



CITY OF MANSFIELD

1200 East. Broad St.
Mansfield, TX 76063
www.mansfield-tx.gov

Meeting Agenda City Council

Monday, February 24, 2014

5:00 PM

Council Chambers

REGULAR MEETING

1. **5:00 P.M. - CALL MEETING TO ORDER**

2. **RECESS INTO EXECUTIVE SESSION**

Pursuant to Section 551.071, Texas Government Code, the Council reserves the right to convene in Executive Session(s), from time to time as deemed necessary during this meeting for any posted agenda item, to receive advice from its attorney as permitted by law.

A. Pending or Contemplated Litigation or to Seek the Advice of the City Attorney Pursuant to Section 551.071

Seek Advice of City Attorney Regarding Pending Litigation - Cause No. 348-270155-14

Seek Advice of City Attorney on Competitive Bidding Requirements Related to the City's Wrecker Service Contract

Seek Advice of City Attorney Regarding Hotel-Motel Contract Review

Seek Advice of City Attorney Regarding Legal Issues Related to Past or Future Development Agreements with South Pointe

B. Discussion Regarding Possible Purchase, Exchange, Lease, or Value of Real Property Pursuant to Section 551.072

C. Personnel Matters Pursuant to Section 551.074

Board Interviews; Mansfield Economic Development Corporation

D. Deliberation Regarding Negotiations of the Industrial Development Corporation of an Offer of a Financial or Other Incentives to a Business Prospect Pursuant to Section 551.087

Project #13-20 - Entertainment Business Prospect

3. **6:50 P.M. – COUNCIL BREAK PRIOR TO REGULAR BUSINESS SESSION**

4. **7:00 PM OR IMMEDIATELY FOLLOWING EXECUTIVE SESSION - RECONVENE INTO REGULAR BUSINESS SESSION**

5. **INVOCATION**

6. **PLEDGE OF ALLEGIANCE**

7. **TEXAS PLEDGE**

"Honor the Texas Flag; I Pledge Allegiance to Thee, Texas, One State Under God; One and Indivisible"

8. **PROCLAMATION**

[14-0829](#)

Texas SmartScape Month

Attachments: [SmartScape Proclamation 2014](#)

[14-0831](#)

Best Maid St. Paddy's Pickle Parade and Palooza

Attachments: [Best Maid Pickle Parade 2014](#)

9. **PRESENTATION**

Presentation by State Representative Bill Zedler to City of Mansfield and Gary Dalton of Best Maid

Presentation of Plaque to Jane Hart; Former Keep Mansfield Beautiful Commission Member

Comprehensive Annual Financial Report - KPMG, LLP and City Staff; Peter K. Phillis

10. **CITIZEN COMMENTS**

Citizens wishing to address the Council on non-public hearing agenda items and items not on the agenda may do so at this time. Once the business portion of the meeting begins, only comments related to public hearings will be heard. All comments are limited to 5 minutes. Please refrain from "personal criticisms."

In order to be recognized during the "Citizen Comments" or during a Public Hearing (applicants included), please complete a blue or yellow "Appearance Card" located at the entry to the City Council Chamber and present it to the City Secretary.

11. **COUNCIL ANNOUNCEMENTS**

12. **STAFF COMMENTS**

In addition to matters specifically listed below, Staff comments may include updates on ongoing or proposed projects and address of posted agenda items.

A. **City Manager Report or Authorized Representative**

Current/Future Agenda Items

On-Street Bicycle Plan - James Fish and Bart VanAmburgh

B. Business Services Department Report

[14-0826](#) Presentation of the Monthly Financial Report for the Period Ending December 31, 2013

Sponsors: Peter Phillis

Attachments: [December 2013 Financials](#)

C. Police Department Report

[14-0821](#) Presentation of the Mansfield Police Department Annual Contact Report for 2013

Sponsors: Gary Fowler

Attachments: [Memorandum and TCOLE Tier 1 Partial Exemption Report 2013](#)
[Annual Contact Report 2013](#)

[14-0835](#) Presentation of the Mansfield Marshal's Office Contact Report for 2013

Sponsors: Tracy Aaron

Attachments: [TCOLE Tier 1 Partial Exemption Report](#)
[Mansfield Marshal's Office 2013 Annual Contact Report](#)

13. TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION**14. CONSENT AGENDA**

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

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

[14-0794](#) Ordinance - Third and Final Reading of an Ordinance Setting Forth the Standards of Care for the Recreation Department's Summer Youth Program for the City of Mansfield; Providing for the Operational Standards of the Administration for the Program; Providing for the Inspecting, Monitoring, and Enforcement of the Standards of Care; Providing for the Staffing Levels, Training and Responsibilities for Those Working in the Program; Providing for Facility Standards; Providing for a Cumulative Clause; Providing for a Severability Clause; Providing for an Effective Date

Sponsors: Andy Binz

Attachments: [Senate Bill 212](#)
[Ordinance](#)
[Exhibit "A" Standards of Care](#)

[14-0820](#) Resolution - Resolution Authorizing the City Manager and the Police Department to Make Application, Receive and Expend Grant Funding from the Criminal Justice Division (CJD) of the Governor's Office of the State of Texas for Criminal Justice Projects that Reduce Crime and Improve the Criminal Justice System During the FY2015 for an Amount not to Exceed \$145,000 with no Match Required

Sponsors: Gary Fowler

Attachments: [Resolution](#)

[14-0832](#) Resolution - A Resolution Authorizing the Director of Public Works to Submit a Grant Application to the North Central Texas Council of Government (NCTCOG) for Grant Funds to Purchase a New Graphic to be Placed on Recycling Carts; and Authorizing the Director of Public Works to Execute an Interlocal Agreement With the NCTCOG if the Application is Approved. \$24,540 for Drainage Utility Fund, No Matching Funds Required

Sponsors: Steve Freeman

Attachments: [Resolution](#)

[14-0833](#) Resolution - A Resolution Authorizing the Director of Public Works to Submit a Grant Application to the North Central Texas Council of Government (NCTCOG) for Grant Funds to Purchase Equipment to be Used for Processing and/or Storing HHW; and Authorizing the Director of Public Works to Execute an Interlocal Agreement With the NCTCOG if the Application is Approved. \$96,000 for Drainage Utility Fund, No Matching Funds Required

Sponsors: Steve Freeman

Attachments: [Resolution](#)

[14-0834](#) Resolution - A Resolution Authorizing the Director of Public Works to Submit a Grant Application to the North Central Texas Council of Government (NCTCOG) for Grant Funds to Construct an Enclosure for the Purpose of a Recycling Dropoff Center to be Located on the Property of the Service Center Facility; and Authorizing the Director of Public Works to Execute an Interlocal Agreement With the NCTCOG if the Application is Approved. \$30,000 for Drainage Utility Fund, No Matching Funds Required

Sponsors: Steve Freeman

Attachments: [Resolution](#)

[14-0830](#) Request for Special Event permit; Ride2Recovery

Sponsors: The Applicant

Attachments: [Application](#)

[14-0823](#) Minutes - Approval of the February 10, 2014 Regular City Council Meeting Minutes

Sponsors: Vicki Collins

Attachments: [2-10-14 DRAFT Meeting Minutes](#)

END OF CONSENT AGENDA

15. PUBLIC HEARING AND FIRST READING

[14-0817](#) Ordinance - Public Hearing and First Reading of an Ordinance Approving Historic Landmark Overlay District Classification for Properties Located at 107 N. Main Street, 124 N. Main Street and 128 N. Main Street; City of Mansfield (ZC#14-002)

Sponsors: Felix Wong

Attachments: [Ordinance](#)

[Maps and Supporting Information](#)

[14-0818](#) Ordinance - Public Hearing and First Reading on an Ordinance Approving Amendment of Section 7100.C and 7100.D of the Zoning Ordinance Pertaining to Regulations on Window Sign and Message Center (OA#14-001)

Sponsors: Felix Wong

Attachments: [Ordinance](#)

16. PUBLIC HEARING AND RESOLUTION

[14-0828](#) Resolution - A Public Hearing and Resolution Approving and Endorsing the 2014 (40th year) Community Development Block Grant Project for Short St. (East Dallas St. to East Kimball St.)

Attachments: [Resolution](#)

[Map](#)

17. NEW BUSINESS

[14-0822](#) Ordinance - First Reading of an Ordinance Amending the Regulations in Chapter 114 of the Mansfield Code of Ordinances, "Gas Well Drilling and Production", Pertaining to Noise, Hours of Operation, Notification, and Other Drilling, Operation, and Production Activities (OA#14-002)

Sponsors: Felix Wong

Attachments: [Ordinance](#)

[14-0824](#) Consideration and Possible Action to Suspend the Procedural Rules of Council and Reschedule the Regular City Council Meeting of March 10, 2014 to March 17, 2014

Attachments: [Procedural rules of Council](#)

18. ADJOURN

CERTIFICATION

I, the undersigned authority do hereby certify that the above agenda was posted on the bulletin board next to the main entrance of the City Hall, 1200 East Broad Street, of the City of Mansfield, Texas, in a place convenient and readily accessible to the general public at all times and said Agenda was posted on the following date and time: Thursday, February 20, 2014 by 5:00 p.m., and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Vicki Collins, City Secretary

Approved as to form:

Craig Magnuson, Attorney, City of Mansfield

1. This building is wheelchair accessible. Parking spaces for disabled citizens are available. Requests for sign interpreter services must be made forty-eight (48) hours prior to the meeting. To make arrangements, call (817) 473-0211 or (TDD) 1-800-RELAY TX, 1-800-735-2989.

2. In deciding a zoning change application, the Planning and Zoning required to determine the highest and best use of the property in question. The Planning and Zoning Commission may recommend and the Council may approve a change in zoning to the category or district requested by the applicant or to any zoning category or district of lesser intensity. Notice is presumed sufficient for every district up to the intensity set forth in the zoning change application.

This public notice was removed from the official posting location at the Mansfield City Hall on the following date and time:

By: _____
City Secretary's Office



CITY OF MANSFIELD

1200 East. Broad St.
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STAFF REPORT

File Number: 14-0829

Agenda Date: 2/24/2014

Version: 1

Status: To Be Presented

In Control: City Council

File Type: Proclamation

Title

Texas SmartScape Month

Requested Action

n/a

Recommendation

n/a

Description/History

n/a

Justification

n/a

Funding Source

n/a

Prepared By

Belinda Willis, Director Communications & Marketing

WHEREAS, water is a precious resource and should be made available to all residents of Mansfield, and

WHEREAS, past and future droughts place that availability at risk, and

WHEREAS, residents and businesses can conserve water today to ensure availability for future generations to come, and

WHEREAS, spring and summer are highly active times of the year for planting and general landscaping,

WHEREAS, the City of Mansfield participates with other communities throughout the region in a North Central Council of Governments project called the Texas SmartScape program, which promotes water conservation goals by hosting classes and a demonstration garden planting, and

WHEREAS, this program focuses attention on water conservation and water quality benefits while also creating a beautiful and attractive landscape that shows Mansfield at its best,

NOW, THEREFORE, I, David L. Cook, mayor of the City of Mansfield, Texas, join with the members of the City Council, to hereby proclaim March 2014

TEXAS SMARTSCAPE MONTH

in Mansfield and encourage residents to join in the community activities to support the Texas SmartScape program.

IN WITNESS WHEREOF, I do hereby set my hand and cause the official seal of the City of Mansfield to be affixed this 24th day of February, 2014.



CITY OF MANSFIELD

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STAFF REPORT

File Number: 14-0831

Agenda Date: 2/24/2014

Version: 2

Status: To Be Presented

In Control: City Council

File Type: Proclamation

Agenda Number:

Title

Best Maid St. Paddy's Pickle Parade & Palooza

Requested Action

n/a

Recommendation

n/a

Description/History

n/a

Justification

n/a

Funding Source

n/a

Prepared By

Belinda Willis, Director of Communications & Marketing

WHEREAS, the World's Only Best Maid St. Paddy's Pickle Parade & Palooza on March 15 is a community-wide St. Patrick's Day event that celebrates the city's long-standing affiliation with Best Maid Pickles, and

WHEREAS, Best Maid Pickles was founded in Mansfield in 1926 by Jessie and Mildred Dalton as Mrs. Dalton's Mayonnaise Company and has grown into one of the most recognizable food brands in the country, and

WHEREAS, the day's events include a Fun Run, 5K, 10K, a parade down Main Street and the downtown "Palooza" of food, music, arts and crafts and family fun, and

WHEREAS, the festivities offer an opportunity for residents and visitors to recognize the St. Patrick's Day holiday and celebrate the city's heritage with a unique family-friendly special event that highlights the historic downtown in a fun and creative way,

NOW, THEREFORE, I, David L. Cook, Mayor of the City of Mansfield, Texas, join with members of the City Council to hereby proclaim March 15, 2014, as

BEST MAID ST. PADDY'S PICKLE PARADE & PALOOZA DAY

in Mansfield and ask residents to join in the celebration of our city's heritage by supporting this special event and thank the hundreds of community volunteers involved.

IN WITNESS WHEREOF, I do hereby set my hand and cause the official seal of the City of Mansfield to be affixed this 24^h day of February, 2014.



CITY OF MANSFIELD

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STAFF REPORT

File Number: 14-0826

Agenda Date: 2/24/2014

Version: 1

Status: To Be Presented

In Control: City Council

File Type: Presentation

Agenda Number:

Title

Presentation of the Monthly Financial Report for the Period Ending December 31, 2013

Requested Action

Attached is the Monthly Financial Report for the period ending December 31, 2013 for Council's review.

Recommendation

Review the Financial Statement for the period ending December 31, 2013.

Description/History

Monthly Financial Report

Justification

To advise the Council of the city's financial condition.

Funding Source

N/A

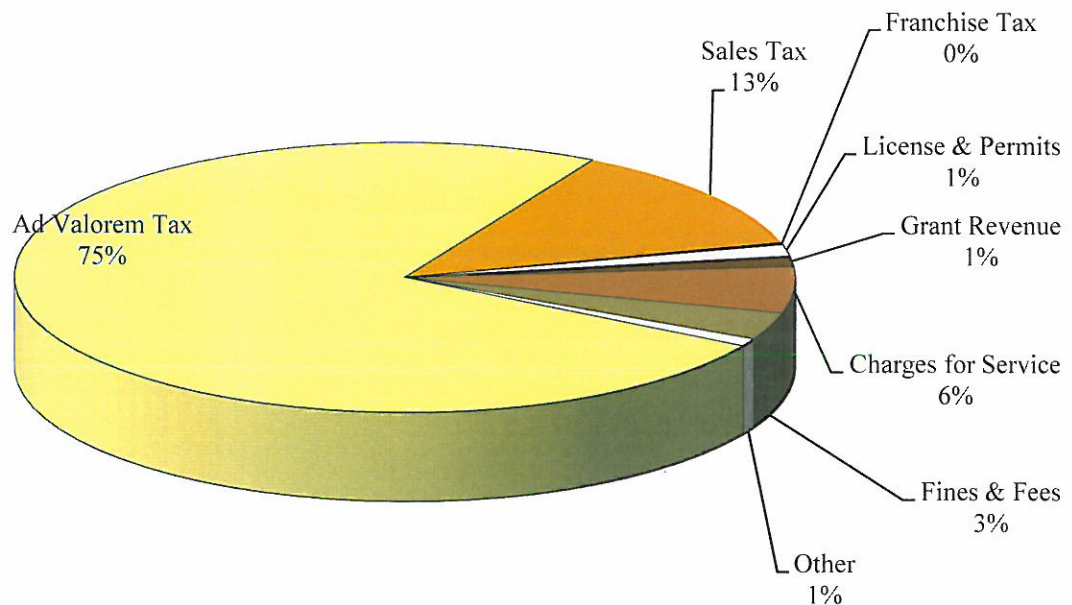
Prepared By

Peter K. Phillis, CPA, Director of Business Services
817-276-4261

CITY OF MANSFIELD, TEXAS -
DISCUSSION OF THE CITY'S FINANCIAL CONDITION AS OF AND FOR
THE THREE MONTHS ENDING DECEMBER 31, 2013:

The City of Mansfield, Texas is in solid financial condition as of and through the first three months of fiscal 2014. The results of this period are indicative of the conservative financial management of the financial activity of the City of Mansfield, Texas. Fiscal year end results for 2014 are expected to improve the City's overall financial condition when compared to the City's financial condition for fiscal year 2013.

General Fund Revenues
Allocation of Receipts as December 31, 2013



General Fund Revenue Comparisons:

Property Tax Collections:

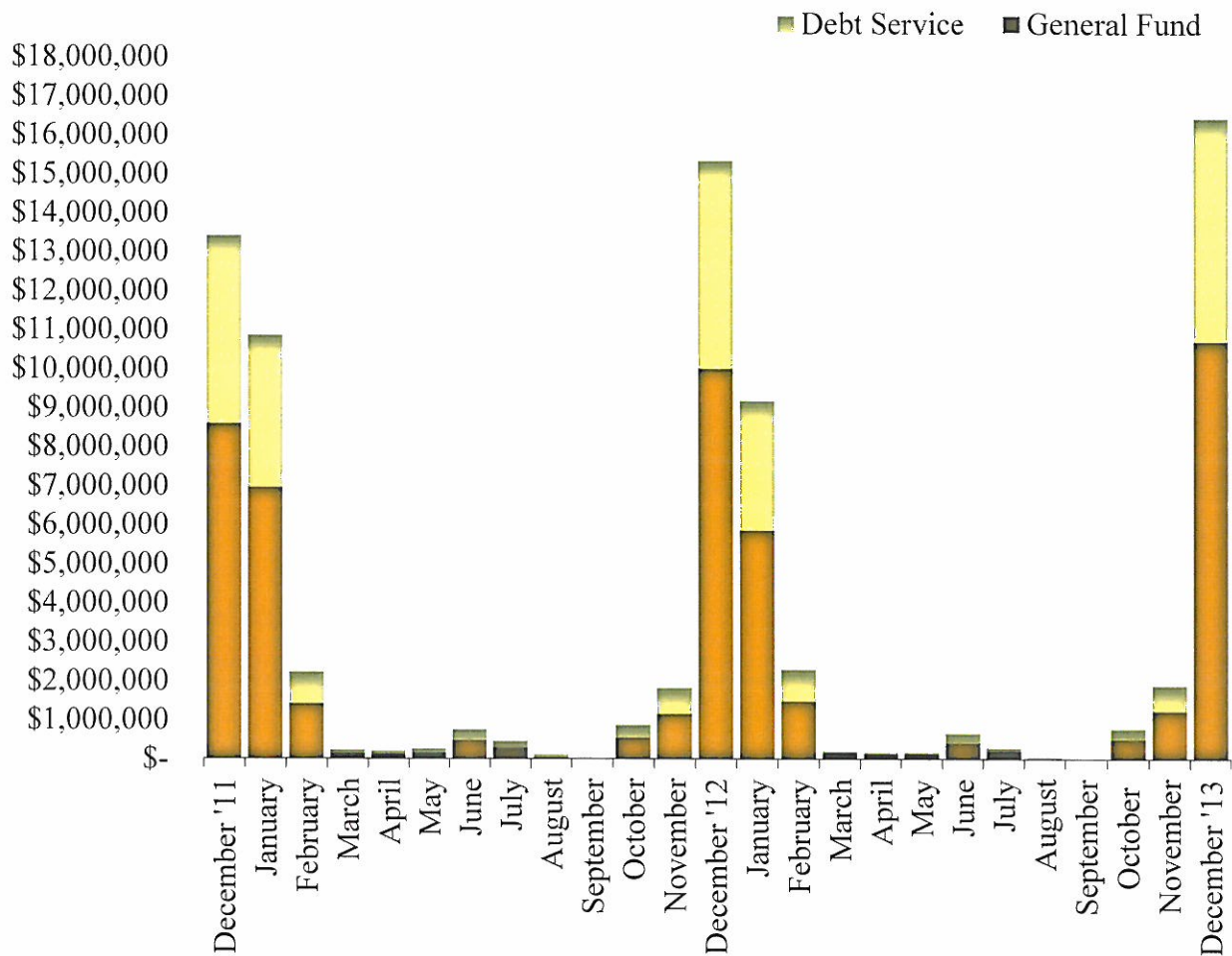
Most of the City's property tax is collected in the first four or five months of the fiscal year as property tax bills are generally due within first four months of the City's fiscal year. With the majority of the property taxes being collected in the first half of the fiscal year, a reader of the financial statements could believe that the City may be performing well ahead of expectations given the significant collections in the property tax within the first seven months of the fiscal year. Heeding should be given to budgeted estimates to actual collections during this period as tax collections are

due within this period of time and tax collections can be subject to the whims of the economy. Moreover, expectations of improved collections over prior collection are included in the calculus of budgeted estimates for the fiscal year.

Current year and prior year property tax collections through December 31, 2013 are \$12,452,340. Last year's collections were \$11,701,736 for the same period - a 6.42% increase over prior year.

Property Tax collections in the City's Debt Service improved over last year because of the increase in annual debt service expenses related to the cost of the public improvements that are expected to last over the next two decades. These expenses or increases are attributable to the City's public works street program. These increases in expenses have been offset by a refunding of some of the City's outstanding bonds as reported. Actual debt service property tax collections as of December 31, 2013 are \$6,705,665. For the same period last year, property tax collections for debt service were \$6,634,736 – an increase of 1.07%.

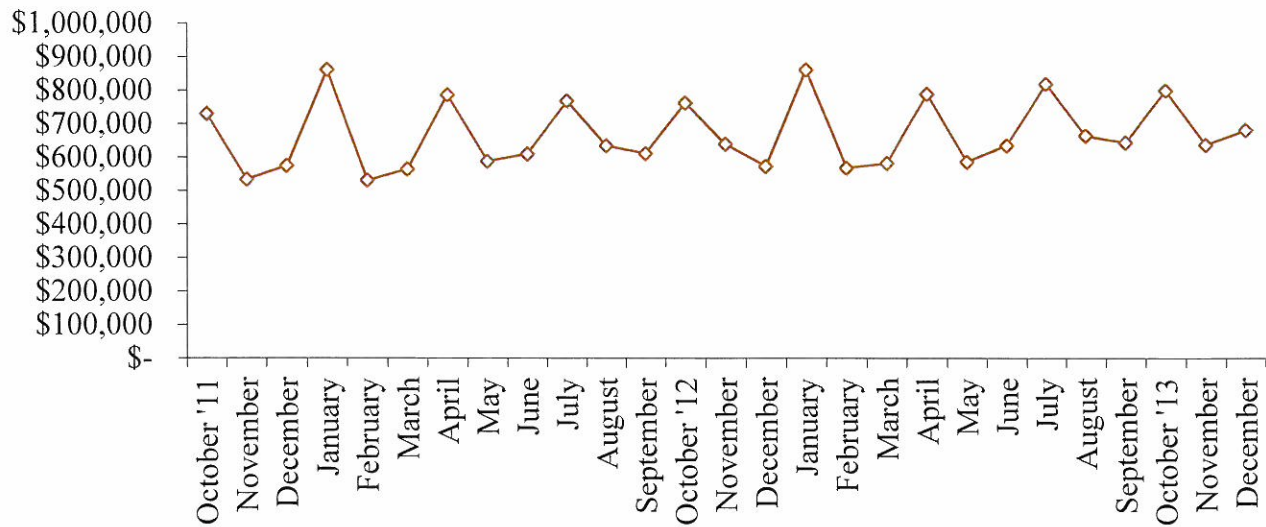
Ad Valorem Tax Collections by Month



Sales Taxes:

The City's budgeted sales tax revenue is 21.2% of the total budgeted revenue for the City. Collections for the first three months amount to 24.26% of actual total collections for fiscal 2014. Sales tax per capita is approximately \$135. The City expects sales tax per capita to continue to improve as continued improvements in the retail sector occur over time and into the future. Per capita spent has remained relatively constant given the impact of fuel prices and the overall economy. Sales Tax collections for the period December 1, 2013 through December 31, 2013, total \$679,735 as compared to \$571,833 for the same period last year. This is an increase of 18.87% over the same period as last year.

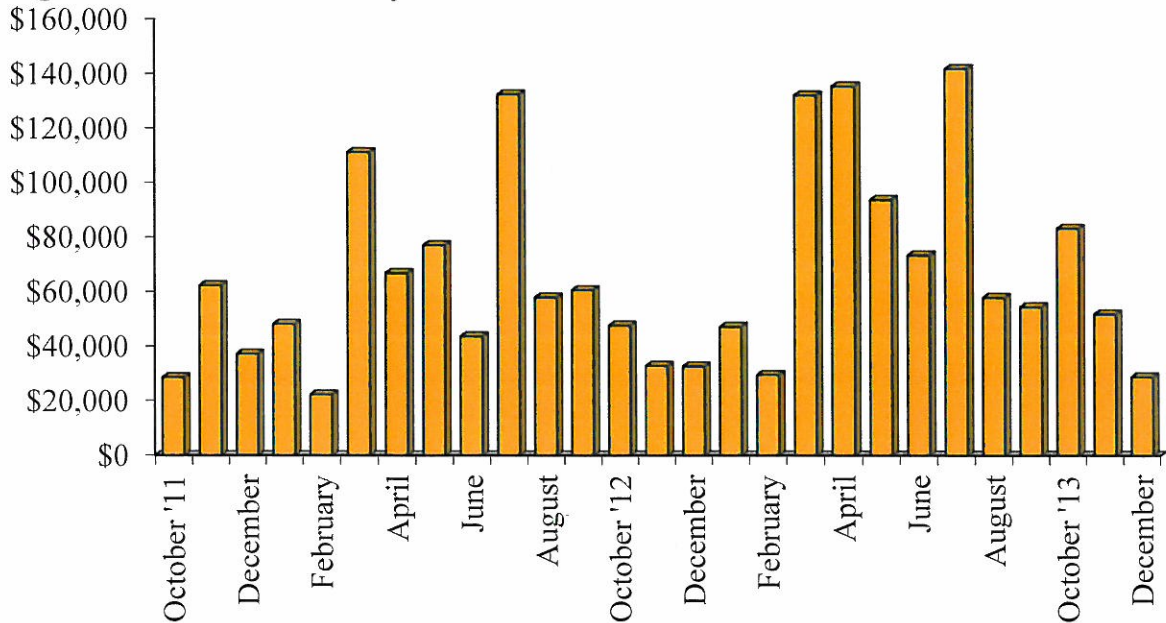
Sales Tax Collections



Building Permits:

Building activity has remained constant and perhaps will ever slightly improve in year over year final comparison. Month to date comparisons by year indicate building permit activity to be up. The trend for building permit activity seems to be consistent with prior year's activity - suggesting a bit of improvement. The expectations for building activity have been a point of concern within the context of the lending markets. Recent reports lean toward an improving housing market in the United States. Some have reported that housing starts will be up to 900,000 new units this calendar year. By comparison, this is still well below the over 2,000,000 new home starts in 2008. Texas still seems to be the State to live in as local economies in North Texas continue to report growing populations in year over year census comparisons. Building Permits increased in December 2013 compared to December 2012. Permits for this period compared to the same period last year are 28,805 and 32,638 respectively, representing a decrease of 3,833 or (11.75%) over the same period last year.

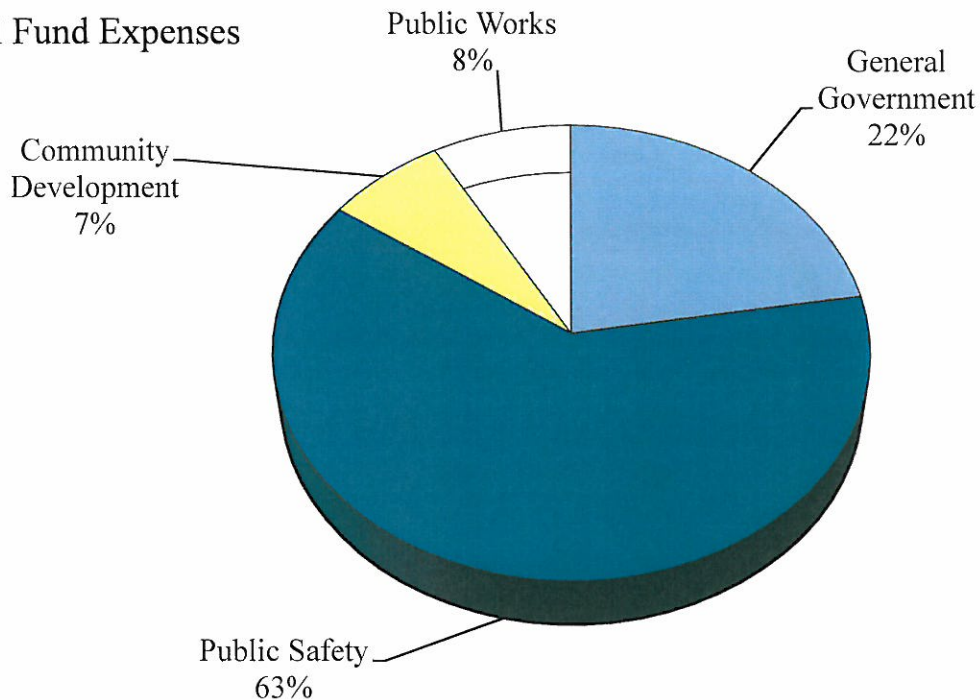
Building Permits Collections by Month



Expenditure/Uses:

The majority of the City's General Operating Fund is dedicated to the purposes of servicing the needs of the general public's safety. Almost \$24,200,000 will be spent on the policing needs and fire needs of the City. This is almost 59% of the City General purpose budget. To date the City has spent \$10,601,798 of its expected expenditures of \$41,375,118 or 25.62% of the City total operating budget. This is at expectations relative to the anticipated expenditures for the year.

General Fund Expenses



PROPRIETARY FUND:

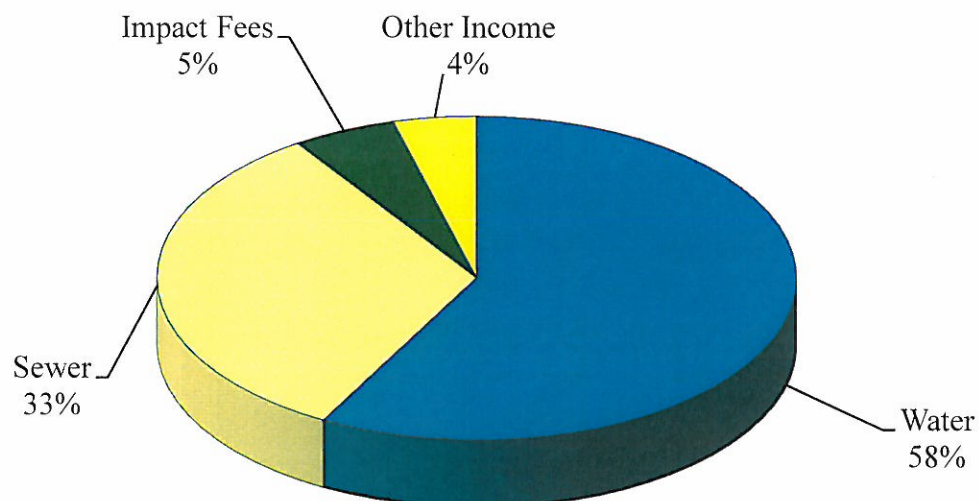
WATER & SEWER FUND

The Debt Service, Bond Reserve, and Construction Funds have been consolidated into the Water and Sewer Operating Fund for financial reporting purposes to comply with Generally Accepted Accounting Principals and to enhance the reliability of the financial activity of this municipal service.

Operating Revenue:

The Operating Revenue is on target for the fiscal year. The sale of Water & Sewer alone represent about 91% of the total revenue collected to date; while approximately 5% of the Fund's revenue has been collected from impact fees. Currently the Fund has collected approximately 26.21% of its Budgeted projection to date.

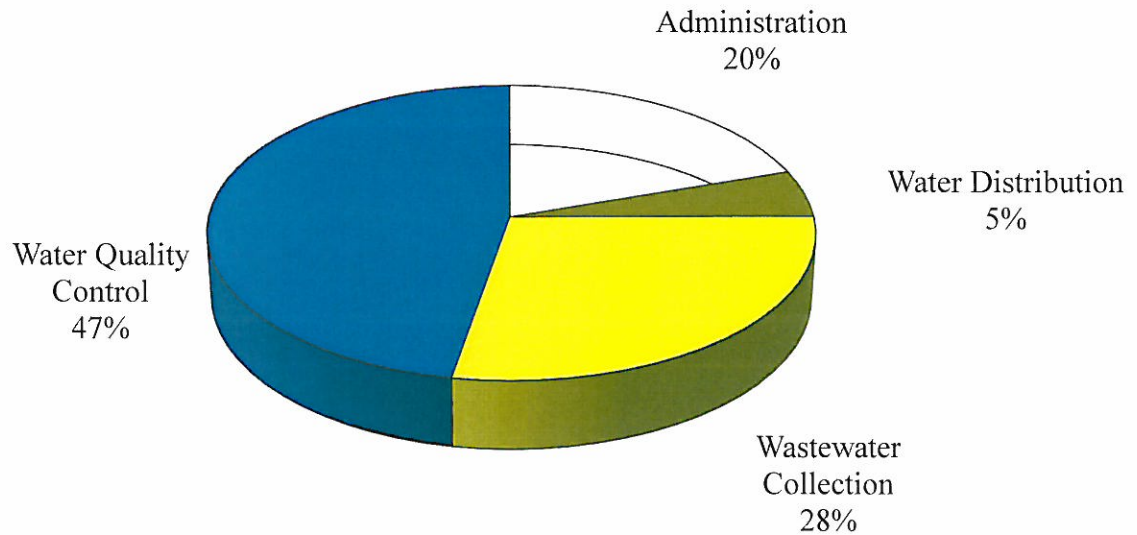
Water & Sewer Revenues



Operating Expenses:

The Department's expenses are at or below anticipated levels to date. Please note that the overall expenditure activity of the fund (excluding depreciation) indicates approximately 25.33% of the funds have been expended to date.

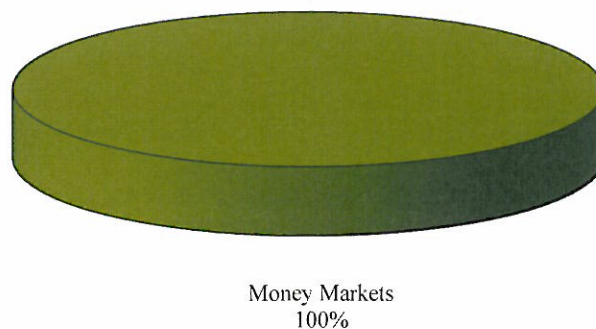
Water & Sewer Expenses



INVESTMENT SCHEDULE:

A schedule of investments is included in your packet for period ended December 31, 2013.

Investment Summary



WATER CONSUMPTION ACTIVITY

Consumption Class	Water Accounts		Consumption ('000)		Avg Consumption Per Account	
	Dec '13	Dec '12	Dec '13	Dec '12	Dec '13	Dec '12
Residential	17,275	16,922	116,566	155,453	6,748	9,186
Commercial	605	582	28,089	26,845	46,428	46,126
Institutional	164	166	7,840	6,770	47,806	40,781
Commercial Sewer Only	-	-	-	-	-	-
Residential Irrigation	889	879	3,231	7,541	3,635	8,579
Com & Ind Irrigation	599	588	19,225	46,561	32,094	79,186
Industrial	121	123	8,107	7,092	66,996	57,662
Builders	138	142	702	1,371	5,086	9,651
Fire Hydrants	33	18	1,855	311	56,206	17,272
Residential Key Branch	6	6	23	28	3,790	5,552
Bulk Untreated Water	5	5	4,623	13,272	924,600	2,654,400
Bulk Treated Water	1	1	1,593	824	1,593,000	825,000
Total	19,839	19,434	191,853	266,068		

Consumption Per Account

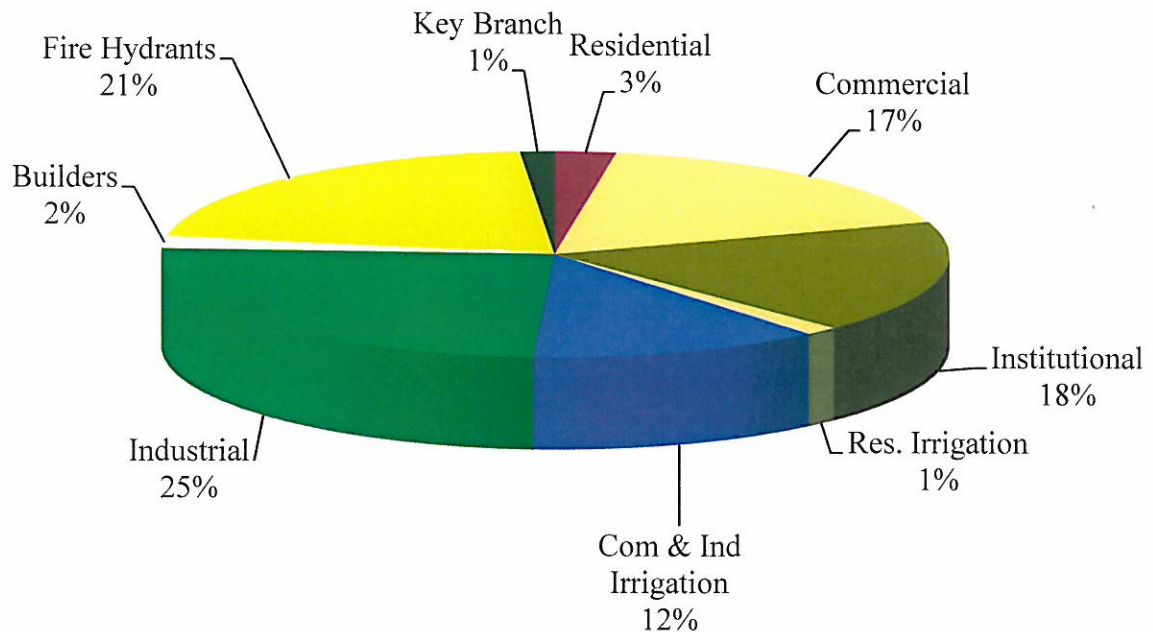


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GENERAL FUND

The General Fund is used to account for resources traditionally associated with government which are not legally required to be accounted for in another fund.

City of Mansfield, Texas

Comparative Balance Sheet - General Fund
December 31, 2013 and 2012 (Unaudited)

<u>ASSETS</u>	<u>Fiscal 2014</u>	<u>Fiscal 2013</u>
Cash and Investments	\$ 13,127,873	\$ 16,841,795
Receivables:		
Current Year Taxes	\$ 9,062,664	8,466,307
Delinquent Taxes (Net of Allowance of \$653,112)	\$ 38	-
Accounts (Net of Allowance of \$151,153)	\$ 1,043,793	909,776
Ambulance (Net of Allowance of \$0)	\$ 569,666	572,227
Municipal Court (Net of Allowance of \$0)	\$ 91,940	107,028
Due From Other Funds	\$ 417,407	-
Other Assets	\$ 4,250	83,061
Capital Assets (net of accumulated depreciation)	\$ 311,570,708 *	310,529,627
Total Assets	<u>\$ 335,888,340</u>	<u>\$ 337,509,820</u>
<u>LIABILITIES AND FUND BALANCES</u>		
LIABILITIES:		
Accounts Payable	\$ 255,381	\$ 171,056
Accrued Liabilities	\$ 1,560,669	1,402,879
Deferred Revenue	\$ 9,724,270	9,145,522
Noncurrent liabilities:		
Due within one year	\$ 10,151,541 *	9,407,690
Due in more than one year	\$ 98,604,134 *	100,447,015
Total Liabilities	<u>120,295,995</u>	<u>120,574,162</u>
FUND BALANCES:		
Invested in capital assets, net of related debt	202,815,033 *	200,674,922
Reserved For Other Assets	4,250	83,061
Unassigned	<u>12,773,062</u>	<u>16,177,676</u>
Total Fund Balances	<u>215,592,345</u>	<u>216,935,659</u>
Total Liabilities And Fund Balances	<u>\$ 335,888,340</u>	<u>\$ 337,509,820</u>

* Current year presentation only, does not include current year depreciation expense.

* Does not conform with Generally Accepted Accounting Principals or Governmental Accounting Standards

*For presentation purposes the capital assets and outstanding debt of the Governmental Funds have been consolidated into the General Operating Fund of the City.

City of Mansfield, Texas

Summary Revenue and Expenditure Report for the Month and Three Months
Ended December 31, 2013 and 2012 (Unaudited)

	FY14 MONTH TO DATE	FY13 MONTH TO DATE	FY14 YEAR TO DATE	FY13 YEAR TO DATE	FY14 ORIGINAL BUDGET	FY14 POSITIVE (NEGATIVE) BUDGET	FY14 PERCENT COLLECTED TO BUDGET
<u>REVENUES:</u>							
Taxes	\$ 11,402,372	\$ 10,582,722	\$ 14,673,603	\$ 13,786,615	\$ 34,095,485	\$ (19,421,883)	43.04%
License And Permits	41,979	51,323	228,637	194,286	1,233,179	(1,004,543)	18.54%
Grant Revenue	11,881	7,487	205,900	24,773	-	205,900	0.00%
Charges For Services	339,283	329,869	925,507	852,514	3,378,910	(2,453,403)	27.39%
Fines And Fees	271,018	331,579	550,433	643,938	2,271,200	(1,720,767)	24.24%
Interest Earnings	675	-	1,834	9	5,000	(3,166)	36.68%
Contributions	-	-	-	-	-	-	0.00%
Miscellaneous	12,276	17,986	110,689	108,915	134,300	(23,611)	82.42%
Total Revenues	12,079,483	11,320,967	16,696,603	15,611,050	41,118,074	(24,421,472)	40.61%
<u>EXPENDITURES:</u>							
General Government	855,452	728,554	2,366,858	2,303,234	10,199,552	7,832,694	23.21%
Public Safety	2,339,669	1,866,533	6,615,529	5,803,294	24,183,897	17,568,367	27.36%
Public Works	253,918	165,155	871,900	518,055	3,374,725	2,502,825	25.84%
Community Development	269,058	241,056	747,511	773,132	3,616,945	2,869,434	20.67%
Total Expenditures	3,718,097	3,001,297	10,601,798	9,397,715	41,375,118	30,773,320	25.62%
EXCESS REVENUES OVER(UNDER) EXPENDITURES	8,361,386	8,319,670	6,094,804	6,213,335	(257,044)		
<u>OTHER FINANCING SOURCES (USES)</u>							
Reserve/Contingency	-	-	-	-	-	-	0.00%
Sale of Capital Assets, net	-	-	-	-	-	-	0.00%
Operating Transfers In	-	-	-	-	810,532	(810,532)	0.00%
Operating Transfers Out	(1,121,374)	(19,877)	(3,921,704)	(524,057)	(553,488)	(4,475,192)	708.54%
Total Other Financing Sources (Uses)	(1,121,374)	(19,877)	(3,921,704)	(524,057)	257,044	(5,285,724)	708.54%
EXCESS OF REVENUES AND OTHER FINANCING SOURCES OVER (UNDER) EXPENDITURES AND OTHER FINANCING USES	7,240,012	8,299,791	2,173,100	5,689,278	0		
<u>FUND BALANCE</u>							
BEGINNING	5,537,300	7,960,946	10,604,212	10,571,458	10,571,459		
ENDING	<u>\$ 12,777,312</u>	<u>\$ 16,260,737</u>	<u>\$ 12,777,312</u>	<u>\$ 16,260,736</u>	<u>\$ 10,571,459</u>		

City of Mansfield, Texas

Statement of Revenues, Expenditures, and Changes in Fund Balance - Budget and Actual -
General Fund - For the Month and Three Months Ended December 31, 2013 and 2012 (Unaudited)

	FY14 MONTH TO DATE	FY13 MONTH TO DATE	FY14 YEAR TO DATE	FY13 YEAR TO DATE	FY14 ORIGINAL BUDGET	FY14 POSITIVE (NEGATIVE) BUDGET	FY14 PERCENT COLLECTED TO BUDGET
REVENUES:							
Taxes-Current	\$ 10,701,424	\$ 9,988,151	\$ 12,413,605	\$ 11,613,973	\$ 21,353,504	\$ (8,939,899)	58.13%
Taxes-Prior	9,636	11,140	38,735	87,763	150,000	(111,265)	25.82%
Gas Royalty Income	3,400	1,405	3,400	1,600	41,860	(38,460)	8.12%
Franchise Taxes	26	40	42,091	49,716	3,501,210.56	(3,459,120)	1.20%
Sales Taxes	681,221	573,354	2,119,047	1,977,857	8,737,960	(6,618,913)	24.25%
Mix Drink Taxes	-	-	37,740	26,626	118,000	(80,260)	31.98%
Delinquent P&I	6,664	8,632	18,985	29,078	167,751	(148,767)	11.32%
Collection Costs	-	-	-	-	25,200	(25,200)	0.00%
Total Taxes	11,402,372	10,582,722	14,673,603	13,786,615	34,095,485	(19,421,883)	43.04%
LICENSE & PERMITS							
Building Permits	28,805	32,638	163,966	113,077	1,050,563	(886,597)	15.61%
Other Lic/Permits	13,174	18,685	64,671	81,209	182,616.00	(117,945)	35.41%
Total License & Permits	41,979	51,323	228,637	194,286	1,233,179	(1,004,543)	18.54%
GRANT REVENUE	11,881	7,487	205,900	24,773	-	205,900	0.00%
CHARGES FOR SERVICES							
Sanitation	215,951	224,465	604,795	619,669	2,450,410	(1,845,615)	24.68%
Ambulance Services	84,435	70,016	225,308	197,457	900,000	(674,692)	25.03%
Fines & Fees-Engineering	38,898	35,388	95,404	35,388	28,500	66,904	334.75%
Total Charges For Services	339,283	329,869	925,507	852,514	3,378,910	(2,453,403)	27.39%
FINES & FEES							
Fines & Fees-Court	79,240	107,363	291,006	359,608	1,388,700	(1,097,694)	20.96%
Fines & Fees-Other	191,778	224,216	259,428	284,330	882,500	(623,072)	29.40%
Total Fines & Fees	271,018	331,579	550,433	643,938	2,271,200	(1,720,767)	24.24%
INTEREST EARNINGS	675	-	1,834	9	5,000	(3,166)	36.68%
CONTRIBUTIONS	-	-	-	-	-	-	0.00%
MISCELLANEOUS							
Certificate Of Occupancy	720	360	2,180	1,404	6,000	(3,820)	36.33%
Mowing	120	-	2,785	1,150	-	2,785	0.00%
Sale Of Property	-	3,436	-	3,699	-	-	0.00%
Zoning Fees	-	-	4,260	2,640	11,920	(7,660)	35.74%
Plat Fees	2,025	-	6,666	4,800	12,500	(5,834)	53.33%
Miscellaneous	9,411	14,189	94,797	95,223	103,880	(9,082)	91.26%
Total Miscellaneous	12,276	17,986	110,689	108,915	134,300	(23,611)	82.42%
Total Revenues	\$ 12,079,483	11,320,967	\$ 16,696,603	\$ 15,611,050	\$ 41,118,074	\$ (24,421,471)	40.61%

City of Mansfield, Texas

Statement of Revenues, Expenditures, and Changes in Fund Balance - Budget and Actual -
General Fund - For the Month and Three Months Ended December 31, 2013 and 2012 (Unaudited)

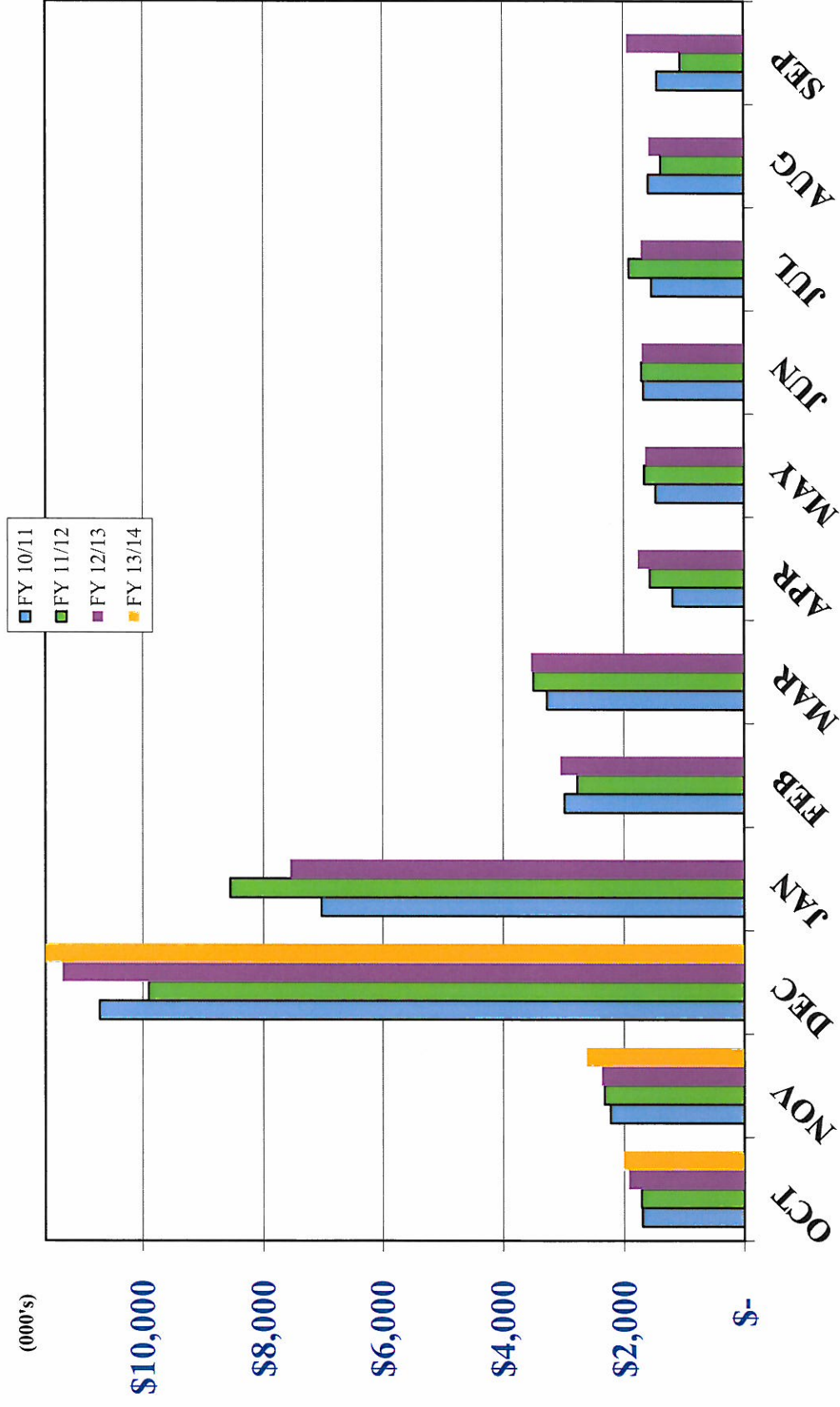
	FY14 MONTH TO DATE	FY13 MONTH TO DATE	FY14 YEAR TO DATE	FY13 YEAR TO DATE	FY14 ORIGINAL BUDGET	FY14 POSITIVE (NEGATIVE) BUDGET	FY14 PERCENT COLLECTED TO BUDGET
EXPENDITURES:							
GENERAL GOVERNMENT							
Non-departmental	\$ 2,603	\$ 656	\$ 6,021	\$ 7,317	\$ -	\$ (6,021)	0.00%
City Council	5,170	3,492	30,586	25,537	108,029	77,443	28.31%
Administration	87,793	56,044	210,826	206,097	661,336	450,510	31.88%
City Secretary	28,689	28,177	80,072	78,399	302,634	222,562	26.46%
Legal	41,829	22,614	90,465	117,023	588,941	498,476	15.36%
Human Resources	72,729	64,420	187,527	169,816	757,190	569,663	24.77%
Keep Mnsf Beautiful	-	-	-	-	-	-	0.00%
Building Maintenance	72,099	59,977	198,630	190,186	1,002,728	804,098	19.81%
Finance	36,146	29,690	103,631	95,609	471,640	368,010	21.97%
Accounting	58,175	17,483	96,496	47,002	435,361	338,865	22.16%
Purchasing	7,171	6,888	23,524	20,756	78,379	54,855	30.01%
Tax Collection	467	4,117	195,648	195,306	308,800	113,152	63.36%
Sanitation	176,138	170,919	349,937	341,370	2,054,203	1,704,266	17.04%
Information Technology	57,753	62,920	155,213	166,246	705,463	550,250	22.00%
Budget	7,074	6,770	20,350	19,453	83,733	63,383	24.30%
Planning Administration	70,052	67,973	209,436	237,455	803,838	594,403	26.05%
Planning	-	-	-	630	-	-	0.00%
Planning/Zoning Comm	426	113	2,301	2,431	9,519	7,218	24.17%
Engineering	34,336	22,043	111,549	72,567	354,875	243,325	31.43%
Board of Adjustments	26	85	260	170	3,135	2,875	8.29%
Historic Landmark	28	11	28	43	4,322	4,294	0.64%
Development Services	96,748	104,161	294,359	309,820	1,465,426	1,171,066	20.09%
Total	855,452	728,554	2,366,858	2,303,234	10,199,552	7,832,694	23.21%
PUBLIC SAFETY							
Public Safety Administration	49,623	44,785	154,793	148,759	577,101	422,307	26.82%
Police Administration	223,563	91,913	563,034	420,877	1,425,729	862,695	39.49%
Communications	150,013	126,269	458,402	377,222	1,939,426	1,481,024	23.64%
Patrol	461,489	439,241	1,472,345	1,366,839	5,534,111	4,061,766	26.60%
CID And Narcotics	204,554	178,479	570,255	506,894	2,232,428	1,662,173	25.54%
K-9 Unit	19,124	15,586	60,433	51,537	225,993	165,560	26.74%
COPS	23,163	17,242	63,886	61,633	250,965	187,079	25.46%
Municipal Court	55,873	41,308	159,396	147,293	596,688	437,292	26.71%
Training	-	-	-	-	87,666	87,666	0.00%
Animal Control	71,266	34,568	144,702	108,356	493,819	349,118	29.30%
CVE Traffic Enforcement	20,972	20,300	67,783	63,735	254,648	186,865	26.62%
Traffic Enforcement	36,206	38,086	108,241	108,313	392,493	284,252	27.58%
Police Grant Expenditures	11,025	4,996	19,338	39,427	-	(19,338)	0.00%
Fire Administration	192,135	62,512	306,514	179,652	957,636	651,123	32.01%
Fire Prevention	62,693	58,642	206,692	173,154	649,664	442,972	31.82%
Emergency Management	1,745	1,713	20,612	14,475	33,946	13,334	60.72%
Fire Operations	756,224	690,892	2,239,103	2,035,129	8,531,583	6,292,481	26.24%
Total	2,339,669	1,866,533	6,615,529	5,803,294	24,183,897	17,568,367	27.36%
PUBLIC WORKS							
Administration	-	-	-	-	-	-	0.00%
Street Maintenance	129,708	100,178	704,538	408,588	2,343,960	1,639,422	30.06%
Traffic Control	124,210	64,977	167,362	109,467	1,030,766	863,403	16.24%
Total	253,918	165,155	871,900	518,055	3,374,725	2,502,825	25.84%

City of Mansfield, Texas

Statement of Revenues, Expenditures, and Changes in Fund Balance - Budget and Actual -
General Fund - For the Month and Three Months Ended December 31, 2013 and 2012 (Unaudited)

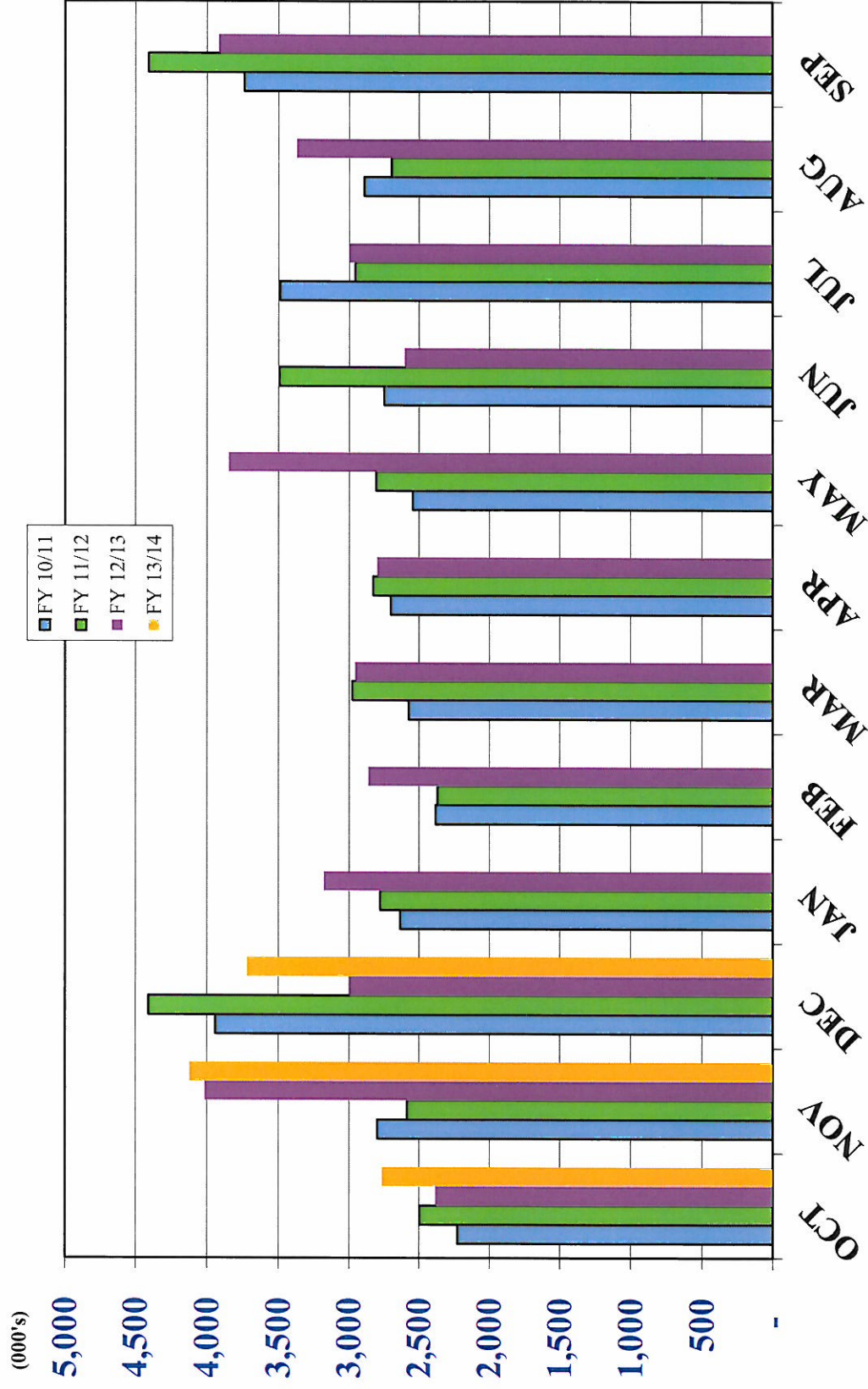
	FY14 MONTH TO DATE	FY13 MONTH TO DATE	FY14 YEAR TO DATE	FY13 YEAR TO DATE	FY14 ORIGINAL BUDGET	FY14 POSITIVE (NEGATIVE) BUDGET	FY14 PERCENT COLLECTED TO BUDGET
COMMUNITY SERVICES							
Parks & Recreation Admin	-	10,297	-	26,719	-	-	0.00%
Parks & Recreation Operations	144,705	120,224	369,563	373,167	1,951,689	1,582,125	18.94%
Communications & Marketing	26,239	24,542	66,747	63,376	292,546	225,799	22.82%
Family Counseling	720	1,686	4,661	5,282	-	(4,661)	0.00%
Senior Citizens	19,989	16,731	59,397	55,375	229,539	170,142	25.88%
Cultural Services	13,051	8,929	33,813	45,301	187,048	153,235	18.08%
Library	64,355	58,647	213,331	203,912	956,124	742,793	22.31%
Total	269,058	241,056	747,511	773,132	3,616,945	2,869,434	20.67%
TOTAL EXPENDITURES	\$ 3,718,097	\$ 3,001,297	\$ 10,601,798	\$ 9,397,715	\$ 41,375,118	\$ 30,773,320	25.62%
EXCESS REVENUES OVER(UNDER) EXPENDITURES	8,361,386	8,319,670	6,094,804	6,213,335	(257,044)		
OTHER FINANCING SOURCES (USES)							
TRANSFERS IN							
Utility Fund-Transfer	-	-	-	-	810,532	(810,532)	0.00%
LEC-Transfer	-	-	-	-	-	-	0.00%
Sale of Capital Assets, net	-	-	-	-	-	-	0.00%
Unreserved, current	-	-	-	-	-	-	0.00%
Total Other Financing Sources	-	-	-	-	810,532	(810,532)	0.00%
TRANSFERS OUT							
Land	1,118,629	-	3,541,245	-	-	3,541,245	0.00%
LEC	-	-	-	-	-	-	0.00%
Fire Station #3	-	-	-	-	-	-	0.00%
Animal Control	-	-	-	-	-	-	0.00%
MPFDC	-	-	-	-	-	-	0.00%
Equipment Replacement	-	-	-	-	-	-	0.00%
Big League Dreams	-	-	-	-	-	-	0.00%
PFA Insurance	2,746	-	380,460	-	(420,158)	(39,698)	-90.55%
Economic Incentives	-	-	-	-	(133,330)	(133,330)	0.00%
Reserve/Contingency	-	19,877	-	524,057	-	-	0.00%
Total Other Financing Uses	1,121,374	19,877	3,921,704	524,057	(553,488)	3,368,217	-708.54%
Total Other Financing Sources (Uses)	(1,121,374)	(19,877)	(3,921,704)	(524,057)	257,044	2,557,685	
EXCESS OF REVENUES AND OTHER FINANCING SOURCES OVER (UNDER) EXPENDITURES AND OTHER FINANCING USES	7,240,012	8,299,792	2,173,100	5,689,278	0		
UNRESERVED FUND BALANCE							
BEGINNING	5,537,300	7,960,945	10,604,212	10,571,459	10,571,459		
ENDING	\$ 12,777,312	\$ 16,260,737	\$ 12,777,312	\$ 16,260,737	\$ 10,571,459		

General Fund - Total Revenues



CITY OF MANFIELD

General Fund - Total Expenditures

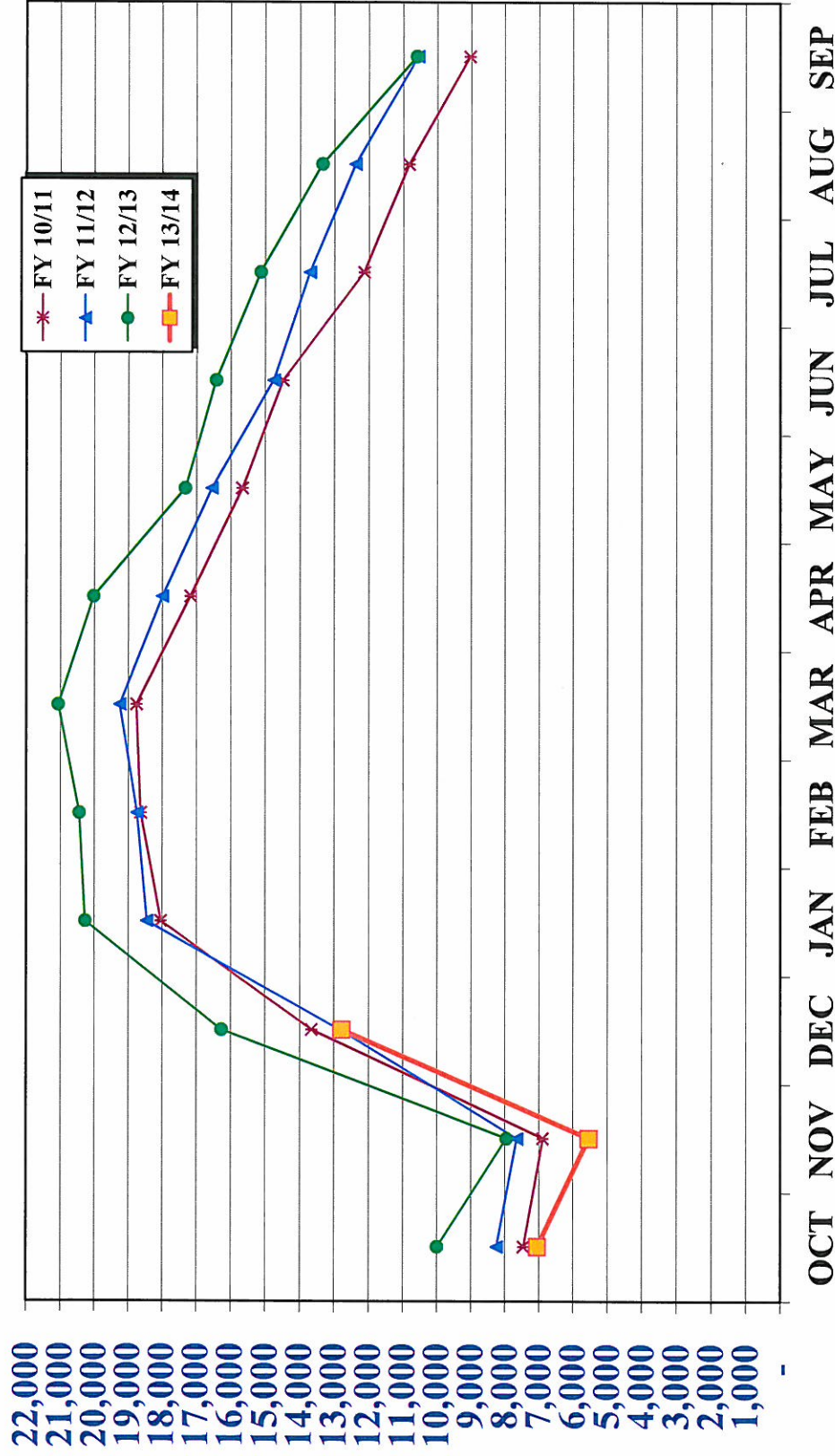




CITY OF MANSFIELD

General Fund - Fund Balance

(000's)



SPECIAL REVENUE FUNDS

The Special Revenue Funds are used to account for specific revenues that are legally restricted to expenditure for particular purposes.

The TIF Number One Fund or Tax Incremental Financing Fund Number One is used to account for taxes generated in the designated TIF Zone. These taxes will be used to reimburse developers for infrastructure costs.

The Tree Mitigation Fund is used to account for the funds paid by developers to restore and maintain trees in the City of Mansfield.

The Hotel/Motel Fund is used to account for the occupancy taxes generated from the local hotels that are used to promote the City of Mansfield and events in the City that further promote hotel stays.

The Mansfield Parks Facility Development Corporation Fund – This fund is used to account for the construction and development of sports and recreation facilities, equipment, and miscellaneous improvements to the City's Park System. These projects will be financed through sales tax supported bonds.

The Mansfield Economic Development Corporation Fund – This fund is used to account for the ½ cent Sales Tax used for the promotion of Economic Development within the City.

City of Mansfield, Texas

Comparative Balance Sheet - Tax Increment Reinvestment Zone Fund Number One
December 31, 2013 and 2012 (Unaudited)

	2014	2013
<u>ASSETS</u>		
Cash And Investments	\$ 1,178,139	\$ 1,418,761
Construction in Progress	-	3,267
Total Assets	<u>\$ 1,178,139</u>	<u>\$ 1,422,028</u>
<u>LIABILITIES & FUND BALANCES</u>		
LIABILITIES:		
Retainage Payable	\$ -	\$ -
Deferred Revenue	-	-
Total Liabilities	<u>-</u>	<u>-</u>
FUND BALANCES:		
Fund Balance	1,178,139	1,421,405
Excess Revenues Over Expenditures	<u>0</u>	<u>623</u>
Total Fund Balances	<u>1,178,139</u>	<u>1,422,028</u>
Total Liabilities And Fund Balances	<u>\$ 1,178,139</u>	<u>\$ 1,422,028</u>

City of Mansfield, Texas

Comparative Combined Statement of Revenues, Expenditures, and Changes in Fund Balance - TIRZ Number One Fund
For the Month and Three Months Ended December 31, 2013 and 2012 (Unaudited)

	FY14 MONTH TO DATE	FY13 MONTH TO DATE	FY14 YEAR TO DATE	FY13 YEAR TO DATE
<u>REVENUES:</u>				
Taxes, Penalties, And Interest	\$ -	-	-	-
Interest Income	-	231	-	623
Total Revenues	0	231	0	623
<u>EXPENDITURES:</u>				
Debt Service -				
Principal Retirement	-	-	-	-
Interest	-	-	-	-
Lease Payments	-	-	-	-
Bond Issuance Cost	-	-	-	-
Fiscal Charges	-	-	-	-
Total Expenditures	-	-	-	-
Excess Of Revenues Over (Under) Expenditures	-	231	0	623
<u>OTHER FINANCING SOURCES (USES)</u>				
Refunding Bonds Issued	-	-	-	-
Premium on Bonds Issued	-	-	-	-
Discounts on Bonds Issued	-	-	-	-
Payment to Refunded Bond Escrow Agent	-	-	-	-
Total Other Financing Sources (Uses)	-	-	-	-
Net Change in Fund Balances	-	231	-	623
FUND BALANCE, BEGINNING	1,178,139	1,421,797	1,178,139	1,421,405
FUND BALANCE, ENDING	\$ 1,178,139	\$ 1,422,028	\$ 1,178,139	\$ 1,422,028

City of Mansfield, Texas

Comparative Balance Sheet - Tree Mitigation Fund
December 31, 2013 and 2012 (Unaudited)

	2014	2013
<u>ASSETS</u>		
Cash And Investments	\$ 723,784	\$ 1,252,252
Inventory	61,228	61,228
Total Assets	<u>\$ 785,011</u>	<u>\$ 1,313,480</u>
<u>LIABILITIES & FUND BALANCES</u>		
LIABILITIES:		
Retainage	\$ -	\$ 2,000
Accrued Liabilities	5,755	6,519
Total Liabilities	<u>5,755</u>	<u>8,519</u>
FUND BALANCES:		
Fund Balance	848,639	1,418,773
Excess Revenues Over Expenditures	(69,382)	(113,811)
Total Fund Balances	<u>779,257</u>	<u>1,304,961</u>
Total Liabilities And Fund Balances	<u>\$ 785,011</u>	<u>\$ 1,313,480</u>

City of Mansfield, Texas

Comparative Combined Statement of Revenues, Expenditures and Changes in Fund Balances -
Tree Mitigation Fund - For the Month and Three Months Ended December 31, 2013 and 2012 (Unaudited)

	FY14 MONTH TO DATE	FY13 MONTH TO DATE	FY14 YEAR TO DATE	FY13 YEAR TO DATE
<u>REVENUES:</u>				
Tree Mitigation Fee	\$ -	\$ -	\$ -	\$ -
Interest Income	-	112	-	349
Total Revenues	-	112	-	349
<u>EXPENDITURES:</u>				
Administrative Services	13,636	16,825	42,892	53,286
Contractual Services	3,225	13,521	26,490	60,875
Other Equipment	-	-	-	-
Total Expenditures	16,861	30,346	69,382	114,161
Excess Of Revenues Over (Under) Expenditures	(16,861)	(30,234)	(69,382)	(113,811)
<u>OTHER FINANCING SOURCES (USES)</u>				
Refunding Bonds Issued	-	-	-	-
Premium on Bonds Issued	-	-	-	-
Discounts on Bonds Issued	-	-	-	-
Payment to Refunded Bond Escrow Agent	-	-	-	-
Total Other Financing Sources (Uses)	-	-	-	-
Net Change in Fund Balances	(16,861)	(30,234)	(69,382)	(113,811)
FUND BALANCE, BEGINNING	796,118	1,335,195	848,639	1,418,773
FUND BALANCE, ENDING	<u>\$ 779,257</u>	<u>\$ 1,304,961</u>	<u>\$ 779,257</u>	<u>\$ 1,304,961</u>

City of Mansfield, Texas

Comparative Balance Sheet - Hotel/Motel Occupancy Tax Fund
December 31, 2013 and 2012 (Unaudited)

	<u>2014</u>	<u>2013</u>
<u>ASSETS</u>		
Cash And Investments	\$ 574,396	\$ 384,400
Accounts Receivable	<u>-</u>	<u>1,056</u>
Total Assets	<u>\$ 574,396</u>	<u>\$ 385,456</u>
 <u>LIABILITIES & FUND BALANCES</u>		
<u>LIABILITIES:</u>		
Accrued Liabilities	<u>\$ 6,868</u>	<u>\$ 4,401</u>
Total Liabilities	<u>6,868</u>	<u>4,401</u>
 <u>FUND BALANCES:</u>		
Fund Balance	600,695	502,325
Excess Revenues Over Expenditures	<u>(33,168)</u>	<u>(121,270)</u>
Total Fund Balances	<u>567,527</u>	<u>381,055</u>
 Total Liabilities And Fund Balances	<u>\$ 574,396</u>	<u>\$ 385,456</u>

City of Mansfield, Texas

Comparative Combined Statement of Revenues, Expenditures and Changes in Fund Balances -
Hotel/Motel Occupancy Tax Fund - For the Month and Three Months Ended December 31, 2013 and 2012 (Unaudited)

	FY14 MONTH TO DATE	FY13 MONTH TO DATE	FY14 YEAR TO DATE	FY13 YEAR TO DATE	FY14 ORIGINAL BUDGET	FY14 OVER (UNDER) BUDGET	FY14 PERCENT COLLECTED TO BUDGET
<u>REVENUES:</u>							
Hotel Occupancy Tax	\$ 13,187	\$ -	\$ 20,187	\$ 11,259	\$ 509,020	\$ (488,833)	3.97%
Miscellaneous Income	-	\$ 2	-	\$ 104	0	0	0.00%
Total Revenues	13,187	2	20,187	11,363	509,020	(488,833)	3.97%
<u>EXPENDITURES:</u>							
Mansfield Chamber of Commerce	-	-	-	-	-	-	0.00%
Mansfield Historical Society	1,192	2,882	3,859	9,278	30,000	(26,141)	12.86%
Kiwanis Club of Mansfield	-	-	-	-	3,500	(3,500)	0.00%
Mansfield Rotary Club	-	-	-	-	25,000	(25,000)	0.00%
Future of Mansfield Tennis	-	-	-	-	18,000	(18,000)	0.00%
Rockin 4th of July	-	-	-	-	34,500	(34,500)	0.00%
Mansfield Juneteenth Celebration	-	-	-	-	2,000	(2,000)	0.00%
Discover Historic Mansfield	-	-	-	85,000	49,115	(49,115)	0.00%
Mansfield Tourism	16,445	13,501	49,495	38,354	203,608	(154,113)	24.31%
Sunrise Rotary	-	-	-	-	15,000	(15,000)	0.00%
Pickled Mansfield Society	-	-	-	-	34,500	(34,500)	0.00%
Mansfield Comm Theater - Mainstage	-	-	-	-	5,000	(5,000)	0.00%
Mansfield ISD Athletic Booster Club	-	-	-	-	1,500	(1,500)	0.00%
Farr Best Theater - Christmas Performances	-	-	-	-	3,000	(3,000)	0.00%
Farr Best Theater - Winter Spring Performances	-	-	-	-	5,000	(5,000)	0.00%
Total Expenditures	17,637	16,383	53,355	132,633	429,723	(376,368)	12.42%
Excess Of Revenues Over (Under) Expenditures	(4,451)	(16,381)	(33,168)	(121,270)			
FUND BALANCE, BEGINNING	571,978	397,435	600,695	502,325			
FUND BALANCE, ENDING	\$ 567,527	\$ 381,055	\$ 567,527	\$ 381,055			

City of Mansfield, Texas

Comparative Budget and Cash Analysis -
Hotel/Motel Occupancy Tax Fund - For the Three Months Ended December 31, 2013 and 2012 (Unaudited)

	Budgeted Request	FY14 Amount To Date	Available Budget	FY14 ORIGINAL BUDGET	FY14 OVER (UNDER) BUDGET	FY14 PERCENT COLLECTED TO BUDGET
<u>REVENUES:</u>						
Hotel Occupancy Tax	\$ 509,020	\$ 20,187	\$ 488,833	\$ 509,020	\$ (488,833)	3.97%
Total Revenues	509,020	20,187	488,833	509,020	(488,833)	3.97%
<u>EXPENDITURES:</u>						
Mansfield Historical Society	30,000	3,859	26,141	30,000	\$ (26,141)	12.86%
Kiwanis Club of Mansfield	3,500	-	3,500	3,500	\$ (3,500)	0.00%
Mansfield Rotary Club	25,000	-	25,000	25,000	\$ (25,000)	0.00%
Futures of Mansfield Tennis	18,000	-	18,000	18,000	\$ (18,000)	0.00%
Rockin 4th of July	34,500	-	34,500	34,500	\$ (34,500)	0.00%
Mansfield Juneteenth Celebration	2,000	-	2,000	2,000	\$ (2,000)	0.00%
Discover Historic Mansfield - Music & Arts Fest	34,500	-	34,500	34,500	\$ (34,500)	0.00%
Discover Historic Mansfield - Painted Pianos	1,500	-	1,500	1,500	\$ (1,500)	0.00%
Discover Historic Mansfield - Wurst Fest	13,115	-	13,115	13,115	\$ (13,115)	0.00%
Mansfield Tourism	203,608	49,495	154,113	203,608	\$ (154,113)	24.31%
Sunrise Rotary	15,000	-	15,000	15,000	\$ (15,000)	0.00%
Pickled Mansfield Society	34,500	-	34,500	34,500	\$ (34,500)	0.00%
Mansfield Comm Theater - Mainstage	5,000	-	5,000	5,000	\$ (5,000)	0.00%
Mansfield ISD Athletic Booster Club	1,500	-	1,500	1,500	\$ (1,500)	0.00%
Farr Best Theatre - Christmas Performances	3,000	-	3,000	3,000	\$ (3,000)	0.00%
Farr Best Theatre - Winter/Spring Performances	5,000	-	5,000	5,000	\$ (5,000)	0.00%
Total Expenditures	429,723	53,355	376,368	429,723	(376,368)	12.42%
Budgeted Reserve	79,297	(33,168)	112,465			
<u>SUPPLEMENTAL INFORMATION: CASH ANALYSIS</u>						
Beginning Cash Balance for Fiscal Year 2014	487,565					
Plus: FY2014 Cash Collections	20,187					
Less: FY2014 Cash Expenditures	(53,355)					
Cash Balance as of December 31, 2013	454,397					
Remaining Hotel/Motel Occupancy Funds to Collect	488,833					
Remaining Hotel/Motel Occupancy Funds to Expend	(376,368)					
Projected Cash Balance at September 30, 2014	566,862					

City of Mansfield, Texas

Comparative Balance Sheet - Mansfield Parks Facilities Development Corporation
December 31, 2013 and 2012 (Unaudited)

<u>ASSETS:</u>	<u>2014</u>	<u>2013</u>
Cash And Investments	\$ 6,840,853	\$ 6,602,227
Receivables:		
Accounts	403,077	307,142
Prepays	-	-
Total Assets	<u>\$ 7,243,929</u>	<u>\$ 6,909,369</u>
<u>LIABILITIES & FUND BALANCES:</u>		
LIABILITIES:		
Accounts Payable	\$ 130,130	\$ 86,772
Retainage Payable	-	34,832
Other Liabilities	257,974	-
Deferred Revenue	<u>39,594</u>	<u>41,164</u>
Total Liabilities	<u>427,698</u>	<u>162,768</u>
FUND BALANCES:		
Fund Balance	6,494,016	6,207,900
Excess Revenues Over (Under)		
Expenditures	<u>322,215</u>	<u>538,701</u>
Total Fund Balances	<u>6,816,231</u>	<u>6,746,601</u>
Total Liabilities And Fund Balances	<u>\$ 7,243,929</u>	<u>\$ 6,909,369</u>

City of Mansfield, Texas

Comparative Combined Statement of Revenues, Expenditures and Changes in Fund Balances - Mansfield Parks
Facilities Development Corporation - For the Month and Three Months Ended December 31, 2013 and 2012 (Unaudited)

	FY14 MONTH TO DATE	FY13 MONTH TO DATE	FY14 YEAR TO DATE	FY13 YEAR TO DATE	FY14 ADOPTED BUDGET	FY14 OVER (UNDER) BUDGET	FY14 PERCENT COLLECTED TO BUDGET
REVENUES:							
Sales Tax Revenue	\$ 236,979	\$ 286,677	\$ 748,630	\$ 783,484	\$ 3,117,157	\$ (2,368,527)	24.02%
Contributions	-	40	-	80	-	-	0.00%
Interest Earnings	-	929	-	2,694	500	(500)	0.00%
Other Income	2,600	-	3,304	6,767	-	3,304	0.00%
MAC Revenue	24,273	24,961	124,913	118,865	337,356	(212,442)	37.03%
Lease Royalties	46,675	18	46,675	26,342	495,466	-	9.42%
Park Land Dedication Revenue	157,500	6,750	201,750	52,750	-	201,750	0.00%
Total Revenues	468,028	319,375	1,125,272	990,983	3,950,479	(2,376,416)	28.48%
EXPENDITURES:							
Administration	130,159	83,635	285,109	207,687	907,408	(622,299)	31.42%
Athletic Complex	28,571	25,315	61,568	54,370	364,833	(303,265)	16.88%
Rose Park	24,607	21,146	68,380	62,336	380,273	(311,893)	17.98%
Oliver Nature Park	62,058	-	115,637	-	676,376	(560,739)	17.10%
McClendon Park	-	-	-	-	-	-	0.00%
Chandler Park	-	-	-	-	-	-	0.00%
Recreational Center	41,696	41,390	130,580	127,889	759,064	(628,485)	17.20%
Linear Park	-	-	-	-	-	-	0.00%
Hardy Allmon Park	-	-	-	-	-	-	0.00%
Neighborhood Parks	-	-	-	-	-	-	0.00%
Projects	-	-	-	-	1,780,951	(1,780,951)	0.00%
Quadrant 2	-	-	132,000	-	-	132,000	0.00%
Non-Departmental	56	-	2,076	-	-	2,076	0.00%
Total Expenditures	287,147	171,486	795,349	452,281	4,868,905	(4,073,556)	16.34%
EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES	180,881	147,889	329,923	538,701	(918,426)	1,697,140	-35.92%
OTHER FINANCING SOURCES (USES):							
Operating Transfers In (Out)	-	-	(7,708)	-	(14,000)	6,292	55.06%
Cash Reserves	-	-	-	-	932,426	(932,426)	0.00%
Bond Proceeds	-	-	-	-	-	-	0.00%
Total Other Financing Sources (Uses)	-	-	(7,708)	-	918,426	(926,135)	-0.84%
EXCESS (DEFICIENCY) OF REVENUES AND OTHER FINANCING SOURCES OVER EXPENDITURES AND OTHER FINANCING USES	180,881	147,889	322,215	538,701			
FUND BALANCE, BEGINNING	6,635,350	6,598,711	6,494,016	6,207,899			
FUND BALANCE, ENDING	\$ 6,816,231	\$ 6,746,601	\$ 6,816,231	\$ 6,746,601			

City of Mansfield, Texas

Comparative Balance Sheet - Mansfield Economic Development Corporation
December 31, 2013 and 2012 (Unaudited)

	2014	2013
<u>ASSETS</u>		
Cash And Investments	\$ 5,522,942	\$ 6,279,770
Accounts Receivable	339,868	285,916
Prepaid Expense	-	-
Restricted Assets:		
Cash and Investments, Projects	6,340,106	6,536,524
Fixed Assets (net of accumulated depreciation)	8,853,031	7,912,542
Deferred Issuance Cost	260,515	280,590
Total Assets	<u>\$ 21,316,461</u>	<u>\$ 21,295,342</u>
<u>LIABILITIES AND NET ASSETS</u>		
LIABILITIES:		
Accounts Payable	\$ 4,676	\$ -
Accrued Liabilities	59,447	60,442
Retainage Payable	46,100	-
Bonds Payable	11,755,000	12,450,000
Unamortized Discounts on Bonds	(113,564)	(122,444)
Unamortized Premiums	20,567	22,058
Contract Commitments	2,572,591 *	2,034,378
Total Liabilities	<u>14,344,817</u>	<u>14,444,434</u>
NET ASSETS:		
Restricted	6,340,106	6,536,524
Unassigned	631,538	314,384
Total Net Assets	<u>6,971,644</u>	<u>6,850,908</u>
Total Liabilities & Net Assets	<u>\$ 21,316,461</u>	<u>\$ 21,295,342</u>

*Does not conform with Generally Accepted Accounting Principals or Governmental Accounting Standards
This is the GASB 34 presentation and is different from the fund level presentation per GAAP.

City of Mansfield, Texas

Mansfield Economic Development Corporation Statement of Revenues, Expenses and Changes in Net Assets
For the Month and Three Months Ended December 31, 2013 and 2012 (Unaudited)

	FY14 MONTH TO DATE	FY13 MONTH TO DATE	FY14 YEAR TO DATE	FY13 YEAR TO DATE
OPERATING REVENUES:				
Sales Tax Revenue	\$ 340,610	\$ 286,677	\$ 1,059,523	\$ 988,929
Gas Royalties	139	62	139	258
Miscellaneous	-	-	-	-
Rental Of Facilities	-	-	-	-
Total Operating Revenues	340,750	286,738	1,059,662	989,186
OPERATING EXPENDITURES:				
Administration	73,511	54,754	181,789	180,905
Promotions	8,210	6,388	26,294	36,319
Retention	-	-	5,000	7,083
Development Plan	-	625	725	631
Projects	550,922	503,555	572,512	576,427
Depreciation	510 *	- *	769 *	-
Total Operating Expenditures	633,153	565,321	787,089	801,365
OPERATING INCOME	(292,403)	(278,583)	272,574	187,821
NONOPERATING REVENUES (EXPENSES):				
Interest Revenue	397	1,391	1,311	3,271
Sale of Property	-	-	-	-
Amortization	-	-	-	-
Interest and fiscal charges	(538)	(500)	(538)	(500)
Total Nonoperating Revenue	(140)	891	774	2,771
INCOME BEFORE OPERATING TRANSFERS	(292,543)	(277,692)	273,347	190,592
OPERATING TRANSFERS:				
Operating Transfers In (Out)	(74)	-	(10,226)	-
CHANGE IN NET ASSETS	(292,617)	(277,692)	263,121	190,592
NET ASSETS, BEGINNING	7,264,261	7,128,600	9,281,114	8,694,694
NET ASSETS, PROJECTS	- **	-	(2,572,591) **	(2,034,378)
NET ASSETS, ENDING	\$ 6,971,644	\$ 6,850,908	\$ 6,971,644	\$ 6,850,908

**Project Fund Balance represents funds that have been contractually obligated by the City Council and MEDC. These expenses will be recognized upon realization of the expense.

DEBT SERVICE FUNDS

The Debt Service Funds are used to account for the accumulation of resources and payment of general obligation debt principal and interest from governmental resources and special revenue bond principal and interest from a sales tax levy when the City is obligated in some manner for the payment.

The General Debt Service Fund – The purpose of this fund is to account for the accumulation of resources for and the payment of, principal and interest on the City's general obligation debt payable from a property tax levy with the exception of the MPFDC debt.

The Mansfield Parks Facilities Development Corporation Debt Service Fund – The purpose of this fund is to account for the accumulation of resources for and the payment of, principal and interest on the MPFDC long-term debt from a sales tax levy.

City of Mansfield, Texas

Comparative Balance Sheet - General Obligation Debt Service
December 31, 2013 and 2012 (Unaudited)

	2014	2013
<u>ASSETS</u>		
Cash And Investments	\$ 7,288,870	\$ 7,284,684
Receivables:		
Current Year Taxes	4,850,051	4,858,152
Delinquent Taxes (Net of Allowance of \$357,803)	-	-
Total Assets	<u>\$ 12,138,921</u>	<u>\$ 12,142,836</u>
 <u>LIABILITIES & FUND BALANCES</u>		
LIABILITIES:		
Accounts Payable	\$ -	\$ -
Deferred Revenue	4,850,051	4,858,152
Total Liabilities	<u>4,850,051</u>	<u>4,858,152</u>
FUND BALANCES:		
Fund Balance	596,140	668,959
Excess Revenues Over Expenditures	6,692,730	6,615,725
Total Fund Balances	<u>7,288,870</u>	<u>7,284,684</u>
Total Liabilities And Fund Balances	<u>\$ 12,138,921</u>	<u>\$ 12,142,836</u>

City of Mansfield, Texas

Comparative Combined Statement of Revenue, Expenditures and Changes in Fund Balance -
General Obligation Debt Service - For the Month and Three Months Ended December 31, 2013 and 2012 (Unaudited)

	FY14 MONTH TO DATE	FY13 MONTH TO DATE	FY14 YEAR TO DATE	FY13 YEAR TO DATE	FY14 ORIGINAL BUDGET	FY14 OVER (UNDER) BUDGET	FY14 PERCENT COLLECTED TO BUDGET
<u>REVENUES</u>							
Taxes, Penalties, And Interest	\$ 5,766,935	\$ 5,742,140	\$ 6,705,665	\$ 6,634,736	\$ 11,941,800	\$ (5,236,134)	56.15%
Recoveries	-	-	-	-	-	-	0.00%
Interest Income	-	91	-	205	-	0	0.00%
Total Revenues	5,766,935	5,742,231	6,705,665	6,634,940	11,941,800	(5,236,134)	56.15%
<u>EXPENDITURES</u>							
Debt Service -							
Principal Retirement	-	-	-	-	8,205,519	(8,205,519)	0.00%
Interest	-	-	-	-	3,736,281	(3,736,281)	0.00%
Lease Payments	-	-	-	-	-	-	0.00%
Bond Issuance Cost	6,710	19,215	6,710	19,215	-	6,710	0.00%
Fiscal Charges	5,225	-	6,225	-	-	6,225	0.00%
Total Expenditures	11,935	19,215	12,935	19,215	11,941,800	(11,928,865)	0.11%
Excess Of Revenues Over (Under) Expenditures	5,755,000	5,723,016	6,692,730	6,615,725			
<u>OTHER FINANCING SOURCES (USES)</u>							
Refunding Bonds Issued	-	-	-	-			
Premium on Bonds Issued	-	-	-	-			
Discounts on Bonds Issued	-	-	-	-			
Payment to Refunded Bond Escrow Agent	-	-	-	-			
Total Other Financing Sources (Uses)	-	-	-	-			
Net Change in Fund Balances	5,755,000	5,723,016	6,692,730	6,615,725			
FUND BALANCE, BEGINNING	1,533,870	1,561,668	596,140	668,959			
FUND BALANCE, ENDING	\$ 7,288,870	\$ 7,284,684	\$ 7,288,870	\$ 7,284,684			

City of Mansfield, Texas

Comparative Balance Sheet - Mansfield Parks Facilities Development Corporation Debt Service -
December 31, 2013 and 2012 (Unaudited)

	<u>2014</u>	<u>2013</u>
<u>ASSETS</u>		
Cash And Investments	<u>\$ 564,437</u>	<u>\$ 693,493</u>
Total Assets	<u><u>\$ 564,437</u></u>	<u><u>\$ 693,493</u></u>
 <u>LIABILITIES AND FUND BALANCES</u>		
LIABILITIES:		
Accrued Interest Payable	<u>\$ -</u>	<u>\$ -</u>
Total Liabilities	<u>-</u>	<u>-</u>
FUND BALANCES:		
Fund Balance	255,082	386,826
Excess Revenues Over (Under) Expenditures	<u>309,356</u>	<u>306,667</u>
Total Fund Balances	<u>564,437</u>	<u>693,493</u>
Total Liabilities And Fund Balances	<u><u>\$ 564,437</u></u>	<u><u>\$ 693,493</u></u>

City of Mansfield, Texas

Comparative Combined Statement of Revenues, Expenditures and Changes in Fund Balance - Mansfield Parks
Facilities Development Corporation Debt Service - For the Month and Three Months Ended December 31, 2013 and 2012 (Unaudited)

	FY14 MONTH TO DATE	FY13 MONTH TO DATE	FY14 YEAR TO DATE	FY13 YEAR TO DATE	FY14 ADOPTED BUDGET	FY14 OVER (UNDER) BUDGET	FY14 PERCENT COLLECTED TO BUDGET
<u>REVENUES:</u>							
Taxes, Penalties, And Interest	\$ 103,631	\$ 102,722	\$ 310,893	\$ 308,167	\$ 1,243,573	\$ (932,680)	25.00%
Interest Income	-	-	-	-	-	-	0.00%
Total Revenues	103,631	102,722	310,893	308,167	1,243,573	(932,680)	25.00%
<u>EXPENDITURES:</u>							
Debt Service							
Principal Retirement	-	-	-	-	785,000	(785,000)	0.00%
Interest And Fiscal Charges	1,538	1,500	1,538	1,500	458,573	(457,036)	0.34%
Non-departmental	-	-	-	-	-	-	0.00%
Total Expenditures	1,538	1,500	1,538	1,500	1,243,573	(1,242,036)	0.12%
Excess Of Revenues Over (Under) Expenditures	102,094	101,222	309,356	306,667			
FUND BALANCE, BEGINNING	462,344	592,271	255,082	386,826			
FUND BALANCE, ENDING	\$ 564,437	\$ 693,493	\$ 564,437	\$ 693,493			

CAPITAL PROJECTS FUNDS

The Capital Projects Funds are used to account for the acquisition and construction of major capital facilities other than those financed by proprietary funds and trust funds.

The Street Construction Fund – The purpose of this fund is to account for the construction and improvement of various streets in the City. General Obligation Bonds, Certificates of Obligation, and Street Assessments are used to finance the construction.

The Building Construction Fund – The purpose of this fund is to account for the construction of City facilities funded by General Obligation Bonds and Certificates of Obligation.

The Equipment Replacement Fund – The purpose of this fund is used to account for the purchase of capital equipment funded from the issuance of notes through the City of Mansfield Property Finance Authority Corporation or other sources.

The Park Construction Fund – The purpose of this fund is to account for the construction of City facilities funded by Mansfield Park Facilities Development Corporation Sales Tax Revenue Bonds.

City of Mansfield, Texas

Comparative Balance Sheet - Street Construction Fund
December 31, 2013 and 2012 (Unaudited)

	<u>2014</u>	<u>2013</u>
<u>ASSETS</u>		
Cash And Investments	\$ 5,951,048	\$ 7,873,716
Projects In Process		
Current Year	1,648,795	663,037
Prior Year	<u>6,328,791</u>	<u>6,569,498</u>
Total Assets	<u>\$ 13,928,635</u>	<u>\$ 15,106,251</u>
<u>LIABILITIES AND FUND BALANCES</u>		
LIABILITIES:		
Accounts Payable	\$ 133,318	\$ 133,318
Deposits	576,349	576,349
Retainage Payable	244,030	171,439
Other Liabilities	<u>14,998</u>	<u>15,319</u>
Total Liabilities	<u>968,695</u>	<u>896,425</u>
FUND BALANCES:		
Fund Balance	12,324,345	14,248,340
Excess Revenues Over (Under)		
Expenditures	<u>635,594</u>	<u>(38,514)</u>
Total Fund Balance	<u>12,959,939</u>	<u>14,209,826</u>
Total Liabilities And Fund Balance	<u>\$ 13,928,635</u>	<u>\$ 15,106,251</u>

City of Mansfield, Texas

Comparative Combined Statement of Revenues, Expenditures and Changes in Fund Balances -
Street Construction Fund - For the Month and Three Months Ended December 31, 2013 and 2012 (Unaudited)

	FY14 MONTH TO DATE	FY13 MONTH TO DATE	FY14 YEAR TO DATE	FY13 YEAR TO DATE
REVENUES:				
Recoveries	\$ -	\$ -	\$ 610,048	\$ 700
Contributions	-	-	-	-
Intergovernmental	-	-	-	-
Roadway Impact Fees	61,875	33,130	145,586	87,990
Interest Income	-	1,009	-	2,158
Total Revenues	61,875	34,139	755,633	90,848
EXPENDITURES:				
Administrative	48,524	36,890	120,039	129,362
Street Improvements	-	-	-	-
Total Expenditures	48,524	36,890	120,039	129,361
EXCESS OF REVENUES OVER(UNDER) EXPENDITURES	13,351	(2,752)	635,594	(38,514)
OTHER FINANCING SOURCES (USES):				
Bond Proceeds	-	-	-	-
Bond Issuance Costs	-	-	-	-
Premiums on Bond Issuance	-	-	-	-
Discounts on Bond Issuance	-	-	-	-
Total Other Financing Sources (Uses)	-	-	-	-
EXCESS (DEFICIENCY) OF REVENUES AND OTHER FINANCING SOURCES OVER (UNDER) EXPENDITURES AND OTHER USES	13,351	(2,752)	635,594	(38,514)
FUND BALANCE, BEGINNING	12,946,588	14,248,340	12,324,345	14,248,340
FUND BALANCE, ENDING	\$ 12,959,939	\$ 14,209,826	\$ 12,959,939	\$ 14,209,826

City of Mansfield, Texas

Comparative Balance Sheet - Building Construction Fund
December 31, 2013 and 2012 (Unaudited)

	<u>2014</u>	<u>2013</u>
<u>ASSETS</u>		
Cash And Investments	\$ 641,898	\$ 92,715
Construction in Progress	<u>\$ -</u>	<u>-</u>
Total Assets	<u>\$ 641,898</u>	<u>\$ 92,715</u>
 <u>LIABILITIES AND FUND BALANCE</u>		
LIABILITIES:		
Accounts Payable	\$ -	\$ -
Due to Other Funds	\$ 217,407	\$ -
Retainage Payable	<u>\$ -</u>	<u>-</u>
Total Liabilities	<u>\$ 217,407</u>	<u>-</u>
 FUND BALANCE:	\$ 430,490	92,694
Excess Revenues Over (Under)		
Expenditures	<u>\$ (6,000)</u>	<u>21</u>
Total Fund Balance	<u>\$ 424,490</u>	<u>92,715</u>
Total Liabilities And Fund Balance	<u>\$ 641,898</u>	<u>\$ 92,715</u>

City of Mansfield, Texas

Comparative Combined Statement of Revenues, Expenditures and Changes in Fund Balances -
Building Construction Fund - For the Month and Three Months Ended December 31, 2013 and 2012 (Unaudited)

	FY14 MONTH TO DATE	FY13 MONTH TO DATE	FY14 YEAR TO DATE	FY13 YEAR TO DATE
REVENUES:				
Interest Income	0	10	0	21
Rental Of Facilities	0	0	0	0
Contributions	0	0	0	0
Miscellaneous Income	0	0	0	0
Grant Revenue	0	0	0	0
Total Revenues	0	10	0	21
EXPENDITURES:				
Administration	0	0	0	0
Police	0	0	0	0
Fire Station	0	0	0	0
Library	0	0	0	0
City Hall Expansion	0	0	0	0
Animal Control Expansion	0	0	6,000	0
Public Safety Center	0	0	0	0
Total Expenditures	0	0	6,000	0
Excess Revenues Over (Under) Expenditures	0	10	(6,000)	21
OTHER FINANCING SOURCES (USES):				
Bond Proceeds	0	0	0	0
Bond Issuance Costs	0	0	0	0
Premiums on Bond Issuance	0	0	0	0
Discounts on Bond Issuance	0	0	0	0
Operating Transfer In (Out)	0	0	0	0
Total Other Financing Sources (Uses)	0	0	0	0
EXCESS (DEFICIENCY) OF REVENUES AND OTHER FINANCING SOURCES OVER (UNDER) EXPENDITURES AND OTHER FINANCING USES	0	10	(6,000)	21
FUND BALANCE, BEGINNING	424,490	92,704	430,490	92,694
FUND BALANCE, ENDING	424,490	92,715	424,490	92,715

City of Mansfield, Texas

Comparative Balance Sheet - Equipment Replacement Fund
December 31, 2013 and 2012 (Unaudited)

	<u>2014</u>	<u>2013</u>
<u>ASSETS</u>		
Cash And Investments	\$ -	\$ -
Total Assets	<u>\$ -</u>	<u>\$ -</u>
<u>LIABILITIES AND FUND BALANCES</u>		
LIABILITIES:		
Accounts Payable	\$ 317,871	\$ 332,254
Retainage Payable	<u>-</u>	<u>-</u>
Total Liabilities	<u>\$ 317,870</u>	<u>\$ 332,254</u>
FUND BALANCE:	(71,500)	29,899
Excess Revenues Over Expenditures	<u>(246,370)</u>	<u>(362,153)</u>
Total Fund Balance	<u>(317,870)</u>	<u>(332,254)</u>
Total Liabilities And Fund Balance	<u>\$ -</u>	<u>\$ -</u>

City of Mansfield, Texas

Comparative Combined Statement of Revenues, Expenditures, and Changes in Fund Balances -

Equipment Replacement Fund - For the Month and Three Months Ended December 31, 2013 and 2012 (Unaudited)

	FY14 MONTH TO DATE	FY13 MONTH TO DATE	FY14 YEAR TO DATE	FY13 YEAR TO DATE
REVENUES:				
Contributions	\$ -	\$ -	\$ -	\$ -
Grants	-	-	-	-
Other Income	1,370	-	1,370	-
Interest Income	-	-	-	-
Total Revenues	1,370	-	1,370	-
EXPENDITURES:				
Administration	-	-	-	-
Information Services	471	25,416	471	25,416
Code Enforcement	-	-	-	-
Planning	-	-	-	-
Streets	242,204	-	242,204	-
Animal Control	-	-	-	-
City Hall	-	-	-	-
Parks Department	-	-	-	-
Library	-	-	-	-
Fire	-	20,659	-	23,734
Police Department	1,150	36,244	5,065	313,004
Total Expenditures	243,826	82,319	247,741	362,153
EXCESS (DEFICIENCY) OF REVENUES OVER (UNDER) EXPENDITURES	(242,455)	(82,319)	(246,370)	(362,153)
OTHER FINANCING SOURCES (USES):				
Bond Proceeds	-	-	-	-
Bond Issuance Costs	-	-	-	-
Premium on Bond Issuance	-	-	-	-
Discounts on Bond Issuance	-	-	-	-
Transfer In (Out)	-	-	-	-
Total Other Financing Sources (Uses)	-	-	-	-
EXCESS (DEFICIENCY) OF REVENUES AND OTHER FINANCING SOURCES OVER (UNDER) EXPENDITURES AND OTHER FINANCING USES	(242,455)	(82,319)	(246,370)	(362,153)
FUND BALANCE, BEGINNING	(75,415)	(249,935)	(71,500)	29,899
FUND BALANCE, ENDING	<u>\$ (317,870)</u>	<u>\$ (332,254)</u>	<u>\$ (317,870)</u>	<u>\$ (332,254)</u>

City of Mansfield, Texas

Comparative Balance Sheet - Parks Construction Fund
December 31, 2013 and 2012 (Unaudited)

	<u>2014</u>	<u>2013</u>
<u>ASSETS</u>		
Cash And Investments	<u>\$ 775,663</u>	<u>\$ 1,460,863</u>
Total Assets	<u><u>\$ 775,663</u></u>	<u><u>\$ 1,460,863</u></u>
 <u>LIABILITIES AND FUND BALANCE</u>		
<u>LIABILITIES:</u>		
Accounts Payable	<u>\$ -</u>	<u>\$ -</u>
Retainage Payable	<u>215,390</u>	<u>-</u>
Total Liabilities	<u>215,390</u>	<u>-</u>
 <u>FUND BALANCE:</u>		
	1,202,754	1,460,130
Excess Revenues Over Expenditures	<u>(642,480)</u>	<u>732</u>
Total Fund Balance	<u>560,273</u>	<u>1,460,863</u>
Total Liabilities And Fund Balance	<u><u>\$ 775,663</u></u>	<u><u>\$ 1,460,863</u></u>

City of Mansfield, Texas

Comparative Combined Statement of Revenues, Expenditures, and Changes in Fund Balances -
Parks Construction Fund - For the Month and Three Months Ended December 31, 2013 and 2012 (Unaudited)

	FY14 MONTH TO DATE	FY13 MONTH TO DATE	FY14 YEAR TO DATE	FY13 YEAR TO DATE
REVENUES:				
Contributions	\$ -	\$ -	\$ -	\$ -
Recoveries	-	-	-	-
Interest Income	-	253	-	732
Total Revenues	-	253	-	732
EXPENDITURES:				
Administration	1,314	-	1,314	-
Aquatics Facility	-	-	-	-
Oliver Nature Park	323,895	-	641,167	-
Total Expenditures	325,209	-	642,480	-
EXCESS (DEFICIENCY) OF REVENUES OVER (UNDER) EXPENDITURES	(325,209)	253	(642,480)	732
OTHER FINANCING SOURCES (USES):				
Bond Proceeds	-	-	-	-
Bond Issuance Costs	-	-	-	-
Premiums on Bond Issuance	-	-	-	-
Discounts on Bond Issuance	-	-	-	-
Transfer In (out)	-	-	-	-
Total Other Financing Sources (Uses)	-	-	-	-
EXCESS (DEFICIENCY) OF REVENUES AND OTHER FINANCING SOURCES OVER (UNDER) EXPENDITURES AND OTHER FINANCING USES	(325,209)	253	(642,480)	732
FUND BALANCE, BEGINNING	885,482	1,460,610	1,202,754	1,460,130
FUND BALANCE, ENDING	\$ 560,273	\$ 1,460,863	\$ 560,273	\$ 1,460,863

ENTERPRISE FUNDS

The Enterprise Funds are used to account for the operations that are financed and operated in a manner similar to private business enterprises. The intent is that the cost of providing goods or services to the general public be financed or recovered primarily through user charges.

The Utility Fund – The purpose of this fund is to account for the activities of providing water and sewer services to the citizens of Mansfield, Texas.

The Law Enforcement Complex Fund – The purpose of this fund is to account for the user fees and charges in association with the housing of inmates for other agencies.

The Drainage Utility Fund – The purpose of this fund is used to account for the revenues and expenditures for services related to the preparing of a master drainage plan.

City of Mansfield, Texas

Comparative Balance Sheet - Utility Fund
December 31, 2013 and 2012 (Unaudited)

	<u>2014</u>	<u>2013</u>
<u>ASSETS</u>		
Cash And Investments	\$ 23,448,787	\$ 20,581,927
Receivables:		
Accounts (net of allowance of \$768,982)	3,553,381	3,086,468
Other		36,413
Inventory	196,434	253,418
Prepaid Expense	-	-
Restricted Assets:		
Cash and Investments	17,909,280	12,203,146.97
Fixed Assets (net of accumulated depreciation)	150,232,075	155,043,453
Deferred Bond Issuance Cost	<u>772,115</u>	<u>853,956</u>
 Total Assets	 <u>\$ 196,112,073</u>	 <u>\$ 192,058,782</u>

City of Mansfield, Texas

Comparative Balance Sheet - Utility Fund
December 31, 2013 and 2012 (Unaudited)

	<u>2014</u>	<u>2013</u>
<u>LIABILITIES</u>		
Accounts Payable	\$ 8,335	\$ -
Accrued Liabilities	285,207	263,682
Payable From Restricted Assets:		
Deposits	1,306,120	1,274,024
Bonds Payable-Current		
Accrued Interest	1,038,882	1,088,220
Accounts Payable	-	-
Accrued Liabilities	14,706	14,701
Retainage Payable	160,779	105,107
From Unrestricted Assets:		
Current	3,820,000	3,700,000
Long-Term, Net	48,444,594	52,165,564
Compensated Absences	<u>323,878</u>	<u>229,132</u>
Total Liabilities	<u>55,402,500</u>	<u>58,840,430</u>
<u>NET ASSETS</u>		
Invested In Capital Assets (net of related debt)	112,001,760	106,532,358
Reserved for Debt Service	4,647,116	5,509,378
Unreserved	<u>24,060,696</u>	<u>21,176,616</u>
Total Net Assets	<u>140,709,573</u>	<u>133,218,352</u>
Total Liabilities And Net Assets	<u>\$ 196,112,073</u>	<u>\$ 192,058,782</u>

City of Mansfield

Comparative Combined Statement of Revenues, Expenses, and Changes in Net Assets -
Utility Fund - For the Month and Three Months Ended December 31, 2013 and 2012 (Unaudited)

	FY14 MONTH TO DATE	FY13 MONTH TO DATE	FY14 YEAR TO DATE	FY13 YEAR TO DATE	FY14 ADOPTED BUDGET	FY14 OVER (UNDER) BUDGET	PERCENT COLLECTED TO BUDGET
OPERATING REVENUES:							
Water Service	\$ 1,028,711	\$ 1,225,058	\$ 3,977,675	\$ 4,057,636	\$ 14,785,256	\$ (10,807,581)	26.90%
Sewer Service	\$ 690,281	\$ 699,118	2,243,039	2,179,161	9,246,482	(7,003,443)	24.26%
Water Penalties	\$ 60,046	\$ 45,891	161,545	139,613	556,502	(394,957)	29.03%
Water Taps	\$ -	\$ -	-	1,460	12,058	(12,058)	0.00%
Meter Set Fee	\$ 2,550	\$ 9,000	12,700	18,100	90,810	(78,110)	13.99%
Utility Miscellaneous	\$ 7,147	\$ 6,091	19,518	16,804	70,000	(50,482)	27.88%
Restore Service Fee	\$ 21,172	\$ 7,508	41,800	26,595	93,954	(52,154)	44.49%
Sewer Tap	\$ -	\$ -	-	-	4,000	(4,000)	0.00%
Water Impact Fees	\$ 36,400	\$ 55,380	223,600	144,799	700,000	(476,400)	31.94%
Sewer Impact Fees	\$ 23,430	\$ 28,557	137,070	88,901	400,000	(262,930)	34.27%
Pretreatment Fees	\$ -	\$ -	0	22,580	100,000	(100,000)	0.00%
Other Income	\$ 4,911	\$ 10,541	50,524	29,803	139,478	(88,954)	36.22%
Contribution	\$ -	\$ -	0	-	-	-	0.00%
Total Revenues	\$ 1,874,648	\$ 2,087,143	6,867,472	\$ 6,725,450	\$ 26,198,540	\$ (19,331,068)	26.21%

City of Mansfield

Comparative Combined Statement of Revenues, Expenses, and Changes in Net Assets -
Utility Fund - For the Month and Three Months Ended December 31, 2013 and 2012 (Unaudited)

	FY14 MONTH TO DATE	FY13 MONTH TO DATE	FY14 YEAR TO DATE	FY13 YEAR TO DATE	FY14 ADOPTED BUDGET	FY14 OVER (UNDER) BUDGET	PERCENT COLLECTED TO BUDGET
OPERATING EXPENSES:							
Administration	40,135	37,453	135,946	134,237	559,207	(423,261)	24.31%
Billing And Collection	87,245	66,875	190,570	195,078	845,998	(655,428)	22.53%
Meter Reading/Repairs	218,080	99,106	351,198	203,510	883,974	(532,776)	39.73%
Water Distribution	60,584	65,173	176,726	200,341	855,113	(678,388)	20.67%
Wastewater Collection	65,527	391,467	959,102	1,065,856	5,550,447	(4,591,345)	17.28%
Water Treatment	556,727	494,877	1,526,749	1,482,013	7,126,356	(5,599,607)	21.42%
Water Quality	8,444	7,902	42,736	41,823	283,179	(240,443)	15.09%
Laboratory Services	8,021	7,699	25,617	26,194	110,799	(85,183)	23.12%
Water Demand Management	9,706	8,678	27,625	26,180	112,423	(84,798)	24.57%
Depreciation	235,642	304,753	699,285	914,260	-	699,285	0.00%
Total Operating Expenses	1,290,112	1,483,982	4,135,553	4,289,491	16,327,497	(12,191,944)	25.33%
OPERATING INCOME (LOSS)	584,536	603,161	2,731,919	2,435,960	9,871,043	(7,139,124)	
NONOPERATING REVENUES (EXPENSES):							
Non-Departmental	-	-	(3,691)	-	(455,990)	452,300	0.81%
Interest Revenue	2,101	5,258	6,502	14,210	6,021	481	107.99%
Interest And Fiscal Charges	(209,314)	(220,144)	(625,867)	(655,432)	(7,558,387)	6,932,520	8.28%
Bad Debt Expense	-	-	-	-	-	-	0.00%
Net Nonoperating Revenues (Expenses)	(207,213)	(214,886)	(623,055)	(641,222)	(8,008,356)	7,385,301	7.78%
INCOME (LOSS) BEFORE OPERATING TRANSFERS	377,323	388,275	2,108,864	1,794,737	1,862,687	246,177	113.22%
OPERATING TRANSFERS:							
Transfers In (Out)	(1,304)	(167,495)	(180,663)	(167,495)	(757,982)	577,320	23.83%
Net Operating Transfers	(1,303.83)	(167,495)	(180,663)	(167,495)	(757,982)	577,320	23.83%
CHANGE IN NET ASSETS	376,020	220,780	1,928,201	1,627,242	1,104,705	823,497	
NET ASSETS BEGINNING	140,333,553	132,997,572	138,781,371	131,591,110	138,781,371	-	
NET ASSETS ENDING	\$ 140,709,573	\$ 133,218,352	140,709,573	\$ 133,218,352	\$ 139,886,076	\$ 823,497	

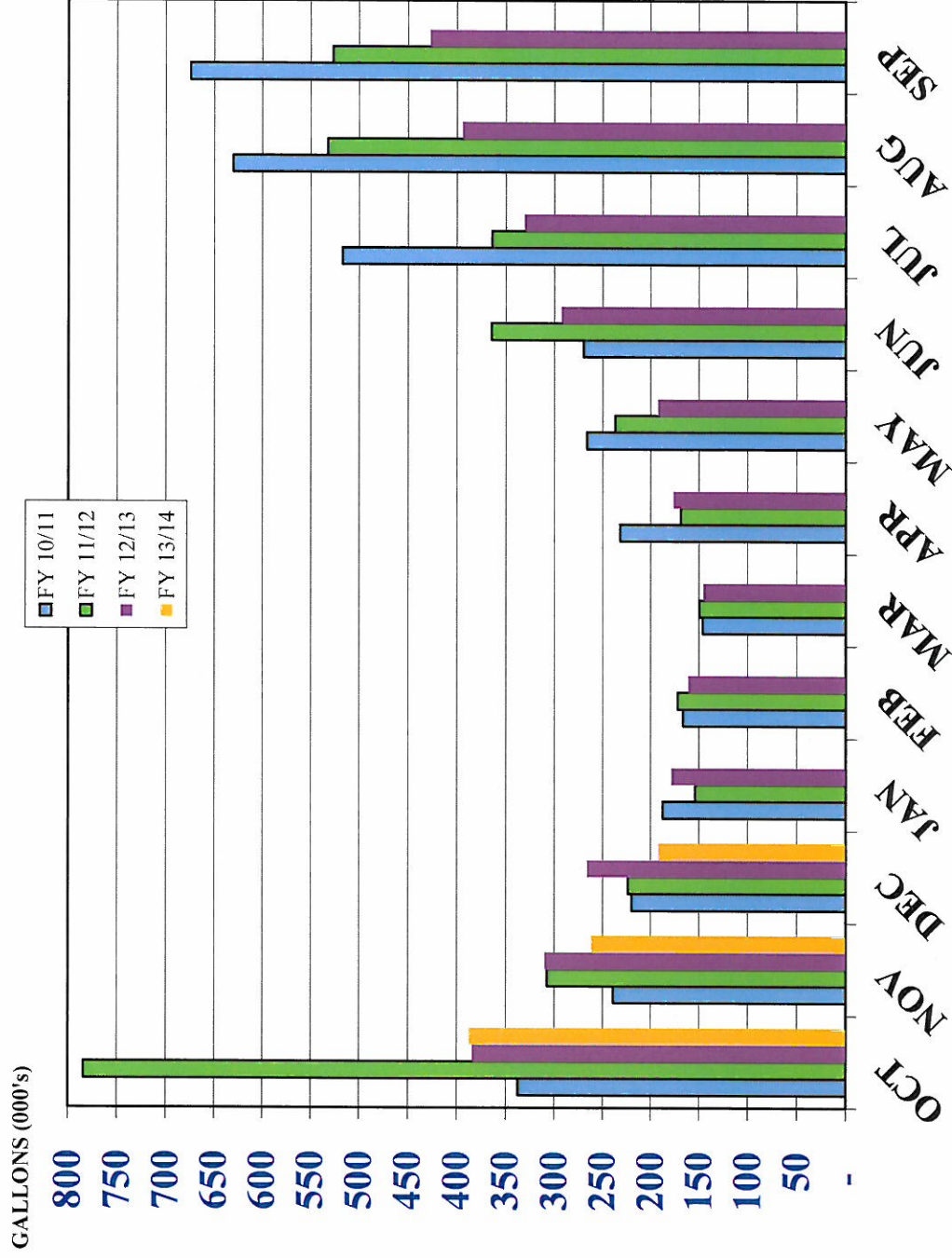
**CITY OF MANSFIELD
UTILITY FUND
REVENUE BOND COVERAGE**

Definition of Bond Coverage:

The ordinance authorizing the issuance of Water and Sewer System revenue bonds requires that the City establish a sinking fund (Revenue Bond Sinking and Reserve Fund) in an amount not less than the average annual requirement for the payment of principal and interest on all the revenue bonds. At September 30, 2013, the sinking fund balance was sufficient to satisfy such bond ordinance requirements. The bond ordinance also contains provisions which, among other items, restricts the issuance of additional revenue bonds unless the special funds noted above contain the required amounts and the pledged revenues are equal to or greater than 1.25 times the average annual debt service requirements after giving effect to the proposed additional bonds and any proposed rate increases. The bond ordinance also requires that the annual gross revenues of the Water and Sewer System, less annual operation and maintenance expenses (excluding depreciation and amortization expense), be at least 1.10 times the annual principal and interest requirements of all then outstanding revenue bonds. The governing body has adopted a resolution stating that they want a coverage factor in excess of 1.30. During 2013, the City achieved a 2.21 bond coverage ratio which exceeded the 1.10 required by the bond ordinance. For fiscal year 2014 the revised bond coverage ratio is projected at 1.37.

CITY OF MANSFIELD

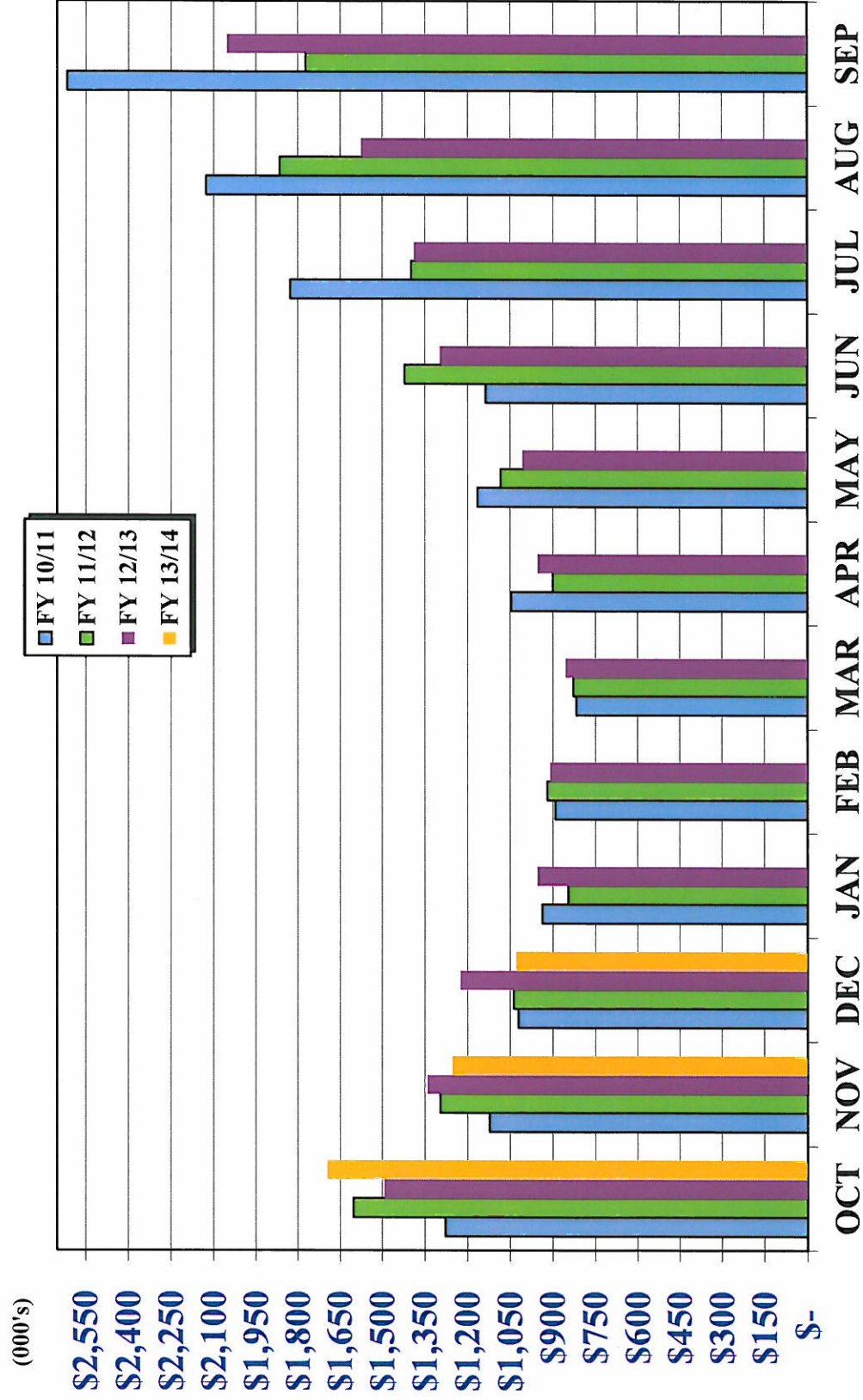
WATER CONSUMPTION





CITY OF MANSFIELD

UTILITY FUND - WATER SALES



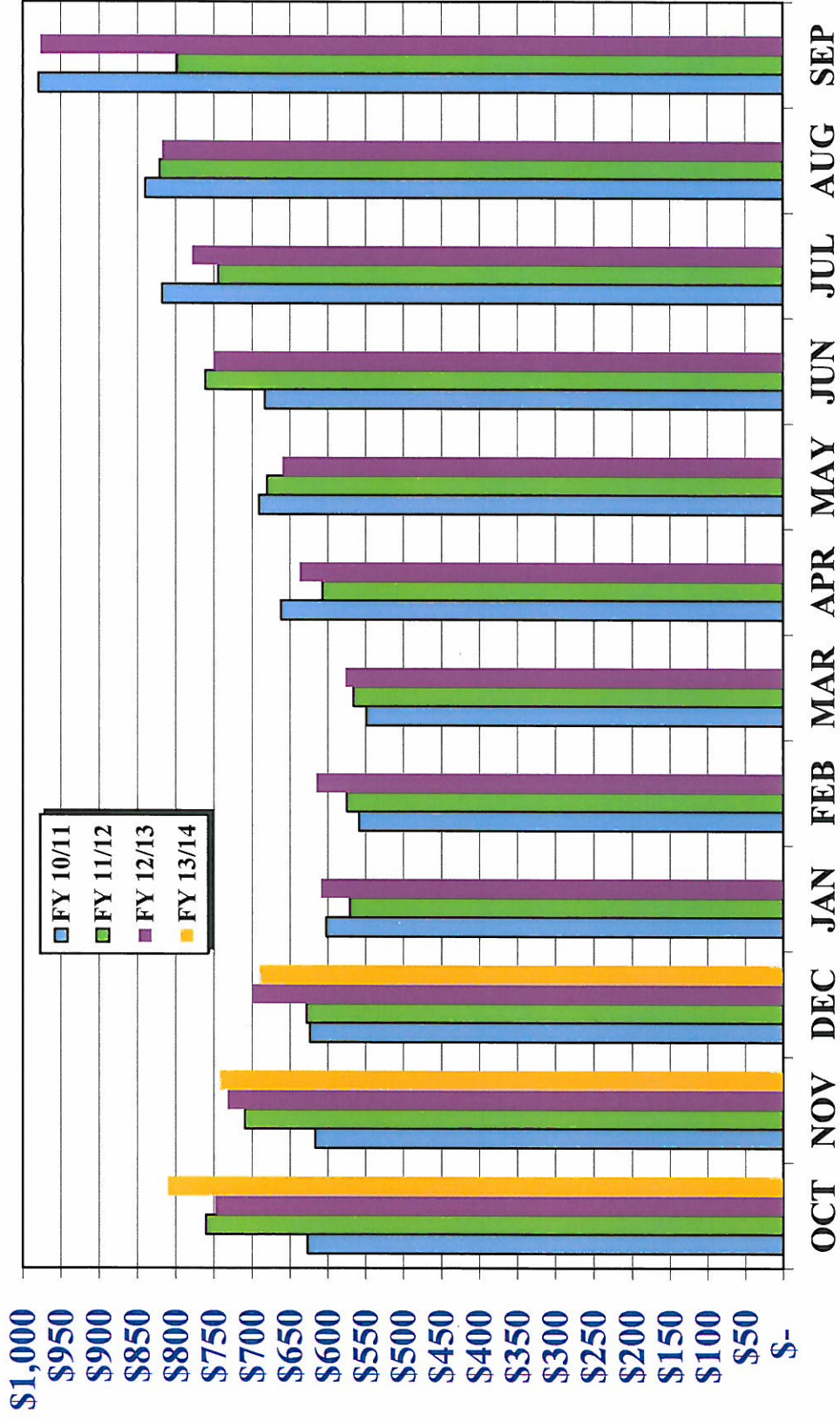


MANFIELD
T E X A S

CITY OF MANSFIELD

UTILITY FUND - SEWER SERVICE

(000's)



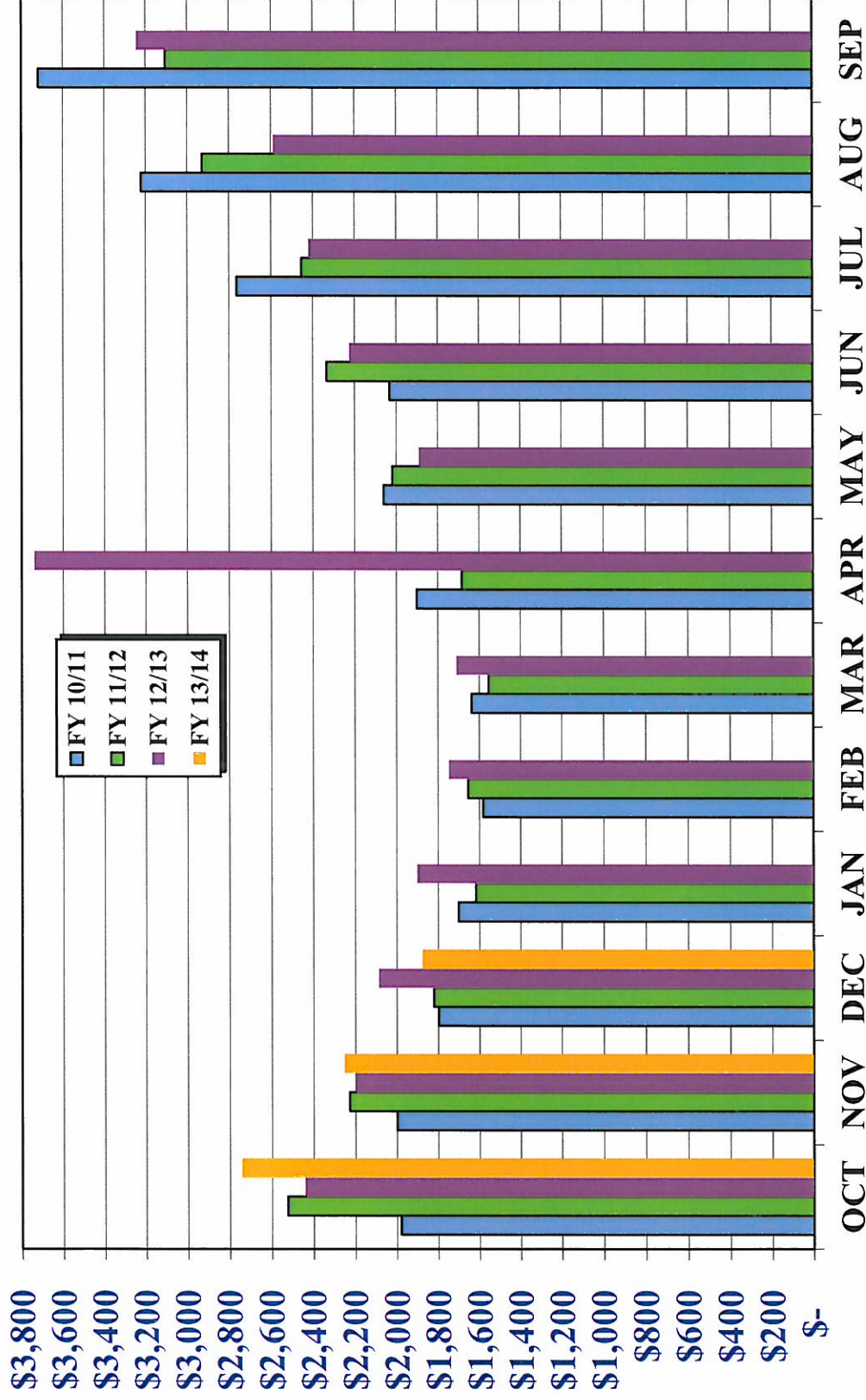


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CITY OF MANSFIELD

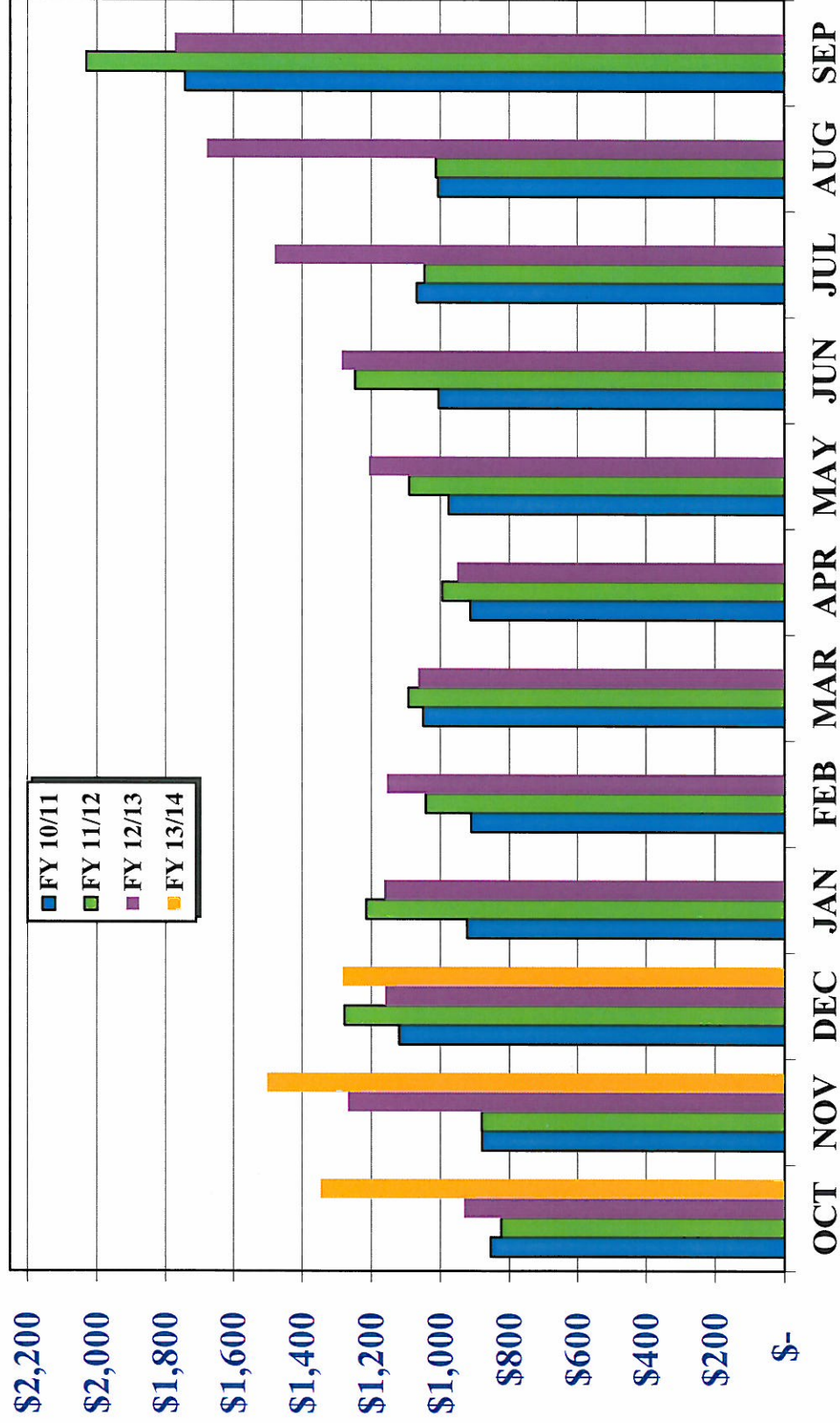
UTILITY FUND - TOTAL REVENUES

(000's)



UTILITY OPERATING EXPENDITURES

(000's)



Rainfall Update

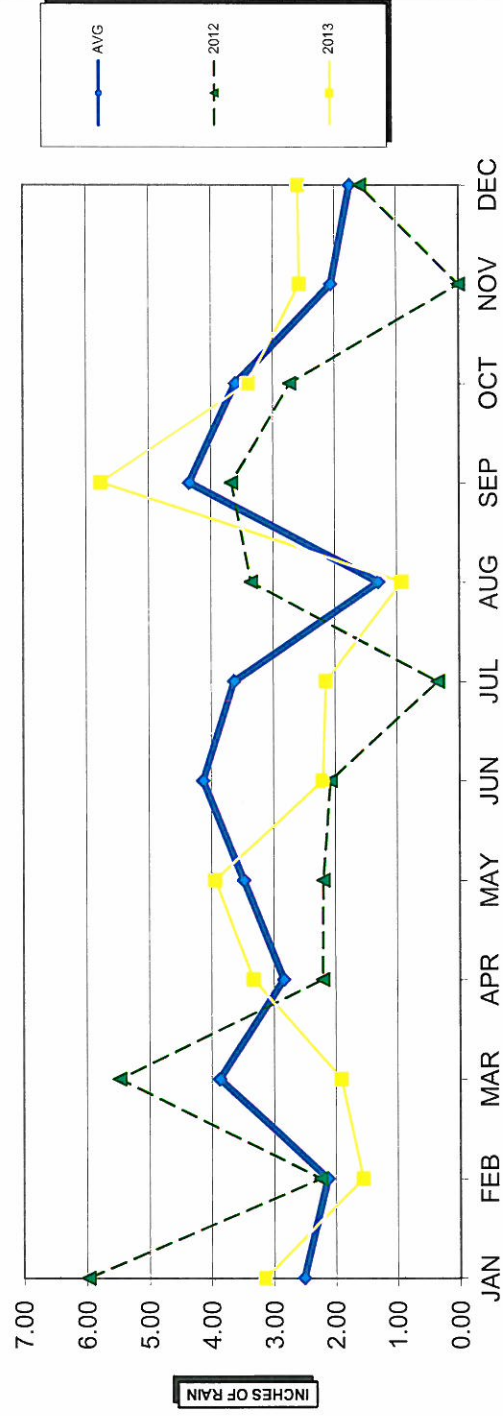
December 2013

Average (2004-2011)

	AVG	2012	2013
JAN	2.52	5.98	3.15
FEB	2.14	2.25	1.57
MAR	3.87	5.48	1.92
APR	2.85	2.21	3.34
MAY	3.48	2.20	3.95
JUN	4.13	2.08	2.21
JUL	3.63	0.35	2.16
AUG	1.30	3.36	0.93
SEP	4.35	3.67	5.77
OCT	3.61	2.73	3.41
NOV	2.06	0.01	2.58
DEC	1.76	1.59	2.60

TOTAL 35.69 31.91 33.59
TO DATE 33.59

December



City of Mansfield, Texas

Comparative Balance Sheet - Law Enforcement Complex
December 31, 2013 and 2012 (Unaudited)

	<u>2014</u>	<u>2013</u>
<u>ASSETS</u>		
Cash And Investments	\$ (3,342)	\$ -
Receivables:		
Accounts	295,688	406,368
Prepaid Expense	-	-
Inventory	59,329	36,554
Restricted Assets:		
Cash And Investments	1,156,958	319,142
Fixed Assets (net of accumulated depreciation)*	6,903,671 *	7,023,845
Deferred Issuance Cost	<u>29,250</u>	<u>33,125</u>
 Total Assets	 <u>\$ 8,441,553</u>	 <u>\$ 7,819,034</u>

* Includes estimated depreciation through the balance sheet date.

City of Mansfield, Texas

Comparative Balance Sheet - Law Enforcement Complex
December 31, 2013 and 2012 (Unaudited)

	2014	2013
<u>LIABILITIES</u>		
Accounts Payable	\$ 13,194	\$ 190,531
Accrued Liabilities	475,304	225,212
Due To General Fund	-	90,895
Payable From Restricted Assets:		
Inmate Trust	33,252	6,647
General Obligation Debt Payable:		
Bonds Payable-Current	-	193,750
Accrued Interest	32,763	42,862
Long-Term	1,644,203	1,904,249
Compensated Absences	518,930	365,812
	<hr/>	<hr/>
Total Liabilities	2,717,646	3,019,958
	<hr/>	<hr/>
<u>NET ASSETS</u>		
Invested in Capital Assets (net of related debt)	6,412,912	4,969,813
Unreserved	(689,005)	(170,738)
	<hr/>	<hr/>
Total Net Assets	5,723,907	4,799,075
	<hr/>	<hr/>
Total Liabilities And Net Assets	\$ 8,441,553	\$ 7,819,034
	<hr/>	<hr/>

City of Mansfield, Texas

Comparative Combined Statement of Revenues, Expenses, and Changes in Net Assets -

Law Enforcement Complex - For the Month and Three Months Ended December 31, 2013 and 2012 (Unaudited)

	FY14 MONTH TO DATE	FY13 MONTH TO DATE	FY14 YEAR TO DATE	FY13 YEAR TO DATE	FY14 ADOPTED BUDGET	FY14 OVER (UNDER) BUDGET	FY14 PERCENT COLLECTED TO BUDGET
OPERATING REVENUES:							
Charges For Services	\$ 785,618	\$ 715,698	\$ 2,356,108	\$ 2,063,679	\$ 9,213,861	\$ (6,857,753)	25.57%
Tax Revenue	-	47,320	-	141,961	-	-	0.00%
Salary Reimbursement	3,467	9,492	7,447	22,101	107,250	(99,803)	6.94%
Miscellaneous	189	-	3,390	-	-	3,390	0.00%
Transportation	593	617	1,233	1,573	10,000	(8,767)	12.33%
Contributions	-	-	-	-	-	-	0.00%
Commissary Sales	24,703	12,577	68,935	39,566	185,000	(116,065)	37.26%
Telephone Commission	14,383	13,069	27,927	25,598	160,000	(132,073)	17.45%
Total Operating Revenues	828,954	798,772	2,465,040	2,294,478	9,676,111	(7,211,071)	25.48%
OPERATING EXPENSES:							
Administration	26,639	15,742	70,764	56,687	260,907	(190,143)	27.12%
Operations	609,437	519,802	1,932,707	1,620,167	7,091,721	(5,159,015)	27.25%
Support	54,964	33,773	113,077	94,402	721,134	(608,056)	15.68%
Food Service	53,389	57,349	97,575	163,494	883,482	(785,906)	11.04%
Medical Service	48,797	30,945	105,839	116,658	549,704	(443,865)	19.25%
Commissary	6,666	1,665	12,963	6,068	185,000	(172,037)	7.01%
Phone System	-	-	-	-	-	-	0.00%
Depreciation	21,486	22,609	63,712	67,826	-	63,712	0.00%
Total Operating Expenses	821,377	681,885	2,396,638	2,125,302	9,691,948	(7,295,310)	24.73%
OPERATING INCOME (LOSS)	7,577	116,887	68,402	169,176	(15,837)	84,239	-431.92%
NON OPERATING REVENUES (EXPENSES)							
Interest Revenue	-	-	-	0	-	-	0.00%
Other Income	-	-	23,850	-	15,837	8,013	150.60%
Amortization	-	-	-	-	-	-	0.00%
Interest And Fiscal Charges	(6,551)	(8,570)	(19,652)	(25,711)	-	(19,652)	0.00%
Net Nonoperating Revenues (Expenses)	(6,551)	(8,570)	4,199	(25,711)	15,837	(11,638)	26.51%
INCOME (LOSS) BEFORE OPERATING TRANSFERS	1,026	108,317	72,601	143,466	0	72,601	
OPERATING TRANSFERS:							
Transfer In (Out)	-	-	-	-	-	-	0.00%
Net Operating Transfers	-	-	-	-	-	-	0.00%
CHANGE IN NET ASSETS	1,026	108,317	72,601	143,466	0	72,601	
NET ASSETS BEGINNING	5,722,881	4,690,758	5,651,307	4,655,610	5,651,307	-	
NET ASSETS ENDING	\$ 5,723,907	\$ 4,799,075	\$ 5,723,907	\$ 4,799,075	\$ 5,651,307	\$ 72,601	

City of Mansfield, Texas

Comparative Balance Sheet - Drainage Utility Fund
December 31, 2013 and 2012 (Unaudited)

	2014	2013
<u>ASSETS</u>		
Cash And Investments	\$ 1,564,694	\$ 1,291,874
Accounts Receivable	155,545	151,605
Restricted Assets:		
Cash and Investments	517,326	654,189
Fixed Assets (Net of accumulated depreciation)	6,884,431	7,806,059
Deferred charges	167,679	182,595
Total Assets	<u>\$ 9,289,674</u>	<u>\$ 10,086,322</u>
<u>LIABILITIES</u>		
Accounts Payable	\$ 1,793	\$ 1,570
Accrued Liabilities	6,740	5,145
Retainage Payable	25,077	41,728
Bond Payable	5,105,000	5,465,000
Accrued Interest Payable	65,279	69,029
Unamortized Discounts on Bonds	(308,221)	(336,018)
Unamortized Premiums on Bonds	68,444	74,917
Total Liabilities	<u>4,964,112</u>	<u>5,321,370</u>
<u>NET ASSETS</u>		
Invested in Capital Assets (net of related debt)	2,490,156	3,216,769
Reserved for Debt Service	148,778	222,177
Unrestricted	1,686,628	1,326,007
Total Net Assets	<u>4,325,562</u>	<u>4,764,952</u>
Total Liabilities And Net Assets	<u>\$ 9,289,674</u>	<u>\$ 10,086,322</u>

City of Mansfield, Texas

Comparative Combined Statement of Revenues, Expenses, and Changes in Net Assets-
Drainage Utility Fund - For the Month and Three Months Ended December 31, 2013 and 2012 (Unaudited)

	FY14 MONTH TO DATE	FY13 MONTH TO DATE	FY14 YEAR TO DATE	FY13 YEAR TO DATE
OPERATING REVENUES:				
Contributions	\$ -	\$ -	\$ -	\$ -
Licenses Fee-Gaswells/Pipelines	-	-	-	-
Drainage Fee	107,576	103,321	322,711	308,676
Total Operating Revenues	107,576	103,321	322,711	308,676
OPERATING EXPENSES:				
Administration	155,838	16,553	224,091	50,510
General Maintenance	8,893	9,535	137,905	22,794
Depreciation	8,971	8,914	26,747	26,742
Total Operating Expenses	173,702	35,002	388,743	100,045
OPERATING INCOME (LOSS)	(66,127)	68,319	(66,032)	208,631
NONOPERATING REVENUES (EXPENSES):				
Interest Revenue	-	70	-	138
Other Income	84,959	-	87,693	6,250
Amortization	-	-	-	-
Interest and fiscal charges	(14,593)	(15,306)	(40,705)	(42,917)
Net Nonoperating Revenue	70,366	(15,236)	46,988	(36,530)
INCOME (LOSS) BEFORE OPERATING TRANSFERS	4,239	53,083	(19,045)	172,101
OPERATING TRANSFERS				
Operating Transfers In	-	-	-	-
Operating Transfers Out	-	-	-	-
Net Operating Transfers	-	-	-	-
CHANGE IN NET ASSETS	4,239	53,083	(19,045)	172,101
NET ASSETS, BEGINNING	4,321,323	4,711,869	4,344,607	4,592,851
NET ASSETS, ENDING	\$ 4,325,562	\$ 4,764,952	\$ 4,325,562	\$ 4,764,952

**CITY OF MANSFIELD, TEXAS
SALES TAX COMPARISON
INFORMATION**

GENERAL FUND
YEAR TO DATE SALES TAX COMPARISON
OCTOBER 2013 TO SEPTEMBER 2014

MONTH	FY13	FY14	DOLLAR VALUE INCREASE (DECREASE) FY 2013/2014	PERCENTAGE INCREASE (DECREASE) FY 2013/2014
OCTOBER	762,809.11	799,782.09	36,972.98	4.85%
NOVEMBER	639,567.98	635,872.04	(3,695.94)	-0.58%
DECEMBER	571,832.62	679,735.14	107,902.52	18.87%
JANUARY				
FEBRUARY				
MARCH				
Subtotal	1,974,209.71	2,115,389.27	141,179.56	7.15%
APRIL				
MAY				
JUNE				
JULY				
AUGUST				
SEPTEMBER				
YTD TOTAL	1,974,209.71	2,115,389.27	141,179.56	7.15%
BUDGET		8,721,460.00		
OVER/(UNDER) BUDGET		(6,606,070.73)		

MANSFIELD PARKS FACILITIES DEVELOPMENT CORP.
YEAR TO DATE SALES TAX COMPARISON
OCTOBER 2013
TO SEPTEMBER 2014

MONTH	FY13	FY14	DOLLAR VALUE INCREASE (DECREASE) 2013/2014	PERCENTAGE INCREASE (DECREASE) 2013/2014
OCTOBER	381,404.55	399,991.04	18,586.49	4.87%
NOVEMBER	319,783.99	317,936.02	(1,847.97)	-0.58%
DECEMBER	285,916.31	339,867.58	53,951.27	18.87%
JANUARY				
FEBRUARY				
MARCH				
Subtotal	987,104.85	1,057,794.64	70,689.79	7.16%
APRIL				
MAY				
JUNE				
JULY				
AUGUST				
SEPTEMBER				
YTD TOTAL	987,104.85	1,057,794.64	70,689.79	7.16%

MANSFIELD ECONOMIC DEVELOPMENT CORP.
YEAR TO DATE SALES TAX COMPARISON
OCTOBER 2013 TO SEPTEMBER 2014

MONTH	FY13	FY14	DOLLAR VALUE INCREASE (DECREASE) 2013/2014	PERCENTAGE INCREASE (DECREASE) 2013/2014
OCTOBER	381,404.55	399,991.04	18,586.49	4.87%
NOVEMBER	319,783.99	317,936.02	(1,847.97)	-0.58%
DECEMBER	285,916.31	339,867.57	53,951.26	18.87%
JANUARY				
FEBRUARY				
MARCH				
Subtotal	987,104.85	1,057,794.63	70,689.78	7.16%
APRIL				
MAY				
JUNE				
JULY				
AUGUST				
SEPTEMBER				
YTD TOTAL	987,104.85	1,057,794.63	70,689.78	7.16%

GENERAL FUND
MANSFIELD PARKS DEVELOPMENT CORP.
AND
MANSFIELD ECONOMIC DEVELOPMENT CORP.
COMBINED TOTAL YEAR TO DATE SALES TAX COMPARISON
OCTOBER 2013 TO SEPTEMBER 2014

MONTH	FY13	FY14	DOLLAR VALUE INCREASE (DECREASE) 2013/2014	PERCENTAGE INCREASE (DECREASE) 2013/2014
OCTOBER	1,525,618.21	1,599,964.17	74,345.96	4.87%
NOVEMBER	1,279,135.96	1,271,744.08	(7,391.88)	-0.58%
DECEMBER	1,143,665.24	1,359,470.29	215,805.05	18.87%
JANUARY				
FEBRUARY				
MARCH				
Subtotal	3,948,419.41	4,231,178.54	282,759.13	7.16%
APRIL				
MAY				
JUNE				
JULY				
AUGUST				
SEPTEMBER				
YTD TOTAL	3,948,419.41	4,231,178.54	282,759.13	7.16%
BUDGET		17,442,920.00		
OVER/(UNDER) BUDGET		<u>(13,211,741.46)</u>		

SCHEDULE OF INVESTMENTS



INVESTMENT OFFICERS' REPORT

This report is prepared in accordance with the Public funds Investment Act ("Act"), Chapter 2256 of Title 10 of the Government Code. This Act prescribes the investment of funds in the custody of a district or authority created under Article XVI, Section 59, of the Texas Constitution. Section 2256.023(a) of the Act states that "not less than quarterly the investment officers shall prepare and submit to the governing body of the entity a written report of investment transactions for all funds covered by this chapter for the preceding reporting period." This report covers the month of December for Fiscal Year 2014.

A handwritten signature in black ink, reading 'Peter K. Phillis, CPA'. The signature is written in a cursive style with a horizontal line underneath.

Peter K. Phillis, CPA
Investment Officer

City of Mansfield
Tracker Portfolio Set Up - by Issuer
 Report Format: By Transaction
 Group By: Issuer
Portfolio/Report Group: All Portfolios
As of 12/31/2013

Description	CUSIP/Ticker	Settlement Date	YTM @ Cost	Face Amount/Shares	Cost Value	Book Value	Market Value	Maturity Date	Days To Maturity	Accrued Interest	% of Portfolio	Portfolio Name
AIM Invesco												
AIM Invesco MM	AIM	9/30/1999	0.050	446,193.73	446,193.73	446,193.73	446,193.73	N/A	1		0.59	15 - Street Construction
Sub Total / Average			0.050	446,193.73	446,193.73	446,193.73	446,193.73		1	0.00	0.59	
CLASS												
CLASS MM	CLASS	5/16/2012	0.100	6,016,721.00	6,016,721.00	6,016,721.00	6,016,721.00	N/A	1		8.01	90 - Utility Construction Fund 90
CLASS MM	CLASS	5/16/2012	0.100	602,578.92	602,578.92	602,578.92	602,578.92	N/A	1		0.80	50 - TIF
CLASS MM	CLASS	7/31/2013	0.100	400,207.90	400,207.90	400,207.90	400,207.90	N/A	1		0.53	82 - Street Construction 2013 Issue
CLASS MM	CLASS	5/16/2012	0.100	5,013,934.17	5,013,934.17	5,013,934.17	5,013,934.17	N/A	1		6.67	01 - General Fund
CLASS MM	CLASS	5/16/2012	0.100	902,508.13	902,508.13	902,508.13	902,508.13	N/A	1		1.20	24 - Mansfield Parks Land Dedication
CLASS MM	CLASS	5/16/2012	0.100	7,520,901.31	7,520,901.31	7,520,901.31	7,520,901.31	N/A	1		10.01	25 - Water & Sewer
CLASS MM	CLASS	5/16/2012	0.100	1,403,901.56	1,403,901.56	1,403,901.56	1,403,901.56	N/A	1		1.87	17 - Park Construction
CLASS MM	CLASS	5/16/2012	0.100	3,208,917.89	3,208,917.89	3,208,917.89	3,208,917.89	N/A	1		4.27	23 - Mansfield Parks 1/2 Sales Tax
Sub Total / Average			0.100	25,069,670.88	25,069,670.88	25,069,670.88	25,069,670.88		1	0.00	33.37	
Nations Funds												
Nations Funds MM	MF0008	10/25/1999	0.050	1,210,917.88	1,210,917.88	1,210,917.88	1,210,917.88	N/A	1		1.61	39 - Economic Development
Nations Funds MM	MF0008	9/1/2013	0.050	3,597,719.55	3,597,719.55	3,597,719.55	3,597,719.55	N/A	1		4.79	37 - MEDC Bond Const
Nations Funds MM	MF0008	4/11/2012	0.050	2,848,447.55	2,848,447.55	2,848,447.55	2,848,447.55	N/A	1		3.79	27 - Revenue Bond Reserve
Nations Funds MM	MF0008	10/25/1999	0.050	1,517,245.90	1,517,245.90	1,517,245.90	1,517,245.90	N/A	1		2.02	23 - Mansfield Parks 1/2 Sales Tax
Nations Funds MM	MF0008	10/25/1999	0.050	1,458,130.57	1,458,130.57	1,458,130.57	1,458,130.57	N/A	1		1.94	15 - Street Construction
Nations Funds MM	MF0008	10/25/1999	0.050	1,445,059.73	1,445,059.73	1,445,059.73	1,445,059.73	N/A	1		1.92	01 - General Fund
Nations Funds MM	MF0008	10/25/1999	0.050	1,317,999.97	1,317,999.97	1,317,999.97	1,317,999.97	N/A	1		1.75	28 - Utility Construction Fund 28
Nations Funds MM	MF0008	10/25/1999	0.050	759,489.38	759,489.38	759,489.38	759,489.38	N/A	1		1.01	06 - Tree Mitigation
Nations Funds MM	MF0008	7/1/2013	0.050	576,986.80	576,986.80	576,986.80	576,986.80	N/A	1		0.77	82 - Street Construction 2013 Issue
Nations Funds MM	MF0008	10/25/1999	0.050	8,805,091.29	8,805,091.29	8,805,091.29	8,805,091.29	N/A	1		11.72	25 - Water & Sewer
Nations Funds MM	MF0008	10/25/1999	0.050	221,787.56	221,787.56	221,787.56	221,787.56	N/A	1		0.30	10 - Debt Services
Nations Funds MM	MF0008	10/25/1999	0.050	74,893.63	74,893.63	74,893.63	74,893.63	N/A	1		0.10	24 - Mansfield Parks Land Dedication
Sub Total / Average			0.050	23,833,769.81	23,833,769.81	23,833,769.81	23,833,769.81		1	0.00	31.73	
TexStar												
TexStar LGIP	TEXSTAR	11/2/2012	0.036	500,476.43	500,476.43	500,476.43	500,476.43	N/A	1		0.67	19 - Drainage Utility Fund

TexStar LGIP	TEXSTAR	11/2/2012	0.036	4,254,049.68	4,254,049.68	4,254,049.68	4,254,049.68	N/A	1	5.66	28 - Utility Construction Fund 28
TexStar LGIP	TEXSTAR	11/2/2012	0.036	3,703,525.55	3,703,525.55	3,703,525.55	3,703,525.55	N/A	1	4.93	39 - Economic Development
TexStar LGIP	TEXSTAR	11/2/2012	0.036	3,303,587.66	3,303,587.66	3,303,587.66	3,303,587.66	N/A	1	4.40	81 - Street Construction 2012 Issue
TexStar LGIP	TEXSTAR	11/2/2012	0.036	3,253,096.77	3,253,096.77	3,253,096.77	3,253,096.77	N/A	1	4.33	25 - Water & Sewer
TexStar LGIP	TEXSTAR	11/2/2012	0.036	75,071.45	75,071.45	75,071.45	75,071.45	N/A	1	0.10	16 - Building Construction
TexStar LGIP	TEXSTAR	11/2/2012	0.036	2,001,905.68	2,001,905.68	2,001,905.68	2,001,905.68	N/A	1	2.67	15 - Street Construction
TexStar LGIP	TEXSTAR	11/2/2012	0.036	2,452,519.68	2,452,519.68	2,452,519.68	2,452,519.68	N/A	1	3.26	37 - MEDC Bond Const
TexStar LGIP	TEXSTAR	11/2/2012	0.036	500,476.43	500,476.43	500,476.43	500,476.43	N/A	1	0.67	10 - Debt Services
TexStar LGIP	TEXSTAR	11/2/2012	0.036	150,953.71	150,953.71	150,953.71	150,953.71	N/A	1	0.20	23 - Mansfield Parks 1/2 Sales Tax
TexStar LGIP	TEXSTAR	11/2/2012	0.036	218,395.41	218,395.41	218,395.41	218,395.41	N/A	1	0.29	38 - MEDC I&S Fund
TexStar LGIP	TEXSTAR	11/2/2012	0.036	250,238.22	250,238.22	250,238.22	250,238.22	N/A	1	0.33	24 - Mansfield Parks Land Dedication
TexStar LGIP	TEXSTAR	11/2/2012	0.036	1,000,952.86	1,000,952.86	1,000,952.86	1,000,952.86	N/A	1	1.33	01 - General Fund
TexStar LGIP	TEXSTAR	7/31/2013	0.036	850,181.99	850,181.99	850,181.99	850,181.99	N/A	1	1.13	82 - Street Construction 2013 Issue
TexStar LGIP	TEXSTAR	11/2/2012	0.036	400,381.13	400,381.13	400,381.13	400,381.13	N/A	1	0.53	50 - TIF
TexStar LGIP	TEXSTAR	11/2/2012	0.036	2,802,667.97	2,802,667.97	2,802,667.97	2,802,667.97	N/A	1	3.73	90 - Utility Construction Fund 90
TexStar LGIP	TEXSTAR	11/2/2012	0.036	50,047.63	50,047.63	50,047.63	50,047.63	N/A	1	0.07	17 - Park Construction
Sub Total / Average			0.036	25,768,528.25	25,768,528.25	25,768,528.25	25,768,528.25		1	0.00	34.30
Total / Average			0.062	75,118,162.67	75,118,162.67	75,118,162.67	75,118,162.67		1	0.00	100

City of Mansfield
Tracker Portfolio Set Up - by Portfolio (Fund)
Report Format: By Transaction
Group By: Portfolio Name
Portfolio/Report Group: All Portfolios
As of 12/31/2013

Description	CUSIP/Ticker	Security Type	Settlement Date	YTM @ Cost	Face Amount/Shares	Cost Value	Book Value	Market Value	Maturity Date	Days To Maturity	Accrued Interest	% of Portfolio
01 - General Fund												
CLASS MM	CLASS	Money Market	5/16/2012	0.100	5,013,934.17	5,013,934.17	5,013,934.17	5,013,934.17	N/A	1		6.67
Nations Funds MM	MF0008	Money Market	10/25/1999	0.050	1,445,059.73	1,445,059.73	1,445,059.73	1,445,059.73	N/A	1		1.92
TexStar LGIP	TEXSTAR	Local Government Investment Pool	11/2/2012	0.036	1,000,952.86	1,000,952.86	1,000,952.86	1,000,952.86	N/A	1		1.33
Sub Total / Average				0.082	7,459,946.76	7,459,946.76	7,459,946.76	7,459,946.76		1	0.00	9.93
06 - Tree Mitigation												
Nations Funds MM	MF0008	Money Market	10/25/1999	0.050	759,489.38	759,489.38	759,489.38	759,489.38	N/A	1		1.01
Sub Total / Average				0.050	759,489.38	759,489.38	759,489.38	759,489.38		1	0.00	1.01
10 - Debt Services												
Nations Funds MM	MF0008	Money Market	10/25/1999	0.050	221,787.56	221,787.56	221,787.56	221,787.56	N/A	1		0.30
TexStar LGIP	TEXSTAR	Local Government Investment Pool	11/2/2012	0.036	500,476.43	500,476.43	500,476.43	500,476.43	N/A	1		0.67
Sub Total / Average				0.040	722,263.99	722,263.99	722,263.99	722,263.99		1	0.00	0.96
15 - Street Construction												
AIM Invesco MM	AIM	Money Market	9/30/1999	0.050	446,193.73	446,193.73	446,193.73	446,193.73	N/A	1		0.59
Nations Funds MM	MF0008	Money Market	10/25/1999	0.050	1,458,130.57	1,458,130.57	1,458,130.57	1,458,130.57	N/A	1		1.94
TexStar LGIP	TEXSTAR	Local Government Investment Pool	11/2/2012	0.036	2,001,905.68	2,001,905.68	2,001,905.68	2,001,905.68	N/A	1		2.67
Sub Total / Average				0.043	3,906,229.98	3,906,229.98	3,906,229.98	3,906,229.98		1	0.00	5.20
16 - Building Construction												
TexStar LGIP	TEXSTAR	Local Government Investment Pool	11/2/2012	0.036	75,071.45	75,071.45	75,071.45	75,071.45	N/A	1		0.10
Sub Total / Average				0.036	75,071.45	75,071.45	75,071.45	75,071.45		1	0.00	0.10
17 - Park Construction												
CLASS MM	CLASS	Money Market	5/16/2012	0.100	1,403,901.56	1,403,901.56	1,403,901.56	1,403,901.56	N/A	1		1.87
TexStar LGIP	TEXSTAR	Local Government Investment Pool	11/2/2012	0.036	50,047.63	50,047.63	50,047.63	50,047.63	N/A	1		0.07
Sub Total / Average				0.098	1,453,949.19	1,453,949.19	1,453,949.19	1,453,949.19		1	0.00	1.94
19 - Drainage Utility Fund												
TexStar LGIP	TEXSTAR	Local Government Investment Pool	11/2/2012	0.036	500,476.43	500,476.43	500,476.43	500,476.43	N/A	1		0.67
Sub Total / Average				0.036	500,476.43	500,476.43	500,476.43	500,476.43		1	0.00	0.67
23 - Mansfield Parks 1/2 Sales Tax												
CLASS MM	CLASS	Money Market	5/16/2012	0.100	3,208,917.89	3,208,917.89	3,208,917.89	3,208,917.89	N/A	1		4.27
Nations Funds MM	MF0008	Money Market	10/25/1999	0.050	1,517,245.90	1,517,245.90	1,517,245.90	1,517,245.90	N/A	1		2.02

TexStar LGIP	TEXSTAR	Government Investment Pool	11/2/2012	0.036	400,381.13	400,381.13	400,381.13	400,381.13	N/A	1	0.53
Sub Total / Average				0.074	1,002,960.05	1,002,960.05	1,002,960.05	1,002,960.05		1	0.00 1.34
81 - Street Construction 2012 Issue											
TexStar LGIP	TEXSTAR	Local Government Investment Pool	11/2/2012	0.036	3,303,587.66	3,303,587.66	3,303,587.66	3,303,587.66	N/A	1	4.40
Sub Total / Average				0.036	3,303,587.66	3,303,587.66	3,303,587.66	3,303,587.66		1	0.00 4.40
82 - Street Construction 2013 Issue											
CLASS MM	CLASS	Money Market	7/31/2013	0.100	400,207.90	400,207.90	400,207.90	400,207.90	N/A	1	0.53
Nations Funds MM	MF0008	Money Market	7/1/2013	0.050	576,986.80	576,986.80	576,986.80	576,986.80	N/A	1	0.77
TexStar LGIP	TEXSTAR	Local Government Investment Pool	7/31/2013	0.036	850,181.99	850,181.99	850,181.99	850,181.99	N/A	1	1.13
Sub Total / Average				0.054	1,827,376.69	1,827,376.69	1,827,376.69	1,827,376.69		1	0.00 2.43
90 - Utility Construction Fund 90											
CLASS MM	CLASS	Money Market	5/16/2012	0.100	6,016,721.00	6,016,721.00	6,016,721.00	6,016,721.00	N/A	1	8.01
TexStar LGIP	TEXSTAR	Local Government Investment Pool	11/2/2012	0.036	2,802,667.97	2,802,667.97	2,802,667.97	2,802,667.97	N/A	1	3.73
Sub Total / Average				0.080	8,819,388.97	8,819,388.97	8,819,388.97	8,819,388.97		1	0.00 11.74
Total / Average				0.062	75,118,162.67	75,118,162.67	75,118,162.67	75,118,162.67		1	0.00 100



CITY OF MANSFIELD

1200 East. Broad St.
Mansfield, TX 76063
www.mansfield-tx.gov

STAFF REPORT

File Number: 14-0821

Agenda Date: 2/24/2014

Version: 1

Status: Staff Comments

In Control: City Council

File Type: Presentation

Agenda Number:

Title

Presentation: Presentation of the Mansfield Police Department Annual Contact Report for 2013

Requested Action

None

Recommendation

None

Description/History

In 2001, the Texas Legislature, in an attempt to address the issue of racial profiling in policing, enacted the Racial Profiling Law. Since 2001, the Mansfield Police Department, in accordance with the law, has collected and reported traffic-related contact data for the purpose of identifying and addressing (if necessary) areas of concern regarding racial profiling practices.

In 2009, the Texas Legislature passed House Bill 3389, which modified the existing Racial Profiling Law by adding new requirements; this took effect January 1, 2010. These new requirements have been addressed by the Mansfield Police Department as it is demonstrated throughout this report.

Not later than March 1 of each year, the local Law Enforcement Agency shall submit a report containing the information compiled during the previous calendar year to the Governing Body of the Municipality served by the Agency as well as the Texas Commission on Law Enforcement (TCOLE).

The attached reports titled Mansfield Police Department Annual Contact Report for 2013, completed by Alex del Carmen, Ph.D. of Del Carmen Consulting, LLC and the TCOLE Tier 1 Partial Exemption Racial Profiling Report completed by me serves as evidence of the Mansfield Police Department's commitment to comply with the Texas Racial Profiling Law.

Justification

N/A

Funding Source

N/A

Prepared By

Gary L. Fowler, Chief of Police, Mansfield Police Department
817-276-4723



Mansfield Police Department
1305 E. Broad Street, Mansfield, Texas 76063

To the Honorable Mayor David Cook and Members of the City Council

Since January 1, 2002, the Mansfield Police Department in accordance with the Texas Racial Profiling Law (Senate Bill 1074), has been collecting police contact data for the purpose of identifying and responding (if necessary) to concerns regarding racial profiling practices. It is my hope that the findings provided in this report will serve as evidence that the Mansfield Police Department continues to strive toward the goal of maintaining strong relations with the community and strongly prohibits racial profiling.

In the attached comprehensive report, completed by Del Carmen Consulting, LLC, you will find sections designed for providing background information on the requirements of the Texas Racial Profiling Law. The information is relevant to the institutional policies adopted by the Mansfield Police Department prohibiting the practice of racial profiling (among its officers).

The final components of this report provide statistical data relevant to the traffic and motor vehicle related contacts made during the period of 1/1/13 through 12/31/13. This section contains the Texas Commission on Law Enforcement (TCOLE) Tier 1 Data Form, which is required to be submitted to this organization by March 1st, 2014. This form was submitted to TCOLE on 2/17/14. The data in this comprehensive report has been analyzed and compared by Del Carmen Consulting, LLC to data derived from the U.S. Census Bureau's Fair Roads Standard. Del Carmen Consulting, LLC indicated the information and analysis provided in the report serves as evidence that the Mansfield Police Department has complied with the Texas Racial Profiling Law.

It is my goal to continue to be responsive to the community by implementing and monitoring the proper policies and safeguards to prevent racial profiling practices.

Gary L. Fowler

Chief of Police

Cc: Bill Lane, Director of Public Safety

Clayton W. Chandler, City Manager

TIER 1 - PARTIAL EXEMPTION RACIAL PROFILING REPORT

Agency Name: MANSFIELD POLICE DEPT.
Reporting Date: 02/17/2014
TCOLE Agency Number: 439224
Chief Administrator: GARY L FOWLER
Agency Contact Information: Mailing Address:
MANSFIELD POLICE DEPT.
Mansfield Police Department
1305 East Broad Street
Mansfield, TX 76063

This Agency claims partial racial profiling report exemption because:

Our vehicles that conduct motor vehicle stops are equipped with video and audio equipment and we maintain videos for 90 days.

Certification to This Report 2.132 (Tier 1) – Partial Exemption

Article 2.132(b) CCP Law Enforcement Policy on Racial Profiling

MANSFIELD POLICE DEPT. has adopted a detailed written policy on racial profiling. Our policy:

- (1) clearly defines acts constituting racial profiling;
- (2) strictly prohibits peace officers employed by the MANSFIELD POLICE DEPT. from engaging in racial profiling;
- (3) implements a process by which an individual may file a complaint with the MANSFIELD POLICE DEPT. if the individual believes that a peace officer employed by the MANSFIELD POLICE DEPT. has engaged in racial profiling with respect to the individual;
- (4) provides public education relating to the agency's complaint process;
- (5) requires appropriate corrective action to be taken against a peace officer employed by the MANSFIELD POLICE DEPT. who, after an investigation, is shown to have engaged in racial profiling in violation of the MANSFIELD POLICE DEPT.'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; 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.

I certify these policies are in effect.

Executed by: **GARYL FOWLER**

Chief Administrator

MANSFIELD POLICE DEPT.

Date: 02/17/2014

MANSFIELD POLICE DEPT. Motor Vehicle Racial Profiling Information

Number of motor vehicle stops:

1. **6713** citation only
2. **162** arrest only
3. **164** both
4. **7039 Total** (4, 11, 14 and 17 must be equal)

Race or Ethnicity:

5. **1169** African
6. **184** Asian
7. **4532** Caucasian
8. **1125** Hispanic
9. **22** Middle Eastern
10. **7** Native American
11. **7039 Total** (lines 4, 11, 14 and 17 must be equal)

Race or Ethnicity known prior to stop?

12. **23** Yes
13. **7016** No
14. **7039 Total** (lines 4, 11, 14 and 17 must be equal)

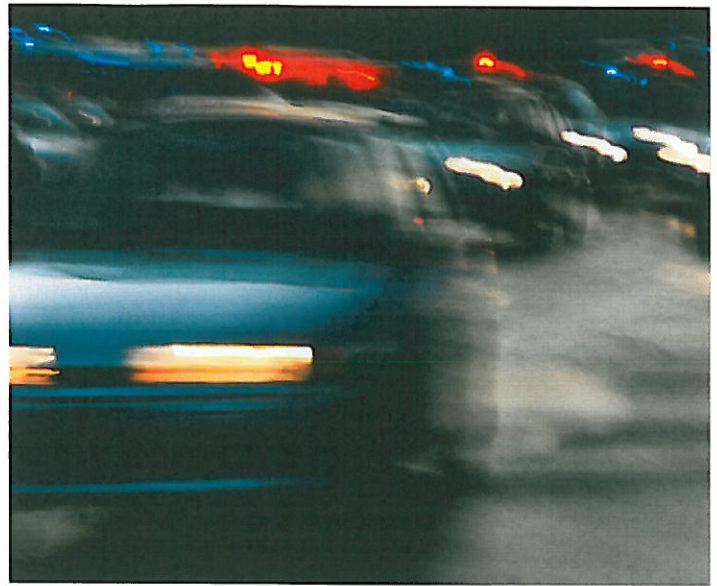
Search conducted?

15. **332** Yes
16. **6707** No
17. **7039 Total** (lines 4, 11, 14 and 17 must be equal)

Was search consented?

18. **23** Yes
19. **309** No
20. **332 Total** (must equal line 15)

DEL CARMEN
CONSULTING, LLC



Annual Contact Report 2013

The Mansfield Police Department

(I) Introduction

Opening Statement

January 3, 2014

Mansfield City Council
1200 East Broad St.
Mansfield, Texas 76063

Dear Distinguished Members of the City Council,

The Texas Legislature, with the intent of addressing the issue of racial profiling in policing, enacted the Texas Racial Profiling Law in 2001. Since, the Mansfield Police Department, in accordance with the law, has collected and reported traffic and motor vehicle-related contact data for the purpose of identifying and addressing (if necessary) areas of concern regarding racial profiling practices. In the 2009 Texas legislative session, the Racial Profiling Law was modified and additional requirements are now in place. These most recent requirements have been incorporated by the Mansfield Police Department and are also being addressed in this report.

In this report, you will find three sections that contain information on traffic and motor vehicle- related contact data. In addition, when appropriate, documentation is also a component of this report, aiming at demonstrating the manner in which the Mansfield Police Department has complied with the Texas Racial Profiling Law. In section 1, you will find the table of contents in addition to the Texas Senate Bill (SB1074); which later became the Texas Racial Profiling Law. In addition, you will find the Texas HB 3389, which, in 2009, introduced new requirements relevant to racial profiling. Also, in this section, a list of requirements relevant to the Racial Profiling Law as established by TCOLE (Texas Commission on Law Enforcement) is included. In addition, you will find, in sections 2 and 3 documentation, which demonstrates compliance by the Mansfield Police Department relevant to the requirements as established in the Texas Racial Profiling Law. That is, you will find documents relevant to the implementation of an institutional policy banning racial profiling, the incorporation of a racial profiling complaint process and the training administered to all law enforcement personnel.

The last section of this report provides statistical data relevant to contacts, made during the course of motor vehicle stops, between 1/1/13 and 12/31/13. In addition, this section contains the TCOLE Tier 1 form, which is required to be submitted to this particular organization by March 1st of each year. The data in this report has been analyzed and compared to data derived from the U.S. Census Bureau's Fair Roads Standard. The final analysis and recommendations are also included in this report. The findings in this report serve as evidence of the Mansfield Police Department's commitment to comply with the Texas Racial Profiling Law.

Sincerely,

Alex del Carmen, Ph.D.
Del Carmen Consulting, LLC

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TCOLE GUIDELINES

Guidelines for Compiling and Reporting Data under Senate Bill 1074

Background

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

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

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

Standard 1

Each law enforcement agency has a detailed written directive that:

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

Commentary

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

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

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

Standard 2

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

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

Commentary

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

Standard 3

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

Commentary

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

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

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

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

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

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

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

Tier one reports are made to the governing body of each county or municipality served by the agency an annual report of information if the agency is an agency of a county, municipality, or other political subdivision of the state. Tier one and two reports are reported to the county or municipality not later than March 1 for the previous calendar year beginning March 1, 2003. Tier two reports include a comparative analysis between the race and ethnicity of persons detained to see if a differential pattern of treatment can be discerned based on the disposition of stops including searches resulting from the stops. The reports also include information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling. An agency may be exempt from the tier two reporting requirement by applying for the funds from the Department of Public Safety for video and audio equipment and the State does not supply those funds [See 2.135 (a)(2) TCCP].

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

Standard 4

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

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

Commentary

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

Standard 5

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

Commentary

None

Standard 6

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

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

Commentary

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

Standard 7

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

Commentary

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

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

The Texas Law on Racial Profiling

AN ACT

relating to the prevention of racial profiling by certain peace officers.

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

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

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

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

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

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

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

(1) clearly define acts constituting racial profiling;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) the person's gender; and

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

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

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

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

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

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

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

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

Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED. (a) In this article, "pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

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

body of each county or municipality served by the agency in a manner approved by the agency.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT.

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

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

(2) smaller jurisdictions; and

(3) municipal and county law enforcement agencies.

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

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

Department of Public Safety that the law enforcement agency needs funds or video and audio equipment for that purpose.

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

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

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

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

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

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

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

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

(3) analyzing and reporting collected information.

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

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

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

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

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

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

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

- (1) the name, address, physical description, including race or ethnicity, date of birth, and driver's license number of the person charged;
- (2) the registration number of the vehicle involved;
- (3) whether the vehicle was a commercial motor vehicle as defined by Chapter 522 or was involved in transporting hazardous materials;

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

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

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

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

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

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

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

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

SECTION 9. Not later than January 1, 2002:

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

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

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

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

SECTION 12. This Act takes effect September 1, 2001.

President of the Senate

Speaker of the House

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

Secretary of the Senate

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

Chief Clerk of the House

Approved:

Date

Governor

Most Recent Legal Requirements (H.B. 3389)

Amend CSHB 3389 (Senate committee report) as follows:

(1) Strike the following SECTIONS of the bill:

(A) SECTION 8, adding Section 1701.164, Occupations Code (page 4, lines 61-66);

(B) SECTION 24, amending Article 2.132(b), Code of Criminal Procedure (page 8, lines 19-53);

(C) SECTION 25, amending Article 2.134(b), Code of Criminal Procedure (page 8, lines 54-64);

(D) SECTION 28, providing transition language for the amendments to Articles 2.132(b) and 2.134(b), Code of Criminal Procedure (page 9, lines 40-47).

(2) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

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

(a) In this article:

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

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

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

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

(1) clearly define acts constituting racial profiling;

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

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

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

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

(6) require collection of information relating to motor vehicle ~~[traffic]~~ stops in which a citation is issued and to arrests made as a result of ~~[resulting from]~~ those ~~[traffic]~~ stops, including information relating to:

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

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

(C) whether the peace officer knew the race or

ethnicity of the individual detained before detaining that individual; and

(7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit [to the governing body of each county or municipality served by the agency] an annual report of the information collected under Subdivision (6) to:

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

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

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

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

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

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

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

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

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

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

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

(A) the person's gender; and

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

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

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

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

(5) the reason for the search, including whether:
(A) any contraband or other evidence was in plain view;

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

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

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

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

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

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

(a) In this article:

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

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

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

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

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

(A) evaluate and compare the number of motor

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

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

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

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

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

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

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

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

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

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

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

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

from the state funds or video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.

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

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

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

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

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

(b) From money appropriated to the agency for the administration of the agency, the executive director of a state law enforcement agency that intentionally fails to submit the incident-based data as required by Article 2.134 shall remit to the comptroller the amount of \$1,000 for each violation.

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

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

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

(1) involves the operation of a motor vehicle; and
(2) is classified as a moving violation by the Department of Public Safety under Section 708.052, Transportation Code.

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

(c) In this article, a person is considered convicted if:
(1) a sentence is imposed on the person;
(2) the person receives community supervision, including deferred adjudication; or
(3) the court defers final disposition of the person's case.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Acts of the 80th Legislature, Regular Session, 2007, and is further amended to read as follows:

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

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

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

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

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

- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (2) a fee for withdrawing request for jury less than 24 hours before time of trial (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (3) a jury fee for two or more defendants tried jointly (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of \$3;
- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$4;
- (5) a fee for technology fund on a misdemeanor offense (Art. 102.0173, Code of Criminal Procedure) . . . \$4;
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5;
- (7) a fee on conviction of certain offenses involving issuing or passing a subsequently dishonored check (Art. 102.0071, Code of Criminal Procedure) . . . not to exceed \$30; ~~and~~
- (8) a court cost on conviction of a Class C misdemeanor in a county with a population of 3.3 million or more, if authorized by the county commissioners court (Art. 102.009, Code of Criminal Procedure) . . . not to exceed \$7; and
- (9) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

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

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

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

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

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

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

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

- (1) this chapter;
- (2) the reporting requirements provided by Articles 2.132 and 2.134, Code of Criminal Procedure; or
- (3) a commission rule.

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

(b) The imposition of a cost of court under Article 102.022, Code of Criminal Procedure, as added by this Act, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered

by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

(II) Responding to the Law

Institutional Policy on Racial Profiling

330.00 RACIAL PROFILING**SUBJECT: RACIAL PROFILING****I. Purpose**

The purpose of the policy is to reaffirm the Mansfield Police Department's commitment to unbiased policing in all its encounters between officer 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 dictates of departmental policy and the law.

II. Policy

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 state and federal laws in a responsible and professional manner, without regard to race, ethnicity or national origin. Officers are strictly prohibited from engaging in racial profiling as defined in this policy. This policy shall be applicable to all persons, whether drivers or passengers.

Officers shall conduct themselves in a dignified and respectful manner at all times when dealing with the public. Two of the fundamental rights guaranteed by both the United States and Texas Constitutions are equal protection under the law and freedom from unreasonable searches and seizures by government agents. The right of all persons to be treated equally and to be free from unreasonable searches and seizures must be respected. Racial profiling is an unacceptable patrol tactic and will not be condoned.

This policy shall not preclude officers from offering assistance, such as upon observing a substance leaking from a vehicle, a flat tire, or someone who appears to be ill, lost or confused. Nor does this policy prohibit stopping someone suspected of a crime based upon observed actions and/or information received about the person.

III. Definitions

Racial Profiling: A law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.

Racial profiling pertains to persons who are viewed as suspects or potential suspects of criminal behavior. The term is not relevant as it pertains to witnesses, complainants or other citizen contacts.

The prohibition against racial profiling does not preclude the use of race, ethnicity or national origin as factors in a detention decision. Race, ethnicity or national origin may be legitimate factors in a detention decision when used as part of an actual description of a specific suspect for

whom an officer is searching. Detaining an individual and conducting an inquiry into that person's activities simply because of that individual's race, ethnicity or national origin is racial profiling. Examples of racial profiling include but are not limited to the following:

- a. Citing a driver who is speeding in a stream of traffic where most other drivers are speeding because of the cited driver's race, ethnicity or national origin.
- b. Detaining the driver of a vehicle based on the determination that a person of that race, ethnicity or national origin is unlikely to own or possess that specific make or model of vehicle.
- c. Detaining an individual based 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.

A law enforcement agency can derive at two principles from the adoption of this definition of racial profiling:

1. Police may not use racial or ethnic stereotypes as factors in selecting whom to stop and search, while police may use race in conjunction with other known factors of the suspect.
2. Law enforcement officers may not use racial or ethnic stereotypes as factors in selecting whom to stop and search. Racial profiling is not relevant as it pertains to witnesses, etc.

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

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

Probable Cause Search: An officer has reasonable grounds to suspect that a person has committed or is committing a crime, or that a place contains specific items connected with a crime, or a search incident to arrest.

Consent Search: A warrantless search after the person who has authority over the property to be searched voluntarily gives consent.

IV. Racial Profiling Training

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.

All officers shall complete 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. A person who on September 1, 2001, held a TCLEOSE intermediate proficiency certificate, or who had held a peace officer license issued by TCLEOSE for at least two years, shall complete a TCLEOSE training and education program on racial profiling not later than September 1, 2003.

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.

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

V. Racial Profiling Complaints

A. The Mansfield Police Department shall accept initial complaints, either by telephone, internet or in person at any Police Department facility. A copy of the Racial Profiling Policy outlining the complaint process will be made available in both English and Spanish that explains how to report incidents of alleged racial profiling. Complaints will be taken from any person who believes he or she has been stopped or searched based on racial, ethnic or national origin profiling. No person shall be discouraged, intimidated or coerced from filing a complaint, nor discriminated against because he or she filed such a complaint.

B. Any employee who receives an allegation of racial profiling, including the officer who initiated the stop, shall record the person's name, address and telephone number, and forward the complaint through the appropriate channel or direct the individual(s). Any employee contacted shall provide to that person the department process for filing a complaint. All employees will report any allegation of racial profiling to their superior before the end of their shift.

C. Once a formal complaint is filed in person with the Internal Affairs Division (IAD), IAD is charged with conducting a thorough, systematic, unbiased, and expedient administrative investigation into allegations of misconduct. All complaints will be acknowledged in writing to the initiator who will receive disposition regarding said complaint within a reasonable period of time. The investigation shall be reduced to writing and any reviewer's comments or conclusions shall be filed with the Chief of Police. When applicable, findings and/or suggestions for disciplinary action, retraining, or changes in policy shall be filed with the Chief of Police.

D. If a racial profiling complaint is sustained against an officer, it will result in appropriate corrective and/or disciplinary action, up to and including termination.

E. If there is a departmental video or audio recording of the events upon which a complaint of racial profiling is based, upon commencement of an investigation by this department into the complaint and written request of the officer made the subject of the complaint, this department shall promptly provide a copy of the recording to that officer.

VI. Public Education

The Mansfield Police Department will inform the public of its policy against racial profiling and the complaint process. Methods that may be utilized to inform the public are the news media, radio, service or civic presentations, the Internet, as well as governing board meetings. Additionally, information will be made available as appropriate in languages other than English.

VII. Data Collection & Reporting

An officer is required to collect information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops. This information collected must include:

1. the race or ethnicity of the individual detained;
2. whether a search was conducted and, if so,
3. whether it was a consent search or a probable cause search; and

Note: It is strongly recommended that consent searches only be conducted with consent documented in writing or through the audio/video recording.

If an individual indicates that they will consent to a search but refuses to sign the form, fill out the consent form anyway and indicate "consented to search but refused to sign," inserting the officer's initials and the signature of any witness in the signature block.

4. whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and
5. required by March 1st of each year, the Chief of Police shall submit a report of the information collected from the preceding calendar year to:
 - A. the Commission on Law Enforcement Officer Standards and Education; and
 - B. the governing body of the municipality served by the agency.

The report will include:

1. a breakdown of motor vehicle stops resulting in a citation only, an arrest only, or both;
2. the race or ethnicity of the individual detained; and
3. whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and
4. whether a search was conducted and, if so,
5. whether it was a consent search or a probable cause search

The data collected as a result of the reporting requirements shall not constitute prima facie evidence of racial profiling.

VIII. Use of Mobile Video/Audio Recording Equipment

The Mansfield Police Department is able to claim a Partial Exemption to Racial Profile Reporting (Tier 1) due to the following;

1. all cars regularly used for motor vehicle stops are equipped with video camera and transmitter-activated equipment; and
2. each motorcycle regularly used to make motor vehicle stops is equipped with transmitter-activated equipment.

The Mansfield Police Department 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 this department alleging that a peace officer employed by the department has engaged in racial profiling with respect to a motor vehicle stop, the department shall retain the video and audio or audio record of the stop until final disposition of the complaint.

Patrol supervisors will ensure officers of this department are recording their motor vehicle stops. A recording of each officer will be reviewed at least once every ninety (90) days by the Patrol Commander of his/her designee. A log book will be maintained reflecting the review of each recording. The following information will be captured on the log book;

- Date/Time the review conducted
- Supervisor conducting the review
- Officer being reviewed
- Date/Time of the motor vehicle stop(s) being reviewed
- Number of motor vehicle stops reviewed
- Findings related to the review

Completed log books will be forwarded to the Administrative Records Division for archiving.

If the equipment used to record audio and/or video of a motor vehicle stop is malfunctioning or otherwise not operable, the officer shall report the malfunction to his/her supervisor without delay.

Complaint Process: Informing the Public and Addressing Allegations of Racial Profiling Practices

**Informing the Public on the Process of Filing a Racial Profiling Complaint
with the Mansfield Police Department**

The Texas Racial Profiling Law requires that police agencies provide information to the public regarding the manner in which to file a racial profiling complaint. In an effort to comply with this particular component, the Mansfield Police Department launched an educational campaign aimed at informing the public on issues relevant to the racial profiling complaint process.

The police department made available, in the lobby area and on its web site, information relevant to filing a complaint on a racial profiling violation by a Mansfield Police officer. It is believed that through these efforts, the community has been properly informed of the new policies and the complaint processes relevant to racial profiling.

Racial Profiling Training

Racial Profiling Training

Since 2002, all Mansfield Police officers have been instructed, as specified in the Texas Racial Profiling Law, to adhere to all Texas Commission on Law Enforcement (TCOLE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements. To date, all sworn officers of the Mansfield Police Department have completed the TCOLE basic training on racial profiling. The main outline used to train the officers of Mansfield has been included in this report.

It is important to recognize that the Chief of the Mansfield Police Department has also met the training requirements, as specified by the Texas Racial Profiling Law, in the completion of the LEMIT program on racial profiling. The satisfactory completion of the racial profiling training by the sworn personnel of the Mansfield Police Department fulfills the training requirement as specified in the Education Code (96.641) of the Texas Racial Profiling Law.

Racial Profiling
Course Number 3256
Texas Commission on Law Enforcement
September 2001

Racial Profiling 3256

Instructor's Note:

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

Abstract

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

Target Population: Licensed law enforcement personnel in Texas

Prerequisites: Experience as a law enforcement officer

Length of Course: A suggested instructional time of 4 hours

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

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

Evaluation Process and Procedures

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

Reference Materials

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

Racial Profiling 3256

1.0 RACIAL PROFILING AND THE LAW

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

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

Racial Profiling Requirements:

Racial profiling CCP 3.05

Racial profiling prohibited CCP 2.131

Law enforcement policy on racial profiling CCP 2.132

Reports required for traffic and pedestrian stops CCP 2.133

Liability CCP 2.136

Racial profiling education for police chiefs Education Code 96.641

Training program Occupations Code 1701.253

Training required for intermediate certificate Occupations Code 1701.402

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

A. Written departmental policies

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

B. Not prima facie evidence

C. Feasibility of use of video equipment

D. Data does not identify officer

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

F. Vehicle stop report

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

G. Compilation and analysis of data

H. Exemption from reporting – audio/video equipment

I. Officer non-liability

J. Funding

K. Required training in racial profiling

1. Police chiefs

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

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

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

1. Motor vehicle search exemption

2. Traffic violation acceptable as pretext for further investigation

3. Selective enforcement can be challenged

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

1. Stop & Frisk doctrine

2. Stopping and briefly detaining a person

3. Frisk and pat down

C. Other cases

1. Pennsylvania v. Mimms, 434 U.S. 106, 98 S.Ct. 330 (1977)

2. Maryland v. Wilson, 117 S.Ct. 882 (1997)

3. Graham v. State, 119 MdApp 444, 705 A.2d 82 (1998)

4. Pryor v. State, 122 Md.App. 671 (1997) cert. denied 352 Md. 312, 721 A.2d 990 (1998)

5. Ferris v. State, 355 Md. 356, 735 A.2d 491 (1999)

6. New York v. Belton, 453 U.S. 454 (1981)

2.0 RACIAL PROFILING AND THE COMMUNITY

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

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

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

3.0 RACIAL PROFILING VERSUS REASONABLE SUSPICION

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

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

- A. Most race-based complaints come from vehicle stops, often since race is used as an inappropriate substitute for drug courier profile elements
- B. "DWB" – "Driving While Black" – a nickname for the public perception that a Black person may be stopped solely because of their race (especially with the suspicion that they are a drug courier), often extended to other minority groups or activities as well ("Driving While Brown," "Flying While Black," etc.)
- C. A typical traffic stop resulting from racial profiling
 1. The vehicle is stopped on the basis of a minor or contrived traffic violation which is used as a pretext for closer inspection of the vehicle, driver, and passengers
 2. The driver and passengers are questioned about things that do not relate to the traffic violation

3. The driver and passengers are ordered out of the vehicle
4. The officers visually check all observable parts of the vehicle
5. The officers proceed on the assumption that drug courier work is involved by detaining the driver and passengers by the roadside
6. The driver is asked to consent to a vehicle search – if the driver refuses, the officers use other procedures (waiting on a canine unit, criminal record checks, license-plate checks, etc.), and intimidate the driver (with the threat of detaining him/her, obtaining a warrant, etc.)

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

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

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

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

- A. Thinking about the totality of circumstances in a vehicle stop
- B. Vehicle exterior
1. Non-standard repainting (esp. on a new vehicle)
 2. Signs of hidden cargo (heavy weight in trunk, windows do not roll down, etc.)
 3. Unusual license plate suggesting a switch (dirty plate, bugs on back plate, etc.)
 4. Unusual circumstances (pulling a camper at night, kids' bikes with no kids, etc.)
- C. Pre-stop indicators
1. Not consistent with traffic flow
 2. Driver is overly cautious, or driver/passengers repeatedly look at police car
 3. Driver begins using a car- or cell-phone when signaled to stop
 4. Unusual pull-over behavior (ignores signals, hesitates, pulls onto new street, moves objects in car, etc.)

D. Vehicle interior

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

Resources

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

Web address for legislation 77R-SB1074:

<http://tlo2.tlc.state.tx.us/tlo/77r/billtext/SB01074F.htm>

Report on Complaints

Report on Complaints

The following table contains data regarding officers that have been the subject of a complaint, during the time period of 1/1/13---12/31/13, based on allegations outlining possible violations related to the Texas Racial Profiling Law. The final disposition of the case is also included.

☒ X

A check above indicates that the Mansfield Police Department has not received any complaints, on any members of its police force, for having violated the Texas Racial Profiling Law during the time period of 1/1/13 ---- 12/31/13.

Complaints Filed for Possible Violations of The Texas Racial Profiling Law

Complaint No.	Alleged Violation			Disposition of the Case

Additional Comments:

Tables Illustrating Traffic and Motor Vehicle-Related Contacts

Tier 1 Data

(I) Tier 1 Data

Motor Vehicle-Related Contact Information (1/1/13—12/31/13)

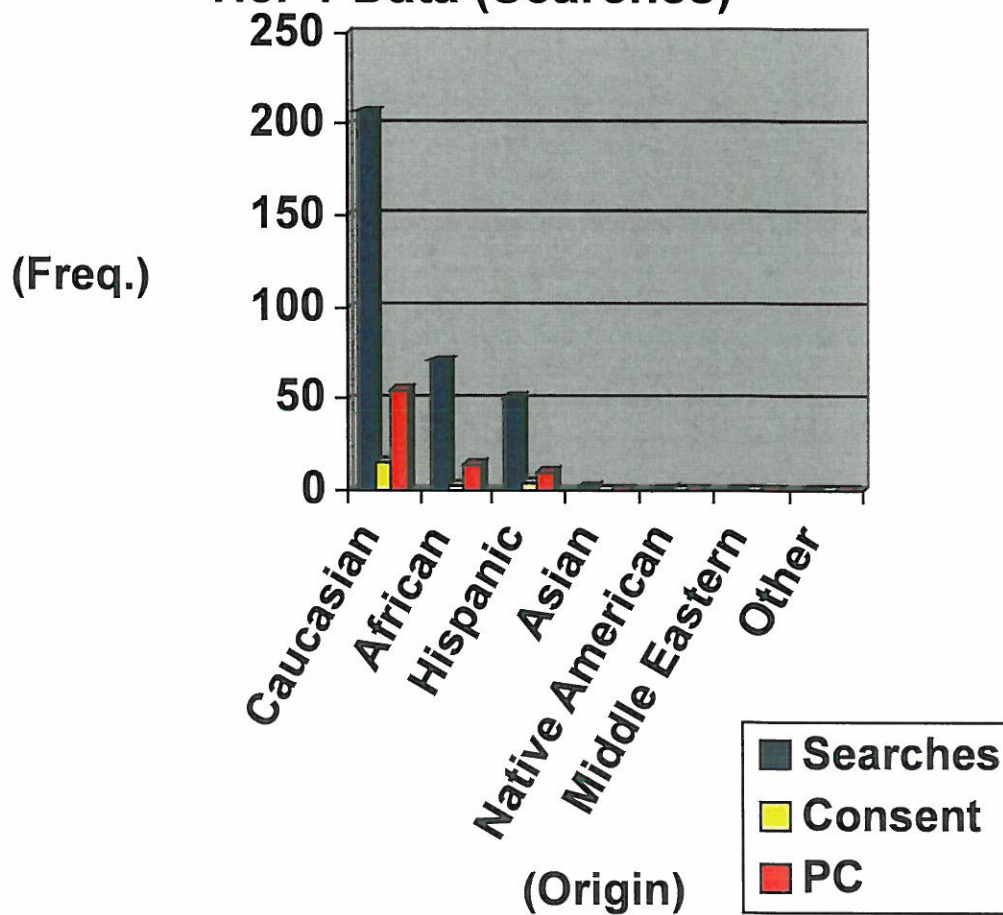
Race/Ethnicity*	Contacts		Searches		Consensual Searches		PC Searches		Custody Arrests	
	N	%	N	%	N	%	N	%	N	%
Caucasian	4,532	64	207	62	16	70	55	70	136	59
African	1,169	17	71	21	3	13	14	18	54	23
Hispanic	1,125	16	51	15	4	17	10	12	37	16
Asian	184	3	2	.6	0	0	0	0	2	.9
Native American	7	.09	1	.3	0	0	0	0	1	.4
Middle Eastern	22	.3	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0
Total	7,039	100	332	98	23	100	79	100	230	100

"N" represents "number" of traffic-related contacts

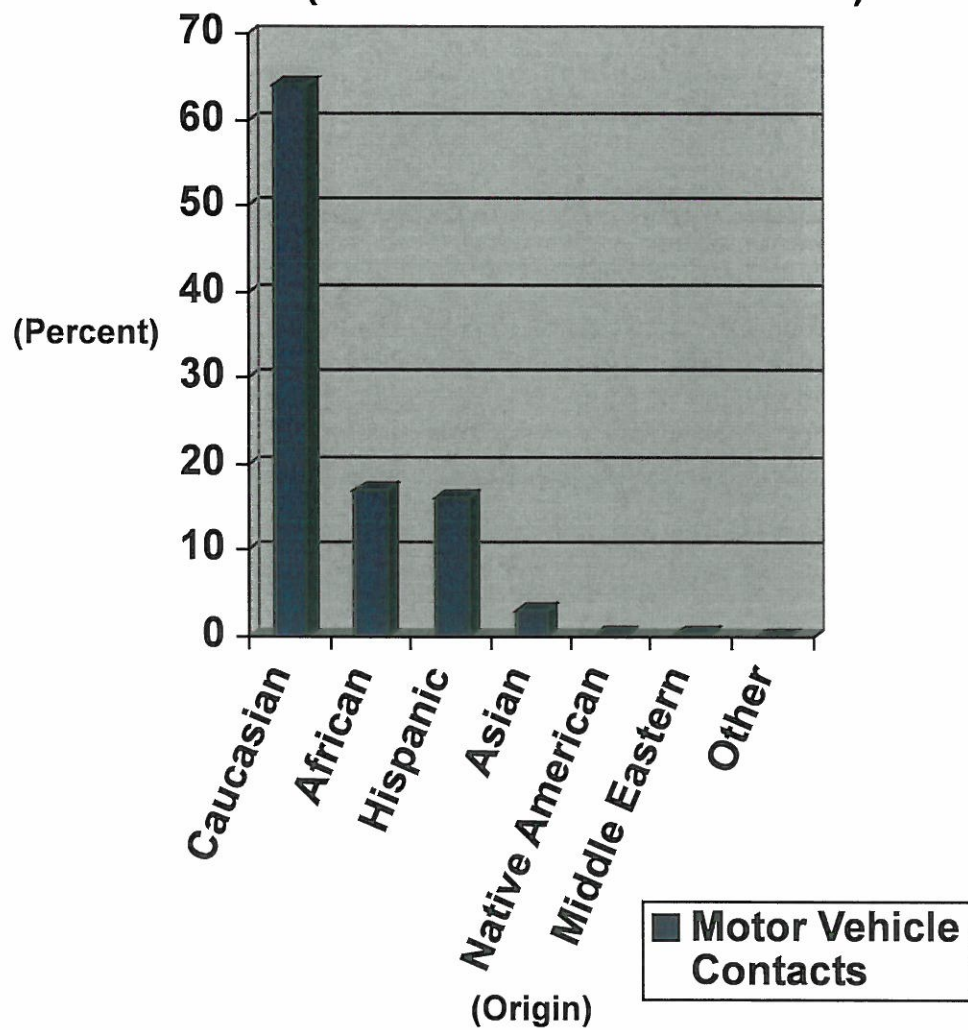
* Race/Ethnicity is defined by Senate Bill 1074 as being of a "particular descent, including Caucasian, African, Hispanic, Asian, Native American or Middle Eastern".

**Figure has been rounded

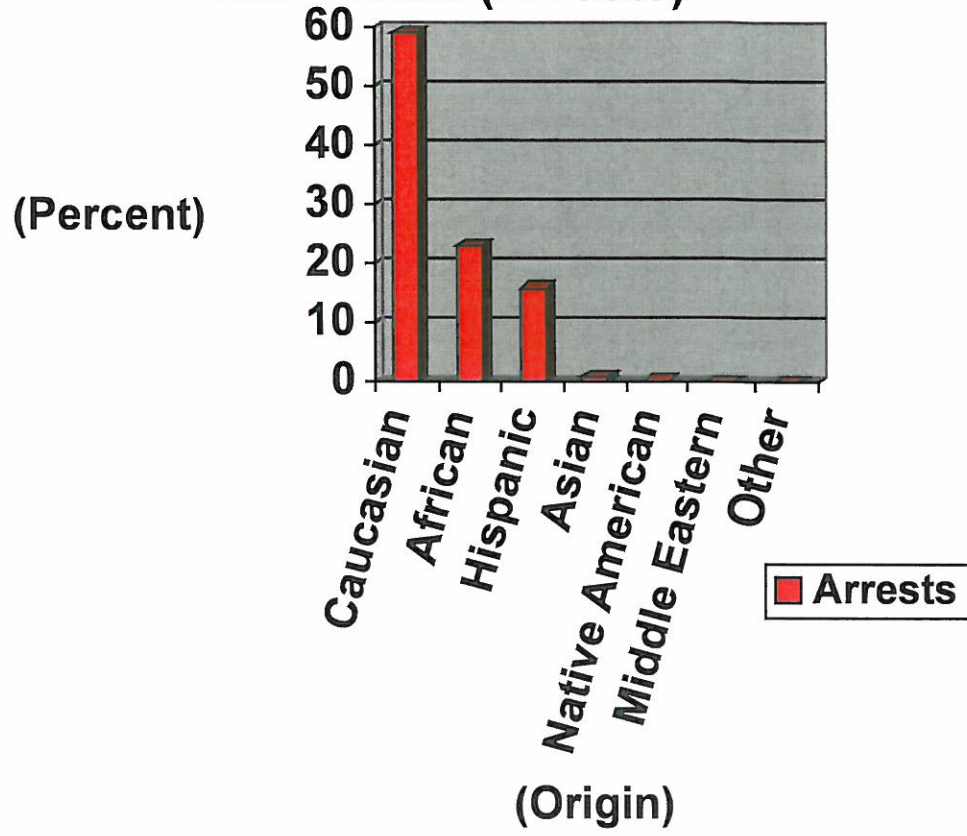
Tier 1 Data (Searches)



Tier 1 Data (Motor Vehicle Contacts)



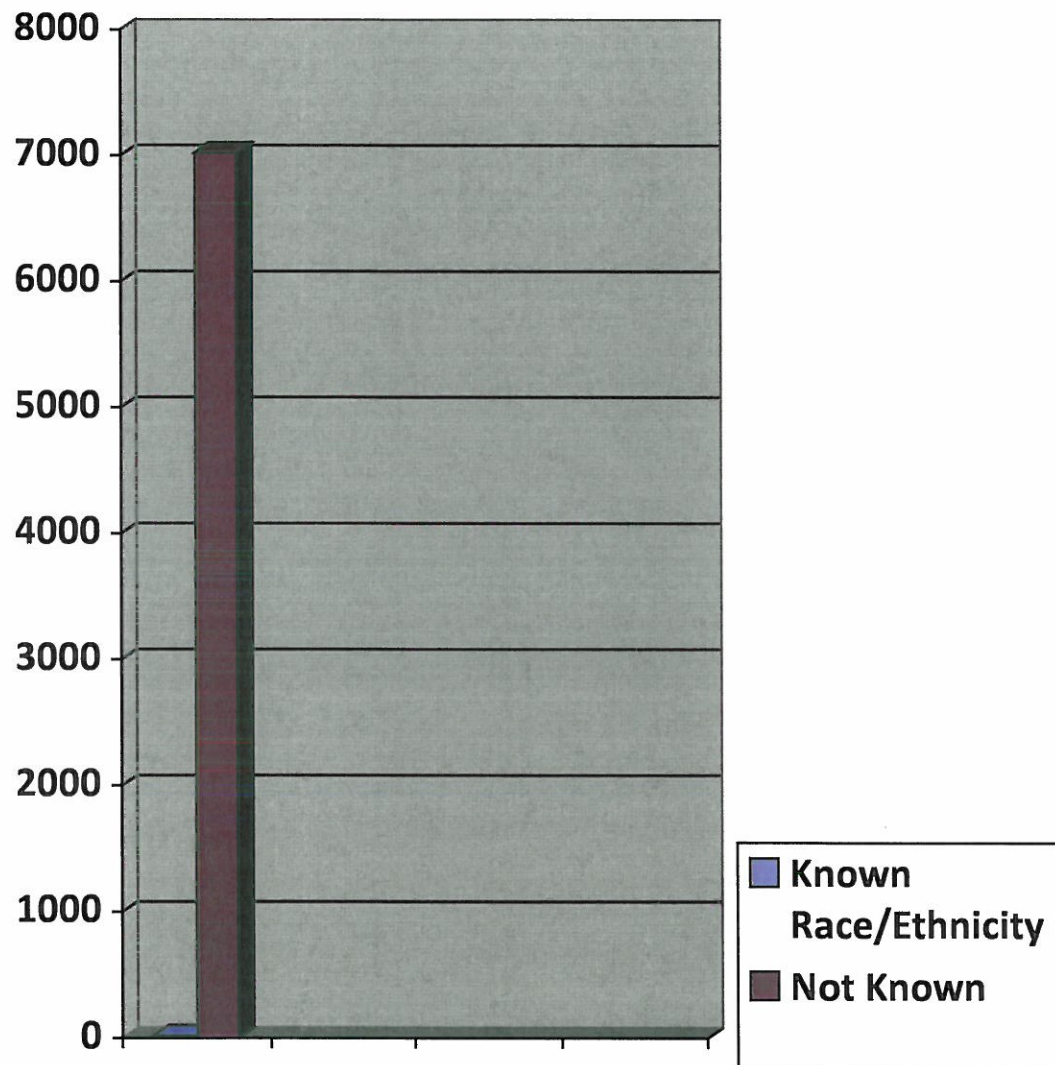
Tier 1 Data (Arrests)



Total Number of Instances where Officers Knew/did not Know Race/Ethnicity of
Individuals Before Being Detained (1/1/13--12/31/13)

Total Number of Instances where Officers <u>Knew</u> Race and Ethnicity of Individuals Before Being Detained	Total Number of Instances where Officers <u>Did Not Know</u> the Race and Ethnicity of Individuals Before Being Detained
23	7,016

Known Race/Ethnicity (Frequencies)



Tier 1 (Partial Exemption TCLEOSE Form)

Partial Exemption Racial Profiling Reporting (Tier 1)

Department Name _____

Agency Number ☐ _____

Chief Administrator Name _____

Reporting Name ☐ _____

Contact Number ☐ _____

E-mail Address _____

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

Partial Exemption Racial Profiling Reporting (Tier 1)

(This is the TCLEOSE recommended form. The form is not mandatory. The information contained in this form, however, is mandatory. You may use your form, but all information must be provided.)

If you claim a partial exemption you must submit a report that contains the following data or use this format to report the data.

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

Number of Motor Vehicle Stops:

1. _____ citation only

2. _____ arrest only

3. _____ both

4. _____ Total

Race or Ethnicity:

5. _____ African

6. _____ Asian

7. _____ Caucasian

8. _____ Hispanic

9. _____ Middle Eastern

10. _____ Native American

11. _____ Total

Race or Ethnicity Known Prior to Stop?

12. _____ Yes

13. _____ No

14. _____ Total

Search Conducted:

15. _____ Yes

16. _____ No

17. _____ Total

Was Search Consented?

18. _____ Yes

19. _____ No

20. _____ Total Must Equal # 15

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

Tier 1 Baseline Comparison (Fair Roads Standard)

(II) Motor Vehicle-Contacts and Fair Roads Standard Comparison

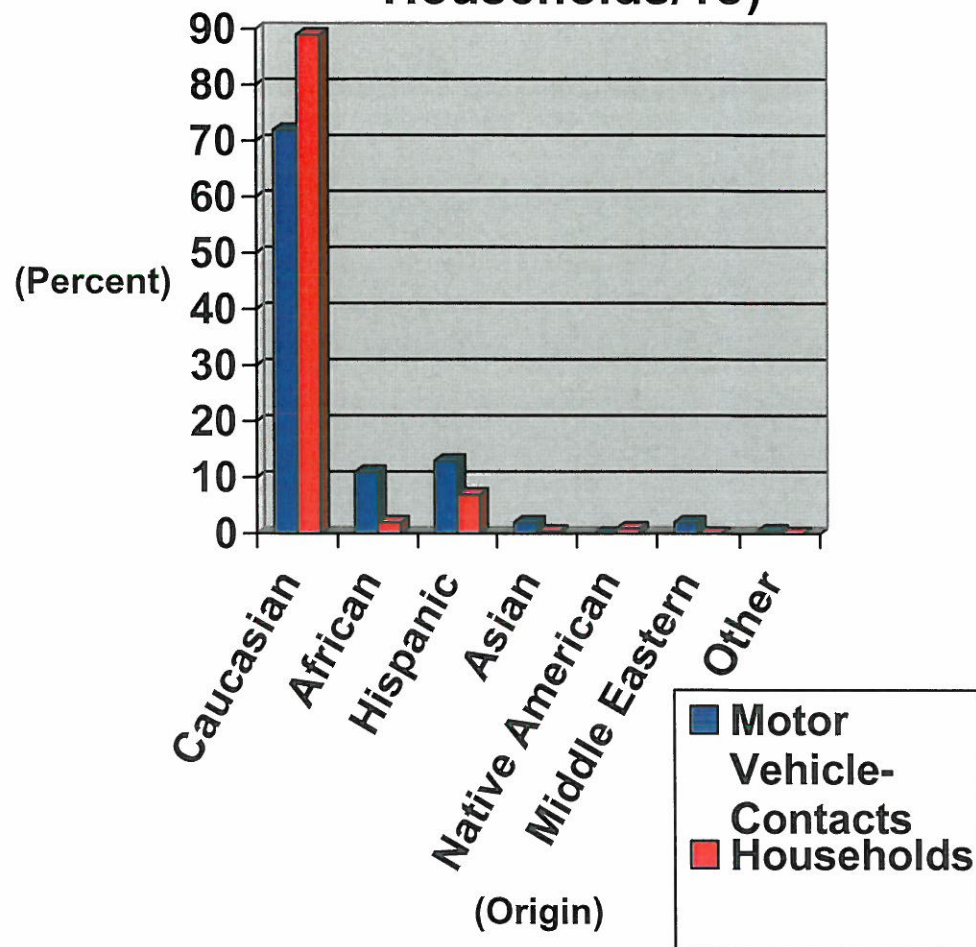
Comparison of motor vehicle-related contacts with households in DFW that have vehicle access (in percentages). (1/1/13—12/31/13)

Race/Ethnicity*	Contacts (in percentages)	Households with vehicle access (in percentages)
Caucasian	64	60
African	17	14
Hispanic	16	19
Asian	3	5
Native American	.09	N/A
Middle Eastern	.3	N/A
Other	0	N/A
Total	100	98**

* Race/Ethnicity are defined by Senate Bill 1074 as being of a “particular descent, including Caucasian, African, Hispanic, Asian, Native American and Middle Eastern”.

**Represents rounded figure

Tier 1 (Motor Vehicle-Contacts and Households/10)



Analysis and Interpretation of Data

Analysis

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

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

As stated previously, in 2009, the Texas Legislature passed House Bill 3389, which modified the existing Racial Profiling Law by adding new requirements; this took effect on January 1st, 2010. These most recent changes include, but are not exclusive of, the re-definition of a contact to include motor vehicles where a citation was issued or an arrest made. In addition, it requires police officers to indicate if they knew the race or ethnicity of the individual before detaining them. Also, the more recent law requires adding "middle eastern" to the racial and ethnic category and submitting the annual data report to TCOLE before March 1st of each year. I am pleased to inform you that these additional requirements have been addressed, since 2009, by the Mansfield Police Department as it is demonstrated throughout this report.

In an effort to comply with The Texas Racial Profiling Law, the Mansfield Police Department commissioned the analysis of its 2013 motor vehicle contact data. Thus, two different types of data analyses were performed. The first of these involved a careful evaluation of the 2013 motor vehicle-related data. This particular analysis measured, as required by the law, the number and percentage of Caucasians, African Americans, Hispanics, Asians, Native Americans, Middle Easterners and individuals belonging to the "other" category, that came in contact with the police in the course of a motor vehicle related contact, and were either issued a citation or arrested. Further, the analysis included information relevant to the number and percentage of searches (table 1) while indicating the type of search performed (i.e., consensual or probable cause). Also, the

data analysis included the number and percentage of individuals who, after they came in contact with the police for a motor vehicle-related reason, were arrested.

The additional data analysis performed was based on a comparison of the 2013 motor vehicle contact data with a specific baseline. When reviewing this particular analysis, it should be noted that there is disagreement, in the literature, regarding the appropriate baseline to be used when analyzing motor vehicle-related contact information. Of the baseline measures available, the Mansfield Police Department opted to adopt, as a baseline measure, the Fair Roads Standard. This particular baseline is based on data obtained through the U.S. Census Bureau (2010) relevant to the number of households that have access to vehicles while controlling for the race and ethnicity of the heads of households.

It is clear that census data presents challenges to any effort made at establishing a fair and accurate racial profiling analysis. That is, census data contains information on all residents of a particular community, regardless of the fact they may or may not be among the driving population. Further, census data, when used as a baseline of comparison, presents the challenge that it captures information related to city residents only. Thus, excluding individuals who may have come in contact with the Mansfield Police Department in 2013 but live outside city limits. In some cases, the percentage of the population that comes in contact with the police but lives outside city limits represents a substantial volume of all motor vehicle-related contacts made in a given year.

Since 2002, several civil rights groups in Texas expressed their desire and made recommendations to the effect that all police departments should rely, in their data analysis, on the Fair Roads Standard. This source contains census data specific to the number of "households" that have access to vehicles. Thus, proposing to compare "households" (which may have multiple residents and only a few vehicles) with "contacts" (an individual-based count). This, in essence, constitutes a comparison that may result in ecological fallacy. Despite this, the Mansfield Police Department made a decision that it would use this form of comparison (i.e., census data relevant to households with vehicles) in an attempt to demonstrate its "good will" and "transparency" before the community. Thus, the Fair Roads Standard data obtained and used in this study is specifically relevant to the Dallas Fort Worth (DFW) Metroplex.

Tier 1 (2013) Motor Vehicle-Related Contact Analysis

When analyzing the Tier 1 data collected in 2013, it was evident that most motor vehicle-related contacts were made with Caucasian drivers. This was followed by African American and Hispanic drivers. With respect to searches, most of them were performed on Caucasian drivers. This was followed by African Americans and Hispanics. It is important to note that the arrest data revealed that Caucasian drivers were arrested the most in motor vehicle-related contacts; this was followed by African Americans and Hispanics, in that order.

Fair Roads Standard Analysis

The data analysis of motor vehicle contacts to the census data relevant to the number of “households” in the DFW who indicated, in the 2010 census, that they had access to vehicles, produced interesting findings. Specifically, the percentage of individuals of Caucasian and African American descent that came in contact with the police was higher than the percentage of Caucasian and African American households in DFW that claimed, in the 2010 census, to have access to vehicles. With respect to Hispanics and Asians, a lower percentage of contacts were detected. That is, the percentage of Hispanic and Asian drivers that came in contact with the police in 2013 was lower than the percentage of Hispanic and Asian households in DFW with access to vehicles.

Summary of Findings

The comparison of motor vehicle contacts showed that the Mansfield Police Department came in contact (in motor vehicle-related incidents) with a smaller percentage of Hispanic and Asian drivers than the percentage that resided in DFW and had access to vehicles. Further, the data suggested that the percentage of Caucasian and African American drivers that came in contact with the police in 2013 was higher than the percentage of Caucasian and African American households in DFW with access to vehicles. In addition, the data showed that in a large number of instances, officers did not know the race or ethnicity of individuals before detaining them, when compared to instances where officers knew the race/ethnicity of individuals before they were detained.

While considering the findings made in this analysis, it is recommended that the Mansfield Police Department should continue to collect and evaluate additional information on motor vehicle contact data (i.e., reason for probable cause searches, contraband detected) which may prove to be useful when determining the nature of the contacts police officers are making with all individuals; particularly with African Americans. Although this additional data may not be required by state law, it is likely to provide insights regarding the nature and outcome of all motor vehicle contacts made with the public.

As part of this effort, the Mansfield Police Department is also encouraged to:

- 1) Perform an independent search analysis on the search data collected in the first quarter of 2014.
- 2) Commission data audits in 2014 in order to assess data integrity; that is, to ensure that the data collected is consistent with the data being reported.

The Mansfield Police Department complied with recommendations made last year, in a similar report, regarding data audits. Further, the information and analysis provided in this report serves as evidence that the Mansfield Police Department has, once again, complied with the Texas Racial Profiling Law.

(III) Summary

Checklist

Checklist

The following requirements were met by the Mansfield Police Department in accordance with The Texas Racial Profiling Law:

- ☒ Clearly defined act or actions that constitute racial profiling
- ☒ Statement indicating prohibition of any peace officer employed by the Mansfield Police Department from engaging in racial profiling
- ☒ Implement a process by which an individual may file a complaint regarding racial profiling violations
- ☒ Provide public education related to the complaint process
- ☒ Implement disciplinary guidelines for officer found in violation of the Texas Racial Profiling Law
- ☒ Collect data (Tier 1) that includes information on
 - a) Race and ethnicity of individual detained
 - b) Whether a search was conducted
 - c) If there was a search, whether it was a consent search or a probable cause search
 - d) Whether a custody arrest took place
- ☒ Indicate total number of officers who knew and did not know, the race/ethnicity of individuals before being detained.
- ☒ Produce an annual report on police contacts (Tier 1) and present this to local governing body and TCOLE by March 1, 2014.
- ☒ Adopt a policy, if video/audio equipment is installed, on standards for reviewing video and audio documentation

Contact Information

Contact Information

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

Del Carmen Consulting, LLC
817.681.7840
www.texasracialprofiling.com
www.delcarmenconsulting.com

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



CITY OF MANSFIELD

1200 East. Broad St.
Mansfield, TX 76063
www.mansfield-tx.gov

STAFF REPORT

File Number: 14-0835

Agenda Date: 2/24/2014

Version: 1

Status: Staff Comments

In Control: City Council

File Type: Presentation

Agenda Number:

Title

Presentation of the Mansfield Marshal's Office Contact Report for 2013

Requested Action

None

Recommendation

None

Description/History

In 2001, the Texas Legislature, in an attempt to address the issue of racial profiling in policing, enacted the Racial Profiling Law. Since 2001, the Mansfield Marshal's Office, in accordance with the law, has collected and reported traffic-related contact data for the purpose of identifying and addressing (if necessary) areas of concern regarding racial profiling practices.

Not later than March 1 of each year, the local Law Enforcement Agency shall submit a report containing the information compiled during the previous calendar year to the Governing Body of the Municipality served by the Agency as well as the Texas Commission on Law Enforcement (TCOLE).

The attached reports titled TCOLE Tier 1 Partial Exemption Report completed by Chief Aaron and Mansfield Marshal's Office Annual Contact Report for 2013, completed by Alex del Carmen, Ph.D. of Del Carmen Consulting, LLC serves as evidence of the Mansfield Marshal's Office commitment to comply with the Texas Racial Profiling Law.

Justification

N/A

Funding Source

N/A

Prepared By

Tracy L. Aaron, Chief Marshal, Mansfield Marshal's Office
817-804-5782



2/18/14

To the Honorable Mayor David Cook and Members of the City Council

The Mansfield Marshals Office in accordance with the Texas Racial Profiling Law (Senate Bill 1074), has been collecting traffic related contact data for the purpose of identifying and responding (if necessary) to concerns regarding racial profiling incidents. I am sure that the findings provided in this report will serve as evidence that the Mansfield Marshals Office continues to strive toward the goal of maintaining strong relations with the community and strongly prohibits racial profiling.

In the attached comprehensive report, completed by Del Carmen Consulting, LLC, you will find sections designed for providing background information on the requirements of the Texas Racial Profiling Law. The information is relevant to the institutional policies adopted by the Mansfield Marshal's Office prohibiting the practice of racial profiling.

The final sections of this report provide statistical data relevant to the traffic and motor vehicle related contacts made during the period of 1/1/13 through 12/31/13. This section contains the Texas Commission on Law Enforcement (TCOLE) Tier 1 Data Form, which is required to be submitted to City Council by 3/1/14. This form was submitted to TCOLE on 2/18/14. The data in this comprehensive report has been analyzed and compared by Del Carmen Consulting, LLC to data derived from the U.S. Census Bureau's Fair Roads Standard. De Carmen Consulting, LLC indicated the information and analysis provided in the report serves as evidence that the Mansfield Marshals Office has complied with the Texas Racial Profiling Law.

We will continue to be responsive to the community by implementing and monitoring the proper policies and safeguards to prevent racial profiling practices.

A handwritten signature in black ink, appearing to read 'Tracy Aaron', is written over the printed name and title.

Tracy Aaron
Chief
Marshal / Jail Administrator
817-804-5745

TA/lkm

TIER 1 - PARTIAL EXEMPTION RACIAL PROFILING REPORT

Agency Name: MANSFIELD CITY MARSHAL'S OFFICE
Reporting Date: 02/18/2014
TCOLE Agency Number: 439615
Chief Administrator: TRACY L. AARON
Agency Contact Information: Phone: 817-804-5782
Email: tracy.aaron@mansfield-tx.gov
Mailing Address:
MANSFIELD CITY MARSHAL'S OFFICE
1601 Heritage Parkway
1601 Heritage Parkway
Mansfield, 76063

This Agency claims partial racial profiling report exemption because:

Our vehicles that conduct motor vehicle stops are equipped with video and audio equipment and we maintain videos for 90 days.

Certification to This Report 2.132 (Tier 1) – Partial Exemption

Article 2.132(b) CCP Law Enforcement Policy on Racial Profiling

MANSFIELD CITY MARSHAL'S OFFICE has adopted a detailed written policy on racial profiling. Our policy:

- (1) clearly defines acts constituting racial profiling;
- (2) strictly prohibits peace officers employed by the MANSFIELD CITY MARSHAL'S OFFICE from engaging in racial profiling;
- (3) implements a process by which an individual may file a complaint with the MANSFIELD CITY MARSHAL'S OFFICE if the individual believes that a peace officer employed by the MANSFIELD CITY MARSHAL'S OFFICE has engaged in racial profiling with respect to the individual;
- (4) provides public education relating to the agency's complaint process;
- (5) requires appropriate corrective action to be taken against a peace officer employed by the MANSFIELD CITY MARSHAL'S OFFICE who, after an investigation, is shown to have engaged in racial profiling in violation of the MANSFIELD CITY MARSHAL'S OFFICE'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; 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.

I certify these policies are in effect.

Executed by: **TRACY L. AARON**

Chief Administrator

MANSFIELD CITY MARSHAL'S OFFICE

Date: 02/18/2014

**MANSFIELD CITY MARSHAL'S OFFICE Motor Vehicle Racial Profiling
Information**

Number of motor vehicle stops:

1. 7 citation only
2. 0 arrest only
3. 0 both
4. 7 **Total** (4, 11, 14 and 17 must be equal)

Race or Ethnicity:

- 5 1 African
6. 0 Asian
7. 5 Caucasian
8. 1 Hispanic
9. 0 Middle Eastern
10. 0 Native American
11. 7 **Total** (lines 4, 11, 14 and 17 must be equal)

Race or Ethnicity known prior to stop?

12. 0 Yes
13. 7 No
14. 7 **Total** (lines 4, 11, 14 and 17 must be equal)

Search conducted?

15. 0 Yes
16. 7 No
17. 7 **Total** (lines 4, 11, 14 and 17 must be equal)

Was search consented?

18. 0 Yes
19. 0 No
20. 0 **Total** (must equal line 15)

DEL CARMEN
CONSULTING, LLC



Annual Contact Report 2013

The Mansfield Marshal's Office

(I) Introduction

Opening Statement

January 16, 2014

Mansfield City Council
1200 East Broad St.
Mansfield, Texas 76063

Dear Distinguished Members of the City Council,

The Texas Legislature, with the intent of addressing the issue of racial profiling in policing, enacted the Texas Racial Profiling Law in 2001. Since, the Mansfield Marshal's Office, in accordance with the law, has collected and reported traffic and motor vehicle-related contact data for the purpose of identifying and addressing (if necessary) areas of concern regarding racial profiling practices. In the 2009 Texas legislative session, the Racial Profiling Law was modified and additional requirements are now in place. These most recent requirements have been incorporated by the Mansfield Marshal's Office and are also being addressed in this report.

In this report, you will find three sections that contain information on traffic and motor vehicle- related contact data. In addition, when appropriate, documentation is also a component of this report, aiming at demonstrating the manner in which the Mansfield Marshal's Office has complied with the Texas Racial Profiling Law. In section 1, you will find the table of contents in addition to the Texas Senate Bill (SB1074); which later became the Texas Racial Profiling Law. In addition, you will find the Texas HB 3389, which, in 2009, introduced new requirements relevant to racial profiling. Also, in this section, a list of requirements relevant to the Racial Profiling Law as established by TCOLE (Texas Commission on Law Enforcement) is included. In addition, you will find, in sections 2 and 3 documentation, which demonstrates compliance by the Mansfield Marshal's Office relevant to the requirements as established in the Texas Racial Profiling Law. That is, you will find documents relevant to the implementation of an institutional policy banning racial profiling, the incorporation of a racial profiling complaint process and the training administered to all law enforcement personnel.

The last section of this report provides statistical data relevant to contacts, made during the course of motor vehicle stops, between 1/1/13 and 12/31/13. In addition, this section contains the TCOLE Tier 1 form, which is required to be submitted to this particular organization by March 1st of each year. The data in this report has been analyzed and compared to data derived from the U.S. Census Bureau's Fair Roads Standard. The final analysis and recommendations are also included in this report. The findings in this report serve as evidence of the Mansfield Marshal's Office's commitment to comply with the Texas Racial Profiling Law.

Sincerely,

Alex del Carmen, Ph.D.
Del Carmen Consulting, LLC

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TCOLE GUIDELINES

Guidelines for Compiling and Reporting Data under Senate Bill 1074

Background

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

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

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

Standard 1

Each law enforcement agency has a detailed written directive that:

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

Commentary

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

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

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

Standard 2

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

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

Commentary

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

Standard 3

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

Commentary

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

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

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

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

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

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

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

Tier one reports are made to the governing body of each county or municipality served by the agency an annual report of information if the agency is an agency of a county, municipality, or other political subdivision of the state. Tier one and two reports are reported to the county or municipality not later than March 1 for the previous calendar year beginning March 1, 2003. Tier two reports include a comparative analysis between the race and ethnicity of persons detained to see if a differential pattern of treatment can be discerned based on the disposition of stops including searches resulting from the stops. The reports also include information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling. An agency may be exempt from the tier two reporting requirement by applying for the funds from the Department of Public Safety for video and audio equipment and the State does not supply those funds [See 2.135 (a)(2) TCCP].

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

Standard 4

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

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

Commentary

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

Standard 5

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

Commentary

None

Standard 6

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

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

Commentary

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

Standard 7

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

Commentary

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

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

The Texas Law on Racial Profiling

AN ACT

relating to the prevention of racial profiling by certain peace officers.

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

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

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

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

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

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

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

(1) clearly define acts constituting racial profiling;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) the person's gender; and

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

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

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

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

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

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

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

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

Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED. (a) In this article, "pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

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

body of each county or municipality served by the agency in a manner approved by the agency.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT.

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

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

(2) smaller jurisdictions; and

(3) municipal and county law enforcement agencies.

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

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

Department of Public Safety that the law enforcement agency needs funds or video and audio equipment for that purpose.

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

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

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

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

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

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

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

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

(3) analyzing and reporting collected information.

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

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

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

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

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

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

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

- (1) the name, address, physical description, including race or ethnicity, date of birth, and driver's license number of the person charged;
- (2) the registration number of the vehicle involved;
- (3) whether the vehicle was a commercial motor vehicle as defined by Chapter 522 or was involved in transporting hazardous materials;

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

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

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

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

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

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

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

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

SECTION 9. Not later than January 1, 2002:

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

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

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

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

SECTION 12. This Act takes effect September 1, 2001.

President of the Senate

Speaker of the House

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

Secretary of the Senate

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

Chief Clerk of the House

Approved:

Date

Governor

Most Recent Legal Requirements (H.B. 3389)

Amend CSHB 3389 (Senate committee report) as follows:

(1) Strike the following SECTIONS of the bill:

(A) SECTION 8, adding Section 1701.164, Occupations Code (page 4, lines 61-66);

(B) SECTION 24, amending Article 2.132(b), Code of Criminal Procedure (page 8, lines 19-53);

(C) SECTION 25, amending Article 2.134(b), Code of Criminal Procedure (page 8, lines 54-64);

(D) SECTION 28, providing transition language for the amendments to Articles 2.132(b) and 2.134(b), Code of Criminal Procedure (page 9, lines 40-47).

(2) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

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

(a) In this article:

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

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

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

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

(1) clearly define acts constituting racial profiling;

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

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

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

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

(6) require collection of information relating to motor vehicle ~~[traffic]~~ stops in which a citation is issued and to arrests made as a result of ~~[resulting from]~~ those ~~[traffic]~~ stops, including information relating to:

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

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

(C) whether the peace officer knew the race or

ethnicity of the individual detained before detaining that individual; and

(7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit [to the governing body of each county or municipality served by the agency] an annual report of the information collected under Subdivision (6) to:

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

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

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

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

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

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

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

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

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

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

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

(A) the person's gender; and

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

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

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

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

(5) the reason for the search, including whether:
(A) any contraband or other evidence was in

plain
view;

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

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

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

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

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

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

(a) In this article:

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

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

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

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

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

(A) evaluate and compare the number of motor

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

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

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

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

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

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

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

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

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

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

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

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

from the state funds or video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.

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

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

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

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

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

(b) From money appropriated to the agency for the administration of the agency, the executive director of a state law enforcement agency that intentionally fails to submit the incident-based data as required by Article 2.134 shall remit to the comptroller the amount of \$1,000 for each violation.

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

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

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

(1) involves the operation of a motor vehicle; and
(2) is classified as a moving violation by the Department of Public Safety under Section 708.052, Transportation Code.

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

(c) In this article, a person is considered convicted if:
(1) a sentence is imposed on the person;
(2) the person receives community supervision, including deferred adjudication; or
(3) the court defers final disposition of the person's case.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Acts of the 80th Legislature, Regular Session, 2007, and is further amended to read as follows:

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

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

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

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

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

- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (2) a fee for withdrawing request for jury less than 24 hours before time of trial (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (3) a jury fee for two or more defendants tried jointly (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of \$3;
- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$4;
- (5) a fee for technology fund on a misdemeanor offense (Art. 102.0173, Code of Criminal Procedure) . . . \$4;
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5;
- (7) a fee on conviction of certain offenses involving issuing or passing a subsequently dishonored check (Art. 102.0071, Code of Criminal Procedure) . . . not to exceed \$30; [~~and~~]
- (8) a court cost on conviction of a Class C misdemeanor in a county with a population of 3.3 million or more, if authorized by the county commissioners court (Art. 102.009, Code of Criminal Procedure) . . . not to exceed \$7; and
- (9) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

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

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

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

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

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

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

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

- (1) this chapter;
- (2) the reporting requirements provided by Articles 2.132 and 2.134, Code of Criminal Procedure; or
- (3) a commission rule.


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

(b) The imposition of a cost of court under Article 102.022, Code of Criminal Procedure, as added by this Act, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered

by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

(II) Responding to the Law

Institutional Policy on Racial Profiling

	MANSFIELD CITY MARSHAL'S OFFICE	
	Policy 330.00 Racial Profiling	
	Reference:	

330.00 RACIAL PROFILING

Purpose

The purpose of the policy is to reaffirm the Mansfield City Marshal's Office' commitment to unbiased policing in all its encounters between marshals 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 marshals from unwarranted accusations of misconduct when they act within the dictates of departmental policy and the law.

Policy

It is the policy of this office to do the following;

- A. The City Marshal's Office shall transport persons already in custody to and from the Mansfield Law Enforcement Center.
- B. The City Marshal's Office shall transport persons already in custody from a point of origin to a point of destination for other recognized law enforcement or detention agencies as provided for per agreement between the city and any such other agency.
- C. The City Marshal's Office shall transport and remain with persons requiring hospital treatment who have been officially entered into the jail booking system of the Mansfield Law Enforcement Center.
- D. In the event of a natural disaster, personnel of the City Marshal's Office may be incorporated into the emergency services of the city. When called upon to do so, police in a proactive manner and, to aggressively investigate suspected violations of law.
- E. The City Marshal's office is authorized to provide City Marshal personnel to work as Bailiff and/or Warrant Officers for the Mansfield Municipal Court and perform any law enforcement duties as authorized by law, and as directed by the City Marshal, including the authority to arrest, detain or issue summons or citations.

Marshals shall actively enforce state and federal laws in a responsible and professional manner, without regard to race, ethnicity or national origin. Marshals are strictly prohibited from engaging in racial profiling as defined in this policy. This policy shall be applicable to all persons, whether drivers or passengers.

Marshals shall conduct themselves in a dignified and respectful manner at all times when dealing with the public. Two of the fundamental rights guaranteed by both the United States and Texas constitutions are equal protection under the law and freedom from unreasonable searches and seizures by government agents. The right of all persons to be treated equally and to be free from unreasonable searches and seizures must be respected. Racial profiling is an unacceptable patrol tactic and will not be condoned.

This policy shall not preclude marshals from offering assistance, such as upon observing a substance leaking from a vehicle, a flat tire, or someone who appears to be ill, lost or confused. Nor does this policy prohibit stopping someone suspected of a crime based upon observed actions and/or information received about the person.

(Definitions)

Racial Profiling: A law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.

Racial profiling pertains to persons who are viewed as suspects or potential suspects of criminal behavior. The term is not relevant as it pertains to witnesses, complainants or other citizen contacts.

The prohibition against racial profiling does not preclude the use of race, ethnicity or national origin as factors in a detention decision. Race, ethnicity or national origin may be legitimate factors in a detention decision when used as part of an actual description of a specific suspect for whom an officer is searching. Detaining an individual and conducting an inquiry into that person's activities simply because of that individual's race, ethnicity or national origin is racial profiling. Examples of racial profiling include but are not limited to the following:

- a. Citing a driver who is speeding in a stream of traffic where most other drivers are speeding because of the cited driver's race, ethnicity or national origin.
- b. Detaining the driver of a vehicle based on the determination that a person of that race, ethnicity or national origin is unlikely to own or possess that specific make or model of vehicle.

c. Detaining an individual based 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.

A law enforcement agency can derive at two principles from the adoption of this definition of racial profiling:

1. Marshals may not use racial or ethnic stereotypes as factors in selecting whom to stop and search, while marshals may use race in conjunction with other known factors of the suspect.
2. Law enforcement marshals may not use racial or ethnic stereotypes as factors in selecting whom to stop and search. Racial profiling is not relevant as it pertains to witnesses, etc.

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

Motor Vehicle Stop: Means an occasion in which a marshal stops a motor vehicle for an alleged violation of a law or ordinance.

Probable Cause Search: A marshal has reasonable grounds to suspect that a person has committed or is committing a crime, or that a place contains specific items connected with a crime, or a search incident to arrest.

Consent Search: A warrantless search after the person who has authority over the property to be searched voluntarily gives consent.

330.01 Racial Profiling Training

Marshals are responsible to adhere to all Texas Commission on Law Enforcement (TCOLE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements as mandated by law.

All marshals shall complete TCOLE training and education program on racial profiling not later than the second anniversary of the date the marshal is licensed under Chapter 1701 of the Texas Occupations Code or the date the marshal applies for an intermediate proficiency certificate, whichever date is earlier. A person who on September 1, 2001, held a TCLEOSE intermediate proficiency certificate, or who had held a peace officer license issued by TCLEOSE for at least two years, shall complete a TCLEOSE training and education program on racial profiling not later than September 1, 2003.

The Chief Marshal, as part of the initial training and continued education for such appointment, will be required to attend the LEMIT program on racial profiling.

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

330.02 Racial Profiling Complaints

A. The Mansfield City Marshal's Department shall accept initial complaints, either by telephone, internet or in person at any Police Department facility. A copy of the Racial Profiling Policy outlining the complaint process will be made available in both English and Spanish that explains how to report incidents of alleged racial profiling. Complaints will be taken from any person who believes he or she has been stopped or searched based on racial, ethnic or national origin profiling. No person shall be discouraged, intimidated or coerced from filing a complaint, nor discriminated against because he or she filed such a complaint.

B. Any employee who receives an allegation of racial profiling, including the marshal who initiated the stop, shall record the person's name, address and telephone number, and forward the complaint through the appropriate channel or direct the individual(s). Any employee contacted shall provide to that person the department process for filing a complaint. All employees will report any allegation of racial profiling to their supervisor before the end of their shift.

C. Once a formal complaint is filed in person with the Internal Affairs Division (IAD), IAD is charged with conducting a thorough, systematic, unbiased, and expedient administrative investigation into allegations of misconduct. All complaints will be acknowledged in writing to the initiator who will receive disposition regarding said complaint within a reasonable period of time. The investigation shall be reduced to writing and any reviewer's comments or conclusions shall be filed with the Chief Administrator. When applicable, findings and/or suggestions for disciplinary action, retraining, or changes in policy shall be filed with the Chief Administrator.

D. If a racial profiling complaint is sustained against a marshal, it will result in appropriate corrective and/or disciplinary action, up to and including termination.

E. If there is a departmental video or audio recording of the events upon which a complaint of racial profiling is based, upon commencement of an investigation by this department into the complaint and written request of the officer made the subject of the complaint, this department shall promptly provide a copy of the recording to that marshal.

330.04 Data Collection & Reporting

A marshal is required to collect information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops. This information collected must include:

1. the race or ethnicity of the individual detained;
2. whether a search was conducted and, if so,
3. whether it was a consent search or a probable cause search; and

Note: It is strongly recommended that consent searches only be conducted with consent documented in writing or through the audio/video recording.

If an individual indicates that they will consent to a search but refuses to sign the form, fill out the consent form anyway and indicate "consented to search but refused to sign," inserting the marshal's initials and the signature of any witness in the signature block.

4. whether the marshal knew the race or ethnicity of the individual detained before detaining that individual; and
5. required by March 1st of each year, the Chief Marshal shall submit a report of the information collected from the preceding calendar year to:
 - A. the Texas Commission on Law Enforcement; and
 - B. the governing body of the municipality served by the agency.

The report will include:

1. a breakdown of motor vehicle stops resulting in a citation only, an arrest only, or both;
2. the race or ethnicity of the individual detained; and
3. whether the marshal knew the race or ethnicity of the individual detained before detaining that individual; and
4. whether a search was conducted and, if so,
5. whether it was a consent search or a probable cause search

The data collected as a result of the reporting requirements shall not constitute prima facie evidence of racial profiling.

Use of Mobile Video/Audio Recording Equipment

The Mansfield Marshals Office is able to claim a Partial Exemption to Racial Profile Reporting (Tier 1) due to the following;

1. All cars regularly used for motor vehicle stops are equipped with video camera transmitter-activated equipment.

The Mansfield Marshals Office 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 this department alleging that a peace officer employed by the department has engaged in racial profiling with respect to a motor vehicle stop, the department shall retain the video and audio or audio record of the stop until final disposition of the complaint.

Supervisors will ensure the marshals of this department are recording their motor vehicle stops. A recording of each marshal will be reviewed at least once every ninety (90) days by the Chief Marshal or his/her designee. A log book will be maintained reflecting the review of each recording. The following information will be captured on the log book;

- Date/Time the review conducted
- Supervisor conducting the review
- Officer being reviewed
- Date/Time of the motor vehicle stop(s) being reviewed
- Number of motor vehicle stops reviewed
- Findings related to the review

Completed log books will be forwarded to the Administrative Records Division for archiving.

If the equipment used to record audio and/or video of a motor vehicle stop is malfunctioning or otherwise not operable, the officer shall report the malfunction to his/her supervisor without delay.

Complaint Process: Informing the Public and Addressing Allegations of Racial Profiling Practices

**Informing the Public on the Process of Filing a Racial Profiling Complaint
with the Mansfield Marshal's Office**

The Texas Racial Profiling Law requires that police agencies provide information to the public regarding the manner in which to file a racial profiling complaint. In an effort to comply with this particular component, the Mansfield Marshal's Office launched an educational campaign aimed at informing the public on issues relevant to the racial profiling complaint process.

The police department made available, in the lobby area and on its web site, information relevant to filing a complaint on a racial profiling violation by a Mansfield Marshal's Office Police officer. It is believed that through these efforts, the community has been properly informed of the new policies and the complaint processes relevant to racial profiling.

Racial Profiling Training

Racial Profiling Training

Since 2002, all Mansfield Marshal's Office officers have been instructed, as specified in the Texas Racial Profiling Law, to adhere to all Texas Commission on Law Enforcement (TCOLE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements. To date, all sworn officers of the Mansfield Marshal's Office have completed the TCOLE basic training on racial profiling. The main outline used to train the officers of Mansfield Marshal's Office has been included in this report.

It is important to recognize that the Chief of the Mansfield Marshal's Office has also met the training requirements, as specified by the Texas Racial Profiling Law, in the completion of the LEMIT program on racial profiling. The satisfactory completion of the racial profiling training by the sworn personnel of the Mansfield Marshal's Office fulfills the training requirement as specified in the Education Code (96.641) of the Texas Racial Profiling Law.

Racial Profiling
Course Number 3256
Texas Commission on Law Enforcement
September 2001

Racial Profiling 3256

Instructor's Note:

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

Abstract

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

Target Population: Licensed law enforcement personnel in Texas

Prerequisites: Experience as a law enforcement officer

Length of Course: A suggested instructional time of 4 hours

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

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

Evaluation Process and Procedures

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

Reference Materials

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

Racial Profiling 3256

1.0 RACIAL PROFILING AND THE LAW

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

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

Racial Profiling Requirements:

Racial profiling CCP 3.05

Racial profiling prohibited CCP 2.131

Law enforcement policy on racial profiling CCP 2.132

Reports required for traffic and pedestrian stops CCP 2.133

Liability CCP 2.136

Racial profiling education for police chiefs Education Code 96.641

Training program Occupations Code 1701.253

Training required for intermediate certificate Occupations Code 1701.402

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

A. Written departmental policies

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

B. Not prima facie evidence

C. Feasibility of use of video equipment

D. Data does not identify officer

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

F. Vehicle stop report

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

G. Compilation and analysis of data

H. Exemption from reporting – audio/video equipment

I. Officer non-liability

J. Funding

K. Required training in racial profiling

1. Police chiefs

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

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

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

1. Motor vehicle search exemption

2. Traffic violation acceptable as pretext for further investigation

3. Selective enforcement can be challenged

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

1. Stop & Frisk doctrine

2. Stopping and briefly detaining a person

3. Frisk and pat down

C. Other cases

1. Pennsylvania v. Mimms, 434 U.S. 106, 98 S.Ct. 330 (1977)

2. Maryland v. Wilson, 117 S.Ct. 882 (1997)

3. Graham v. State, 119 MdApp 444, 705 A.2d 82 (1998)

4. Pryor v. State, 122 Md.App. 671 (1997) cert. denied 352 Md. 312, 721 A.2d 990 (1998)

5. Ferris v. State, 355 Md. 356, 735 A.2d 491 (1999)

6. New York v. Belton, 453 U.S. 454 (1981)

2.0 RACIAL PROFILING AND THE COMMUNITY

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

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

A. There are appropriate reasons for unusual traffic stops (suspicious behavior, the officer's intuition, MOs, etc.), but police work must stop short of cultural stereotyping and racism

B. Racial profiling would result in criminal arrests, but only because it would target all members of a race randomly – the minor benefits would be far outweighed by the distrust and anger towards law enforcement by minorities and the public as a whole

C. Racial profiling is self-fulfilling bad logic: if you believed that minorities committed more crimes, then you might look for more minority criminals, and find them in disproportionate numbers

D. Inappropriate traffic stops generate suspicion and antagonism towards officers and make future stops more volatile – a racially-based stop today can throw suspicion on tomorrow's legitimate stop

E. By focusing on race, you would not only be harassing innocent citizens, but overlooking criminals of all races and backgrounds – it is a waste of law enforcement resources

3.0 RACIAL PROFILING VERSUS REASONABLE SUSPICION

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

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

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

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

C. A typical traffic stop resulting from racial profiling

1. The vehicle is stopped on the basis of a minor or contrived traffic violation which is used as a pretext for closer inspection of the vehicle, driver, and passengers

2. The driver and passengers are questioned about things that do not relate to the traffic violation

3. The driver and passengers are ordered out of the vehicle
4. The officers visually check all observable parts of the vehicle
5. The officers proceed on the assumption that drug courier work is involved by detaining the driver and passengers by the roadside
6. The driver is asked to consent to a vehicle search – if the driver refuses, the officers use other procedures (waiting on a canine unit, criminal record checks, license-plate checks, etc.), and intimidate the driver (with the threat of detaining him/her, obtaining a warrant, etc.)

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

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

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

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

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

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

B. Vehicle exterior

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

C. Pre-stop indicators

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

D. Vehicle interior

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

Resources

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

Web address for legislation 77R-SB1074:

<http://tlo2.tlc.state.tx.us/tlo/77r/billtext/SB01074F.htm>

Report on Complaints

Report on Complaints

The following table contains data regarding officers that have been the subject of a complaint, during the time period of 1/1/13---12/31/13, based on allegations outlining possible violations related to the Texas Racial Profiling Law. The final disposition of the case is also included.

☒ X

A check above indicates that the Mansfield Marshal's Office has not received any complaints, on any members of its police force, for having violated the Texas Racial Profiling Law during the time period of 1/1/13 ---- 12/31/13.

Complaints Filed for Possible Violations of The Texas Racial Profiling Law

Complaint No.	Alleged Violation			Disposition of the Case

Additional Comments:

Tables Illustrating Traffic and Motor Vehicle-Related Contacts

Tier 1 Data

(I) Tier 1 Data

Motor Vehicle-Related Contact Information (1/1/13—12/31/13)

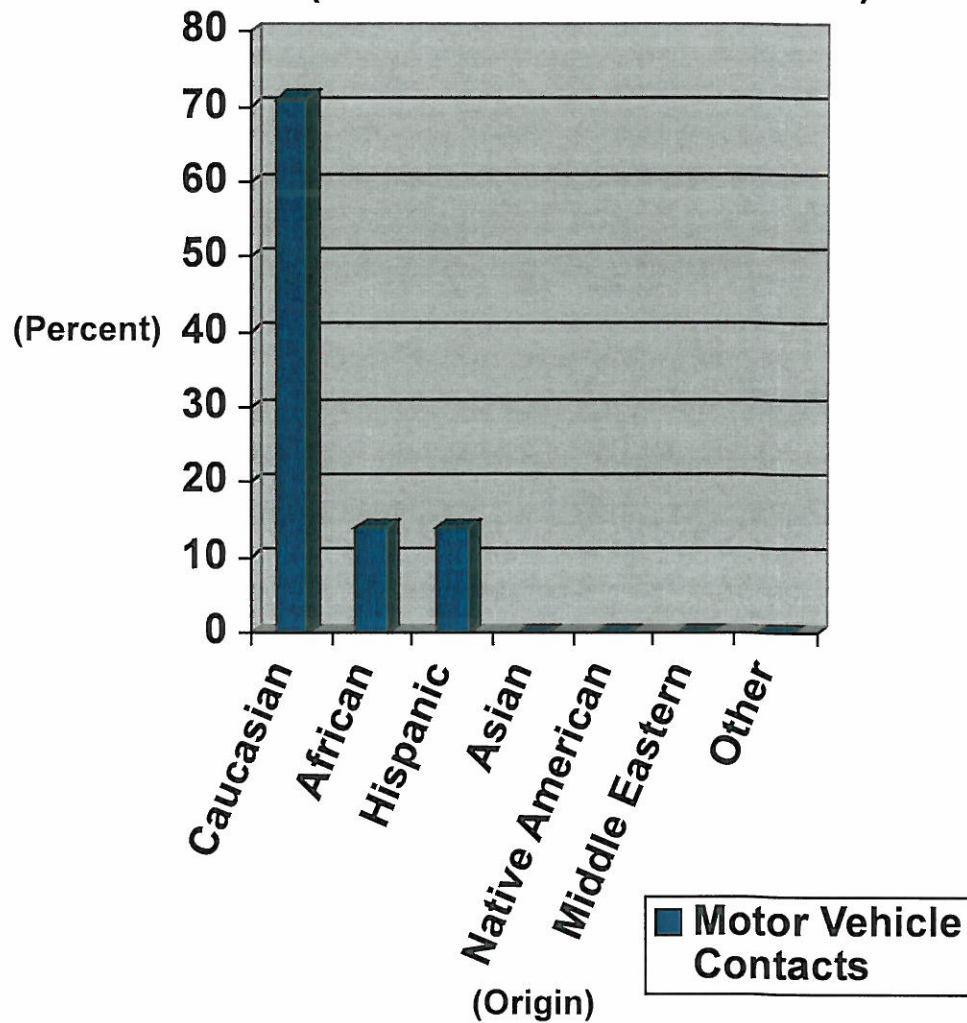
Race/Ethnicity*	Contacts		Searches		Consensual Searches		PC Searches		Custody Arrests	
	N	%	N	%	N	%	N	%	N	%
Caucasian	5	71	0	0	0	0	0	0	0	0
African	1	14	0	0	0	0	0	0	0	0
Hispanic	1	14	0	0	0	0	0	0	0	0
Asian	0	0	0	0	0	0	0	0	0	0
Native American	0	0	0	0	0	0	0	0	0	0
Middle Eastern	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0
Total	7	100	0	0	0	0	0	0	0	0

"N" represents "number" of traffic-related contacts

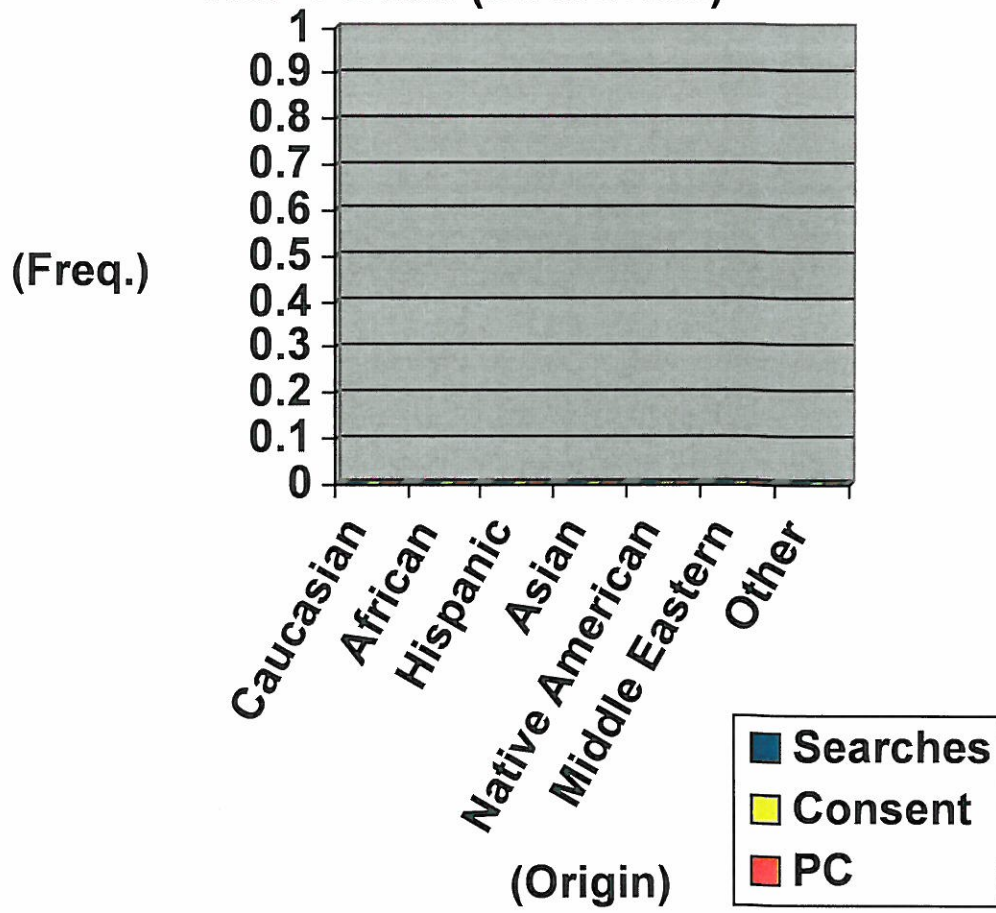
* Race/Ethnicity is defined by Senate Bill 1074 as being of a "particular descent, including Caucasian, African, Hispanic, Asian, Native American or Middle Eastern".

**Figure has been rounded

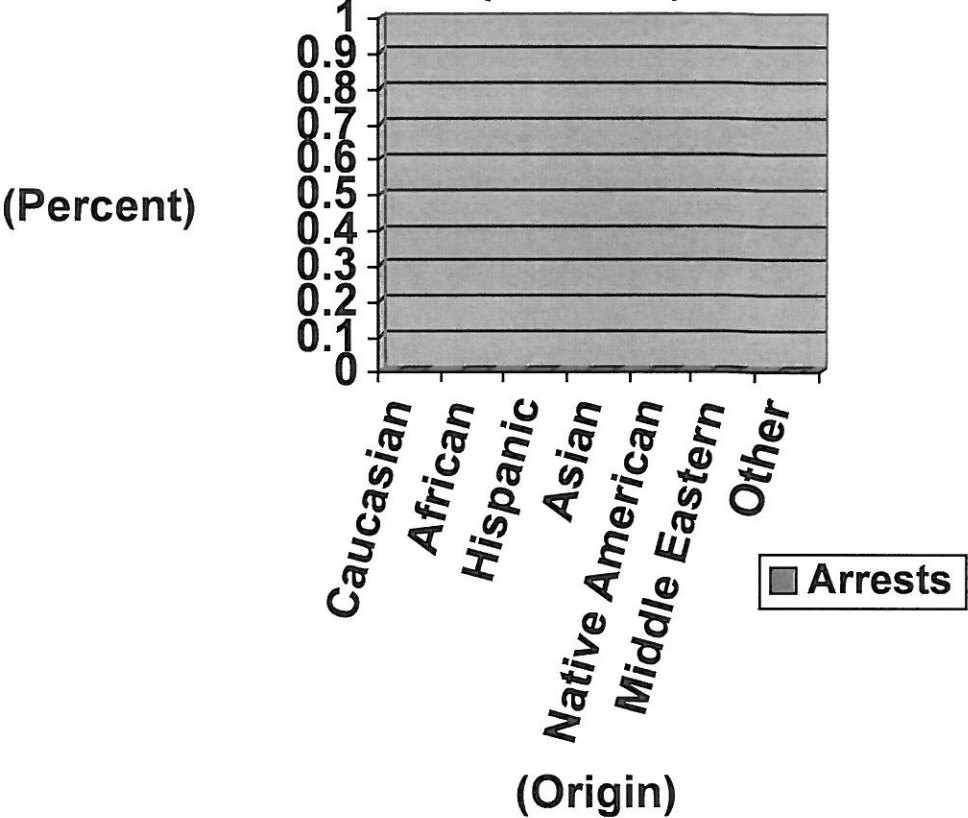
Tier 1 Data (Motor Vehicle Contacts)



Tier 1 Data (Searches)



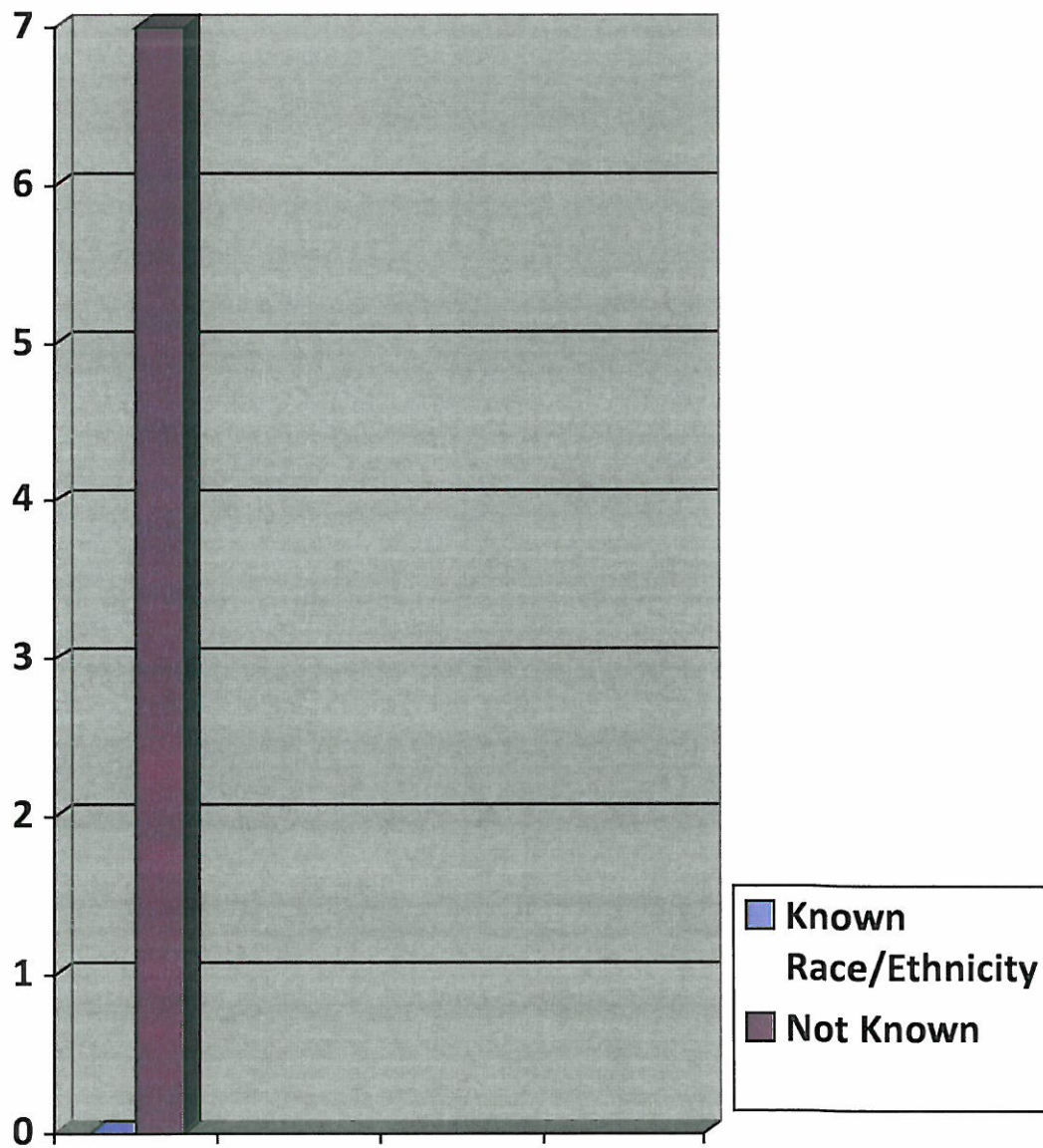
Tier 1 Data (Arrests)



Total Number of Instances where Officers Knew/did not Know Race/Ethnicity of
Individuals Before Being Detained (1/1/13--12/31/13)

Total Number of Instances where Officers <u>Knew</u> Race and Ethnicity of Individuals Before Being Detained	Total Number of Instances where Officers <u>Did Not Know</u> the Race and Ethnicity of Individuals Before Being Detained
0	7

Known Race/Ethnicity (Frequencies)



Tier 1 (Partial Exemption TCLEOSE Form)

Partial Exemption Racial Profiling Reporting (Tier 1)

Department Name _____

Agency Number _____

Chief Administrator Name _____

Reporting Name _____

Contact Number _____

E-mail Address _____

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

Partial Exemption Racial Profiling Reporting (Tier 1)

(This is the TCLEOSE recommended form. The form is not mandatory. The information contained in this form, however, is mandatory. You may use your form, but all information must be provided.)

If you claim a partial exemption you must submit a report that contains the following data or use this format to report the data.

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

Number of Motor Vehicle Stops:

1. _____ citation only

2. _____ arrest only

3. _____ both

4. _____ Total

Race or Ethnicity:

5. _____ African

6. _____ Asian

7. _____ Caucasian

8. _____ Hispanic

9. _____ Middle Eastern

10. _____ Native American

11. _____ Total

Race or Ethnicity Known Prior to Stop?

12. _____ Yes

13. _____ No

14. _____ Total

Search Conducted:

15. _____ Yes

16. _____ No

17. _____ Total

Was Search Consented?

18. _____ Yes

19. _____ No

20. _____ Total Must Equal # 15

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

Tier 1 Baseline Comparison (Fair Roads Standard)

(II) Motor Vehicle-Contacts and Fair Roads Standard Comparison

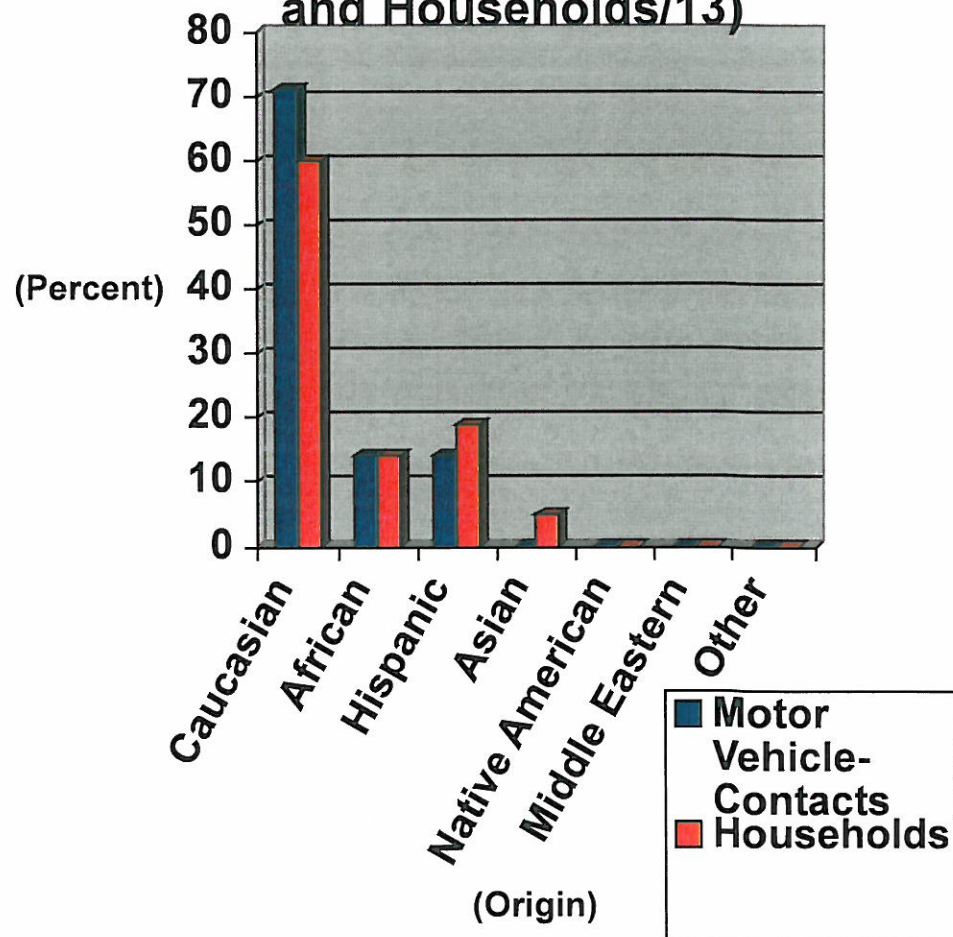
Comparison of motor vehicle-related contacts with households in DFW that have vehicle access (in percentages). (1/1/13—12/31/13)

Race/Ethnicity*	Contacts (in percentages)	Households with vehicle access (in percentages)
Caucasian	71	60
African	14	14
Hispanic	14	19
Asian	0	5
Native American	0	N/A
Middle Eastern	0	N/A
Other	0	N/A
Total	100	98**

* Race/Ethnicity are defined by Senate Bill 1074 as being of a "particular descent, including Caucasian, African, Hispanic, Asian, Native American and Middle Eastern".

**Represents rounded figure

Tier 1 (Motor Vehicle-Contacts and Households/13)



Analysis and Interpretation of Data

Analysis

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

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

As stated previously, in 2009, the Texas Legislature passed House Bill 3389, which modified the existing Racial Profiling Law by adding new requirements; this took effect on January 1st, 2010. These most recent changes include, but are not exclusive of, the re-definition of a contact to include motor vehicles where a citation was issued or an arrest made. In addition, it requires police officers to indicate if they knew the race or ethnicity of the individual before detaining them. Also, the more recent law requires adding "middle eastern" to the racial and ethnic category and submitting the annual data report to TCOLE before March 1st of each year. I am pleased to inform you that these additional requirements have been addressed, since 2009, by the Mansfield Marshal's Office as it is demonstrated throughout this report.

In an effort to comply with The Texas Racial Profiling Law, the Mansfield Marshal's Office commissioned the analysis of its 2013 motor vehicle contact data. Thus, two different types of data analyses were performed. The first of these involved a careful evaluation of the 2013 motor vehicle-related data. This particular analysis measured, as required by the law, the number and percentage of Caucasians, African Americans, Hispanics, Asians, Native Americans, Middle Easterners and individuals belonging to the "other" category, that came in contact with the police in the course of a motor vehicle related contact, and were either issued a citation or arrested. Further, the analysis included information relevant to the number and percentage of searches (table 1) while indicating the type of search performed (i.e., consensual or probable cause). Also,

the data analysis included the number and percentage of individuals who, after they came in contact with the police for a motor vehicle-related reason, were arrested.

The additional data analysis performed was based on a comparison of the 2013 motor vehicle contact data with a specific baseline. When reviewing this particular analysis, it should be noted that there is disagreement, in the literature, regarding the appropriate baseline to be used when analyzing motor vehicle-related contact information. Of the baseline measures available, the Mansfield Marshal's Office opted to adopt, as a baseline measure, the Fair Roads Standard. This particular baseline is based on data obtained through the U.S. Census Bureau (2010) relevant to the number of households that have access to vehicles while controlling for the race and ethnicity of the heads of households.

It is clear that census data presents challenges to any effort made at establishing a fair and accurate racial profiling analysis. That is, census data contains information on all residents of a particular community, regardless of the fact they may or may not be among the driving population. Further, census data, when used as a baseline of comparison, presents the challenge that it captures information related to city residents only. Thus, excluding individuals who may have come in contact with the Mansfield Marshal's Office in 2013 but live outside city limits. In some cases, the percentage of the population that comes in contact with the police but lives outside city limits represents a substantial volume of all motor vehicle-related contacts made in a given year.

Since 2002, several civil rights groups in Texas expressed their desire and made recommendations to the effect that all police departments should rely, in their data analysis, on the Fair Roads Standard. This source contains census data specific to the number of "households" that have access to vehicles. Thus, proposing to compare "households" (which may have multiple residents and only a few vehicles) with "contacts" (an individual-based count). This, in essence, constitutes a comparison that may result in ecological fallacy. Despite this, the Mansfield Marshal's Office made a decision that it would use this form of comparison (i.e., census data relevant to households with vehicles) in an attempt to demonstrate its "good will" and "transparency" before the community. Thus, the Fair Roads Standard data obtained and used in this study is specifically relevant to the Dallas Fort-Worth (DFW) Metroplex.

Tier 1 (2013) Motor Vehicle-Related Contact Analysis

When analyzing the Tier 1 data collected in 2013, it was evident that most motor vehicle-related contacts were made with Caucasian drivers. This was followed by African American drivers. With respect to searches and arrests, none were reported during the time period specified.

Fair Roads Standard Analysis

The data analysis of motor vehicle contacts to the census data relevant to the number of "households" in DFW who indicated, in the 2010 census, that they had access to vehicles, produced interesting findings. Specifically, the percentage of individuals of Caucasian descent that came in contact with the police was higher than the percentage of Caucasian households in DFW that claimed, in the 2010 census, to have access to vehicles; the opposite was true of African Americans and Hispanics. It should be noted, when considering this analysis, that the percentages cited here derive from a very small number of contacts during the year. Thus, they are statistically insignificant.

Summary of Findings

The comparison of motor vehicle contacts showed that the Mansfield Marshal's Office came in contact (in motor vehicle-related incidents) with a higher percentage of Caucasians drivers than the percentage that resided in DFW and had access to vehicles; the opposite was true of African Americans and Hispanics. In addition, the data showed that in a large number of instances, officers did not know the race or ethnicity of individuals before detaining them, when compared to instances where officers knew the race/ethnicity of individuals before they were detained.

While considering the findings made in this analysis, it is recommended that the Mansfield Marshal's Office should continue to collect and evaluate additional information on motor vehicle contact data (i.e., reason for probable cause searches, contraband detected) which may prove to be useful when determining the nature of the contacts police officers are making with all individuals; particularly with African Americans. Although this additional data may not be required by state law, it is likely to provide insights regarding the nature and outcome of all motor vehicle contacts made with the public.

As part of this effort, the Mansfield Marshal's Office is also encouraged to:

- 1) Perform an independent search analysis on the search data collected in the first quarter of 2014.
- 2) Commission data audits in 2014 in order to assess data integrity; that is, to ensure that the data collected is consistent with the data being reported.

The Mansfield Marshal's Office complied with recommendations made last year, in a similar report, regarding data audits. Further, the information and analysis provided in this report serves as evidence that the Mansfield Marshal's Office has, once again, complied with the Texas Racial Profiling Law.

(III) Summary

Checklist

Checklist

The following requirements **were** met by the Mansfield Marshal's Office in accordance with The Texas Racial Profiling Law:

- ☒ Clearly defined act or actions that constitute racial profiling
- ☒ Statement indicating prohibition of any peace officer employed by the Mansfield Marshal's Office from engaging in racial profiling
- ☒ Implement a process by which an individual may file a complaint regarding racial profiling violations
- ☒ Provide public education related to the complaint process
- ☒ Implement disciplinary guidelines for officer found in violation of the Texas Racial Profiling Law
- ☒ Collect data (Tier 1) that includes information on
 - a) Race and ethnicity of individual detained
 - b) Whether a search was conducted
 - c) If there was a search, whether it was a consent search or a probable cause search
 - d) Whether a custody arrest took place
- ☒ Indicate total number of officers who knew and did not know, the race/ethnicity of individuals before being detained.
- ☒ Produce an annual report on police contacts (Tier 1) and present this to local governing body and TCOLE by March 1, 2014.
- ☒ Adopt a policy, if video/audio equipment is installed, on standards for reviewing video and audio documentation

Contact Information

Contact Information

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

Del Carmen Consulting, LLC
817.681.7840
www.texasracialprofiling.com
www.delcarmenconsulting.com

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



CITY OF MANSFIELD

1200 East. Broad St.
Mansfield, TX 76063
www.mansfield-tx.gov

STAFF REPORT

File Number: 14-0794

Agenda Date: 2/24/2014

Version: 3

Status: Third and Final
Reading

In Control: City Council

File Type: Ordinance

Agenda Number:

Title

Ordinance - Third and Final Reading of an Ordinance Setting Forth the Standards of Care for the Recreation Department's Summer Youth Program for the City of Mansfield; Providing for the Operational Standards of the Administration for the Program; Providing for the Inspecting, Monitoring, and Enforcement of the Standards of Care; Providing for the Staffing Levels, Training and Responsibilities for Those Working in the Program; Providing for Facility Standards; Providing for a Cumulative Clause; Providing for a Severability Clause; Providing for an Effective Date

Requested Action

Approve Ordinance Adopting the "Standards of Care"

Recommendation

Adopt Ordinance establishing the "Standards of Care" that will allow the Recreation Department to offer a summer day camp program, Monday through Friday, 8 am to 6 pm for youth ages 6-11 years at the Mansfield Activities Center

Description/History

In 1995, during the 74th State Legislation Session, Senate Bill 212 was passed. This Bill exempts certain youth programs from child-care licensing requirements including elementary-age (ages 5-13) recreation programs operated by a municipality.

The governing body of the municipality must annually adopt "Standards of Care" by ordinance after a public hearing. The ordinance shall include staffing ratios, staff qualifications, facility, health, and safety standards, and mechanisms for monitoring and enforcing the adopted local standards; and further provide that parents be informed that the program is not licensed by the State and the program may not be advertised as a child-care facility.

Justification

The Recreation Department will be able to offer structured and staff-supervised summer day camp activities for youth ages 6-11. This program will consist of indoor and outdoor activities that will help build self-esteem, develop creativity, encourage teamwork and promote good sportsmanship.

Funding Source

N/A

Prepared By

Andrew Binz, Recreation Superintendent, Community Services
andrew.binz@mansfield-tx.gov
817-804-5795

S.B. No. 212

AN ACT

1-1 relating to exempting certain youth programs from child-care
 1-2 licensing requirements.

1-3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-4 SECTION 1. Subsection (b), Section 42.041, Human Resources
 1-5 Code, is amended to read as follows:

1-6 (b) This section does not apply to:

1-7 (1) a state-operated facility;

1-8 (2) an agency home;

1-9 (3) a facility that is operated in connection with a
 1-10 shopping center, business, religious organization, or establishment
 1-11 where children are cared for during short periods while parents or
 1-12 persons responsible for the children are attending religious
 1-13 services, shopping, or engaging in other activities on or near the
 1-14 premises, including but not limited to retreats or classes for
 1-15 religious instruction;

1-16 (4) a school or class for religious instruction that
 1-17 does not last longer than two weeks and is conducted by a religious
 1-18 organization during the summer months;

1-19 (5) a youth camp licensed by the Texas Department of
 1-20 Health;

1-21 (6) a hospital licensed by the Texas Department of
 1-22 Mental Health and Mental Retardation or the Texas Department of
 1-23 Health;

1-24 (7) an educational facility accredited by the Central
 2-1 Education Agency or the Southern Association of Colleges and
 2-2 Schools that operates primarily for educational purposes in grades
 2-3 kindergarten and above;

2-4 (8) an educational facility that operates solely for
 2-5 educational purposes in grades kindergarten through at least grade
 2-6 two, that does not provide custodial care for more than one hour
 2-7 during the hours before or after the customary school day, and that
 2-8 is a member of an organization that promulgates, publishes, and
 2-9 requires compliance with health, safety, fire, and sanitation
 2-10 standards equal to standards required by state, municipal, and
 2-11 county codes;

2-12 (9) a kindergarten or preschool educational program
 2-13 that is operated as part of a public school or a private school
 2-14 accredited by the Central Education Agency, that offers educational
 2-15 programs through grade six, and that does not provide custodial
 2-16 care during the hours before or after the customary school day;

2-17 (10) a family home, whether registered or not;

2-18 (11) an educational facility that is integral to and
 2-19 inseparable from its sponsoring religious organization or an
 2-20 educational facility both of which do not provide custodial care
 2-21 for more than two hours maximum per day, and that offers
 2-22 educational programs for children age five and above in one or more
 2-23 of the following: kindergarten through at least grade three,
 2-24 elementary, or secondary grades; ~~<or>~~

2-25 (12) an agency group home; ~~<or>~~

2-26 (13) ~~<12>~~ an emergency shelter facility providing
 2-27 shelter to minor mothers who are the sole support of their natural
 3-1 children under Section 35.05, Family Code, unless the facility
 3-2 would otherwise require a license as a child-care facility under
 3-3 this section;

3-4 (14) an elementary-age (ages 5-13) recreation program
 3-5 operated by a municipality provided the governing body of the
 3-6 municipality annually adopts standards of care by ordinance after a
 3-7 public hearing for such programs, that such standards are provided

3-8 to the parents of each program participant, and that the ordinances
3-9 shall include, at a minimum, staffing ratios, minimum staff
3-10 qualifications, minimum facility, health, and safety standards, and
3-11 mechanisms for monitoring and enforcing the adopted local
3-12 standards; and further provided that parents be informed that the
3-13 program is not licensed by the state and the program may not be
3-14 advertised as a child-care facility; or

3-15 (15) an annual youth camp held in a municipality with
3-16 a population of more than 1.5 million that operates for not more
3-17 than three months and that has been operated for at least 10 years
3-18 by a nonprofit organization that provides care for the homeless.

3-19 SECTION 2. This Act takes effect September 1, 1995.

3-20 SECTION 3. The importance of this legislation and the
3-21 crowded condition of the calendars in both houses create an
3-22 emergency and an imperative public necessity that the
3-23 constitutional rule requiring bills to be read on three several
3-24 days in each house be suspended, and this rule is hereby suspended.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, SETTING FORTH THE STANDARDS OF CARE FOR THE RECREATION DEPARTMENT'S SUMMER YOUTH PROGRAM FOR THE CITY OF MANSFIELD; PROVIDING FOR THE OPERATIONAL STANDARDS OF THE ADMINISTRATION FOR THE PROGRAM; PROVIDING FOR THE INSPECTING, MONITORING, AND ENFORCEMENT OF THE STANDARDS OF CARE; PROVIDING FOR THE STAFFING LEVELS, TRAINING AND RESPONSIBILITIES FOR THOSE WORKING IN THE PROGRAM; PROVIDING FOR FACILITY STANDARDS; PROVIDING FOR A CUMULATIVE CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, a home rule municipality may exercise its police power authority to safeguard the health, comfort and general welfare of its citizens, and may regulate the standards of care for the City's summer youth program; and

WHEREAS, Section 42.041 (b)(14) of the Texas Human Resources Code provides an exception for a municipality from the requirements of obtaining a license to operate an elementary-age recreation program provided the municipality annually adopts standards of care by ordinance after a public hearing for such programs; and

WHEREAS, the City Council desires to adopt "Standards of Care" for the City's Recreation Department's Summer Youth Program.

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

SECTION 1.

These Standards of Care as referenced herein as "Exhibit A" are intended to be minimum standards by which the City of Mansfield Parks and Recreation Department will operate the City's Youth Kid Zone Programs. The programs operated by the City are recreational in nature and are not day care programs. The following Standards of Care are hereby adopted by the City Council of the City of Mansfield, Texas in order to comply with Section 42.041 (b)(14) of the Texas Human Resources Code.

SECTION 2.

CUMULATIVE CLAUSE

This Ordinance shall be cumulative of all provisions of ordinances of the City of Mansfield, Texas, except where the provisions of the Ordinance are in direct conflict with the provisions such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 3.
SEVERABILITY CLAUSE

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

SECTION 4.
EFFECTIVE DATE

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

DULY PASSED AND ADOPTED on first reading the 27th day of February, 2014.

DULY PASSED AND ADOPTED on second reading the 10th day of March, 2014.

DULY PASSED AND ADOPTED on third and final reading the 24th day of March, 2014.

David L. Cook, Mayor

ATTEST:

Vicki Collins, City Secretary

APPROVED AS TO FORM AND LEGALITY:

City Attorney

Exhibit "A"

CITY OF MANSFIELD YOUTH PROGRAM - KIDS ZONE 2014 STANDARDS OF CARE

The following Standards of Care have been adopted by the City Council of the City of Mansfield, Texas in order to comply with Senate Bill 212 as approved by the Texas Legislature during the 74th legislative session. The Standards of Care are intended to be minimum standards by which the City of Mansfield Parks and Recreation Department will operate the City's Youth Kids Zone Program. **The programs operated by the City are recreational in nature and are not day care programs.**

GENERAL ADMINISTRATION

1. Organization

- A. The governing body of the City of Mansfield Youth Program is the Mansfield City Council.
- B. Implementation of the Youth Program's Standards of Care is the responsibility of the Recreation Department Supervisor and Departmental employees.
- C. Youth Program ("Program") to which these Standards of Care will apply is the Kids Zone Program.
- D. Each Youth Program site will have available for public and staff review a current copy of the Standards of Care.
- E. Parents of participants will have access to a current copy of the Standards of Care during the registration process.
- F. Criminal background checks will be conducted on prospective Program employees. If results of that criminal check indicate that an applicant has been convicted of any of the following offenses, he or she will not be considered for employment:
 - (1) a felony or a misdemeanor classified as an offense against a person or family;
 - (2) a felony or misdemeanor classified as public indecency;
 - (3) a felony or misdemeanor violation of any law intended to control the possession or distribution of any controlled substance;
 - (4) any offense involving moral turpitude;
 - (5) any offense that would potentially put youth participants or the City of Mansfield at risk.

2. Definitions

- A. City: City of Mansfield
- B. City Council: City Council of the City of Mansfield
- C. Department: Parks and Recreation Department of the City of Mansfield

- D. Youth Program or Program: City of Mansfield's Kids Zone Program
- E. Program Manual: Notebook of policies, procedures, required forms, and organizational and programming information relevant to Mansfield's Youth Program
- F. Supervisor: City of Mansfield's Activities Center Supervisor or his or her designee
- G. Recreation Coordinator: City of Mansfield Parks and Recreation Department full-time Coordinator who has been assigned administrative responsibility for the Youth Program
- H. Program Site: Area and facilities where the Youth Program is held
- I. Participant: A youth whose parent(s) have completed all required registration procedures and determined to be eligible for the Youth Program
- J. Parent(s)/Guardian(s): This term will be used to represent one or both parent or adults who have legal custody and authority to enroll their child(ren) in the Youth Program
- K. Program Employee(s): Term used to describe people who have been hired to work for the City of Mansfield and have been assigned responsibility for managing, administering, or implementing some portions of the Youth Program

3. Inspections/Monitoring/Enforcement

- A. A monthly inspection report will be initiated by the Recreation Coordinator during the summer to confirm that the Standards of Care are being adhered to.
 - (1) Inspection reports will be sent to the Activities Center Supervisor for review and kept on record for at least two years.
 - (2) The Activities Center Supervisor will review the report and establish deadlines and criteria for compliance with the Standards of Care.
- B. The Activities Center Supervisor will make visual inspections of the Program based on the following schedule:
 - (1) The Summer Kids Zone Program will be inspected twice during its summer schedule.
 - (2) The Holiday Kids Zone Program will be inspected once during the winter break and once during the spring break.
- C. Complaints regarding enforcement of the Standards of Care will be directed to the Recreation Coordinator. The Recreation Coordinator will be responsible to take the necessary steps to resolve the problems. The Recreation Coordinator will record complaints regarding enforcement of the Standards of Care and their resolution. The Activities Center Supervisor will address serious complaints regarding enforcement of the Standards of Care, and the complaint and its resolution will be noted.
- D. An annual report will be made and presented to City Council or the Mansfield Park Facilities Development Corporation on the overall status of the Youth Program and their operation

relative to compliance with the adopted Standards of Care.

4. Enrollment

- A. Before a child can be enrolled, a parent(s)/guardian(s) must sign registration forms that contain the child's:
 - (1) name, address, home telephone number;
 - (2) name and address of parent(s)/guardian(s) and telephone number during Program hours;
 - (3) the names and telephone numbers of people to whom the child may be released;
 - (4) a statement of the child's special physical, emotional or medical needs;
 - (5) emergency medical authorization;
 - (6) proof of residency when appropriate; and
 - (7) a liability waiver.

5. Suspected Abuse

Program employees will report suspected child abuse or neglect in accordance with the Texas Family Code. In the case where a City employee is involved in an incident with a child that could be construed as child abuse, the incident must be reported immediately to the Activities Center Supervisor. The Activities Center Supervisor will immediately notify the Police Department and any other agency as may be appropriate.

Texas state law requires the staff of these youth programs to report any suspected abuse or neglect of a child to the Texas Department of Protective and Regulatory Services or a law enforcement agency. Failure to report suspected abuse is punishable by fines up to \$1,000 and/or confinement up to 180 days. Confidential reports may be made by calling 1-800-252-5400.

STAFFING - RESPONSIBILITIES AND TRAINING

6. Recreation Coordinator Qualifications

- A. The Recreation Coordinator will be a full-time, professional employee of the Mansfield Parks and Recreation Department and will be required to have all Program Employee qualifications as outlined in Section 8 of this document.
- B. The Recreation Coordinator must be at least 21 years old.
- C. The Recreation Coordinator must have a bachelor's degree from an accredited college or university. Acceptable degrees include:
 - (1) Recreation Administration or General Recreation
 - (2) Physical Education

- (3) Any other comparable degree plan that would lend itself to working in a public recreation environment
- D. The Recreation Coordinator must have two years experience planning and implementing recreational activities.
- E. The Recreation Coordinator must pass a background investigation including testing for illegal substances.
- F. The Recreation Coordinator must have successfully completed a course in first aid, Cardio Pulmonary Resuscitation (CPR) and Automated External Defibrillator (AED) based on either American Heart Association or American Red Cross standards.

7. Recreation Coordinator's Responsibilities

- A. The Recreation Coordinator is responsible for administering the Programs' daily operations in compliance with the adopted Standards of Care.
- B. The Recreation Coordinator is responsible for recommending for hiring, supervising, and evaluating Program Employees.
- C. The Recreation Coordinator is responsible for planning, implementing, and evaluating programs.

8. Program Employee Qualifications

- A. Program employees will be part-time or temporary employees of the Parks and Recreation Department.
- B. Program employees working with children must be 18 years or older.
- C. Program employees should be able to consistently exhibit competency, good judgment, and self-control when working with children.
- D. Program employees must relate to children with courtesy, respect, tolerance, and patience.
- E. Program employees must have successfully completed a course in first aid and CPR/AED based on either American Heart Association or American Red Cross standards. An exception can be made for no more than one staff person at each site, and that person shall successfully complete a first aid and CPR/AED course within four weeks of starting work.
- F. Program employees must pass a background investigation including testing for illegal substances.

9. Program Employees' Responsibilities

- A. Program Employees will be responsible for providing participants with an environment in which they may feel safe, may enjoy wholesome recreation activities, and can participate in appropriate social opportunities with their peers.

- B. Program Employees will be responsible for knowing and following all City, Departmental, and Program standards, policies and procedures that apply to the Mansfield Youth Program.
- C. Program Employees must ensure that participants are released only to a parent or an adult designated by the parent(s)/guardian(s). All Program sites will have a copy of the Department approved plan to verify the identity of a person authorized to pick up a participant if that person is not known to the Program Employee.

10. Training/Orientation

- A. The Department is responsible for providing training and orientation to Program employees in working with children and for specific job responsibilities.
- B. Program employees must be familiar with the Standards of Care for the Youth Program operation as adopted by the City Council.
- C. Program employees must be familiar with the Program's policies including discipline, guidance, and release of participants as outlined in the Program Manual.
- D. Program employees will be trained in appropriate procedures to handle emergencies.
- E. Program employees will be trained in areas including City, Departmental, and Program policies and procedures, provision of recreation activities, safety issues, and organization.
- F. Program employees will be required to sign an acknowledgement that they received the required training.

OPERATIONS

11. Staff-Participant Ratio

- A. In a Mansfield Youth Program, the standard ratio of participants to staff will be 12 to 1. In the event a staff member is unable to report to the Program site, a qualified replacement will be assigned.

12. Discipline

- A. Program employees will implement discipline and guidance in a consistent manner based on the best interests of Program participants.
- B. There will be no cruel, harsh or corporal punishment or treatment.
- C. Program employees may use brief, supervised separation from the group, if necessary.
- D. As necessary, Program employees will initiate discipline reports to the parent(s)/guardian(s) of participants. Parent(s)/guardian(s) will be asked to sign discipline reports to indicate they have been advised about specific problems or incidents.
- E. A sufficient number and/or severe nature of discipline reports as detailed in the Program Manual may result in a participant being suspended from the Program.

- F. In instances where there is a danger to participants or staff, offending participants will be removed from the Program immediately.

13. Programming

- A. Program employees will attempt to provide activities for each group according to the participants' ages, interests, and abilities. The activities must be appropriate to participants' health, safety, and well-being. The activities also must be flexible and promote the participants' emotional, social, and mental growth.
- B. Program employees will attempt to provide that indoor and outdoor time periods include:
 - (1) alternating active and passive activities;
 - (2) opportunity for individual and group activities, and
 - (3) outdoor time each day, weather permitting.
- C. Program employees will be attentive and considerate of the participants' safety on field trips and during any transportation provided by the Program.
 - (1) During trips, Program employees supervising participants must have immediate access to emergency medical forms and emergency contact information for each participant.
 - (2) Program employees must have a written list of the participants in the group and must check the roll frequently.
 - (3) Program employees must have first aid supplies and a guide to first aid and emergency care available on field trips.

14. Communication

- A. Each Program site will have access to a telephone for use in contacting the Mansfield Activities Center or making emergency calls.
- B. The Recreation Coordinator will make accessible the following telephone numbers to all Program employees:
 - (1) Mansfield ambulance or emergency medical services;
 - (2) Mansfield Police Department;
 - (3) Mansfield Fire Department;
 - (4) Mansfield Activities Center;
 - (5) Numbers at which parent(s)/guardian(s) may be reached.

15. Transportation

- A. Before a participant may be transported to and from city-sponsored activities, a medical form and waiver, completed by the parent of the participant, must be filed with the Recreation Coordinator.
- B. Before a program employee can drive a 15-passenger van that is transporting children, they must:
 - (1) be at least 21 years of age with a valid Texas driver's license;
 - (2) successfully pass a background check and drug test every 2 years;
 - (3) complete an online 15- passenger van safety training and online defensive driving course;
 - (4) complete one (1) hour of supervised driving time with a supervisor;
 - (5) read the Mansfield Parks & Recreation Transportation Guide;
 - (6) complete department required training.
- C. First aid supplies, a first aid and emergency care guide, and a working cell phone will be available in all Program vehicles that transport children.
- D. All Program vehicles used for transporting participants must have available a 6-BC portable fire extinguisher which will be installed in the passenger compartment of the vehicle and must be accessible to the adult occupants.

FACILITY STANDARDS

16. Safety

- A. Program employees will inspect Program sites daily to detect sanitation and safety concerns that might affect the health and safety of the participants.
- B. Buildings, grounds, and equipment on the Program site will be inspected, cleaned, repaired, and maintained to protect the health of the participants.
- C. Program equipment and supplies must be safe for the participants' use.
- D. Program employees must have first aid supplies readily available at each site, during transportation to an off-site activity, and for the duration of any off-site activity.
- E. Program air conditioners, electric fans, and heaters must be mounted out of participants' reach or have safeguards that keep participants from being injured.
- F. Program porches and platforms more than 30 inches above the ground must be equipped with railings participants can reach.

- G. All swing seats at Program sites must be constructed of durable, lightweight, relatively pliable material.
- H. Program employees must have first aid supplies readily available to staff in a designated location. Program employees must have an immediately accessible guide to first aid and emergency care.

17. Fire

- A. In case of fire, danger of fire, explosion, or other emergency, Program employees' first priority is to evacuate the participants to a designated safe area.
- B. The Program site will have an annual fire inspection by the local Fire Department personnel, and the resulting report will detail any safety concerns observed. The report will be forwarded to the Activities Center Supervisor who will review and establish deadlines and criteria for compliance.
- C. Each Program site must have at least one fire extinguisher approved by the Fire Marshal readily available to all Program employees. The fire extinguisher is to be inspected monthly by the Recreation Coordinator, and a monthly report will be forwarded to the Activities Center Supervisor who will keep the report on file for a minimum of two years. All Program employees will be trained in the proper use of fire extinguishers.
- D. Fire drills will be initiated at Program sites based on the following schedule:
 - (1) Kids Zone Program: A fire drill twice during the summer.

18. Health

- A. Illness or Injury
 - (1) A participant who is considered to be a health or safety concern to other participants or employees will not be admitted to the Program.
 - (2) Illnesses and injuries will be handled in a manner to protect the health of all participants and employees.
 - (3) Program employees will follow plans to provide emergency care for injured participants with symptoms of an acute illness as specified in the Program Manual.
 - (4) Program employees will follow the recommendation of the Texas Department of Health concerning the admission or readmission of any participant after a communicable disease.
- B. Program employees will administer medication only if:
 - (1) Parent(s) complete and sign a medication form that provides authorization for staff to dispense medication with details as to time and dosages. The form will include a hold harmless clause to protect the City.

- (2) Prescription medications are in the original containers labeled with the child's name, a date, directions, and the physician's name. Program employees will administer the medication only as stated on the label. Program employees will not administer medication after the expiration date.
- (3) Nonprescription medications are labeled with the child's name and the date the medication was brought to the Program. Nonprescription medication must be in the original container. Program employees will administer it only according to label directions.
- (4) Medication dispensed will be limited to routine oral ingestion not requiring special knowledge or skills on the part of Program employees. No injections will be administered by the Program employees.
- (5) Program employees must ensure medications are inaccessible to participants or, if it is necessary to keep medications in the refrigerator (when available), medications will be kept separate from food.

C. Toilet Facilities

- (1) The Program site will have inside toilets located and equipped so children can use them independently and Program staff can supervise as needed.
- (2) There must be one flush toilet for every 30 children. Urinals may be counted in the ratio of toilets to children, but they must not exceed 50% of the total number of toilets.
- (3) An appropriate and adequate number of lavatories will be provided.

D. Sanitation

- (1) The Program facilities must have adequate light, ventilation, and heat.
- (2) The Program must have an adequate supply of water meeting the standards of the Texas Department of Health for drinking water and ensure that it will be supplied to the participants in a safe and sanitary manner.
- (3) Program employees must see that garbage is removed from buildings daily.

Reviewed 1/14/13



CITY OF MANSFIELD

1200 East. Broad St.
Mansfield, TX 76063
www.mansfield-tx.gov

STAFF REPORT

File Number: 14-0820

Agenda Date: 2/24/2014

Version: 1

Status: Consent

In Control: City Council

File Type: Resolution

Agenda Number:

Title

Resolution - Resolution Authorizing the City Manager and the Police Department to Make Application, Receive and Expend Grant Funding from the Criminal Justice Division (CJD) of the Governor's Office of the State of Texas for Criminal Justice Projects that Reduce Crime and Improve the Criminal Justice System During the FY2015 for an Amount not to Exceed \$145,000 with no Match Required

Requested Action

Approval of Resolution

Recommendation

Approval of Resolution

Description/History

The CJD of the State of Texas is soliciting applications for projects that reduce crime and improve the criminal justice system. Funding of this grant is for FY2015 grant cycle. Applications are due to the North Central Texas Council of Governments no later than February 28, 2014. Each project submitted under this program is limited to a maximum amount of \$80,000 and with each agency limited to a maximum of 3 applications. Each application is funded at 100% of requested and approved amount up to a maximum of \$80,000 with no match required. Grant funded projects must begin on or after October 1, 2014 and be completed by September 30, 2015 or as designated by CJD.

Justification

The police department has outlined several needs that have been designated as individual projects under this grant. The Mansfield Police Department intends to submit 3 applications not to exceed \$145,000 total for all 3 applications. The projects are as follows:

Automated License Readers (5) \$80,000

Special use vehicles (one electric motorcycle and two ATV's) \$39,915

Crisis Negotiator equipment \$24,584

Funding Source

This solicitation is funded from authorized state and federal sources and will be administered in accordance with regulations required by these sources.

Prepared By

Alma Roden, Grant Mgr., Mansfield Police Department 817-276-4710 and
Gary Fowler, Chief of Police, Mansfield Police Department 817-276-4723

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY MANAGER AND THE POLICE DEPARTMENT TO MAKE APPLICATION, RECEIVE, AND EXPEND GRANT FUNDING FROM THE CRIMINAL JUSTICE DIVISION (CJD) OF THE GOVERNOR'S OFFICE OF THE STATE OF TEXAS FOR CRIMINAL JUSTICE PROJECTS THAT REDUCE CRIME AND IMPROVE THE CRIMINAL JUSTICE SYSTEM DURING THE FY2015 IN AN AMOUNT NOT TO EXCEED \$145,000 WITH NO MATCH REQUIRED.

WHEREAS, the City of Mansfield and the police department is a unit of local government that meets the criteria established by the CJD and the State of Texas to apply for and receive grant funds under this program; and

WHEREAS, the City of Mansfield and the police department is eligible for an amount not to exceed \$145,000 in grant program funding with no match required; and

WHEREAS, the City of Mansfield and the police department agrees to comply with all program rules as set out in the grant program guidelines; and

WHEREAS, the City of Mansfield designates Clayton W. Chandler (City Manager) as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

WHEREAS, the City Council desires to ratify and authorize the City Manager and the police department to make application, receive and expend the above mentioned grant allocation, if awarded.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THAT:

SECTION 1.

1. The City Manager or designee is authorized to execute all documents and make application for obtaining state funds from CJD through the State of Texas in FY 2015.
2. The City Manager or designee is authorized to receive and expend the grant funding, if awarded, by the State of Texas for FY2015 grant program.

PASSED AND APPROVED THIS THE 24th DAY OF February, 2014.

David L. Cook, Mayor

ATTEST:

Vicki Collins, City Secretary



CITY OF MANSFIELD

1200 East. Broad St.
Mansfield, TX 76063
www.mansfield-tx.gov

STAFF REPORT

File Number: 14-0832

Agenda Date: 2/24/2014

Version: 1

Status: Consent

In Control: City Council

File Type: Resolution

Agenda Number:

Title

Resolution - A Resolution Authorizing the Director of Public Works to Submit a Grant Application to the North Central Texas Council of Government (NCTCOG) for Grant Funds to Purchase a New Graphic to be Placed on Recycling Carts; and Authorizing the Director of Public Works to Execute an Interlocal Agreement With the NCTCOG if the Application is Approved. \$24,540 for Drainage Utility Fund, No Matching Funds Required

Requested Action

The approval of a resolution to apply for grant funds to purchase new graphics to be placed on the existing recycling carts.

Recommendation

The Environmental Staff recommends the approval of the resolution to apply for grant funds to purchase new graphics to be applied to existing recycling carts in the amount of \$24,540. This will cover the cost of printing, setup and shipping to the City for the graphics. This is a reimbursable grant.

Description/History

In June 2011, the City of Mansfield began using the 65 and 95 gallon recycling carts. At that time, the City's contract hauler (Republic Services) was using the material recovery facility located off of Exchange Dr. in Arlington for servicing those materials. Since that time, Republic Services has renovated one of their properties with a state of the art recovery facility that is able to handle items previously not recyclable. These include: plastic bags, pizza boxes, shelf-stable cartons, empty aerosol cans, and pots and pans.

The carts were ordered and delivered with an embedded graphic depicting the acceptable item list and identifying those items prohibited. The items listed above are currently included in the prohibited items list.

It would be helpful to have a new graphic placed over the existing one to reduce confusion and to increase the amount of recyclables collected. This grant is for \$24,540. This includes stickers for the existing 20,321 carts, plus some reserves to be placed on carts delivered from the existing stock until a new cart order is made with an updated embedded graphic. The City has reached its short term goal of 400 lbs/hh/year of recyclables collected and it is expected the delivery of the new graphic will further increase residential recycling and get us closer to the long term goal of 500 lbs/hh/year.

Justification

The City has received a quote from a vendor recommended by the cart manufacturer and has used that quote to develop the grant. The final grant amount may be less once other quotes have been received for bidding purposes. This grant program is funded by the Texas Commission on Environmental Quality from a \$1 fee for every ton of material that is placed in

a Texas Landfill and passed through the different regions of Texas by the council of governments. The grant is 100% reimbursable, there is no required match. A Resolution is attached for Council's consideration.

Prepared By

Howard Redfearn, Environmental Manager
Steve Freeman, Public Works Director will be in attendance
817-276-4240

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF MANSFIELD AND THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS FOR THE PURPOSE OF MAKING STATE SOLID WASTE GRANTS FUNDS AVAILABLE TO THE CITY FOR THE PURCHASE OF A NEW GRAHPIC STICKER TO BE PLACED ON THE LID OF RECYCLING CARTS.

WHEREAS, the North Central Texas Council of Governments (NCTCOG) is directed by the Texas Commission on Environmental Quality to administer solid waste project funds for the implementation of NCTCOG's adopted regional solid waste management plan; and

WHEREAS, the City of Mansfield applied for grant funds in the amount of \$24,540 to use for purchasing new graphic stickers to be placed over the existing lid graphic for recycling carts; and

WHEREAS, it is recognized that it is in the best interest of the citizens of the City of Mansfield that these services be made available at the earliest possible date; and

WHEREAS, it is the recommendation and determination of staff that the pursuit of grants funds is the most expedient way to provide these services.

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

SECTION 1.

1. That the City manager is authorized to request project funding under the North Central Texas Council of Governments' Request for Project Applications of the Regional Solid Waste Local Project Funding Program and act on behalf of the City of Mansfield in all matters related to the project application and any subsequent project contract that may result.
2. That if the project is funded, the City of Mansfield will comply with the requirements of the North Central Texas Council of Governments, Texas Commission on Environmental Quality and the State of Texas.
3. The project funds and any project-funded equipment or facilities will be used only for the purposes for which they are intended under the project.
4. That activities will comply with and support the adopted regional (and local) solid waste management plans adopted for the geographical area in which the activities are performed.

RESOLVED AND PASSED this 24th day of February, 2014.

David Cook, Mayor

ATTEST:

Vicki Collins, City Secretary



CITY OF MANSFIELD

1200 East. Broad St.
Mansfield, TX 76063
www.mansfield-tx.gov

STAFF REPORT

File Number: 14-0833

Agenda Date: 2/24/2014

Version: 2

Status: Consent

In Control: City Council

File Type: Resolution

Agenda Number:

Title

Resolution - A Resolution Authorizing the Director of Public Works to Submit a Grant Application to the North Central Texas Council of Government (NCTCOG) for Grant Funds to Purchase Equipment to be Used for Processing and/or Storing HHW; and Authorizing the Director of Public Works to Execute an Interlocal Agreement With the NCTCOG if the Application is Approved. \$96,000 for Drainage Utility Fund, No Matching Funds Required

Requested Action

The approval of a resolution to apply for grant funds to purchase new equipment to be used for processing and/or storing HHW collected at the new HHW Collection facility to be built on the Service Center Property.

Recommendation

The Environmental Staff recommends the approval of the resolution to apply for grant funds to be used to purchase equipment for processing and storing HHW in the amount of \$96,000. This will cover the cost of purchase a shipping for 3 used oil storage containers, a forklift, an EPA approved/fire rated HAZMAT storage building, and paint can crusher.

Description/History

The City of Mansfield began offering the HHW collection service to residents in 2002. That first, only 52 households participated. The mobile collection service was added the following year and participation jumped to 112, with 77 of those households showing up for the mobile collection.

As the City has continued to offer this very well appreciated service, participation has continued to grow. For 2013, 661 households participated with 375 of those doing so through one of the 3 mobile collections. A well developed trend since the beginning of this service is that participation increases with the mobile collections. Having a facility for dropoff in city limits should only allow this trend to continue. Additionally, with an on site dropoff location, there will no longer be a constraint on space meaning every vehicle that shows up during the operating hours will be serviced.

Purchasing this equipment through grant funds will allow the City to continue to offer excellent service to our residents while restraining the costs to the City's budget, allowing the City to use those funds for other purposes.

Justification

The final grant amount may be less once other quotes have been received for bidding purposes. This grant program is funded by the Texas Commission on Environmental Quality from a \$1 fee for every ton of material that is placed in a Texas Landfill and passed through the different regions of Texas by the council of governments. The grant is 100% reimbursable, there is no required match.

A Resolution is attached for Council's consideration.

Prepared By

Howard Redfearn, Environmental Manager

Steve Freeman, Public Works Director will be in attendance

817-276-4240

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF MANSFIELD AND THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS FOR THE PURPOSE OF MAKING STATE SOLID WASTE GRANTS FUNDS AVAILABLE TO THE CITY FOR THE PURCHASE OF EQUIPMENT FOR STORING AND/OR PROCESSING HHW.

WHEREAS, the North Central Texas Council of Governments (NCTCOG) is directed by the Texas Commission on Environmental Quality to administer solid waste project funds for the implementation of NCTCOG's adopted regional solid waste management plan; and

WHEREAS, the City of Mansfield applied for grant funds in the amount of \$96,000 to use for purchasing HHW processing and storage equipment; and

WHEREAS, it is recognized that it is in the best interest of the citizens of the City of Mansfield that these services be made available at the earliest possible date; and

WHEREAS, it is the recommendation and determination of staff that the pursuit of grants funds is the most expedient way to provide these services.

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

SECTION 1.

1. That the City manager is authorized to request project funding under the North Central Texas Council of Governments' Request for Project Applications of the Regional Solid Waste Local Project Funding Program and act on behalf of the City of Mansfield in all matters related to the project application and any subsequent project contract that may result.
2. That if the project is funded, the City of Mansfield will comply with the requirements of the North Central Texas Council of Governments, Texas Commission on Environmental Quality and the State of Texas.
3. The project funds and any project-funded equipment or facilities will be used only for the purposes for which they are intended under the project.
4. That activities will comply with and support the adopted regional (and local) solid waste management plans adopted for the geographical area in which the activities are performed.

RESOLVED AND PASSED this 24th day of February, 2014.

David Cook, Mayor

ATTEST:

Vicki Collins, City Secretary



CITY OF MANSFIELD

1200 East. Broad St.
Mansfield, TX 76063
www.mansfield-tx.gov

STAFF REPORT

File Number: 14-0834

Agenda Date: 2/24/2014

Version: 1

Status: Consent

In Control: City Council

File Type: Resolution

Agenda Number:

Title

Resolution - A Resolution Authorizing the Director of Public Works to Submit a Grant Application to the North Central Texas Council of Government (NCTCOG) for Grant Funds to Construct an Enclosure for the Purpose of a Recycling Dropoff Center to be Located on the Property of the Service Center Facility; and Authorizing the Director of Public Works to Execute an Interlocal Agreement With the NCTCOG if the Application is Approved . \$30,000 for Drainage Utility Fund, No Matching Funds Required

Requested Action

The approval of a resolution to apply for grant funds to construct an enclosure to be used as a recycling dropoff center.

Recommendation

The Environmental Staff recommends the approval of the resolution to apply for grant funds to be used for constructing a dumpster enclosure for the purpose of a recycling dropoff center in the amount of \$30,000. This will cover the cost of constructing a concrete pad, 3 masonry walls, and installing gates for each dumpster.

Description/History

The City of Mansfield began residential recycling prior to 2003 when Republic Services assumed the City's franchise contract. For the more than 10 year period the City has provided this service to single-family homes, not option has been available for multi-family residents in Mansfield.

The City commissioned a Comprehensive Recycling Study, paid for through grant funds from the NCTCOG, that was completed in 2007. The study included a recommendation for a dropoff center as one option to provide multi-family recycling. With the construction of the new Service Center Facility, there will now be an opportunity to construct such a facility. The dropoff location would be located behind a locked gate and only accessible during hours when there are city staff present at the Service Center property. Additionally, the property will be monitored with video to reduce the chance of illegal dumping.

The \$30,000 requested would be used to construct a bank of 4-5 dumpster enclosures in accordance with the requirements of the subdivision ordinance. This would include a concrete pad, 3 masonry walls, and gates. It is anticipated this facility should be adequate for the current and future multi-family population of Mansfield.

Justification

The final grant amount may be less once other quotes have been received for bidding purposes. This grant program is funded by the Texas Commission on Environmental Quality from a \$1 fee for every ton of material that is placed in a Texas Landfill and passed through the different regions of Texas by the council of governments. The grant is 100% reimbursable,

there is no required match.

A Resolution is attached for Council's consideration.

Prepared By

Howard Redfearn, Environmental Manager

Steve Freeman, Public Works Director will be in attendance

817-276-4240

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF MANSFIELD AND THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS FOR THE PURPOSE OF MAKING STATE SOLID WASTE GRANTS FUNDS AVAILABLE TO THE CITY FOR THE CONSTRUCTION OF A RECYCLING DROPOFF CENTER DUMPSTER ENCLSOURE.

WHEREAS, the North Central Texas Council of Governments (NCTCOG) is directed by the Texas Commission on Environmental Quality to administer solid waste project funds for the implementation of NCTCOG's adopted regional solid waste management plan; and

WHEREAS, the City of Mansfield applied for grant funds in the amount of \$30,000 to use for constructing a dumpster enclosure to be used as a recycling dropoff center; and

WHEREAS, it is recognized that it is in the best interest of the citizens of the City of Mansfield that these services be made available at the earliest possible date; and

WHEREAS, it is the recommendation and determination of staff that the pursuit of grants funds is the most expedient way to provide these services.

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

SECTION 1.

1. That the City manager is authorized to request project funding under the North Central Texas Council of Governments' Request for Project Applications of the Regional Solid Waste Local Project Funding Program and act on behalf of the City of Mansfield in all matters related to the project application and any subsequent project contract that may result.
2. That if the project is funded, the City of Mansfield will comply with the requirements of the North Central Texas Council of Governments, Texas Commission on Environmental Quality and the State of Texas.
3. The project funds and any project-funded equipment or facilities will be used only for the purposes for which they are intended under the project.
4. That activities will comply with and support the adopted regional (and local) solid waste management plans adopted for the geographical area in which the activities are performed.

RESOLVED AND PASSED this 24th day of February, 2014.

David Cook, Mayor

ATTEST:

Vicki Collins, City Secretary



CITY OF MANSFIELD

1200 East. Broad St.
Mansfield, TX 76063
www.mansfield-tx.gov

STAFF REPORT

File Number: 14-0830

Agenda Date: 2/24/2014

Version: 1

Status: Consent

In Control: City Council

File Type: Special Event

Agenda Number:

Title

Request for Special Event permit; Ride2Recovery

Requested Action

Approval of Special Event Permit for Ride2Recovery

Recommendation

City Staff has reviewed the application and recommends the same

Description/History

This is the first year for this event

Justification

N/A

Funding Source

N/A

Prepared By

Linda Johnson, Administrative Assistant, Development Services

Applicant: Christopher Swan, Ride2Recovery 817-888-7091 ext. 101



1200 East Broad Street, Mansfield, TX 76063
www.mansfield-tx.gov Fax: 817-477-1416

Special Event Application

Organization/Group: RIDE 2 RECOVERY	Date: FEB. 12, 2014
Applicant: CHRISTOPHER SWAN, 23679 CALABASAS RD., SUITE 420	
Applicant's Address: CALABASAS, CA 91302	Phone No. 818 888 7091 x101
*Will be called for information needed and when the permit is ready for pick-up	Email: chriss@ride2recovery.com
Address of Event: 2951 FM 917, MANSFIELD, TX	
Description & Activities: 200 INJURED VETERANS WILL RIDE FROM LEGION POST 624 VIA BICYCLE THROUGH MANSFIELD TO FORT WORTH AS A FORM OF REHABILITATION FROM INJURIES SUSTAINED IN COMBAT.	
Date of Event: MARCH 28, 2014	Hours of Event: 11:30AM 12:15PM
Public Invited or Private Party? BOTH	Estimated Number of Attendees 200
Is the event in a Mansfield Park? NO	*If yes, Insurance is required
Do you plan to Temporarily Close a Public Street? NO	*If yes, Insurance is required
Is the event on Private Property other than your own? NO	*If yes, signed permission is required
Will there be any new or temporary electric lines installed?	
*If yes, a registered Electrician must obtain a permit. Indicate the line locations on the site plan.	
Will you be using generators? NO	*If yes, show location on the site plan
Do you plan to have any Tents? NO	*If yes, a separate permit is required.
Do you plan to have any Promotional Signs? (banners, streamers, balloons) NO	*If yes, a separate permit is required
City of Mansfield Assistance Requested:	
Barricades/ Street Closure? NO	*If yes, show on site plan where you want to close the street and a resident roster must be submitted
Police/Traffic Control/Security? YES, SGT. HOPKINS (817) 223-7892	*If yes, attach an explanation and the name and contact number of person you are making arrangements with.
Please Read and Include the Following Information With This Application	
<ul style="list-style-type: none">For all outdoor activities, a site plan must be attached. One can be provided if requested. You need to show where all items will be located on the site plan.If Insurance is required, the City of Mansfield must be listed as "Additional Insured".All documents must be turned in at the same time. Please allow enough time for review and approval before the date of your event.	
Applicant's Printed Name:	Applicant's Signature:
CHRISTOPHER SWAN	



February 13, 2014

Linda Johnson
Mansfield City Hall
1200 East Broad Street
Mansfield, TX 76063

Dear Linda Johnson,

I work for a non-profit organization called [Ride2Recovery](http://ride2recovery.com). We organize outdoor (non-competitive) cycling events to enable injured veterans the ability to rehabilitate, both physically and mentally, from the agonies of war. Some of the riders in our program have specialized bikes made for them to deal with their particular injury (many are amputees). We are currently partnered with the International Association of Fire Fighters (IAFF) and the National Sheriff's Association (NSA). The continued support from both organizations not only keep our riders and the general public safe, it is also a great boost of morale to have the support of local law enforcement and first-responders. We are planning on having 200 active and inactive military personnel ride their bicycles through Mansfield, Texas during our 6th Annual Texas Challenge between March 22nd and 28th, 2014. We require no barricades along our route and will ride in accordance with all laws and Vehicle Code.

Please find the attached special event permit application, route map, and turn-by-turn directions. As requested, we have added the City of Mansfield to our insurance, which also enclosed.

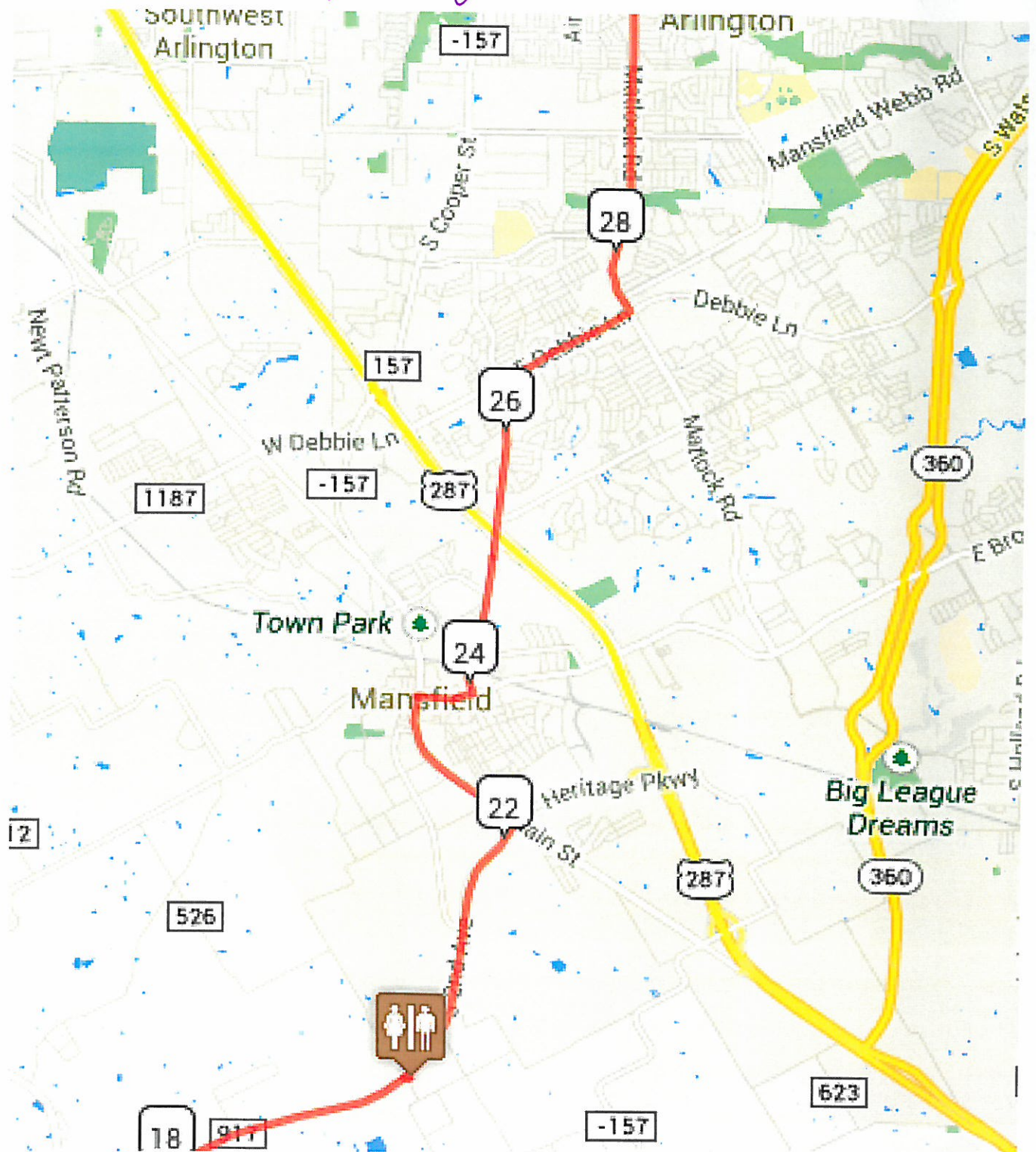
If you have any questions, please don't hesitate to call me at: (818) 888-7091 X 101

Sincerely,

Christopher Swan
Director of Logistics, R2R
chriss@ride2recovery.com

RIDE 2 RECOVERY C/O FITNESS CHALLENGE FOUNDATION
23679 CALABASAS ROAD #420
CALABASAS, CA 91302
(818) 888-7091


the route going through
mansfield

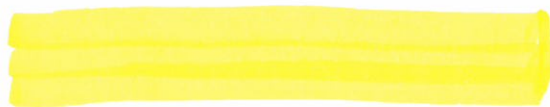


Friday, March 28 – Cleburne to Ft Worth (R2R JERSEY)

Summary: 57 miles



Mile	Instruction	Comment
0.0	Depart on TX-174 [N Main St] (North)	
0.5	Bear RIGHT (East) onto US-67 [W Katherine P Raines Dr]	
3.8	Turn LEFT (North) onto US-67	
4.1	Bear LEFT (North-East) onto FM-2280 [S Old Betsy Rd]	
4.9	Keep STRAIGHT onto FM-2280 [N Old Betsy Rd]	
6.7	Keep STRAIGHT onto FM-2280 [FM 2280]	
9.4	Turn LEFT (North) onto FM-917 [Conveyor Dr]	
19.9	2951 FM 917 Mansfield, TX	Rest Stop – ALP 624
22.2	Turn LEFT onto S Main St	
23.5	Turn RIGHT onto E Broad St	
23.9	Turn LEFT onto N Walnut Creek Dr	
26.4	Turn RIGHT onto E Debbie Ln	
27.5	Turn LEFT onto Matlock Rd	
31.2	Turn RIGHT onto SE Green Oaks Blvd	
32.9	Turn LEFT onto S Collins St	
39.5	Turn RIGHT onto Cowboys Way	 Lunch Stop – Cowboys Stadium
39.8	Turn RIGHT onto Cowboys Way	
39.9	Continue onto E Rogers St	
40.4	Turn RIGHT onto Mesquite St	
40.7	Turn LEFT onto E Randol Mill Rd	
41.7	Continue STRAIGHT onto W Randol Mill Rd	
42.9	Turn RIGHT toward W Randol Mill Rd	
43.0	Continue STRAIGHT onto W Randol Mill Rd	
43.5	Keep RIGHT to stay on W Randol Mill Rd	
43.6	Turn LEFT onto Meadowbrook Rd	
44.0	Turn RIGHT onto Randol Mill Rd	
44.8	Turn LEFT onto John T White Rd	
44.9	Turn RIGHT toward W Randol Mill Rd	
48.5	Turn RIGHT onto Handley Ederville Rd	
49.1	Turn LEFT onto Jack Newell Blvd S	
49.4	Slight RIGHT to stay on Jack Newell Blvd S	
49.4	Slight RIGHT onto R Bend Dr W	
49.4	Continue onto Riverbend W Dr	
50.0	Turn LEFT onto Midway Rd	
52.4	Turn RIGHT onto Harrow Ln	
52.6	Continue onto Markum Dr	
52.8	Turn LEFT onto Walthall St	
53.2	Turn RIGHT onto Fincher Rd	
53.9	Turn LEFT onto Broadway Ave	
54.7	Continue onto E Long Ave	
55.7	Turn RIGHT onto N Sylvania Ave	
56.7	Turn LEFT onto Meacham Blvd	
57.0	Make a U-turn at Gemini Pl	
57	Arrive Radisson Hotel-Fort Worth-North	



= the streets in
Mansfield





CERTIFICATE OF LIABILITY INSURANCE

Page 1 of 2

DATE (MM/DD/YYYY)
02/12/2014

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Willis of Texas, Inc. c/o 26 Century Blvd. P.O. Box 305191 Nashville, TN 37230-5191	CONTACT NAME: PHONE (A/C, NO, EXT): 877-945-7378 E-MAIL ADDRESS: certificates@willis.com FAX (A/C, NO): 888-467-2378	
	INSURER(S) AFFORDING COVERAGE INSURER A: Federal Insurance Company INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	
INSURED USA Cycling, Inc. 210 USA Cycling Point Colorado Springs, CO 80919	NAIC # 20281-001	

COVERAGES**CERTIFICATE NUMBER: 21154750****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN. THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADD'L SUBR INSRD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY	Y	79960314	12/31/2013	12/31/2014	EACH OCCURRENCE \$ 1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY					DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000
	CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR					MED EXP (Any one person) \$
						PERSONAL & ADV INJURY \$ 1,000,000
						GENERAL AGGREGATE \$ 3,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER POLICY					PRODUCTS - COMP/OP AGG \$ 1,000,000
	PRO-JECT <input checked="" type="checkbox"/> LOC					\$
	AUTOMOBILE LIABILITY					COMBINED SINGLE LIMIT (Ea accident) \$
	ANY AUTO					BODILY INJURY (Per person) \$
	ALL OWNED AUTOS	SCHEDULED AUTOS				BODILY INJURY (Per accident) \$
	HIRED AUTOS	NON-OWNED AUTOS				PROPERTY DAMAGE (Per accident) \$
						\$
	UMBRELLA LIAB	OCCUR				EACH OCCURRENCE \$
	EXCESS LIAB	CLAIMS-MADE				AGGREGATE \$
	DED	RETENTION \$				\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	Y/N	N/A			WC STATUTORY LIMITS OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)					E.L. EACH ACCIDENT \$
	If yes, describe under DESCRIPTION OF OPERATIONS below					E.L. DISEASE - EA EMPLOYEE \$
						E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach Acord 101, Additional Remarks Schedule, if more space is required)

Endorsement 80-02-2306: Additional Insured : As required by written contract, Certificate Holders are named as Additional Insureds for USA Cycling sanctioned/permitted events.

Endorsement 80-02-9301: Event Organizer and/or Promoters are Named Insureds. It shall be a condition of coverage that all organizers/promoters for whom coverage is afforded under this policy execute a USAC event permit application and coverage will be afforded only for the specific event and dates on the permit.

CERTIFICATE HOLDER

City of Mansfield 1200 East Broad St. Hansfield, TX 76063

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE



ADDITIONAL REMARKS SCHEDULE

Page 2 of 2

AGENCY Willis of Texas, Inc.		NAMED INSURED USA Cycling, Inc.	
POLICY NUMBER 79960314		210 USA Cycling Point	
CARRIER Federal Insurance Company	NAIC CODE 20281-001	Colorado Springs, CO 80919	
EFFECTIVE DATE: 12/31/2013			

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,
FORM NUMBER: 25 FORM TITLE: CERTIFICATE OF LIABILITY INSURANCE

Event #2014-260
Event Name: Ride 2 Recovery Texas Challenge
Event Location: Houston, TX
Event Dates: 03/22/2014, 03/23/2014, 03/24/2014, 03/25/2014, 03/26/2014, 03/27/2014, 03/28/2014, 03/29/2014

Certificate Holder is an Additional Insured with respects to Event #2014-260, Ride 2 Recovery Texas Challenge, in Houston, TX on 03/22/2014, 03/23/2014, 03/24/2014, 03/25/2014, 03/26/2014, 03/27/2014, 03/28/2014, 03/29/2014, but only with respect to the liability arising out of the Named Insured's Operations.



CITY OF MANSFIELD

1200 East. Broad St.
Mansfield, TX 76063
www.mansfield-tx.gov

STAFF REPORT

File Number: 14-0823

Agenda Date: 2/24/2014

Version: 1

Status: Approval of Minutes

In Control: City Council

File Type: Meeting Minutes

Agenda Number:

Title

Minutes - Approval of the February 10, 2014 Regular City Council Meeting Minutes

Requested Action

Action to be taken by the Council to approve the minutes.

Recommendation

Approval of the minutes by the Council.

Description/History

The minutes of the February 10, 2013 Regular City Council Meeting are in DRAFT form and will not become effective until approve by the Council at this meeting.

Justification

Permanent Record

Funding Source

N/A

Prepared By

Susana Marin, Assistant City Secretary, City Secretary's Office



CITY OF MANSFIELD

1200 East. Broad St.
Mansfield, TX 76063
www.mansfield-tx.gov

Meeting Minutes - Draft City Council

Monday, February 10, 2014

5:00 PM

Council Chambers

REGULAR MEETING AMENDED AGENDA

5:00 P.M. - CALL MEETING TO ORDER

Mayor Cook called the meeting to order at 5:05 p.m.

Present 7 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

WORK SESSION TO BE HELD IN THE MULTI-PURPOSE ROOM

Mayor Cook called the work session to order in the multi-purpose room at 5:05 p.m. and turned it over to City Manager Clayton Chandler.

Bond Presentation

Mr. Chandler made a powerpoint presentation. Members of Council who attended the Bond Rating Trip made comments.

Mayor Cook adjourned the work session at 5:40 p.m.

RECESS INTO EXECUTIVE SESSION

In accordance with the Texas Government Code, Chapter 551, Mayor Cook recessed the meeting into executive session at 5:42 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 5:45 p.m. Mayor Cook adjourned the executive session at 7:10 p.m.

Pending or Contemplated Litigation or to Seek the Advice of the City Attorney Pursuant to Section 551.071

Seek Advice of City Attorney Regarding Legal Issues Related to Gas Well Regulations

Seek Advice of City Attorney Regarding Pending Litigation - Cause No. 348-270155-14

Seek Advice of City Attorney Regarding City of Mansfield vs. Martinez Family Limited - Cause No. 2013-007537-1

Seek Advice of the City Attorney Regarding Legal Issues Related to Past or Future Development Agreements with South Pointe (Addendum to Agenda)

Discussion Regarding Possible Purchase, Exchange, Lease, or Value of Real Property Pursuant to Section 551.072

Personnel Matters Pursuant to Section 551.074

Board Appointments; Mansfield Economic Development Corporation

Deliberation Regarding Negotiations of the Industrial Development Corporation of an Offer of a Financial or Other Incentives to a Business Prospect Pursuant to Section 551.087

Project #13-20 - Entertainment Business Prospect

7:00 PM OR IMMEDIATELY FOLLOWING EXECUTIVE SESSION - RECONVENE INTO REGULAR BUSINESS SESSION

Mayor Cook reconvened into regular business session at 7:16 p.m.

INVOCATION

Council Member Broseh led the Invocation.

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Lindsey led the Pledge of Allegiance.

TEXAS PLEDGE

"Honor the Texas Flag; I Pledge Allegiance to Thee, Texas, One State Under God; One and Indivisible"

Council Member Newsom led the Texas Pledge.

CITIZEN COMMENTS

There were no citizen comments.

COUNCIL ANNOUNCEMENTS

Council Member Haynes had no announcements.

Council Member Hoffman had no announcements.

Council Member Newsom had no announcements.

Mayor Pro Tem Lindsey advised he would not be at the first meeting in March due to Spring Break. There was Council consensus to place an item on the next agenda changing the date of the March 10, 2014 Regular Meeting to March 17, 2014.

Council Member Burgess thanked the Fire Department for their invitation to their Annual Appreciation Banquet. She congratulated Assistant Fire Chief Eric Peterson for 30 years of service.

Council Member Broseh had no announcements.

Mayor Cook had no announcements.

STAFF COMMENTS

City Manager Report or Authorized Representative

Current/Future Agenda Items

Mr. Chandler advised the City of Mansfield was recently chosen by Nerdwallet as one of the Top 10 Best Cities in Texas for Home Ownership. He recognized Director of Utility Operations Joe Smolinski and his staff as well as Director of Communications and Marketing Belinda Willis and her staff for their efforts in obtaining the American Water Works Association's Public Communications Achievement Award.

America Water Works Association's Public Communications Achievement Award - Mansfield Water Utility - Joe Smolinski

Joe Smolinski introduced Water Treatment Plant Manager Robby Isbell and Education Specialist Arianne Shipley and announced the Mansfield Water Utility Division won the America Water Works Association's Public Communications Achievement Award. He stated it was a nation wide contest mentioning there were two winners, Mansfield, Texas and San Diego, California. He thanked Robby and Arianne for their hard work and dedication.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

No action taken by the Council.

CONSENT AGENDA

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

14-0809

Resolution - Authorization of a Change Order and Providing Additional Funds for the Paving and Traffic Signal Improvements for Broad Street and Miller Road Intersection with XIT Paving and Construction, Inc. in the amount of \$23,572.52 (Street Bond Fund)

A motion was made by Council Member Hoffman to approve the following resolution:

A RESOLUTION AUTHORIZING A CHANGE ORDER AND PROVIDING ADDITIONAL FUND FOR THE PAVING AND TRAFFIC SIGNAL IMPROVEMENTS FOR BROAD STREET AND MILLER ROAD INTERSECTION WITH XIT PAVING AND CONSTRUCTION, INC.

(Resolution in its entirety located in the City Secretary's Office)

Seconded by Mayor Pro Tem Lindsey. The motion CARRIED by the following vote:

Aye: 7 - David Cook;Stephen Lindsey;Wendy Burgess;Cory Hoffman;Larry Broseh;Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

Enactment No: RE-2990-14

14-0807

Minutes - Approval of the January 23, 2014 Special City Council Meeting Minutes

A motion was made by Council Member Hoffman to approve the minutes for the January 23, 2014 Special City Council Meeting as presented. Seconded by Mayor Pro Tem Lindsey. The motion CARRIED by the following vote:

Aye: 7 - David Cook;Stephen Lindsey;Wendy Burgess;Cory Hoffman;Larry Broseh;Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

14-0808

Minutes - Approval of the January 27, 2014 Regular City Council Meeting Minutes

A motion was made by Council Member Hoffman to approve the minutes for the January 27, 2014 Regular City Council Meeting as presented. Seconded by Mayor Pro Tem Lindsey. The motion CARRIED by the following vote:

Aye: 7 - David Cook;Stephen Lindsey;Wendy Burgess;Cory Hoffman;Larry Broseh;Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

14-0812

Minutes - Approval of the January 28, 2014 Special City Council Meeting Minutes

A motion was made by Council Member Hoffman to approve the minutes for the January 28, 2014 Special City Council Meeting as presented. Seconded by Mayor Pro Tem Lindsey. The motion CARRIED by the following vote:

Aye: 7 - David Cook;Stephen Lindsey;Wendy Burgess;Cory Hoffman;Larry Broseh;Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

END OF CONSENT AGENDA

PUBLIC HEARING CONTINUATION AND SECOND READING**14-0794**

Ordinance - Public Hearing Continuation and Second Reading of an Ordinance Setting Forth the Standards of Care for the Recreation Department's Summer Youth Program for the City of Mansfield; Providing for the Operational Standards of the Administration for the Program; Providing for the Inspecting, Monitoring, and Enforcement of the Standards of Care; Providing for the Staffing Levels, Training and Responsibilities for Those Working in the Program; Providing for Facility Standards; Providing for a Cumulative Clause; Providing for a Severability Clause; Providing for an Effective Date

Mayor Cook continued the public hearing through second reading at 7:25 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 7:25 p.m.

A motion was made by Council Member Burgess to approve the second reading of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, SETTING FORTH THE STANDARDS OF CARE FOR THE RECREATION DEPARTMENT'S SUMMER YOUTH PROGRAM FOR THE CITY OF MANSFIELD; PROVIDING FOR THE OPERATIONAL STANDARDS OF THE ADMINISTRATION FOR THE PROGRAM; PROVIDING FOR THE INSPECTING, MONITORING, AND ENFORCEMENT OF THE STANDARDS OF CARE; PROVIDING FOR THE STAFFING LEVELS, TRAINING AND RESPONSIBILITIES FOR THOSE WORKING IN THE PROGRAM; PROVIDING FOR FACILITY STANDARDS; PROVIDING FOR A CUMULATIVE CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE." Seconded by Mayor Pro Tem Lindsey. The motion CARRIED by the following vote:

Aye: 7 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

RECESS INTO EXECUTIVE SESSION

In accordance with the Texas Government Code, Chapter 551, Mayor Cook recessed the meeting into executive session at 7:27 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 7:30 p.m. Mayor Cook adjourned the executive session at 8:18 p.m.

Pending or Contemplated Litigation or to Seek the Advice of the City Attorney Pursuant to Section 551.071**Deliberation Regarding Negotiations of the Industrial Development Corporation of an Offer of a Financial or Other Incentives to a Business Prospect Pursuant to Section 551.087****RECONVENE INTO REGULAR BUSINESS SESSION**

Mayor Cook reconvened into regular business session at 8:20 p.m.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

No action taken by the Council.

ADJOURN

A motion was made by Council Member Hoffman to adjourn the meeting at 8:20 p.m. Seconded by Council Member Haynes. The motion CARRIED by the following vote:

Aye: 7 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

David L. Cook, Mayor

ATTEST:

Vicki Collins, City Secretary



CITY OF MANSFIELD

1200 East. Broad St.
Mansfield, TX 76063
www.mansfield-tx.gov

STAFF REPORT

File Number: 14-0817

Agenda Date: 2/24/2014

Version: 1

Status: First Reading

In Control: City Council

File Type: Ordinance

Title

Ordinance - Public Hearing and First Reading of an Ordinance Approving Historic Landmark Overlay District Classification for Properties Located at 107 N. Main Street, 124 N. Main Street and 128 N. Main Street; City of Mansfield (ZC#14-002)

Requested Action

To consider the subject zoning change request.

Recommendation

The Historic Landmark Commission held a public hearing on January 29, 2014, and voted 7 to 0 to recommend approval

The Planning and Zoning Commission held a public hearing on February 3, 2014, and voted by 7 to 0 to recommend approval.

Description/History

The properties are currently zoned C-4. While the addition of the Overlay District will not change the current zoning, it will help preserve the historic character of these buildings, and ensure that future changes are done in a manner consistent with the City's historic preservation guidelines.

The three buildings - McKnight Building, 107 N. Main (c. 1900); Nugent Building, 124 N. Main (c. 1900); and Huitt Café and Meat Market Building, 128 N. Main (c. 1895) - are worthy of preservation due to the following:

1. These buildings are located on the historic block of Main Street and are representative of buildings of their era.
2. These buildings are associated with persons who contributed to the development of Mansfield.
3. The overall building architecture still retains historic value despite alterations.

Prepared By

Felix Wong, Director of Planning
817-276-4228

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF MANSFIELD, AS HERETOFORE AMENDED, SO AS TO GRANT A HISTORIC LANDMARK OVERLAY DISTRICT CLASSIFICATION FOR THE HEREINAFTER DESCRIBED PROPERTIES; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the governing body of the City of Mansfield, Texas, in compliance with the laws of the State of Texas with reference to the amendment of the Comprehensive Zoning Ordinance, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to owners of the affected properties, the governing body of the City is of the opinion and finds that the Comprehensive Zoning Ordinance and Map should be amended;

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

SECTION 1.

That the Comprehensive Zoning Ordinance of the City of Mansfield, Texas, be, and the same is hereby, amended by amending the Zoning Map of the City of Mansfield, to give the hereinafter described properties a Historic Landmark Overlay District Classification:

- Lot 3B, Block 1, Original Town of Mansfield Addition located at 128 North Main Street
- Lot 4B, Block 1, Original Town of Mansfield Addition located at 124 North Main Street
- Lot 8B, Block 2, Original Town of Mansfield Addition located at 107 North Main Street

SECTION 2.

That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3.

That the above described properties shall be used only in the manner and for the purposes provided for in the Comprehensive Zoning Ordinance of the City, as amended herein by the granting of this zoning classification.

SECTION 4.

Should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 5.

Any person, firm or corporation violating any of the provisions of this ordinance or the Comprehensive Zoning Ordinance, as amended hereby, shall be deemed guilty of a misdemeanor and, upon conviction in the Municipal Court of the City of Mansfield, Texas, shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

SECTION 6.

This ordinance shall take effect immediately from and after its passage on third and final reading and the publication of the caption, as the law and charter in such cases provide.

First reading approved on the _____ day of _____, 2014.

Second reading approved on the _____ day of _____, 2014.

DULY PASSED on the third and final reading by the City Council of the City of Mansfield, Texas, this _____ day of _____, 2014.

David L. Cook, Mayor

ATTEST:

Vicki Collins, City Secretary

APPROVED AS TO FORM AND LEGALITY

Allen Taylor, City Attorney



HLC#14-001
ZC# 14-002

This information is for illustrative purposes only. Not for design or development purposes. Site-specific studies may be required to obtain accurate feature locations. Every effort is made to ensure the information displayed here is accurate; however, the City of Mansfield makes no claims to its accuracy or completeness.

01/14/2014



HLC#14-001
ZC# 14-002

This information is for illustrative purposes only. Not for design or development purposes. Site-specific studies may be required to obtain accurate feature locations. Every effort is made to ensure the information displayed here is accurate; however, the City of Mansfield makes no claims to its accuracy or completeness.

01/14/2014

HISTORIC BACKGROUND

The historic backgrounds for these properties are described in the Tarrant County Historic Resources Survey and the records of the Mansfield Historic Society as follows:

107 N. Main Street – McKnight Building (c. 1900):

“This small brick commercial building displays brick corbelling at the cornice and cast-iron columns framing the storefront. It was built about 1900. The earliest known occupant was J.H. Page Dry Goods Store. Restaurants have been in the building since at least the 1930’s. It is a contributor to a potential commercial historic district on Main Street.”

124 N. Main Street – Nugent Building (c. 1900):

“This small brick commercial building was built for Joseph Nugent...possibly for his own office use. Purchased by C.A. Smith and Sons in the early 1900’s, the building remained in the Smith estate until 1968. The building is best remembered as the Curry Bros. Grocery, which operated here from c. 1908 to 1925. Since 1925, it has been rented to a variety of businesses. The building exhibits patterned and corbelled brickwork. The Nugent Building is a contributor to the potential Main Street Historic District.”

128 N. Main Street – Huitt Café and Meat Market Building (c. 1895):

The building was constructed c. 1895. “The Huitt Café and Meat Market was located in the building. John H. Strahan was the owner of the butcher shop. John Huitt worked for John Strahan and learned the trade. Mr. Strahan was noted for his chili recipe. Will Ferris had a butcher shop in the building prior to Strahan. Tom Beard ran an auto salvage store in 1941-1942. In 1943, Nettles Café and Pool Hall moved into the building. Paul Wagner opened Wagner Floors in January 1985. They stayed there for about a year before moving. Mansfield Variety Store was also in the building. The Security Corner opened for business in the building in 1978. The current occupant is J. Matthew Crocker, CPA.”

107 N. Main Street – McKnight Building



124 N. Main Street – Nugent Building



128 N. Main Street – Huitt Café and Meat Market



Property Owner Notification for HLC# 14-001 and ZC# 14-002

LEGAL DESC 1	LEGAL DESC 2	OWNER NAME	OWNER ADDRESS	CITY	ZIP
MANSFIELD, CITY OF	BLK 2 LOT 1A	PETROSERV INC	5604 WEBSTER ST	HALTOM CITY, TX	76117-3346
MANSFIELD, CITY OF	BLK 1 LOT 1	SWAIM, RICHARD E	435 FM 2258	VENUS, TX	76084-4728
MANSFIELD, CITY OF	BLK 1 LOT 2R	MCCLENDON, JIMMY R ETUX MARY E	27 FOREST DR	MANSFIELD, TX	76063-6615
MANSFIELD, CITY OF	BLK 1 LOT 3B	128 N MAIN ST LLC	128 N MAIN ST	MANSFIELD, TX	76063-1724
MANSFIELD, CITY OF	BLK 1 LOT 4A	SMITH, ROBERT A	126 N MAIN ST	MANSFIELD, TX	76063-1724
MANSFIELD, CITY OF	BLK 1 LOT 4A	SMITH, ROBERT A	126 N MAIN ST	MANSFIELD, TX	76063-1724
MANSFIELD, CITY OF	BLK 1 LOT 4B	124 N MAIN ST LLC	128 N MAIN ST	MANSFIELD, TX	76063-1724
MANSFIELD, CITY OF	BLK 1 LOT 5C	PIRATE COFFEE PROP-TX LLC	PO BOX 373	DEPOE BAY, OR	97341-0373
MANSFIELD, CITY OF	BLK 1 LOT 7B	PATTERSON, JOHN E ETUX CANDY	790 NEWT PATTERSON RD	MANSFIELD, TX	76063-6326
MANSFIELD, CITY OF	BLK 1 LOT 8A	PATTERSON, JOHN E ETUX CANDY L	790 NEWT PATTERSON RD	MANSFIELD, TX	76063-6326
MANSFIELD, CITY OF	BLK 1 LOT 9B	MANSFIELD HISTORICAL SOCIETY	PO BOX 304	MANSFIELD, TX	76063-0304
MANSFIELD, CITY OF	BLK 2 LOT 2A	SMITH, ROBERT A ETUX ANN B	126 N MAIN ST	MANSFIELD, TX	76063-1724
MANSFIELD, CITY OF	BLK 2 LOT 6B	JORDAN, DEBORAH	515 NORTHMEADOW DR	ARLINGTON, TX	76011-2230
MANSFIELD, CITY OF	BLK 2 LOT 8B	107 N MAIN ST LLC	128 N MAIN ST	MANSFIELD, TX	76063-1724
MANSFIELD, CITY OF	BLK 2 LOT 9A	MARTIN, JOE R JR	PO BOX 91588	ARLINGTON, TX	76015-0088
MANSFIELD, CITY OF	BLK 2 LOT 9B	ERNST REALTY INVESTMENTS LLC	101 N MAIN ST STE 101	MANSFIELD, TX	76063-7712
MANSFIELD, CITY OF	BLK 2 LOTS 7B & 8A	MORALES, CHARLES	5880 NEWT PATTERSON RD	MANSFIELD, TX	76063-6152
MANSFIELD, CITY OF	BLK 3 LOT 4	GEYER, GLORIA	108 W BROAD ST	MANSFIELD, TX	76063-1659
MANSFIELD, CITY OF	BLK 3 LOT 5A	GEYER PROPERTIES	PO BOX 2181	MANSFIELD, TX	76063-0039

Property Owner Notification for HLC# 14-001 and ZC# 14-002

LEGAL DESC 1	LEGAL DESC 2	OWNER NAME	OWNER ADDRESS	CITY	ZIP
MANSFIELD, CITY OF	BLK 5 LOT 2R	MELLOW MUSHROOM THREE PEAT INC	1527 INVERNESS RD	MANSFIELD, TX	76063-2962
MANSFIELD, CITY OF	BLK 64 LOT 2R	MARTINEZ FAMILY LTD	116 SMITH ST	MANSFIELD, TX	76063-7717
MANSFIELD, CITY OF	BLK 64 LOT 3R	MANSFIELD, CITY OF	1200 E BROAD ST	MANSFIELD, TX	76063-1805
MANSFIELD, CITY OF	BLK 12 LOT 4R	MANSFIELD, CITY OF	1200 E BROAD ST	MANSFIELD, TX	76063-1805
MANSFIELD, CITY OF	BLK 23 LOT 7	STEWART, JIMMIE	1005 SPRINGFIELD ST	MANSFIELD, TX	76063-2555
MANSFIELD, CITY OF	BLK 64 LOT 1	MANSFIELD, CITY OF	1200 E BROAD ST	MANSFIELD, TX	76063-1805
MANSFIELD, CITY OF	BLK 1 LTS 5A & 5B	WELCH, BRIAN C ETUX KIMBERLY	916 FAIRWAY VIEW DR	MANSFIELD, TX	76063-3469
MANSFIELD, CITY OF	BLK 1 LTS 5A & 5B	WELCH, BRIAN C ETUX KIMBERLY	916 FAIRWAY VIEW DR	MANSFIELD, TX	76063-3469
MANSFIELD, CITY OF	BLK 1 LTS 6 7A & 5D	MANSFIELD CHAMBER OF COMMERCE	114 N MAIN ST	MANSFIELD, TX	76063-1724
MANSFIELD, CITY OF	BLK 1 LTS 6 7A & 5D	MANSFIELD CHAMBER OF COMMERCE	114 N MAIN ST	MANSFIELD, TX	76063-1724
MANSFIELD, CITY OF	BLK 1 LTS 8B & 9A	AUSTIN, JNO R	1503 TULIP DR	ARLINGTON, TX	76013-5036
MANSFIELD, CITY OF	BLK 1 LTS 8B & 9A	AUSTIN, JNO R	1503 TULIP DR	ARLINGTON, TX	76013-5036
MANSFIELD, CITY OF	BLK 12 LTS 11 & 12A	C & C BUINESSS PROPERTIES	5880 NEWT PATTERSON RD	MANSFIELD, TX	76063-6152
MANSFIELD, CITY OF	BLK 12 LTS 11 & 12A	C & C BUINESSS PROPERTIES	5880 NEWT PATTERSON RD	MANSFIELD, TX	76063-6152
MANSFIELD, CITY OF	BLK 12 LTS 5 & 7A	SHAFFER, ANNA Y	107 E BROAD ST	MANSFIELD, TX	76063-1774
MANSFIELD, CITY OF	BLK 12 LTS 7B & 8	ERNST REALTY INVESTMENT LLC	7 GLEN ABBEY CT	MANSFIELD, TX	76063-3851
MANSFIELD, CITY OF	BLK 12 LTS 7B & 8	ERNST REALTY INVESTMENT LLC	7 GLEN ABBEY CT	MANSFIELD, TX	76063-3851
MANSFIELD, CITY OF	BLK 12 LTS 9A & 10	KING, WESLEY C ETUX LINDA	PO BOX 1462	MANSFIELD, TX	76063-1462
MANSFIELD, CITY OF	BLK 12 LTS 9A & 10	KING, WESLEY C ETUX LINDA	PO BOX 1462	MANSFIELD, TX	76063-1462

Property Owner Notification for HLC# 14-001 and ZC# 14-002

LEGAL DESC 1	LEGAL DESC 2	OWNER NAME	OWNER ADDRESS	CITY	ZIP
MANSFIELD, CITY OF	BLK 12 LTS 9B & 12B	KING, CORDELL EST	305 W OAK ST APT A	MANSFIELD, TX	76063-1646
MANSFIELD, CITY OF	BLK 12 LTS 9B & 12B	KING, CORDELL EST	305 W OAK ST APT A	MANSFIELD, TX	76063-1646
MANSFIELD, CITY OF	BLK 2 LOT 1B	DANG, LOI UNG ETUX LIEU THI LE	121 FORT EDWARD DR	ARLINGTON, TX	76002-4493
MANSFIELD, CITY OF	BLK 2 LOT 3B	PATTERSON, ROY ETUX BERTA	860 CARDINAL RD	MANSFIELD, TX	76063-6300
MANSFIELD, CITY OF	BLK 2 LOT 4A	119 N MAIN ST LLC	128 N MAIN ST	MANSFIELD, TX	76063-1724
MANSFIELD, CITY OF	BLK 2 LOT 4B & 5A	ARB FAMILY L P	14 RED BLUFF CT	MANSFIELD, TX	76063-7704
MANSFIELD, CITY OF	BLK 2 LOT 4B & 5A	ARB FAMILY L P	14 RED BLUFF CT	MANSFIELD, TX	76063-7704
MANSFIELD, CITY OF	BLK 2 LOT 7A	PATTERSON, JOHN E ETUX CANDY L	790 NEWT PATTERSON RD	MANSFIELD, TX	76063-6326
MANSFIELD, CITY OF	BLK 2 LOT 7A	PATTERSON, JOHN E ETUX CANDY L	790 NEWT PATTERSON RD	MANSFIELD, TX	76063-6326
MANSFIELD, CITY OF	BLK 2 LOTS 2B & 3A	RAMIREZ, MAURO Y	812 DORAL DR	MANSFIELD, TX	76063-2600
MANSFIELD, CITY OF	BLK 2 LOTS 2B & 3A	RAMIREZ, MAURO Y	812 DORAL DR	MANSFIELD, TX	76063-2600
MANSFIELD, CITY OF	BLK 2 LOTS 5B & 6A	DORSEY, TROY G ETUX LESLIE M	115 N MAIN ST	MANSFIELD, TX	76063-1723
MANSFIELD, CITY OF	BLK 2 LOTS 5B & 6A	DORSEY, TROY G ETUX LESLIE M	115 N MAIN ST	MANSFIELD, TX	76063-1723
MANSFIELD, CITY OF	BLK 23 LOTS 5A & 6A	KIRBY CONSOLIDATED LLC	300 W RANDOL MILL RD	ARLINGTON, TX	76011-5734
MANSFIELD, CITY OF	BLK 23 LOTS 5A & 6A	KIRBY CONSOLIDATED LLC	300 W RANDOL MILL RD	ARLINGTON, TX	76011-5734
MANSFIELD, CITY OF	BLK 23 LOTS 5B & 6B	PATTERSON, JOHN E ETUX CANDY	790 NEWT PATTERSON RD	MANSFIELD, TX	76063-6326
MANSFIELD, CITY OF	BLK 23 LOTS 5B & 6B	PATTERSON, JOHN E ETUX CANDY	790 NEWT PATTERSON RD	MANSFIELD, TX	76063-6326
MANSFIELD, CITY OF	BLK 3 LOTS 7C 8 9 10 11 &	OPEN RANGE PROPERTIES	105 E OAK ST STE 202	MANSFIELD, TX	76063-7713
MANSFIELD, CITY OF	BLK 3 LTS 5B & 6A	LOMA, MARIA D & F MAGUELLAL	102 N 1ST AVE	MANSFIELD, TX	76063-1602

Property Owner Notification for HLC# 14-001 and ZC# 14-002

LEGAL DESC 1	LEGAL DESC 2	OWNER NAME	OWNER ADDRESS	CITY	ZIP
MANSFIELD, CITY OF	BLK 3 LTS 5B & 6A	LOMA, MARIA D & F MAGUELLAL	102 N 1ST AVE	MANSFIELD, TX	76063-1602
MANSFIELD, CITY OF	BLK 3 LTS 6A1 & 7B	CRUZ, MIGUEL ANGEL	104 N 1ST AVE	MANSFIELD, TX	76063-1602
MANSFIELD, CITY OF	BLK 3 LTS 6A1 & 7B	CRUZ, MIGUEL ANGEL	104 N 1ST AVE	MANSFIELD, TX	76063-1602
MANSFIELD, CITY OF	BLK 3 LTS 7A1 6B & 7A2	MANSFIELD, CITY OF	1200 E BROAD ST	MANSFIELD, TX	76063-1805



CITY OF MANSFIELD

1200 East. Broad St.
Mansfield, TX 76063
www.mansfield-tx.gov

STAFF REPORT

File Number: 14-0818

Agenda Date: 2/24/2014

Version: 1

Status: First Reading

In Control: City Council

File Type: Ordinance

Title

Ordinance - Public Hearing and First Reading on an Ordinance Approving Amendment of Section 7100.C and 7100.D of the Zoning Ordinance Pertaining to Regulations on Window Sign and Message Center (OA#14-001)

Requested Action

To consider the subject zoning change request.

Recommendation

The Planning and Zoning Commission held a public hearing on February 3, 2014, and voted 7 to 0 to recommend approval.

Description/History

During the last quarter, the Council Code Enforcement Sub-Committee reviewed regulations on window signs. The input from businesses and other cities indicated that the current regulations represent an industry standard (maximum signage at 25% of the total window area). One area of improvement is to minimize the signs on doors. The Sub-Committee then directed staff to amend the regulations to exclude signage on glass doors, except for the business name, hours of operation, and the method of payment.

Currently, the sign regulations do not address message centers in great detail. Staff has been receiving complaints about these types of signs specifically related to the speed at which the copy changes. After consulting with Baker Signs, who manages the City's kiosk sign program, staff is proposing an amendment to restrict the speed by which copy can change and to increase the amount of time copy must remain still. The end result is that businesses will be able to display their messages, while not create a distraction.

Prepared By

Felix Wong, Director of Planning
817-276-4228

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AS HERETOFORE AMENDED BY AMENDING SECTION 7100C AND 7100D OF THE SIGN STANDARDS OF THE ZONING ORDINANCE PERTAINING TO WINDOW SIGN AND MESSAGE CENTER; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the governing body of the City of Mansfield, Texas, in compliance with the laws of the State of Texas with reference to the amendment of the Comprehensive Zoning Ordinance of the City of Mansfield, Texas (hereinafter “the Zoning Ordinance”), have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all interested citizens, the governing body of the City is of the opinion and finds that the Comprehensive Zoning Ordinance should be amended;

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

SECTION 1.

That Section 7100.C.2 of the Zoning Ordinance, “Definitions,” is hereby amended by revising Paragraph j to read as follows:

“j. Message Center: A sign which provides public service information, and similar public interest information an/or related advertising for a general business located in the same premise where the sign is located through electronically controlled intermittent light impulses. A message center shall consist of letters, words or numerals, and images which can either change sequentially or travel across the display area. The transition time for content changes shall not exceed one (1) second. Letters, words, numerals and images shall not be animated, flash or scroll. The minimum static display time is 20 seconds. No character shall exceed 42” in height and no lamp shall exceed 50 watts.”

SECTION 2.

That Section 7100.D of the Zoning Ordinance is hereby amended by revising Note 12 on Table 1, “Schedule of Sign Standards,” to read as follows:

“(12) The total sign area of window sign(s) shall not obscure more than twenty-five (25) percent of the total window area on each façade. Doors shall not contain signage for any message other than business name, hours of operation and payment method, and such signage shall not exceed four (4) square feet in total area.”

SECTION 3.

That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4.

Should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of the Zoning Ordinance as a whole.

SECTION 5.

Any person, firm or corporation violating any of the provisions of this ordinance or the Zoning Ordinance, as amended hereby, shall be deemed guilty of a misdemeanor and, upon conviction in the Municipal Court of the City of Mansfield, Texas, shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

SECTION 6.

This ordinance shall take effect immediately from and after its passage on third and final reading and the publication of the caption, as the law and charter in such cases provide.

First reading approved on the _____ day of _____, 2014.

Second reading approved on the _____ day of _____, 2014.

DULY PASSED on the third and final reading by the City Council of the City of Mansfield, Texas, this _____ day of _____, 2014.

David L. Cook, Mayor

ATTEST:

Vicki Collins, City Secretary

APPROVED AS TO FORM AND LEGALITY

Allen Taylor, City Attorney



CITY OF MANSFIELD

1200 East. Broad St.
Mansfield, TX 76063
www.mansfield-tx.gov

STAFF REPORT

File Number: 14-0828

Agenda Date: 2/24/2014

Version: 1

Status: Consent

In Control: City Council

File Type: Resolution

Title

Resolution - A Public Hearing and Resolution Approving and Endorsing the 2014 (40th year) Community Development Block Grant Project for Short St. (East Dallas St. to East Kimball St.)

Requested Action

Approve the Resolution endorsing the 2014 Community Development Block Grant Project.

Recommendation

Approve the Resolution.

Description/History

Each year the City of Mansfield participates in a consortium with 29 other cities through Tarrant County to apply for Community Development Block Grant (CDBG) funds. CDBG projects must fall within areas of the City that meet specific criteria based on income level. The targeted areas represent the low to moderate-income sections of the City according to the Census. A newly defined area was recently surveyed to qualify for the Community Development Block Grant Program. This new service area is bordered by the 300-500 blocks of East Kimball St. on the north, the 100-300 blocks of Pond St. on the west, the 200-500 blocks of East Dallas St. on the south, and the 100-300 blocks South Waxahachie St. on the east. This will be the second project of several to serve the residents of this area.

This year, Staff recommends the reconstruction of Short St. from East Dallas St. to East Kimball Street. Short St. is an asphalt street with no curb and gutter, and no storm drain system to serve the area. The new storm drain system will reduce any flooding potential and eliminate any nuisance drainage problems occurring in the area. The sanitary sewer serving this area is a 20 year old PVC pipe and brick manholes that requires periodic maintenance due to aging and needs replacing. A new PVC water line for this area will be constructed outside of the new concrete pavement.

The current status of the City's CDBG program is as follows:

Construction of the 37th Year CDBG project is complete. The 37th Year CDBG project includes street, drainage, water, & sewer improvements to the 100 block of North 4th and the 400 block of Oak Street.

Construction of the 38th Year CDBG project is complete. The 38th Year CDBG project includes street, drainage, water, & sewer improvements to the 400 block of South 3rd Avenue, Phillips Court, & Kemp Court.

Final Design of the 39th Year CDBG is almost complete. The 39th Year CDBG project includes reconstruction of East Kimball St. from Pond St. to South Waxahachie St. East Kimball St. is an asphalt street with no curb and gutter, a dilapidated sidewalk, and no storm drain system to serve the area.

Justification

The City of Mansfield has participated in the Consortium since its inception in 1975 and has received over two million dollars in grant funds. The program is an excellent way to rehabilitate the targeted areas of the City without impacting the local tax rate.

Funding Source

The opinion of cost for the project including engineering fees is \$401,182.10 with approximately \$205,000.00 funded from the CDBG Grant and the remainder from the Street Bond Fund & Utility Revenue Bonds.

Prepared By

Gus Chavarria, CIP Manager, Engineering Department
817-276-4235

RESOLUTION NO. _____

A RESOLUTION APPROVING AND ENDORSING THE 2014 (40TH YEAR) COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT FOR THE CITY OF MANSFIELD, TEXAS.

WHEREAS, the City of Mansfield shares in a cooperative agreement with Tarrant County for essential community development assistance activities under Public Law 93-383, The Housing and Community development Act of 1974, as amended; and,

WHEREAS, one public hearing for the purpose of identifying and discussing community development needs, receiving comments and adopting community development projects, has been duly held by the City of Mansfield; and,

WHEREAS, after said public hearing and due consideration, the City Council of Mansfield determined that the project “Street, Utility, and Drainage Improvements for Short St. (East Dallas St to East Kimball St.)” is eligible for funding under this Act, and approved the filing of the application of said funding; and,

WHEREAS, it is understood that any funds not expended on the specifically approved project will revert to the Community Development Contingency Fund, and should any repayment of funds be required by HUD due to ineligible or non-refundable projects, the City would be responsible for repayment.

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

SECTION 1.

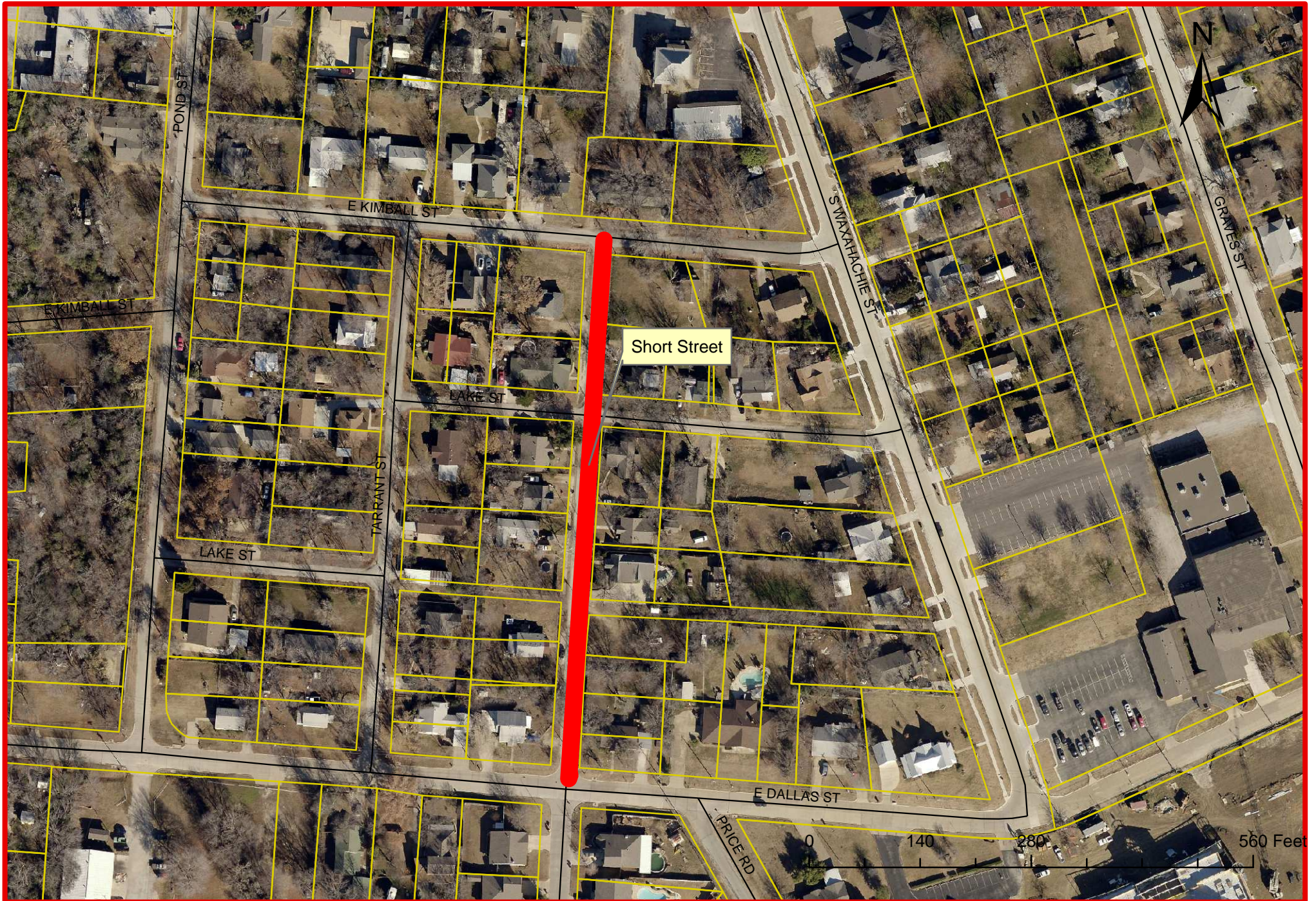
The said 2014 Community Development Block Grant Project for the City of Mansfield be approved and endorsed.

PASSED AND APPROVED THIS THE 24th DAY OF FEBRUARY, 2014.

David Cook, Mayor

ATTEST:

Vicki Collins, City Secretary



40th Year CDBG Application



CITY OF MANSFIELD

1200 East. Broad St.
Mansfield, TX 76063
www.mansfield-tx.gov

STAFF REPORT

File Number: 14-0822

Agenda Date: 2/24/2014

Version: 1

Status: First Reading

In Control: City Council

File Type: Ordinance

Agenda Number:

Title

Ordinance - First Reading of an Ordinance Amending the Regulations in Chapter 114 of the Mansfield Code of Ordinances, "Gas Well Drilling and Production", Pertaining to Noise, Hours of Operation, Notification, and Other Drilling, Operation, and Production Activities (OA#14-002)

Requested Action

To consider the subject proposed ordinance amendments.

Recommendation

Staff recommends approval

Description/History

The proposed amendments, as summarized below, will provide for better public information and enforcement, reducing any potential negative impact of gas well operations on nearby properties.

1. Require the gas well operator to send notice to dwellings within 1,000 feet prior to drilling operations. The notice would describe the activities and the estimated time to complete, as well as contact information for the operator, TCEQ, and the Railroad Commission.
2. Require the gas well operator to provide real-time, Internet access to the monitoring equipment at drill sites that are required to have 24-hour sound monitoring. This will allow the Gas Well Inspector to respond more quickly to noise complaints and better track violations.
3. Prohibit fracking on Sundays.
4. Require the use of electric rigs connected to the electric delivery system through a ground-mounted transformer unless the drill site is more than 1,500 feet from protected uses or the electric utility company reports that there is insufficient capacity to serve the drilling. This will reduce noise and fumes created by diesel-driven equipment.

Prepared By

Felix Wong, Director of Planning
817-276-4228

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING CHAPTER 114 OF THE MANSFIELD CODE OF ORDINANCES, "GAS WELL DRILLING AND PRODUCTION," PERTAINING TO NOISE, HOURS OF OPERATION, NOTIFICATION, AND OTHER DRILLING, OPERATION, AND PRODUCTION ACTIVITIES; PROVIDING THAT THIS ORDINANCE BE CUMULATIVE OF ALL OTHER ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the City Council finds that the regulation of the development of gas and other hydrocarbon substances within and under the City is necessary in order to protect the surface property rights, to protect the owners of mineral rights and to provide for the orderly exploration, development, and production of gas and hydrocarbons; and

WHEREAS, on August 11, 2008, the City Council adopted Ordinance Number 1704-08, regulating gas drilling within the city limits of Mansfield; and

WHEREAS, the City Council deems it advisable to amend the current regulations for the drilling, production and re-drilling of gas so that these activities may be conducted in a manner that protects the public health, safety and welfare of the citizens of Mansfield, conforms with established codes and regulations while minimizing the potential impact of surface property and mineral rights owners; and

WHEREAS, the City Council finds and declares that the regulations contained herein are in the best interest of the public health, safety and general welfare.

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

SECTION 1.

That Section 114.12 of the Code of Ordinances, City of Mansfield, Texas is hereby amended by revising Paragraph (V) to read as follows:

(V) The operator shall provide ~~notice as follows: 72-hour written notice to the designated city official and the Gas Well Inspector before the start of any of the following operations:~~

- ~~(1) Initial construction of the drill site, frac pond and/or access road;~~
- ~~(2) Completion of the drill site, frac pond and/or access road;~~
- ~~(3) Start of drilling operations;~~
- ~~(4) Perforation of casing;~~
- ~~(5) Fracturing of the well; and~~
- ~~(6) Setting the wellhead valves and equipment.~~

(1) Any Operator who intends to perform the following activities shall give written notice to the designated City official and the Gas Well Inspector at least forty-eight (48) hours before the activities begin:

(a) drill a well, including site construction and/or preparation; mobilization and demobilization of drilling equipment, and operations related to advancing the wellbore such as spudding, setting surface casing, and cementing;

(b) re-work a well using a drilling rig;

(c) fracture stimulate a well;

(d) perform flow back operations;

(e) plug a well; or

(f) perform any other maintenance at a Drill Site or Operation Site.

(2) Prior to issuance of a Gas Well Permit by the City, a Gas Well Operator shall send notice, in a form acceptable to the City, to the occupants of all dwellings within one thousand (1,000) feet of a drill site at least ten (10) days prior to the commencement of any work on the drill site. The notice shall identify the activities that will be conducted under the Gas Well Permit, including but not limited to the estimated duration of the activities. The notice shall also provide the address and twenty-four-hour phone number of the person conducting the activities, and the telephone numbers to file complaints with the Texas Commission on Environmental Quality and the Texas Railroad Commission. The Operator shall provide an affidavit certifying that notice has been sent to the above-referenced dwellings.

SECTION 2.

That Section 114.13(D) of the Code of Ordinances, City of Mansfield, Texas is hereby amended by revising Sub-Paragraph (4) to read as follows:

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(4) All workover operations shall be restricted to daytime hours of 7:00 a.m. to 7:00 p.m., Monday through Friday, and 9:00 a.m. to 6:00 p.m., Saturday and Sunday. Fracturing operations shall be restricted to daytime hours Monday through Friday, and 9:00 a.m. to 6:00 p.m. on Saturdays. Fracturing operations shall be prohibited on Sundays and fracturing operations shall be restricted to daytime hours.

SECTION 3.

That Section 114.13(D) of the Code of Ordinances, City of Mansfield, Texas is hereby amended by revising Sub-Paragraph (7) to read as follows:

(7) The exterior noise level generated by the drilling, re-drilling or other operations on a drill site or an operation site located within 600 feet of a property occupied by a protected use shall be continuously monitored to ensure compliance. The continuous noise monitoring equipment shall be capable of wireless transmission of real-time noise and audio data. Access to this real-time data shall be made available to the City's Inspectors. The cost of such monitoring shall be borne by the operator. Where continuous monitoring is not required, if and a complaint is received by either the operator or the city from the occupants of any protected use on property located more than 600 feet from a drill site or operation site, the operator shall, if required by the city, and within 24 hours of notice of the complaint, continuously monitor the exterior noise level generated by the drilling, re-drilling or other operations for a 72-hour period to ensure compliance. At the request of the city, the operator shall monitor the exterior noise level at the source of the complaint.

SECTION 4.

That Section 114.13 of the Code of Ordinances, City of Mansfield, Texas is hereby amended by adding a new Paragraph (B) to read as follows, and re-lettering the existing Paragraphs (B) through (M) to Paragraphs (C) through (N):

(B) An operator shall use only electric motors for the purpose of drilling operations. Such electric motors shall be connected to a ground-mounted transformer located on the Drill Site or Operation Site. The City may approve an alternative motor if the Drill Site or Operation Site is located more than one thousand five hundred (1,500) feet from a Protected Use, or if the electric delivery utility company reports that there is insufficient capacity to serve a Drill Site or Operation Site.

SECTION 5.

This Ordinance shall be cumulative of all provisions of the City of Mansfield, Texas except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event the conflicting provisions of such Ordinances are hereby repealed.

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SECTION 6.

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

SECTION 7.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 8.

All rights and remedies of the City of Mansfield are expressly saved as to any and all violations of the provisions of any ordinances governing oil and gas well development, production and transportation, which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 9.

The City Secretary of the City of Mansfield is hereby directed to publish the caption and penalty clause of this ordinance at least once in the official newspaper of the City of Mansfield.

SECTION 10.

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

First reading approved on the _____ day of _____, 2014.

Second reading approved on the _____ day of _____, 2014.

DULY PASSED on the third and final reading by the City Council of the City of Mansfield, Texas, this _____ day of _____, 2014.

Ordinance No. _____
Page 5

David L. Cook, Mayor

ATTEST:

Vicki Collins, City Secretary

APPROVED AS TO FORM AND LEGALITY

Allen Taylor, City Attorney



CITY OF MANSFIELD

1200 East. Broad St.
Mansfield, TX 76063
www.mansfield-tx.gov

STAFF REPORT

File Number: 14-0824

Agenda Date: 2/24/2014

Version: 1

Status: New Business

In Control: City Council

File Type: Consideration Item

Title

Consideration and Possible Action to Suspend the Procedural Rules of Council and Reschedule the Regular City Council Meeting of March 10, 2014 to March 17, 2014

Requested Action

Consider the suspension of the Procedural Rules of Council as set out in Section 1.02(J) "General Rules - Suspension of Rules" and reschedule the regularly scheduled City Council meeting of March 10, 2014 to March 17, 2014.

Recommendation

Suspend the Procedural Rules of Council and reschedule the March 10, 2014 Regular City Council meeting to March 17, 2014.

Description/History

Spring Break has been scheduled for March 10, 2014 through March 14, 2014.

The following sections of the Procedural Rules of Council are being provided for informational purposes.

Section 1.02 General Rules

J. Suspension of Rules: Any provision of these rules not governed by the City Charter or State Law may be temporarily suspended by a majority vote (four) of all members of the Council. The vote on any such suspension shall be taken and entered upon the records. If there is an objection to suspending the rules, a vote is required to proceed.

Section 1.03 Meetings

A. Regular Meetings: The Council shall meet regularly on the second and fourth Monday of each month. The regular meetings of the Council shall be held in the Council Chambers of the City Hall unless otherwise established by Council.

Justification

Due to spring break there may be a possibility of a quorum not being present to hold a meeting.

Funding Source

N/A

Prepared By

Vicki Collins, TRMC, City Secretary, City Secretary's Office
817-276-4204

- G. City Attorney: The City Attorney shall attend all meetings of the Council unless excused, by the City Manager and shall advise the Council on questions of law and procedures. The City Manager is required to ensure an attorney is present at all Council meetings.
- H. City Secretary: The City Secretary (or in City Secretary's absence the Assistant City Secretary) shall attend all meetings of the Council unless excused, by the City Manager who will ensure a person is appointed to take minutes and administer the role of the City Secretary) and shall keep the official minutes.
- I. Rules of Order: Unless in conflict with these rules, the latest version, Robert's Rules of Order Revised shall govern the proceedings of the Council in all cases.
- J. Suspension of Rules: Any provision of these rules not governed by the City Charter or State law may be temporarily suspended by a majority vote (four) of all members of the Council. The vote on any such suspension shall be taken and entered upon the records. If there is an objection to suspending the rules, a vote is required to proceed.
- K. Amendments to Rules: These rules may be permanently amended, or new rules may be adopted by a majority vote (four) of all members of the Council. Any such amendments shall be adopted and recorded by resolution.

Section 1.03 Meetings

- A. Regular Meetings: The Council shall meet regularly on the second and fourth Monday of each month. The regular meetings of the Council shall be held in the Council Chambers of the City Hall unless otherwise established by Council. *(Amended 06-09-08)*
- B. Special Meetings: Special meetings may be held on the call of the Mayor or four (4) Council Members with no less than seventy-two (72) hours notice to each Council Member. Emergency meetings may be called by the Mayor or Mayor Pro Tem in the Mayor's absence, or four (4) members, after notice has been posted two (2) hours. All meetings shall be open to the public and public notice shall be given in compliance with Chapter 551, Texas Government Code.
- C. Recessed Meetings: Any meeting of the Council may be recessed to a later time, provided that no recess shall be for a longer period than until the next regular scheduled meeting.
- D. Work Sessions: Work sessions may be held on the call of the Mayor or four (4) Council Members with no less than seventy-two (72) hours notice to each Council Member. The purpose is to research, analyze, and review any matter which requires special information and study. Such meetings shall be open to the public and notice thereof shall be given in compliance with Chapter 551, Texas Government Code.
- E. Executive Sessions: Participants to open and close executive sessions are limited strictly to Council Members, the City Manager, Assistant City Managers, Director of Business Services, and the City Attorneys. No other staff members, attorneys, board/committee members or individuals are allowed. At the request of Council, City Manager or City Attorney, individual(s) may be requested to attend to address or receive instruction for a specific executive session agenda item. That individual(s) is dismissed from executive session prior to addressing the next agenda item.