



CITY OF TEXARKANA

CITY COUNCIL

MINUTES • MARCH 9, 2015

Council Chambers

Regular Meeting

6:00 PM

220 TEXAS BLVD.
TEXARKANA, TX 75501

I. CALL TO ORDER, ROLL CALL, ESTABLISHMENT OF QUORUM

Attendee Name	Title	Status	Arrived
Bob Bruggeman	Mayor	Present	
Brad Casteel	Ward 1	Present	
Willie Ray	Ward 2	Late	6:19 PM
Tina Veal-Gooch	Ward 3	Present	
Brian Matthews	Ward 4	Present	
Christy P. Paddock	Ward 5	Present	
Josh Davis	Ward 6	Present	

Staff Present: City Manager John Whitson, Jennifer Evans, Shirley Jaster, Charlie Bassett, Kyle Dooley, Dustin Henslee, David Orr, Lisa Thompson, Charles Kreidler, Eric Schlotter, Jeff Estes, and Jerry Sparks.

Legal Counsel: None.

II. INVOCATION AND PLEDGE BY COUNCILMEMBER CHRISTY P. PADDOCK

III. MAYOR'S OPENING REMARKS

Upcoming City Council Meetings:

Monday, March 23, 2015 at 6:00 p.m.

Monday, April 13, 2015 at 6:00 p.m.

Monday, April 27, 2015 at 6:00 p.m.

Parks & Recreation Events:

Thursday - Sunday, March 19th-22nd - Huggins Baseball Tournament at Spring Lake Park

Saturday, March 28th - Spring Soccer League Begins at Wallace Park

Diabetes Self-Management & Education Series, every Tuesday in March (5 weeks) from 10:30 a.m. - 12:00 p.m. at the Southwest Center

Note: Toddler Gym, Ages 1-5 years, every Tuesday & Thursday from 10:30 a.m. to 12:30 p.m. at the Southwest Center

For a complete list of Parks & Recreation activities and information call 903-798-3978 or visit the city's website: <http://tx-texarkana.civicplus.com>

Other City Events:

Thursday, March 12th - Vendor Meeting & Seed Swap - for the Texarkana, Texas Farmers Market. The meeting will be held at City Hall, 220 Texas Blvd. From 4:00 p.m. - 6:00 p.m.

Volunteers needed to partner with American Red Cross and Texarkana, Texas Fire Department for Fire Prevention Canvassing on Saturday, March 21st - Contact Amanda Bowers, 903-793-5602 or sign-up at <http://www.redcross.org/news/event/tx/paris-texarkana/Home-Fire-Preparedness-Canvassing-Event>

Neighborhood Meeting Schedules are as follows: (Food will be provided at each meeting)

- Highland Park - Tuesday, March 24th - 6:00 p.m. - 8:00 p.m. at the Collins Senior Center, 3000 Texas Boulevard
- Rose Hill - Wednesday, March 25th - 6:00 p.m. - 8:00 p.m. at Pecan Ridge, 2210 West 15th Street
- Beverly - Thursday, March 26th - 6:00 p.m. - 8:00 p.m. at Texarkana College, 2500 N. Robison Road in the Truman Arnold Center Great Room

Mayor Bruggeman announced that the City of Texarkana, Arkansas is having the 41st Arkansas Governor's Conference on Tourism which will end on Tuesday, March 10th. To his knowledge, this is the first time the Governor's Conference is being held in Texarkana.

Council Member Casteel asked for agenda topics at the upcoming neighborhood meetings. City Manager Whitson said the purpose of the neighborhood meetings is to bring city government to the citizens. Citizens can share what they think and ask questions. David Orr said that staff will also be discussing the Community Development Block Grant action plan and comprehensive planning for the upcoming year.

Mayor Bruggeman welcomed and recognized Texas High School students from Mr. Littman's government class.

Mayor Bruggeman gave a special "Thanks" to Texas A&M - Texarkana students, staff, faculty and family members who participated in park clean-up efforts recently at Bringle Lake Park. This was the kick-off for a week of service opportunities across town called "iServe" week. Those participating in this effort enjoyed the beautiful weather while giving something back to the city.

Appointments to Boards & Commissions

Council Member Davis requested council to consider appointing Dr. Wanda Northam to the Planning and Zoning Commission.

Council Member Veal-Gooch requested council to consider reappointing Stuart McDonald to the Board of Adjustment.

Council Member Veal-Gooch requested council to consider reappointing Dianna Patterson Kinsey to the Planning and Zoning Commission.

Motion to make appointments/reappointments to Boards & Commissions.

(6:13 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Brian Matthews, Ward 4
SECONDER:	Christy P. Paddock, Ward 5
AYES:	Casteel, Ray, Veal-Gooch, Matthews, Paddock, Davis
EXCUSED:	Bruggeman

Presentations

1. KTB award presentation for February residence and business of the month.

Residence - Carter and Stephanie Floyd - Ward 5

Business - St. James Episcopal Church - Ward 3

Mayor Bruggeman and Council Member Veal-Gooch presented business recipients, Glen and Lova Wile, the Keep Texarkana Beautiful (KTB) award.

Mayor Bruggeman also presented a city lapel pin to Mrs. Wile for her distinguished service of picking up trash and beautifying other areas of the city.

Residential recipients Carter and Stephanie Floyd were not able to attend the council meeting to accept their KTB award.

2. Proclamation for Poison Prevention Week - March 15-21

Mayor Bruggeman read the proclamation for Poison Prevention Week - March 15-21.

IV. OPEN FORUM: COMMENTS FROM THE PUBLIC (LIMIT 5 MINUTES EACH)

Items scheduled for "Public Hearing" or have been heard at a previous "Public Hearing" are not to be addressed at the "Open Forum".

Mary Bruce addressed council to consider turning Capp Street into a through street to accommodate easier access to the Sunset Missionary Baptist Church.

V. ITEMS FOR CONSIDERATION

Consent Items

(6:27 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Josh Davis, Ward 6
SECONDER:	Brian Matthews, Ward 4
AYES:	Casteel, Ray, Veal-Gooch, Matthews, Paddock, Davis
EXCUSED:	Bruggeman

1. Consider approval of the minutes of the Special Meeting of the City Council held on February 11, 2015 at 11:00 AM.
2. Consider approval of the minutes of the Regular Meeting of the City Council held on February 23, 2015 at 6:00 PM.
3. Ordinance No. 2015-028 approving the cancellation of the May 9, 2015 general election for a Council Member for Ward Two (2), a Council Member for Ward Three (3), and a Council Member for Ward Five (5) as all current incumbents are unopposed.

Public Hearing:

Second Briefing:

Council Vote: March 9, 2015

Action Items

4. Ordinance No. 2015-025 amending Ordinance No. 2014-073 concerning Fiscal Year 2014-2015 City of Texarkana Texas Budget to allow for a monetary donation of \$1,000 to be added to the police department budget account number 101-1702-52207 (Minor Tools and Equipment) for the purpose of using donation funds to purchase body cameras to be utilized by patrol officers.

Public Hearing:

Second Briefing:

Council Vote: March 9, 2015

(6:30 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Christy P. Paddock, Ward 5
SECONDER:	Willie Ray, Ward 2
AYES:	Casteel, Ray, Veal-Gooch, Matthews, Paddock, Davis
EXCUSED:	Bruggeman

5. Resolution No. 2015-027 acknowledging receipt of the 2014 Police Department Racial Profiling Report.

Public Hearing:
Second Briefing:
Council Vote: March 9, 2015

Charles Kreidler gave council a brief overview and highlights from this report.
(6:32 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Christy P. Paddock, Ward 5
SECONDER:	Brian Matthews, Ward 4
AYES:	Casteel, Ray, Veal-Gooch, Matthews, Paddock, Davis
EXCUSED:	Bruggeman

VI. FIRST BRIEFINGS

1. Resolution No. 2015-024 accepting a bid and authorizing the City Manager to enter into a contract for the asbestos abatement for ten (10) structures on the City Council's Top Forty (40) Demolition List.

Public Hearing: March 23, 2015
Second Briefing: April 13, 2015
Council Vote: April 27, 2015

Kyle Dooley briefed this item.

RESULT:	MOVED FORWARD	Next: 3/23/2015 6:00 PM
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VII. PUBLIC HEARINGS

1. Ordinance No. 2015-021 amending the FY15 Budget for personnel adjustments, establishing the city's minimum salary level and adding a Health Inspector position.

Public Hearing: March 9, 2015
Second Briefing: March 23, 2015
Council Vote: April 13, 2015

No citizen spoke at this public hearing.

RESULT:	MOVED FORWARD	Next: 3/23/2015 6:00 PM
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Motion to move Resolution No. 2015-026 up for council vote.

(6:58 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Tina Veal-Gooch, Ward 3
SECONDER:	Brian Matthews, Ward 4
AYES:	Casteel, Ray, Veal-Gooch, Matthews, Paddock, Davis
EXCUSED:	Bruggeman

2. Resolution No. 2015-026 relating to proposed Texas legislation capping local government revenue.

Public Hearing: March 9, 2015

Second Briefing:

Council Vote: March 23, 2015

City Manager Whitson briefed this item. No citizen spoke at this public hearing.
(6:58 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Tina Veal-Gooch, Ward 3
SECONDER:	Brian Matthews, Ward 4
AYES:	Casteel, Ray, Veal-Gooch, Matthews, Paddock, Davis
EXCUSED:	Bruggeman

VIII. SECOND BRIEFING WITH UPDATES - NONE

IX. SECOND BRIEFING WITHOUT UPDATES - NONE

X. ITEMS FOR DISCUSSION

Historic Landmark Preservation Committee Vacancies

David Orr addressed council about the need to make appointments to the Historic Landmark Preservation Committee in order to meet quorum requirements. Five members make up a quorum and currently there are four members, due to the relocation of Ms. Frances Holcombe and Ina McDowell serving as an ex-officio member. The current ordinance calls for nine members.

Council Member Veal-Gooch said she read more about the committee and learned that members do not necessarily have to be citizens of Ward 3.

City Manager Whitson said staff will use this committee as a "test" to re-write the ordinance and provide a standardized charter that can apply to all of the boards and commissions. The charter format will give the council much flexibility in setting rules for each board or committee. City Manager Whitson also suggested that council can have a workshop with the chairperson from each board or commission to discuss the council's vision and goals for the city.

XI. ADMINISTRATIVE COMMENTS

1. Council

Council Member Veal-Gooch asked where are Mr. Rod LaGrone and his contractor with the masonic lodge rubble clean-up. City Manager Whitson said he has not contacted Mr. Lagrone since his contractor did not show. Council Member Veal-Gooch asked what is the next step for the city with this situation. City Manager Whitson said Mr. Lagrone could be given notice and taken to court and the judge can issue an order. However, if Mr. Lagrone does not comply, that order would give the city the authority to go and clean up the property which would defeat the purpose and cost the city money. Staff will contact Mr. Lagrone again concerning the clean-up.

Council Member Veal-Gooch wanted to know where Mr. Sari stands on the Grim Hotel redevelopment. City Manager Whitson responded that staff spoke to Mr. Sari about three weeks ago. The city has asked for specific documents, but Mr. Sari has not come forward with necessary financial statements at the city's request. David Orr said staff is also talking to the property owner, but the city is ultimately waiting on the proposal from Mr. Sari in order to move forward. City Manager Whitson has asked staff to scout out other developers who pursue similar types of projects. Perhaps this can be another option for the city in redeveloping the Grim Hotel. David Orr also said staff is looking at other funding options as well.

Council Member Veal-Gooch asked if council could see the proposed agenda prior to the scheduled neighborhood meetings. David Orr responded that council would be provided the agenda prior to the upcoming meetings.

Council Member Matthews asked for an update on the Texarkana welcome sign. City Manager Whitson responded that staff just started working on this project and that council would see a briefing item on a future agenda.

Council Member Matthews said he has received several calls from Ward 4 citizens about trash along side of Cowhorn Creek Road, Mall Drive and Summerhill Road. City Manager Whitson responded that this issue has already been reported to staff.

2. Staff

Charlie Bassett informed council that the Investment Committee has met and has spoken with the consultants. The Investment Report for the Quarter Ended December 31, 2014 is now available for viewing on the city's website:

Finance Department/Financial Reports/Quarterly Investment Reports
<http://tx-texarkana.civicplus.com/ArchiveCenter/ViewFile/Item/587>

XII. ADJOURNMENT

Motion to Adjourn

A motion was made to adjourn the meeting.
(7:18 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Brian Matthews, Ward 4
SECONDER:	Christy P. Paddock, Ward 5
AYES:	Casteel, Ray, Veal-Gooch, Matthews, Paddock, Davis
EXCUSED:	Bruggeman



Jennifer Evans
City Secretary



Bob Bruggeman
Mayor

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 2/10/2015 9:25 AM

Lead Department: Assistant City Manager **Action Officer:** Shirley Jaster, Assistant City Manager

Subject: KTB award presentation for February residence and business of the month.

Updates/History of Briefing:

Award winners are selected by Keep Texarkana Beautiful, KTB, and presented at the City Council meeting. A sign for the property is given to the recipient at the presentation. Pictures are taken of the winners with the Mayor and the Councilmember for the Ward.

Executive Summary and Background Information:

Residence- Carter and Stephanie Floyd – Ward 5
Business- St. James Episcopal Church- Ward 3

Potential Options:

- “None”
-

Fiscal Implications:

none

Staff Recommendation:**Advisory Board/Committee Review:**

KTB board

Board/Committee Recommendation:

KTB Board selected winners

Advisory Board/Committee Meeting Date and Minutes:

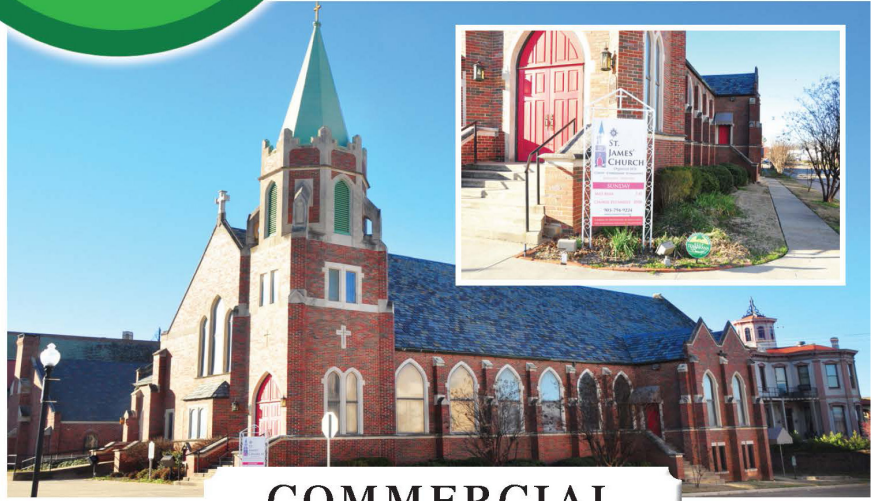
“NOT APPLICABLE”

Attachments

- a. February 2015 KTB McDonalds (PDF)



February LANDSCAPING AWARDS



COMMERCIAL

St. James Episcopal Church | 413 Olive Street



RESIDENTIAL

Carter and Stephanie Floyd

City of Texarkana, Texas

Version:

Update Date: 2/24/2015 11:32 AM

Briefing Sheet**Lead Department:** City Secretary**Action Officer:** Jennifer Evans, City Secretary**Subject:** Proclamation for Poison Prevention Week - March 15-21**Updates/History of Briefing:**

NOT APPLICABLE

Executive Summary and Background Information:

In conjunction with the North Texas Poison Center, March 15-21, 2015 marks the 53rd annual observance of Poison Prevention Week. This time is used to encourage our citizens to learn more about the dangers of accidental poisonings and to take more preventive measures.

Potential Options:

- None
-

Fiscal Implications:

N/A

Staff Recommendation:

N/A

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- Poison Prevention Week Proclamation 030915 (PDF)



PROCLAMATION

Whereas, our society has become increasingly dependent on household chemicals to perform labor-saving, time-saving miracles; and on medicine to provide health-giving, life-sustaining benefits; and

Whereas, these products, when not used as intended or directed, may be hazardous, particularly if children gain access to them; and

Whereas, over the past 53 years, the nation has been observing **Poison Prevention Week** to call attention to these hazards and how proper handling and disposal of these substances and proper use of safety packaging can help eliminate them; and

Whereas, the efforts of our community organizations, complemented by the efforts of the North Texas Poison Center have reduced childhood poisonings in Texarkana, Texas; and

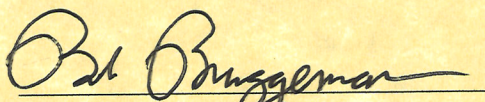
Whereas, the North Texas Poison Center, a regional poison center, located at Parkland Health & Hospital System, provides the ultimate in human service programming, immediate, accessible emergency information to save lives of victims of poison-related emergencies, and;

Whereas, these programs must continue as long as even one child swallows a household product or medicine by mistake.

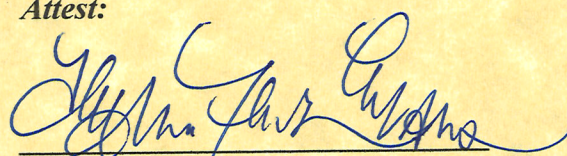
NOW THEREFORE, I, Bob Bruggeman, Mayor of the City of Texarkana Texas, do hereby declare proclaim the week of March 15 – 21, 2015 as:

“Poison Prevention Week”

in this city. Further, I direct the appropriate agencies in our local government to continue their cooperation with concerned citizens and community organizations, including our schools, to develop programs which will alert our people to the continued danger of misusing medicines and household products and to promote effective safeguards against accidental poisonings among young children.


 Bob Bruggeman, Mayor
 City of Texarkana, Texas

Attest:


 Jennifer Evans, City Secretary
 City of Texarkana, Texas





CITY OF TEXARKANA

CITY COUNCIL

MINUTES • FEBRUARY 11, 2015

Texarkana College

Special Meeting

11:00 AM

**220 TEXAS BLVD.
TEXARKANA, TX 75501**

- I. CALL TO ORDER FOR A SPECIAL JOINT MEETING OF THE CITIES OF TEXARKANA, TEXAS & TEXARKANA, ARKANSAS**
- II. ESTABLISHMENT OF QUORUM(S)**

Attendee Name	Title	Status	Arrived
Bob Bruggeman	Mayor	Present	
Brad Casteel	Ward 1	Absent	
Willie Ray	Ward 2	Absent	
Tina Veal-Gooch	Ward 3	Present	
Brian Matthews	Ward 4	Present	
Christy P. Paddock	Ward 5	Present	
Josh Davis	Ward 6	Present	

Texarkana, Arkansas Mayor and Board of Directors present: Mayor Ruth Penney Bell, Allan Wren (Ward 1), Laney Harris (Ward 2), Tim Johnson (Ward 3), Travis Odom (Ward 4), Barbara Miner (Ward 5), and Sue Johnson (Ward 6).

- III. INVOCATION AND PLEDGE OF ALLEGIANCE GIVEN BY PHRED NORTON**
- IV. PUBLIC FORUM/COMMENTS**

No citizen spoke at the public forum.
- V. LEADERSHIP TEXARKANA/LIFT**

The purpose of the meeting is to determine a structure and/or a process for the two City Governing Boards to address current and future opportunities for the mutual benefit and success of the two cities, their residents and businesses. Each state has advantages to bring to the table to benefit the citizens of Texarkana.

Ruth Ellen Whitt, Executive Director of Leadership Initiative for Texarkana (LIFT), made some welcome comments, thanked all in attendance for coming and introduced facilitators Pat Heiny and Mary Jo Clark to begin the program.

Minutes Acceptance: Minutes of Feb 11, 2015 11:00 AM (Consent Items)

VI. COMMENTS

a. Governing Boards - Each governing body member made an introduction and related one goal for Texarkana that he or she would like to see accomplished. A few of the comments expressed were: economic growth, marketing, building relationships for unity between the two local governments, cleaning up litter, becoming a destination stop for travelers and enhancing the regional airport.

b. Facilitators - Ms. Heiny and Ms. Clark listed several unique advantages held by Texarkana, discussed recommended plans to implement some of the ideas expressed by elected officials, helped each governing body think about what will help the elected officials to make things happen and what do they need from others, and encouraged each group to outline the next steps to be taken within 90 days.

c. Staff - City Manager John Whitson asked for each governing body to consider how the two cities will review things moving forward for the benefit of Texarkana citizens.

d. Texarkana Mayors - In closing comments, Mayor Bruggeman said there is a need for strong economic development which would necessitate having a regional meeting to include neighboring cities and counties to discuss pooling resources and having open communication. Mayor Bruggeman also stated the importance of maintaining two-way communication between the two cities.

Mayor Bell stressed the need for a total "buy-in" of the entire Texarkana, Arkansas board to present a united body and show strength in order to move goals forward. Mayor Bell also said that the board needs to appoint the appropriate people to assist the board so that "action" will result.

e. Leadership Texarkana/Lift - Phred Norton expressed appreciation to all of the sponsors who contributed to the arrangements of the meeting and thanked all for being in attendance.

VII. ADJOURNMENT

Motion to Adjourn

A motion was made to adjourn the meeting.
(2:20 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Tina Veal-Gooch, Ward 3
SECONDER:	Brian Matthews, Ward 4
AYES:	Veal-Gooch, Matthews, Paddock, Davis
ABSENT:	Casteel, Ray
EXCUSED:	Bruggeman



Jennifer Evans
City Secretary



Bob Bruggeman
Mayor

Minutes Acceptance: Minutes of Feb 11, 2015 11:00 AM (Consent Items)



CITY OF TEXARKANA

CITY COUNCIL

MINUTES • FEBRUARY 23, 2015

Council Chambers

Regular Meeting

6:00 PM

220 TEXAS BLVD.
TEXARKANA, TX 75501

I. CALL TO ORDER, ROLL CALL, ESTABLISHMENT OF QUORUM

Attendee Name	Title	Status	Arrived
Bob Bruggeman	Mayor	Present	
Brad Casteel	Ward 1	Present	
Willie Ray	Ward 2	Present	
Tina Veal-Gooch	Ward 3	Late	6:10 PM
Brian Matthews	Ward 4	Present	
Christy P. Paddock	Ward 5	Present	
Josh Davis	Ward 6	Present	

Staff Present: City Manager John Whitson, Jennifer Evans, Shirley Jaster, Charlie Bassett, Jim Powell, Eric Schlotter, Charles Kreidler, Kevin Schutte, Robby Robertson, David Orr, Lisa Thompson, Dan Shiner, Karey Parker, and Jerry Sparks.

Legal Counsel: None.

II. INVOCATION AND PLEDGE BY COUNCILMEMBER DR. BRIAN MATTHEWS

III. MAYOR'S OPENING REMARKS

Upcoming City Council Meetings:

Monday, March 9, 2015 at 6:00 p.m.
Monday, March 23, 2015 at 6:00 p.m.
Monday, April 13, 2015 at 6:00 p.m.
Monday, April 27, 2015 at 6:00 p.m.

Parks & Recreation Events:

Thursday & Friday, February 26th & 27th - ADA Fishing Derby - Spring Lake Park
Saturday, March 7th - 9:00 a.m. until noon - Texarkana Arbor Day & Tree Planting - TWU South Regional Wastewater Treatment Facility, 4000 S. State Line
Thursday - Sunday, March 19th-22nd - Huggins Baseball Tournament at Spring Lake Park

For a complete list of Parks & Recreation activities and information call 903-798-3978 or visit the city website: <http://tx-texarkana.civicplus.com>

Minutes Acceptance: Minutes of Feb 23, 2015 6:00 PM (Consent Items)

Mayor Bruggeman stated that the Special Joint Governing Body meeting held on February 11, 2015 with the Texarkana Arkansas Board of Directors was very successful and time well spent.

Mayor Bruggeman announced that the special worship service "Rock the House" event scheduled for Sunday March 1, 2015 at 6:00 p.m. at First Baptist Church has been cancelled and postponed to a later date.

Mayor Bruggeman also announced that the Kiwanis Club of Texarkana will be having their 57th annual "Pancake Day" at Texarkana College's Truman Arnold Center on March 7, 2015 from 7:00 a.m. to 2:00 p.m.

Appointments to Boards & Commissions

There were no appointments made by council.

Presentations

Red Cross Fire Prevention Presentation by Clare Francavilla.

KTB award presentation for February residence and business of the month.

Residence - Carter and Stephanie Floyd - Ward 5

Business - St. James Episcopal Church - Ward 3

Please Note: Due to inclement weather conditions, Mayor Bruggeman postponed the award presentation to the March 9, 2015 council meeting.

IV. OPEN FORUM: COMMENTS FROM THE PUBLIC (LIMIT 5 MINUTES EACH)

Items scheduled for "Public Hearing" or have been heard at a previous "Public Hearing" are not to be addressed at the "Open Forum".

No citizen spoke at open forum.

V. ITEMS FOR CONSIDERATION

Consent Items

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Brian Matthews, Ward 4
SECONDER:	Willie Ray, Ward 2
AYES:	Casteel, Ray, Veal-Gooch, Matthews, Paddock, Davis
EXCUSED:	Bruggeman

1. Consider approval of the minutes of the Regular Meeting of the City Council held on February 9, 2015 at 6:00 PM.

6:25 p.m.

Action Items

2. Motion to adopt option(s) for "Vacation Buy Out at Termination" amending Resolution No. 2015-004.

During the January 26, 2015 city council meeting, Council Member Casteel expressed concerned with wording used in Chapter 3, Section 3.02 regarding the payment of accrual leave balances (Buy Out) to an employee at separation. The proposed policy requires five years of continuous service to be eligible. A recommendation was made to bring eligibility options for vacation buy out to council for consideration. The options are as follows:

Option 1: Retain the current policy of one year of continuous service.

Option 2: Adopt the proposed policy of five years of continuous service.

Option 3: Raise the benefit from 120 hours to 240 hours and establish vacation pay as a retirement benefit, payable when the employee retires from the Texas Municipal Retirement System (TMRS).

Option 1 and Option 3 were adopted and passed by council with a vote of four (4) ayes, and two (2) nays.

RESULT:	ADOPTED [4 TO 2]
MOVER:	Brian Matthews, Ward 4
SECONDER:	Tina Veal-Gooch, Ward 3
AYES:	Veal-Gooch, Matthews, Paddock, Davis
NAYS:	Casteel, Ray
EXCUSED:	Bruggeman

3. Resolution No. 2015-004 adoption of recommended revisions to Human Resources Handbook.

Public Hearing: January 26, 2015

Second Briefing: February 9, 2015

Council Vote: February 23, 2015

Jim Powell presented three options for vacation buy out at termination for council consideration and discussion.

7:10 p.m.

RESULT:	ADOPTED AS AMENDED [5 TO 1]
MOVER:	Tina Veal-Gooch, Ward 3
SECONDER:	Brian Matthews, Ward 4
AYES:	Ray, Veal-Gooch, Matthews, Paddock, Davis
NAYS:	Casteel
EXCUSED:	Bruggeman

4. Resolution No. 2015-022 authorizing support for the Texarkana, Texas Housing Authority Robison Terrace Development.

Public Hearing:
 Second Briefing:
 Council Vote: February 23, 2015

Housing Authority of Texarkana Texas Executive Director Johnny Riley thanked the council for their consideration and support of this resolution.

7:13 p.m.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Brian Matthews, Ward 4
SECONDER:	Willie Ray, Ward 2
AYES:	Casteel, Ray, Veal-Gooch, Matthews, Paddock, Davis
EXCUSED:	Bruggeman

- Ordinance No. 2015-023 amending Ordinance No. 2014-073 concerning Fiscal Year 2014-2015 City of Texarkana Texas budget to allow for a monetary donation of \$10,000 to be added to the police department budget account number 101-1702-52207 (Minor Tools and Equipment) for the purpose of using donation funds to purchase body cameras to be utilized by patrol officers.

Public Hearing:
 Second Briefing:
 Council Vote: February 23, 2015

7:16 p.m.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Josh Davis, Ward 6
SECONDER:	Willie Ray, Ward 2
AYES:	Casteel, Ray, Veal-Gooch, Matthews, Paddock, Davis
EXCUSED:	Bruggeman

VI. FIRST BRIEFINGS

- Ordinance No. 2015-021 amending the FY15 Budget for personnel adjustments, establishing the city's minimum salary level and adding a Health Inspector position.

Public Hearing: March 9, 2015
 Second Briefing: March 23, 2015
 Council Vote: April 13, 2015

City Manager Whitson briefed this item.

RESULT: MOVED FORWARD

Next: 3/9/2015 6:00 PM

VII. PUBLIC HEARINGS

Motion to move Ordinance No. 2015-016 up for council vote.

7:30 p.m.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Tina Veal-Gooch, Ward 3
SECONDER: Brian Matthews, Ward 4
AYES: Casteel, Ray, Veal-Gooch, Matthews, Paddock, Davis
EXCUSED: Bruggeman

1. Ordinance No. 2015-016 creating the rank of Assistant Chief of Police by approving and authorizing the reclassification of two (2) non-tested Police Captain Positions to two Assistant Chief Positions and eliminating assignment pay for the Police Department Chief of Staff.

Public Hearing: February 23, 2015

Second Briefing: March 9, 2015

Council Vote: March 23, 2015

7:31 p.m.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Tina Veal-Gooch, Ward 3
SECONDER: Willie Ray, Ward 2
AYES: Casteel, Ray, Veal-Gooch, Matthews, Paddock, Davis
EXCUSED: Bruggeman

Motion to move Resolution No. 2015-017 up for council vote.

7:33 p.m.

RESULT: ADOPTED [5 TO 1]
MOVER: Tina Veal-Gooch, Ward 3
SECONDER: Brian Matthews, Ward 4
AYES: Casteel, Ray, Veal-Gooch, Matthews, Paddock
NAYS: Davis
EXCUSED: Bruggeman

2. Resolution No. 2015-017 authorizing the City Manager to issue a purchase order to Casco Industries, Inc. for the purchase of firefighting equipment (SCBA'S) through the HGAC Cooperative Purchasing Program in an amount not to exceed THREE HUNDRED EIGHT THOUSAND EIGHT HUNDRED TEN DOLLARS AND NO/100 (\$308,810.00).

Minutes Acceptance: Minutes of Feb 23, 2015 6:00 PM (Consent Items)

Public Hearing: February 23, 2015
 Second Briefing: March 9, 2015
 Council Vote: March 23, 2015

7:34 p.m.

RESULT: ADOPTED [5 TO 1]
MOVER: Tina Veal-Gooch, Ward 3
SECONDER: Brian Matthews, Ward 4
AYES: Casteel, Ray, Veal-Gooch, Matthews, Paddock
NAYS: Davis
EXCUSED: Bruggeman

VIII. SECOND BRIEFING WITH UPDATES - NONE.

IX. SECOND BRIEFING WITHOUT UPDATES

Motion to move Ordinance No. 2015-012 up for council vote.

7:35 p.m.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Willie Ray, Ward 2
SECONDER: Brad Casteel, Ward 1
AYES: Casteel, Ray, Veal-Gooch, Matthews, Paddock, Davis
EXCUSED: Bruggeman

1. Ordinance No. 2015-012 rezoning Lot 3, Rose Acres Annex Addition, located at 602 South Bishop Street. Industrial-1 to Single Family-2. Verna Cellers, applicant. Alice Bursey Johnson, agent.

Public Hearing: February 9, 2015
 Second Briefing: February 23, 2015
 Council Vote: March 9, 2015

David Orr spoke in behalf of applicant Verna Cellers requesting council consideration to move this item up for council vote.

7:36 p.m.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Josh Davis, Ward 6
SECONDER: Willie Ray, Ward 2
AYES: Casteel, Ray, Veal-Gooch, Matthews, Paddock, Davis
EXCUSED: Bruggeman

X. ITEMS FOR DISCUSSION

Staff Updates - None.

XI. ADMINISTRATIVE COMMENTS

1. Council

Council Member Matthews thanked all of the committee members who aggressively worked on the Human Resources Handbook. Council Member Matthews said dedication to that effort is greatly appreciated. City Manager Whitson responded that he is the executor of the policy and can make the decision to approve the revisions to the handbook. But, the City Council is the policy maker and revisions to the Human Resources Handbook is major policy. Therefore the handbook was brought before council for approval and to set policy for city staff.

Council Member Casteel asked when clean-up would begin of the rubble at the former Masonic Lodge location. City Manager Whitson responded that the delay could be due to a contractor coming from Greenville, but that he would contact and follow-up with Mr. La Grone.

Council Member Casteel asked for the status of the Grim Hotel project. City Manager Whitson responded that renovation is way out in the future and that the next deadline is application for tax credits which will be in May 2015. The city does not know if the current developer, who has shown interest in the property, will make the May deadline. So, staff is currently looking for a new developer to possibly generate some interest and competition in this project.

Council Member Paddock asked for a status of the public safety communications system. City Manager Whitson responded that the city has moved forward with an application to Arkansas to join Arkansas Wireless Information Network System or AWINS. AWINS' technical committee will soon be reviewing the city's application before the city can come before the Executive Committee. In addition, there was some miscommunication with the Texas Department of Public Safety (DPS) and Motorola, but that has been resolved and the city is waiting to receive the DPS proposal as another option.

Council Member Matthews asked how the painting project is going on the Interstate 30 water tower. City Manager Whitson responded that frigid temperatures is causing some delay.

2. Staff

City Manager Whitson stated as the legislature, which is now in session, continues to progress, he would be presenting council with upcoming resolutions asking for council to support or not support proposed legislation especially in the areas dealing with funding and revenue as they come forward.

XII. ADJOURNMENT

Motion to Adjourn

A motion was made to adjourn the meeting.
7:46 p.m.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Tina Veal-Gooch, Ward 3
SECONDER: Brian Matthews, Ward 4
AYES: Casteel, Ray, Veal-Gooch, Matthews, Paddock, Davis
EXCUSED: Bruggeman



Jennifer Evans
City Secretary



Bob Bruggeman
Mayor

City of Texarkana, Texas

Version: A

Update Date: 3/2/2015 8:31 AM

Briefing Sheet

Lead Department: City Secretary **Action Officer:** Jennifer Evans, City Secretary
Ordinance No. 2015-028 approving the cancellation of the May 9, 2015 general
election for a Council Member for Ward Two (2), a Council Member for Ward
Three (3), and a Council Member for Ward Five (5) as all current incumbents
Subject: are unopposed.

Briefing: 3/9/2015 **Public Hearing:** **Second Briefing:** **Council Vote:** 3/9/2015

Item Schedule

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

Ordinance No. 2015-002 called and ordered a general election to be held in the City of Texarkana, Texas for the May 9, 2015 Election. All current incumbents in the seats of Council Member Ward Two (2), Council Member Ward Three (3) and Council Member Ward Five (5) are unopposed. This ordinance is to call and order a cancellation of the May 9, 2015 Election for the City of Texarkana, Texas.

Potential Options:

- None
-

Fiscal Implications:

N/A

Staff Recommendation:

Staff recommends certification of unopposed candidates and the cancellation of said election in accordance with Texas Election Code Section 2.052(a) and 2.053(a).

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

City of Texarkana, Texas

Attachments

- a. Ord. No. 2015-028 Canceling Election May 9 (2015-028) (DOC)
- b. Exhibit "A" Cert of Unopposed Candidate (2015) completed (PDF)
- c. Exhibit "A" Order of Cancellation (2015) completed (PDF)
- d. Ord. 2015-028 signed (PDF)

Staff Coordination

City Manager	Jennifer Evans	Department Head Review	Completed	
	03/02/2015 8:20 AM			
Assistant City Manager		Shirley Jaster	Review	Completed
	03/02/2015 8:33 AM			
City Manager	John Whitson	City Manager Review	Completed	03/03/2015
	11:11 AM			
Public Information Officer		Lisa Thompson	PIO Review	Completed
	03/02/2015 8:59 AM			
City Manager	John Whitson	City Manager Review	Completed	03/03/2015
	11:10 AM			
City Council	Jennifer Evans	Meeting	Completed	03/09/2015
	6:00 PM			

Meeting History

ORDINANCE NO. 2015-028

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, APPROVING THE CANCELLATION OF THE MAY 9, 2015 GENERAL ELECTION FOR THE PURPOSE OF ELECTING A COUNCILMEMBER FOR WARD TWO, A COUNCILMEMBER FOR WARD THREE, AND A COUNCILMEMBER FOR WARD FIVE FOR THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS IN ACCORDANCE WITH THE TEXAS ELECTION CODE, SECTION 2.052(a), BY CERTIFYING THAT EACH CANDIDATE IS UNOPPOSED; PROVIDING FOR PUBLICATION; PROVIDING FOR A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Texarkana, Texas by Ordinance No. 2015-002 dated January 26, 2015, called and ordered a general election to be held in the City of Texarkana, Texas, at the respective voting places in each ward, said election to be held May 9, 2015, for the purpose of electing a Councilmember for Ward Two (2), a Councilmember for Ward Three (3), and a Councilmember for Ward Five (5) of the City of Texarkana, Texas; and

WHEREAS, the current Councilmembers for Wards Two (2), Three (3), and Five (5), who made application for the May 9, 2015 ballot were unopposed as of February 27, 2015 at 5:00 p.m. and as provided by the Texas Election Code, Section 2.052(a) and Section 2.053(a) the Certification of Unopposed Candidates For Other Political Subdivisions and Sample Order of Cancellation, respectively, are attached as Exhibit "A" declaring the following candidates unopposed:

Councilmember Ward Two (2):	Mrs. Willie Ray
Councilmember Ward Three (3):	Tina M. Veal-Gooch
Councilmember Ward Five (5):	Christy P. Paddock; and

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

SECTION 1: That the cancellation of the May 9, 2015 general election for the purpose of electing a Councilmember for Ward Two (2), a Councilmember for Ward Three (3), and a Councilmember for Ward Five (5) for the City Council of the City of Texarkana, Texas, is certifying that each candidate is unopposed, in accordance with the Texas Election Code, Section 2.052(a) and Section 2.053(a), and is hereby approved, a copy of which is attached hereto and incorporated herein as Exhibit "A".

SECTION 2: That the City Secretary be and is hereby directed to publish the caption of this Ordinance for three (3) successive days in the Texarkana Gazette.

SECTION 3: That in case a section, clause, sentence or part of this Ordinance shall be deemed or adjudged by a Court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair or invalidate the remainder of this Ordinance.

PUBLISH

SECTION 4: That all ordinances or parts of ordinances in conflict herewith are specifically repealed.

SECTION 5: That this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **9th day of March, 2015.**

BOB BRUGGEMAN, MAYOR

ATTEST:

JENNIFER EVANS
CITY SECRETARY

AW12-1
 Prescribed by Secretary of State
 Section 2.051 – 2.053, Texas Election Code
 2/14

**CERTIFICATION OF UNOPPOSED CANDIDATES FOR
 OTHER POLITICAL SUBDIVISIONS (NOT COUNTY)
 CERTIFICACIÓN DE CANDIDATOS ÚNICOS
 PARA OTRAS SUBDIVISIONES POLITICAS (NO EL CONDADO)**

To: Presiding Officer of Governing Body
Al: Presidente de la entidad gobernante

As the authority responsible for having the official ballot prepared, I hereby certify that the following candidates are unopposed for election to office for the election scheduled to be held on May 9, 2015

Como autoridad a cargo de la preparación de la boleta de votación oficial, por la presente certifico que los siguientes candidatos son candidatos únicos para elección para un cargo en la elección que se llevará a cabo el 9 mayo de 2015

List offices and names of candidates:
Lista de cargos y nombres de los candidatos:

Office(s) Cargo(s)	Candidate(s) Candidato(s)
Councilmember Ward Two (2)	Mrs. Willie Ray
Councilmember Ward Three (3)	Tina M. Veal-Gooch
Councilmember Ward Five (5)	Christy P.Paddock

Signature (Firma)

Jennifer Evans

Printed name (Nombre en letra de molde)

 City Secretary

Title (Puesto)

March 9, 2015

Date of signing (Fecha de firma)

(Seal) (sello)

See reverse side for instructions
(Instrucciones en el reverso)

Instructions for certification of unopposed candidates:

The authority responsible for preparing the ballot must certify the unopposed status to the authority responsible for ordering the election. This document is filed with the presiding officer of the political subdivision. The governing body must meet, accept this certification, and issue an order or ordinance declaring the election cancelled and the unopposed candidates elected. To complete the cancellation process, a copy of the order or ordinance canceling the election must be posted on Election Day at each polling place that would have been used in the election. See sample Order of Cancellation and outlines for additional instructions.

An election* may be cancelled if:

- 1) The election is one in which a declaration of write-in candidacy is required; and
- 2) No opposed at-large race is on the ballot* within that election;*and
- 3) Each candidate whose name is to appear on the ballot* is unopposed, with some exceptions;
This means:
 - In an all at-large election* (with no single-member districts), if there is one or more opposed at-large races, then all the races go on the ballot within that election.*
 - In an election* in which any members of the governing body are elected from single-member districts, an election in a particular district may be cancelled if the candidate is unopposed and the election otherwise meets the above requirements (i.e., there is no at-large opposed race on the ballot).

Note: A general election (for full terms) or a special election (to fill a vacancy in an unexpired term) is considered a *separate election* with a *separate ballot* for purposes of these tests, even if held on the same election date. See our online Cancellation guide for details.

Instrucciones para la certificación de una elección con candidatos únicos:

La autoridad a cargo de preparar la boleta de votación debe certificar los candidatos únicos sin oposición a la autoridad encargada de ordenar la elección. Este documento se debe presentar al presidente de la subdivisión política. La entidad gobernante debe reunirse, aceptar esta certificación y emitir una orden o una ordenanza en la que declara la cancelación de la elección y la elección de los candidatos únicos sin oposición. Para completar el proceso de cancelación, se debe exhibir el Día de la Elección una copia de la orden u ordenanza de cancelación de la elección en todos los sitios de votación que se hubieran utilizado en la elección. Vea el ejemplo Orden de Cancelación y el resumen para más instrucciones.

Una elección* puede ser cancelada si:

- 1) *la elección es una en la que se requiere una declaración de candidatos por escrito en la boleta de votación; y,*
- 2) *no hay oposición para la carrera por acumulación en la boleta* de votación dentro de esa elección* y*
- 3) *Todos los candidatos cuyos nombres deben aparecer en la boleta* de votación no tienen oposición, con unas excepciones;*
Esto significa:
 - *En una elección* por acumulación (sin ningún distrito con miembro único), si se encuentra una o más de una carrera por acumulación con oposición, entonces todas las carreras estarán en la boleta dentro de esa elección*.*
 - *En una elección* en la que cualquiera de los miembros de la entidad gobernante se eligen de distritos con un solo miembro, se puede cancelar una elección en un distrito específico si hay oposición para el candidato y la elección cumple con los requisitos que anteceden (ej. no hay oposición para la carrera por acumulación en la boleta).*

Nota: Una elección general (con términos completos) o una elección especial (para llenar una vacante de un término no vencido) es considerada como una elección distinta con una boleta distinta con los propósitos de estas pruebas, aunque se lleven a cabo en la misma fecha electoral. Vea nuestra guía de cancelación en línea para más detalles.

SAMPLE ORDER OF CANCELLATION
EJEMPLO DE ORDEN DE CANCELACIÓN

The City Council of Texarkana, Texas hereby cancels the election scheduled to be held on
(official name of governing body)
May 9, 2015 in accordance with Section 2.053(a) of the Texas
(date on which election was scheduled to be held)
Election Code. The following candidates have been certified as unopposed and are hereby
elected as follows:

El ciudad conceyal de Texarkana por la presente cancela la elección que, de lo contrario,
(nombre oficial de la entidad gobernante)
se hubiera celebrado el 9 mayo de 2015 de conformidad, con
(fecha en que se hubiera celebrado la elección)
la Sección 2.053(a) del Código de Elecciones de Texas. Los siguientes candidatos han sido
certificados como candidatos únicos y por la presente quedan elegidos como se haya indicado
a continuación:

Candidate (<i>Candidato</i>)	Office Sought (<i>Cargo al que presenta candidatura</i>)
Mrs.Willie Ray	Councilmember Ward Two (2)
Tina M. Veal-Gooch	Councilmember Ward Three (3)
Christy P. Paddock	Councilmember Ward Five (5)

A copy of this order will be posted on Election Day at each polling place that would have
been used in the election.

El Día de las Elecciones se exhibirá una copia de esta orden en todas las mesas electorales
que se hubieran utilizado en la elección.

President (*Presidente*) Bob Bruggeman

Secretary (*Secretario*) Jennifer Evans

(seal) (*sello*)

March 9, 2015
Date of adoption (*Fecha de adopción*)

See reverse side for instructions
Instrucciones en el reverso

Attachment: Exhibit "A" Order of Cancellation (2015) completed [Revision 1] (1274 : Ord No. 2015-028 Canceling May 2015 Election)

Instructions for sample order of cancellation:

To cancel an election, the governing body must first receive and accept the Certification of Unopposed Candidates form (or the authority may create its own form) from the authority responsible for preparing the ballot. The cancellation order/ordinance must be adopted in an open meeting. The candidates are not required to be present. Certificates of election should be prepared for each unopposed candidate; however, the certificates of election should not be issued until after Election Day, as follows. Section 2.053 provides that the certificate of election shall be issued “in the same manner and at the same time” as for a candidate elected at an election. Therefore, the candidates, who have been declared “elected” at the meeting ordering the cancellation, must wait until after the official election day (even though no election is held) and no earlier than the prescribed canvassing period (even though no canvass is held) to be sworn in and assume their duties. Candidates may complete the Statement of Elected Officer prior to Election Day. The Statement should be kept locally; it does not need to be sent to the Secretary of State’s Office. Copies of this order/ordinance must be posted on Election Day at each polling place that would have been used had the election not been cancelled.

An election* may be cancelled if:

- 1) The election is one in which a declaration of write-in candidacy is required; and
- 2) No opposed at-large race is on the ballot* within that election;*and
- 3) Each candidate whose name is to appear on the ballot* is unopposed, with some exceptions;
This means:
 - In an all at-large election* (with no single-member districts), if there is one or more opposed at-large races, then all the races go on the ballot within that election.*
 - In an election* in which any members of the governing body are elected from single-member districts, an election in a particular district may be cancelled if the candidate is unopposed and the election otherwise meets the above requirements (i.e., there is no at-large opposed race on the ballot).

Note: A general election (for full terms) or a special election (to fill a vacancy in an unexpired term) is considered a *separate election* with a *separate ballot* for purposes of these tests, even if held on the same election date. See our online Cancellation guide for details.

Instrucciones para el ejemplo de orden de cancelación:

Para cancelar una elección, la entidad gobernante primero debe recibir y aceptar, de la autoridad responsable para preparar la boleta, el formulario de Certificación para Candidatos Sin Oposición (o la autoridad puede crear su propio formulario) de la autoridad responsable para preparar la boleta. La orden/ordenanza de cancelación debe ser adoptada en una reunión abierta. No se requiere que los candidatos estén presentes. Se debe preparar un certificado de elección para cada candidato sin oposición; sin embargo, los certificados de elección no se deben emitir hasta el Día de las Elecciones, así como se detalla a continuación. La sección 2.053 indica que el certificado de elección será publicado “en la misma manera y al mismo tiempo” para un candidato elegido en una elección. Por lo tanto, los candidatos que hayan sido declarados “elegido” en la reunión de la cancelación, deben esperar hasta después del día oficial de elecciones (aunque no se hayan llevado una elección) y no antes del período prescrito de la campaña política (aunque no se lleve a cabo la campaña política) a ser jurados y asumir sus deberes. Los candidatos pueden llenar la Declaración de Funcionario Elegido antes del Día de las Elecciones. Este documento se debe mantener en los archivos locales. No es necesario enviarlo a la Oficina del Secretario de Estado. El Día de las Elecciones se debe exhibir una copia de esta orden/ordenanza en todos los sitios de votación que se hubieran utilizado en la elección si no hubiera sido cancelada.

Una elección* puede ser cancelada si:

- 1) la elección es una en la que se requiere una declaración de candidatos por escrito en la boleta de votación; y,
- 2) no hay oposición para la carrera por acumulación en la boleta* de votación dentro de esa elección* y
- 3) Todos los candidatos cuyos nombres deben aparecer en la boleta* de votación no tienen oposición, con unas excepciones;
Esto significa:
 - En una elección* por acumulación (sin ningún distrito con miembro único), si se encuentra una o más de una carrera por acumulación con oposición, entonces todas las carreras estarán en la boleta dentro de esa elección*.
 - En una elección* en la que cualquiera de los miembros de la entidad gobernante se eligen de distritos con un solo miembro, se puede cancelar una elección en un distrito específico si hay oposición para el candidato y la elección cumple con los requisitos que anteceden (ej. no hay oposición para la carrera por acumulación en la boleta).

Nota: Una elección general (con términos completos) o una elección especial (para llenar una vacante de un término no vencido) es considerada como una elección distinta con una boleta distinta con los propósitos de estas pruebas, aunque se lleven a cabo en la misma fecha electoral. Vea nuestra guía de cancelación en línea para más detalles.

ORDINANCE NO. 2015-028

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, APPROVING THE CANCELLATION OF THE MAY 9, 2015 GENERAL ELECTION FOR THE PURPOSE OF ELECTING A COUNCILMEMBER FOR WARD TWO, A COUNCILMEMBER FOR WARD THREE, AND A COUNCILMEMBER FOR WARD FIVE FOR THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS IN ACCORDANCE WITH THE TEXAS ELECTION CODE, SECTION 2.052(a), BY CERTIFYING THAT EACH CANDIDATE IS UNOPPOSED; PROVIDING FOR PUBLICATION; PROVIDING FOR A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Texarkana, Texas by Ordinance No. 2015-002 dated January 26, 2015, called and ordered a general election to be held in the City of Texarkana, Texas, at the respective voting places in each ward, said election to be held May 9, 2015, for the purpose of electing a Councilmember for Ward Two (2), a Councilmember for Ward Three (3), and a Councilmember for Ward Five (5) of the City of Texarkana, Texas; and

WHEREAS, the current Councilmembers for Wards Two (2), Three (3), and Five (5), who made application for the May 9, 2015 ballot were unopposed as of February 27, 2015 at 5:00 p.m. and as provided by the Texas Election Code, Section 2.052(a) and Section 2.053(a) the Certification of Unopposed Candidates For Other Political Subdivisions and Sample Order of Cancellation, respectively, are attached as Exhibit "A" declaring the following candidates unopposed:

Councilmember Ward Two (2):	Mrs. Willie Ray
Councilmember Ward Three (3):	Tina M. Veal-Gooch
Councilmember Ward Five (5):	Christy P. Paddock; and

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

SECTION 1: That the cancellation of the May 9, 2015 general election for the purpose of electing a Councilmember for Ward Two (2), a Councilmember for Ward Three (3), and a Councilmember for Ward Five (5) for the City Council of the City of Texarkana, Texas, is certifying that each candidate is unopposed, in accordance with the Texas Election Code, Section 2.052(a) and Section 2.053(a), and is hereby approved, a copy of which is attached hereto and incorporated herein as Exhibit "A".

SECTION 2: That the City Secretary be and is hereby directed to publish the caption of this Ordinance for three (3) successive days in the Texarkana Gazette.

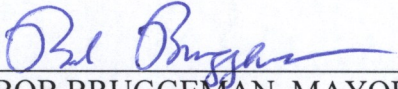
SECTION 3: That in case a section, clause, sentence or part of this Ordinance shall be deemed or adjudged by a Court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair or invalidate the remainder of this Ordinance.

PUBLISH

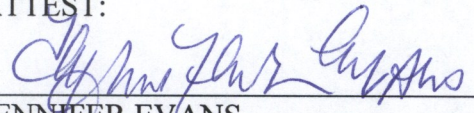
SECTION 4: That all ordinances or parts of ordinances in conflict herewith are specifically repealed.

SECTION 5: That this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **9th day of March, 2015.**


BOB BRUGGEMAN, MAYOR

ATTEST:


JENNIFER EVANS
CITY SECRETARY

6:27 p.m.

Attachment: Ord. 2015-028 signed (1274 : Ord No. 2015-028 Canceling May 2015 Election)

AW12-1
Prescribed by Secretary of State
Section 2.051 – 2.053, Texas Election Code
2/14

CERTIFICATION OF UNOPPOSED CANDIDATES FOR
OTHER POLITICAL SUBDIVISIONS (NOT COUNTY)
CERTIFICACIÓN DE CANDIDATOS ÚNICOS
PARA OTRAS SUBDIVISIONES POLITICAS (NO EL CONDADO)

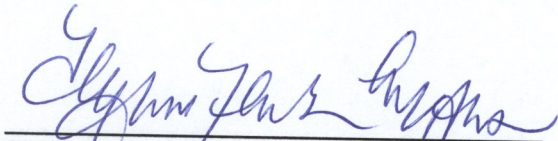
To: Presiding Officer of Governing Body
Al: Presidente de la entidad gobernante

As the authority responsible for having the official ballot prepared, I hereby certify that the following candidates are unopposed for election to office for the election scheduled to be held on May 9, 2015

Como autoridad a cargo de la preparación de la boleta de votación oficial, por la presente certifico que los siguientes candidatos son candidatos únicos para elección para un cargo en la elección que se llevará a cabo el 9 mayo de 2015

List offices and names of candidates:
Lista de cargos y nombres de los candidatos:

Office(s) Cargo(s)	Candidate(s) Candidato(s)
Councilmember Ward Two (2)	Mrs. Willie Ray
Councilmember Ward Three (3)	Tina M. Veal-Gooch
Councilmember Ward Five (5)	Christy P.Paddock


Signature (Firma)

Jennifer Evans
Printed name (Nombre en letra de molde)

City Secretary
Title (Puesto)
March 9, 2015

Date of signing (Fecha de firma) (Seal) (sello)

See reverse side for instructions
(Instrucciones en el reverso)

Attachment: Ord. 2015-028 signed (1274 : Ord No. 2015-028 Canceling May 2015 Election)

Instructions for certification of unopposed candidates:

The authority responsible for preparing the ballot must certify the unopposed status to the authority responsible for ordering the election. This document is filed with the presiding officer of the political subdivision. The governing body must meet, accept this certification, and issue an order or ordinance declaring the election cancelled and the unopposed candidates elected. To complete the cancellation process, a copy of the order or ordinance canceling the election must be posted on Election Day at each polling place that would have been used in the election. See sample Order of Cancellation and outlines for additional instructions.

An election* may be cancelled if:

- 1) The election is one in which a declaration of write-in candidacy is required; and
- 2) No opposed at-large race is on the ballot* within that election;*and
- 3) Each candidate whose name is to appear on the ballot* is unopposed, with some exceptions;
This means:
 - In an all at-large election* (with no single-member districts), if there is one or more opposed at-large races, then all the races go on the ballot within that election.*
 - In an election* in which any members of the governing body are elected from single-member districts, an election in a particular district may be cancelled if the candidate is unopposed and the election otherwise meets the above requirements (i.e., there is no at-large opposed race on the ballot).

Note: A general election (for full terms) or a special election (to fill a vacancy in an unexpired term) is considered a *separate election* with a *separate ballot* for purposes of these tests, even if held on the same election date. See our online Cancellation guide for details.

Instrucciones para la certificación de una elección con candidatos únicos:

La autoridad a cargo de preparar la boleta de votación debe certificar los candidatos únicos sin oposición a la autoridad encargada de ordenar la elección. Este documento se debe presentar al presidente de la subdivisión política. La entidad gobernante debe reunirse, aceptar esta certificación y emitir una orden o una ordenanza en la que declara la cancelación de la elección y la elección de los candidatos únicos sin oposición. Para completar el proceso de cancelación, se debe exhibir el Día de la Elección una copia de la orden u ordenanza de cancelación de la elección en todos los sitios de votación que se hubieran utilizado en la elección. Vea el ejemplo Orden de Cancelación y el resumen para más instrucciones.

Una elección* puede ser cancelada si:

- 1) la elección es una en la que se requiere una declaración de candidatos por escrito en la boleta de votación; y,
- 2) no hay oposición para la carrera por acumulación en la boleta* de votación dentro de esa elección* y
- 3) Todos los candidatos cuyos nombres deben aparecer en la boleta* de votación no tienen oposición, con unas excepciones;
Esto significa:
 - En una elección* por acumulación (sin ningún distrito con miembro único), si se encuentra una o más de una carrera por acumulación con oposición, entonces todas las carreras estarán en la boleta dentro de esa elección*.
 - En una elección* en la que cualquiera de los miembros de la entidad gobernante se eligen de distritos con un solo miembro, se puede cancelar una elección en un distrito específico si hay oposición para el candidato y la elección cumple con los requisitos que anteceden (ej. no hay oposición para la carrera por acumulación en la boleta).

Nota: Una elección general (con términos completos) o una elección especial (para llenar una vacante de un término no vencido) es considerada como una elección distinta con una boleta distinta con los propósitos de estas pruebas, aunque se lleven a cabo en la misma fecha electoral. Vea nuestra guía de cancelación en línea para más detalles.

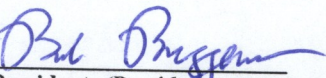
SAMPLE ORDER OF CANCELLATION
EJEMPLO DE ORDEN DE CANCELACIÓN

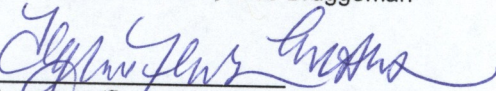
The City Council of Texarkana, Texas hereby cancels the election scheduled to be held on
(official name of governing body)
May 9, 2015 in accordance with Section 2.053(a) of the Texas
(date on which election was scheduled to be held)
Election Code. The following candidates have been certified as unopposed and are hereby
elected as follows:

El ciudad conceyal de Texarkana por la presente cancela la elección que, de lo contrario,
(nombre oficial de la entidad gobernante)
se hubiera celebrado el 9 mayo de 2015 de conformidad, con
(fecha en que se hubiera celebrado la elección)
la Sección 2.053(a) del Código de Elecciones de Texas. Los siguientes candidatos han sido
certificados como candidatos únicos y por la presente quedan elegidos como se haya indicado
a continuación:

Candidate (Candidato)	Office Sought (Cargo al que presenta candidatura)
Mrs. Willie Ray	Councilmember Ward Two (2)
Tina M. Veal-Gooch	Councilmember Ward Three (3)
Christy P. Paddock	Councilmember Ward Five (5)

A copy of this order will be posted on Election Day at each polling place that would have
been used in the election.
El Día de las Elecciones se exhibirá una copia de esta orden en todas las mesas electorales
que se hubieran utilizado en la elección.


President (Presidente) Bob Bruggeman


Secretary (Secretario) Jennifer Evans

(seal) (sello)

March 9, 2015
Date of adoption (Fecha de adopción)

See reverse side for instructions
Instrucciones en el reverso

Attachment: Ord. 2015-028 signed (1274 : Ord No. 2015-028 Canceling May 2015 Election)

Instructions for sample order of cancellation:

To cancel an election, the governing body must first receive and accept the Certification of Unopposed Candidates form (or the authority may create its own form) from the authority responsible for preparing the ballot. The cancellation order/ordinance must be adopted in an open meeting. The candidates are not required to be present. Certificates of election should be prepared for each unopposed candidate; however, the certificates of election should not be issued until after Election Day, as follows. Section 2.053 provides that the certificate of election shall be issued "in the same manner and at the same time" as for a candidate elected at an election. Therefore, the candidates, who have been declared "elected" at the meeting ordering the cancellation, must wait until after the official election day (even though no election is held) and no earlier than the prescribed canvassing period (even though no canvass is held) to be sworn in and assume their duties. Candidates may complete the Statement of Elected Officer prior to Election Day. The Statement should be kept locally; it does not need to be sent to the Secretary of State's Office. Copies of this order/ordinance must be posted on Election Day at each polling place that would have been used had the election not been cancelled.

An election* may be cancelled if:

- 1) The election is one in which a declaration of write-in candidacy is required; and
- 2) No opposed at-large race is on the ballot* within that election;*and
- 3) Each candidate whose name is to appear on the ballot* is unopposed, with some exceptions;
This means:
 - In an all at-large election* (with no single-member districts), if there is one or more opposed at-large races, then all the races go on the ballot within that election.*
 - In an election* in which any members of the governing body are elected from single-member districts, an election in a particular district may be cancelled if the candidate is unopposed and the election otherwise meets the above requirements (i.e., there is no at-large opposed race on the ballot).

Note: A general election (for full terms) or a special election (to fill a vacancy in an unexpired term) is considered a *separate election* with a *separate ballot* for purposes of these tests, even if held on the same election date. See our online Cancellation guide for details.

Instrucciones para el ejemplo de orden de cancelación:

Para cancelar una elección, la entidad gobernante primero debe recibir y aceptar, de la autoridad responsable para preparar la boleta, el formulario de Certificación para Candidatos Sin Oposición (o la autoridad puede crear su propio formulario) de la autoridad responsable para preparar la boleta. La orden/ordenanza de cancelación debe ser adoptada en una reunión abierta. No se requiere que los candidatos estén presentes. Se debe preparar un certificado de elección para cada candidato sin oposición; sin embargo, los certificados de elección no se deben emitir hasta el Día de las Elecciones, así como se detalla a continuación. La sección 2.053 indica que el certificado de elección será publicado "en la misma manera y al mismo tiempo" para un candidato elegido en una elección. Por lo tanto, los candidatos que hayan sido declarados "elegido" en la reunión de la cancelación, deben esperar hasta después del día oficial de elecciones (aunque no se hayan llevado una elección) y no antes del periodo prescrito de la campaña política (aunque no se lleve a cabo la campaña política) a ser jurados y asumir sus deberes. Los candidatos pueden llenar la Declaración de Funcionario Elegido antes del Día de las Elecciones. Este documento se debe mantener en los archivos locales. No es necesario enviarlo a la Oficina del Secretario de Estado. El Día de las Elecciones se debe exhibir una copia de esta orden/ordenanza en todos los sitios de votación que se hubieran utilizado en la elección si no hubiera sido cancelada.

Una elección* puede ser cancelada si:

- 1) la elección es una en la que se requiere una declaración de candidatos por escrito en la boleta de votación; y,
- 2) no hay oposición para la carrera por acumulación en la boleta* de votación dentro de esa elección* y
- 3) Todos los candidatos cuyos nombres deben aparecer en la boleta* de votación no tienen oposición, con unas excepciones;
Esto significa:
 - En una elección* por acumulación (sin ningún distrito con miembro único), si se encuentra una o más de una carrera por acumulación con oposición, entonces todas las carreras estarán en la boleta dentro de esa elección*.
 - En una elección* en la que cualquiera de los miembros de la entidad gobernante se eligen de distritos con un solo miembro, se puede cancelar una elección en un distrito específico si hay oposición para el candidato y la elección cumple con los requisitos que anteceden (ej. no hay oposición para la carrera por acumulación en la boleta).

Nota: Una elección general (con términos completos) o una elección especial (para llenar una vacante de un término no vencido) es considerada como una elección distinta con una boleta distinta con los propósitos de estas pruebas, aunque se lleven a cabo en la misma fecha electoral. Vea nuestra guía de cancelación en línea para más detalles.

City of Texarkana, Texas

Version: A

Update Date: 2/24/2015 11:28 AM

Briefing Sheet

Lead Department: Police **Action Officer:** Kevin Schutte,
Ordinance No. 2015-025 amending Ordinance No. 2014-073 concerning Fiscal
Year 2014-2015 City of Texarkana Texas Budget to allow for a monetary
donation of \$1,000 to be added to the police department budget account number
101-1702-52207 (Minor Tools and Equipment) for the purpose of using
Subject: donation funds to purchase body cameras to be utilized by patrol officers.

Briefing: 3/9/2015 **Public Hearing:** **Second Briefing:** **Council Vote:** 3/9/2015

Item Schedule**Updates/History of Briefing:**

NOT APPLICABLE

Executive Summary and Background Information:

The police department was recently approached by the John and Julie Ray Harrison family who expressed a desire to make a monetary donation of \$1,000 to assist the police department in purchasing body worn audio and video recording devices. The monies have been received and have been deposited in the city general fund. This ordinance amends Ordinance No. 2014-073 in which Council approved the City of Texarkana Texas Budget for Fiscal Year 2014-2015. This amendment is needed to allow for the money donated to be added to the police department budget account 101-1702-52207 Minor Tools and Equipment. This ordinance will publicly acknowledge receipt of the money and authorize its allocation to a line item in the police department's budget to facilitate the purchase of body worn audio and video recording devices.

Potential Options:

- NONE
-

Fiscal Implications:

Increase of \$1,000 in donated revenue to the city.

Staff Recommendation:

Staff recommends accepting this donation and increasing the department's budget to reflect the monies donated.

City of Texarkana, Texas

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- a. Ordinance No. 2015-025 (DOCX)
- b. Goals & Perspectives (DOCX)
- c. Ord. 2015-025 signed (PDF)

Staff Coordination

Police	Dan Shiner	Department Head Review	Completed	
	02/23/2015 4:41 PM			
Finance Department	Charlie Bassett	Finance Review	Completed	02/23/2015
	4:55 PM			
Public Information Officer		Lisa Thompson	PIO Review	Completed
	02/23/2015 5:04 PM			
City Manager	John Whitson	City Manager Review	Completed	02/26/2015
	10:36 AM			
City Council	Jennifer Evans	Meeting	Completed	03/09/2015
	6:00 PM			

Meeting History

ORDINANCE NO. 2015 - 025

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE POLICE DEPARTMENT BUDGET EXPENDITURES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2015; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith TO THE EXTENT OF SUCH CONFLICT; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

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

SECTION 1: That the budget estimate of the expenditures of the police department of the City of Texarkana, Texas, as prepared by the City Manager and appropriated by the City Council for the fiscal year beginning October 1, 2014, and ending September 30, 2015, be amended to reflect additional expenditures appropriated as a result of a citizen donation.

1. Increase appropriations in the Texarkana, Texas Police Department budget account number 101-1702-52207 (Minor Tools and Equipment) in the amount of \$1,000.

SECTION 2: It is further provided that in case a section, clause, sentence, or part of this Ordinance shall be deemed or adjudged by a Court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this Ordinance.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are specifically repealed to the extent of such conflict.

SECTION 4: This Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the 9th day of March, 2015.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

Perspectives	Goals
Serve the Community	☒ Promote an Environmentally Sensitive & Livable Community ☐ Provide a Safe Community ☒ Deliver Quality Services ☐ Foster a Healthy Community
Run the Operations	☐ Enhance Community Preparedness & Responsiveness ☐ Maximize Partnership Opportunities ☐ Provide Courteous & Responsive Customer Service ☐ Model a Positive City Image ☐ Deliver Efficient Services ☐ Cultivate Community Involvement & Access
Manage the Resources	☐ Maintain Fiscal Strength ☐ Maximize Utilization & Resources ☐ Invest in Infrastructure & Transportation
Develop Personnel	☐ Develop a Skilled & Diverse Workforce ☐ Create a Positive & Rewarding Work Culture

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

NONE

Public Information Plan:

☐	Newspaper Notice (Required by Statute)	☐	Public Hearing (Required by Statute)
☐	Public Forum/Input Session	☐	Press Release
☐	E-News Distribution	☐	Website Notice
☐	Social Media (Twitter, Facebook, etc.)	☐	Special Mailing
☐	Flyers Posted	☐	Banners Posted
☐	Survey	☐	Automated Phone Call
X	None Required	☐	
Other:			

ORDINANCE NO. 2015 - 025

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE POLICE DEPARTMENT BUDGET EXPENDITURES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2015; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith TO THE EXTENT OF SUCH CONFLICT; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

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

SECTION 1: That the budget estimate of the expenditures of the police department of the City of Texarkana, Texas, as prepared by the City Manager and appropriated by the City Council for the fiscal year beginning October 1, 2014, and ending September 30, 2015, be amended to reflect additional expenditures appropriated as a result of a citizen donation.

1. Increase appropriations in the Texarkana, Texas Police Department budget account number 101-1702-52207 (Minor Tools and Equipment) in the amount of \$1,000.

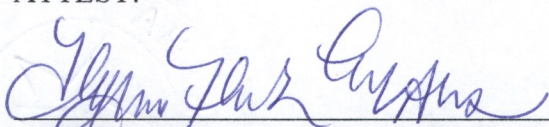
SECTION 2: It is further provided that in case a section, clause, sentence, or part of this Ordinance shall be deemed or adjudged by a Court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this Ordinance.

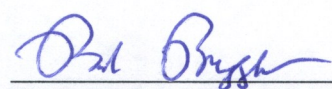
SECTION 3: All ordinances or parts of ordinances in conflict herewith are specifically repealed to the extent of such conflict.

SECTION 4: This Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the 9th day of March, 2015.

ATTEST:


JENNIFER EVANS, CITY SECRETARY


BOB BRUGGEMAN, MAYOR

6:30 p.m.

Attachment: Ord. 2015-025 signed (1270 : Ord. No. 2015-025 Amending Budget - Acceptance of Donation)

City of Texarkana, Texas

Version: E

Update Date: 3/3/2015 9:22 AM

Briefing Sheet

Lead Department: Police **Action Officer:** Charles Kreidler,
Resolution No. 2015-027 acknowledging receipt of the 2014 Police Department
Subject: Racial Profiling Report.

Briefing: 3/9/2015 **Public Hearing:** **Second Briefing:** **Council Vote:** 3/9/2015

Item ScheduleSchedule 3: No briefing required (one week)**Updates/History of Briefing:**NOT APPLICABLE**Executive Summary and Background Information:**

The Texas Code of Criminal Procedure (Article 2.133 and 2.134 requires the annual collection of racial profiling data for individuals stopped for traffic violations by law enforcement personnel throughout the state. Further, each police agency is responsible for compiling and analyzing the data through a report that is subsequently transmitted to the Texas Commission on Law Enforcement. As an additional statutory requirement the final racial profiling report is to be submitted to the governing body of the municipality upon completion. The racial profiling report is hereby presented to the council with this resolution acknowledging receipt of the report.

Potential Options:

- None
-

Fiscal Implications:

None

Staff Recommendation:

Staff recommends acknowledgement of receipt of the Police Department Racial Profiling Report

Advisory Board/Committee Review:

None

Board/Committee Recommendation:

Not Applicable

Advisory Board/Committee Meeting Date and Minutes:

Not Applicable

Attachments

- a. Res. No. 2015-027 Racial Profiling Resolution (DOC)

City of Texarkana, Texas

- b. Full Final Racial Profiling Report Texarkana PD 2014 (PDF)
- c. Goals & Perspectives (DOCX)
- d. Res. 2015-027 signed (PDF)

Staff Coordination

Police 3:18 PM	Kevin Schutte	Review	Completed	02/24/2015
Police	Dan Shiner 02/24/2015 3:18 PM	Department Head Review	Completed	
Public Information Officer		Lisa Thompson	PIO Review	Completed
	02/24/2015 3:58 PM			
City Manager 10:34 AM	John Whitson	City Manager Review	Completed	02/26/2015
City Council 6:00 PM	Jennifer Evans	Meeting	Completed	03/09/2015

Meeting History

RESOLUTION NO. 2015 - 027**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TEXARKANA, TEXAS, ACKNOWLEDGING RECEIPT OF THE
2014 POLICE DEPARTMENT RACIAL PROFILING REPORT;
AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the State of Texas requires the Police Department to collect certain statistical data on drivers stopped for traffic violations in the city limits of Texarkana, Texas through statutes found in the Texas Code of Criminal Procedure; and

WHEREAS, The State of Texas requires the collected data to be analyzed and compiled into a report, locally titled as the Texarkana Texas Police Department Racial Profiling Report, to be submitted annually to the Texas Commission on Law Enforcement; and

WHEREAS, The State of Texas requires the final racial profiling report to be submitted to the local governing body in March each year.

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

SECTION 1: That the City council of the City of Texarkana, Texas acknowledges receipt of the police department Racial Profiling Report.

SECTION 2: That this Resolution shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the 9th day of March, 2015.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR



TEXARKANA, TEXAS POLICE DEPARTMENT

2014

RACIAL PROFILING ANALYSIS

PREPARED BY:

Eric J. Fritsch, Ph.D.
Chad R. Trulson, Ph.D.



University of North Texas

Executive Summary

Article 2.132 (7) of the Texas Code of Criminal Procedure requires the annual reporting to the local governing body of data collected on the race or ethnicity of individuals stopped and issued citations or arrested for traffic violations and whether or not those individuals were searched. The Texarkana, Texas Police Department requested this analysis and review to assist the City Council in reviewing the data.

The analysis of material and data from the Texarkana, Texas Police Department revealed the following:

- **A COMPREHENSIVE REVIEW OF THE TEXARKANA, TEXAS POLICE DEPARTMENT'S RACIAL PROFILING POLICY SHOWS THAT THE TEXARKANA, TEXAS POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH ARTICLE 2.132 OF THE TEXAS CODE OF CRIMINAL PROCEDURE.**
- **A REVIEW OF THE INFORMATION PRESENTED AND SUPPORTING DOCUMENTATION REVEALS THAT THE TEXARKANA, TEXAS POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH TEXAS LAW ON TRAINING AND EDUCATION REGARDING RACIAL PROFILING.**
- **A REVIEW OF THE DOCUMENTATION PRODUCED BY THE DEPARTMENT REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE RACIAL PROFILING COMPLAINT PROCESS.**
- **ANALYSIS OF THE DATA REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE COLLECTION OF RACIAL PROFILING DATA.**
- **THE ANALYSIS OF STATISTICAL INFORMATION FROM TEXARKANA, TEXAS POLICE DEPARTMENT REVEALS THAT THERE ARE NO METHODOLOGICALLY CONCLUSIVE INDICATIONS OF SYSTEMIC RACIAL PROFILING BY THE DEPARTMENT.**
- **THE TEXARKANA, TEXAS POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW CONCERNING THE PROHIBITION OF RACIAL PROFILING.**
- **THE TEXARKANA POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW CONCERNING THE REPORTING OF INFORMATION TO TCOLE.**

Introduction

This report details an analysis of the Texarkana, Texas Police Department's policies, training, and statistical information on racial profiling for the year 2014. This report has been prepared to specifically comply with Article 2.132 of the Texas Code of Criminal Procedure (CCP) regarding the compilation and analysis of racial profiling data. Specifically, the analysis will address Articles 2.131 – 2.135 of the CCP and make a determination of the level of compliance with those articles by the Texarkana, Texas Police Department in 2014. The full copies of the applicable laws and regulations pertaining to this report are contained in Appendix A.

This report is divided into six analytical sections: Texarkana Police Department's policy on racial profiling; Texarkana Police Department's training and education on racial profiling; Texarkana Police Department's complaint process and public education on racial profiling; analysis of statistical data on racial profiling; analysis of Texarkana Police Department's compliance with applicable laws on racial profiling; and a final section which includes completed data and information reporting forms required to be sent to TCOLE beginning in 2011.

For the purposes of this report and analysis, the following definition of racial profiling is used: 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 (Texas CCP Article 3.05).

Texarkana, Texas Police Department Policy on Racial Profiling

A review of Texarkana, Texas Police Department's "Biased Based Policing and Racial Profiling Policy" contained in Directive 2.01.1 (see Appendix B) revealed that the department has adopted policies in compliance with Article 2.132 of the Texas CCP. There are seven specific requirements mandated by Article 2.132 that a law enforcement agency must address. All seven are clearly covered in the Texarkana, Texas Police Department racial profiling policy. Texarkana, Texas Police Department policies provide clear direction that any form of racial profiling is prohibited and that officers found engaging in inappropriate profiling may be disciplined up to and including termination. The policies also provide a very clear statement of the agency's philosophy regarding equal treatment of all persons regardless of race, ethnicity, or national origin. Appendix C lists the applicable statute and corresponding Texarkana, Texas Police Department regulation.

A COMPREHENSIVE REVIEW OF TEXARKANA, TEXAS POLICE DEPARTMENT'S RACIAL PROFILING POLICY SHOWS THAT THE TEXARKANA, TEXAS POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH ARTICLE 2.132 OF THE TEXAS CODE OF CRIMINAL PROCEDURE.

Texarkana, Texas Police Department Training and Education on Racial Profiling

Texas Occupation Code § 1701.253 and § 1701.402 require that curriculum be established and training certificates issued on racial profiling for all Texas peace officers. Information provided by Texarkana, Texas Police Department reveals that racial profiling training and certification is

current for all officers in 2014. Racial profiling training is specifically covered in Texarkana, Texas' Biased Based Policing and Racial Profiling Policy Section 4 (B). In addition, all personnel are trained on the department's racial profiling policy on an annual basis.

A REVIEW OF THE INFORMATION PRESENTED AND SUPPORTING DOCUMENTATION REVEALS THAT THE TEXARKANA, TEXAS POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH TEXAS LAW ON TRAINING AND EDUCATION REGARDING RACIAL PROFILING.

Texarkana, Texas Police Department Complaint Process and Public Education on Racial Profiling

Article 2.132 §(b)3-4 of the Texas Code of Criminal Procedure requires that law enforcement agencies implement a complaint process on racial profiling and that the agency provide public education on the complaint process. Texarkana, Texas Police Department's Biased Based Policing and Racial Profiling Policy Section 4 (A) covers this requirement. Information regarding how a citizen may file a complaint is available to the public at a variety of locations. In addition, the department has an online citizen complaint process as well.

A REVIEW OF THE DOCUMENTATION PRODUCED BY THE DEPARTMENT REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE RACIAL PROFILING COMPLAINT PROCESS.

Texarkana, Texas Police Department Statistical Data on Racial Profiling

Article 2.132(b) 6 requires that law enforcement agencies collect statistical information on traffic citations and detentions with specific information on the race of the person cited. In addition, information concerning searches of persons and whether or not the search was based on consent is also to be collected. Texarkana, Texas Police Department submitted statistical information on all stops in 2014 and accompanying information on the race/ethnicity of the person stopped. Accompanying this data was the relevant information on searches. It should be noted that the Texarkana, Texas Police Department collects more information than required by Texas law. Information is collected on all stops, not just stops resulting in a citation.

ANALYSIS OF THE DATA REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE COLLECTION OF RACIAL PROFILING DATA.

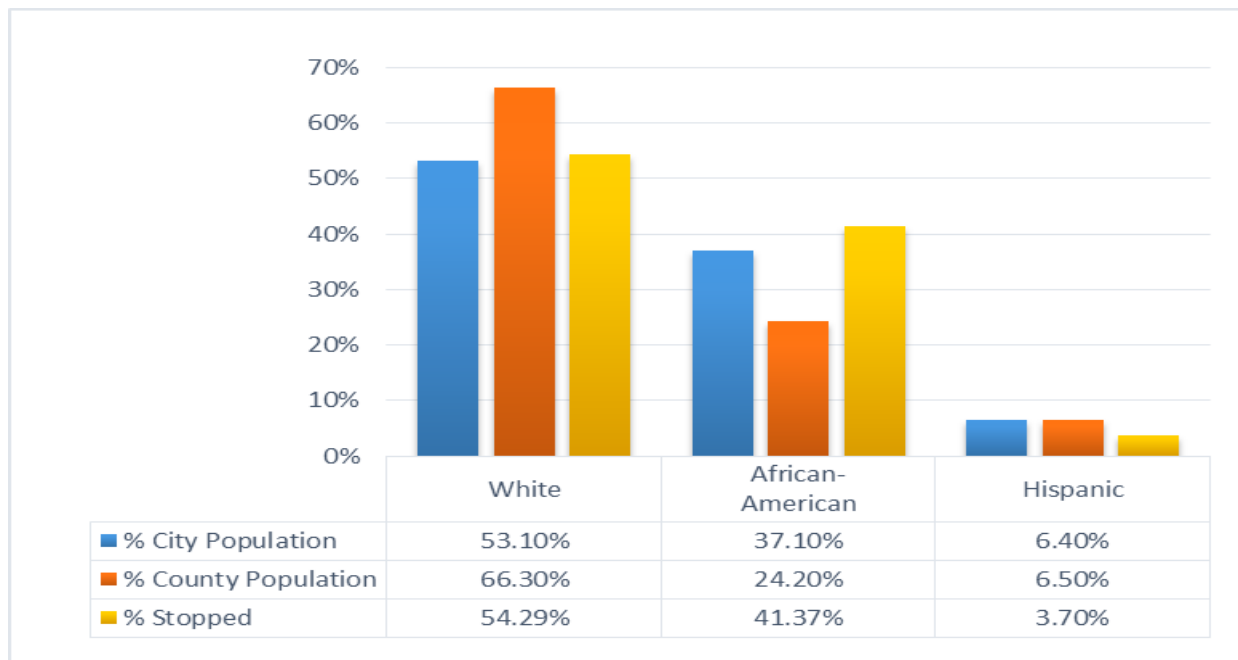
Analysis of the Data

The first chart depicts the percentages of people stopped by race including Whites, African-Americans, and Hispanics.¹ White drivers constituted 54.29 percent of all drivers stopped, whereas Whites constituted 53.10 percent of the city population and 66.30 percent of the county population.² The chart shows that White drivers are stopped at a rate that is slightly higher than the percentage of Whites in the city population and lower than the percentage of Whites in the

¹ Due to a small number of cases, information contained in the first chart excludes information pertaining to 92 stops of citizens of Asian descent and 18 stops of citizens of Native American/Middle Eastern descent.

² City and County population figures are derived from the 2010 Census of the U.S. Census Bureau.

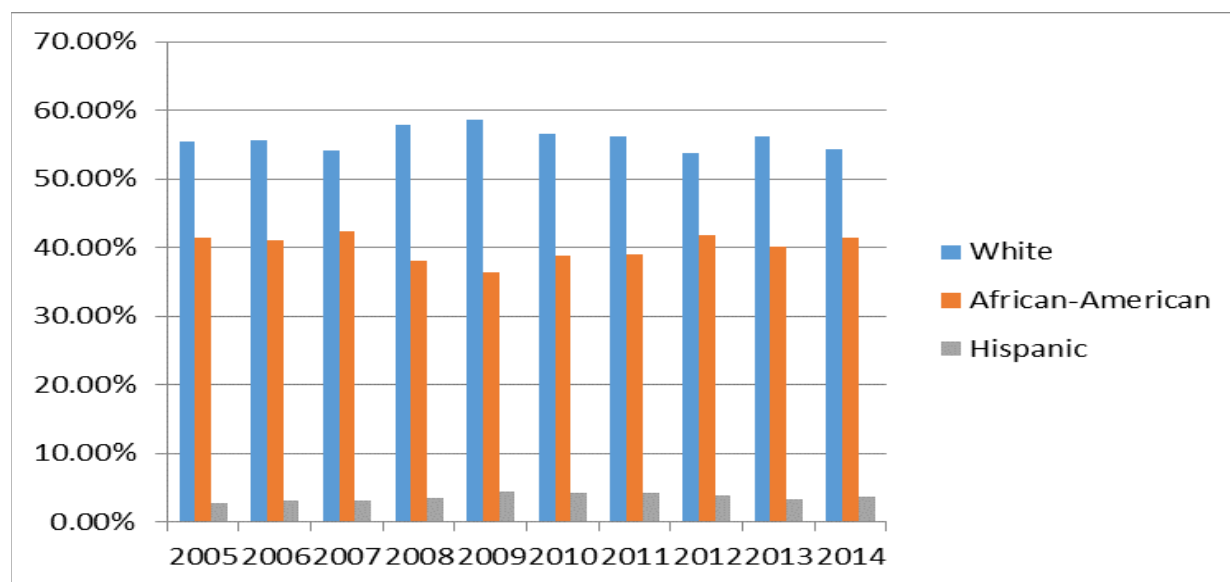
county population. African-American drivers constituted 41.37 percent of all drivers stopped, whereas African-Americans constituted 37.10 percent of the city population and 24.20 percent of the county population. African-American drivers were stopped at a rate that is slightly higher than the percentage of African-Americans found in the city population and higher than the percentage of African-Americans in the county population. Hispanic drivers constituted 3.70 percent of all drivers stopped, whereas Hispanics constituted 6.40 percent of the city population and 6.50 percent of the county population. Hispanics are stopped at rates slightly lower than the percentage of Hispanics found in the city and county population.



As illustrated in the table and chart below, the percentage of African-American drivers stopped decreased slightly overall from 2005-2014. In 2005, African-American drivers constituted 41.40 percent of all stops while in 2014 the percentage was 41.37 percent. In addition, the table and chart also show the percentage of Hispanic and White drivers stopped from 2005-2014. In an overall view, the table and chart below show relatively small variations from 2005-2014 across racial categories in terms of drivers stopped.

Year	African-American	Hispanic	White
2005	41.40%	2.70%	55.50%
2006	41.00%	3.10%	55.60%
2007	42.34%	3.12%	54.23%
2008	38.10%	3.51%	57.97%
2009	36.38%	4.40%	58.63%
2010	38.83%	4.21%	56.48%
2011	39.02%	4.20%	56.15%
2012	41.88%	3.88%	53.69%
2013	40.06%	3.32%	56.22%
2014	41.37%	3.70%	54.29%

As the first chart shows, easy determinations regarding whether or not Texarkana, Texas police officers have “racially profiled” a given motorist are impossible given the nature of the data that has been collected and presented for this report. The law dictates that police agencies compile aggregate-level data regarding the *rates* at which agencies *collectively* stop motorists in terms of their race/ethnicity. These aggregated data are to be subsequently analyzed in order to determine whether or not *individual* officers are “racially profiling” motorists.



This methodological error, commonly referred to as the "ecological fallacy," defines the dangers involved in making assertions about individual officer decisions based on the examination of aggregate incident level data. In short, one cannot "prove" that an *individual* officer has “racially profiled” any *individual* motorist based on the rate at which a department stops any given *group* of motorists.

Additional interpretation problems remain in regards to the specific measurement of “racial profiling” as defined by Texas state code. For example, officers are currently forced to make subjective determinations regarding an individual's race based on his or her personal observations because the Texas Department of Public Safety does not provide an objectively-based determination of an individual's race/ethnicity on the Texas driver's license. The absence of any verifiable race/ethnicity data on the driver's license is especially troubling given the racial diversity within the city of Texarkana, Texas. The validity of any racial/ethnic disparities discovered in the aggregate level data becomes threatened in direct proportion to the number of subjective “guesses” officers are forced to make when trying to determine an individual's racial/ethnic background.

In addition, the data collected for the current report does not allow for an analysis that separates (or disaggregates) the discretionary decisions of officers to stop a motorist from those that are largely non-discretionary. For example, non-discretionary stops of motorists based on the discovery of outstanding warrants should not be analyzed in terms of whether or not “profiling” has occurred simply because the officer who has stopped a motorist as a result of the discovery of an outstanding warrant does not *independently* make the decision to stop, but rather, is required to stop that individual regardless of any determination of race. An officer cannot be determined to be “racially profiling” when organizational rules and state codes compel them to stop regardless of an individual's race/ethnicity. Straightforward aggregate comparisons of stop rates ignore these realities, and fail to distinguish between discretionary and non-discretionary law enforcement actions. In the future, this validity issue could be lessened by the collection of data indicating the initial reason for the traffic stop, whether it be an observed traffic violation, other criminal activity, the existence of an outstanding warrant, or some other reason.

Finally, there has been considerable debate as to what the most appropriate population “base-rate” is in determining whether or not racial/ethnic disparities exist. As the current analysis shows in regards to the use of city and county population base-rates, the outcome of analyses designed to determine whether or not disparities exist is obviously dependent on which base-rate is used. In addition, recent population growth of the city of Texarkana, Texas has exacerbated problems associated with determining appropriate base-rates because measures derived exclusively from the U.S. Census or its estimates (e.g., American Community Survey estimates) can become quickly outdated. Although this report used the most recent 2010 Census figures, these population figures will too become quickly outdated. Related, the determination of valid stop base-rates becomes multiplied if analyses fail to distinguish between residents and non-residents who are stopped, because the existence of significant proportions of non-resident stops will lead to invalid conclusions if racial/ethnic comparisons are made exclusively to resident population figures.

In short, the methodological problems outlined above point to the limited utility of using aggregate level comparisons of the rates at which different racial/ethnic groups are cited in order to determine whether or not racial profiling exists within a given jurisdiction.

The next analysis assesses the number of searches, consent searches, and arrests which occurred subsequent to the 17,093 traffic stops in 2014. Searches subsequent to traffic stops by the Texarkana, Texas Police Department are rare. In 2014, less than 3 percent (445/17,093) of all drivers who were stopped were searched. Out of 17,093 traffic stops, only 445 drivers were searched. Of the 445 drivers who were searched, 133 were White, 302 were African-American,

and 10 were Hispanic. It is clear that the vast majority of the total number of drivers stopped (including White, African-American, and Hispanic groups) were not searched.

It should be noted that aggregate level comparisons regarding the rates at which drivers are searched by police are subject to some of the same methodological issues as those outlined above regarding analyses of aggregate level stop rates. Of particular concern is the absence of any analyses that separates discretionary searches from non-discretionary searches. For example, the number of searches described in the previous paragraph includes not only consent searches, but also searches based upon probable cause and searches incident to arrest. Searches based upon probable cause and searches incident to arrest are non-discretionary in that the officer is compelled by law or departmental guidelines to conduct the search irrespective of the race of the stopped driver. Thus, these actions should not be included in analyses designed to examine whether or not racial profiling has occurred. The data is presented here because the Texas racial profiling law requires the collection and presentation of such data.

Action	White	African-American	Hispanic	Asian	Other	Total
Stops	9,279	7,072	632	92	18	17,093
Searched	133	302	10	0	0	445
Consent	111	235	10	0	0	356
Custody Arrests	378	674	25	3	7	1,087

The table above not only reports the summaries for the total number of persons stopped and searched subsequent to being stopped by the Texarkana, Texas Police Department in 2014, it also shows the number of stopped individuals who granted consent to search and those stopped drivers who were arrested during the traffic stop. Similar to the conclusion drawn regarding searches subsequent to traffic stops, consent searches subsequent to traffic stops by the Texarkana, Texas Police Department are rare as well. Only 2.08 percent of the total stops resulted in a consensual search (356/17,093).

So too, only 6.36 percent of drivers stopped were subject to an arrest. Of the 1,087 drivers arrested, 378 were White, 674 were African-American, and 25 were Hispanic. As stated previously regarding non-discretionary searches, when an officer is compelled by law or departmental guidelines to conduct an arrest irrespective of the race of the stopped driver, as is the case with outstanding arrest warrants, the actions of the officer should not be included in analyses designed to examine whether or not racial profiling has occurred. The data is presented here because the Texas racial profiling law requires the collection and presentation of such data.

Analysis of Racial Profiling Compliance by Texarkana, Texas Police Department

The foregoing analysis shows that the Texarkana, Texas Police Department is fully in compliance with all relevant Texas laws concerning racial profiling, including the existence of a formal policy prohibiting racial profiling by its officers, officer training and educational programs, a formalized complaint process, and the collection of data in compliance with the law. Finally, internal records indicate that the department received no complaints related to racial profiling in 2014.

In addition to providing summary reports and analysis of the data collected by the Texarkana, Texas Police Department in 2014, this report also included an extensive presentation of some of the limitations involved in the level of data collection currently required by law and the methodological problems associated with analyzing such data for the Texarkana, Texas Police Department as well as police agencies across Texas. The Texarkana, Texas Police Department should continue its educational and training efforts within the department on racial profiling. In addition, the department should conduct periodic evaluations to assess patterns of officer decision-making. The final section of this report includes newly required TCOLE reporting information by Texas law enforcement organizations.

Texarkana Police Department TCOLE Reporting Forms



**Partial Exemption Racial Profiling Reporting
(Tier 1)**

Department Name	<u>Texarkana Texas Police Department</u>
Agency Number	<u>037207</u>
Chief Administrator Name	<u>Chief Daniel Shiner</u>
Reporting Name	<u>Captain Kevin Schutte</u>
Contact Number	<u>(903) 798-3116</u>
E-mail Address	<u>schutte@txkusa.org</u>

Certification to Report 2.132 (Tier 1) – Partial Exemption

Policy Requirements (2.132(b) CCP):

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 stops in which a citation 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; 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 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.

These policies are in
effect


 Chief Administrator


 Date



**Partial Exemption Racial Profiling Reporting
(Tier 1)**

Video and Audio Equipment Exemption

Partial Exemption Claimed by (2.135(a) CCP):



all cars regularly used for motor vehicle stops are equipped with video camera and transmitter-activated equipment and each motor stop is recorded and the recording of the stop is retained for at least 90 days after the stop.

OR



In accordance with 2.135(a)(2) the agency has requested and not received funds to install the recording equipment

I claim this exemption


Chief Administrator

Date 1/28/15

PARTIAL EXEMPTION RACIAL PROFILING REPORTING (TIER 1)

INSTRUCTIONS: Please fill out all boxes. If zero, use 0.

1. Total on lines 4, 11, 14, and 17 must be equal
2. Total on line 20 must equal line 15

AGENCY NAME:

Number of motor vehicle stops (mark only 1 category per vehicle stop):

1. 16,006 Citation only
2. 4 Arrest only
3. 1,083 Both
4. 17,093 (Total of 1-3)

Race or Ethnicity (mark only 1 category per vehicle stop):

5. 7,072 African
6. 92 Asian
7. 9,279 Caucasian
8. 632 Hispanic
9. 4 Middle Eastern
10. 14 Native American

11. 17,093 (Total of 5-10, must be the same as #4)

Race or Ethnicity known prior to stop?

12. 2,829 Yes
13. 14,264 No

14. 17,093 (Total of 12-13, must be the same as #4 and #11)

Search conducted?

15. 445 Yes
16. 16,648 No

17. 17,093 (Total of 15-16, must be the same as #4, #11, and #14 above)

Was search consented?

18. 356 Yes
19. 89 No

20. 445 (Total, must equal #15)



**Partial Exemption Racial Profiling Reporting
(Tier 1)**

Option to submit required data by utilizing agency report

You must submit your report in PDF format

Electronic Submission of data required by 2.132(b)(6) CCP

(6) require collection of information relating to motor vehicle stops in which a citation 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; and

This report meets the above
requirements

Chief Administrator

Date

Send entire documents electronically to this website

www.tcleose.state.tx.us

Appendix A

Racial Profiling Statutes and Laws

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.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 2, eff. Sept. 1, 2001.

Art. 2.131. RACIAL PROFILING PROHIBITED.

A peace officer may not engage in racial profiling.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

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 motor vehicle 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, 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 stops in which a citation 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; 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 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.
- (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 motor vehicle stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle 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 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.

(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.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by: Acts 2009, 81st Leg., R.S., Ch. 1172, Sec. 25, eff. September 1, 2009.

Art. 2.133. REPORTS REQUIRED FOR MOTOR VEHICLE STOPS.

(a) In this article, "race or ethnicity" has the meaning assigned by Article 2.132(a).

(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 written warning or a citation as a result of the stop.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by: Acts 2009, 81st Leg., R.S., Ch. 1172, Sec. 26, eff. September 1, 2009.

Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED.

(a) In this article:

(1) "Motor vehicle stop" has the meaning assigned by Article 2.132(a).

(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 law enforcement agency shall submit a report containing the incident-based data 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.

(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

(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 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.

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

(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.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by: Acts 2009, 81st Leg., R.S., Ch. [1172](#), Sec. 27, eff. September 1, 2009.

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 stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle regularly used to make motor vehicle stops is equipped with transmitter-activated equipment; and

(B) each motor vehicle 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 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 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).

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by: Acts 2009, 81st Leg., R.S., Ch. 1172, Sec. 28, eff. September 1, 2009.

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.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

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).

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Art. 2.138. RULES.

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

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

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.

Added by Acts 2009, 81st Leg., R.S., Ch. 1172, Sec. 29, eff. September 1, 2009.

Appendix B

Texarkana, Texas Police Department Biased Based Policing and Racial Profiling Policy

TEXARKANA, TEXAS POLICE DEPARTMENT
GENERAL ORDERS MANUAL

<i>Effective Date</i> February 1, 2008		<i>Amended Date</i> December 5, 2011	<i>Directive</i> 2.01.1
<i>Subject</i> Biased Based Policing and Racial Profiling			
<i>Reference</i> Code of Criminal Procedure 2.131 – 2.135			
<i>Distribution</i> All Personnel City Manager City Attorney	<i>TPCA Best Practices Recognition Program Reference</i> 2.01.1 Biased Based Profiling	<i>Review Date</i> January 1, 2012	<i>Pages</i> 6

This Operations Directive is for internal use only and does not enhance an officer's civil or criminal liability in any way. It should not be construed as a creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this Operations Directive, if proven, may only form the basis for a complaint by this Department, and only in a non-judicial administrative setting.

SECTION 1 PURPOSE

The purpose of this policy is to reaffirm the Texarkana Police Department's commitment to unbiased policing in all of its encounters between officers and any person; to reinforce procedures that serve to ensure public confidence and mutual trust through the provision of services in a fair and equitable fashion; and to protect our officers from unwarranted accusations of misconduct when they act within the dictate of departmental policy and the law.

SECTION 2 POLICY

- A. It is the policy of the Department to protect the constitutional rights of all persons. Allegations of racial profiling or discriminatory practices, real or perceived, are detrimental to the relationship between police and the communities they protect and serve because they strike at the basic foundation of public trust. This trust is essential to effective community-based policing. Racial profiling is considered misuse of valuable police resources; such improper methods violate the civil rights of members of the public and may lead to increased exposure to liability for the officer and the department. This Department does not endorse, train, teach, support, or condone any type of bias, stereotyping, or racial profiling by its officers. While recognizing that most officers perform their duties in a professional, ethical, and impartial manner, this Department is committed to identifying and eliminating any instances of racial profiling.
- B. It is the policy of this Department to:
 1. Provide all people within this community fair and impartial police services consistent with constitutional and statutory mandates;
 2. Assure the highest standard of integrity and ethics among all our members;
 3. Respect the diversity and the lawful cultural practices of all people;
 4. Take positive steps to identify, prevent, and eliminate any instances of racial profiling by our members; and
 5. Continue our commitment to community based policing and problem solving, including vigorous, lawful and nondiscriminatory traffic enforcement that promotes public safety and strengthens public trust, confidence, and awareness.

TEXARKANA, TEXAS POLICE DEPARTMENT
GENERAL ORDERS MANUAL

Directive 2.01.1	Subject Biased Based Policing and Racial Profiling
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- C. It is the policy of this Department to police in a proactive manner and to aggressively investigate suspected violations of law. Officers shall actively enforce local, state and federal laws in a responsible and professional manner without regard to an individual's race, gender, age, ethnicity, ethnic background, sexual orientation, religion, economic status, cultural group, national origin or any other identifiable group. Officers are strictly prohibited from engaging in racial profiling as defined in this policy. This policy shall be applicable to all persons, whether drivers, passengers, or pedestrians.
- D. Officers shall conduct themselves in a dignified and respectful manner at all times when dealing with the public. The Department will honor the right of all persons to be treated equally and to be free from unreasonable searches and seizures.

SECTION 3 DEFINITIONS

Racial Profiling is defined as a law enforcement-initiated action based on an individual's race, gender, age, ethnicity, ethnic background, sexual orientation, religion, economic status, cultural group, national origin or any other identifiable group rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity. The term is not relevant as it pertains to witnesses, complainants, persons needing assistance, or other citizen contacts.

Examples of racial profiling include, but are not limited to, the following:

- a. Citing a driver because of the cited driver's race, ethnicity, or national origin, or
- b. Detaining the driver of a vehicle based on the determination that a person of that race, ethnicity, or national origin is unlikely to own or possess that specific make or model of vehicle.
- c. Detaining an individual based upon the determination that a person of that race, ethnicity, or national origin does not belong in a specific part of town or a specific place.

Gender Profiling is defined as a law enforcement-initiated action based on an individual's gender rather than on the individual's behavior or involvement in criminal activity.

Race or Ethnicity is defined as a particular descent, including Caucasian, African, Hispanic, Asian, or Native American.

Pedestrian Stop is defined as an interaction between a peace officer and an individual traveling on foot who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

Traffic Stop is defined as a vehicle stop whereas a peace officer stops a motor vehicle for an alleged violation of law or ordinance regulating traffic.

Probable Cause is defined as more than bare suspicion; it exists when the facts and circumstances within the officer's knowledge and of which they have reasonably trustworthy information are sufficient in themselves to warrant a person of reasonable caution to believe that an offense has been or is being committed.

Reasonable Suspicion is defined as specific, articulable facts leading a reasonable police officer to believe a crime might be occurring. Reasonable suspicion is less than probable cause, but more than a mere hunch. Reasonable grounds for suspicion depend on the circumstances in each case. There must be an objective basis for that suspicion based on facts, information, and/or intelligence.

TEXARKANA, TEXAS POLICE DEPARTMENT
GENERAL ORDERS MANUAL

<i>Directive</i> 2.01.1	<i>Subject</i> Biased Based Policing and Racial Profiling
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Search is an examination or exploration of an individual's house, premises, vehicle or person to discover stolen property, contraband or other items that may be evidence of a crime.

Search incident to arrest is a full search of an arrested person and of the vicinity around him or her. The search is conducted for officer safety and to prevent the destruction of evidence.

Consent search is a search permitted by a person with apparent authority to allow the search. To be valid, consent must be voluntary and intelligent, based on a totality of circumstances. Voluntary means that the consent was not forced or coerced. Intelligent means the person giving consent must know what he or she is doing.

Frisk is defined as a limited search or patting down of a suspect's outer clothing for the purpose of officer safety. A frisk must be based on reasonable suspicion that the suspect is armed with a deadly weapon, and that if he is not searched and disarmed, harm will come to the officer or another person. A limited search or frisk of an automobile after a valid stop is permissible if the officer has reasonable suspicion the suspect is dangerous and might gain immediate control of a weapon. The search is limited to the areas in which a weapon may be placed or hidden.

Inventory is an administrative process by which items of property in an impounded vehicle are listed and secured. An inventory is not a search and should not be used as a substitute for a search. The specific objectives of an inventory are to protect the property of the defendant, to protect the police against any claim of lost property, and to protect police personnel and others from any dangerous instruments.

SECTION 4 PROCEDURES

A. COMPLAINTS

1. Any person may file a complaint with the Department if they believe they have been stopped or searched on the basis of their race, ethnicity, national origin, or gender. No person shall be discouraged, intimidated, or coerced from filing such a complaint, or discriminated against because they have filed such a complaint.
2. A complaint from a citizen regarding racial profiling may be made to any police department supervisor or, if available, to the Office of Professional Responsibility. All complaints received shall be forwarded in writing through the chain of command to the Office of the Chief of Police.
3. In addition to the written complaint, the supervisor receiving the complaint shall obtain the videotape from the officer's vehicle. The supervisor shall label the videotape, indicating the unit number and date and time the tape was pulled from the unit. Additionally, the supervisor shall break the tab on the tape to prevent inadvertent erasing. The videotape will be forwarded through the chain of command to the Office of the Chief of Police. All videotapes of incidents alleging racial or gender profiling shall be retained with the investigative file. A copy of the tape shall be supplied to the officer within five days of the date of the complaint. The Office of Professional Responsibility shall supply the tape to the officer prior to taking any statements from the officer.
4. The Texarkana, Texas Police Department shall provide education to the public concerning the complaint process. Written information regarding how a citizen may file a complaint or issue a commendation for an officer shall be made available to the public at a variety of locations, including public meetings, the Central Mall Substation, Central Records and Communications, City Hall, and the Police Department's office at the Bi-State Justice Building. This information shall also be available on the Department's Internet site.

TEXARKANA, TEXAS POLICE DEPARTMENT
GENERAL ORDERS MANUAL

<i>Directive</i> 2.01.1	<i>Subject</i> Biased Based Policing and Racial Profiling
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B. RACIAL PROFILING TRAINING

1. Officers are responsible to adhere to all Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements as mandated by law.
2. All officers shall complete a TCLEOSE training and education program on racial profiling not later than the second anniversary of the date the officer is licensed under Chapter 1701 of the Texas Occupations Code, or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier. At the discretion of the Chief of Police, additional diversity and sensitivity training may be required for officers with sustained racial profiling or other discrimination complaints filed against them.
3. The Chief of Police, as part of the initial training and continued education for such appointment, will be required to attend the LEMIT program on racial profiling.
4. Supervisors shall conduct periodic roll call training regarding racial profiling issues, including implementation and enforcement of this policy.

C. INTERNAL MONITORING

1. Random Reviews:

As mandated in Directive 7.36.1 Digital Mobile Video/Audio Recording Equipment, Field Supervisors shall conduct reviews of the video files recorded by Officers under their supervision to:

- a. Assess performance and safety practices;
- b. Ensure compliance with departmental policy;
- c. Ensure proper use of DMVR Equipment; and,
- d. Identify appropriate training video.

Supervisors shall review of video files randomly each month, ensuring that each officer is reviewed at least twice during the calendar year. Each shift commander shall be responsible for ensuring the video reviews are conducted and documented. A report containing the dates each officer was reviewed and the supervisor that conducted each review shall be prepared and submitted to the Uniform Services Division Secretary, who shall maintain a log of the reviews.

2. Reviews shall occur whenever:
 - a. An Officer is involved in a pursuit;
 - b. An Officer is involved in a use of force recorded by the system;
 - c. A complaint is lodged against an Officer; or,
 - d. A Supervisor articulates a reason to suspect an officer is involved in activity contrary to the mandates of the General Orders.
3. Evidentiary Reviews
Video events which may be evidentiary in nature should be reviewed and properly documented.
4. All VHS video/audiotapes from in-car mobile video cameras in use prior to the use of the Digital Mobile/Video Equipment shall be retained for a period of 90 days from the day the tape is pulled from the unit. The Uniform Services Division secretary will maintain custody of the recorded tapes for a period of 90 days in accordance with the Texas CCP 2.135. If, after 90 days, the tape

TEXARKANA, TEXAS POLICE DEPARTMENT
GENERAL ORDERS MANUAL

<i>Directive</i> 2.01.1	<i>Subject</i> Biased Based Policing and Racial Profiling
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is not needed for evidentiary, training, or evaluation purposes, the tape will be erased and destroyed.

D. CORRECTIVE ACTION

1. Failure to report any observed or known violations of this policy by any police department employee shall result in corrective action being taken against the employee.
2. Officers found in violation of this policy or who have a sustained racial profiling complaint shall be subject to corrective action which may include, diversity, sensitivity, or other appropriate training, counseling, a written reprimand, suspension from duty with or without pay, indefinite suspension, or other appropriate action as determined by the Chief of Police.

E. MANDATED DMVR OPERATION

Unless the delivery of emergency police services would be prevented, an Officer's personal safety would be jeopardized, or police strategy is being discussed, Officers will ensure that DMVR operation is conducted in accordance with directive 7.36.1.

F. CITATION DATA COLLECTION AND REPORTING

1. Each officer shall be required to collect information relating to traffic stops that result in a written warning, citation or custody arrest. The written warning and citation will document the necessary information as describe in Section F (2), below by using the proper notations found on the citation. In the case of a custody arrest it shall be necessary to complete a Data Collection Form in order to record the information required by the racial profiling statute. In the event that a citation is issued to an individual that is ultimately arrested, the citation will record the necessary data, eliminating the need for a data collection form.
2. The officer will document the following on the citation, written warning or Data Collection form:
 - a. The violator's race or ethnicity
 - b. Whether a search was conducted
 - c. Whether the search was consensual
 - d. Was race or ethnicity of driver known prior to stop
 - e. Reason for arrest, if any, resulting from the stop
3. The citations, written warnings and Data Collection forms will be forwarded to the Uniform Services Division secretary via the division commander's mailbox. It shall be the responsibility of the division secretary to compile the information in a database for collection and reporting purposes. The division secretary will then forward the Data Collection forms and citations to the Municipal Court Clerk's Office for the Court's reporting purposes.
4. By March of each year, the Department shall submit a written report to the City Council that includes the information gathered from the traffic stops in the preceding calendar year. The report will include: (1) A breakdown of traffic stops by race and ethnicity, (2) The number of traffic stops that resulted in a search and the basis for the searches, (3) The number of searches that resulted in contraband being discovered and, if so, the type of contraband; and (4) The number of traffic stops that resulted in custodial arrests.

TEXARKANA, TEXAS POLICE DEPARTMENT
GENERAL ORDERS MANUAL

<i>Directive</i> 2.01.1	<i>Subject</i> Biased Based Policing and Racial Profiling
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5. The Crime Analysis Unit shall be responsible for providing a report to the Chief of Police that contains this information.

G. RESPONSIBILITY

1. All members of the Department shall know and comply with all aspects of this directive.
2. All Division Commanders and supervisory personnel are responsible for ensuring compliance with the provisions and intent of this directive.

Appendix C

Racial Profiling Laws and Corresponding Department Policies

Texas CCP Article	TEXARKANA, TEXAS POLICE DEPARTMENT Racial Profiling Policy
2.132(b)1	Section 3
2.132(b)2	Section 2 (C)
2.132(b)3	Section 4 (A)
2.132(b)4	Section 4 (A) (4)
2.132(b)5	Section 4 (D)
2.132(b)6	Section 4 (F)
2.132(b)7	Section 4 (F) (4)

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

Perspectives	Goals
Serve the Community	☐ Promote an Environmentally Sensitive & Livable Community ☐ Provide a Safe Community ☒ Deliver Quality Services ☐ Foster a Healthy Community
Run the Operations	☐ Enhance Community Preparedness & Responsiveness ☐ Maximize Partnership Opportunities ☐ Provide Courteous & Responsive Customer Service ☒ Model a Positive City Image ☐ Deliver Efficient Services ☐ Cultivate Community Involvement & Access
Manage the Resources	☐ Maintain Fiscal Strength ☐ Maximize Utilization & Resources ☐ Invest in Infrastructure & Transportation
Develop Personnel	☐ Develop a Skilled & Diverse Workforce ☐ Create a Positive & Rewarding Work Culture

Perspectives and Goals Additional Comments:

None

Resource Impact:

Staff time required if item is approved: Low

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

☐	Newspaper Notice (Required by Statute)	☐	Public Hearing (Required by Statute)
☐	Public Forum/Input Session	☐	Press Release
☐	E-News Distribution	☐	Website Notice
☐	Social Media (Twitter, Facebook, etc.)	☐	Special Mailing
☐	Flyers Posted	☐	Banners Posted
☐	Survey	☐	Automated Phone Call
☒	None Required	☐	

Other:

RESOLUTION NO. 2015 - 027

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TEXARKANA, TEXAS, ACKNOWLEDGING RECEIPT OF THE
2014 POLICE DEPARTMENT RACIAL PROFILING REPORT;
AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the State of Texas requires the Police Department to collect certain statistical data on drivers stopped for traffic violations in the city limits of Texarkana, Texas through statutes found in the Texas Code of Criminal Procedure; and

WHEREAS, The State of Texas requires the collected data to be analyzed and compiled into a report, locally titled as the Texarkana Texas Police Department Racial Profiling Report, to be submitted annually to the Texas Commission on Law Enforcement; and

WHEREAS, The State of Texas requires the final racial profiling report to be submitted to the local governing body in March each year.

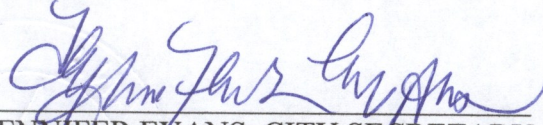
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS:

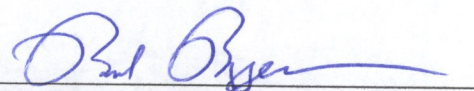
SECTION 1: That the City council of the City of Texarkana, Texas acknowledges receipt of the police department Racial Profiling Report.

SECTION 2: That this Resolution shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the 9th day of March, 2015.

ATTEST:


JENNIFER EVANS, CITY SECRETARY


BOB BRUGGEMAN, MAYOR

6:32 p.m.



TEXARKANA, TEXAS POLICE DEPARTMENT

2014

RACIAL PROFILING ANALYSIS

PREPARED BY:

Eric J. Fritsch, Ph.D.
Chad R. Trulson, Ph.D.

PDI Professional
Development
Institute
University of North Texas

Executive Summary

Article 2.132 (7) of the Texas Code of Criminal Procedure requires the annual reporting to the local governing body of data collected on the race or ethnicity of individuals stopped and issued citations or arrested for traffic violations and whether or not those individuals were searched. The Texarkana, Texas Police Department requested this analysis and review to assist the City Council in reviewing the data.

The analysis of material and data from the Texarkana, Texas Police Department revealed the following:

- **A COMPREHENSIVE REVIEW OF THE TEXARKANA, TEXAS POLICE DEPARTMENT'S RACIAL PROFILING POLICY SHOWS THAT THE TEXARKANA, TEXAS POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH ARTICLE 2.132 OF THE TEXAS CODE OF CRIMINAL PROCEDURE.**
- **A REVIEW OF THE INFORMATION PRESENTED AND SUPPORTING DOCUMENTATION REVEALS THAT THE TEXARKANA, TEXAS POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH TEXAS LAW ON TRAINING AND EDUCATION REGARDING RACIAL PROFILING.**
- **A REVIEW OF THE DOCUMENTATION PRODUCED BY THE DEPARTMENT REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE RACIAL PROFILING COMPLAINT PROCESS.**
- **ANALYSIS OF THE DATA REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE COLLECTION OF RACIAL PROFILING DATA.**
- **THE ANALYSIS OF STATISTICAL INFORMATION FROM TEXARKANA, TEXAS POLICE DEPARTMENT REVEALS THAT THERE ARE NO METHODOLOGICALLY CONCLUSIVE INDICATIONS OF SYSTEMIC RACIAL PROFILING BY THE DEPARTMENT.**
- **THE TEXARKANA, TEXAS POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW CONCERNING THE PROHIBITION OF RACIAL PROFILING.**
- **THE TEXARKANA POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW CONCERNING THE REPORTING OF INFORMATION TO TCOLE.**

Introduction

This report details an analysis of the Texarkana, Texas Police Department's policies, training, and statistical information on racial profiling for the year 2014. This report has been prepared to specifically comply with Article 2.132 of the Texas Code of Criminal Procedure (CCP) regarding the compilation and analysis of racial profiling data. Specifically, the analysis will address Articles 2.131 – 2.135 of the CCP and make a determination of the level of compliance with those articles by the Texarkana, Texas Police Department in 2014. The full copies of the applicable laws and regulations pertaining to this report are contained in Appendix A.

This report is divided into six analytical sections: Texarkana Police Department's policy on racial profiling; Texarkana Police Department's training and education on racial profiling; Texarkana Police Department's complaint process and public education on racial profiling; analysis of statistical data on racial profiling; analysis of Texarkana Police Department's compliance with applicable laws on racial profiling; and a final section which includes completed data and information reporting forms required to be sent to TCOLE beginning in 2011.

For the purposes of this report and analysis, the following definition of racial profiling is used: 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 (Texas CCP Article 3.05).

Texarkana, Texas Police Department Policy on Racial Profiling

A review of Texarkana, Texas Police Department's "Biased Based Policing and Racial Profiling Policy" contained in Directive 2.01.1 (see Appendix B) revealed that the department has adopted policies in compliance with Article 2.132 of the Texas CCP. There are seven specific requirements mandated by Article 2.132 that a law enforcement agency must address. All seven are clearly covered in the Texarkana, Texas Police Department racial profiling policy. Texarkana, Texas Police Department policies provide clear direction that any form of racial profiling is prohibited and that officers found engaging in inappropriate profiling may be disciplined up to and including termination. The policies also provide a very clear statement of the agency's philosophy regarding equal treatment of all persons regardless of race, ethnicity, or national origin. Appendix C lists the applicable statute and corresponding Texarkana, Texas Police Department regulation.

A COMPREHENSIVE REVIEW OF TEXARKANA, TEXAS POLICE DEPARTMENT'S RACIAL PROFILING POLICY SHOWS THAT THE TEXARKANA, TEXAS POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH ARTICLE 2.132 OF THE TEXAS CODE OF CRIMINAL PROCEDURE.

Texarkana, Texas Police Department Training and Education on Racial Profiling

Texas Occupation Code § 1701.253 and § 1701.402 require that curriculum be established and training certificates issued on racial profiling for all Texas peace officers. Information provided by Texarkana, Texas Police Department reveals that racial profiling training and certification is

current for all officers in 2014. Racial profiling training is specifically covered in Texarkana, Texas' Biased Based Policing and Racial Profiling Policy Section 4 (B). In addition, all personnel are trained on the department's racial profiling policy on an annual basis.

A REVIEW OF THE INFORMATION PRESENTED AND SUPPORTING DOCUMENTATION REVEALS THAT THE TEXARKANA, TEXAS POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH TEXAS LAW ON TRAINING AND EDUCATION REGARDING RACIAL PROFILING.

Texarkana, Texas Police Department Complaint Process and Public Education on Racial Profiling

Article 2.132 §(b)3-4 of the Texas Code of Criminal Procedure requires that law enforcement agencies implement a complaint process on racial profiling and that the agency provide public education on the complaint process. Texarkana, Texas Police Department's Biased Based Policing and Racial Profiling Policy Section 4 (A) covers this requirement. Information regarding how a citizen may file a complaint is available to the public at a variety of locations. In addition, the department has an online citizen complaint process as well.

A REVIEW OF THE DOCUMENTATION PRODUCED BY THE DEPARTMENT REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE RACIAL PROFILING COMPLAINT PROCESS.

Texarkana, Texas Police Department Statistical Data on Racial Profiling

Article 2.132(b) 6 requires that law enforcement agencies collect statistical information on traffic citations and detentions with specific information on the race of the person cited. In addition, information concerning searches of persons and whether or not the search was based on consent is also to be collected. Texarkana, Texas Police Department submitted statistical information on all stops in 2014 and accompanying information on the race/ethnicity of the person stopped. Accompanying this data was the relevant information on searches. It should be noted that the Texarkana, Texas Police Department collects more information than required by Texas law. Information is collected on all stops, not just stops resulting in a citation.

ANALYSIS OF THE DATA REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE COLLECTION OF RACIAL PROFILING DATA.

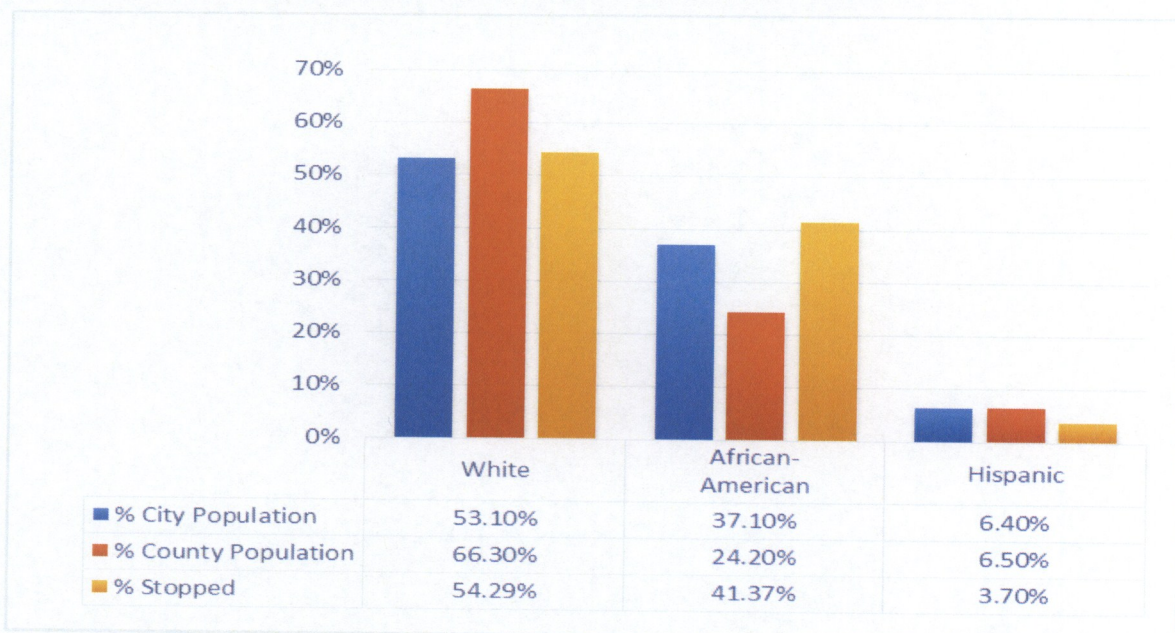
Analysis of the Data

The first chart depicts the percentages of people stopped by race including Whites, African-Americans, and Hispanics.¹ White drivers constituted 54.29 percent of all drivers stopped, whereas Whites constituted 53.10 percent of the city population and 66.30 percent of the county population.² The chart shows that White drivers are stopped at a rate that is slightly higher than the percentage of Whites in the city population and lower than the percentage of Whites in the

¹ Due to a small number of cases, information contained in the first chart excludes information pertaining to 92 stops of citizens of Asian descent and 18 stops of citizens of Native American/Middle Eastern descent.

² City and County population figures are derived from the 2010 Census of the U.S. Census Bureau.

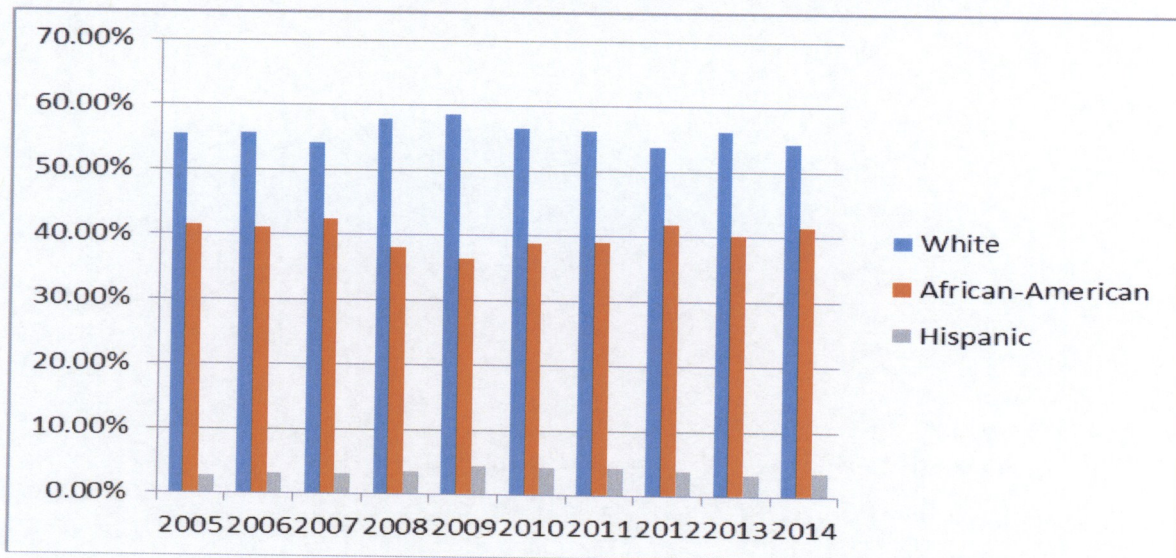
county population. African-American drivers constituted 41.37 percent of all drivers stopped, whereas African-Americans constituted 37.10 percent of the city population and 24.20 percent of the county population. African-American drivers were stopped at a rate that is slightly higher than the percentage of African-Americans found in the city population and higher than the percentage of African-Americans in the county population. Hispanic drivers constituted 3.70 percent of all drivers stopped, whereas Hispanics constituted 6.40 percent of the city population and 6.50 percent of the county population. Hispanics are stopped at rates slightly lower than the percentage of Hispanics found in the city and county population.



As illustrated in the table and chart below, the percentage of African-American drivers stopped decreased slightly overall from 2005-2014. In 2005, African-American drivers constituted 41.40 percent of all stops while in 2014 the percentage was 41.37 percent. In addition, the table and chart also show the percentage of Hispanic and White drivers stopped from 2005-2014. In an overall view, the table and chart below show relatively small variations from 2005-2014 across racial categories in terms of drivers stopped.

Year	African-American	Hispanic	White
2005	41.40%	2.70%	55.50%
2006	41.00%	3.10%	55.60%
2007	42.34%	3.12%	54.23%
2008	38.10%	3.51%	57.97%
2009	36.38%	4.40%	58.63%
2010	38.83%	4.21%	56.48%
2011	39.02%	4.20%	56.15%
2012	41.88%	3.88%	53.69%
2013	40.06%	3.32%	56.22%
2014	41.37%	3.70%	54.29%

As the first chart shows, easy determinations regarding whether or not Texarkana, Texas police officers have “racially profiled” a given motorist are impossible given the nature of the data that has been collected and presented for this report. The law dictates that police agencies compile aggregate-level data regarding the *rates* at which agencies *collectively* stop motorists in terms of their race/ethnicity. These aggregated data are to be subsequently analyzed in order to determine whether or not *individual* officers are “racially profiling” motorists.



This methodological error, commonly referred to as the "ecological fallacy," defines the dangers involved in making assertions about individual officer decisions based on the examination of aggregate incident level data. In short, one cannot "prove" that an *individual* officer has “racially profiled” any *individual* motorist based on the rate at which a department stops any given *group* of motorists.

Additional interpretation problems remain in regards to the specific measurement of “racial profiling” as defined by Texas state code. For example, officers are currently forced to make subjective determinations regarding an individual's race based on his or her personal observations because the Texas Department of Public Safety does not provide an objectively-based determination of an individual's race/ethnicity on the Texas driver's license. The absence of any verifiable race/ethnicity data on the driver's license is especially troubling given the racial diversity within the city of Texarkana, Texas. The validity of any racial/ethnic disparities discovered in the aggregate level data becomes threatened in direct proportion to the number of subjective “guesses” officers are forced to make when trying to determine an individual's racial/ethnic background.

In addition, the data collected for the current report does not allow for an analysis that separates (or disaggregates) the discretionary decisions of officers to stop a motorist from those that are largely non-discretionary. For example, non-discretionary stops of motorists based on the discovery of outstanding warrants should not be analyzed in terms of whether or not “profiling” has occurred simply because the officer who has stopped a motorist as a result of the discovery of an outstanding warrant does not *independently* make the decision to stop, but rather, is required to stop that individual regardless of any determination of race. An officer cannot be determined to be “racially profiling” when organizational rules and state codes compel them to stop regardless of an individual's race/ethnicity. Straightforward aggregate comparisons of stop rates ignore these realities, and fail to distinguish between discretionary and non-discretionary law enforcement actions. In the future, this validity issue could be lessened by the collection of data indicating the initial reason for the traffic stop, whether it be an observed traffic violation, other criminal activity, the existence of an outstanding warrant, or some other reason.

Finally, there has been considerable debate as to what the most appropriate population “base-rate” is in determining whether or not racial/ethnic disparities exist. As the current analysis shows in regards to the use of city and county population base-rates, the outcome of analyses designed to determine whether or not disparities exist is obviously dependent on which base-rate is used. In addition, recent population growth of the city of Texarkana, Texas has exacerbated problems associated with determining appropriate base-rates because measures derived exclusively from the U.S. Census or its estimates (e.g., American Community Survey estimates) can become quickly outdated. Although this report used the most recent 2010 Census figures, these population figures will too become quickly outdated. Related, the determination of valid stop base-rates becomes multiplied if analyses fail to distinguish between residents and non-residents who are stopped, because the existence of significant proportions of non-resident stops will lead to invalid conclusions if racial/ethnic comparisons are made exclusively to resident population figures.

In short, the methodological problems outlined above point to the limited utility of using aggregate level comparisons of the rates at which different racial/ethnic groups are cited in order to determine whether or not racial profiling exists within a given jurisdiction.

The next analysis assesses the number of searches, consent searches, and arrests which occurred subsequent to the 17,093 traffic stops in 2014. Searches subsequent to traffic stops by the Texarkana, Texas Police Department are rare. In 2014, less than 3 percent (445/17,093) of all drivers who were stopped were searched. Out of 17,093 traffic stops, only 445 drivers were searched. Of the 445 drivers who were searched, 133 were White, 302 were African-American,

and 10 were Hispanic. It is clear that the vast majority of the total number of drivers stopped (including White, African-American, and Hispanic groups) were not searched.

It should be noted that aggregate level comparisons regarding the rates at which drivers are searched by police are subject to some of the same methodological issues as those outlined above regarding analyses of aggregate level stop rates. Of particular concern is the absence of any analyses that separates discretionary searches from non-discretionary searches. For example, the number of searches described in the previous paragraph includes not only consent searches, but also searches based upon probable cause and searches incident to arrest. Searches based upon probable cause and searches incident to arrest are non-discretionary in that the officer is compelled by law or departmental guidelines to conduct the search irrespective of the race of the stopped driver. Thus, these actions should not be included in analyses designed to examine whether or not racial profiling has occurred. The data is presented here because the Texas racial profiling law requires the collection and presentation of such data.

Action	White	African-American	Hispanic	Asian	Other	Total
Stops	9,279	7,072	632	92	18	17,093
Searched	133	302	10	0	0	445
Consent	111	235	10	0	0	356
Custody Arrests	378	674	25	3	7	1,087

The table above not only reports the summaries for the total number of persons stopped and searched subsequent to being stopped by the Texarkana, Texas Police Department in 2014, it also shows the number of stopped individuals who granted consent to search and those stopped drivers who were arrested during the traffic stop. Similar to the conclusion drawn regarding searches subsequent to traffic stops, consent searches subsequent to traffic stops by the Texarkana, Texas Police Department are rare as well. Only 2.08 percent of the total stops resulted in a consensual search (356/17,093).

So too, only 6.36 percent of drivers stopped were subject to an arrest. Of the 1,087 drivers arrested, 378 were White, 674 were African-American, and 25 were Hispanic. As stated previously regarding non-discretionary searches, when an officer is compelled by law or departmental guidelines to conduct an arrest irrespective of the race of the stopped driver, as is the case with outstanding arrest warrants, the actions of the officer should not be included in analyses designed to examine whether or not racial profiling has occurred. The data is presented here because the Texas racial profiling law requires the collection and presentation of such data.

Analysis of Racial Profiling Compliance by Texarkana, Texas Police Department

The foregoing analysis shows that the Texarkana, Texas Police Department is fully in compliance with all relevant Texas laws concerning racial profiling, including the existence of a formal policy prohibiting racial profiling by its officers, officer training and educational programs, a formalized complaint process, and the collection of data in compliance with the law. Finally, internal records indicate that the department received no complaints related to racial profiling in 2014.

In addition to providing summary reports and analysis of the data collected by the Texarkana, Texas Police Department in 2014, this report also included an extensive presentation of some of the limitations involved in the level of data collection currently required by law and the methodological problems associated with analyzing such data for the Texarkana, Texas Police Department as well as police agencies across Texas. The Texarkana, Texas Police Department should continue its educational and training efforts within the department on racial profiling. In addition, the department should conduct periodic evaluations to assess patterns of officer decision-making. The final section of this report includes newly required TCOLE reporting information by Texas law enforcement organizations.

Texarkana Police Department TCOLE Reporting Forms

Attachment: Res. 2015-027 signed (1272 : Res. No. 2015-027 Acceptance of Police Department Racial Profiling Report)



**Partial Exemption Racial Profiling Reporting
(Tier 1)**

Department Name	<u>Texarkana Texas Police Department</u>
Agency Number	<u>037207</u>
Chief Administrator Name	<u>Chief Daniel Shiner</u>
Reporting Name	<u>Captain Kevin Schutte</u>
Contact Number	<u>(903) 798-3116</u>
E-mail Address	<u>schutte@txkusa.org</u>

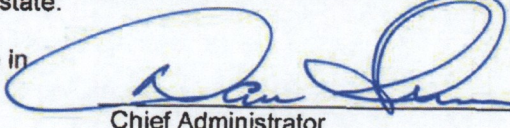
Certification to Report 2.132 (Tier 1) – Partial Exemption

Policy Requirements (2.132(b) CCP):

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 stops in which a citation 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; 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 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.

These policies are in
effect


Chief Administrator

Date 1/28/15



**Partial Exemption Racial Profiling Reporting
(Tier 1)**

Video and Audio Equipment Exemption

Partial Exemption Claimed by (2.135(a) CCP):



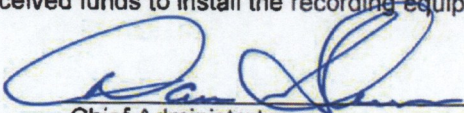
all cars regularly used for motor vehicle stops are equipped with video camera and transmitter-activated equipment and each motor stop is recorded and the recording of the stop is retained for at least 90 days after the stop.

OR



In accordance with 2.135(a)(2) the agency has requested and not received funds to install the recording equipment

I claim this exemption


Chief Administrator

Date 1/28/15

PARTIAL EXEMPTION RACIAL PROFILING REPORTING (TIER 1)

INSTRUCTIONS: Please fill out all boxes. If zero, use 0.

1. Total on lines 4, 11, 14, and 17 must be equal
2. Total on line 20 must equal line 15

AGENCY NAME:

Number of motor vehicle stops (mark only 1 category per vehicle stop):

1. 16,006 Citation only
2. 4 Arrest only
3. 1,083 Both
4. 17,093 (Total of 1-3)

Race or Ethnicity (mark only 1 category per vehicle stop):

5. 7,072 African
6. 92 Asian
7. 9,279 Caucasian
8. 632 Hispanic
9. 4 Middle Eastern
10. 14 Native American

11. 17,093 (Total of 5-10, must be the same as #4)

Race or Ethnicity known prior to stop?

12. 2,829 Yes
13. 14,264 No

14. 17,093 (Total of 12-13, must be the same as #4 and #11)

Search conducted?

15. 445 Yes
16. 16,648 No

17. 17,093 (Total of 15-16, must be the same as #4, #11, and #14 above)

Was search consented?

18. 356 Yes
19. 89 No

20. 445 (Total, must equal #15)



**Partial Exemption Racial Profiling Reporting
(Tier 1)**

Option to submit required data by utilizing agency report

You must submit your report in PDF format

Electronic Submission of data required by 2.132(b)(6) CCP

(6) require collection of information relating to motor vehicle stops in which a citation 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; and

This report meets the above requirements

Chief Administrator

Date

Send entire documents electronically to this website

www.tcleose.state.tx.us

Appendix A

Racial Profiling Statutes and Laws

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.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 2, eff. Sept. 1, 2001.

Art. 2.131. RACIAL PROFILING PROHIBITED.

A peace officer may not engage in racial profiling.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

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 motor vehicle 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, 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 stops in which a citation 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; 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 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.
- (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 motor vehicle stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle 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 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.

(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.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by: Acts 2009, 81st Leg., R.S., Ch. 1172, Sec. 25, eff. September 1, 2009.

Art. 2.133. REPORTS REQUIRED FOR MOTOR VEHICLE STOPS.

(a) In this article, "race or ethnicity" has the meaning assigned by Article 2.132(a).

(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 written warning or a citation as a result of the stop.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by: Acts 2009, 81st Leg., R.S., Ch. 1172, Sec. 26, eff. September 1, 2009.

Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED.

(a) In this article:

- (1) "Motor vehicle stop" has the meaning assigned by Article 2.132(a).
- (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 law enforcement agency shall submit a report containing the incident-based data 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.

(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

(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 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.

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

(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.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by: Acts 2009, 81st Leg., R.S., Ch. [1172](#), Sec. 27, eff. September 1, 2009.

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 stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle regularly used to make motor vehicle stops is equipped with transmitter-activated equipment; and

(B) each motor vehicle 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 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 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).

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by: Acts 2009, 81st Leg., R.S., Ch. 1172, Sec. 28, eff. September 1, 2009.

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.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

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).

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Art. 2.138. RULES.

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

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

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.

Added by Acts 2009, 81st Leg., R.S., Ch. 1172, Sec. 29, eff. September 1, 2009.

Appendix B

Texarkana, Texas Police Department Biased Based Policing and Racial Profiling Policy

TEXARKANA, TEXAS POLICE DEPARTMENT
GENERAL ORDERS MANUAL

<i>Effective Date</i> February 1, 2008		<i>Amended Date</i> December 5, 2011	<i>Directive</i> 2.01.1
<i>Subject</i> Biased Based Policing and Racial Profiling			
<i>Reference</i> Code of Criminal Procedure 2.131 – 2.135			
<i>Distribution</i> All Personnel City Manager City Attorney	<i>TPCA Best Practices Recognition Program Reference</i> 2.01.1 Biased Based Profiling	<i>Review Date</i> January 1, 2012	<i>Pages</i> 6

This Operations Directive is for internal use only and does not enhance an officer's civil or criminal liability in any way. It should not be construed as a creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this Operations Directive, if proven, may only form the basis for a complaint by this Department, and only in a non-judicial administrative setting.

SECTION 1 PURPOSE

The purpose of this policy is to reaffirm the Texarkana Police Department's commitment to unbiased policing in all of its encounters between officers and any person; to reinforce procedures that serve to ensure public confidence and mutual trust through the provision of services in a fair and equitable fashion; and to protect our officers from unwarranted accusations of misconduct when they act within the dictate of departmental policy and the law.

SECTION 2 POLICY

- A. It is the policy of the Department to protect the constitutional rights of all persons. Allegations of racial profiling or discriminatory practices, real or perceived, are detrimental to the relationship between police and the communities they protect and serve because they strike at the basic foundation of public trust. This trust is essential to effective community-based policing. Racial profiling is considered misuse of valuable police resources; such improper methods violate the civil rights of members of the public and may lead to increased exposure to liability for the officer and the department. This Department does not endorse, train, teach, support, or condone any type of bias, stereotyping, or racial profiling by its officers. While recognizing that most officers perform their duties in a professional, ethical, and impartial manner, this Department is committed to identifying and eliminating any instances of racial profiling.
- B. It is the policy of this Department to:
 - 1. Provide all people within this community fair and impartial police services consistent with constitutional and statutory mandates;
 - 2. Assure the highest standard of integrity and ethics among all our members;
 - 3. Respect the diversity and the lawful cultural practices of all people;
 - 4. Take positive steps to identify, prevent, and eliminate any instances of racial profiling by our members; and
 - 5. Continue our commitment to community based policing and problem solving, including vigorous, lawful and nondiscriminatory traffic enforcement that promotes public safety and strengthens public trust, confidence, and awareness.

TEXARKANA, TEXAS POLICE DEPARTMENT
GENERAL ORDERS MANUAL

<i>Directive</i> 2.01.1	<i>Subject</i> Biased Based Policing and Racial Profiling
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- C. It is the policy of this Department to police in a proactive manner and to aggressively investigate suspected violations of law. Officers shall actively enforce local, state and federal laws in a responsible and professional manner without regard to an individual's race, gender, age, ethnicity, ethnic background, sexual orientation, religion, economic status, cultural group, national origin or any other identifiable group. Officers are strictly prohibited from engaging in racial profiling as defined in this policy. This policy shall be applicable to all persons, whether drivers, passengers, or pedestrians.
- D. Officers shall conduct themselves in a dignified and respectful manner at all times when dealing with the public. The Department will honor the right of all persons to be treated equally and to be free from unreasonable searches and seizures.

SECTION 3 DEFINITIONS

Racial Profiling is defined as a law enforcement-initiated action based on an individual's race, gender, age, ethnicity, ethnic background, sexual orientation, religion, economic status, cultural group, national origin or any other identifiable group rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity. The term is not relevant as it pertains to witnesses, complainants, persons needing assistance, or other citizen contacts.

Examples of racial profiling include, but are not limited to, the following:

- a. Citing a driver because of the cited driver's race, ethnicity, or national origin, or
- b. Detaining the driver of a vehicle based on the determination that a person of that race, ethnicity, or national origin is unlikely to own or possess that specific make or model of vehicle.
- c. Detaining an individual based upon the determination that a person of that race, ethnicity, or national origin does not belong in a specific part of town or a specific place.

Gender Profiling is defined as a law enforcement-initiated action based on an individual's gender rather than on the individual's behavior or involvement in criminal activity.

Race or Ethnicity is defined as a particular descent, including Caucasian, African, Hispanic, Asian, or Native American.

Pedestrian Stop is defined as an interaction between a peace officer and an individual traveling on foot who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

Traffic Stop is defined as a vehicle stop whereas a peace officer stops a motor vehicle for an alleged violation of law or ordinance regulating traffic.

Probable Cause is defined as more than bare suspicion; it exists when the facts and circumstances within the officer's knowledge and of which they have reasonably trustworthy information are sufficient in themselves to warrant a person of reasonable caution to believe that an offense has been or is being committed.

Reasonable Suspicion is defined as specific, articulable facts leading a reasonable police officer to believe a crime might be occurring. Reasonable suspicion is less than probable cause, but more than a mere hunch. Reasonable grounds for suspicion depend on the circumstances in each case. There must be an objective basis for that suspicion based on facts, information, and/or intelligence.

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Search is an examination or exploration of an individual's house, premises, vehicle or person to discover stolen property, contraband or other items that may be evidence of a crime.

Search incident to arrest is a full search of an arrested person and of the vicinity around him or her. The search is conducted for officer safety and to prevent the destruction of evidence.

Consent search is a search permitted by a person with apparent authority to allow the search. To be valid, consent must be voluntary and intelligent, based on a totality of circumstances. Voluntary means that the consent was not forced or coerced. Intelligent means the person giving consent must know what he or she is doing.

Frisk is defined as a limited search or patting down of a suspect's outer clothing for the purpose of officer safety. A frisk must be based on reasonable suspicion that the suspect is armed with a deadly weapon, and that if he is not searched and disarmed, harm will come to the officer or another person. A limited search or frisk of an automobile after a valid stop is permissible if the officer has reasonable suspicion the suspect is dangerous and might gain immediate control of a weapon. The search is limited to the areas in which a weapon may be placed or hidden.

Inventory is an administrative process by which items of property in an impounded vehicle are listed and secured. An inventory is not a search and should not be used as a substitute for a search. The specific objectives of an inventory are to protect the property of the defendant, to protect the police against any claim of lost property, and to protect police personnel and others from any dangerous instruments.

SECTION 4 PROCEDURES

A. COMPLAINTS

1. Any person may file a complaint with the Department if they believe they have been stopped or searched on the basis of their race, ethnicity, national origin, or gender. No person shall be discouraged, intimidated, or coerced from filing such a complaint, or discriminated against because they have filed such a complaint.
2. A complaint from a citizen regarding racial profiling may be made to any police department supervisor or, if available, to the Office of Professional Responsibility. All complaints received shall be forwarded in writing through the chain of command to the Office of the Chief of Police.
3. In addition to the written complaint, the supervisor receiving the complaint shall obtain the videotape from the officer's vehicle. The supervisor shall label the videotape, indicating the unit number and date and time the tape was pulled from the unit. Additionally, the supervisor shall break the tab on the tape to prevent inadvertent erasing. The videotape will be forwarded through the chain of command to the Office of the Chief of Police. All videotapes of incidents alleging racial or gender profiling shall be retained with the investigative file. A copy of the tape shall be supplied to the officer within five days of the date of the complaint. The Office of Professional Responsibility shall supply the tape to the officer prior to taking any statements from the officer.
4. The Texarkana, Texas Police Department shall provide education to the public concerning the complaint process. Written information regarding how a citizen may file a complaint or issue a commendation for an officer shall be made available to the public at a variety of locations, including public meetings, the Central Mall Substation, Central Records and Communications, City Hall, and the Police Department's office at the Bi-State Justice Building. This information shall also be available on the Department's Internet site.

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<i>Directive</i> 2.01.1	<i>Subject</i> Biased Based Policing and Racial Profiling
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B. RACIAL PROFILING TRAINING

1. Officers are responsible to adhere to all Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements as mandated by law.
2. All officers shall complete a TCLEOSE training and education program on racial profiling not later than the second anniversary of the date the officer is licensed under Chapter 1701 of the Texas Occupations Code, or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier. At the discretion of the Chief of Police, additional diversity and sensitivity training may be required for officers with sustained racial profiling or other discrimination complaints filed against them.
3. The Chief of Police, as part of the initial training and continued education for such appointment, will be required to attend the LEMIT program on racial profiling.
4. Supervisors shall conduct periodic roll call training regarding racial profiling issues, including implementation and enforcement of this policy.

C. INTERNAL MONITORING

1. Random Reviews:

As mandated in Directive 7.36.1 Digital Mobile Video/Audio Recording Equipment, Field Supervisors shall conduct reviews of the video files recorded by Officers under their supervision to:

- a. Assess performance and safety practices;
- b. Ensure compliance with departmental policy;
- c. Ensure proper use of DMVR Equipment; and,
- d. Identify appropriate training video.

Supervisors shall review of video files randomly each month, ensuring that each officer is reviewed at least twice during the calendar year. Each shift commander shall be responsible for ensuring the video reviews are conducted and documented. A report containing the dates each officer was reviewed and the supervisor that conducted each review shall be prepared and submitted to the Uniform Services Division Secretary, who shall maintain a log of the reviews.

2. Reviews shall occur whenever:

- a. An Officer is involved in a pursuit;
- b. An Officer is involved in a use of force recorded by the system;
- c. A complaint is lodged against an Officer; or,
- d. A Supervisor articulates a reason to suspect an officer is involved in activity contrary to the mandates of the General Orders.

3. Evidentiary Reviews

Video events which may be evidentiary in nature should be reviewed and properly documented.

4. All VHS video/audiotapes from in-car mobile video cameras in use prior to the use of the Digital Mobile/Video Equipment shall be retained for a period of 90 days from the day the tape is pulled from the unit. The Uniform Services Division secretary will maintain custody of the recorded tapes for a period of 90 days in accordance with the Texas CCP 2.135. If, after 90 days, the tape

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is not needed for evidentiary, training, or evaluation purposes, the tape will be erased and destroyed.

D. CORRECTIVE ACTION

1. Failure to report any observed or known violations of this policy by any police department employee shall result in corrective action being taken against the employee.
2. Officers found in violation of this policy or who have a sustained racial profiling complaint shall be subject to corrective action which may include, diversity, sensitivity, or other appropriate training, counseling, a written reprimand, suspension from duty with or without pay, indefinite suspension, or other appropriate action as determined by the Chief of Police.

E. MANDATED DMVR OPERATION

Unless the delivery of emergency police services would be prevented, an Officer's personal safety would be jeopardized, or police strategy is being discussed, Officers will ensure that DMVR operation is conducted in accordance with directive 7.36.1.

F. CITATION DATA COLLECTION AND REPORTING

1. Each officer shall be required to collect information relating to traffic stops that result in a written warning, citation or custody arrest. The written warning and citation will document the necessary information as describe in Section F (2), below by using the proper notations found on the citation. In the case of a custody arrest it shall be necessary to complete a Data Collection Form in order to record the information required by the racial profiling statute. In the event that a citation is issued to an individual that is ultimately arrested, the citation will record the necessary data, eliminating the need for a data collection form.
2. The officer will document the following on the citation, written warning or Data Collection form:
 - a. The violator's race or ethnicity
 - b. Whether a search was conducted
 - c. Whether the search was consensual
 - d. Was race or ethnicity of driver known prior to stop
 - e. Reason for arrest, if any, resulting from the stop
3. The citations, written warnings and Data Collection forms will be forwarded to the Uniform Services Division secretary via the division commander's mailbox. It shall be the responsibility of the division secretary to compile the information in a database for collection and reporting purposes. The division secretary will then forward the Data Collection forms and citations to the Municipal Court Clerk's Office for the Court's reporting purposes.
4. By March of each year, the Department shall submit a written report to the City Council that includes the information gathered from the traffic stops in the preceding calendar year. The report will include: (1) A breakdown of traffic stops by race and ethnicity, (2) The number of traffic stops that resulted in a search and the basis for the searches, (3) The number of searches that resulted in contraband being discovered and, if so, the type of contraband; and (4) The number of traffic stops that resulted in custodial arrests.

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- 5. The Crime Analysis Unit shall be responsible for providing a report to the Chief of Police that contains this information.

G. RESPONSIBILITY

- 1. All members of the Department shall know and comply with all aspects of this directive.
- 2. All Division Commanders and supervisory personnel are responsible for ensuring compliance with the provisions and intent of this directive.

Appendix C

Racial Profiling Laws and Corresponding
Department Policies

Texas CCP Article	TEXARKANA, TEXAS POLICE DEPARTMENT Racial Profiling Policy
2.132(b)1	Section 3
2.132(b)2	Section 2 (C)
2.132(b)3	Section 4 (A)
2.132(b)4	Section 4 (A) (4)
2.132(b)5	Section 4 (D)
2.132(b)6	Section 4 (F)
2.132(b)7	Section 4 (F) (4)

City of Texarkana, Texas

Version: B

Update Date: 2/26/2015 11:08 AM

Briefing Sheet

Lead Department: Public Works Department **Action Officer:** Dusty Henslee,
Resolution No. 2015-024 accepting a bid and authorizing the City Manager to
enter into a contract for the asbestos abatement for ten (10) structures on the
Subject: City Council's Top Forty (40) Demolition List.

Briefing: 4/13/2015 **Public Hearing:** 3/23/2015 **Second Briefing:** April 13, 2015 **Council Vote:** 4/27/2015

Item ScheduleSchedule 1: Brief twice - vote once (six weeks)**Updates/History of Briefing:**

NOT APPLICABLE

Executive Summary and Background Information:

The City has a contract with ERI Consulting, Inc. to provide asbestos abatement services. This agreement requires ERI to solicit bids to hire an asbestos abatement contractor and to monitor this process throughout the project. The City requested ERI to solicit bids for 10 structures on the Council's Top 40 Demolition List that were determined to have asbestos present. These are the last structures on the Council's Top 40 that will need asbestos abatement. Once this is completed, these structures will be ready to demolish. ERI received 3 bids for this: Air Quality Associates, Inc. for \$58,333.00, Cactus Abatement and Demolition, LLC for \$63,900.00, and Mooring for \$65,000.00. ERI has submitted a letter recommending Air Quality Associates, Inc. be awarded this project. They have worked with this company in the past and are confident in their ability to complete the work. Below is a list of the houses:

1. 1615 Nolthenius St.
2. 1818 W. 15th St.
3. 2209 W. 17th St.
4. 600 Richmond Rd.
5. 602 Richmond Rd.
6. 612 Melton St.
7. 616 Wilson St.
8. 703 Blanton St.
9. 606 Connella St.
10. 403 Robbins St.

These are the last structures on the Council's Top 40 Demolition List that need asbestos abatement.

Potential Options:

- Accept bid by Air Quality Associates, Inc.
- Reject bid by Air Quality Associates, Inc.

City of Texarkana, Texas

Fiscal Implications:

Funding for this will come from the \$200,000 Council has set aside in the General Fund for Fiscal Year 2015.

Staff Recommendation:

Staff recommends accepting bid from Air Quality Associates, Inc.

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- a. Goals & Perspectives (2) (DOCX)
- b. ERI Consulting Recommendation Letter & Bid Comparison (PDF)
- c. Exhibit A-Air Quality Associates, Inc Bid (PDF)
- d. Resolution No. 2015-024 (DOC)

Staff Coordination

Public Works Department	Kyle Dooley	Department Head Review	
Completed	02/26/2015 11:10 AM		
Purchasing and Contracting	Sharon Moore	Review	Completed
	02/26/2015 11:15 AM		
Finance Department	Charlie Bassett	Finance Review	Completed 02/26/2015
1:39 PM			
Public Information Officer	Lisa Thompson	PIO Review	Completed
	02/26/2015 1:48 PM		
Assistant City Manager	Shirley Jaster	Review	Completed
	02/26/2015 1:54 PM		
City Manager	John Whitson	City Manager Review	Completed 02/27/2015
7:53 AM			
City Council	Jennifer Evans	Meeting	Completed 03/09/2015
6:00 PM			

Meeting History

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

Perspectives	Goals
Serve the Community	☒ Promote an Environmentally Sensitive & Livable Community ☒ Provide a Safe Community ☒ Deliver Quality Services ☒ Foster a Healthy Community
Run the Operations	☐ Enhance Community Preparedness & Responsiveness ☐ Maximize Partnership Opportunities ☒ Provide Courteous & Responsive Customer Service ☒ Model a Positive City Image ☒ Deliver Efficient Services ☐ Cultivate Community Involvement & Access
Manage the Resources	☐ Maintain Fiscal Strength ☐ Maximize Utilization & Resources ☐ Invest in Infrastructure & Transportation
Develop Personnel	☐ Develop a Skilled & Diverse Workforce ☐ Create a Positive & Rewarding Work Culture

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved:

Select One By Clicking Here

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

☐ Newspaper Notice (Required by Statute)	☐ Public Hearing (Required by Statute)
☐ Public Forum/Input Session	☐ Press Release
☐ E-News Distribution	☐ Website Notice
☐ Social Media (Twitter, Facebook, etc.)	☐ Special Mailing
☐ Flyers Posted	☐ Banners Posted
☐ Survey	☐ Automated Phone Call
☐ None Required	☐

Other:



ERI CONSULTING, INC.

P. O. Box 2024, Tyler, Texas 75710
 2026 Republic Drive, Suite A, Tyler, Texas 75701
 Ph: (903) 534-5001 Fax: (903) 534-8701
 TBPE Firm # F-1787
www.ericonsulting.com

February 16, 2015

Ms. Laura Puckett, Administrative Coordinator
 Stormwater Management
 Dept. Engineering & Infrastructure
 City of Texarkana, Texas
 220 Texas Blvd.
 Texarkana, Texas 75501
 Office: (903) 798-3948
 Fax: (903) 792-6419
 Email: laura.puckett@txkusa.org

RE: ES#15-098 - #15-107, Pre-demolition Asbestos Abatement - Multiple Residential Structures (10 Houses)

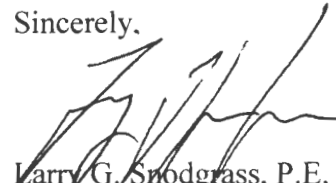
Dear Ms. Puckett:

Air Quality Associates, Inc. (AQA) was the low bidder on the above referenced project. We recommend they be awarded the project, in the contract amount of \$58,333.00.

We have worked with AQA on projects in the past, including a similar project for the City of Texarkana, and we are confident in their ability to complete the work as scheduled. As soon as you notify us of the City's decision on the contractor, we will prepare contracts and schedule the work.

We look forward to working with you on this project. If you should have any questions, please call me at 903-534-5001.

Sincerely,



Larry G. Snodgrass, P.E.
 President

lgs/ma
 cc: AQA

Attachment: ERI Consulting Recommendation Letter & Bid Comparison [Revision 1] (1269 : Res No. 2015-024 Accept bid for asbestos

Submitted to:
Laura Puckett
City of Texarkana, Texas
P.O. Box 1967, Texarkana, Texas

ERI Consulting, Inc.
Asbestos Abatement Bid Tabulation
CITY OF TEXARKANA, TEXAS
(10 houses) ES#15-098 - 15-107

6.1.b

Contractor	Total Quote
Air Quality Associates	\$58,333.00
Cactus Abatement & Demolition	\$63,900.00
Mooring	\$65,000.00
ERI Estimate	\$59,950.00



Air Quality Associates, Inc.
3933 FM 344 E, Tyler, Texas 75703
Phone/Fax: 903-592-7316

February 13, 2015

Proposal #2014-3191A

City of Texarkana
Attn: Laura Puckett
Administrative Coordinator
Demolition Department
Engineering & Infrastructure
220 Texas Blvd
Texarkana, Texas 75501
Laura.puckett@txkusa.org
cc: mary@ericonsulting.com

RE: Proposal –Asbestos Abatement –Multiple Residential Structures, 10 Houses, Texarkana, Texas

We propose to furnish all labor, tools, materials, and equipment necessary for asbestos removal as noted in the scope of work below. All work performed by AQA, Inc. will be done in strict compliance with OSHA, EPA and state guidelines governing asbestos projects.

Scope of Work:

- + Removal and disposal of 750 sf of ACM flooring from 1615 Nolthenius St.
- + Removal and disposal of 3,000 sf of ACM Sheetrock wall/ceiling and 75 sf ACM flooring from 1818 W. 15th St.
- + Removal and disposal of 1,650 sf of ACM sheetrock wall/ceiling from 2209 W. 17th St.
- + Removal and disposal of 1,400 sf of ACM exterior cement panel siding from 600 Richmond St.
- + Removal and disposal of 650 sf of ACM exterior cement panel siding from 602 Richmond St.
- + Removal and disposal of 4,000 sf of ACM sheetrock wall/ceiling from 612 Melton St.
- + Removal and disposal of 175 sf of ACM ceiling surfacing from 616 Wilson St.
- + Removal and disposal of 5,100 sf of ACM sheetrock wall/ceiling from 703 Blanton St.
- + Removal and disposal of 1,300 sf of ACM flooring materials from 606 Connella St.
- + Removal and disposal of 3,500 sf of ACM sheetrock wall/ceiling and 180 sf ACM flooring from 403 Robbins St.

The lump sum offered for this project is \$58,333.00 (Fifty-eight thousand three hundred thirty-three dollars and 00/100)

NOTE: Lump sum does not include TDH notification fees or consulting fees. Terms: Net 10 days/No retainage accepted/Price good for 30 days from the above date. Work to be performed Monday-Friday between 8am-5pm. No holiday or weekend work is included in this quote. All ACM waste to be disposed according to state regulations. Power and water utilities to be provided as per specifications. Any revision to schedule or quantities of removal could result in an additional work order.

We appreciate the opportunity to quote you on this project. If you have any questions, please feel free to contact me at (903) 592-7316. Upon acceptance, please sign and fax back to (903) 592-7219.

Sincerely,

Paula Anderson
Operations Manager
paula@aqatexas.com

Acceptance Date: _____ Approval Signature: _____

Printed Name: _____

RESOLUTION NO. 2015 - 024

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, ACCEPTING A BID AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH AIR QUALITY ASSOCIATES, INC. FOR ASBESTOS ABATEMENT OF TEN STRUCTURES ON THE COUNCIL'S TOP FORTY (40) DEMOLITION LIST IN AN AMOUNT NOT TO EXCEED FIFTY-EIGHT THOUSAND THREE HUNDRED THIRTY-THREE DOLLARS AND NO/100 (\$58,333.00); AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City requested ERI Consulting, Inc. to solicit bids for asbestos abatement of ten (10) structures on the Council's Top Forty (40) Demolition List that were determined to have asbestos present; and

WHEREAS, the bidder with the lowest and best bid was Air Quality Associates, Inc. of Tyler, Texas in an amount not to exceed FIFTY EIGHT THOUSAND THREE HUNDRED THIRTY-THREE DOLLARS AND NO/100 (\$58,333.00) and

WHEREAS, funds are available for this service through the 2015 General Fund.

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

SECTION 1: That the bid submitted by Air Quality Associates, Inc. for asbestos abatement of ten (10) structures listed in exhibit "A" be and is hereby accepted.

SECTION 2: That the City Manager be and is hereby authorized to enter into a contract with Air Quality Associates, Inc. in an amount not to exceed FIFTY EIGHT THOUSAND THREE HUNDRED THIRTY-THREE DOLLARS AND NO/100 (\$58,333.00).

SECTION 3: That this Resolution shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the 27th day of April, 2015.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Attachment: Resolution No. 2015-024 [Revision 2] (1269 : Res No. 2015-024 Accept bid for asbestos abatement for 10 Structures)

City of Texarkana, Texas

Version: G

Update Date: 2/17/2015 9:32 AM

Briefing Sheet

Lead Department: City Manager **Action Officer:** John Whitson, City Manager
Ordinance No. 2015-021 amending the FY15 Budget for personnel adjustments,
Subject: establishing the city's minimum salary level and adding a Health Inspector
position.
Briefing: 4/13/2015 **Public Hearing:** 3/9/2015 **Second Briefing:** March 23, 2015 **Council Vote:** 4/13/2015

Item Schedule

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

Pay Adjustment (ATTH 01):

According to the U.S. Census Bureau the per capita income in Texarkana, Texas is \$23,569. This the mean money income for all people 15 years old and over in a geographic area by the total population in the area (note – income is not collected for people under 15 years old even though those people are included in the denominator of per capita income).

No Texarkana civil service employee earns less than \$36,000 (152% of Texarkana per capita income). However, 148 general schedule employees are paid less than \$36,000 including 13 employees/positions who are paid less than \$20,000 (85% of Texarkana per capita income).

Setting the city's employee minimum pay at \$20,000 and increasing these 13 employees/positions pay to \$20,000 will require a \$21,350 increase in the annual operating budget. For the remainder of FY15 the budget adjustment will be \$9,850.

Current Year Budget Requirement:

\$ 9,850 Salary and Benefits

Recurring annual Budget Requirement:

\$21,350 Salary and Benefits

Health Inspector (New Position) (ATTH 03):

Currently the city has one Health Inspector position with an annual salary of \$38,000 (annual budget for salary and benefits = \$55,025). There are 363 permitted establishments to be inspected twice annually or 726 routine inspections to be performed. Some inspections take a few hours and some require a full day (supermarket with deli, bakery, meat/fish market which is four different inspections). The Health Inspector must also perform inspections in response to food service

City of Texarkana, Texas

complaints and conditions of food service facilities. The position will also require a vehicle, computer, and communications equipment.

Current Year Budget Requirement:

\$25,400	Salary and Benefits
\$40,000	Vehicle
<u>\$ 5,000</u>	Communications/Automation
\$70,400	Total FY15 Adjustment

Recurring annual Budget Requirement:

\$55,025	Salary and Benefits
<u>\$ 5,000</u>	Overhead Costs
\$60,025	Annual Budget

Chamber of Commerce Membership:

Currently the city is a member of the Chamber of Commerce at the "Chairman Level" paying \$15,000 annually from the General Fund. There are six levels of membership ranging from \$360 to \$15,000 in annual dues (see ATTH 02). The benefits of each level of membership have value to business entities but do not cater to government entity members. Chamber membership should greatly benefit the business members. Local government interaction with local businesses should likely be in a participatory fashion to show support of all local businesses, be they chamber members or not.

The city will likely be well served by a Business Level (\$360) membership and an Economic Development Council (\$1,000) membership and purchasing individual tickets to chamber events that are not included in these two memberships. The Chamber also performs a contracted function for the city promoting tourism paid from the Hotel Occupancy Taxes which will not be affected by a change in membership level. The city is also prepared to contract for other Chamber of Commerce provided services that meet identified public purpose needs.

Potential Options:

- Approve as recommended, or
- Approve pay adjustment and set minimum salary at \$20,000, or
- Approve the requested Health Inspector position, or
- Deny all requests

Fiscal Implications:

FY15 Budget Increase:

+\$ 9,850	Pay Adjustment
+\$25,400	Health Inspector position
<u>+\$45,000</u>	Equipment
+\$80,250	Total

Beyond FY15 (annual impact):

+\$21,350	Pay Adjustment
+\$60,025	Health Inspector
<u>-\$10,000</u>	Savings in change in Chamber of Commerce membership and participation
+\$71,375	Total

Staff Recommendation:

Approve as requested.

City of Texarkana, Texas

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- a. 2015-021 Goals & Perspectives (PDF)
- b. 2015-021 ATTH 01 Positions increased to \$20k Minimum Salary (PDF)
- c. 2015-021 ATTH 02 Chamber of Commerce Membership Information (PDF)
- d. 2015-021 ATTH 03 Health Inspector Justification (PDF)
- e. 2015-021 ORD FY15 Budget Amendment for Personnel Adjustments (PDF)

Staff Coordination

City Manager	John Whitson	Department Head Review	Completed	
	02/16/2015 1:30 PM			
Parks, Recreation & Health		Robby Robertson	Review	Completed
	02/16/2015 1:43 PM			
Public Works Department		Kyle Dooley	Review	Completed
	02/16/2015 1:52 PM			
Human Resources	Jim Powell	Review	Completed	02/16/2015
2:09 PM				
Finance Department	Charlie Bassett	Finance Review	Completed	02/16/2015
3:03 PM				
Assistant City Manager		Shirley Jaster	Review	Completed
	02/17/2015 9:13 AM			
Public Information Officer		Lisa Thompson	PIO Review	Completed
	02/17/2015 9:20 AM			
City Manager	John Whitson	City Manager Review	Completed	02/17/2015
9:40 AM				
City Council	Jennifer Evans	Meeting	Completed	02/23/2015
6:00 PM				

Meeting History

02/23/15 City Council MOVED FORWARD Next: 03/09/15
 City Manager Whitson briefed this item.

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

Perspectives	Goals
Serve the Community	☐ Promote an Environmentally Sensitive & Livable Community ☒ Provide a Safe Community ☒ Deliver Quality Services ☒ Foster a Healthy Community
Run the Operations	☐ Enhance Community Preparedness & Responsiveness ☐ Maximize Partnership Opportunities ☒ Provide Courteous & Responsive Customer Service ☐ Model a Positive City Image ☒ Deliver Efficient Services ☐ Cultivate Community Involvement & Access
Manage the Resources	☐ Maintain Fiscal Strength ☐ Maximize Utilization & Resources ☐ Invest in Infrastructure & Transportation
Develop Personnel	☒ Develop a Skilled & Diverse Workforce ☐ Create a Positive & Rewarding Work Culture

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

☐	Newspaper Notice (Required by Statute)	☐	Public Hearing (Required by Statute)
x	Public Forum/Input Session	☐	Press Release
x	E-News Distribution	x	Website Notice
☐	Social Media (Twitter, Facebook, etc.)	☐	Special Mailing
☐	Flyers Posted	☐	Banners Posted
☐	Survey	☐	Automated Phone Call
☐	None Required	☐	

Other:

Budget Adjustment Required to Adjust to City Minimum Salary of \$20,000

	Department	Position	Current Salary	Minimum Salary	Salary Adjustment Required	Benefits Rate	Benefits Cost Increase	Total Cost Adjustment (Annual)	Cumulative Cost Adjustment	Per Pay Period	Remaining Pay Periods (FY15)	Required for FY15	Cumulative Cost Adjustment (FY15)
1	2203	Building Custodian	\$17,817.02	\$20,000.00	\$2,182.98	0.23457	\$512.06	\$2,695.04	\$2,695.04	\$103.66	12	\$1,243.87	\$1,243.87
2	2202	Laborer I	\$18,227.82	\$20,000.00	\$1,772.18	0.23457	\$415.70	\$2,187.88	\$4,882.92	\$84.15	12	\$1,009.79	\$2,253.71
3	1904	Laborer I	\$18,227.82	\$20,000.00	\$1,772.18	0.23457	\$415.70	\$2,187.88	\$7,070.80	\$84.15	12	\$1,009.79	\$3,263.50
4	1904	Laborer I	\$18,227.82	\$20,000.00	\$1,772.18	0.23457	\$415.70	\$2,187.88	\$9,258.68	\$84.15	12	\$1,009.79	\$4,273.29
5	1904	Laborer I	\$18,227.82	\$20,000.00	\$1,772.18	0.23457	\$415.70	\$2,187.88	\$11,446.56	\$84.15	12	\$1,009.79	\$5,283.08
6	1904	Laborer I	\$18,227.82	\$20,000.00	\$1,772.18	0.23457	\$415.70	\$2,187.88	\$13,634.44	\$84.15	12	\$1,009.79	\$6,292.87
7	1904	Laborer I	\$18,227.82	\$20,000.00	\$1,772.18	0.23457	\$415.70	\$2,187.88	\$15,822.32	\$84.15	12	\$1,009.79	\$7,302.66
8	2203	Building Custodian	\$18,354.70	\$20,000.00	\$1,645.30	0.23457	\$385.94	\$2,031.24	\$17,853.56	\$78.12	12	\$937.49	\$8,240.15
9	2308	Medical Records Clerk	\$19,435.52	\$20,000.00	\$564.48	0.23457	\$132.41	\$696.89	\$18,550.45	\$26.80	12	\$321.64	\$8,561.79
10	2306	Medical Records Clerk	\$19,436.04	\$20,000.00	\$563.96	0.23457	\$132.29	\$696.25	\$19,246.70	\$26.78	12	\$321.35	\$8,883.14
11	2301	Admn Receptionist (Health)	\$19,436.04	\$20,000.00	\$563.96	0.23457	\$132.29	\$696.25	\$19,942.95	\$26.78	12	\$321.35	\$9,204.49
12	2306	Medical Records Clerk	\$19,436.04	\$20,000.00	\$563.96	0.23457	\$132.29	\$696.25	\$20,639.20	\$26.78	12	\$321.35	\$9,525.84
13	2306	Medical Records Clerk	\$19,436.04	\$20,000.00	\$563.96	0.23457	\$132.29	\$696.25	\$21,335.44	\$26.78	12	\$321.35	\$9,847.19

Attachment: 2015-021 ATTH 01 Positions increased to \$20k Minimum Salary [Revision 3] (1265 : Ord No.

Chamber of Commerce Membership Levels and Associated Benefits

	Business Level	Associate Level	Corporate Level	Executive Level	Presidential Level	Chairman Level	City Value (0 - 5)
Dues	\$360	\$750	\$1,200	\$5,000	\$10,000	\$15,000	
Partnership Certificate	x	x	x	x	x	x	0
Two listings in the Partnership Directory & Community Profile	x	x	x	x	x	x	0
Advertising Opportunities in the Partnership Directory and Community Profile	x	x	x	x	x	x	0
One copy of the Partnership Directory & Community Profile	x	x	x	x	x	x	5
Chamber Online Directory Listing & Link	x	x	x	x	x	x	0
Access to Chamber Partnership Listings & mailing labels	x	x	x	x	x	x	0
Access to the Partners Only Section of the Chamber Website	x	x	x	x	x	x	0
First Hand Customer Referrals	x	x	x	x	x	x	0
Partner Only Opportunities for Chamber Brochure Rack Space	x	x	x	x	x	x	0
Partner Only Opportunities for Promotion Distribution at Tradeshows/Conventions	x	x	x	x	x	x	0
Weekly Chamber Business Blasts	x	x	x	x	x	x	5
Sponsorship Opportunities of the Weekly Chamber Business Blast	x	x	x	x	x	x	0
Partner to Partner Discount Program Opportunities	x	x	x	x	x	x	0
Invitations to Exclusive Chamber Events	x	x	x	x	x	x	5
Opportunity for Partner Referral Discounts	x	x	x	x	x	x	0
Ribbon cutting, Grand Opening, & Anniversary Celebration Promotion Opportunities	x	x	x	x	x	x	5
Business After hours Hosting Opportunities	x	x	x	x	x	x	0
Opportunity for all other Chamber Partner Sponsorships	x	x	x	x	x	x	0
Use of the Chamber Board and/or Legacy Room for meetings - Subject to availability	x	x	x	x	x	x	0
Certificates of Origin for International Trade	x	x	x	x	x	x	0
Unlimited Opportunities for Business Networking	x	x	x	x	x	x	5
Business Advocacy at the Local, County, State, and National Levels	x	x	x	x	x	x	5
Credibility & Visibility in the Texarkana Business Community	x	x	x	x	x	x	5
Membership Level recognition in the Partnership Directory & Community Profile		x	x	x	x	x	0
Membership Level recognition on the Chamber website		x	x	x	x	x	0
Up to two Locations listed as Partners		x			x	x	3
Copies of the Partnership Directory & Community Profile for all Locations		x	x	x	x	x	0
Membership Level recognition at the event of your choice		x	x	x	x	x	0
Annual membership of one employee in the GTYP		x			x	x	0
One Sponsorship of the Weekly Chamber Business Blasts to be used at any time		x	x		x	x	0
Up to three Locations listed as Partners			x		x	x	0
One ticket to the Chamber Annual Celebration			x		x	x	0
Premium Ad in the Partnership Directory & Community Profile w/opportunity for upgrade at 10% discount			x		x	x	0
Up to five Locations listed as Partners				x	x	x	0
Bronze Sponsorship of the Chamber Annual Celebration w/four seats				x	x	x	0
\$500 Sponsorship Credit for the Event of your choice, other than Annual Celebration				x	x	x	0
Annual membership of two employees in the GTYP				x	x	x	0
Quarter Page Ad in the Partnership Directory & Community Profile w/opportunity for upgrade at 10% discount				x	x	x	0
Three Sponsorships of the Weekly Chamber Business Blasts to be used at any time				x	x	x	0
Special Presidential Level Plaque					x		0
Up to ten Locations listed as Partners					x		0
Recognition on Presidential Signage at all Chamber Events					x		0
Annual Membership in the Chamber Economic Development Council					x	x	5
Two Golfers in the EDC Industry Appreciation Golf Tournament					x		0
Gold Sponsorship of the Chamber Annual Celebration (1 table)					x		0
\$1,500 Sponsorship Credit for the Event of your Choice, other than Annual Celebration					x		0
Half Page Ad in the Partnership Directory & Community Profile w/opportunity for upgrade at 10% discount					x		0
Annual membership of one employee in the Chamber Ambassadors					x	x	0
Annual membership of three employees in the GTYP					x		0
Five Sponsorships of the Weekly Chamber Business Blasts					x		0
Special Chairman's Plaque for all Locations						x	0
All locations in the Texarkana area listed as Partners						x	0
Recognition on Chairman Banner in the Chamber Lobby						x	0
Recognition on Chairman Banner at all Chamber Events						x	0
Four Golfers in the EDC Industry Appreciation Golf tournament						x	0
Chairman Level Sponsorship of Chamber Annual Celebration (2 tables)						x	0
Chairman Level Sponsorship for Every Chamber Event						x	0
Full Page Ad in the Partnership Directory & Community Profile w/opportunity for upgrade at 10% discount						x	0
Annual Breakfast with the President & Chairman of the Board						x	5
Annual membership of five employees in the GTYP						x	0
Recognition on all Weekly Chamber Business Blasts						x	0

PARTNERSHIP INFORMATION

Point your business in the
right direction!



TEXARKANA USA CHAMBER OF COMMERCE

Thank you for your interest in the Texarkana USA Chamber of Commerce! For more than a century we have been serving the business community through leadership, advocacy and networking, and we look forward to seeing how we can serve YOU.

The Chamber's powerful network of relationships provides access to resources that can help strengthen your business opportunities, help your business grow, and ultimately enhance member and community prosperity. Come join the organization that is here to promote, support, and advocate on behalf of the Texarkana business community!

We invite you to partner with us as we work diligently toward building the best economic climate possible for your growth and prosperity.

BUSINESS LEVEL \$360

Available for individuals promoting their business or profession and Businesses with no more than 20 employees.

Membership Dues: \$360

- Partnership Certificate (\$5 value)
- Two Listings in the Partnership Directory & Community Profile (\$360 value)
- Advertising Opportunities in the Partnership Directory & Community Profile (priceless)
- One copy of the Partnership Directory & Community Profile (\$20 value)
- Chamber Online Directory Listing & Link (\$360 value)
- Access to Chamber Partnership Listings & mailing labels (\$65 value)
- Access to the Partners Only Section of the Chamber Website (\$360 value)
- First hand Customer Referrals (priceless)
- Partner Only Opportunities for Chamber Brochure Rack Space (priceless)
- Partner Only Opportunities for Promotion Distribution at Tradeshow/Conventions (priceless)
- Weekly Chamber Business Blasts (priceless)
- Sponsorship Opportunities of the Weekly Chamber Business Blast (limitless)
- Partner to Partner Discount Program Opportunities (limitless)
- Invitations to Exclusive Chamber Events (priceless)
- Opportunity for Partner Referral Discounts (\$360 potential value)
- Ribbon Cutting, Grand Opening, & Anniversary Celebration Promotion Opportunities (\$250 value)
- Business After Hours Hosting Opportunities (\$600 potential value)
- Opportunity for all other Chamber Partner Sponsorships (limitless)
- Use of the Chamber Board and/or Legacy Room for meetings – subject to availability (\$200 value minimum)
- Certificates of Origin for International Trade (\$50 value minimum)
- Unlimited Opportunities for Business Networking (priceless)
- Business Advocacy at the Local, County, State, and National Levels (priceless)
- Credibility & Visibility in the Texarkana Business Community (priceless)

ASSOCIATE LEVEL \$750

Available for businesses with no more than 50 employees.

Membership Dues – \$750

All Business Level Benefits plus:

- Associate Level recognition in the Partnership Directory & Community Profile (\$360 value)
- Associate Level recognition on the Chamber website (\$360 value)
- Up to two Locations listed as Partners (\$480 value)
- Copies of the Partnership Directory & Community Profile for all Locations (\$20 value minimum)
- Associate Level recognition at the event of your choice (\$100 value +)
- Annual membership of one employee in the GTYP (\$25 value)
- 25% discount in the Partnership Directory & Community Profile (\$134 value minimum)
- One Sponsorship of the Weekly Chamber Business Blasts to be used at any time throughout the year (\$60 value)



CORPORATE LEVEL \$1,200

Available for businesses with no more than 100 employees.

Membership Dues – \$1,200

All Business Level Benefits plus:

- Corporate Level recognition in the Partnership Directory & Community Profile (\$360 value)
- Corporate Level recognition on the Chamber website (\$360 value)
- Up to three Locations listed as Partners (\$600 value)
- Copies of the Partnership Directory & Community Profile for all Locations (\$20 value minimum)
- One ticket to the Chamber Annual Celebration (\$75 value)
- Corporate Level recognition at the event of your choice (\$100 value +)
- Annual membership of one employee in the GTYP (\$25 value)
- Premium Ad in the Partnership Directory & Community Profile with an opportunity for upgrade at a 10% discount (\$450 value +)
- One Sponsorship of the Weekly Chamber Business Blasts to be used at any time throughout the year (\$60 value)

"The best advertising for our local business is word of mouth. The Chamber is our voice to new members and businesses in the community."

**Jennifer Tanner, Executive Chef
Julie's Deli & Market**

EXECUTIVE LEVEL \$5,000

Available for businesses with no more than 250 employees.

Membership Dues - \$5,000

All Business Level Benefits plus:

- Executive Level recognition in the Partnership Directory & Community Profile (\$360 value)
- Executive Level recognition on the Chamber website (\$360 value)
- Up to five Locations listed as Partners (\$840 value)
- Copies of the Partnership Directory & Community Profile for all Locations (\$20 value minimum)
- Bronze Sponsorship of the Chamber Annual Celebration (\$750 with 4 seats)
- Executive Level recognition at the event of your choice (\$1000 value +)
- \$500 Sponsorship Credit for the Event of your Choice, other than Annual Celebration (\$500 value)
- Annual membership of two employees in the GTYP (\$50 value)
- Quarter Page Ad in the Partnership Directory & Community Profile with an opportunity for upgrade at a 10% discount (\$750 value +)
- Three Sponsorships of the Weekly Chamber Business Blasts to be used at any time throughout the year (\$180 value)

“Throughout the 52 year history of MTG Engineers & Surveyors, we have viewed our Chamber and Economic Development Council partnership as an investment in our community, bringing a significant return in connectivity to our clients and many business opportunities.”

Robert Murray
MTG Engineers & Surveyors



PRESIDENTIAL LEVEL \$10,000

Membership Dues – \$10,000

All Business, Corporate, and Executive Level Benefits plus:

- Presidential Level recognition in the Partnership Directory & Community Profile (\$360 value)
- Presidential Level recognition on the Chamber website (\$360 value)
- Special Presidential Level Plaque (\$20 value minimum)
- Up to ten Locations listed as Partners (\$1440 value)
- Copies of the Partnership Directory & Community Profile for all Locations (\$20 value minimum)
- Recognition on Presidential Signage at all Chamber Events (limitless)
- Annual Membership in the Chamber Economic Development Council (\$1000 value)
- Two Golfers in the EDC Industry Appreciation Golf Tournament (\$300 value)
- Gold Sponsorship of Chamber Annual Celebration (\$1500 with one table)
- \$1500 Sponsorship Credit for the Event of your Choice, other than Annual Celebration (\$1500 value)
- Half page Ad in the Partnership Directory & Community Profile with an opportunity for upgrade at a 10% discount (\$1100 value +)
- Annual membership of one employee in the Chamber Ambassadors (\$25 value)
- Annual membership if three employees in the GTYP (\$75 value)
- Five Sponsorships of the Weekly Chamber Business Blasts to be used at any time throughout the year (\$300 value)

CHAIRMAN LEVEL \$15,000

Membership Dues – \$15,000

All Business, Corporate, and Executive Level Benefits plus:

- Chairman Level recognition in the Partnership Directory & Community Profile (\$360 value)
- Chairman Level recognition on the Chamber website (\$360 value)
- Special Chairman's Level Plaque for all locations (\$20 value minimum)
- All Locations in the Texarkana area listed as Partners (limitless value)
- Copies of the Partnership Directory & Community Profile for all Locations (\$20 value minimum)
- Recognition on Chairman Banner in the Chamber Lobby (limitless)
- Recognition on Chairman Banner at all Chamber Events (limitless)
- Annual Membership in the Chamber Economic Development Council (\$1000 value)
- Four Golfers in the EDC Industry Appreciation Golf Tournament (\$600 value)
- Chairman Level Sponsorship of Chamber Annual Celebration (\$2500 with two tables)
- Chairman Level Sponsorship for Every Chamber Event (limitless)
- Full page Ad in the Partnership Directory & Community Profile with an opportunity for upgrade at a 10% discount (\$1400 value minimum)
- Annual Breakfast with the President & Chairman of the Board (priceless)
- Annual membership of one employee in the Chamber Ambassadors (\$25 value)
- Annual membership if five employees in the GTYP (\$125 value)
- Recognition on all Weekly Chamber Business Blasts (\$3200 value)

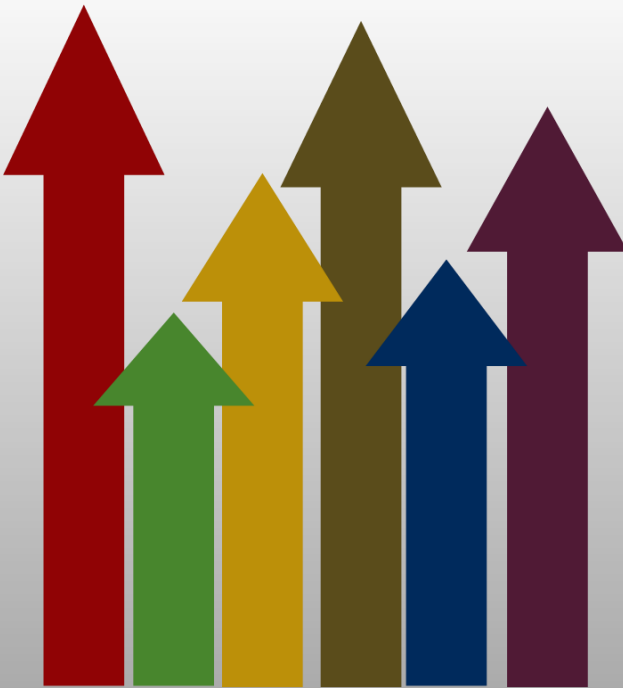
"The Texarkana Chamber of Commerce has the resources and skills that any business, large or small, can plug into and find great value."

**Curtis Schneekloth, Texarkana Plant Controller
Cooper Tire & Rubber Company**

SPECIAL PARTNERSHIPS

- Local and State Level Elected Officials will receive a Business Level Partnership for \$120
- Churches will receive a Business Level Partnership for \$120
- Non-profits with no paid staff will receive a Business Level Partnership for \$120
- Non-profits with paid staff will receive a Business Level Partnership for \$360 regardless of the number of employees
- Retired Individuals and Students will receive an Individual Partnership for \$60
- Apartments, Hotels/Motels, Hospitals, and Retirement Homes will receive a Business Level Partnership for \$360 + \$2 per unit/bed
- Business Level Partners with a current partnership may add additional locations at the Business Level for \$120

Membership levels may be increased if so desired by the Partner.



ADDITIONAL BENEFITS

Partner Referral Program -

Help grow your Chamber and earn a discount on your partnership dues by referring new partners! For every new Partner you recruit, a 10% discount will be applied to your current or upcoming annual dues. (Limited to a maximum of 10 discount per year, at equal or greater value to that of your partnership dues. Lower level partners recruit will be assigned a smaller discount. New partner must mention your company at the time of application)

Partner-To-Partner Discount Program -

Drive more traffic through your doors while cashing in on other discounts! This program entitles Chamber Partners to significant savings and discounts when shopping at other Chamber Partner businesses—just for being an active Partner. Contact the Chamber for more information on including your business in this exclusive program.

ADDITIONAL MEMBERSHIPS

Greater Texarkana Young Professionals - GTYP - \$25

Have a young professional in your office who is yearning to be more involved in the business community? GTYP gives young professionals a voice and an outlet for affecting change in the Texarkana community. GTYP seeks to work hand-in-hand with current community and business leaders to learn from their experiences and to create a young professional-friendly atmosphere.

Texarkana Chamber Ambassadors - \$25

The Texarkana Chamber Ambassadors are a special group of people who volunteer their time to help promote the Texarkana business community and serve as an “Action Arm” for the Texarkana Chamber of Commerce. The Chamber’s Ambassador Program is highly respected in the community and allows for the *professional growth* of each participant. Ambassadors are given the opportunity to *network* with regional business and government leaders. By being involved your *sphere of influence & professional network* will grow!

TEXARKANA USA CHAMBER OF COMMERCE

A LA CARTE BENEFIT OPPORTUNITIES

If you prefer to select your sponsorship or advertising opportunities a la carte, choose from the list below. For one easy payment, include your selections with your benefit investment or we are happy to invoice you quarterly or at the time of the event. Contact the Chamber staff to learn more about these opportunities.

A la Carte Sponsorships (limited number, please call Chamber to confirm availability)

Communications

◇ E-Blast Sponsorship Ad	\$60
◇ Sponsored Email	\$250
◇ Facebook Post Sponsorship	\$50

Partnership Directory & Community Profile

◇ Premium Business Card Size Ad	\$450
◇ 1/8 Page Ad	\$680
◇ 1/4 Page Ad	\$750
◇ 1/2 Page Ad	\$1,100
◇ Full Page Ad	\$1,400
◇ Inside Front Cover - Full Page Ad	\$1,700
◇ Inside Back Cover - Full Page Ad	\$1,850
◇ Outside Back Cover - Full Page Ad	\$2,000
◇ Graphic Design	\$100

Individual Sponsorship

◇ Wall of Dedication Sponsor	\$1,000
◇ Annual Dinner Platinum Sponsor	\$2,500
◇ Annual Dinner Gold Sponsor	\$1,500
◇ Annual Dinner Silver Sponsor	\$1,000
◇ Annual Dinner Bronze Sponsor	\$750
◇ Business After Hours	\$700
◇ Business to Business Breakfast	\$1,500
◇ Business to Business Breakfast Food & Venue Sponsor	Negotiable
◇ College & Career Fair Presenting Sponsor	\$1,500
◇ College & Career Fair Booth Fee	\$100
◇ Chamber Mix	\$700
◇ DLA Hail & Farewell	\$750
◇ Economic Development Council	\$1,000
◇ Annual Golf Platinum Sponsor	\$2,000
◇ Annual Golf Gold Sponsor	\$1,000
◇ Annual Golf Silver Sponsor	\$750
◇ Annual Golf Green Sponsor	\$500
◇ Annual Golf Hole Sponsor	\$300
◇ Leaders Luncheon Presenting Sponsor	\$1,500
◇ Leaders Luncheon Food & Venue Sponsor	Negotiable
◇ Red River Army Depot Hail & Farewell	\$1,500
◇ Speed Networking	\$500
◇ Speed Networking Food & Venue Sponsor	Negotiable
◇ State of the Chamber	\$2,000



819 N. STATE LINE AVENUE
TEXARKANA, USA 75501
PH: (903) 792-7191 | FAX: (903) 793-4304
WWW.TEXARKANA.ORG
CHAMBER@TEXARKANA.ORG



CITY OF
TEXARKANA
 Environmental Services Unit
 TEXAS

P.O. Box 1967
 Texarkana, TX 75501
 Phone (903) 798-3535
 Fax (903) 794-1257

TO: John Whitson, City Manager

THRU: Shirley Jaster, Assistant City Manager

FR: Daphnea Ryan, Manager, Environmental Services Unit

D. Ryan

DA: February 10, 2015

REJ: Health Inspector Position

As you are aware, Texarkana Texas continues to grow in many areas with a concentrated growth in food establishments, both food service and retail. Currently, the City of Texarkana, Texas employs one Health Inspector that is tasked with servicing 363 permitted establishments. The recommended ratio from the Texas Department of State Health Services is one inspector to every 200 establishments, and the maximum, not recommended, by the FDA is one inspector to every 275 establishments. I request to add one Health Inspector position during our current budget year.

I have attached a breakdown of the establishment types we inspect. Each establishment should be inspected twice per year, which is a total of 726 routine inspections. The time commitment required for an inspection depends on the size and scope of the establishment. As an example, a supermarket that has a deli, bakery, meat/fish market, has four different inspections. An establishment this size will consume a large part of one day, whereas smaller food establishments that have a quality corporate food safety and management training such as McDonald's, Taco Bell, etc. may only require an hour to inspect.

In addition to these routine inspections, the Health Inspector must inspect any complaint received on a food service establishment. These complaints may be regarding food, cleanliness, food borne illness, operating without a permit, pool conditions, worker in food prep area with certain medical conditions, foul odors, pests, etc.

Another duty of the Health Inspector is to review all building plans for food related establishments that fall into the attached categories, and conduct courtesy walk through inspections during construction phases.

Attachment: 2015-021 ATTH 03 Health Inspector Justification (1265 : Ord No. 2015-021 FY15 Budget Amendment for Personnel Adjustments)

Also, the Health Inspector consults with citizens wanting to open an establishment regarding laws and requirements a food establishment must meet.

Although we do not inspect private swimming pools, complaints regarding stagnant pools are also investigated by the Health Inspector. The Health Inspector may be required to dedicate many hours to locating an owner and addressing this issue. The inspector will coordinate with Vector Control in order to address the mosquito issue caused from the conditions.

The Health Inspector serves on the East Texas Environmental Health Association general counsel, serves on the 4-H Agri-Life Planning Committee; City of Texarkana, Texas Plumbing Code Committee, Coordinates/hosts a Certified Pool Operator Training Course Yearly, speaks to the Farmers Market group yearly, speaks at the Food Protection Management Classes held in Texarkana by Texas Agri-Life, speaks locally once a year at a UCRC meeting, and will be speaking for the first time this year at the Food and Nutrition Sciences Four States Convention which will be held at the Texarkana Texas Convention Center.

The growth in food related industry in Texarkana has greatly surpassed the need for two inspectors. Currently we are able to conduct approximately half of the required routine inspections while keeping pace with other duties involved with this position. If we had a second inspector, we would be able to conduct all inspections required each year in a timely manner, we would be able to add an educational component to our division by having one inspector certified to teach a food handlers course once per month. Offering a food handlers course would complement training currently offered in this area but would not negatively affect other state offered training programs. Upon approval, we would have the capability to initiate new guidelines for food establishments such as posting their grade on the entry of the establishment. We would have the ability to create initiatives for high performing restaurants and highlight those establishments in media venues.

Environmental Health generates enough revenue to support two inspectors. Revenue in 2013 and 2014 was just under \$160,000.00. Current budget for Environmental Health is just under \$62,000.00, with some line items needing minor increases to be self-supportive without line item transfer from other budgets. This budget does not, of course, include vehicle cost.

Thank you for your consideration.

City of Texarkana, Texas
Health Inspections

Duties

Inspect all Food Service Establishments in the City of Texarkana, Texas.
Review plans for new construction and remodels of establishments inspected.
Conduct courtesy walk-through inspections during construction phases.
Consult with citizens regarding laws and regulations for operating a food establishment.
Inspect complaints regarding private pools holding stagnant water.
Speaking engagements.
Serve on designated boards.

Average Yearly Activity

Routine Inspections

Restaurants/Food Establishment	198
Retail Food	59
Day Care Facilities	21
School Cafeterias	17
Pools/Spas	46
Mobile Food Units	16
Seasonal Food Establishments	6

Subtotal Routine	363
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Total Routine Inspections	726
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Complaint Inspections	90
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Courtesy/Walk Through Insp. New Construction/Remodel	100
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Stagnant Pools	5
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Total Health Inspections	921
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Consults/Information Calls	100
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Plan Reviews	15
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Speaking Engagements	6
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East Texas Environmental Health Association Quarterly Meetings	4
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4-H Agri-Life Planning Committee	4
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Host Certified Pool Operator Training yearly (2-day course)	2
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Current Budget - \$62,000.00

Yearly Revenue - \$160,000.00

Estimated Yearly Budget Needs - \$127,000.00

ORDINANCE NO. 2015 - 021

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF TEXARKANA, TEXAS, AMENDING THE FY15
BUDGET MAKING PERSONNEL ADJUSTMENTS; AND
ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, there are thirteen (13) full-time employees whose salaries are less than \$20,000; and

WHEREAS, according to the Census Bureau Texarkana's per capita income is \$23,569; and

WHEREAS, a salary of \$20,000 is 85 percent of the city's per capita income, or average income; and

WHEREAS, the city council approved the FY15 budget with one city health inspector position; and

WHEREAS, the city performs 726 routine annual health inspections, additional complaint related inspections, and reviews building plans that involve food preparation or other amenities that require a health inspection in order to obtain a certificate of occupancy;

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

SECTION 1: Appropriates from the fund balance of the general fund a total amount of \$80,250 to provide pay increases for 13 employees who are currently paid less than \$20,000 annually; and to fund a second health inspector; and to purchase all equipment necessary to support the new health inspector position.

SECTION 2: That this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the 13th day of April, 2015.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

City of Texarkana, Texas

Version: E

Update Date: 3/3/2015 9:23 AM

Briefing Sheet

Lead Department: City Manager **Action Officer:** John Whitson, City Manager
Subject: Resolution No. 2015-026 relating to proposed Texas legislation capping local government revenue.
Briefing: 3/9/2015 **Public Hearing:** 3/9/2015 **Second Briefing:** 3/23/2015 **Council Vote:** 3/23/2015

Item Schedule

Schedule 2: Brief once - vote once (two weeks)

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

Members of the Texas Legislature are attacking local control by introducing legislation that will limit local governments' ability to raise revenue needed to pay for local services and infrastructure. As the legislature moves to limit local government revenue they are not proposing to provide any replacement for the potential lost revenue. Local governments continue to partner with the state on many endeavors including economic development incentives and state highway projects (see TML Article *Reverse Intergovernmental Aid* at attachment 05). Legislative bills currently filed that if passed into law will adversely impact local government revenue capacity are:

SB 182 (Bettencourt) and HB 365 (Elkins) - **Revenue Cap**: would: (1) lower the property tax rollback rate from eight percent to four percent, with an exception for a city located in an area declared a disaster area by the governor or president of the United States during the current tax year; and (2) provide that a city must hold a ratification election to adopt a tax rate that exceeds the four-percent rollback rate (as opposed to current law, which only requires an election if a petition is received from the citizens) [see attachments 02, 04 and 06]

SB 156 (Nichols) - **Appraisal Cap**: would: (1) reduce the property tax appraisal cap on homesteads from ten percent to five percent; (2) authorize a county commissioners court to call an election to increase the homestead appraisal cap for all taxing jurisdictions in the county back to some percentage between six and ten; and (3) prohibit a subsequent election from occurring for ten years after such an election is held. [see attachments 03 and 07]

These bills have been introduced with the pronouncement that the legislature's intent is to reduce the tax burden on Texans. The Texas Municipal League's white paper (see attachment 01) points out that from 1990 to 2011 total city property tax levy rose an average of 5.48 percent per year which is closely aligned with Texas' population growth plus inflation over the same period. Also the TML White Paper *Revenue Caps on Cities: The \$2.75 Property Tax Cut* clearly demonstrates the great divide between tax reduction for the taxpayer and the revenue loss for cities (see attachment 06).

City of Texarkana, Texas

Texas legislators need to hear from local government officials concerning the state's intrusion on local control.

Potential Options:

- Adopt the Proposed Resolution
- Amend and Adopt the Amended Resolution
- Defeat the Proposed Resolution

Fiscal Implications:

Undetermined

Staff Recommendation:

Adopt the proposed resolution.

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- a. 2015-026 Goals & Perspectives (PDF)
- b. 2015-026 RES Relating to Proposed Texas Legislation Capping Local Government Revenue (PDF)
- c. 2015-026 ATTH 01 TML White Paper TX Cities Work (PDF)
- d. 2015-026 ATTH 02 Senate Bill 182 (PDF)
- e. 2015-026 ATTH 03 Senate Bill 156 (PDF)
- f. 2015-026 ATTH 04 House Bill 365 (PDF)
- g. 2015-026 ATTH 05 TML Report - Reverse Intergovernmental Aid (PDF)
- h. 2015-026 ATTH 06 TML White Paper - Revenue Caps (PDF)
- i. 2015-026 ATTH 07 TML White Paper - Appraisal Caps (PDF)
- j. Res. 2015-026 signed (PDF)

Staff Coordination

City Manager	John Whitson	Department Head Review	Completed
	02/24/2015 4:38 PM		
Parks, Recreation & Health		Robby Robertson	Review Completed
	02/24/2015 4:53 PM		
Economic Development		Jerry Sparks	Review Completed
	02/25/2015 7:53 AM		
Human Resources	Jim Powell	Review	Completed 02/25/2015
8:12 AM			

City of Texarkana, Texas

Public Works Department		Kyle Dooley	Review	Completed
	02/25/2015 8:17 AM			
Finance Department	Charlie Bassett	Review	Completed	02/25/2015
8:21 AM				
Police	Dan Shiner	Review	Completed	02/25/2015
8:24 AM				
Fire Department	Eric Schlotter	Review	Completed	02/25/2015
9:26 AM				
Planning and Community Development		David Orr	Review	Completed
	02/25/2015 10:17 AM			
Building Code Administration		Lynn Henry	Review	Completed
	02/26/2015 8:46 AM			
Public Information Officer		Lisa Thompson	PIO Review	Completed
	02/26/2015 9:44 AM			
Assistant City Manager		Shirley Jaster	Review	Completed
	02/26/2015 11:47 AM			
City Manager	John Whitson	City Manager Review	Completed	02/26/2015
1:12 PM				
City Council	Jennifer Evans	Meeting	Completed	03/09/2015
6:00 PM				

Meeting History

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

Perspectives	Goals
Serve the Community	☐ Promote an Environmentally Sensitive & Livable Community ☒ Provide a Safe Community ☒ Deliver Quality Services ☒ Foster a Healthy Community
Run the Operations	☐ Enhance Community Preparedness & Responsiveness ☐ Maximize Partnership Opportunities ☐ Provide Courteous & Responsive Customer Service ☐ Model a Positive City Image ☐ Deliver Efficient Services ☐ Cultivate Community Involvement & Access
Manage the Resources	☒ Maintain Fiscal Strength ☐ Maximize Utilization & Resources ☐ Invest in Infrastructure & Transportation
Develop Personnel	☐ Develop a Skilled & Diverse Workforce ☐ Create a Positive & Rewarding Work Culture

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

☐	Newspaper Notice (Required by Statute)	☐	Public Hearing (Required by Statute)
☐	Public Forum/Input Session	☐	Press Release
X	E-News Distribution	X	Website Notice
X	Social Media (Twitter, Facebook, etc.)	☐	Special Mailing
☐	Flyers Posted	☐	Banners Posted
☐	Survey	☐	Automated Phone Call
☐	None Required	☐	

Other:

RESOLUTION NO. 2015 - 026**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TEXARKANA, TEXAS, IN OPPOSITION TO A REVENUE CAP
AND LEGISLATIVE INTERFERENCE WITH LOCAL SERVICES;
AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, bills have been introduced to cap the amount of property tax revenue cities can collect each year in a misguided effort to reduce the property tax burden on homeowners and businesses; and

WHEREAS, currently, if a Texas city increases property tax collections by more than eight percent over the previous year, voters can petition for an election to rollback the increase; and

WHEREAS, bills have been introduced to replace that eight percent “rollback rate” with a hard cap of four percent and require mandatory elections on an increase over four percent – all with the false claim that this would provide property tax relief; and

WHEREAS, according to the state comptroller’s latest survey of property tax rates in 1,002 cities in Texas, 67 percent of cities raised their property taxes by less than four percent from 2012 to 2013 and 37 percent of cities actually reduced their property taxes; and

WHEREAS, that means property owners in at least 669 Texas cities would have seen no reduction in their city property taxes if the four percent cap had been in effect; and

WHEREAS, while the savings to individual taxpayers are very small or even non-existent, a four percent cap could represent a loss in vital city services; and

WHEREAS, cities collect just 16 percent of the property taxes levied in Texas, and most of the property taxes paid by Texans (55 percent) go to school districts; and

WHEREAS, according to the comptroller’s report, the total amount of property taxes collected by cities rose by 3.61 percent between 2012 and 2013, while school district tax collections rose by more than twice that rate or 7.72 percent; and

WHEREAS, school property taxes have been rising because the legislature continues to reduce the state’s share of funding for schools, which forces districts to get more revenue from property taxes.

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

SECTION 1: That all the above recitals are true and correct;

SECTION 2: That the City Council of the City to Texarkana, Texas is opposed to the legislative imposition of a revenue cap and legislative interference with local services; and

SECTION 3: That imposing a revenue cap on cities: (a) does not provide meaningful tax relief; (b) robs cities of the ability to meet local needs; and (c) diverts attention from the real cause of higher property taxes, which is the legislature's failure to address the problem of school funding.

SECTION 4: That this Resolution shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the 23rd day of March, 2015.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR



Texas Cities Do the State's Local Work: Safe Communities, Essential Infrastructure, Vital Services

Cities, the government closest to the people, embody the idea that “We the People” should be in control. Cities provide the services that we cannot do without. Those services reflect the will of the local taxpayers. They are not the kind of services people think of when they say they want less government. **Put simply: City services are the nuts and bolts of our society.**

Starting with Texas’ independence in 1845, the legislature began creating cities to do its local work. **The Texas Municipal League now represents more than 1,100 cities of every size, shape, and service level.** The locally-elected city councils in those cities decide – based on the wants of their citizens – how to provide appropriate services.

They provide police and fire protection, the roads we drive on, local business development, the utilities we need to survive and prosper, the protection of property values through thoughtful rules that benefit everyone, and more. It costs money to provide these services, but **keeping taxes low while meeting citizens’ demand for services** is a core value of city officials.

Cities don’t typically seek funding from the state, and they receive virtually nothing from the state. What cities need in lieu of state funding is **to be treated as partners in keeping Texas great.** They want to continue providing local services in the way they were elected to do. That leads to the following legislative priorities:

1. Ensure that local decisions are made locally by supporting reasonable enhancements to regulatory authority and by opposing attempts to harm the ability of cities to:
 - Protect property values by imposing reasonable development standards;
 - Enact zoning ordinances; and
 - Respond to citizen demands for orderly development.
2. Protect and enhance essential infrastructure by opposing efforts to diminish municipal revenue and by supporting initiatives that will meet the needs of our cities for:
 - Streets, roads, and bridges;
 - Clean water;
 - Safe and effective wastewater treatment;
 - Stormwater management; and
 - Sustainable solid waste collection and disposal.
3. Ensure funding for vital community services by vigorously opposing efforts to erode revenue needed to:
 - Keep cities safe from crime;
 - Respond to emergencies;
 - Enhance economic growth and job creation;
 - Provide recreational facilities, parks, and libraries; and
 - Protect the natural environment.

The City Message to Legislators is Clear: Continue Partnering with Cities to do the State's Local Work

To learn more, visit www.tml.org or call 512-231-7400
Legislative direct contact: Shanna Igo 512-750-8718

Texas Cities: Did You Know?

1. Texas cities **lead the nation in population growth**. In 2014, seven of the 15 fastest growing cities in the nation are in Texas. On average, somewhere around **1,000 people are added to the Texas population each day**. [*U.S. Census Bureau.*]
2. **Seventy-four percent of Texas residents live in incorporated cities** (of which there are 1,216) and 86 percent of Texans live in urban areas. [*U.S. Census Bureau.*]
3. **From 1990 to 2011, the total city property tax levy rose an average of 5.48 percent per year**. This increase is closely aligned with Texas' population growth plus inflation over the same period of time, which averaged out to a 4.7 percent average yearly increase. [*Texas Comptroller, Biennial Property Tax report for 2010 and 2011 and U.S. Census Bureau.*]
4. From 2009-2013, **total outstanding state debt increased by 27.8 percent**, total outstanding local debt increased by 14.9 percent, and **total outstanding city debt increased by only 13.7 percent**. [*Texas Bond Review Board, 2013 Annual Report and 2013 Local Annual Report.*]
5. Seventeen percent of property taxes statewide go to cities. **The majority of property taxes (54 percent) go to fund public schools**. Of the remainder, sixteen percent goes to counties, and 13 percent goes to special districts. [*Texas Comptroller, Annual Property Tax Report for Tax Year 2009.*]
6. **Texas cities receive virtually no financial assistance from the state**. In fact, Texas ranks 49th out of the 50 states in the amount of general revenue it receives from state government. [*National League of Cities, City and State Fiscal Structure (2008).*]
7. Using a unique concept dubbed “reverse intergovernmental aid,” the Texas Legislature requires **cities to generate and remit to the state over \$200 million annually to fund state programs**. [*TML article, Reverse Intergovernmental Aid Revisited, Again (2013).*]
8. In fiscal year 2012, **cities pitched in more than \$112 million** in cash and much more in right-of-way donations and in-kind services **for state highway projects initiated by TxDOT**. [*TML article, Reverse Intergovernmental Aid Revisited, Again (2013).*]
9. **Local economic development incentives dwarf the economic development incentives offered by the state**. [*Committee Testimony by Executive Director of Governor's Office for Economic Development and Tourism, House Economic and Small Business Development Committee (2014).*]



By: Bettencourt

S.B. No. 182

A BILL TO BE ENTITLED

AN ACT

relating to the calculation of the ad valorem rollback tax rates of certain taxing units.

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

SECTION 1. Section 26.04, Tax Code, is amended by amending Subsection (c) and adding Subsections (c-1) and (c-2) to read as follows:

(c) An officer or employee designated by the governing body shall calculate the effective tax rate and the rollback tax rate for the unit, where:

(1) "Effective tax rate" means a rate expressed in dollars per \$100 of taxable value calculated according to the following formula:

EFFECTIVE TAX RATE = (LAST YEAR'S LEVY - LOST PROPERTY LEVY) / (CURRENT TOTAL VALUE - NEW PROPERTY VALUE)
; and

(2) "Rollback tax rate" means a rate expressed in dollars per \$100 of taxable value calculated according to the following formula:

ROLLBACK TAX RATE = (EFFECTIVE MAINTENANCE AND OPERATIONS RATE x 1.04 [~~1.08~~]) + CURRENT DEBT RATE

(c-1) Notwithstanding any other provision of this section, the designated officer or employee may substitute "1.08" for "1.04" in the calculation of the rollback tax rate if:

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1 (1) any part of the taxing unit is located in an area
 2 declared a disaster area by the governor or the president of the
 3 United States during the current tax year.

4 SECTION 2. Section 26.041, Tax Code, is amended by amending
 5 Subsections (a), (b), and (c) and adding Subsections (c-1) and
 6 (c-2) to read as follows:

7 (a) In the first year in which an additional sales and use
 8 tax is required to be collected, the effective tax rate and rollback
 9 tax rate for the unit are calculated according to the following
 10 formulas:

11 EFFECTIVE TAX RATE = $\frac{[(\text{LAST YEAR'S LEVY} - \text{LOST PROPERTY}$
 12 $\text{LEVY}) / (\text{CURRENT TOTAL VALUE} - \text{NEW PROPERTY VALUE})]{\rule{0.5em}{0.4pt}}$ -
 13 SALES TAX GAIN RATE

14 and

15 ROLLBACK TAX RATE = (EFFECTIVE MAINTENANCE AND
 16 OPERATIONS RATE x $\frac{1.04}{1.08}$ ~~[1.08]~~) + CURRENT DEBT RATE -
 17 SALES TAX GAIN RATE

18 where "sales tax gain rate" means a number expressed in dollars per
 19 \$100 of taxable value, calculated by dividing the revenue that will
 20 be generated by the additional sales and use tax in the following
 21 year as calculated under Subsection (d) ~~[of this section]~~ by the
 22 current total value.

23 (b) Except as provided by Subsections (a) and (c) ~~[of this~~
 24 ~~section]~~, in a year in which a taxing unit imposes an additional
 25 sales and use tax the rollback tax rate for the unit is calculated
 26 according to the following formula, regardless of whether the unit
 27 levied a property tax in the preceding year:

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1 ROLLBACK TAX RATE = [(LAST YEAR'S MAINTENANCE AND
 2 OPERATIONS EXPENSE x 1.04 [~~1.08~~]) / ([~~TOTAL~~] CURRENT
 3 TOTAL VALUE - NEW PROPERTY VALUE)] + (CURRENT DEBT
 4 RATE - SALES TAX REVENUE RATE)

5 where "last year's maintenance and operations expense" means the
 6 amount spent for maintenance and operations from property tax and
 7 additional sales and use tax revenues in the preceding year, and
 8 "sales tax revenue rate" means a number expressed in dollars per
 9 \$100 of taxable value, calculated by dividing the revenue that will
 10 be generated by the additional sales and use tax in the current year
 11 as calculated under Subsection (d) [~~of this section~~] by the current
 12 total value.

13 (c) In a year in which a taxing unit that has been imposing
 14 an additional sales and use tax ceases to impose an additional sales
 15 and use tax the effective tax rate and rollback tax rate for the
 16 unit are calculated according to the following formulas:

17 EFFECTIVE TAX RATE = [(LAST YEAR'S LEVY - LOST PROPERTY
 18 LEVY) / (CURRENT TOTAL VALUE - NEW PROPERTY VALUE)] +
 19 SALES TAX LOSS RATE

20 and

21 ROLLBACK TAX RATE = [(LAST YEAR'S MAINTENANCE AND
 22 OPERATIONS EXPENSE x 1.04 [~~1.08~~]) / ([~~TOTAL~~] CURRENT
 23 TOTAL VALUE - NEW PROPERTY VALUE)] + CURRENT DEBT RATE

24 where "sales tax loss rate" means a number expressed in dollars per
 25 \$100 of taxable value, calculated by dividing the amount of sales
 26 and use tax revenue generated in the last four quarters for which
 27 the information is available by the current total value and "last

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year's maintenance and operations expense" means the amount spent for maintenance and operations from property tax and additional sales and use tax revenues in the preceding year.

(c-1) Notwithstanding any other provision of this section, the designated officer or employee may substitute "1.08" for "1.04" in the calculation of the rollback tax rate if:

(1) any part of the taxing unit is located in an area declared a disaster area by the governor or the president of the United States during the current tax year.

SECTION 3. Section 26.08, Tax Code, is amended by amending Subsections (a), (b), (d), (d-1) and (d-2) to read as follows:

Sec. 26.08. ELECTION TO RATIFY ~~[SCHOOL]~~ TAXES. (a) If the governing body of a taxing unit ~~[school-district]~~ adopts a tax rate that exceeds the taxing unit's ~~[district's]~~ rollback tax rate, the registered voters of the taxing unit ~~[district]~~ at an election held for that purpose must determine whether to approve the adopted tax rate. When increased expenditure of money by a taxing unit ~~[school-district]~~ is necessary to respond to a disaster, including a tornado, hurricane, flood, or other calamity, but not including a drought, that has impacted a taxing unit ~~[school-district]~~ and the governor has requested federal disaster assistance for the area in which the taxing unit ~~[school-district]~~ is located, an election is not required under this section to approve the tax rate adopted by the governing body for the year following the year in which the disaster occurs.

(b) The governing body shall order that the election be held in the taxing unit ~~[school-district]~~ on a date not less than 30 or

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1 more than 90 days after the day on which it adopted the tax rate.
 2 Section 41.001, Election Code, does not apply to the election
 3 unless a date specified by that section falls within the time
 4 permitted by this section. At the election, the ballots shall be
 5 prepared to permit voting for or against the proposition:
 6 "Approving the ad valorem tax rate of \$_____ per \$100 valuation in
 7 (name of taxing unit [~~school district~~]) for the current year, a rate
 8 that is \$_____ higher per \$100 valuation than the school district
 9 rollback tax rate." The ballot proposition must include the
 10 adopted tax rate and the difference between that rate and the
 11 rollback tax rate in the appropriate places.

12 (d) If the proposition is not approved as provided by
 13 Subsection (c), the governing body may not adopt a tax rate for the
 14 taxing unit [~~school district~~] for the current year that exceeds the
 15 taxing unit's [~~school district's~~] rollback tax rate.

16 (d-1) If, after tax bills for the taxing unit [~~school~~
 17 ~~district~~] have been mailed, a proposition to approve the taxing
 18 unit's [~~school district's~~] adopted tax rate is not approved by the
 19 voters of the taxing unit [~~district~~] at an election held under this
 20 section, on subsequent adoption of a new tax rate by the governing
 21 body of the taxing unit [~~district~~], the assessor for the taxing unit
 22 [~~school~~] shall prepare and mail corrected tax bills. The assessor
 23 shall include with each bill a brief explanation of the reason for
 24 and effect of the corrected bill. The date on which the taxes
 25 become delinquent for the year is extended by a number of days equal
 26 to the number of days between the date the first tax bills were sent
 27 and the date the corrected tax bills were sent.

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1 (d-2) If a property owner pays taxes calculated using the
 2 originally adopted tax rate of the taxing unit [~~school district~~]
 3 and the proposition to approve the adopted tax rate is not approved
 4 by voters, the taxing unit [~~school district~~] shall refund the
 5 difference between the amount of taxes paid and the amount due under
 6 the subsequently adopted rate if the difference between the amount
 7 of taxes paid and the amount due under the subsequent rate is \$1 or
 8 more. If the difference between the amount of taxes paid and the
 9 amount due under the subsequent rate is less than \$1, the taxing
 10 unit [~~school district~~] shall refund the difference on request of
 11 the taxpayer. An application for a refund of less than \$1 must be
 12 made within 90 days after the date the refund becomes due or the
 13 taxpayer forfeits the right to the refund.

14 SECTION 4. Section 49.236, Water Code, as added by Chapters
 15 248 (H.B. 1541) and 335 (S.B. 392), Acts of the 78th Legislature,
 16 Regular Session, 2003, is reenacted and amended to read as follows:

17 Sec. 49.236. NOTICE OF TAX HEARING. (a) Before the board
 18 adopts an ad valorem tax rate for the district for debt service,
 19 operation and maintenance purposes, or contract purposes, the board
 20 shall give notice of each meeting of the board at which the adoption
 21 of a tax rate will be considered. The notice must:

22 (1) contain a statement in substantially the following
 23 form:

24 "NOTICE OF PUBLIC HEARING ON TAX RATE

25 "The (name of the district) will hold a public hearing on a
 26 proposed tax rate for the tax year (year of tax levy) on (date and
 27 time) at (meeting place). Your individual taxes may increase or

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1 decrease, depending on the change in the taxable value of your
2 property in relation to the change in taxable value of all other
3 property and the tax rate that is adopted.

4 "(Names of all board members and, if a vote was taken, an
5 indication of how each voted on the proposed tax rate and an
6 indication of any absences.)";

7 (2) contain the following information:

8 (A) the district's total adopted tax rate for the
9 preceding year and the proposed tax rate, expressed as an amount per
10 \$100;

11 (B) the difference, expressed as an amount per
12 \$100 and as a percent increase or decrease, as applicable, in the
13 proposed tax rate compared to the adopted tax rate for the preceding
14 year;

15 (C) the average appraised value of a residence
16 homestead in the district in the preceding year and in the current
17 year; the district's total homestead exemption, other than an
18 exemption available only to disabled persons or persons 65 years of
19 age or older, applicable to that appraised value in each of those
20 years; and the average taxable value of a residence homestead in the
21 district in each of those years, disregarding any homestead
22 exemption available only to disabled persons or persons 65 years of
23 age or older;

24 (D) the amount of tax that would have been
25 imposed by the district in the preceding year on a residence
26 homestead appraised at the average appraised value of a residence
27 homestead in that year, disregarding any homestead exemption

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1 available only to disabled persons or persons 65 years of age or
2 older;

3 (E) the amount of tax that would be imposed by the
4 district in the current year on a residence homestead appraised at
5 the average appraised value of a residence homestead in that year,
6 disregarding any homestead exemption available only to disabled
7 persons or persons 65 years of age or older, if the proposed tax
8 rate is adopted; and

9 (F) the difference between the amounts of tax
10 calculated under Paragraphs (D) and (E), expressed in dollars and
11 cents and described as the annual percentage increase or decrease,
12 as applicable, in the tax to be imposed by the district on the
13 average residence homestead in the district in the current year if
14 the proposed tax rate is adopted; and

15 (3) contain a statement in substantially the following
16 form:

17 "NOTICE OF TAXPAYERS' RIGHT TO ROLLBACK ELECTION

18 "If taxes on the average residence homestead increase by more
19 than four ~~eight~~ percent, the qualified voters of the district by
20 petition may require that an election be held to determine whether
21 to reduce the operation and maintenance tax rate to the rollback tax
22 rate under Section 49.236(d), Water Code."

23 (b) Notice of the hearing shall be:

24 (1) published at least once in a newspaper having
25 general circulation in the district at least seven days before the
26 date of the hearing; or

27 (2) mailed to each owner of taxable property in the

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1 district, at the address for notice shown on the most recently
 2 certified tax roll of the district, at least 10 days before the date
 3 of the hearing.

4 (c) The notice provided under this section may not be
 5 smaller than one-quarter page of a standard-size or tabloid-size
 6 newspaper of general circulation, and the headline on the notice
 7 must be in 18-point or larger type.

8 (d) If the governing body of a district adopts a combined
 9 debt service, operation and maintenance, and contract tax rate that
 10 would impose more than 1.04 [~~1.08~~] times the amount of tax imposed
 11 by the district in the preceding year on a residence homestead
 12 appraised at the average appraised value of a residence homestead
 13 in the district in that year, disregarding any homestead exemption
 14 available only to disabled persons or persons 65 years of age or
 15 older, the qualified voters of the district by petition may require
 16 that an election be held to determine whether [~~or not~~] to reduce the
 17 tax rate adopted for the current year to the rollback tax rate in
 18 accordance with the procedures provided by Sections 26.07(b)-(g)
 19 and 26.081, Tax Code. For purposes of Sections 26.07(b)-(g) and
 20 this subsection, the rollback tax rate is the current year's debt
 21 service and contract tax rates plus the operation and maintenance
 22 tax rate that would impose 1.04 [~~1.08~~] times the amount of the
 23 operation and maintenance tax imposed by the district in the
 24 preceding year on a residence homestead appraised at the average
 25 appraised value of a residence homestead in the district in that
 26 year, disregarding any homestead exemption available only to
 27 disabled persons or persons 65 years of age or older.

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1 (e) Notwithstanding any other provision of this section,
2 the board may substitute "eight percent" for "four percent" in
3 Subsection (a) and "1.08" for "1.04" in Subsection (d) if:

4 (1) any part of the district is located in an area
5 declared a disaster area by the governor or the president of the
6 United States during the current tax year.

7 SECTION 5. Section 26.07, Tax Code is repealed.

8 SECTION 6. (a) The change in law made by this Act applies
9 to the ad valorem tax rate of a taxing unit beginning with the 2015
10 tax year, except as provided by Subsection (b) of this section.

11 (b) If the governing body of a taxing unit adopted an ad
12 valorem tax rate for the taxing unit for the 2015 tax year before
13 the effective date of this Act, the change in law made by this Act
14 applies to the ad valorem tax rate of that taxing unit beginning
15 with the 2016 tax year, and the law in effect when the tax rate was
16 adopted applies to the 2015 tax year with respect to that taxing
17 unit.

18 SECTION 7. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect on the 91st day after the last day of the
23 legislative session.

By: Nichols

S.B. No. 156

A BILL TO BE ENTITLED

AN ACT

relating to the limitation on increases in the appraised value of a residence homestead for ad valorem taxation.

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

SECTION 1. Section 23.23, Tax Code, is amended by amending Subsection (a) and adding Subsection (h) to read as follows:

(a) Except as provided by Subsection (h), notwithstanding ~~[Notwithstanding]~~ the requirements of Section 25.18, and regardless of whether the appraisal office has appraised the property and determined the market value of the property for the tax year, an appraisal office may increase the appraised value of a residence homestead for a tax year to an amount not to exceed the lesser of:

(1) the market value of the property for the most recent tax year that the market value was determined by the appraisal office; or

(2) the sum of:

(A) five ~~[10]~~ percent of the appraised value of the property for the preceding tax year;

(B) the appraised value of the property for the preceding tax year; and

(C) the market value of all new improvements to the property.

(h) The commissioners court of a county may call an election

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in the county to permit the voters of the county to determine
whether a percentage limitation on maximum appraised value
determined in the manner provided by Subsection (a)(2) using a
percentage that is greater than the percentage specified by
Subsection (a)(2)(A) but not more than 10 percent will apply to the
taxation of a residence homestead in the county by each taxing unit
having territory in the county. The election shall be held on the
date of the next general election for state and county officers.
The ballot proposition shall specify the proposed percentage
limitation on maximum appraised value. If a majority of the votes
cast at the election do not favor the establishment of the proposed
limitation, a subsequent election under this subsection may not be
held before the 10th year after the year in which the election is
held. If a majority of the votes cast at the election favor the
establishment of the proposed limitation, the limitation applies
beginning with the tax year following the year in which the election
is held and remains in effect until amended or repealed by the
voters of the county at a subsequent election called by the
commissioners court. An election to amend or repeal the limitation
may not be held before the 10th year after the year in which the
proposition establishing the limitation was approved by the voters.
If the voters of a county amend or repeal a limitation, the
amendment or repeal applies beginning with the tax year after the
year in which the election is held.

SECTION 2. Section 42.26(d), Tax Code, is amended to read as follows:

(d) For purposes of this section, the value of the property

S.B. No. 156

1 subject to the suit and the value of a comparable property or sample
2 property that is used for comparison must be the market value
3 determined by the appraisal district when the property is a
4 residence homestead subject to a ~~[the]~~ limitation on appraised
5 value imposed by or established under Section 23.23.

6 SECTION 3. This Act applies only to the appraisal of a
7 residence homestead for ad valorem tax purposes for a tax year that
8 begins on or after January 1, 2016.

9 SECTION 4. This Act takes effect January 1, 2016, but only
10 if the constitutional amendment proposed by the 84th Legislature,
11 Regular Session, 2015, to authorize the legislature to limit the
12 maximum appraised value of a residence homestead for ad valorem tax
13 purposes to 105 percent or less of the appraised value of the
14 property for the preceding tax year and to permit the voters of a
15 county to establish a higher limitation not to exceed 110 percent on
16 the maximum appraised value of a residence homestead in the county
17 is approved by the voters. If that amendment is not approved by the
18 voters, this Act has no effect.

By: Elkins

H.B. No. 365

A BILL TO BE ENTITLED

AN ACT

relating to the calculation of the ad valorem rollback tax rates of certain taxing units.

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

SECTION 1. Section 26.04, Tax Code, is amended by amending Subsection (c) and adding Subsections (c-1) and (c-2) to read as follows:

(c) An officer or employee designated by the governing body shall calculate the effective tax rate and the rollback tax rate for the unit, where:

(1) "Effective tax rate" means a rate expressed in dollars per \$100 of taxable value calculated according to the following formula:

EFFECTIVE TAX RATE = (LAST YEAR'S LEVY - LOST PROPERTY LEVY) / (CURRENT TOTAL VALUE - NEW PROPERTY VALUE)
; and

(2) "Rollback tax rate" means a rate expressed in dollars per \$100 of taxable value calculated according to the following formula:

ROLLBACK TAX RATE = (EFFECTIVE MAINTENANCE AND OPERATIONS RATE x 1.04 [~~1.08~~]) + CURRENT DEBT RATE

(c-1) Notwithstanding any other provision of this section, the designated officer or employee may substitute "1.08" for "1.04" in the calculation of the rollback tax rate if:

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1 (1) any part of the taxing unit is located in an area
 2 declared a disaster area by the governor or the president of the
 3 United States during the current tax year.

4 SECTION 2. Section 26.041, Tax Code, is amended by amending
 5 Subsections (a), (b), and (c) and adding Subsections (c-1) and
 6 (c-2) to read as follows:

7 (a) In the first year in which an additional sales and use
 8 tax is required to be collected, the effective tax rate and rollback
 9 tax rate for the unit are calculated according to the following
 10 formulas:

11 EFFECTIVE TAX RATE = $\frac{[(\text{LAST YEAR'S LEVY} - \text{LOST PROPERTY}$
 12 $\text{LEVY}) / (\text{CURRENT TOTAL VALUE} - \text{NEW PROPERTY VALUE})]{}$ -
 13 SALES TAX GAIN RATE

14 and

15 ROLLBACK TAX RATE = (EFFECTIVE MAINTENANCE AND
 16 OPERATIONS RATE x 1.04 [~~1.08~~]) + CURRENT DEBT RATE -
 17 SALES TAX GAIN RATE

18 where "sales tax gain rate" means a number expressed in dollars per
 19 \$100 of taxable value, calculated by dividing the revenue that will
 20 be generated by the additional sales and use tax in the following
 21 year as calculated under Subsection (d) [~~of this section~~] by the
 22 current total value.

23 (b) Except as provided by Subsections (a) and (c) [~~of this~~
 24 ~~section~~], in a year in which a taxing unit imposes an additional
 25 sales and use tax the rollback tax rate for the unit is calculated
 26 according to the following formula, regardless of whether the unit
 27 levied a property tax in the preceding year:

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ROLLBACK TAX RATE = [(LAST YEAR'S MAINTENANCE AND
 OPERATIONS EXPENSE x 1.04 [~~1.08~~]) / ([~~TOTAL~~] CURRENT
TOTAL VALUE - NEW PROPERTY VALUE)] + (CURRENT DEBT
 RATE - SALES TAX REVENUE RATE)

where "last year's maintenance and operations expense" means the
 amount spent for maintenance and operations from property tax and
 additional sales and use tax revenues in the preceding year, and
 "sales tax revenue rate" means a number expressed in dollars per
 \$100 of taxable value, calculated by dividing the revenue that will
 be generated by the additional sales and use tax in the current year
 as calculated under Subsection (d) [~~of this section~~] by the current
 total value.

(c) In a year in which a taxing unit that has been imposing
 an additional sales and use tax ceases to impose an additional sales
 and use tax the effective tax rate and rollback tax rate for the
 unit are calculated according to the following formulas:

EFFECTIVE TAX RATE = [(LAST YEAR'S LEVY - LOST PROPERTY
 LEVY) / (CURRENT TOTAL VALUE - NEW PROPERTY VALUE)] +
 SALES TAX LOSS RATE

and

ROLLBACK TAX RATE = [(LAST YEAR'S MAINTENANCE AND
 OPERATIONS EXPENSE x 1.04 [~~1.08~~]) / ([~~TOTAL~~] CURRENT
TOTAL VALUE - NEW PROPERTY VALUE)] + CURRENT DEBT RATE

where "sales tax loss rate" means a number expressed in dollars per
 \$100 of taxable value, calculated by dividing the amount of sales
 and use tax revenue generated in the last four quarters for which
 the information is available by the current total value and "last

H.B. No. 365

year's maintenance and operations expense" means the amount spent for maintenance and operations from property tax and additional sales and use tax revenues in the preceding year.

(c-1) Notwithstanding any other provision of this section, the designated officer or employee may substitute "1.08" for "1.04" in the calculation of the rollback tax rate if:

(1) any part of the taxing unit is located in an area declared a disaster area by the governor or the president of the United States during the current tax year.

SECTION 3. Section 26.08, Tax Code, is amended by amending Subsections (a), (b), (d), (d-1) and (d-2) to read as follows:

Sec. 26.08. ELECTION TO RATIFY ~~[SCHOOL]~~ TAXES. (a) If the governing body of a taxing unit ~~[school-district]~~ adopts a tax rate that exceeds the taxing unit's ~~[district's]~~ rollback tax rate, the registered voters of the taxing unit ~~[district]~~ at an election held for that purpose must determine whether to approve the adopted tax rate. When increased expenditure of money by a taxing unit ~~[school-district]~~ is necessary to respond to a disaster, including a tornado, hurricane, flood, or other calamity, but not including a drought, that has impacted a taxing unit ~~[school-district]~~ and the governor has requested federal disaster assistance for the area in which the taxing unit ~~[school-district]~~ is located, an election is not required under this section to approve the tax rate adopted by the governing body for the year following the year in which the disaster occurs.

(b) The governing body shall order that the election be held in the taxing unit ~~[school-district]~~ on a date not less than 30 or

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1 more than 90 days after the day on which it adopted the tax rate.
 2 Section 41.001, Election Code, does not apply to the election
 3 unless a date specified by that section falls within the time
 4 permitted by this section. At the election, the ballots shall be
 5 prepared to permit voting for or against the proposition:
 6 "Approving the ad valorem tax rate of \$_____ per \$100 valuation in
 7 (name of taxing unit [~~school district~~]) for the current year, a rate
 8 that is \$_____ higher per \$100 valuation than the school district
 9 rollback tax rate." The ballot proposition must include the
 10 adopted tax rate and the difference between that rate and the
 11 rollback tax rate in the appropriate places.

12 (d) If the proposition is not approved as provided by
 13 Subsection (c), the governing body may not adopt a tax rate for the
 14 taxing unit [~~school district~~] for the current year that exceeds the
 15 taxing unit's [~~school district's~~] rollback tax rate.

16 (d-1) If, after tax bills for the taxing unit [~~school~~
 17 ~~district~~] have been mailed, a proposition to approve the taxing
 18 unit's [~~school district's~~] adopted tax rate is not approved by the
 19 voters of the taxing unit [~~district~~] at an election held under this
 20 section, on subsequent adoption of a new tax rate by the governing
 21 body of the taxing unit [~~district~~], the assessor for the taxing unit
 22 [~~school~~] shall prepare and mail corrected tax bills. The assessor
 23 shall include with each bill a brief explanation of the reason for
 24 and effect of the corrected bill. The date on which the taxes
 25 become delinquent for the year is extended by a number of days equal
 26 to the number of days between the date the first tax bills were sent
 27 and the date the corrected tax bills were sent.

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1 (d-2) If a property owner pays taxes calculated using the
 2 originally adopted tax rate of the taxing unit [~~school district~~]
 3 and the proposition to approve the adopted tax rate is not approved
 4 by voters, the taxing unit [~~school district~~] shall refund the
 5 difference between the amount of taxes paid and the amount due under
 6 the subsequently adopted rate if the difference between the amount
 7 of taxes paid and the amount due under the subsequent rate is \$1 or
 8 more. If the difference between the amount of taxes paid and the
 9 amount due under the subsequent rate is less than \$1, the taxing
 10 unit [~~school district~~] shall refund the difference on request of
 11 the taxpayer. An application for a refund of less than \$1 must be
 12 made within 90 days after the date the refund becomes due or the
 13 taxpayer forfeits the right to the refund.

14 SECTION 4. Section 49.236, Water Code, as added by Chapters
 15 248 (H.B. 1541) and 335 (S.B. 392), Acts of the 78th Legislature,
 16 Regular Session, 2003, is reenacted and amended to read as follows:

17 Sec. 49.236. NOTICE OF TAX HEARING. (a) Before the board
 18 adopts an ad valorem tax rate for the district for debt service,
 19 operation and maintenance purposes, or contract purposes, the board
 20 shall give notice of each meeting of the board at which the adoption
 21 of a tax rate will be considered. The notice must:

22 (1) contain a statement in substantially the following
 23 form:

24 "NOTICE OF PUBLIC HEARING ON TAX RATE

25 "The (name of the district) will hold a public hearing on a
 26 proposed tax rate for the tax year (year of tax levy) on (date and
 27 time) at (meeting place). Your individual taxes may increase or

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1 decrease, depending on the change in the taxable value of your
2 property in relation to the change in taxable value of all other
3 property and the tax rate that is adopted.

4 "(Names of all board members and, if a vote was taken, an
5 indication of how each voted on the proposed tax rate and an
6 indication of any absences.)";

7 (2) contain the following information:

8 (A) the district's total adopted tax rate for the
9 preceding year and the proposed tax rate, expressed as an amount per
10 \$100;

11 (B) the difference, expressed as an amount per
12 \$100 and as a percent increase or decrease, as applicable, in the
13 proposed tax rate compared to the adopted tax rate for the preceding
14 year;

15 (C) the average appraised value of a residence
16 homestead in the district in the preceding year and in the current
17 year; the district's total homestead exemption, other than an
18 exemption available only to disabled persons or persons 65 years of
19 age or older, applicable to that appraised value in each of those
20 years; and the average taxable value of a residence homestead in the
21 district in each of those years, disregarding any homestead
22 exemption available only to disabled persons or persons 65 years of
23 age or older;

24 (D) the amount of tax that would have been
25 imposed by the district in the preceding year on a residence
26 homestead appraised at the average appraised value of a residence
27 homestead in that year, disregarding any homestead exemption

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1 available only to disabled persons or persons 65 years of age or
2 older;

3 (E) the amount of tax that would be imposed by the
4 district in the current year on a residence homestead appraised at
5 the average appraised value of a residence homestead in that year,
6 disregarding any homestead exemption available only to disabled
7 persons or persons 65 years of age or older, if the proposed tax
8 rate is adopted; and

9 (F) the difference between the amounts of tax
10 calculated under Paragraphs (D) and (E), expressed in dollars and
11 cents and described as the annual percentage increase or decrease,
12 as applicable, in the tax to be imposed by the district on the
13 average residence homestead in the district in the current year if
14 the proposed tax rate is adopted; and

15 (3) contain a statement in substantially the following
16 form:

17 "NOTICE OF TAXPAYERS' RIGHT TO ROLLBACK ELECTION

18 "If taxes on the average residence homestead increase by more
19 than four [~~eight~~] percent, the qualified voters of the district by
20 petition may require that an election be held to determine whether
21 to reduce the operation and maintenance tax rate to the rollback tax
22 rate under Section [49.236](#)(d), Water Code."

23 (b) Notice of the hearing shall be:

24 (1) published at least once in a newspaper having
25 general circulation in the district at least seven days before the
26 date of the hearing; or

27 (2) mailed to each owner of taxable property in the

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1 district, at the address for notice shown on the most recently
 2 certified tax roll of the district, at least 10 days before the date
 3 of the hearing.

4 (c) The notice provided under this section may not be
 5 smaller than one-quarter page of a standard-size or tabloid-size
 6 newspaper of general circulation, and the headline on the notice
 7 must be in 18-point or larger type.

8 (d) If the governing body of a district adopts a combined
 9 debt service, operation and maintenance, and contract tax rate that
 10 would impose more than 1.04 [~~1.08~~] times the amount of tax imposed
 11 by the district in the preceding year on a residence homestead
 12 appraised at the average appraised value of a residence homestead
 13 in the district in that year, disregarding any homestead exemption
 14 available only to disabled persons or persons 65 years of age or
 15 older, the qualified voters of the district by petition may require
 16 that an election be held to determine whether [~~or not~~] to reduce the
 17 tax rate adopted for the current year to the rollback tax rate in
 18 accordance with the procedures provided by Sections 26.07(b)-(g)
 19 and 26.081, Tax Code. For purposes of Sections 26.07(b)-(g) and
 20 this subsection, the rollback tax rate is the current year's debt
 21 service and contract tax rates plus the operation and maintenance
 22 tax rate that would impose 1.04 [~~1.08~~] times the amount of the
 23 operation and maintenance tax imposed by the district in the
 24 preceding year on a residence homestead appraised at the average
 25 appraised value of a residence homestead in the district in that
 26 year, disregarding any homestead exemption available only to
 27 disabled persons or persons 65 years of age or older.

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1 (e) Notwithstanding any other provision of this section,
2 the board may substitute "eight percent" for "four percent" in
3 Subsection (a) and "1.08" for "1.04" in Subsection (d) if:

4 (1) any part of the district is located in an area
5 declared a disaster area by the governor or the president of the
6 United States during the current tax year.

7 SECTION 5. Section 26.07, Tax Code is repealed.

8 SECTION 6. (a) The change in law made by this Act applies
9 to the ad valorem tax rate of a taxing unit beginning with the 2015
10 tax year, except as provided by Subsection (b) of this section.

11 (b) If the governing body of a taxing unit adopted an ad
12 valorem tax rate for the taxing unit for the 2015 tax year before
13 the effective date of this Act, the change in law made by this Act
14 applies to the ad valorem tax rate of that taxing unit beginning
15 with the 2016 tax year, and the law in effect when the tax rate was
16 adopted applies to the 2015 tax year with respect to that taxing
17 unit.

18 SECTION 7. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect on the 91st day after the last day of the
23 legislative session.



Reverse Intergovernmental Aid

The State of Texas, unlike almost all other states, provides virtually no financial assistance to its cities. State aid, defined as a grant made by the state to cities from revenue generated by the state, is practically non-existent in Texas. Research conducted by numerous entities over many years has shown this to be true. The most recent study, released in 2008 by the National League of Cities, found that only in West Virginia is state aid to cities lower than it is in Texas.

State aid flows readily in other states, particularly in populous states. For instance, it is not at all uncommon for states to share state gasoline tax revenue with cities or to split other sources of state general revenue with municipal governments.

While city officials in Texas have seldom asked for state financial aid, they are increasingly aware of the numerous ways in which they are compelled to share city-generated revenue with the state in what can be described as a system of *reverse* intergovernmental aid.

Of the numerous ways in which cities transfer revenue to the state, five stand out:

1. The state's charge for administering the municipal sales tax.
2. Fees levied on cities by the Texas Commission on Environmental Quality.
3. "Local participation" in the cost of building and improving the state highway system.
4. State fees imposed on municipal court convictions.
5. State agency fees that exceed the cost of regulation (e.g., Texas Fire Commission fees).

The State's Charge for Administering the Municipal Sales Tax

When a Texan purchases a product that is subject to the state and local sales tax, the merchant collects the entire tax due and remits it to the state comptroller. The comptroller, in turn, remits the local share back to the appropriate local government (city, metropolitan transit authority, county, and/or special district). For providing this service—and for performing other administrative, enforcement, and reporting duties—the comptroller deducts two percent of the local share of the sales tax and deposits that amount in the state's general revenue fund.

The two-percent fee is high compared to the same fee in other states. Many states charge one percent or less; five states impose no charge at all. In Texas, the two-percent fee generates more than **\$100 million** annually, of which cities pay close to **\$80 million**.

In mid-2008, TML undertook an effort to determine how much the comptroller's office spends annually to provide sales tax services to local governments. The comptroller's office informed TML that "(t)here can be no separate accounting of what costs are ultimately attributable to local tax administration that would not be arbitrary and potentially misleading." A TML committee was then formed to try to estimate the cost of collection to the state. The committee's estimate was at most \$27.7 million per year, far less than the \$80 million paid by cities, generating a "profit" of more than \$50 million to the state.

Texas Commission on Environmental Quality Fees

According to its Web site, the mission of the Texas Commission on Environmental Quality is "to protect our state's human and natural resources consistent with sustainable economic development," and the agency's goal is "clean air, clean water, and the safe management of waste."

One would think that this mission and set of goals would merit substantial funding from the state's general revenue fund. That's not the case. The TCEQ Web site reveals that the agency's revenue comes from the following sources:

State General Revenue	2.89%
Federal Funds	9.27%
Program Fees	86.38%
Other Sources	1.46%

Just who pays the "program fees" that constitute the lion's share of TCEQ revenue? To a great extent, cities do.

The agency imposes more than 40 different fees on cities; roughly 20 are related to water quality. The revenue from these fees is used to pay for the costs of regulating cities under either federal or state law or both. In other words, cities pay TCEQ to regulate them.

Of all the fees, the two that have the most impact on cities are the consolidated water quality fee (CWQF), which is imposed on wastewater treatment facilities, and the public health service fee (PHSF), which is paid by suppliers of public drinking water. The recent funding shortfall for state agencies meant that the TCEQ's water program fees

were insufficient to run the programs starting in the current biennium. The agency could either get more funding from the state's general fund via the state legislature, or increase program fees. The agency chose to increase program fees, and significantly increased both the CWQF and the PHSF. The annual income from cities for the TCEQ from these two fees alone is now expected to be:

CWQF	\$9.9 million
PHSF	\$13.9 million

The PHSF in particular was substantially increased. With the fee increase, the total annual income increased by more than \$15 million. Other fees paid by cities (the water quality permit application fee, stormwater permit fees, the solid waste disposal fee, and others) add considerable amounts to state coffers. **In fact, cities (through the payment of fees) generate more revenue for TCEQ than does the state's general fund.**

Some might say that the fee-dependent financing structure used by TCEQ is fair since cities receive a service for each fee they pay. However, when cities impose fees-for-service on other levels of government, the legislature often acts to prohibit or limit those fees.

For example, when the legislature prohibited the imposition of stormwater fees on public institutions of higher education, some lawmakers argued that it's unfair for one level of government to impose a fee on another level.

And when the legislature prohibited the imposition of municipal impact fees on school districts (unless a district agrees to pay the fee), the legislature's bill analysis stated that:

...impact fees place an undue burden on districts... payment of impact fees by school districts to cities amounts to a needless transfer of money among public entities and constitutes a de facto tax on school districts.

This statement is particularly ironic given that cities pay TCEQ fees and are not exempt from the state's 20-cent-per-gallon gasoline tax. "Public entities" (cities) are paying a state tax each time a police car or fire truck refuels.

Local Participation in State Highway Projects

The best way to describe "local participation" is to quote from a state document titled "Background and Need for Partnering." That document makes the case that the Texas Department of Transportation (TxDOT) faces a funding shortfall because growth in population, vehicle-miles per capita, and total vehicle miles have grown at faster rates than growth in the highway system and growth in revenue available for highway projects. Those trends, according to the report, will continue.

To help address this dilemma...

TxDOT continues to seek additional ways to fund the state transportation program. For years, TxDOT has partnered with local public agencies to make transportation improvements on state highways. This local participation has come in many forms, including provision of right-of-way, financial contributions, maintenance agreements and other forms... Cooperative partnering between state and local agencies will be needed to meet future transportation needs. TxDOT will depend on local and regional leaders to provide both leadership and commitment to help carry projects forward...TxDOT is currently suggesting to local agencies that they consider increasing their participation in TxDOT projects in order to expedite scheduling of locally desired projects. (Emphasis added.)

In short, "local participation" may become a "pay-to-play" system imposed by TxDOT on local governments that wish to see highway projects in their area move forward.

How much do cities annually contribute in local participation? In 2010, cities pitched in more than \$130 million in cash and much more in right-of-way donations and in-kind services. That's a 44-percent increase since 2007. In addition, the state gasoline tax paid by cities accounts for many more millions of dollars paid by cities for the state transportation system.

Here's the bottom line: In most states, the state government makes grants to cities to help those cities build and maintain city streets. In Texas, city governments transfer municipal revenue to the state to help pay for the state highway system.

State Fees on Municipal Court Fines (the "Traffic Ticket Tax")

Municipal courts in Texas collect funds on behalf of the state for a wide variety of state programs. These state programs range from the Criminal Justice Planning Fund to the Crime Victims' Compensation Fund. In most cases, the fees are imposed on persons convicted of any criminal offense. For these collection efforts, cities are generally allowed to keep some small amount of revenue as reimbursement for the costs incurred to collect the fees and remit them to the state.

Many city officials contend that state court costs adversely impact municipal courts in two ways. First, the state's court costs are complicated to administer. While cities can keep a small percentage of the costs as an administrative fee, that amount is not sufficient to reimburse the cities for the bookkeeping and administrative problems connected with this function. Second, when setting an appropriate fine for an offense, a judge must consider the fact that the defendant will also be paying state court costs. As a result, municipal fine revenue is often lower than it

would otherwise be, because the judge has considered the state court costs when setting a defendant's total fine.

Municipal court clerks also point out that the state requires that, in the event of a partial payment, the state court costs must be paid first, before the city can keep any of the fine. This means that cities must do all the work collecting fines but are not allowed to keep any money until the state court costs have been fully satisfied.

In recent years, the number and amount of the state fees collected by municipal courts have grown rapidly. For example, on a typical traffic offense conviction, a municipal court defendant must currently pay \$82 in state-imposed fees before any city fine is collected. The following chart is a comparison of the present situation with fees imposed just nine years ago.

In many ways, municipal court collection of state fees is similar to the state's collection of municipal sales tax. In each case, one level of government is processing a tax/fee levied by another level of government, is remitting it, and is keeping a fee for providing those services.

While there are similarities, however, there are also substantial differences.

January 2002 January 2013

Crime Victim Compensation	\$15.00	\$15.00
Judicial/Court Personnel Training	\$ 2.00	\$ 2.00
Fugitive Apprehension Fund	\$ 5.00	\$ 5.00
Consolidated Court Costs	\$17.00	\$17.00
Juvenile Crime/Delinquency (Prairie View A&M)	\$ 0.50	\$ 0.50
Correction Management Institute (Sam Houston State)	\$ 0.50	\$ 0.50
State Traffic Fine	--	\$30.00
Jury Pay	--	\$ 4.00
State Judges' Salaries	--	\$ 6.00
Indigent Defense	--	\$ 2.00
Total	\$40.00	\$82.00

For example, the state doesn't really "collect" the municipal sales tax; it's collected by the merchant. With regard to state fees on municipal court fines, however, a municipal court employee actually collects the fees and bears the brunt of any resulting fee-payer anger.

Second, the state controls the level of the municipal sales tax, but cities certainly don't control the level of state fees on municipal fines. So while cities can't unilaterally raise the city sales tax without permission from the state, the state can (and frequently does) increase the amount of state fees that cities must collect and remit. How much state fee/

fine revenue do municipal courts collect annually? For fiscal year 2010, the amount was just over **\$235 million**.

State Agency Fees that Exceed the Cost of Regulation (e.g., Texas Fire Commission Fees)

Most regulatory agencies are essentially "self-funded." This means they are required to collect fees from those they regulate to cover all direct, indirect, and operational costs. The Commission on Fire Protection is no different. It is required to generate revenue through fees on cities and firefighters to cover all the costs of the commission for the biennium. For the current biennium, this amounts to \$3.9 million. However, a rider was placed in the commission's budget during the last few hours of the 2011 session. The rider requires it to generate an *additional* \$3.38 million to be swept into the state's general revenue fund for general purpose state spending.

To raise the needed revenue for the operation of the commission and to return the required \$3.38 million to the state, the commission previously raised fees by 142 percent. (Commission staff indicates that no future increases are currently planned.) Many firefighters, and in some cases the cities they work for, saw this fee increase for what it was: a new, legislatively-imposed state tax on their profession.

Conclusion

What's the grand total of reverse intergovernmental aid in Texas? After making various adjustments, the annual total is at least **\$250,000,000**, just from these five sources of reverse intergovernmental aid. (Please note that simply adding the totals from the previous sections yields a much higher amount. Certain adjustments were made to that number in relation to sales tax administration and court fees to arrive at \$250,000,000.)

And why does this transfer of revenue from cities to the state matter? It matters because these transfers of resources result in either reductions in municipal services or increased local fees or taxes—most often the local property tax, which is the only general purpose municipal tax that a city council can raise or lower.

Texas taxpayers remain concerned about property taxes. It is clear that some of the pressure on the property tax results from reverse intergovernmental aid, a system under which governments that must depend on the property tax (cities) transfer revenue to a level of government (the State of Texas) that has many revenue sources.

It's not hard to understand why some state legislators are tempted to turn to cities and ask them to generate revenue for the state. It's much harder to understand why some of those same legislators have been trying for several years to limit the revenue-generating capacity of cities by placing caps on the municipal property tax. ★

Revenue Caps on Cities: The \$2.75 Property Tax Cut

Bills have been introduced to cap the amount of property tax revenue cities can collect each year in a misguided effort to reduce the property tax burden on homeowners and businesses. Currently, if a Texas city increases property tax collections by more than eight percent over the previous year, voters can petition for an election to rollback the increase. Bills have been introduced to replace that eight percent “rollback rate” with a hard cap of four percent and require mandatory elections on an increase over four percent – all with the false claim that this would provide property tax relief.

You Call This Tax Relief?

If the four percent cap on city property tax increases had been in effect in 2013, the owner of a homestead in the City of Dallas with an assessed value of \$250,000 would have seen a “cut” in city property taxes of \$33.10 annually or about \$2.75 per month. The tax savings would have been **even less** if the homeowner was disabled or elderly and qualified for additional exemptions.

How about Zero Tax Relief?

According to the state comptroller’s latest survey of property tax rates in 1,002 cities in Texas, 67 percent of cities raised their property taxes by **less than four percent** from 2012 to 2013 and 37 percent of cities actually reduced their property taxes. That means property owners in at least 669 Texas cities would have seen **no reduction in their city property taxes** if the four percent cap had been in effect.

The Impact on City Services Can Be Large

While the savings to individual taxpayers are very small or even non-existent, a four percent cap could hit city services hard. The following chart shows how much a four percent revenue cap would save homeowners in several cities, and what it represents in terms of city services.

City	4% Revenue Cap Savings for \$250,000 Homeowner Yearly	Potential Revenue Loss	Represents What In City Budget?
McKinney	\$29.65	\$1,411,863	7 police officers and 4 fire fighter salaries and benefits
Tyler	\$14.73	\$458,468	Traffic management enhancements, fire station and park improvements
San Juan	\$45.32	\$148,496	Police and fire personnel, equipment and gear, salary funding for 12 lifeguards, and pool repairs
Orange	\$33.83	\$150,672	6 police vehicles
Midland	\$8.51	\$301,896	2 police officer salaries and benefits and maintenance of the city traffic signal system

Cities Are Not the Cause of High Property Taxes

Cities collect just 16 percent of the property taxes levied in Texas. Most of the property taxes paid by Texans (55 percent) go to school districts. According to the comptroller’s report, the total amount of property taxes collected by cities rose by 3.61 percent between 2012 and 2013, while school district tax collections rose by more than twice that rate or 7.72 percent. School property taxes have been rising because the legislature continues to reduce the state’s share of funding for schools which forces districts to get more revenue from property taxes.

**Imposing a revenue cap on cities:
Does not provide meaningful tax relief
Robs cities of the ability to meet local needs
Diverts attention from the real cause of higher property taxes**



Appraisal Caps: Appealing, Simplistic, and Disastrous

Restricting the amount of annual increase in the taxable value of a home sounds great if you are a homeowner. It's so appealing that states like California and Florida tried it decades ago – and have since been suffering from the unintended consequences. The Texas Constitution currently limits appraisal increases to 10 percent per year. Legislative proposals to reduce the annual increase to five percent would produce the same bad consequences experienced by California and Florida.

Caps Create Inequities between Neighbors

Caps create tax disparity among similarly priced homes because when a home is sold, its lower capped appraised value "pops up" to its full market value. This means the buyer will pay higher taxes than the owner who sold it. In California, appraisal caps have resulted in some new homeowners paying five times more tax than the owner of an identical home next door.

Caps Distort and Depress Real Estate Markets

The "pop up" effect discouraged home sales in California and Florida. Sales of existing homes plummeted because homeowners can't transfer their capped appraisal to another home or to the buyer of their home. It creates a tremendous disincentive to move from home to home, or city to city.

Caps Increase Property Taxes on Apartments and Businesses

Artificially capping one sector of the tax base – homesteads - simply shifts the tax burden to other sectors like rental property, vacation homes and commercial, industrial and agricultural property. In Florida, apartment rental rates soared to cover higher property taxes and made apartments less affordable.

Caps Require a Big Increase in State School Funding

Every time the Legislature has considered lowering the appraisal cap, the fiscal notes on the bills showed a significant reduction in local school property tax revenue that would have to be made up by increased state funding. In fact, the Legislature depends on rising property values to reduce the amount of state money they have to appropriate to support public education.

The City Message to Legislators is Clear:

Don't Import This Bad Idea from California

To learn more, visit www.tml.org or call 512-231-7400
Legislative direct contact: Shanna Igo 512-750-8718

RESOLUTION NO. 2015 - 026**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TEXARKANA, TEXAS, IN OPPOSITION TO A REVENUE CAP
AND LEGISLATIVE INTERFERENCE WITH LOCAL SERVICES;
AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, bills have been introduced to cap the amount of property tax revenue cities can collect each year in a misguided effort to reduce the property tax burden on homeowners and businesses; and

WHEREAS, currently, if a Texas city increases property tax collections by more than eight percent over the previous year, voters can petition for an election to rollback the increase; and

WHEREAS, bills have been introduced to replace that eight percent “rollback rate” with a hard cap of four percent and require mandatory elections on an increase over four percent – all with the false claim that this would provide property tax relief; and

WHEREAS, according to the state comptroller’s latest survey of property tax rates in 1,002 cities in Texas, 67 percent of cities raised their property taxes by less than four percent from 2012 to 2013 and 37 percent of cities actually reduced their property taxes; and

WHEREAS, that means property owners in at least 669 Texas cities would have seen no reduction in their city property taxes if the four percent cap had been in effect; and

WHEREAS, while the savings to individual taxpayers are very small or even non-existent, a four percent cap could represent a loss in vital city services; and

WHEREAS, cities collect just 16 percent of the property taxes levied in Texas, and most of the property taxes paid by Texans (55 percent) go to school districts; and

WHEREAS, according to the comptroller’s report, the total amount of property taxes collected by cities rose by 3.61 percent between 2012 and 2013, while school district tax collections rose by more than twice that rate or 7.72 percent; and

WHEREAS, school property taxes have been rising because the legislature continues to reduce the state’s share of funding for schools, which forces districts to get more revenue from property taxes.

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

SECTION 1: That all the above recitals are true and correct;

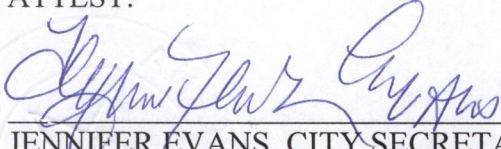
SECTION 2: That the City Council of the City to Texarkana, Texas is opposed to the legislative imposition of a revenue cap and legislative interference with local services; and

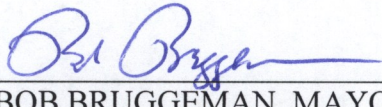
SECTION 3: That imposing a revenue cap on cities: (a) does not provide meaningful tax relief; (b) robs cities of the ability to meet local needs; and (c) diverts attention from the real cause of higher property taxes, which is the legislature's failure to address the problem of school funding.

SECTION 4: That this Resolution shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the 9th day of March, 2015.

ATTEST:


JENNIFER EVANS, CITY SECRETARY


BOB BRUGGEMAN, MAYOR

6:58 p.m.

Briefing Sheet

Update Date: 2/26/2015 11:13 AM

Lead Department: City Manager

Action Officer: Pam Burns, Municipal Clerk

Subject: Historic Landmark Preservation Committee Vacancies

Attachments

- a. Discussion Item 20150309 (PDF)

TEXARKANA, TEXAS CITY COUNCIL DISCUSSION TOPICS SCHEDULE

Date Added	Scheduled Discussion	Discussion Notes	Disposition	Staff Lead
23-Feb-15	9-Mar-15	HLPC consists of nine member positions. Currently there are a number of vacancies which makes it difficult to achieve the ordained quorum. Efforts to recruit applicants has also raised a question about residency of the applicants. Discussion between staff and the city council should help the city council determine if the structure and/or mission of the HLPC needs revision.	Discussion	David Orr
8-Jul-13		Currently Texarkana, Texas Animal Control uses the Texarkana, Arkansas Animal Shelter to house animals that cannot be immediately placed with good homes. The use of the Arkansas shelter is on a fee basis. A number of Texas residents have expressed concern with the euthanasia policies of the Arkansas shelter and feel that it is time for Texas to operate its own shelter with policies that meet the desires of Texas residents. (26 AUG 13) City Council and staff discussion was led by Council Member Veal-Gooch. In general the staff feels that the current annual cost of in-putting animals at the Texarkana, Arkansas shelter now represents an amount that might support the annual debt service costs of financing related to capital funding of a Texas-side facility. Some residents have registered concern that the Arkansas facility cannot continue to accommodate Texas-side animal shelter requirements, especially if the city council adopts a "no-kill" animal control/shelter policy. Council and staff agreed that staff will continue its research on the matter and develop a project plan for the city council to consider for adoption. The plan is expected to identify the key project development milestones which will extend over a number years from research to ribbon cutting. (28 OCT 13) Craig Lindholm reported that the initial research indicates that the annual costs associated with using the Arkansas shelter represents sufficient funding to pay the debt service related to financing the construction of a Texas shelter. Also the staff has researched a number of shelters state-wide seeking a shelter supporting a no-kill policy. Considering the holidays and other activities Mr. Lindholm estimates that a briefing would be coming forward early next calendar year. (27 JAN 14) Mr. Lindholm reported that the staff continues to evaluate the cost associated with using the Texarkana, Arkansas animal shelter and that the annual costs appear to be escalating. There has been no discussion concerning renewing or updating the current contract between Texarkana, Texas and Texarkana, Arkansas. Staff continues to review plans and designs of recently constructed or soon to be constructed animal shelters in Texas. There is an option, should the city council desire, to have some design firms make presentations to the city council. (14 AUG 14) Texarkana, AR city manager has appointed a citizen's committee to review the operations of the current animal shelter. The committee will be reviewing the feasibility of establishing a "No Kill" facility. Staff is putting this effort on hold optioning to hear the outcome of the Texarkana, AR review. We have offered to participate in the current review and have suggested that it would not be appropriate for both Texarkana's to pursue building new shelters or for Texas build a new one while Arkansas improves the existing shelter.	Staffing	Ryan