analyst

Disclaimer: These reports were compiled using information provided by the Town. No procedures were performed to test the accuracy or completeness of this information. The market values included in these reports were obtained by Valley View Consulting, L.L.C. from sources believed to be accurate and represent proprietary valuation. Due to market fluctuations these levels are not necessarily reflective of current liquidation values. Yield calculations are not determined using standard performance formulas, are not representative of total return yields, and do not account for investment advisor fees.

Annual Comparison

FYE Results by Investment Category:

Asset Type	September 30, 2023			September 30, 2024		
	Ave. Yield	Book Value	Market Value	Ave. Yield	Book Value	Market Value
Demand Accounts	1.52%	\$ 1,274,925	\$ 1,274,925	0.69%	\$ 1,053,348	\$ 1,053,348
Money Markets/Local Gov't Investment Pools	5.44%	30,713,303	30,713,303	5.15%	29,458,061	29,458,061
Totals		\$ 31,988,228	\$ 31,988,228		\$ 36,669,653	\$ 36,669,653
Fourth Quarter-End Yield	5.28%			5.06%		

Average Quarter-End Yields (1):

	2023 Fiscal Year	2024 Fiscal Year
Trophy Club	4.67%	5.28%
Rolling Three Month Treasury	4.95%	5.42%
Rolling Six Month Treasury	4.77%	5.34%
TexPool	4.74%	5.29%
Fiscal YTD Interest Earnings	\$ 1,201,562 (Approximate)	\$ 2,011,192 (Approximate)

(1) Average Quarterly Yield calculated using quarter-end report average yield and adjusted book value.

Strategy Summary

Quarter End Results by Investment Category:

Asset Type	June 30, 2024			September 30, 2024		
	Ave. Yield	Book Value	Market Value	Ave. Yield	Book Value	Market Value
Demand Accounts	0.72%	\$ 909,184	\$ 909,184	0.69%	\$ 1,053,348	\$ 1,053,348
Money Markets/Local Gov't Investment Pools	5.46%	29,943,447	29,943,447	5.15%	29,458,061	29,458,061
CDs/Securities	5.41%	9,170,008.53	9,170,008.53	5.36%	6,158,245	6,158,245
Totals	5.34%	\$ 40,022,640	\$ 40,022,640	5.06%	\$ 36,669,653	\$ 36,669,653

<u>Current Quarter Average Yield (1)</u>	
Total Portfolio	5.06%
Rolling Three Month Treasury	5.24%
Rolling Six Month Treasury	5.17%
TexPool	5.16%

<u>Fiscal Year-to-Date Average Yield (2)</u>	
Total Portfolio	5.28%
Rolling Three Month Treasury	5.42%
Rolling Six Month Treasury	5.34%
TexPool	5.29%

<u>Interest Revenue (Approximate)</u>	
Quarterly Interest Income	\$ 510,478
Year-to-date Interest Income	\$ 2,011,192

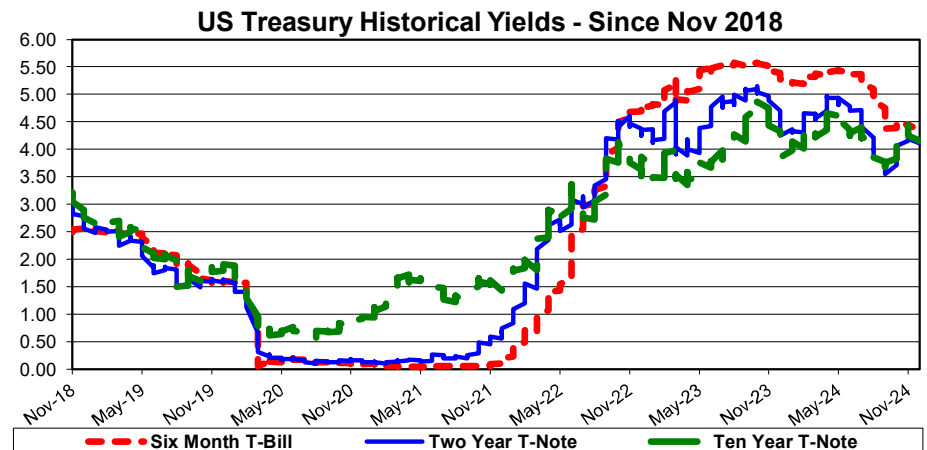
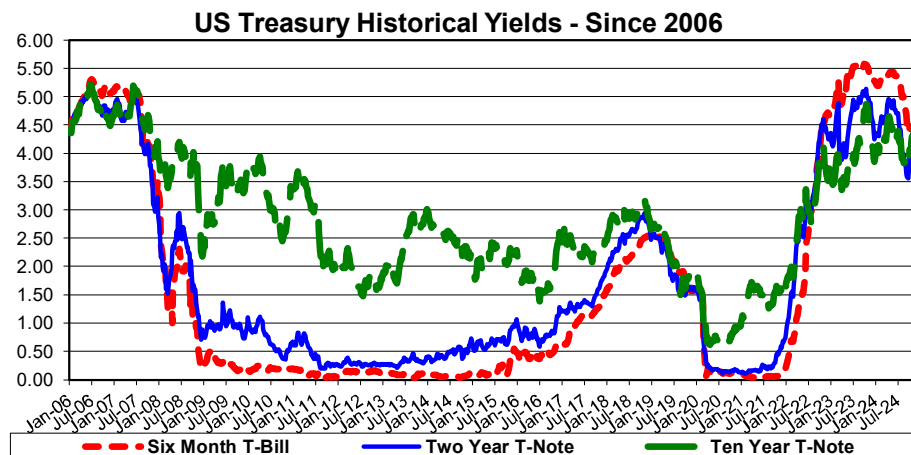
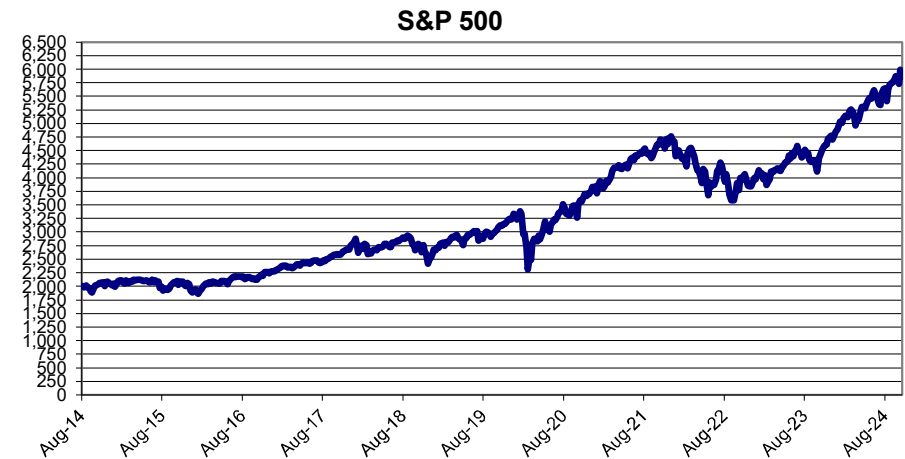
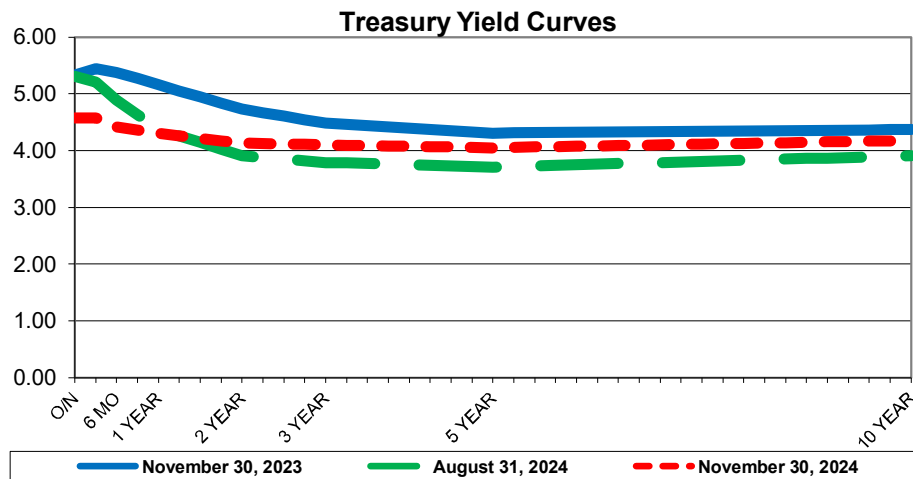
(1) **Current Quarter Average Yield** - based on adjusted book value, realized and unrealized gains/losses and investment advisory fees are not considered. The yield for the reporting month is used for bank, pool, and money market balances.

(2) **Fiscal Year-to-Date Average Yields** - calculated using quarter end report yields and adjusted book values and does not reflect a total return analysis or account for advisory fees.

Economic Overview

11/30/2024

The Federal Open Market Committee (FOMC) reduced the Fed Funds target range to 4.50% - 4.75% (Effective Fed Funds trade +/-4.56%). Expectations are for an additional 0.25% cut 12/18, although any actions will be meeting-by-meeting and "data-dependent." Nov Non-Farm Payroll improved to +227k new jobs, with the previous two months revised upward boosting the Three Month Rolling Average +173k (from the previous 104k). Third Quarter 2024 GDP, second estimate, remained +2.8. The S&P 500 Stock Index exceeded 6,000 making new records. The yield curve pivoted to slightly flatter. Crude Oil dropped below \$70+ per barrel. Inflation remains above the FOMC 2% target (Core PCE +/-2.8% and Core CPI +/-3.3%). Declining global economic outlook and ongoing/expanding international political disruptions continue increasing uncertainty.



Investment Holdings

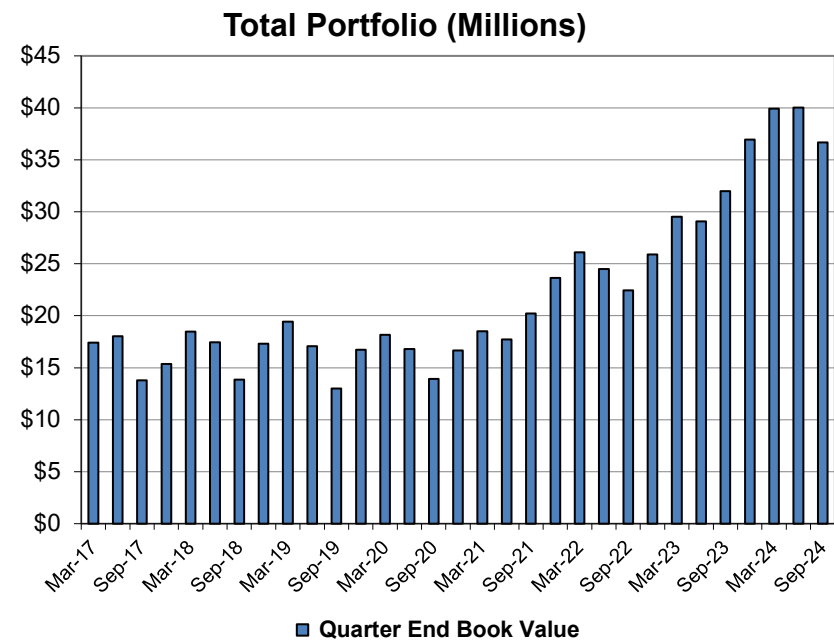
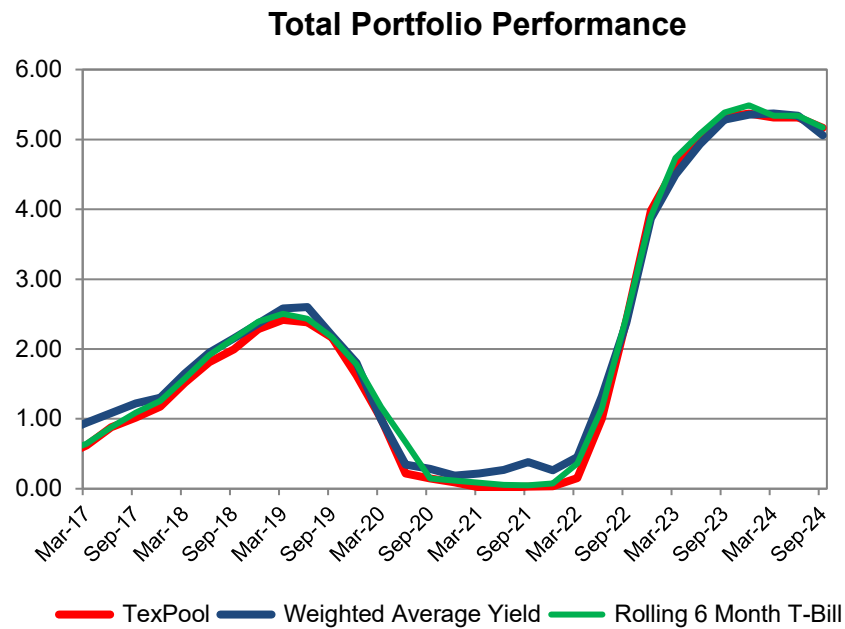
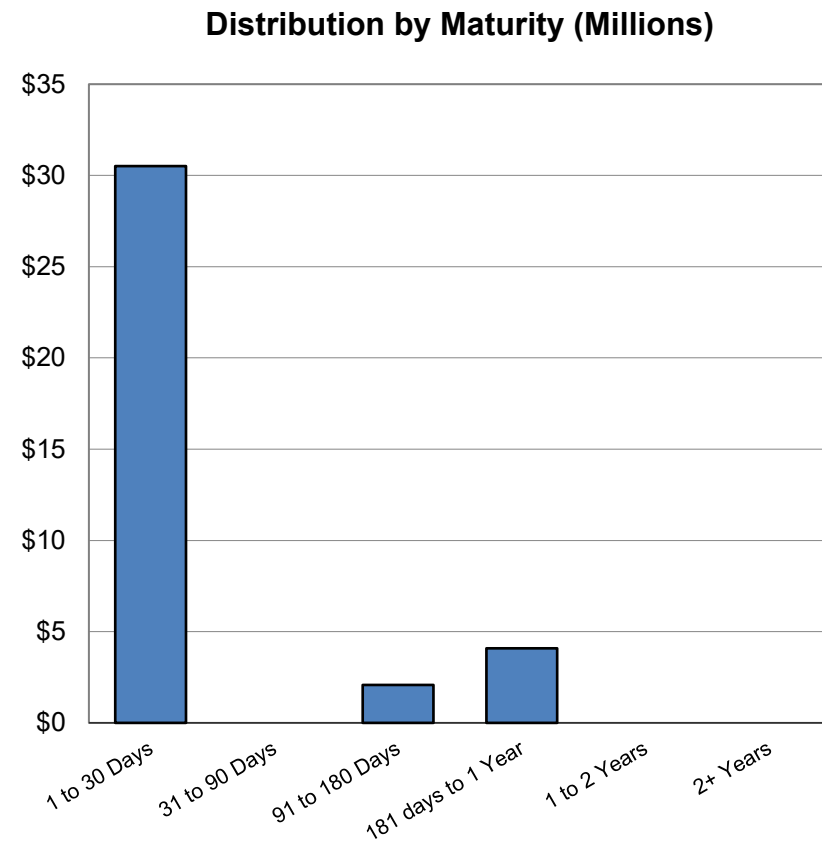
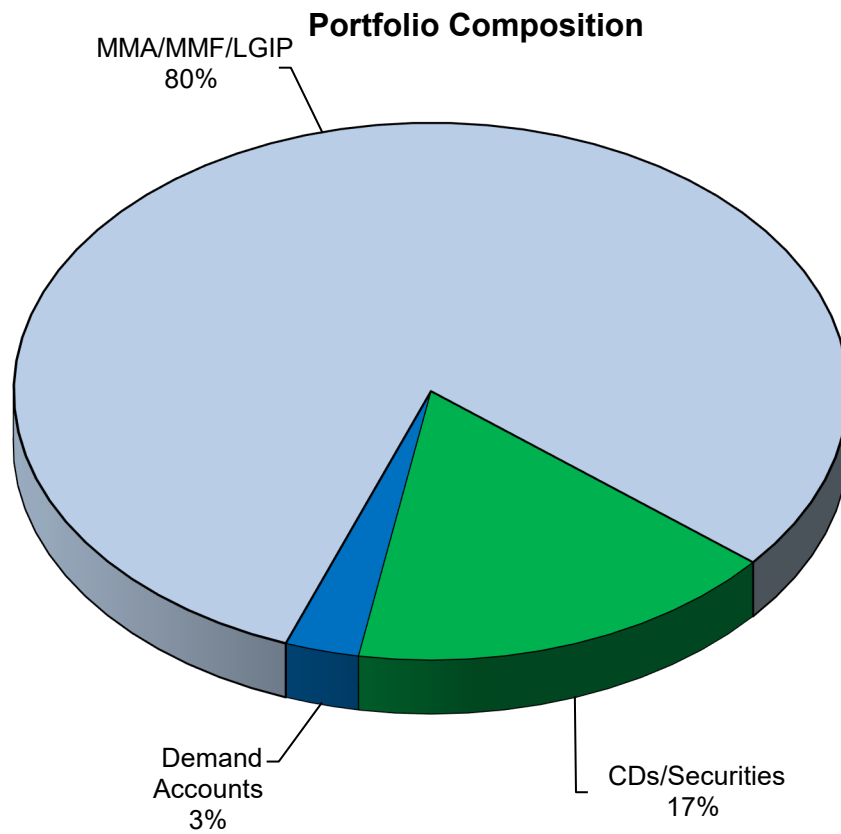
September 30, 2024

Description	Ratings	Coupon/ Discount	Maturity Date	Settlement Date	Par Value	Book Value	Market Price	Market Value	Life (days)	Yield
PlainsCapital Bank - Cash		0.69%	10/01/24	09/30/24	\$ 1,053,348	\$ 1,053,348	1.00	\$ 1,053,348	1	0.69%
InterBank Money Market Account		5.57%	10/01/24	09/30/24	250,113	250,113	1.00	250,113	1	5.57%
InterBank IntraFi MMA		5.15%	10/01/24	09/30/24	16,603,040	16,603,040	1.00	16,603,040	1	5.15%
TexPool LGIP	AAAm	5.16%	10/01/24	09/30/24	9,017,615	9,017,615	1.00	9,017,615	1	5.16%
TexasCLASS LGIP-Gov't	AAAm	5.11%	10/01/24	09/30/24	3,587,293	3,587,293	1.00	3,587,293	1	5.11%
American Nat'l Bank& Trust CD		5.25%	03/20/25	12/28/23	2,081,587	2,081,587	100.00	2,081,587	171	5.39%
East West Bank CD		5.21%	06/16/25	05/21/24	4,076,657	4,076,657	100.00	4,076,657	259	5.35%
					\$ 36,669,653	\$ 36,669,653		\$ 36,669,653	39	5.06%
									(1)	(2)

(1) **Weighted average life** - For purposes of calculating weighted average life, bank accounts, pools and money market funds are assumed to have an one day maturity.

(2) **Weighted average yield to maturity** - The weighted average yield to maturity is based on adjusted book value, realized and unrealized gains/losses and investment advisory fees are not considered. The yield for the reporting month is used for bank accounts, pools and money market funds.

(3) **Effective Blended Rate** - Stated Earnings Credit Rate (0.70%) and GAIC Interest Rate (0.40%) adjusted for Balance Assessment fee and then calculated as a Weighted Average Yield.



Book & Market Value Comparison

Issuer/Description	Yield	Maturity Date	Book Value 06/30/24	Increases	Decreases	Book Value 09/30/24	Market Value 06/30/24	Change in Market Value	Market Value 09/30/24
PlainsCapital Bank - Cash	0.69%	10/01/24	\$ 909,184	\$ 144,163	\$ —	\$ 1,053,348	\$ 909,184	\$ 144,163	\$ 1,053,348
InterBank Money Market Account	5.57%	10/01/24	250,154	—	(41)	250,113	250,154	(41)	250,113
InterBank IntraFi MMA	5.15%	10/01/24	13,276,853	3,326,187	—	16,603,040	13,276,853	3,326,187	16,603,040
TexPool LGIP	5.16%	10/01/24	12,875,768	—	(3,858,153)	9,017,615	12,875,768	(3,858,153)	9,017,615
TexasCLASS LGIP-Gov't	5.11%	10/01/24	3,540,672	46,621	—	3,587,293	3,540,672	46,621	3,587,293
East West Bank CD	5.52%	09/09/24	3,092,307	—	(3,092,307)	—	3,092,307	(3,092,307)	—
American Nat'l Bank& Trust CD	5.39%	03/20/25	2,054,225	27,362	—	2,081,587	2,054,225	27,362	2,081,587
East West Bank CD	5.35%	06/16/25	4,023,476	53,181	—	4,076,657	4,023,476	53,181	4,076,657
TOTAL / AVERAGE	5.06%		\$ 40,022,640	\$ 3,597,514	\$ (6,950,501)	\$ 36,669,653	\$ 40,022,640	\$ (3,352,986)	\$ 36,669,653

**Allocation
September 30, 2024
Book & Market Value**

	Total	General Fund	Debt Service	Storm Drainage Utility	EDC	Hotel Occupancy Tax	Parkland Dedication
PlainsCapital Bank - Cash	\$ 1,053,348	\$ 929,826	\$ —	\$ —	\$ —	\$ 123,522	\$ —
InterBank Money Market	250,113	125,056	—	—	—	—	—
InterBank IntraFi MMA	16,603,040	11,928,887	—	—	—	—	—
TexPool LGIP	9,017,615	5,074,380	255,335	1,841,264	1,846,636	—	—
TexasCLASS LGIP-Gov't	3,587,293	—	—	—	—	3,105,288	482,006
 American Nat'l Bank& Trust CD	 2,081,587	 —	 —	 —	 —	 —	 —
East West Bank CD	4,076,657	—	—	—	—	—	—
 Total	 \$ 36,669,653	 \$ 18,058,149	 \$ 255,335	 \$ 1,841,264	 \$ 1,846,636	 \$ 3,228,809	 \$ 482,006

**Allocation
September 30, 2024
Book & Market Value**

(Continued)

	2021 CO Bond Funds	2023 CO Bond Funds	CIP Funds
PlainsCapital Bank - Cash	\$ —	\$ —	\$ —
InterBank Money Market	—	—	125,056
InterBank IntraFi MMA	3,423,952	1,391,257	(141,056)
TexPool LGIP	—	—	—
TexasCLASS LGIP-Gov't	—	—	—
 American Nat'l Bank& Trust CD	 —	 2,081,587	 —
East West Bank CD	—	4,076,657	—
 Total	 \$ 3,423,952	 \$ 7,549,502	 \$ (16,000)

**Allocation
June 30, 2024
Book & Market Value**

	Total	General Fund	Debt Service	Storm Drainage Utility	EDC	Hotel Occupancy Tax	Parkland Dedication
PlainsCapital Bank - Cash	\$ 909,184	\$ 834,700	\$ —	\$ —	\$ —	\$ 74,485	\$ —
InterBank Money Market	250,154	125,077	—	—	—	—	—
InterBank IntraFi MMA	13,276,853	11,759,754	—	—	—	—	—
TexPool LGIP	12,875,768	7,245,671	1,990,667	1,817,064	1,822,365	—	—
TexasCLASS LGIP-Gov't	3,540,672	—	—	—	—	3,064,931	475,741
 East West Bank CD	 3,092,307	 —	 —	 —	 —	 —	 —
American Nat'l Bank& Trust CD	2,054,225	—	—	—	—	—	—
East West Bank CD	4,023,476	—	—	—	—	—	—
 Total	 \$ 40,022,640	 \$ 19,965,202	 \$ 1,990,667	 \$ 1,817,064	 \$ 1,822,365	 \$ 3,139,416	 \$ 475,741

Allocation
June 30, 2024
Book & Market Value

(Continued)

	2021 CO Bond Funds	2023 CO Bond Funds	CIP Funds
PlainsCapital Bank - Cash	\$ —	\$ —	\$ —
InterBank Money Market	—	—	125,077
InterBank IntraFi MMA	307,020	1,024,074	186,005
TexPool LGIP	—	—	—
TexasCLASS LGIP-Gov't	—	—	—
 East West Bank CD	 —	 3,092,307	 —
American Nat'l Bank& Trust CD	—	2,054,225	—
East West Bank CD	—	4,023,476	—
 Total	 \$ 307,020	 \$ 10,194,083	 \$ 311,082



TOWN COUNCIL COMMUNICATION

MEETING DATE: February 10, 2025

FROM: Patrick Arata, Chief of Police

AGENDA ITEM: Consider accepting the Trophy Club Police Department's 2024 Racial Profiling Report. (Patrick Arata, Police Chief)

BACKGROUND/SUMMARY: In compliance with State law, the Trophy Club Police Department commissions an annual Racial Profiling Report conducted at the end of each calendar year. The 2024 Report was prepared and filed with the State of Texas by Del Carman Consulting. In 2024, the Trophy Club Police Department collected and reported traffic and motor vehicle contact data for the purpose of identifying and addressing (if necessary) areas of concern regarding racial profiling practices. The Sandra Bland Law requires that law enforcement agencies in Texas collect additional data and provide more detailed analysis, which has been met by the Trophy Club Police Department (TCPD).

The 2024 Racial Profiling Report includes three sections demonstrating TCPD's compliance with State law. The first section includes information on motor vehicle-related contacts. The second section documents compliance with the Texas Racial Profiling Law. Section three contains statistical data for motor vehicle stops conducted between January 1, 2024, and December 31, 2024.

The Summary of Findings section on page 26 states, "The comprehensive data analysis performed serves as evidence that the Trophy Club 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."

The TCPD conducted 7,029 total motor-vehicle stops in 2024, and detailed information collected from those stops is available in the report, which is also available on the Town's website. The TCPD did not receive any complaints on any members of its police service for having violated the Texas Racial Profiling Law during the time period of January 1, 2024 through December 31, 2024.

BOARD REVIEW/CITIZEN FEEDBACK: N/A

FISCAL IMPACT: There is no financial impact associated with this agenda item.

LEGAL REVIEW: N/A

ATTACHMENTS:

1. 2024 Racial Profiling Report
2. Presentation

ACTIONS/OPTIONS:

Staff recommends that the Town Council move to accept the Trophy Club Police Department's 2024 Racial Profiling Report.

RACIAL PROFILING REPORT

2024

TROPHY CLUB Police Department



DEL CARMEN
Consulting, LLC.

LAW ENFORCEMENT EXPERTS

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

-Quote by Geneva Reed (Mother of Sandra Bland)



January 28, 2025

Trophy Club City Council
1 Trophy Wood Dr.
Trophy Club, TX 76262

Dear Distinguished Members of the City Council,

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

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

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

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

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

Racial Profiling Course 3256

Texas Commission on Law Enforcement

September 2001

Racial Profiling 3256

Instructor's Note:

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

Abstract

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

Target Population: Licensed law enforcement personnel in Texas

Prerequisites: Experience as a law enforcement officer

Length of Course: A suggested instructional time of 4 hours

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

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

Evaluation Process and Procedures

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

Reference Materials

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

Racial Profiling 3256

1.0 RACIAL PROFILING AND THE LAW

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

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

Racial Profiling Requirements:

Racial profiling CCP 3.05

Racial profiling prohibited CCP 2.131

Law enforcement policy on racial profiling CCP 2.132

Reports required for traffic and pedestrian stops CCP 2.133

Liability CCP 2.136

Racial profiling education for police chiefs Education Code 96.641

Training program Occupations Code 1701.253

Training required for intermediate certificate Occupations Code 1701.402

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

A. Written departmental policies

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

B. Not prima facie evidence

C. Feasibility of use of video equipment

D. Data does not identify officer

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

F. Vehicle stop report

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

G. Compilation and analysis of data

H. Exemption from reporting – audio/video equipment

I. Officer non-liability

J. Funding

K. Required training in racial profiling

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



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

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

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

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

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

C. Other cases

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



2.0 RACIAL PROFILING AND THE COMMUNITY

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

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

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

3.0 RACIAL PROFILING VERSUS REASONABLE SUSPICION

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

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

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

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

C. A typical traffic stop resulting from racial profiling

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



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

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

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

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

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

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

B. Vehicle exterior

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

C. Pre-stop indicators

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

D. Vehicle interior

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

Resources

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

Web address for legislation 77R-SB1074:



Report on Compliments and Racial Profiling Complaints



Report on Complaints

The following table contains data regarding officers that have been the subject of a complaint, during the time period of 1/1/24-12/31/24 based on allegations outlining possible violations related to the Texas Racial Profiling Law. The final disposition of the case is also included.



A check above indicates that the Trophy Club Police Department has not received any complaints, on any members of its police services, for having violated the Texas Racial Profiling Law during the time period of 1/1/24-12/31/24.

Complaints Filed for Possible Violations of The Texas Racial Profiling Law

Complaint Number	Alleged Violation	Disposition of the Case

Additional Comments:

Tables Illustrating Motor Vehicle-Related Contacts

TIER 2 DATA

TOTAL STOPS: 7,029

STREET ADDRESS OR APPROXIMATE LOCATION OF STOP.

City Street	7,007
US Highway	0
State Highway	4
County Road	12
Private Property	6

WAS RACE OR ETHNICITY KNOWN PRIOR TO STOP?

Yes	76
No	6,953

RACE OR ETHNICITY

Alaska Native/American Indian	147
Asian/Pacific Islander	536
Black	818
White	4,337
Hispanic/Latino	1,191

GENDER

Female Total: 2,579

Alaska Native/American Indian	33
Asian/Pacific Islander	170
Black	307
White	1,738
Hispanic/Latino	331

Male Total: 4,450

Alaska Native/American Indian	114
Asian/Pacific Islander	366
Black	511
White	2,599
Hispanic/Latino	860

REASON FOR STOP?

Violation of Law Total: 108

Alaska Native/American Indian	1
Asian/Pacific Islander	4
Black	3
White	79
Hispanic/Latino	21

Pre-existing Knowledge Total: 9

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

Moving Traffic Violation Total: 5,109

Alaska Native/American Indian	118
Asian/Pacific Islander	455
Black	583
White	3,130
Hispanic/Latino	823

TIER 2 DATA

Vehicle Traffic Violation Total: 1,803

Alaska Native/American Indian	28
Asian/Pacific Islander	75
Black	229
White	1,125
Hispanic/Latino	346

Contraband (in plain view) Total: 5

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

WAS SEARCH CONDUCTED?

	YES	NO
Alaska Native/American Indian	2	145
Asian/Pacific Islander	2	534
Black	39	779
White	44	4,293
Hispanic/Latino	25	1,166
TOTAL	112	6,917

Probable Cause Total: 87

Alaska Native/American Indian	2
Asian/Pacific Islander	1
Black	33
White	30
Hispanic/Latino	21

Inventory Total: 0

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

REASON FOR SEARCH?

Consent Total: 6

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

Incident to Arrest Total: 14

Alaska Native/American Indian	0
Asian/Pacific Islander	1
Black	4
White	7
Hispanic/Latino	2

TIER 2 DATA

WAS CONTRABAND DISCOVERED?

	YES	NO
Alaska Native/American Indian	1	1
Asian/Pacific Islander	2	0
Black	33	6
White	33	11
Hispanic/Latino	20	5
TOTAL	89	23

Did the finding result in arrest?

	YES	NO
Alaska Native/American Indian	0	1
Asian/Pacific Islander	1	1
Black	6	27
White	8	25
Hispanic/Latino	6	14
TOTAL	21	68

DESCRIPTION OF CONTRABAND

Drugs Total: 71

Alaska Native/American Indian	1
Asian/Pacific Islander	2
Black	31
White	22
Hispanic/Latino	15

Currency Total: 0

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

Weapons Total: 3

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

Alcohol Total: 10

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	4
White	4
Hispanic/Latino	2

TIER 2 DATA

Stolen Property Total: 1

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

Other Total: 23

Alaska Native/American Indian	1
Asian/Pacific Islander	1
Black	6
White	10
Hispanic/Latino	5

RESULT OF THE STOP

Verbal Warning Total: 28

Alaska Native/American Indian	1
Asian/Pacific Islander	1
Black	0
White	25
Hispanic/Latino	1

Written Warning Total: 4,713

Alaska Native/American Indian	84
Asian/Pacific Islander	326
Black	557
White	3,093
Hispanic/Latino	653

Citation Total: 2,260

Alaska Native/American Indian	62
Asian/Pacific Islander	208
Black	252
White	1,208
Hispanic/Latino	530

Written Warning and Arrest Total: 0

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

Citation and Arrest Total: 0

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

Arrest Total: 28

Alaska Native/American Indian	0
Asian/Pacific Islander	1
Black	9
White	11
Hispanic/Latino	7

TIER 2 DATA

ARREST BASED ON

Violation of Penal Code Total: 21

Alaska Native/American Indian	0
Asian/Pacific Islander	1
Black	6
White	8
Hispanic/Latino	6

Violation of Traffic Law Total: 1

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

Violation of City Ordinance Total: 0

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

Outstanding Warrant Total: 6

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

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

	YES	NO
Alaska Native/American Indian	0	147
Asian/Pacific Islander	0	536
Black	1	817
White	3	4,334
Hispanic/Latino	1	1,190
TOTAL	5	7,024

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	147	62	1	84	2%	3%	4%	2%
Asian/ Pacific Islander	536	208	1	326	8%	9%	4%	7%
Black	818	252	0	557	12%	11%	0%	12%
White	4,337	1,208	25	3,093	62%	53%	89%	66%
Hispanic/ Latino	1,191	530	1	653	17%	23%	4%	14%
TOTAL	7,029	2,260	28	4,713	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	2%	0%
Asian/Pacific Islander	8%	5%
Black	12%	14%
White	62%	60%
Hispanic/Latino	17%	19%
TOTAL	100%	98%

Table 3. Motor Vehicle Searches and Arrests.

Race/Ethnicity	Searches	Consent Searches	Arrests
Alaska Native/American Indian	2	0	0
Asian/Pacific Islander	2	0	1
Black	39	1	9
White	44	3	11
Hispanic/Latino	25	2	7
TOTAL	112	6	28

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	03/08/24	2101 Hwy 114	Traffic Stop
2	03/08/24	US 377 & Bobcat	Traffic Stop
3	05/16/24	101 Trophy Lake Dr.	Dispatched to call
4	07/07/24	352 Sheri Ln.	Agency Assist
5	12/29/24	699 Indian Creek Dr.	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	2	1	1	0	2%	1%	4%	0%
Asian/ Pacific Islander	2	2	0	1	2%	2%	0%	4%
Black	39	33	6	9	35%	37%	26%	32%
White	44	33	11	11	39%	37%	48%	39%
Hispanic/ Latino	25	20	5	7	22%	22%	22%	25%
TOTAL	112	89	23	28	100%	100%	100%	100%

Table 6. Report on Audits.

The following table contains data regarding the number and outcome of required data audits during the period of 1/1/24-12/31/24.

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

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	20%
White	3	60%
Hispanic/Latino	1	20%
TOTAL	5	100%

Table 8. Reason for Arrests from Vehicle Contact

Race/ Ethnicity	Violation of Penal Code	Violation of Traffic Law	Violation of City Ordinance	Outstanding Warrant	Percent Penal Code	Percent Traffic Law	Percent City Ordinance	Percent Warrant
Alaska Native/ American Indian	0	0	0	0	0%	0%	0%	0%
Asian/ Pacific Islander	1	0	0	0	5%	0%	0%	0%
Black	6	0	0	3	29%	0%	0%	50%
White	8	0	0	3	38%	0%	0%	50%
Hispanic/ Latino	6	1	0	0	29%	100%	0%	0%
TOTAL	21	1	0	6	100%	100%	0%	100%

Table 9. Contraband Hit Rate

Race/ Ethnicity	Searches	Contraband Found Yes	Contraband Hit Rate	Search Percent	Contraband Percent
Alaska Native/ American Indian	2	1	50%	2%	1%
Asian/ Pacific Islander	2	2	100%	2%	2%
Black	39	33	85%	35%	37%
White	44	33	75%	39%	37%
Hispanic/Latino	25	20	80%	22%	22%

Analysis and Interpretation of Data

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

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

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

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

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

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

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

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

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

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

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

Tier 2 (2024) Motor Vehicle-Related Contact Analysis

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

While reviewing searches and arrests, the data showed that most searches took place among Whites. When considering all searches, most were consented by Whites and Hispanics, while most custody arrests were also of Whites. Overall, most searches resulted in contraband; of those that produced contraband, most were of Whites and 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 five instances where force was used that resulted in bodily injury.

Comparative Analysis

A comprehensive analysis of the motor vehicle contacts made in 2024 to the census data relevant to the number of “households” in DFW who indicated in the 2020 census that they had access to vehicles, produced interesting findings. Specifically, the percentage of Blacks and Hispanics who came in contact with police was the same or lower than the percentage of Black and Hispanic households in DFW that claimed in the last census to have access to vehicles. The opposite was true of Whites, Asians, and American Indians. That is, a higher percentage of Whites, Asians, and American Indians came in contact with police than the percentage of White, Asian, and American Indian households in DFW that claimed in the last census to have access to vehicles. It should be noted that the percentage difference among White, Asian, and American Indian contacts with households is of 3% or less; thus, deemed by some as statistically insignificant.

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

Summary of Findings

As previously noted, the most recent Texas Racial Profiling Law requires that police departments perform data audits in order to validate the data being reported. Consistent with this requirement, the Trophy Club 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 Trophy Club 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 Trophy Club Police Department should continue to:

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

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

Checklist

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

Legislative & Administrative



TCOLE GUIDELINES

Guidelines for Compiling and Reporting Data under Senate Bill 1074

Background

Senate Bill 1074 of the 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

**TROPHY CLUB
POLICE DEPARTMENT
RACIAL PROFILING POLICY**

RACIAL PROFILING / BIAS BASED PROFILING

333.1 PURPOSE

The purpose of this policy is to affirm that the Trophy Club Police Department is committed to unbiased policing in all its encounters between officers and any person. The Department recognizes that our society holds the freedoms of the individual as a fundamental concept. Therefore members of this Department will not infringe upon this freedom without just, legal and necessary cause. This policy strictly forbids profiling of any individual or group based solely on race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, faith-based organizations or any other identifiable group.

333.2 POLICY

It is the policy of this department to police in a proactive manner and to aggressively investigate suspected violations of the law. Officers shall actively enforce local, state and federal laws in a responsible and professional manner, without regard to race, ethnicity, national origin. Officers are strictly prohibited from engaging in racial profiling as defined in this policy. Racial profiling is an unacceptable police tactic and will not be condoned.

- **This policy strictly prohibits profiling of any individual based on race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group .**
- This **Policy** is adopted in compliance with the requirements of Articles 2.131 through 2.138, Texas Code of Criminal Procedure, which prohibits Texas peace officers from engaging in racial profiling.

333.3 DEFINITIONS

Racial Profiling: A law enforcement-initiated action based on an individual's race, ethnicity, national origin, rather than on behavior or information identifying the individual as having engaged in criminal activity. Racial profiling pertains to persons who are viewed as suspects or potential suspect of criminal behavior. The term is not relevant as it pertains to witnesses, complainants, persons needing assistance, or other citizen contacts.

Bias Based Profiling: The selection of an individual based solely on a trait common to that group for enforcement action. This includes, but is not limited to: race, ethnic background, gender, sexual orientation, religion, economic status, cultural group, or any other identifiable group.

Race or Ethnicity: Persons of a particular descent, including Caucasian, Black, Hispanic, Asian, Middle Eastern or Native American descent.

Acts Constituting Racial (Bias Based) Profiling: Acts initiating law enforcement action, such as a traffic stop, a detention, a search, issuance of a citation, or an arrest based solely upon an individual's race, ethnicity, or national origin or on the basis of racial or ethnic stereotypes, rather than upon the individuals' behavior, information identifying the individual as having possibly engaged in criminal activity, or other lawful reasons for the law enforcement action.

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Motor Vehicle Contact: An occasion in which a peace officer stops a motor vehicle for an alleged violation of law or ordinance.

333.4 PROHIBITION

Officers of the Trophy Club Police Department are strictly prohibited from engaging in racial profiling. The prohibition against racial profiling does not preclude the use of race, ethnicity or national origin as factors in a detention decision by an officer. Race, ethnicity or national origin may be legitimate factors in such a decision when used as part of a description of a suspect or witness for whom an officer is searching.

Officers of the Trophy Club Police Department shall not engage in profiling based solely on race, ethnic background, gender, sexual orientation, religion, economic status, age, culture, or any other identifiable group.

333.5 COMPLAINT PROCESS

No person shall be discouraged, intimidated or coerced from filing a complaint, or be discriminated against because they have filed a complaint.

Any person who believes that a peace officer employed by the Trophy Club Police Department has engaged in racial profiling with respect to that person, may file a complaint in accordance with the provisions of Trophy Club Police Department Policy 901 Complaints.

- An employee who is contacted regarding a complaint against an officer shall follow the procedures set forth in Trophy Club Police Department Policy 901 Complaints.
- Citizens who appear in person wishing to file a complaint shall be provided with a department brochure, "How to File a Complaint." Brochures are maintained in the Trophy Club Police Department lobby, and at the Trophy Club Town Hall. Citizens may also be directed to the Departmental website to file a complaint.

Any supervisor who becomes aware of an alleged or suspected violation of this Policy shall report the alleged violation in accordance with Trophy Club Police Department Policy 901 Complaints.

Complaints of racial profiling shall be classified as a Level I complaint, and shall be investigated by the Professional Standards Unit, or a designated Internal Affairs Investigator unless otherwise directed by the Chief of Police. A log of all Racial Profiling Complaints will be maintained by the Chief of Police.

333.6 DISCIPLINARY AND CORRECTIVE ACTIONS

Any officer of this Department who is found, after investigation, to have engaged in racial profiling in violation of this Policy may be subject to disciplinary action, up to and including termination. Disciplinary or corrective actions may include diversity, sensitivity or other appropriate training or counseling, as determined by the Chief of Police.

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333.7 PUBLIC EDUCATION

- This Department shall provide education to the public concerning the racial profiling complaint process. The primary method of public education shall be through a brochure, "How to File a Complaint" which are maintained in the lobby of the Trophy Club Police Department, and at the Trophy Club Town Hall. These brochures are available in both English and Spanish versions. Other education methods may be utilized to inform the public, including news media, civic presentations, the Internet, and/or public meetings.
- The Trophy Club Police Department shall provide public education relating to the Department's complaint process which shall be printed on each ticket, citation or warning issued by Trophy Club Officers. In the event that it is not possible for the computer generated citations to print the complaint process information, Officers shall provide information on how to file a complaint when encountering the public by means of an information card "How to file a complaint" which will be presented to all individuals who are stopped or arrested by Trophy Club Police Officers.

333.8 COLLECTION OF INFORMATION AND ANNUAL REPORT WHEN CITATION ISSUED OR ARREST MADE

For each motor vehicle contact in which a citation is issued and/or for each arrest resulting from a motor vehicle contact, an officer involved in the stop shall collect the following information:

If the person contacted is a resident of the Town of Trophy Club, it shall be reflected in the data that is entered.

- (b) The gender of the person being reported.
- (c) Information identifying the race or ethnicity of the person detained. The following codes will be used to identify the individual's race:
 1. A = Asian
 2. B = Black
 3. C = Caucasian
 4. H = Hispanic
 5. M = Middle Eastern
 6. NA = Native American/American Indian
 7. O = Other

Note: Officers may not ask the individual to identify their race. If the officer is unable to determine the race or ethnicity of the person contacted, then the race shall be entered as "Other" on the citation(s) issued

- (d) Whether the officer knew the race or ethnicity of the individual detained before detaining that individual.

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- (e) What violation/charge was used to make first contact or was it related to a Call-For Service.
- (f) What was the action taken (citation or arrest)?
- (g) What was the contacted person's charge?
- (h) Was a search was conducted?
- (i) If a search was conducted, did the individual detained consent to the search?
- (j) Whether a search was conducted because probable cause existed.
- (k) Whether contraband was found; and, if so, what was the contraband?
- (l) The information collected shall be entered into a database by entering Racial Profiling data utilizing the in-car Mobile Data Computer (MDC) or the computers available in the Department. All contacts requiring Racial Profiling data collection must be entered

1. In the event the data is unable to be collected electronically, the data will be recorded on temporary forms and entered in the database at a later date.
2. **The Patrol Captain shall ensure all Racial Profiling Data is collected and reported to the Chief of Police. The data collected shall be compiled in an annual report covering the period January 1 through December 31 of each year, and shall be submitted to the governing body of the Town of Trophy Club no later than March of the following year. The report will include:**
 - (a) **A breakdown of citations by race or ethnicity;**
 - (b) **Number of citations that resulted in a search;**
 - (c) **Number of searches that were consensual;**
 - (d) **Number of citations that resulted in custodial arrest; and**
 - (e) **Public education efforts concerning the racial profiling complaint process.**
3. **The annual report shall not include identifying information about any individual stopped or arrested, and shall not include identifying information about any peace officer involved in a stop or arrest.**
4. **Racial Profiling Data will also be reported to the Texas Commission on Law Enforcement Officer Standards and Education (TCOLE) by March 1 of each year, following the Commission's prescribed format.**

333.9 AUDIO AND VIDEO EQUIPMENT

- A. Each motor vehicle regularly used by this department to make motor vehicle contacts shall be equipped with a mobile video camera system capable of recording video and audio, and each motorcycle regularly used by this department to make motor vehicle contacts shall be equipped with audio recording equipment.

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- B. Each motor vehicle contact made by an officer of this department capable of being recorded by video and audio, or by audio only for motorcycles, shall be recorded.
- C. Supervisors and officers shall ensure that mobile video camera equipment, and/or audio equipment, is properly functioning prior to commencing their tour of duty. Police units with malfunctioning or inoperable mobile video camera equipment shall not be utilized under normal circumstances.
- D. Supervisors shall have the authority to assign units with malfunctioning or inoperable mobile video equipment when situations dictate. Officers assigned to such units shall collect and document the information listed below for each motor vehicle contact. All documentation must be submitted to the officer's supervisor prior to ending that tour of duty. Documentation shall include but is not limited to field interview forms, traffic citations and warning tickets.
 - 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.
 - (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 his or her ability. Officers will not ask the individual to identify their race or ethnicity.
 - (c) Whether the officer knew the race or ethnicity of the individual detained before detaining that individual.
 - (d) The initial reason for the stop.
 - (e) Whether officer conducted a search as a result of the stop, and, if so, whether or not the person detained consented to the search.
 - (f) Whether any contraband or other evidence was discovered in the course of the search and a description of the contraband or evidence.
 - (g) The reason for the search, including whether:
 - 1. Any contraband or other evidence was in plain view.
 - 2. Any probable cause or reasonable suspicion existed to perform the search; or
 - 3. The search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle.
 - 4. 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 Penal Code, a violation of traffic law or ordinance or an outstanding warrant and a statement of the offense charged.
 - (h) The street address or approximate location of the stop.
 - (i) Whether the officer issued a citation or a written warning as a result of the stop.

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- (j) Whether the person contacted is a resident or non-resident of the Town of Trophy Club. This shall be reflected on each citation issued, using an (R) for residents or an (NR) for non-resident.

333.10 REVIEW OF VIDEO AND AUDIO DOCUMENTATION

- A. Each audio and video recording shall be retained for a minimum period of ninety (90) days, unless a complaint is filed alleging that an officer has engaged in a racial profiling with respect to a motor vehicle contact. The Captain of the Patrol Division shall ensure that all audio and recordings are properly stored and retained in accordance with applicable laws and this Policy.
- B. (If a complaint is received alleging that an officer has engaged in racial profiling, the audio/video recording shall be forwarded to the Chief of Police. The Chief of Police shall retain the video until final disposition of the complaint has been made.
- C. The Patrol Captain or designee shall review a randomly selected sampling of video and audio recordings, made recently by officers employed by the Department, in order to determine if patterns of racial profiling exist. **This Policy requires the supervisory review of at least three (3) random videos each quarter (3 months) per officer. These reviews shall be documented on the appropriate form.**
- D. Written documentation shall include:
 - 1. The names of the officers whose contacts were reviewed.
 - 2. The date(s) of the videos reviewed.
 - 3. The date the actual review was conducted.
 - 4. The name of the person conducting the review.
- E. The Patrol Captain shall forward the required documentation to the Chief of Police or his designee.
- F. The Field Operations Division shall maintain a file of all video review documentation performed, in compliance with this Policy.
- G. In reviewing audio and video recordings, the Patrol Captain or designee shall seek to determine if the officer(s) reviewed have engaged in a pattern of racial profiling that includes multiple acts constituting racial profiling for which there is no reasonable, credible explanation based on established police and law enforcement procedures.

333.11 TRAINING

Each peace officer employed by the department shall complete the comprehensive education and training program on racial profiling established by the Texas Commission on Law Enforcement Officer (TCOLE) not later than the second anniversary of the date the officer was licensed, or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier. A person who on September 1, 2001, held a TCOLE intermediate proficiency certificate, or who had held a peace officer license issued by TCOLE for at least two years, shall complete a TCOLE training and education program on racial profiling not later than September 1 of the current year.

Trophy Club Police Department

Policy Manual

RACIAL PROFILING / BIAS BASED PROFILING

The Chief of Police shall, in completing the training required by Section 96.641, Texas 777 Education Code, complete the program on racial profiling established by the Bill Blackwood Law Enforcement management Institute of Texas (LEMIT).

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

Del Carmen Consulting©
817.681.7840
www.texasracialprofiling.com
www.delcarmenconsulting.com

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Trophy Club Police Department 2024 Racial Profiling Report

DEL CARMEN Consulting
Law Enforcement Experts



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

Data

2024

Total Stops 7,029

2024

Citation Total: 2,260

2023

Total Stops 5,312

2023

Citation Total: 2,103

Fair Road Standard Comparison

Race/ Ethnicity	Contact Percentage	Households with Vehicle Access
Alaska Native/American Indian	2%	0%
Asian/Pacific Islander	8%	5%
Black	12%	14%
White	62%	60%
Hispanic/Latino	17%	19%
Total	100%	98%

Motor Vehicle-Related Contacts



Race/ Ethnicity	All Contacts	Citations	Verbal Warning	Written Warning	Contact Percent	Citation Percent	Verbal Percent	Written Percent
Alaska Native/American Indian	147	62	1	84	2%	3%	4%	2%
Asian/Pacific Islander	536	208	1	326	8%	9%	4%	7%
Black	818	252	0	557	12%	11%	0%	12%
White	4,337	1,208	25	3,093	62%	53%	89%	66%
Hispanic/Latino	1,191	530	1	653	17%	23%	4%	14%
Total	7,029	2,260	28	4,713	100%	100%	100%	100%

SEARCH DATA

Race/ Ethnicity	Searches	Contraband Found Yes	Contraband Found No	Arrests	Percent Searches	Percent Contraband Found	Percent No Contraband	Percent Arrest
Alaska Native/ American Indian	2	1	1	0	2%	1%	4%	0%
Asian/ Pacific Islander	2	2	0	1	2%	2%	0%	4%
Black	39	33	6	9	35%	37%	26%	32%
White	44	33	11	11	39%	37%	48%	39%
Hispanic/ Latino	25	20	5	7	22%	22%	22%	25%
Total	112	89	23	28	100%	100%	100%	100%

The comprehensive data analysis performed serves as evidence that the Trophy Club 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.



Questions





TOWN COUNCIL COMMUNICATION

MEETING DATE: February 10, 2025

FROM: Tammy Dixon, Town Secretary

AGENDA ITEM: Consider designating one Council Member to serve on the Town Council Appointments Committee tasked with making recommendations to the full Council regarding appointments to all Boards, Commissions, and Corporations. (Tammy Dixon, Town Secretary).

BACKGROUND/SUMMARY: Consistent with Section 9.1 of the Town Council Rules of Procedure Manual, the Town Council Appointments Committee is established to interview applicants and make recommendations to the full Council regarding appointments to all boards and commissions during the annual appointment process and during the year in the event of mid-year vacancies.

Due to the resignation of Council Member LuAnne Oldham, one vacancy currently exists on the Town Council Appointments Committee. The current term of those appointed to serve on this subcommittee is through the first Town Council Meeting in June 2025. The appointed Council Member filling the vacant seat will serve on this Council committed through June 2025.

Section 1.2 of the Town Council Rules of Procedure Manual states that the Mayor may present recommendations for members of the Appointments Committee and open the floor for additional nominations, all subject to the approval of the Town Council. Town Council Members may propose changes or make their own nominations for the Appointments Committee.

BOARD REVIEW/CITIZEN FEEDBACK: N/A

FISCAL IMPACT: There is no financial impact associated with this agenda item.

LEGAL REVIEW: N/A

ATTACHMENTS:

None

ACTIONS/OPTIONS:

Staff recommends that the Town Council move to designate one Council Member to serve on the Town Council Appointments Committee tasked with making recommendations to the full Council regarding appointments to all Boards, Commissions, and Corporations.

