AGENDA
ELGIN CITY COUNCIL
REGULAR MEETING
TUESDAY, FEBRUARY 2, 2016
CITY ANNEX COUNCIL CHAMBERS, 310 NORTH MAIN STREET
7:00 PM

CALL TO ORDER

INVOCATION

Recess REGULAR MEETING and call to order PUBLIC HEARING

PUBLIC HEARING

1. Proposed zoning change request submitted by JD Harkins for Jay Harkins Company, the owner of the property located at 618 N SH 95 in the Corlin Subdivision, Lot 3, Acres 2.4620, City of Elgin, Bastrop County, Texas to change the zoning on the rear 150' X 185.5' portion of the lot from R1 (Single Family) to I (General Industrial).
   Kerry Lacy, City Manager
   Gary N. Cooke, Planning and Development Director

Close PUBLIC HEARING and Reconvene REGULAR MEETING

PUBLIC COMMENT

Individuals may request to speak on items on the agenda, and items not on the agenda, by requesting to speak during the meeting and under "PUBLIC COMMENT" and will be required to fill out a "PUBLIC COMMENT FORM" and present it, along with any material, handouts or information for Council, to the City Secretary prior to commencement of the Council meeting. Speaker comments are limited to three (3) minutes.

No formal action can be taken by the City Council on items not posted on the agenda. Items requiring a Public Hearing will allow a member of the public an opportunity to speak during the Public Hearing and does not require submission of a "PUBLIC COMMENT FORM". Speakers must address their comments to the Mayor or Presiding Officer rather than to an individual Council Member or member of Staff. All speakers must limit their comments to the specific subject matter noted on the "PUBLIC COMMENT FORM" and refrain from personal attacks or derogatory comments directed at any Council Member, member of Staff, other individual or group.

PRESENTATIONS

1. Proclamation for Black History Month
   Kerry Lacy, City Manager
   Amy Miller, Community Development Director

REPORTS

1. Monthly Department Reports for December 2015
   Kerry Lacy, City Manager

2. Fiscal Year 2016, First Quarter Financial Reports
   Kerry Lacy, City Manager
   Sidney LaQuey, Finance Director
   Laura Schwartz, Purchasing Agent-Finance Administrator

3. Fiscal Year 2016, First Quarter Investment Report
   Kerry Lacy, City Manager
   Sidney LaQuey, Finance Director
   Laura Schwartz, Purchasing Agent-Finance Administrator

4. Elgin Police Department 2015 Racial Profiling Report
   Kerry Lacy, City Manager
   Chris Bratton, Chief of Police

CONSENT AGENDA

All of the items on the consent agenda are considered to be self-explanatory by the Council and will be enacted with one motion, one second, and one vote. There will be no separate discussion of these items unless a council member removes an item from the Consent Agenda and places it on the New Business section for Discussion and action.

1. Approval of minutes of the regular council meeting January 5, 2016.
   Kerry Lacy, City Manager
   Lucretia Alvarez, City Secretary

2. Approval of an agreement to conduct a Joint Election between the City of Elgin and Elgin Independent School District for the May 7, 2016 Election.
   Kerry Lacy, City Manager
   Lucretia Alvarez, City Secretary

3. Approval of a contract for Election Services between the Elections Administrator of Bastrop County and the City of Elgin for the May 7, 2016 Election.
   Kerry Lacy, City Manager
   Lucretia Alvarez, City Secretary

4. Approval of street closures of South Avenue C from Central to 11th Street, 11th Street from South Avenue C to 2nd Street, 2nd Street from 11th to South Avenue C. on Saturday, March 5, 2016 from 7:30 a.m. to 1:30 p.m. for the Second Annual Superhero 5K.
   Kerry Lacy, City Manager
   Michael Gonzalez, Parks and Recreation Director
   Jodie Lopez, Event Organizer

5. Approval of waiving the open container ordinance in Elgin Memorial Park from April 15, 2016 at 5:00 p.m. until April 17, 2016 at 1:00 p.m. for the Elgin Volunteer Fire Department Cook Off.
   Kerry Lacy, City Manager
   Michael Gonzalez, Parks and Recreation Director
   Justin Gwin, Elgin Volunteer Fire Department

UNFINISHED BUSINESS

1. Discussion and action to consider an ordinance assigning newly annexed property to City Council Ward Area Numbers 1 and 2.
   Kerry Lacy, City Manager
   Gary N. Cooke, Planning and Development Director

NEW BUSINESS

1. Discussion and action to consider request for ordinance for No Thru Truck Traffic on Fisher Street from S.H. 95 South to F.M. 1704.
   Traffic Control and Safety Committee
   Jessica Bega, Council Member Ward 1
   Juan Gonzalez, Council Member Ward 2
   Kerry Lacy, City Manager
   Joe Parten, Director of Public Works
   Phillip Taylor, Assistant Chief of Police

2. Discussion and action to consider an ordinance regarding a proposed zoning change request from JD Harkins for Jay Harkins Company, the owner of the property located at 618 N SH 95, Corlin Subdivision, Lot 3, Acres 2.4620, City of Elgin, County of Bastrop, Texas to change the rear 150' X 185.5' portion of the lot from R-1 (Single Family) to I (General Industrial).
   Kerry Lacy, City Manager
   Gary N. Cooke, Planning and Development Director

3. Discussion and action for an Ordinance Calling an Election on May 7, 2016 for the purpose of Electing Certain City Officials, designating election precincts and polling place, providing for early voting and Election Day voting, making provisions for the conduct of such election, certifying provision of required accessible voting systems at each polling place, and providing for performance of required administrative duties.
   Kerry Lacy, City Manager
   Lucretia Alvarez, City Secretary

4. Discussion and action for an ordinance calling a Special Election on May 7, 2016 for the purpose of Electing certain city officials for an unexpired term, designating election precincts and polling place, providing for early voting and Election Day voting, making provisions for the conduct of such election, certifying provision of required accessible voting systems at each polling place, and providing for performance of required administrative duties.
   Kerry Lacy, City Manager
   Lucretia Alvarez, City Secretary

5. Discussion and action to appoint a citizen from Ward 3 as a council member to fill the vacancy in Ward 3, created by Chris Cannon resigning his seat on January 20, 2016, until the Special Election is held May 7, 2016.
   Kerry Lacy, City Manager
   Lucretia Alvarez, City Secretary

6. Discussion and action to consider appointing a Mayor Pro-Tem.
   Kerry Lacy, City Manager
   Marc Holm, Mayor

EXECUTIVE SESSION

The City Council may announce that it will adjourn the public meeting at any time during the meeting and convene in Executive Session pursuant to Chapter 551 of the Texas Government Code to discuss any matter as specifically listed on the agenda and/or as permitted by Chapter 551 of the Texas Government Code.

Recess the Regular Council meeting and call to order Executive Session in a closed session.

None

Adjourn Executive Session and call public back in to Reconvene Regular Council meeting.

RECONVENE

The City Council will return to open session for possible discussion and action as a result of the Executive Session.

ANNOUNCEMENTS

ADJOURNMENT

NOTICE

Notice of Assistance at Public Meetings, the City of Elgin is committed to compliance with the Americans with Disabilities Act. Elgin City Hall and Council Chambers are wheelchair accessible and special marked parking is available. Persons with Disabilities who plan to attend this meeting and who may need assistance are requested to contact the City Secretary's Office at (512) 281-5724. Please provide forty-eight hours notice when feasible.

I, Lucretia Alvarez, City Secretary for the City of Elgin, hereby certify this notice was posted at the City Hall Annex of the City of Elgin, Texas on or before 5:00 p.m. on January 29, 2016 in accordance with Chapter 551 of the Texas Government Code.

Lucretia Alvarez

Lucretia Alvarez, City Secretary

COUNCIL MEETING: February 2, 2016

ITEM: 1. Proposed zoning change request submitted by JD Harkins for Jay Harkins Company, the owner of the property located at 618 N SH 95 in the Corlin Subdivision, Lot 3, Acres 2.4620, City of Elgin, Bastrop County, Texas to change the zoning on the rear 150' X 185.5' portion of the lot from R1 (Single Family) to I (General Industrial).

RESOURCE PERSON(S): **Kerry Lacy, City Manager**
Gary N. Cooke, Planning and Development Director

SUMMARY: **This is the second of two public hearings to receive citizen input regarding the requested zoning change.**

RECOMMENDATION(S): **None.**

ATTACHMENT:
1-Harkins Zoning Change Request
2-Agenda
3-Notice Recipients
4-Minutes

Harkins Company

Mechanical Contractor

(512) 281-5577 Fax (512) 281-5588
618 Hwy 95 N Elgin, Texas 78621
TACLA27076C M39024

December 3, 2015

City of Elgin
Planning and Zoning

To Whom it may Concern:

We would like to request a zoning change for the rear portion of Lot 3 , of the Corlin Subdivision further described as being 150' X 185.5' for sheet metal fabrication at 618 Hwy 95 N from our current R-1 zoning to I (industrial).

Thank you,

JD Harkins
Harkins Company

AGENDA
ELGIN PLANNING AND ZONING COMMISSION
PUBLIC HEARING/SPECIAL REGULAR MEETING
MONDAY, JANUARY 11, 2016, 6:30 P.M.
CITY HALL ANNEX COUNCIL CHAMBERS
310 NORTH MAIN STREET

CALL TO ORDER

PUBLIC COMMENT

Individuals may request to speak on items on the agenda, and items not on the agenda. Speaker comments are limited to three (3) minutes. No formal action can be taken on items not posted on the agenda. All speakers must limit their comments to the specific subject matter noted on the "PUBLIC COMMENT FORM" and refrain from personal attacks or derogatory comments directed at any Commission Member, member of Staff, other individual or group.

CONSENT

1. Approval of minutes, October 26, 2015.

UNFINISHED BUSINESS

None

NEW BUSINESS

1. REVIEW AND TAKE ACTION ON A ZONING CHANGE REQUEST SUBMITTED BY JD HARKINS FOR JAY HARKINS COMPANY, THE OWNER OF THE PROPOERTY LOCATED AT 618 N SH 95, CORLIN SUBDIVISION, LOT 3, ACRES 2.4620, CITY OF ELGIN, BASTROP COUNTY, TEXAS TO CHANGE THE ZONING ON THE REAR 150' X 185.5' PORTION OF THE LOT FROM R-1 SINGLE FAMILY TO I INDUSTRIAL.

EXECUTIVE SESSION

The board may adjourn the public meeting at any time during the meeting and convene in Executive Session pursuant to Chapter 551 of the Texas Government Code to discuss any matter as specifically listed on the agenda and/or as permitted by Chapter 551 of the Texas Government Code.

RECONVENE

The board returns to open session for possible discussion and action as a result of the Executive Session.

ANNOUNCEMENTS

ADJOURNMENT

NOTICE

I, Gary N. Cooke, Director Planning & Development for the City of Elgin, hereby certify this notice was posted at the City Hall Annex of the City of Elgin, Texas on or before the 23rd of December, 2015 before 5:00 p.m. in accordance with Chapter 551 of the Texas Government Code. The Elgin City Council will hold a public hearing on item #1 in the City Council Chambers, Elgin City Hall Annex, 310 N. Main Street, Elgin, Texas on Tuesday, February 2, 2016.

Gary N. Cooke

Gary N. Cooke, Director Planning & Development

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December 14, 2015

NOTICE OF A ZONING CHANGE REQUEST

A REQUEST HAS BEEN SUBMITTED BY J D HARKINS FOR JAY HARKINS COMPANY, THE OWNER OF THE PROPERTY LOCATED AT 618 N SH 95, CORLIN SUBDIVISION, LOT 3, ACRES 2.4620, CITY OF ELGIN, BASTROP COUNTY, TEXAS TO CHANGE THE ZONING FOR THE REAR 150' X 185.5' PORTION OF THE LOT FROM R-1 SINGLE FAMILY TO I INDUSTRIAL.

Notice is hereby given of a regular/special public hearing to be held in the City Council Chambers at the Elgin City Hall Annex, 310 N. Main St. in the City of Elgin, Texas on January 11, 2016 at 6:30 p.m. by the Planning and Zoning Commission.

You are being notified because your property is located within two-hundred feet (200) of the property requesting the zoning change. This hearing is open to any interested person. Opinions, objections and or comments relative to this matter may be expressed in writing or in person at the hearings. You may also be represented by another person, neighbor, or attorney.

The attached map shows the area of the request. Property owners within two hundred (200') feet are required by law to be notified.

For more information please contact Gary N. Cooke at 512-281-0119

"This institution is an equal opportunity provider"

Elgin, Texas 78621 Phone 512-281-0119

Harkins Company

Mechanical Contractor

(512) 281-5577 Fax (512) 281-5588
618 Hwy 95 N Elgin, Texas 78621
TACLA27076C M39024

December 3, 2015

City of Elgin
Planning and Zoning

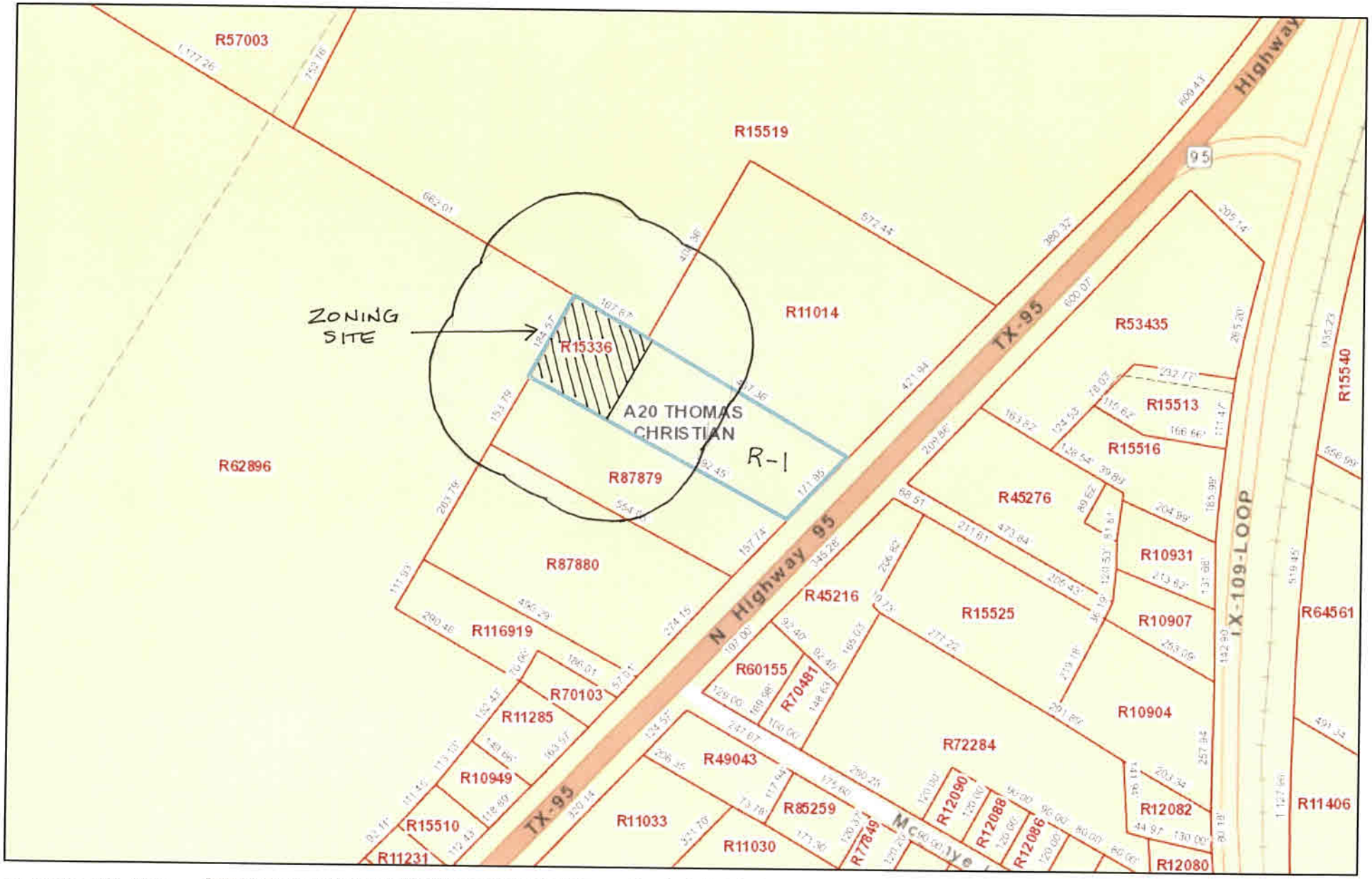
To Whom it may Concern:

We would like to request a zoning change for the rear portion of Lot 3 , of the Corlin Subdivision further described as being 150' X 185.5' for sheet metal fabrication at 618 Hwy 95 N from our current R-1 zoning to I (industrial).

Thank you,

JD Harkins
Harkins Company

619 Hwy 95 N (200' RADIUS)



December 16, 2015

Disclaimer: This product is for informational purposes only and has not been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of boundaries

- Parcels
- Abstracts
- Lot Lines

1:3,783

0 0.03 0.06 0.12 mi

0 0.05 0.1 0.2 km

Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand),

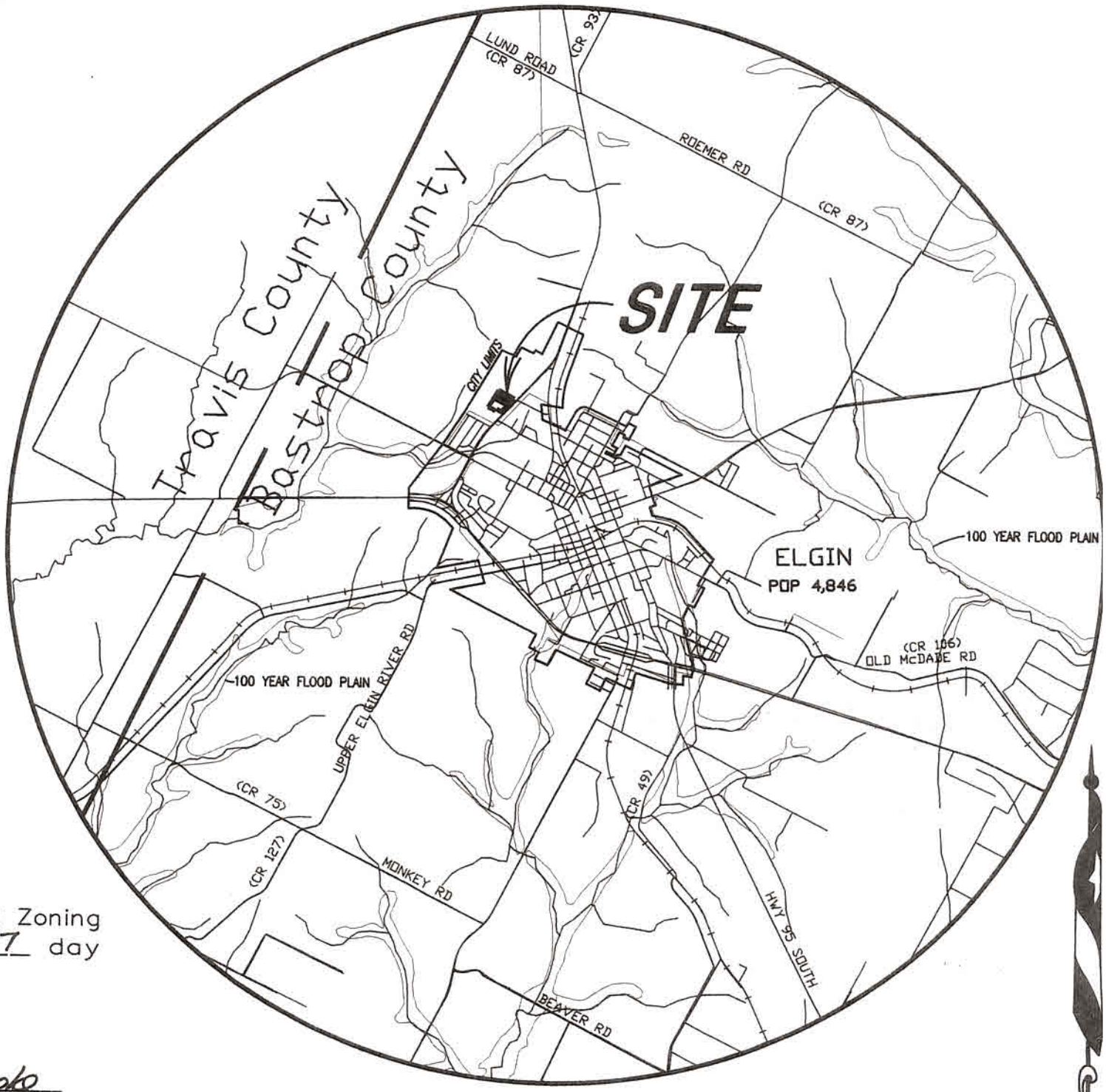
Bastrop County Appraisal District & BIS Consulting - www.bisconsultants.com

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of boundaries

200-A

CORLIN SUBDIVISION

V



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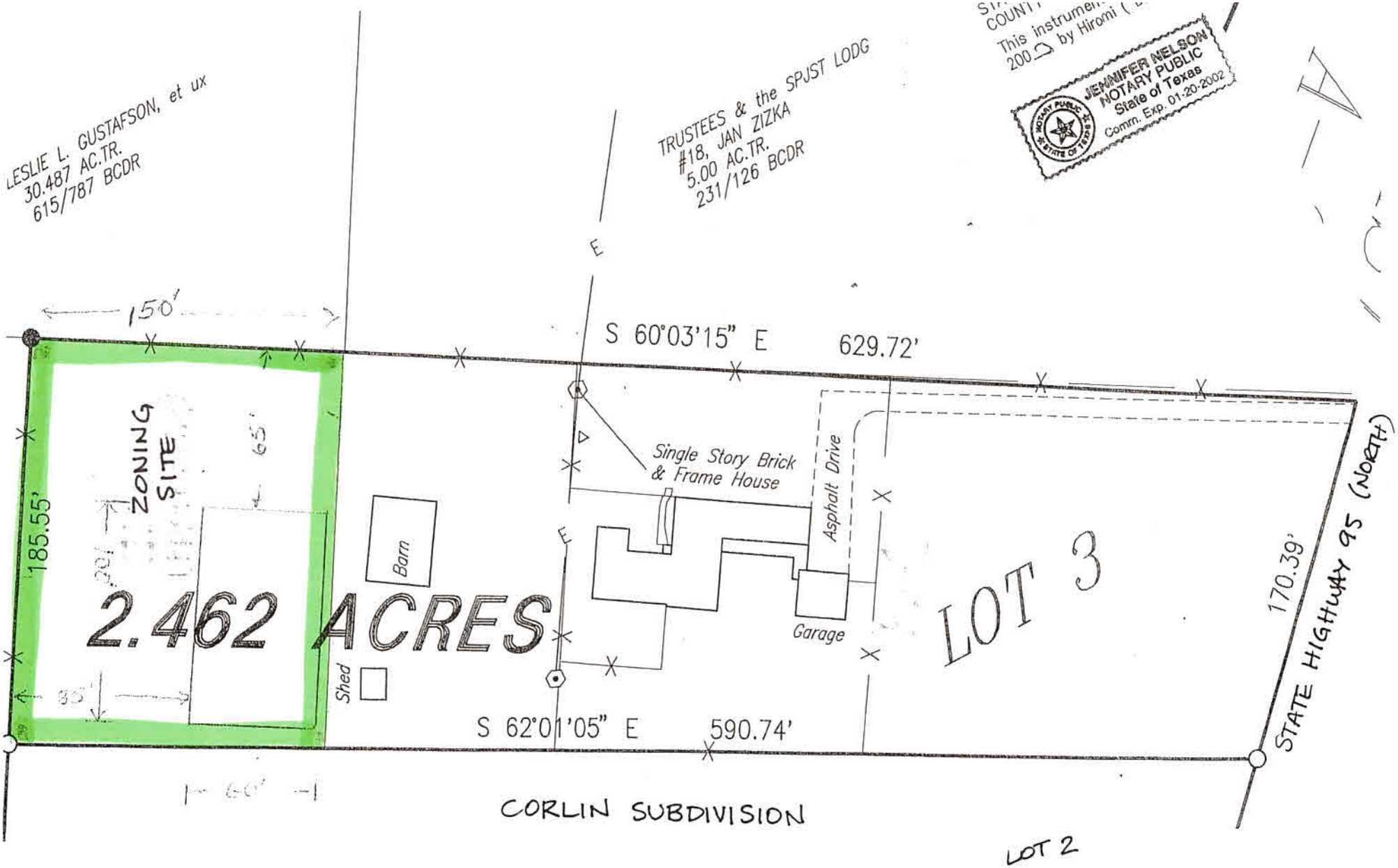
Cooke



This instrument
200 by Hiromi

JENNIFER NELSON
NOTARY PUBLIC
State of Texas
Comm. Exp. 01-20-2002

	FIRST	LAST	ADDRESS	CITY	STATE	ZIP	PID1	PID2
1	SPJST	Lodge	P O Box 55	Elgin	TX	78621	11014	
2	Jim V & Katherine L Mogonye	Revocable Living Trust	139 Blisard Road	Elgin	TX	78621	62896	
3	Jay Harkins Company		618 Hwy 95 N	Elgin	TX	78621	87879	15336
4	Elgin Providence LLC		604 Hwy 95 N	Elgin	TX	78621	87880	
5	Ward A & Patsy D	Payne	P O BoX 642	Elgin	TX	78621	15519	

MINUTES
PLANNING AND ZONING COMMISSION
PUBLIC HEARING- REGULAR- SPECIAL MEETING
MONDAY JANUARY 11, 2016 - 6:30 PM

1. **CALL TO ORDER**: 6:30 pm

PRESENT: Ronald Creppon, Dorothy McCarther, Geno Chavarria, Antonio Prete, Rudy L. Ramirez, Brian Lundgren, David Lanford

ABSENT: None

GUEST: J D Harkins, Carlos Navejas, Melissa Lipiec

2. **PUBLIC COMMENT**: None

3. **MINUTES**: No correction or additions to the minutes, October 26, 2015 minutes approved unanimously.

4. **UNFINISHED BUSINESS**: None

5. **NEW BUSINESS**:

1. REVIEW AND TAKE ACTION ON A ZONING CHANGE REQUEST SUBMITTED BY JD HARKINS FOR JAY HARKINS COMPANY, THE OWNER OF THE PROPERTY LOCATED AT 618 N SH 95, CORLIN SUBDIVISION, LOT 3, ACRES 2.4620, CITY OF ELGIN BASTROP COUNTY, TEXAS TO CHANGE THE ZONING ON THE REAR 150' X 185.5' PORTION OF THE LOT FROM R-1 SINGLE FAMILY TO I INDUSTRIAL. Melissa Lipiec informed the commission that Gary N. Cooke would not be attending the meeting due to illness. She stated that a total of five (5) letters were mailed out and all green certified signature cards were received with no letters being returned and no property owners had contacted the office questioning the notice. She also stated that JD Harkins was present to answer any questions the commission may have. Antonio Prete asked why just the rear portion was being re-zoned rather than the whole lot. He also wanted to know why the zoning request was for Industrial instead of Commercial designation. JD Harkins replied that he did not need the whole lot to be zoned industrial at this time. Melissa Lipiec stated that Industrial designation was being requested because Mr. Harkins was going to use the property for fabrication and that use was not allowed in commercial designations. Ronnie Creppon asked if the City would require a separate plat. Antonio Prete answered that a separate plat was not required; you can have two zonings on one piece of property as long as it is described. David Lanford asked if there would be setbacks that would apply to this property. JD Harkins stated that he could place his building anywhere he needed to on that back portion with respect to setbacks and that the penciled in drawing representing the building was just to give them an idea of placement. David Lanford made a motion to recommend to the Elgin City Council the zoning for the rear 150' X 185.5' portion of the property located at 618 N SH 95 be changed from R-1Single Family to I Industrial. Dorothy McCarther seconded the motion and a vote was taken. The motion passed unanimously.

6. **ANNOUNCEMENTS:** Welcome two new Commission members: Brian Lundgren and David Lanford

7. **ADJOURNMENT**: 6:43 pm.

_____
Ronnie Creppon
Chairman, Planning & Zoning Commission

Attest:_____
Gary N. Cooke

Secretary, Planning and Zoning Commission

COUNCIL MEETING: February 2, 2016

ITEM: 1. Proclamation for Black History Month

RESOURCE PERSON(S): **Kerry Lacy, City Manager**
Amy Miller, Community Development Director

SUMMARY: **A number of events are planned in Elgin as part of recognizing February as black history month. Gwen Johnson provided a proclamation to celebrate the month and the activities that are planned.**

RECOMMENDATION(S): **Present proclamation and have photo with representatives.**

ATTACHMENT: **1-February Black History Month 2016**

Proclamation
Black History Month 2016

Whereas, the City of Elgin recognizes one cannot tell the story of America without preserving and reflecting on the places where African Americans have made history, beginning before the arrival of the Mayflower and continuing to the present. From port cities where Africans disembarked from slave ships to the battle fields where their descendants fought for freedom, from the colleges and universities where they pursued education to places where they created communities during centuries of migration, the imprint of Americans of African descent is deeply embedded in the narrative of the American past; and

Whereas, to commemorate Black History Month, the National Association for the Advancement of Colored People Elgin Branch Number 6174, the Juneteenth Organization, the Elgin Sub-District Ministers, and the City of Elgin join the nation in celebrating, **Hallowed Grounds: Sites of African American Memories;** and

Whereas, Bishop Mayes, Cheryl Thomas and T. Berry will be recognized for their outstanding work in the community with an Unsung Hero Musical on February 6, 2016 at 6:30pm, at the Elgin ISD Administration Building; and

Whereas, Sister Debra Cyphers, the first lady of Strait Gate Baptist Church – Pastor Don G. Cyphers, will be honored on February 6, 2016 9:30am at the Elgin Public Library, with the Hatitude Event, in recognition of her dedication to the community; and

Whereas, the Elgin Juneteenth Organization will honor the pastors and ministers of Elgin and surrounding areas with the Breakfast of Champions on Saturday, February 27 at 10am at Mount Moriah Baptist Church; and

Whereas, local churches will present Black History programs throughout the month; and

Whereas, the outstanding work of Mrs. Bettye Lofton and Ms. Gwendolyn Johnson, with the members of the Juneteenth Organization, the National Association for the Advancement of Colored People Elgin Branch Number 6174, the support of Reverend D. W. Townsend, and the Pastors and Ministers of the city of Elgin is evident in the production of these events,

NOW, THEREFORE*, I, Marc Holm, Mayor of Elgin, Texas,* by virtue of the authority vested in me by the citizens of city of Elgin, do hereby proclaim February 2016 as Black History Month in the city of Elgin. I call upon public officials, educators, librarians, and all the citizens to observe this month by participating and supporting all festivities celebrating the proud heritage of African Americans.

_____

Marc Holm, Mayor
City of Elgin, Texas
February 2, 2016

COUNCIL MEETING: February 2, 2016

ITEM: 1. Monthly Department Reports for December 2015

RESOURCE PERSON(S): Kerry Lacy, City Manager

SUMMARY: **Monthly Department Reports for December 2015 are for Council information only and no action is required by Council.**

RECOMMENDATION(S): NA

ATTACHMENT:

1-Water & Wastewater Monthly Report
2-Public Works Monthly Report
3-Utility Billing Monthly Report
4-Building, Development and Code Enforcement Monthly Report
5-Library Monthly Report
6-Municipal Court Monthly Report
7-Police Department Monthly Report
8-EEDC Monthly Report
9-Parks and Recreation Monthly Report
10-Main Street Monthly Report
11-Community Development Monthly Report

Monthly Reports December 2015

Department 023 Water Treatment

Well # 10	11,824,000 Gallons
Well # 11	0 Gallons
Well # 14	0 Gallons
Well # 15	15,780,000 Gallons
Water loss due to leaks or flushing	50,000 Gallons
Total Water Pumped	**27,654,000 Gallons**

Chemicals Used

Chlorine	570 Pounds
Seaquest	300 Pounds

Distribution Samples

Bacteriological Samples Taken	10
Average Chlorine Residual	1.67 mg/l
Violations	0

Department 024 Distribution

Line Repairs/New installations

Main Line Breaks	1
Service Line Breaks	3
Miscellaneous Repairs/Complaint Calls	10
New Connections/Taps	0
Installation of New Water Main	0

Department 026 Wastewater

Collections

Backups

Main Lines	1
Service Lines	5
After Hours Call-Outs	5

Line Repairs/New Installations

Curb Side Cleanout Caps Replaced	2
Curb Side Cleanouts Installed	1
Main Line Repairs	1
New Main Line Installed	0
New Taps Installed	1
Lines TV'd	3
Manholes Installed/Repaired	0

Lift Station Maintenance/Repairs

Hour Meter Reads/Daily Site Checks	9 Daily
Pumps Pulled	2
Pumps Installed	2
Pumps De-raged	3
Motors Pulled	1
Motors Installed	1
Electrical Issues (Repair/Replace Parts)	3
Floats Cleaned/Replaced	8
Grass/Weed Maintenance	5
After Hours Call Outs	8

Wastewater Treatment Plant

Maintenance/Repairs

Pumps Pulled	2
Pumps Installed	2
Motors Pulled	2
Motors Installed	2
Control System/Electrical Repairs	4
Cleaned Wet Well Floats	1
Miscellaneous Repairs	10
After Hours Call-Outs	1

Chemicals Used

Alum/Gallons	8,000
Bleach 10%/ Gallons	2,000
Polymer/ 55 gallon drums	2

Monthly Plant Flows and Test Results

Minimum Daily Flow	542,400 Gallons
Maximum Daily Flow	2,239,400 Gallons
Average Daily Flow	755,500 Gallons
Total Monthly Flow	23,421,800 Gallons

Effluent DO (Dissolved Oxygen) Average	7.95
Effluent Chlorine Residual Average	1.76 mg/l
Effluent pH Average	7.26
Total Phosphorus Average	0.131
CBOD (Carbonaceous Biochemical Oxygen Demand) Average	2.21
TSS (Total Suspended Solids) Average	2
Ammonia/Nitrates Average	0.035

Remarks

Public Works – December - 2015

Right of Way and Easement mowing and maintenance – Ongoing

Drainage / Ditch Work:
East 2nd Street: From Rail Road Tracks to M.L.K. Blvd. – Excavated and cleaned ditch including remove and replace 2 each sets of driveway pipe.
M.L.K. Blvd. : From East 2nd Street to East 1st Street – Excavated and cleaned ditch including remove and replace 3 each sets of driveway pipe.
East 8th Street: 500 Block – Excavated and cleaned ditch including remove and replace 2 each sets of driveway pipe.

Curb and Gutter Cleaning:
Anderson Lane
Hilltop
Hook
West 11th Street
West Brenham Street from South Avenue C to U.S. – 290
Lake Terrace
West 2nd Street from West 11th Street to North Avenue C

Dumped Debris Removal:
Thomas Street
South Avenue D

Trees and Brush:
Removed dead tree 300 block of South Avenue A
Removed 2 each fallen trees on M.L.K.
Trimmed low hanging limbs on Lexington Road.

Miscellaneous:
Received official site closure letter from T.C E.Q. regarding temporary debris management site for materials generated from the Texas Severe Storms, Tornadoes, Straight – line Winds and Flooding (DR-4223). Temporary authorization expired on December 9, 2015.No extensions was requested; therefore site is considered closed. No further action required. This is in reference to the May Weather event.

Elgin Public Library: Repainted the Civic Center Room, 2 each rear entrances, and hallway. Additional painting scheduled.

Joe Parten
Director, Public Works
City of Elgin

WORK ORDERS	COMPLETE	INCOMPLETE
START READ	66	4
FINAL READ	55	0
TRANSFERS / IN AND OUT	7	0
CTO'S / DISCONNECT NON-PMT	69	0
SET METER	3	2
ERT REPLACEMENTS	4	24
METER REPLACEMENTS	54	25
VISUAL READS	26	0
FAILURE TO READ (MOBILE MISS)	197	0
RE READS	81	0
WL / CHECK FOR WATER LEAK	6	2
METERS DATA LOGGED	6	0
MISCELLANEOUS	17	0
total number of work orders	591	57
CURB STOPS		
BROKEN CURB STOPS	18	0
LEAK AT CURB STOP	0	2
TOTAL NUMBER OF WORK ORDER	18	2
BULK WATER		
PURCHASES	17	
TRIPS/GALLONS	17/8050	
TOTAL COLLECTED	$27.74	

Monthly Report to Administrative Manager
Building Department
For the Month of December 2015

Type of Inspections	Dec-14	Dec-15	Fiscal Yr. To Date	Calendar Yr. To Date
Building	47	31	99	660
Electrical	49	23	88	580
Plumbing	48	22	73	602
Gas	22	18	63	358
Mechanical	23	12	43	267
TOTAL	189	106	366	2467
Building				
Permits	20	20	40	216
Value	$ 1,592,455.00	$ 671,838.39	$ 2,337,627.88	$ 16,245,666.07
Fees	$ 11,334.85	$ 5,354.40	$ 11,859.60	$ 105,621.36
Electrical				
Permits	18	11	23	169
Fees	$ 3,802.50	$ 1,817.50	$ 4,100.00	$ 30,277.50
Plumbing				
Permits	11	10	19	157
Fees	$ 1,972.50	$ 1,580.00	$ 3,160.00	$ 28,642.50
Gas				
Permits	10	10	17	126
Fees	$ 1,040.00	$ 1,167.50	$ 2,182.50	$ 15,632.50
Mechanical				
Permits	12	5	18	131
Fees	$ 1,952.50	$ 735.00	$ 2,795.00	$ 21,177.50
Total All Fees	$ 20,102.35	$ 10,654.40	$ 24,097.10	$ 201,351.36

December 2015
Building Permits

Number of Permits Dec-14	Number of Permits Dec-15	Type/Classification	Permit Fees Dec-14	Permit Fees Dec-15	Valuation Dec-14	Valuation Dec-15
12	4	New Single Family	$ 11,015.85	$ 3,147.25	$ 1,577,280.00	$ 430,269.00
		New Duplex				
		New Manufactured				
		New Multi-Family				
		New Commercial				
		New Industrial				
		New Swimming Pools				
		Moving Permit				
4	5	New Signs	$ 151.25	$ 137.50	$ 5,975.00	$ 11,000.00
3	4	Residential	$ 71.50	$ 1,297.00	$ 3,500.00	$ 146,500.00
1	5	Non-Residential	$ 96.25	$ 772.65	$ 5,700.00	$ 84,069.39
	2	Demolitions		$ -		$ -
20	20		$ 11,334.85	$ 5,354.40	$ 1,592,455.00	$ 671,838.39
ZBOA Request		None				
Zoning Request		None				

Code Enforcement	Active Dec 2014	Active Dec 2015	Closed Dec 2014	Closed Dec 2015
Abandoned/Junked	2	1	5	2
Animal Control				
Beer Permits				
Environmental			17	2
Fire Code			5	3
Health and Sanitation	1			2
Illegal Signs	1		69	71
Property Maintenance			2	9
Unsafe Structures	3	1		
Water/Sewer			4	2
Zoning			2	
Total	7	2	104	91

*Zoning Board of Adjustments

Submitted By: Jim Cazares

Date: January 14, 2016

Library Report for December 2015

Circulation was down 5% from December 2014.

Collection size is up from the previous year.

Programs in December were nicely attended. The Civic Center was a maximum capacity with the Gingerbread House building. We had minimum attendance of the movies and crafts later in the month before Christmas. Judy Maiewski will schedule an adult craft program for the 1st Friday of the month in the future.

ESL Classes went on vacation December 10th and resumed January 4th. The Dual Language classes have been cancelled.

Training for the library director was in the form a webinar on Social media in Libraries: Use and Management Ideas and information from TML Region 10 meeting about open carry/concealed carry in city buildings.

Volunteer hours were down.

Categories	Units	Dec. '14	Dec. '15	Fiscal YTD'15	Fiscal YTD '16
Total Circulation		7,886	7,511	23,331	20,980
+ or - Same month previous year	Percent	10%+	5%-		
Additions					
Interlibrary Loans	Each	1	0	6	5
New Patrons	Each	63	63	224	208
Collection					
Items Added	Each	309	1539	997	2,256
Items Withdrawn	Each	227	208	802	436
Total Collection	Each	38,035	39,510	38,035	39,510
General Statistics					
Gate Count		3,784	3,947	12,031	12,017
Hours Open	Each	148	163	461	469
Library Tours	Each	0	0	0	0
Program Visitors	Each	638	513	1,720	1,629
Public Computer Use	Hours	567	1,313	1,742	2,462
Patrons using computers	Each	538	816	1,711	2,678
Volunteer Hours	Each	392	138	1,115	399
Receipts					
		$1,022	$1,386	$4,293	$4,007
Civic Center Use					
City	Each	3	3	9	7
Library	Each	13	15	38	35
Public Rental	Each	2	4	4	13
Other - not for profit	Each	5	2	23	26
Total Civic Center Use		23	24	74	81

OFFICE OF COURT ADMINISTRATION

TEXAS JUDICIAL COUNCIL

OFFICIAL MUNICIPAL COURT MONTHLY REPORT

Month December Year 2015

Municipal Court for the City CITY OF ELGIN

Presiding Judge Larry Dunne

If new, date assumed office

Court Mailing Address P.O. BOX 591

City ELGIN , TX Zip 7-8621

Phone Number (512) 281-0318

Fax Number

Courts Public Email

Court's Website

THE ATTACHED IS A TRUE AND ACCURATE REFLECTION OF THE RECORDS OF THIS COURT

Prepared by Yadira Duque

Date Jan 11, 2016 Phone Number (512) 281-0318

PLEASE RETURN THIS FORM NO LATER THAN 20 DAYS FOLLOWING THE END OF THE MONTH REPORTED TO:

OFFICE OF COURT ADMINISTRATION

P O BOX 12066

AUSTIN, TX

CRIMINAL SECTION

City of CITY OF ELGIN

Month December Year 2015

	Traffic Misdemeanors			Non-Traffic Misdemeanors		
	Non-Parking	Parking	City Ordinance	Penal Code	Other State Law	City Ordinance
1. Total Cases Pending First of Month:	12,754	12	0	0	2,493	18
a. Active Cases	8,852	10	0	0	1,268	2
b. Inactive Cases	3,902	2	0	0	1,225	16
2. New Cases Filed	92	0	0	0	40	14
3. Cases Reactivated	9	0	0	0	10	0
4. All Other Cases Added	0	0	0	0	0	0
5. Total Cases on Docket	8,953	10	0	0	1,318	16
6. Dispositions Prior to Court Appearance or Trial						
a. Uncontested Dispositions	60	0	0	0	16	0
b. Dismissed by Prosecution	1	0	0	0	18	0
7. Dispositions at Trial:						
a: Convictions						
1) Guilty Plea or Nolo Contendere	2	0	0	0	5	11
2) By the Court	0	0	0	0	0	0
3) By the Jury	0	0	0	0	0	0
b: Acquittals:						
1) By the Court	0	0	0	0	0	0
2) By the Jury	0	0	0	0	0	0
c. Dismissed by Prosecution	0	0	0	0	0	0
8. Compliance Dismissals:						
a: After Driver Safety Course	4					
b: After Deferred Disposition	1	0	0	0	6	0
c: After Teen Court	0	0	0	0	0	0
d: After Tobacco Awareness Course					0	
e: After Treatment for Chemical Dependency				0	0	
f: After Proof of Financial Responsibility	0					
g: All Other Transportation Code Dismissals	0	0	0	0	0	0
9. All Other Dispositions	7	0	0	0	2	0
10. Total Cases Disposed	75	0	0	0	47	11
11. Cases Placed On Inactive Status	53	0	0	0	29	0
12. Total Cases Pending End of Month:	12,771	12	0	0	2,486	21
a: Active Cases	8,825	10	0	0	1,242	5
b: Inactive Cases	3,946	2	0	0	1,244	16
13. Show Cause Hearings Held	40	0	0	0	17	2
14. Cases Appealed:						
a: After Trial	0	0	0	0	0	0

JUVENILE / MINOR ACTIVITY

Court CITY OF ELGIN Month December Year 2015	TOTAL
1. Transportation Code Cases Filed	2
2. Non-Driving Alcoholic Beverage Code Cases Filed	0
3. Driving Under the Influence of Alcohol Cases Filed	0
4. Drug Paraphernalia Cases Filed	1
5. Tobacco Cases Filed	0
6. Failure to Attend School Cases Filed	0
7. Education Code (Except Failure to Attend) Cases Filed	0
8. Violation of Local Daytime Curfew Ordinance Cases Filed	0
9. All Other Non-Traffic Fine-Only Filed	0
10. Transfer to Juvenile Court: a. Mandatory Transfer	0
b. Discretionary Transfer	0
11. Accused of Contempt and Referred to Juvenile Court (Delinquent Conduct)	0
12. Held in Contempt by Criminal Court (Fined and/or Denied Driving Privileges)	0
13. Juvenile Statement Magistrate Warning: a. Warnings Administered	0
b. Statements Certified	0
14. Detention Hearings Held	0
15. Orders for Non-Secure Custody Issued	0
16. Parent Contributing to Nonattendance Cases Filed	0

ADDITIONAL ACTIVITY

Court CITY OF ELGIN Month December Year 2015	Number Given	Number Requests For Counsel
1. Magistrate Warnings: a. Class C Misdemeanors	17	
b. Class A and B Misdemeanors	13	7
c. Felonies	5	3
		TOTAL
2. Arrest Warrants Issued: a. Class C Misdemeanors		82
b. Class A and B Misdemeanors		1
c. Felonies		7
3. Capiases Pro Fine Issued		29
4. Search Warrants Issued		0
5. Warrants for Fire, Health and Code Inspections Filed		0
6. Examining Trials Conducted		0
7. Emergency Mental Health Hearings Held		0
8. Magistrate's Orders for Emergency Protection Issued		0
9. Magistrate's Orders for Ignition Interlock Device Issued		1
10. All Other Magistrate's Orders Issued Requiring Conditions for Release on Bond		0
11. Driver's License Denial, Revocation or Suspension Hearings Held		0
12. Disposition of Stolen Property Hearings Held		0
13. Peace Bond Hearings Held		0
14. Cases in Which Fine and Court Costs Satisfied by Community Service: a. Partial Satisfaction		0
b. Full Satisfaction		1
15. Cases in Which Fine and Court Costs Satisfied by Jail Credit		4
16. Cases in Which Fine and Court Costs Waived for Indigency		0
17. Amount of Fines and Court Costs Waived for Indigency		$0.00
18. Fines, Court Costs and Other Amounts Collected: a. Kept by City		$12,096.91

Elgin Police Department
Monthly Report December 2015

CATEGORY	2015 December	2014 December	2013 December	2012 December	2011 December
Calls for Service					
Total Calls for Service	980	971	742	624	735
Police calls	662	657	491	440	477
Fire calls	56	52	39	31	36
Animal calls	82	86	63	39	55
Activity logs	172	161	145	114	165
City calls	8	15	4	0	2
Offense Reports					
Total Offense Reports	75	80	66	78	68
Active (Open) cases	21	25	3	25	24
Cases Inactivated	29	22	21	17	22
Cases Closed	1	2	4	4	2
Documentation (no crime)	0	0	1	2	0
Other	0	2	2	0	0
Unfounded	0	3	1	0	0
Referred to other agency	3	0	0	3	0
Citations					
Total Citations	238	227	362	64	225
Citations for violations	108	153	160	40	95
Warnings	130	74	202	24	130
Collisions					
Total Accidents	31	22	24	30	30
Major accidents (with injury)	3	2	2	18	2
Minor accidents (no injury)	23	14	19	7	21
Leaving the scene accidents	5	6	3	5	7
Alarms					
Business alarms	15	9	12	6	15
Residential alarms	12	16	3	2	16
Fire alarms	1	5	1	4	3
Arrests					
Felony arrests	6	5	9	8	5
Misdemeanor arrests	8	20	25	20	14
Other arrests	7	2	4	1	2
Animal Control					
Total Animal Control calls	82	86	66	39	55
Animal Cruelty calls	0	0	0	0	0
Canine Impounds	12	15	10	8	10
Feline Impounds	7	7	2	2	0
Citations issued	4	11	0	0	1
Bite Cases	1	2	0	0	1
Dead animal calls	6	0	0	4	12
Wildlife calls	4	12	0	3	6
Rabies cases	0	0	0	0	0
Rabies cases positive	0	0	0	0	0

TO: Elgin City Council and City Manager
RE: Economic Development Corp. Monthly Report by Joe Newman
Date: Tuesday, February 2, 2016 council meeting

- I just thought last month's Monthly Report would be my last! LOL

- As you may remember, we assisted a new Nursing Home Project with getting letters of support. At the time, they said it would take about a year for State approval. With your help (and others such as Rep. Cyrier, Sen. Watson, Judge Pape and many others), they received their okay in about three months! They will be in town soon looking for about six acres for their $9+ million dollar facility.

- As I mentioned at the Elgin Chamber Board meeting in January, I hope that Elgin is a little bit better off than when I came here almost five years ago. I mentioned to the board that economic development is a TEAM effort. It takes everyone working together to make a community better. I've thoroughly enjoyed my time and please feel free to contact me if I can ever be of further assistance.

- Sales tax allocations for January were up 5.98% over January 2015.

- The former Catfish King Café on Main Street has been sold and a nice Italian restaurant will be opening in a few months. See their other locations at: http://luigisbelton.com/

- More good news…….the former City Café is under contract and will change names. Not sure of the name at this time, but the couple buying the property seem very nice.

If anyone needs specific information or hear unfounded rumors, please don't hesitate to contact me. Please let me know if I can be of any assistance whatsoever.

Joe Newman
Elgin Economic Development Corporation, Cell: 512-581-2332

Michael Gonzalez
Parks and Recreation Program Manager
mgonzalez@ci.elgin.tx.us 512-285-6190

December Parks Summary	2015
Facility	Number of uses
Park/ Pavilion Rental	6
Ball Field Rental	10
Fleming Community Center	47
Deposits	$991.25

Projects/programs

Park Signs and Trash cans: The Parks Department has been working to install new park signage where needed and remove outdated signs. We have also set new concrete bases for trash cans in Morris Park. Previously the trash cans were mounted in directly in the ground where they have rusted on rotted out. This is now the standard for install of trash cans throughout the park system and we hope to get all of them looking uniform moving into next year.

Christmas Decorations: The Parks Department has made an inventory of existing Christmas decorations and what repairs they need. We are putting together a plan to repair decorations that we can use and add more decorations in the park. With an entire year to work on the next holiday season we hope to get some interesting designs and great decorations for the City to enjoy holiday season 2016.

Recreation Center: We are moving forward with the preparations for the recreation Center. In January we will send request for a topo and boundaries survey as well as geotechnical investigation. With these results our architect will have the right info to work on site plans for the project.

Thomas Park Sports Lighting: The electricians from GSD are working on removing old sports lighting from Thomas and installing the updated lightings with underground wiring. They are moving forward on this while fighting the weather at the same time. Wet conditions do not allow them to use the lift on the baseball field, but they are working on it every other chance they get.

Goals for <u>December 2015</u>

- Recycle Christmas Trees and use that material in the parks
- Continue site preparation for the Recreation Center
- Continue minor park repairs with new equipment

MONTHLY ACTIVITY REPORT

For the local program, monthly reports are a way to track and document progress of both the program and the downtown revitalization effort. It is also an effective tool to use for updating the board on the program's overall activities and for communicating your progress to stakeholders, such as City Council and other funding entities. For the state office, monthly reports help us provide more direct and effective services by giving us a way to spot trends, challenges, issues etc. The report should reflect BOTH the work of staff and volunteers. While not all programs use the traditional four-committee structure any longer, the work of all programs should still be able to be reflected in the four-point categories below.

The Monthly Report is **due by the 10th of each month.** Please use electronic version, type or print legibly. Please use this electronic version and email to mainstreet-reports@thc.state.tx.us.

CITY: ____ELGIN_____
MONTH/YEAR: _December 2015_____
DATE SUBMITTED: __1-11-2015_____

1. Updates on Projects, Activities for the month.

MAIN STREET BOARD: *(After typing, TAB to the next cell)*

Meeting Dates:	Update on projects or activities
December 17, 2015	Sip, Shop, Stroll, 2nd Thursdays from 5-8 Hogeye Festival discussion of partnerships, use of logo, types of vendors, sponsorships for 2016. Finished planning retreat for January
	Shop Elgin First – local shopping program with EDC and Chamber

ORGANIZATION: *(After typing, TAB to the next cell)*

Meeting Dates:	Update on projects or activities
	Did not meet in December.

PROMOTION:

Meeting Dates:	
December 3	Holiday by tracks and pictures with Santa VDFD Lighted Parade, Saturday, December 5 downtown – well attended. Huge parade! Holiday Concert with Elgin ISD Friday December 4, Veterans Memorial Park 6pm great performance by the students and well attended. Sip Shop & Stroll December 10 from 5-8 downtown Visit with Santa Saturday December 12 Stocking Stuffer Saturday – Saturday December 19 Pictures with Santa Claus in downtown Elgin – multiple locations throughout the month. Two times Santa was bilingual and could share wishes in Spanish.

DESIGN:

December 1	working on a holiday lighting plan for 2016.

ECONOMIC RESTRUCTURING:

Meeting Dates:	Update on projects or activities
December 7, 2015	Shop Elgin First campaign, weekly ads and editorial in cooperation with EDC and Chamber Business openings slated for January: A Flower Connection and Elgin Music Company. City Café under contract. Mr. Catfish under contract. 109 South Avenue C under contract. Amy met with Jennifer Long, Remax; Winkler Group, and Jeanette Shelby realty group to discuss investors on possible projects in Elgin.

2. Program Commentary *(list critical issues, problems, and successes/completed projects of the past month):*

   the Texas Capital Fund sidewalk grant, started engineering work and basic grant requirements. Expect to review plans at end of January.

3. Outlook. *Goals and challenges; plans for upcoming major projects such as public improvements etc.:*

   Retreat set for January 21 with Debra Drescher as facilitator.

4. Suggestions for Texas Main Street Center *(list suggestions on services or training topics; new resources; questions):*

5. Main Street in the News. *If your programs or its activities have been spotlighted in press coverage during the month, please provide a link here. If there is a newsworthy event or announcement that would be appropriate for the Main Street Matters e-newsletter, please email* **mainstreet-reports@thc.state.tx.us** *with the information. Please provide event information as many months in advance as possible.*

   Sip Shop and Stroll: January 14, 2016 the second Thursday of each month. Sip a little wine and shop as you stroll through the stores in Historic Downtown Elgin. You will find diverse merchandise, eclectic decor, artwork by local artists and live music in many of the venues.

   February 11 Sip Shop and Stroll:
   Sip a little wine and shop as you stroll through the stores in Historic Downtown Elgin. You will find diverse merchandise, eclectic decor, artwork by local artists and live music in many of the venues.
   March 5, Texas Independence Day Celebration
   Stores are working together to host artists creating work of the era like Nancy Lou Webster with Treenware. And planning to have specials and displays featuring vintage items. American Legion planning pioneer cocktails.

   March 11 Sip Shop and Stroll:
   Sip a little wine and shop as you stroll through the stores in Historic Downtown Elgin. You will find diverse merchandise, eclectic decor, artwork by local artists and live music in many of the venues.

   Every Friday in April Music in the Park
   Enjoy live music in downtown Veterans Memorial Park, bring your own picnic or enjoy dinner specials at downtown restaurants. Local and Austin area bands.

MEMORANDUM

To: Kerry Lacy, City Manager
From: Amy Miller, Community Development Director
Date: January 20, 2016
RE: Community Development Department Report December 2015

Projects

- Met with potential buyers and realtors for properties downtown.
- Met with Jeanette Shelby Realty, Winkler and Company Realtors Group, and Jennifer Long with Remax to discuss the zoning overlay for downtown, investment opportunities and the tax credit and assistance programs available.
- Worked with architect Tom Hatch and CARTS on design plans for the CARTS transit stop and public restrooms downtown.
- Shop Elgin First joint shop local campaign with EDC and Chamber, weekly ads and editorial.
- Started developing a plan for holiday lighting in 2016 with Parks & Recreation Department.
- Completed civil rights requirements for CDBG Utility line grant.
- FM 1100 CAMPO grant follow-up.
- Completed Bike and Walk to school Day with Elgin ISD and Police department for December.
- Analysis of Classroom Travel Tally surveys for Safe Routes to School at Neidig, BTW, Elgin Elementary and Elgin Middle School and Parent Safe Routes to school surveys.
- Set up speaker engagements with various groups for first quarter of 2016 to share updates on the Main Street program and Shop Elgin program.
- Holiday by the Tracks, Holiday Concert, and pictures with Santa, and Stocking Stuffer Saturday were all successful promotions during December.
- Marketing coordination and support for Sip Shop and Stroll, Thursday 10 from 5-8 downtown
- City of Elgin E-News
- Facebook Pages: City of Elgin, Visit Elgin, Envision Elgin

Boards & Committees, Seminars

Camp Swift Joint Land Use study working group
School Health Advisory Committee for Elgin ISD

Historic Review Board
Main Street Board
Business Retention & Recruitment Committee
Promotion Tourism Committee

Upcoming Events

Sip Shop & Stroll January 14 from 5-8 downtown
Main Street Retreat Thursday, January 21 7:30am at Fleming Community Center
Sip Shop and Stroll February 11 from 5-8 downtown
Valentine's weekend restaurant and store specials
March 5, Texas Independence Day celebration

COUNCIL MEETING: February 2, 2016

ITEM: 2. Fiscal Year 2016, First Quarter Financial Reports

RESOURCE PERSON(S): **Kerry Lacy, City Manager**
Sidney LaQuey, Finance Director
Laura Schwartz, Purchasing Agent-Finance Administrator

SUMMARY: **Quarterly Financial Reports For October 2015 through December 2015. No action by Council is required.**

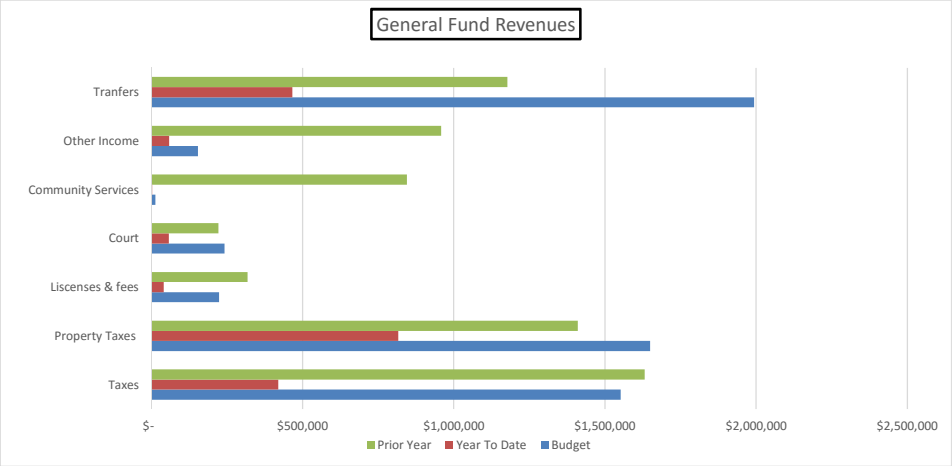
RECOMMENDATION(S):

ATTACHMENT:
1-General Fund
2-Utility Fund
3-GF Debt Service
4-Special Revenue
5-Capital Projects

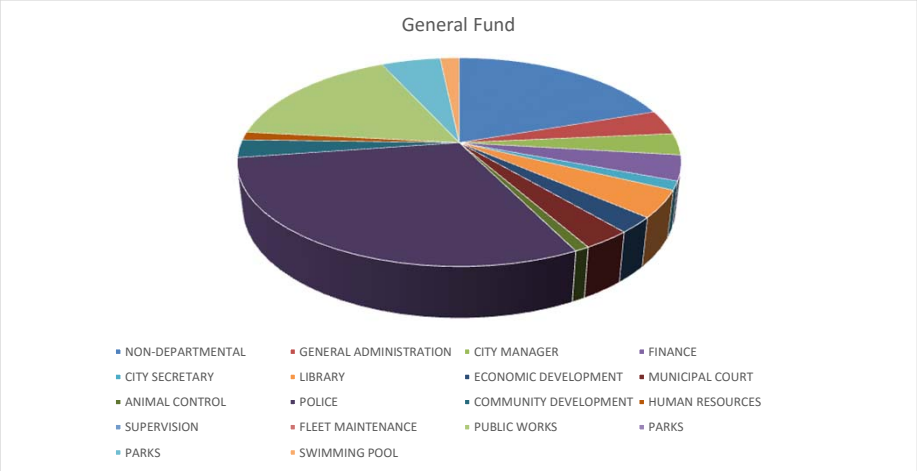
Fund	1

GENERAL FUND

From	To	REVENUES:	ADOPTED BUDGET	AMENDED BUDGET	YEAR TO DATE ACTUAL	% BUDGET LEFT	PREVIOUS YEAR TO DATE ACTUAL
4200	4999	Taxes	$ 1,552,325	$ 1,552,325	$ 420,218	72.93%	$ 1,631,418
4050	4150	Property Taxes	$ 1,648,890	$ 1,648,890	$ 817,055	50.45%	$ 1,410,421
5000	5999	Liscenses & fees	$ 224,317	$ 224,317	$ 41,406	81.54%	$ 318,480
6000	6999	Court	$ 242,055	$ 242,055	$ 57,966	76.05%	$ 221,780
7000	7999	Community Services	$ 13,700	$ 13,700	$ 2,874	79.02%	$ 845,467
8000	8999	Other Income	$ 154,200	$ 154,200	$ 59,296	61.55%	$ 958,187
9000	9999	Tranfers	$ 2,013,285	$ 1,993,373	$ 466,081	76.62%	$ 1,177,556
		Total:	**$ 5,848,771**	**$ 5,828,860**	**$ 1,864,895**	**68.01%**	**$ 6,563,309**



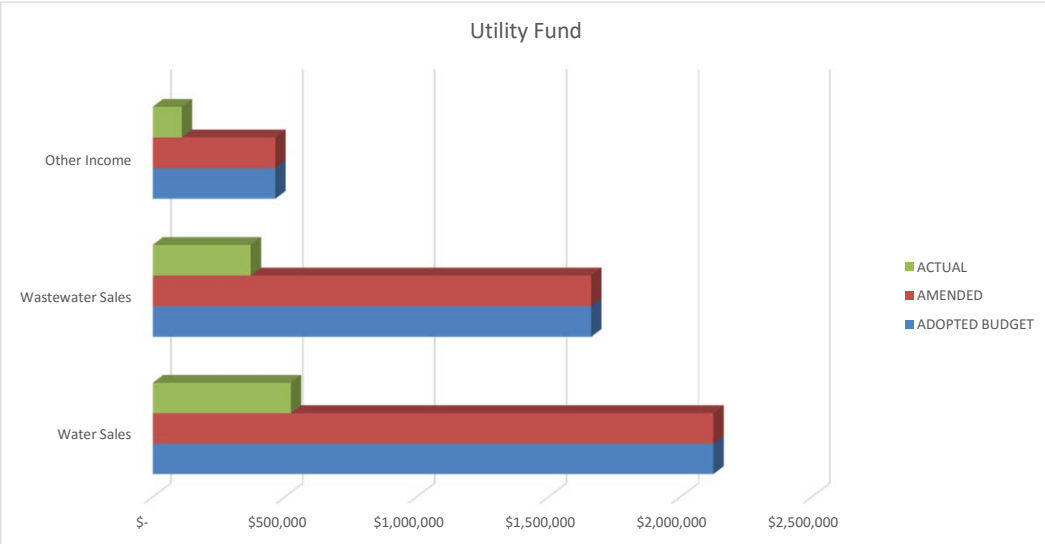
Department No	EXPENDITURES: Description	ADOPTED BUDGET	AMENDED BUDGET	YEAR TO DATE ACTUAL	% BUDGET LEFT	PREVIOUS YEAR TO DATE ACTUAL
0	NON-DEPARTMENTAL	$ 1,292,812	$ 1,292,812	$ 460,832	64.35%	$ 214,166
1	GENERAL ADMINISTRATION	$ 248,814	$ 248,814	$ 76,280	69.34%	$ 1,885,344
2	CITY MANAGER	$ 220,381	$ 220,381	$ 64,333	70.81%	$ 201,109
3	FINANCE	$ 254,468	$ 254,468	$ 86,671	65.94%	$ 232,048
4	CITY SECRETARY	$ 88,998	$ 88,998	$ 26,101	70.67%	$ 78,692
5	LIBRARY	$ 273,631	$ 273,631	$ 80,775	70.48%	$ 227,279
7	ECONOMIC DEVELOPMENT	$ 159,864	$ 139,953	$ 43,932	68.61%	$ 145,185
8	MUNICIPAL COURT	$ 194,811	$ 194,811	$ 45,604	76.59%	$ 158,949
9	ANIMAL CONTROL	$ 59,542	$ 59,542	$ 16,946	71.54%	$ 53,464
10	POLICE	$ 1,966,069	$ 1,966,069	$ 607,166	69.12%	$ 1,773,079
11	COMMUNITY DEVELOPMENT	$ 180,141	$ 180,141	$ 51,351		$ 577
12	HUMAN RESOURCES	$ 81,444	$ 81,444	$ 23,570	0.00%	$ 68,775
13	SUPERVISION	$ -	$ -	$ -		$ -
14	FLEET MAINTENANCE	$ -	$ -	$ -		$ -
15	PUBLIC WORKS	$ 1,081,242	$ 1,081,242	$ 258,547	76.09%	$ 894,164
16	PARKS	$ -	$ -	$ -		$ -
17	PARKS	$ 336,456	$ 336,456	$ 67,773	79.86%	$ 225,156
18	SWIMMING POOL	$ 108,388	$ 108,388	$ 8,365	92.28%	$ 56,968
20	FLEMING COMMUNITY CENTER	**$ 6,547,063**	**$ 6,527,151**	**$ 1,918,245**	**70.61%**	**$ 6,214,955**



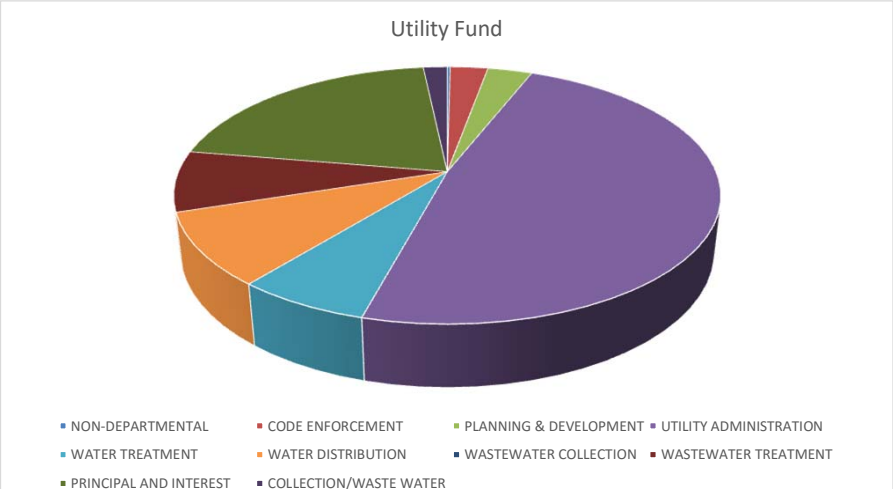
Fund	2

UTILITY FUND

From	To	REVENUES:	ADOPTED BUDGET	AMENDED BUDGET	YEAR TO DATE ACTUAL	% BUDGET LEFT	PREVIOUS YEAR TO DATE ACTUAL
7500	7500	Water Sales	$ 2,125,576	$ 2,125,576	$ 523,613	75.37%	$ 2,005,606
7550	7550	Wastewater Sales	$ 1,661,888	$ 1,661,888	$ 371,398	77.65%	$ 1,447,806
7551	9999	Other Income	$ 464,626	$ 464,626	$ 110,160	76.29%	$ 773,512
		Total:	**$ 4,252,090**	**$ 4,252,090**	**$ 1,005,171**	**76.36%**	**$ 4,226,925**



Department No	Description	EXPENDITURES:	ADOPTED BUDGET	AMENDED BUDGET	YEAR TO DATE ACTUAL	% BUDGET LEFT	PREVIOUS YEAR TO DATE ACTUAL
0	NON-DEPARTMENTAL	$ 12,000	$ 12,000	$ 3,000			$ -
12	CODE ENFORCEMENT	$ 154,794	$ 154,794	$ 38,308		75.25%	$ 139,961
21	PLANNING & DEVELOPMENT	$ 182,726	$ 182,726	$ 48,309		73.56%	$ 161,948
22	UTILITY ADMINISTRATION	$ 2,774,926	$ 2,802,411	$ 712,696		74.57%	$ 2,172,163
23	WATER TREATMENT	$ 388,187	$ 388,187	$ 138,171		64.41%	$ (714,981)
24	WATER DISTRIBUTION	$ 531,202	$ 531,202	$ 145,995		72.52%	$ 491,810
25	WASTEWATER COLLECTION	$ -	$ -	$ -			$ -
26	WASTEWATER TREATMENT	$ 443,690	$ 443,690	$ 123,672		72.13%	$ 740,783
27	PRINCIPAL AND INTEREST	$ 1,201,855	$ 1,201,855	$ 340,170		71.70%	$ 624,415
28	COLLECTION/WASTE WATER	$ 98,330	$ 98,330	$ 30,401		69.08%	$ 52,065
29	NON-DEPARTMENTAL						
54	NON-DEPT WATER IMPACT						
55	NON-DEPT SEWER IMPACT						
		$ 5,787,710	**$ 5,815,195**	**$ 1,580,721**		**72.82%**	**$ 3,668,166**



Fund	3

GENERAL FUND DEBT SERVICE

From	To		REVENUES:	ADOPTED BUDGET	AMENDED BUDGET	YEAR TO DATE ACTUAL	% BUDGET LEFT	PREVIOUS YEAR TO DATE ACTUAL
4050	8300	Taxes		$ 1,436,326	$ 1,436,326	$ 716,814	50.09%	$ 1,321,169
			Total:	**$ 1,436,326**	**$ 1,436,326**	**$ 716,814**	**50.09%**	**$ 1,321,169**

Department No	Description	EXPENDITURES: ADOPTED BUDGET	AMENDED BUDGET	YEAR TO DATE ACTUAL	% BUDGET LEFT	PREVIOUS YEAR TO DATE ACTUAL
0	NON-DEPARTMENTAL	$ -	$ -	$ -		$ -
30	PRINCIPAL & INTEREST	$ 1,319,701	$ 1,319,701	$ 211,637	83.96%	$ 1,170,551
		$ 1,319,701	**$ 1,319,701**	**$ 211,637**		**$ 1,170,551**

SPECIAL REVENUE

FUND	From	To	REVENUES:	ADOPTED BUDGET	AMENDED BUDGET	YEAR TO DATE ACTUAL	% BUDGET LEFT	PREVIOUS YEAR TO DATE ACTUAL
4	4001	9999	HOTEL MOTEL TAX FUND	$ 69,893	$ 69,893	$ 42,081	39.79%	$ 68,213
7	4001	9999	COURT TECHNOLOGY , SECURITY	$ 16,550	$ 16,550	$ 2,451	85.19%	$ 9,433
11	4001	9999	COMM IMPACT FEES - WATER	$ 400,000	$ 400,000	$ 31,794	92.05%	$ 311,503
12	4001	9999	COMM IMPACT FEES - SEWER	$ 260,000	$ 260,000	$ 21,447	91.75%	$ 221,763
70	4001	9999	SUBSCRIBER FEE CABLE FRANCHISE	$ 11,800	$ 11,800	$ 5,201	55.92%	$ 16,965
72	4001	9999	RED LIGHT CAMERA FUND	$ 854,477	$ 854,477	$ 168,322	80.30%	$ 834,819
				$ 1,612,720	$ 1,612,720	$ 271,296	83.18%	$ 1,462,694

FUND	EXPENDITURES: Description	ADOPTED BUDGET	AMENDED BUDGET	YEAR TO DATE ACTUAL	% BUDGET LEFT	PREVIOUS YEAR TO DATE ACTUAL
4	HOTEL MOTEL TAX FUND	$ 61,410	$ 61,410	$ 7,766	87.35%	$ 58,360
7	COURT TECHNOLOGY , SECURITY	$ 11,736	$ 11,736	$ 168	98.57%	$ 6,572
11	COMM IMPACT FEES - WATER	$ 62,500	$ 62,500	$ -		$ 11,570
12	COMM IMPACT FEES - SEWER	$ 75,000	$ 75,000	$ -		$ -
70	SUBSCRIBER FEE CABLE FRANCHISE	$ 1,800	$ 1,800	$ -	100.00%	$ -
72	RED LIGHT CAMERA FUND	$ 964,574	$ 964,574	$ 180,670	81.27%	$ 944,607
		$ 61,410	**$ 61,410**	**$ 7,766**	**87.35%**	**$ 58,360**

CAPITAL PROJECTS

FUND	From	To	REVENUES:	BUDGET	YEAR TO DATE ACTUAL	% BUDGET LEFT
44	2900	99000	CAPITAL PROJECTS GENERAL FUND	$ 7,834,295	$ 2,514	99.97%
45	2900	99000	CAPITAL PROJECTS WATER/WASTEWA	$ 275,000	$ -	100.00%
				$ 8,109,295	$ 2,514	

FUND	EXPENDITURES: Description	BUDGET	YEAR TO DATE ACTUAL	% BUDGET LEFT
44	CAPITAL PROJECTS GENERAL FUND	$ 6,083,124	$ 208,555	96.57%
45	CAPITAL PROJECTS WATER/WASTEWA	$ (59,100)	$ 61,605	204.24%
		$ 6,024,024	**$ 208,555**	**96.54%**

COUNCIL MEETING: February 2, 2016

ITEM: 3. Fiscal Year 2016, First Quarter Investment Report

RESOURCE PERSON(S): **Kerry Lacy, City Manager**
Sidney LaQuey, Finance Director
Laura Schwartz, Purchasing Agent-Finance Administrator

SUMMARY: **Quarterly Investment Report for October 2015 through December 2015 for Council information. No action by Council is required.**

RECOMMENDATION(S):

ATTACHMENT: **1-Investment Report**

FUND	TYPE	ACCOUNT NAME	Ending 9/30/2015	Total of Deposits / (Withdrawals)	Interest	Ending 12/31/2015
	Investment Accounts					
002	Tex Pool	CUSTOMER DEPOSITS	39,935.72	0.00	13.17	39,948.89
002	Tex Pool	UTILITY BOND RESERVE	227,343.20	0.00	75.27	227,418.47
002	Tex Pool	COMMUNITY IMPACT FEES-WATER	89,891.11	0.00	29.74	89,920.85
002	Tex Pool	COMMUNITY IMPACT FEES-SEWER	30,635.32	0.00	10.12	30,645.44
018	Tex Pool	ECONOMIC DEVELOPMENT CORP.	341,525.62	0.00	113.08	341,638.70
003	Tex Pool	GENERAL FUND DEBT SERVICE	54,926.33	0.00	18.17	54,944.50
99	Tex Pool	CONSOLIDATED OPERATING	547,458.74	0.00	181.29	547,640.03
	Tex Pool	Sub-total	1,331,716.04	0.00	440.84	1,332,156.88
01	Tex Star	GENERAL FUND	391,262.40	0.00	135.76	391,398.16
02	Tex Star	W/WW FUND	652,513.59	0.00	226.38	652,739.97
	Tex Star	Sub-total	1,043,775.99	0.00	362.14	1,044,138.13
	Logic	2015 CO's	6,000,476.18	0.00	0.00	6,000,476.18
	Logic	Sub-toal	6,000,476.18	(820,000.00)	2,469.14	5,182,945.32
		TOTAL - INVESTMENTS	8,375,968.21	(820,000.00)	3,272.12	7,559,240.33
	Prosperity					
99	Clearing Account	Clearing Account	$ 3,052,599.82	(941,471.33)	1,355.49	2,112,483.98
001	Court Security	Court Security	31,483.74	0.00	19.84	31,503.58
001	Police Equipment	Police Equipment	3,123.12	(1,183.00)	2.55	1,942.67
001	Court Technology	Court Technology	6,241.39	0.00	3.94	6,245.33
002	Community Impact Fees-Water	Community Impact Fees-Water	102,606.35	0.00	64.68	102,671.03
002	Community Impact Fees-Sewer	Community Impact Fees-Sewer	58,647.65	0.00	36.96	58,684.61
003	General Fund Debt Service	General Fund Debt Service	5,634.66	0.00	3.56	5,638.22
44	CDBG 711272	CDBG 711272	0.00	0.00	0.00	0.00
2	USDA RURAL DEV PAYMENT ACCOUNT	USDA RURAL DEV PAYMENT ACCOUNT	3,342,568.02	(3,342,165.95)	0.00	402.07
72	General - ATS Clearing	General - ATS Clearing	96,171.67	136,855.06	116.56	233,143.29
018	Economic Development Corp.	Economic Development Corp.	229,430.30	(82,780.46)	108.30	146,758.14
018	EDC Sales Tax Reserve	EDC Sales Tax Reserve	34,233.66	0.00	21.58	34,255.24
018	Schlotzkey's EDC (Pledged As Collateral)	Schlotzkey's EDC (Pledged As Collateral)	101,513.56	0.00	253.09	101,766.65
001	Money Market General Operations	Money Market General Operations	1,001,477.58	0.00	883.75	1,002,361.33
001	Money Market TIRZ #1	Money Market TIRZ #1	171,303.29	113,220.73	197.88	284,721.90
		TOTAL - DEPOSITS	8,237,034.81	(4,117,524.95)	3,068.18	4,122,578.04
		GRAND TOTAL	16,613,003.02	$ (4,937,524.95)	$ 6,340.30	$ 11,681,818.37

COUNCIL MEETING: February 2, 2016

ITEM: 4. Elgin Police Department 2015 Racial Profiling Report

RESOURCE PERSON(S): **Kerry Lacy, City Manager**
Chris Bratton, Chief of Police

SUMMARY: **The Elgin Police Department 2015 Racial Profiling Report has been compiled by Dr. Alex Del Carmen of Del Carmen and Associates and is attached. The Police Department is found to be in compliance with the Racial Profiling Law for 2015.**

RECOMMENDATION(S): **Accept the Elgin Police Department 2015 Racial Profiling Report**

ATTACHMENT: **1-Elgin 2015 Racial Profiling Report**

DEL CARMEN CONSULTING, LLC

Annual Contact Report

2015

The Elgin Police Department

(I) Introduction

Opening Statement

January 15, 2016

Elgin City Council
310 N. Main Street
Elgin, Texas 78621

Dear Distinguished Members of the City Council,

The Texas Legislature, with the intent of addressing the issue of racial profiling in policing, enacted in 2001 the Texas Racial Profiling Law. Since then, the Elgin 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 Elgin Police Department and are also being addressed in this report.

This particular report contains three sections with 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 Elgin 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 Elgin 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 1/1/15 and 12/31/15. 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 Elgin 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

S.B. No. 1074

AN ACT

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

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

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

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

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

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

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

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

(1) clearly define acts constituting racial profiling;

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

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

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

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

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

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

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

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

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

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make traffic stops and transmitter-activated equipment in each

agency law enforcement motorcycle regularly used to make traffic stops. If a law enforcement agency installs video or audio equipment as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

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

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

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

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

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

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

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

(A) the person's gender; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds

or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a)(1)(A) and the agency does not receive from the state funds or video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.

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

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

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

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT. (a) The Department of Public Safety shall adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may include consideration of tax effort, financial hardship, available revenue, and budget surpluses. The criteria must give priority to:

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

(2) smaller jurisdictions; and

(3) municipal and county law enforcement agencies.

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

use of a survey to assist in developing criteria to prioritize funding or equipment provided to law enforcement agencies.

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

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

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

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

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

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

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

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

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

(3) analyzing and reporting collected information.

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

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

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

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

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

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

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

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

(2) the registration number of the vehicle involved;

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

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

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

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

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

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

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

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

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

SECTION 9. Not later than January 1, 2002:

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

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

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

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

SECTION 12. This Act takes effect September 1, 200

_____ _____

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

4/2.07.04 Bias-based Profiling

DEFINITIONS

Bias-based Profiling

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

Racial Profiling
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, CCP Art. 3.05.

Race Or Ethnicity

A person of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent, CCP Art. 2.132 a (2).

Pedestrian Stop

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.

LAW

Articles 2.131 through 2.138 and Article 3.05 of the Texas Code of Criminal Procedures defines racial profiling and provides the bulk of applicable law regarding racial profiling regulations and

monitoring requirements. Other applicable law regarding racial profiling may be found in Section 96.641 of the Education Code, Sections 1701.253 and 1701.402 of the Occupations Code, and Section 543.202 of the Transportation Code.

POLICY

Bias-based profiling in traffic contacts, field contacts, and asset seizure and forfeiture is prohibited. The race, ethnicity, gender, sexual orientation, religion, economic status, age or cultural group of an individual shall not be the sole factor in:

1. Determining the existence of probable cause to take into custody or arrest an individual, or

2. In constituting a reasonable and articulable suspicion that an offense has been or is being committed so as to justify the detention of an individual or the investigatory stop of a motor vehicle.

This policy is established to comply with the requirements of Texas CCP Articles 2.131 – 2.138 (effective 9/1/01). The Department will strive to maintain capabilities of video/audio recording that meet the standards for an exemption to the reporting requirements in accordance with CCP Art. 2.135.

COMPLAINTS

Citizens who wish to file a complaint alleging an act of bias-based profiling will utilize the current complaint process as defined in Section 4/1.02.05 of the Department Manual. Officers who are the subject of a complaint will be provided a copy of any audio and/or videotape records pertaining to the occurrence on which the complaint is based, if a video and/or audio record was made. Other materials related to the complaint will be provided in accordance with Department policy.

PUBLIC EDUCATION

The Office of the Chief of Police, will establish a program to provide citizens with information regarding the process for filing complaints against officers that they suspect of engaging in profiling practices. This program should include written materials explaining the process in English and Spanish.

CORRECTIVE ACTIONS

Officers who are found to be engaging in practices that may indicate bias-based profiling practices will be investigated in accordance within the Department Policy Manual, 4/1.02.05.

DATA COLLECTION

The Department will capture and report all data required under CCP Art. 2.132 pertaining to all traffic and pedestrian stops. The most efficient point for data collection of traffic and pedestrian stops is during officers' radio transmissions to the Communications Unit. These data include:

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

OFFICER RESPONSIBILITIES

Officers will engage in traffic or pedestrian stops in a manner consistent with state law and Departmental policy. It ultimately is the officer's responsibility to insure the collection and internal reporting of all required data. Communications system overload or failure does not preclude the responsibility of data collection under the law.

Traffic Stops

1. Officers will continue to conduct traffic stops in accordance with Department procedures and will maximize officer safety over data-collection concerns. All information will be transmitted in a manner that minimizes radio congestion.

2. Officers will initially provide Communications with the location of the stop, license plate number, or if not available, vehicle description. (The order of this information is not mandated by this policy.)

3. If the officer conducts a vehicular or individual search, the officer will advise Communications that such a search is being made, whether the search is by consent or involuntary.

4. Officers will advise if an arrest is made as a result of the search and will make a written report in accordance with Department procedures, stating the offense charged, the probable cause for the search, (i.e. odor, plain view, furtive movements), and whether contraband was seized.
5. Officers will advise Communications of the final disposition of the stop, the violators' information, to include race or ethnicity (as stated by the individual or, if not stated, in the officer's best judgment) and gender. Although gender (sex) is not required under CCP Article 2.132, the Communication of race and sex is a common practice and may be continued. The omission of gender (sex) in the final disposition does not constitute a violation of this policy. The Communications Unit may provide officers with alternative descriptors for race or ethnicity that may be used for data collection as long as the requirements of CCP Article 2.132 (a) (2) are met. Final disposition should be communicated concisely; (i.e., "warning - black male" or "citation issued - white female").

Pedestrian Stops

Officers will make pedestrian stops as required to ensure public safety and investigate criminal activities. They will provide communications with the same information as required in traffic stops with special consideration to a brief description of the reason for the detention, (i.e., matches the physical description of a suspect, articulable suspicion of a crime in progress).

COMMUNICATIONS RESPONSIBILITIES

The Communications Unit will maintain a system of procedures to collect all data as described in *Officer Responsibilities* section above, and it will provide the necessary equipment and training to its personnel to effectively complete this process. The Communications Supervisor will coordinate with the Patrol Division Commander to establish or amend any procedures necessary to simplify data-collection methods without compromising officer safety and data-collection integrity.

The Department will ensure all Department personnel receive the TCLOESE training concerning bias-based profiling mandated by Section 1701.253, Occupation Code, as well as the Department's policy regarding racial profiling in general, as well as its information collection and reporting requirements.

PATROL DIVISION RESPONSIBILITIES

The Patrol Division Commander will insure all sworn personnel comply with the provisions of this policy and state law. These responsibilities include developing and incorporating procedures for training and conducting traffic and pedestrian stops that support the data-collection requirements of this policy, as well as procedures that support an in-car video/audio tape recording system that complies with CCP Art. 2.135. Patrol Division supervisors will be responsible for monitoring officers assigned to them to identify potential profiling practices and provide interdictory guidance, or disciplinary referral as required. Each patrol officer's immediate supervisor will randomly review the videotape for at least one of his/her traffic stops on a monthly basis to confirm videotape usage and compliance with profiling law.

OFFICE OF THE CHIEF RESPONSIBILITIES

The Office of the Chief will be responsible for oversight of the reporting process. This office will conduct an annual administrative review of data collected, to include community and personnel input, in order to amend Department policies and procedures as necessary to insure compliance with bias-based profiling legislation and policy. The Department may identify other training needs based on administrative reviews of data. The office of the chief will coordinate to offer additional training related to bias-based profiling as required. This office will publish not later than March 1 of each year an annual report that contains information compiled during the previous year; this report will be submitted to the City Council in accordance with CCP Art. 2.134 (c).

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 Elgin 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 Elgin 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 Elgin 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 Elgin 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 Elgin Police Department have completed the TCOLE basic training on racial profiling. The main outline used to train the officers of Elgin has been included in this report.

It is important to recognize that the Chief of the Elgin 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 Elgin 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 1/1/15---12/31/15, 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 Elgin 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 1/1/15 ---- 12/31/15.

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 (1/1/15—12/31/15)

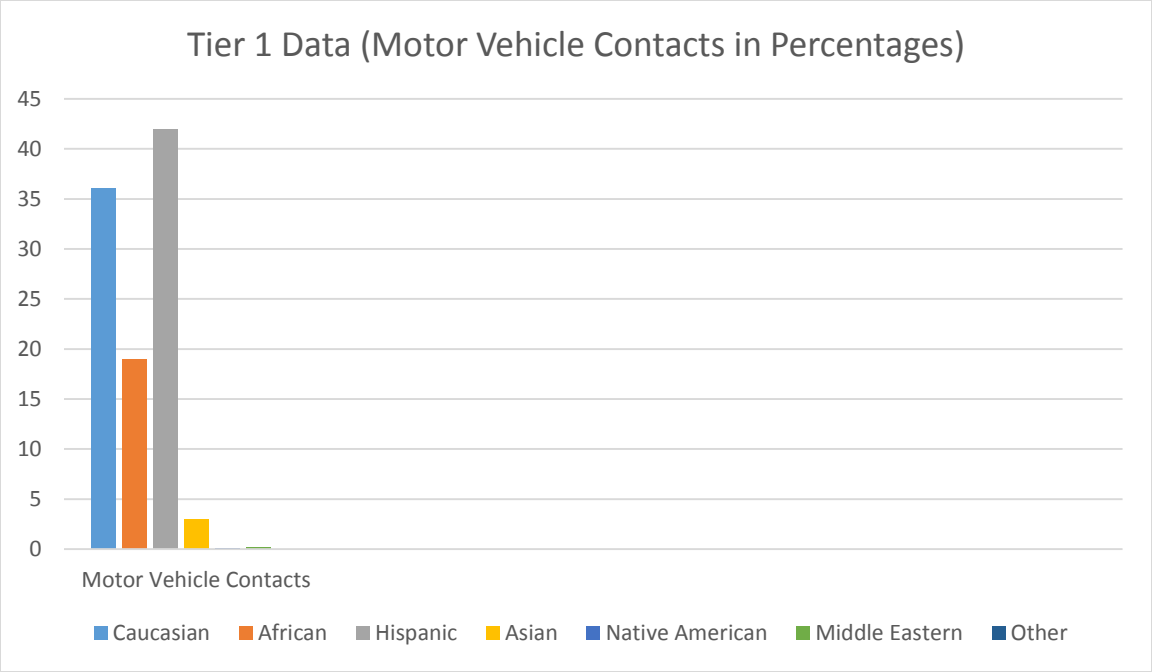
Race/Ethnicity*	Contacts		Searches		Consensual Searches		PC Searches		Custody Arrests	
	N	%	N	%	N	%	N	%	N	%
Caucasian	334	36	9	26	4	50	4	15	42	30
African	179	19	10	29	3	38	9	35	47	34
Hispanic	390	42	15	43	0	0	14	50	51	36

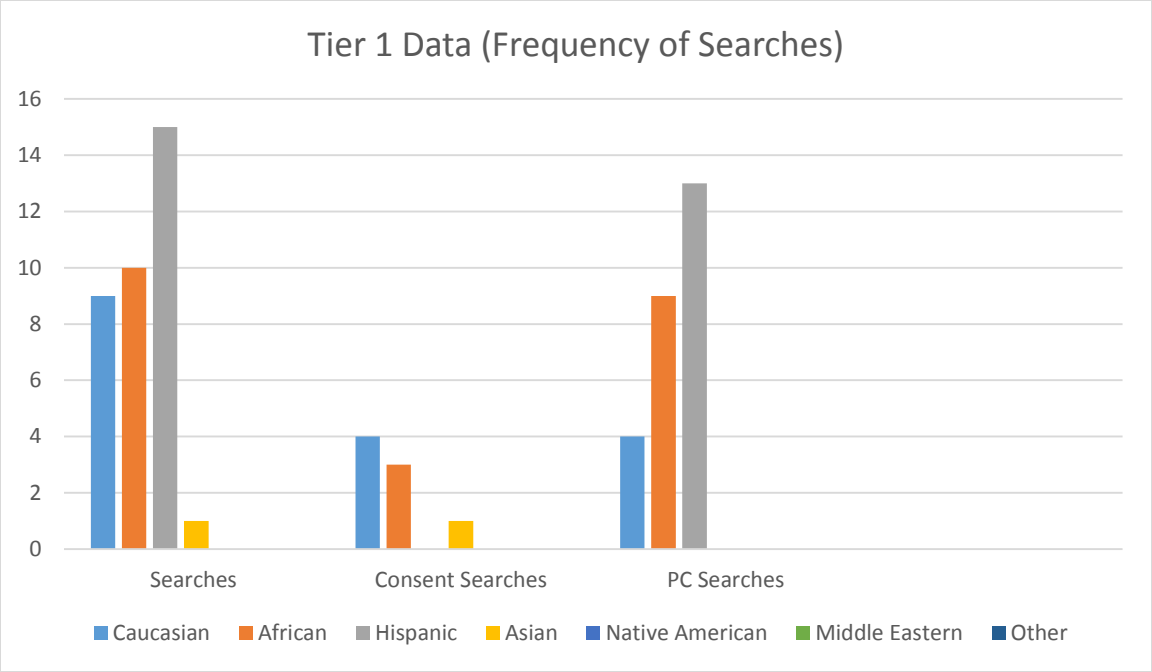
Asian	27	3	1	2	1	12	0	0	0	0
Native American	1	.1	0	0	0	0	0	0	0	0
Middle Eastern	2	.2	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0
Total	933	100	35	100	8	100	27	100	140	100

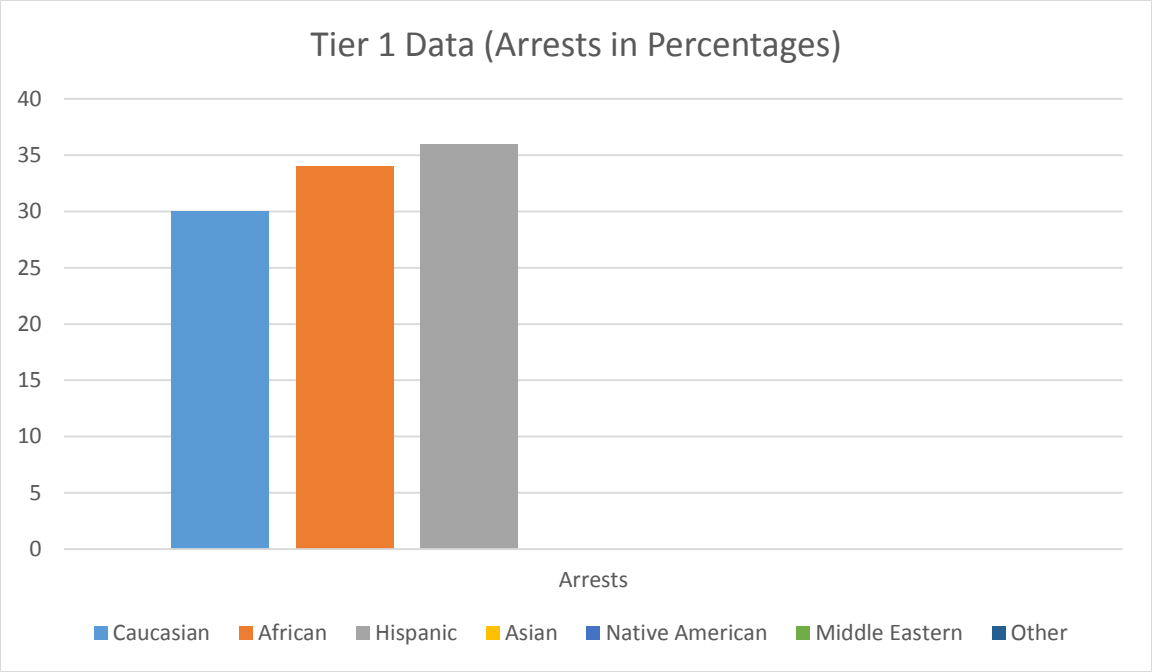
"N" represents "number" of traffic-related contacts

* 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

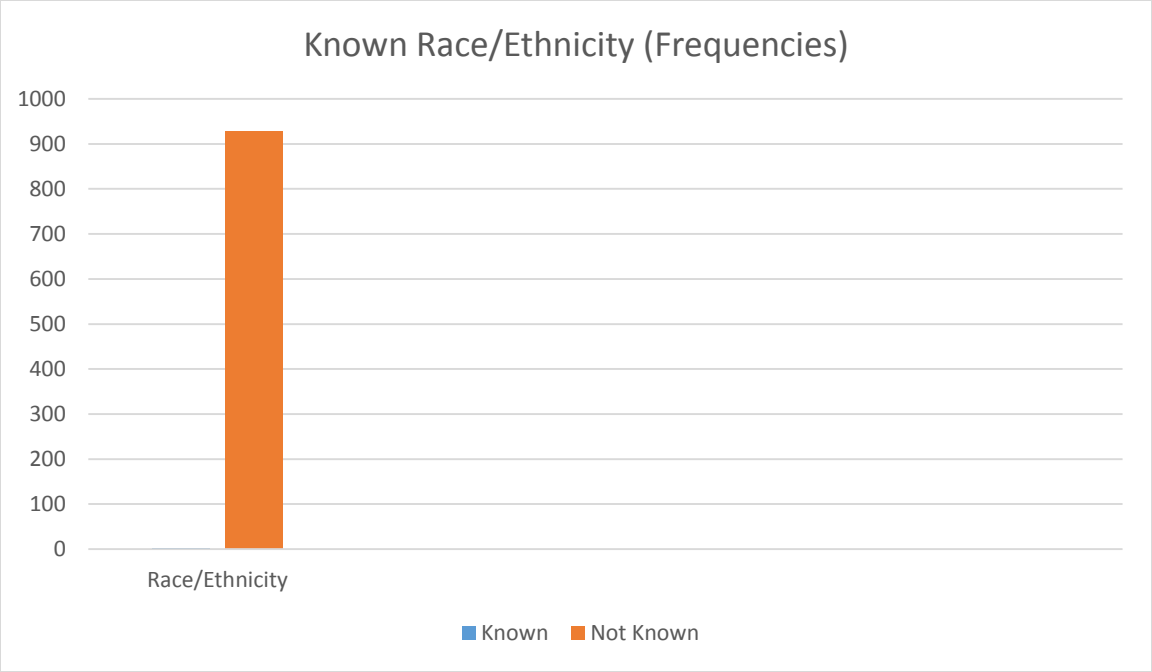

Tier 1 Data (Motor Vehicle Contacts in Percentages)
45
40
35
30
25
20
15
10
5
0
Motor Vehicle Contacts
Caucasian
African
Hispanic
Asian
Native American
Middle Eastern
Other


Tier 1 Data (Frequency of Searches)
16
14
12
10
8
6
4
2
0
Searches
Consent Searches
PC Searches
Caucasian
African
Hispanic
Asian
Native American
Middle Eastern
Other


Tier 1 Data (Arrests in Percentages)
40
35
30
25
20
15
10
5
0
Arrests
Caucasian
African
Hispanic
Asian
Native American
Middle Eastern
Other

Total Number of Instances where Officers Knew/did not Know Race/Ethnicity of Individuals Before Being Detained (1/1/15--12/31/15)

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**
2	928


Known Race/Ethnicity (Frequencies)
1000
900
800
700
600
500
400
300
200
100
0
Race/Ethnicity
Known
Not Known

Tier 1 (Partial Exemption TCLEOSE Form)

Partial Exemption Racial Profiling Reporting (Tier 1)

Department Name __Elgin Police Department_____

Agency Number__021202_____

Chief Administrator Name _Chris Bratton_____

Reporting Name___Chris Bratton_____

Contact Number__512-285-5757_____

E-mail Address_cbratton@pd.ci.elgin.tx.us_____

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 polices 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

(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._790__citation only

2._121__arrest only

3.__19__both

4._930_Total

Race or Ethnicity:

5._179__African

6.__27__Asian

7._334__Caucasian

8._390__Hispanic

9.__2___Middle Eastern

10._1___Native American

11._930_Total

Race or Ethnicity Known Prior to Stop?

12.__2___Yes

13._928__No

14._930__Total

Search Conducted:

15.__35_Yes

16._895_No

17. _930_____Total

Was Search Consented?

18.__8___Yes

19._27___No

20._35___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)

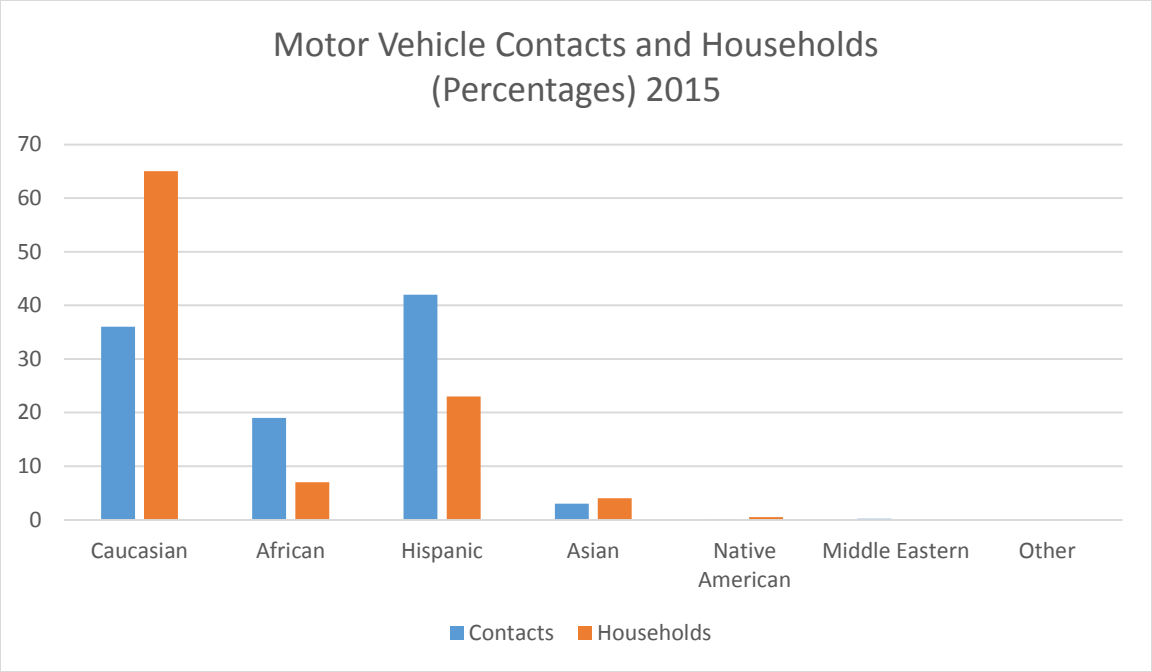
(II) Motor Vehicle-Contacts and Fair Roads Standard Comparison

Comparison of motor vehicle-related contacts with households in Austin-Marble Falls CSA that have vehicle access (in percentages). (1/1/15—12/31/15)

Race/Ethnicity*	Contacts	Households with vehicle

	(in percentages)	access (in percentages)
Caucasian	36	65
African	19	7
Hispanic	42	23
Asian	3	4
Native American	.1	.5
Middle Eastern	.2	N/A
Other	0	N/A
Total	100	99**

* 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


Motor Vehicle Contacts and Households (Percentages) 2015
70
60
50
40
30
20
10
0
Caucasian
African
Hispanic
Asian
Native American
Middle Eastern
Other
Contacts
Households

Analysis and Interpretation of Data

Analysis

In 2001, the Texas legislature 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 Elgin Police Department as it is demonstrated throughout this report.

In an effort to comply with The Texas Racial Profiling Law, the Elgin Police Department commissioned the analysis of its 2015 motor vehicle contact data. Thus, two different types of data analyses were performed. The first of these involved a careful evaluation of the 2015 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 2015 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 Elgin 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 Elgin Police Department in 2015 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 Elgin 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 Austin-Marble Falls CSA.

Tier 1 (2015) Motor Vehicle-Related Contact Analysis

When analyzing the Tier 1 data collected in 2015, it was evident that most motor vehicle-related contacts were made with Hispanic drivers. This was followed by Caucasian and African American drivers. With respect to searches, most of them were performed on Hispanic drivers. This was followed by African Americans and Caucasians. It is important to note that the arrest data revealed that Hispanic drivers were arrested the most in motor vehicle-related contacts; this was followed by African Americans and Caucasians.

Fair Roads Standard Analysis

The data analysis of motor vehicle contacts to the census data relevant to the number of "households" in the Austin-Marble Falls CSA who indicated, in the 2010 census, that they had access to vehicles, produced interesting findings. Specifically, the percentage of individuals of African American and Hispanic descent that came in contact with the police was higher than the percentage of African American and Hispanic households in the Austin-Marble Falls CSA that claimed, in the 2010 census, to have access to vehicles. With respect to Caucasians, Asians and Native Americans, a lower percentage of contacts were detected. That is, the percentage of Caucasian, Asian and Native American drivers that came in contact with the police in 2015 was lower than the percentage of Caucasian, Asian and Native American households in the Austin-Marble Falls CSA with access to vehicles.

Summary of Findings

The comparison of motor vehicle contacts showed that the Elgin Police Department came in contact (in motor vehicle-related incidents) with a smaller percentage of Caucasian, Asian and Native American drivers than the percentage that resided in the Austin-Marble Falls CSA and had access to vehicles. Further, the data suggested that the percentage of African American and Hispanic drivers that came in contact with the police in 2015 was higher than the percentage of African American and Hispanic households in the Austin-Marble Falls CSA 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 Elgin 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 and Hispanics. 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 Elgin Police Department is also encouraged to:

1) Perform an independent search analysis on the search data collected in the first quarter of 2016.

2) Commission data audits in 2016 in order to assess data integrity; that is, to ensure that the data collected is consistent with the data being reported.

The Elgin Police Department has, once again, complied with the Texas Racial Profiling Law.

(III) Summary

Checklist

Checklist

The following requirements **were** met by the Elgin 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
Elgin 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, 2016.

☒ 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.

COUNCIL MEETING: February 2, 2016

ITEM: 1. Approval of minutes of the regular council meeting January 5, 2016.

RESOURCE PERSON(S): **Kerry Lacy, City Manager**
Lucretia Alvarez, City Secretary

SUMMARY: **Presented for review and approval are the minutes of the regular council meeting on January 5, 2016.**

RECOMMENDATION(S): **Approve the minutes of the regular council meeting on January 5, 2016.**

ATTACHMENT: **1-Minutes 1-5-2016**

MINUTES
ELGIN CITY COUNCIL
REGULAR MEETING
TUESDAY, JANUARY 5, 2016 AT 7:00 P.M.
CITY ANNEX COUNCIL CHAMBERS, 310 NORTH MAIN STREET

CALL TO ORDER

Mayor Marc Holm called the meeting to order at 7:03 p.m. with the following members:

Marc Holm, Mayor
Chris Cannon, Mayor Pro-Tem
Keith Joesel, Council Member
Sue Brashar, Council Member
Edward Maldonado, Council Member
Juan Gonzalez, Council Member
Mary Penson, Council Member
Jessica Bega, Council Member
Craig Fromme, Council Member
Kerry Lacy, City Manager
Lucretia Alvarez, City Secretary
Gary Cooke, Planning and Development Director
Amy Miller, Community Development Director
Michael Gonzales, Parks and Recreation Director
Sandy Ott, Library Director
Buck LaQuey, Finance Director
Chris Bratton, Police Chief

INVOCATION

Council Member Mary Penson gave the invocation.

PUBLIC HEARING

None

PUBLIC COMMENT

None

PRESENTATIONS

1. Proclamation recognizing Dr. Martin Luther King, Jr. and Coretta Scott King Day in Elgin.
   Kerry Lacy, City Manager
   Amy Miller, Community Development Director

   Mayor Marc Holm presented the proclamation to Bettye Lofton and Byron Green.

REPORTS

1. Fiscal Year 2015 Fourth Quarter Financial Reports
   Kerry Lacy, City Manager
   Sidney LaQuey, Finance Director
   Laura Schwartz, Purchasing Agent/Finance Administrator

2. Monthly Department Reports for November 2015
   Kerry Lacy, City Manager

3. Annual report on City of Elgin Boards and Commissions.
   Kerry Lacy, City Manager
   Marc Holm, Mayor
   Lucretia Alvarez, City Secretary

CONSENT AGENDA

Mayor Pro-Tem Chris Cannon made a motion to approve the Consent Agenda as presented, Council Member Sue Brashar seconded, and motion passed unanimously.

1. Approval of minutes of the special council meeting December 22, 2015.
   Kerry Lacy, City Manager
   Lucretia Alvarez, City Secretary

2. Approval of waiving the open container ordinance on Main Street from Lexington Road to Brenham Street; and on Second Street, First Street, Depot Street, Central Avenue, Austin Street, Brenham Street from Main Street to Avenue C; and on Avenue C from Brenham Street to 2nd Street on 2nd Thursdays January 14, February 11, March 10, April 14, May 12, June 9, July 14, August 11, September 8, October 13, November 10, December 8 from 5pm to 8pm for Sip Shop and Stroll.
   Kerry Lacy, City Manager
   Amy Miller, Community Development Director

3. Approval to appoint Jessica Bega to serve on the CAPCOG Clean Air Coalition through December 31, 2017.
   Kerry Lacy, City Manager
   Amy Miller, Community Development Director

4. Approval of a board appointment Patrick Dudley to the Board of Adjustments.
   Kerry Lacy, City Manager
   Lucretia Alvarez, City Secretary
   Gary Cooke, Planning and Development Director

5. Approval of board appointment Carman Michelle Austino and reappointments Josh Carillo and Christy Taylor to the Library Advisory Board.
   Kerry Lacy, City Manager
   Lucretia Alvarez, City Secretary
   Sandy Ott, Library Director

6. Approval of board appointment Emily Koller and reappointments Ed Rivers, Melissa Ladd, and Allan Tolbert to the Historic Review Board.
   Kerry Lacy, City Manager
   Lucretia Alvarez, City Secretary
   Amy Miller, Community Development Director

7. Approval of board reappointments Ed Rivers and Allan Tolbert to the Main Street Board.
   Kerry Lacy, City Manager
   Lucretia Alvarez, City Secretary
   Amy Miller, Community Development Director

8. Approval of board appointments David Lanford and Brian Lundgren, and reappointments Geno Chevarria, Ronnie Creppon, Dorothy McCarther, Antonio Prete, and Rudy Ramirez to the Planning and Zoning Commission.
   Kerry Lacy, City Manager
   Marc Holm, Mayor
   Lucretia Alvarez, City Secretary
   Gary Cooke, Planning and Development Director

UNFINISHED BUSINESS

None

NEW BUSINESS

1. Discussion and Action to consider terminating the contract awarded to Langford Community Management Services for Community Development Block Grant Contract Number 7215151.
   Kerry Lacy, City Manager
   Amy Miller, Community Development Director
   Doug Prinz, Utilities Director

   Mayor Pro-Tem Chris Cannon made a motion to terminate the contract awarded to Langford Community Management Services for Community Development Block Grant Contract Number 7215151, Council Member Jessica Bega seconded, and motion passed unanimously.

EXECUTIVE SESSION

None

ANNOUNCEMENTS

- Future Farmers of America and 4-H Show on Saturday, January 9.
- Joe Newman's retirement reception is Friday, January 15 from 3-5 p.m.
- Owen Rock's welcome reception is Thursday, January 21 from 5:30-7 p.m.
- Lucretia Alvarez's graduation is Thursday, January 21 in Frisco.
- Thanks to Kerry Lacy for downtown updates.
- Mayor Marc Holm retiring after 4 terms, thanking the citizens and all employees.

ADJOURNMENT

Mayor Marc Holm adjourned the meeting at 7:22 p.m.

APPROVED:

MARC HOLM
Mayor of Elgin, Texas

ATTEST:

LUCRETIA ALVAREZ
City Secretary of Elgin, Texas

COUNCIL MEETING: February 2, 2016

ITEM: 2. Approval of an agreement to conduct a Joint Election between the City of Elgin and Elgin Independent School District for the May 7, 2016 Election.

RESOURCE PERSON(S): **Kerry Lacy, City Manager**
Lucretia Alvarez, City Secretary

SUMMARY: **This Agreement is to Conduct Joint Election between the City of Elgin and Elgin Independent School District pursuant to Section 31.092 and Chapter 271 of the Texas Election Code.**

RECOMMENDATION(S): **Approval of Agreement to Conduct Joint Election between the City of Elgin and Elgin Independent School District for the May 7, 2016 Election.**

ATTACHMENT: **1-Joint Contract agreement with EISD**

AGREEMENT TO CONDUCT JOINT ELECTION BETWEEN

THE CITY OF ELGIN AND

ELGIN INDEPENDENT SCHOOL DISTRICT

FOR THE MAY 7, 2016 ELECTION

THE STATE OF TEXAS §
§
COUNTY OF BASTROP §

This Agreement to Conduct Joint Election (this "**Contract**") is entered into by and among City of Elgin, a political subdivision of the State of Texas (the "**CITY**"), and Elgin Independent School District, a political subdivision of the State of Texas, (the "**ISD**"), individually, a "**Party**" or, collectively, the "**Parties**," pursuant to Section 31.092 and Chapter 271 of the Texas Election Code.

RECITALS

WHEREAS, the CITY and the ISD each expect to call an election to be held on May 7, 2016; and

WHEREAS, the CITY and the ISD desire to conduct such elections jointly pursuant to Chapter 271 of the Texas Election Code, and

WHEREAS, the CITY and the ISD desire to enter into a contract setting out the respective responsibilities of the Parties;

NOW, THEREFORE, the Parties agree as follows:

ARTICLE I
PURPOSE

1.01 The Parties have entered into this Contract to conduct a joint election on May 7, 2016. The purpose of this agreement is to maintain consistency and accessibility in voting practices, polling places, and election procedures in order to best assist the voters of the Parties.

ARTICLE II
JOINT ELECTION

2.01 The Parties agree to conduct their respective May 7, 2016 elections jointly pursuant to Chapter 271 of the Texas Election Code.

ARTICLE III.
TERM

3.01 Except as hereinafter set out, the term of this Contract shall be from the time of execution until all items with respect to this Contract have been completed.

ARTICLE IV
COST OF SERVICE AND BILLING

4.01 All costs incurred by the Parties attributable to the coordination, supervision, and running of the election and incurred on behalf of the Parties, including expenses for supplies in connection with the election school(s), election supplies, wages paid for election workers, any paper ballots to be used for the election, and any other expenses reasonably and directly related to the election, including, without limitation, rental and programming of direct recording electronic voting devices and audio ballots shall be shared by the Parties and each Party will be billed their pro-rata portion.

ARTICLE V
GENERAL PROVISIONS

5.01 This Contract shall be construed under and in accordance with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Bastrop County, Texas.

5.02 In case any one or more of the provisions contained in this Contract shall for any reason be held to be invalid, illegal or unenforceable in any respect, the invalidity, illegality, or unenforceability shall not affect any other provision, and this Contract shall be construed as if the invalid, illegal, or unenforceable provision had never been a part of the Contract.

5.03 This Contract constitutes the only agreement of the Parties hereto and supersedes any prior understanding or written or oral agreement between the parties respecting the written subject matter.

5.04 No amendment, modification, or alteration of this Contract shall be binding unless it is in writing, dated subsequent to the date of the Contract and duly executed by all of the Parties.

5.05 Any notice to be given hereunder by any party to the other shall be in writing and may be affected by personal delivery, by certified mail, or by common carrier. Notice to a party shall be addressed as follows:

ISD:

Dr. Jodi Duron
Superintendent of Schools
Elgin Independent School District
PO Box 351
Elgin, TX 78621

CITY:

Marc Holm
Mayor
City of Elgin
PO Box 591
Elgin, TX 78621

Notice by hand-delivery is deemed effective immediately, notice by certified mail is deemed effective three days after deposit with a U.S. Postal Office or in a U.S. Mail Box, and notice by a common carrier, is deemed effective upon receipt. Each party may change the address for notice to it by giving notice of such change in accordance with the provisions of this Section.

Executed to be effective the ____ day of _____, 2016.

DISTRICT:

BY:_____
Dr. Jodi Duron, Superintendent
Elgin Independent School District

Executed to be effective the ____ day of _____, 2016.

CITY:

BY:_____
Marc Holm, Mayor
City of Elgin

COUNCIL MEETING: February 2, 2016

ITEM: 3. Approval of a contract for Election Services between the Elections Administrator of Bastrop County and the City of Elgin for the May 7, 2016 Election.

RESOURCE PERSON(S): **Kerry Lacy, City Manager**
Lucretia Alvarez, City Secretary

SUMMARY: **The City of Elgin has contracted with the Council in past years and staff recommended the same be done this year. The cost for contracting this service is shared by all entities that are holding elections. This year the City of Elgin and the Elgin Independent School District will hold elections and the City of Elgin estimated cost will be $5,194.70.**

RECOMMENDATION(S): **Approval of Contract for Election Services between the Elections Administrator of Bastrop County and the City of Elgin for the May 7, 2016 Election.**

ATTACHMENT: **1-Elections Administrator contract**

CONTRACT FOR ELECTION SERVICES

BETWEEN

THE ELECTIONS ADMINISTRATOR OF BASTROP COUNTY

AND

THE CITY OF ELGIN

FOR THE MAY 7, 2016 ELECTION

THIS CONTRACT is made and entered into by and between Bridgette Escobedo, the Elections Administrator of Bastrop County, Texas, hereinafter referred to as "Contracting Officer," and the City of Elgin, hereinafter referred to as the "CITY," pursuant to the authority under Section 31.092(a) of the Texas Election Code and Chapter 791 of the Texas Government Code. In consideration of the mutual covenants and promises hereinafter set forth, the parties agree to this interlocal agreement with regard to the coordination, supervision, and running of the CITY's May 7, 2016 Election, hereinafter referred to as "the election". The purpose of this agreement is to maintain consistency and accessibility in voting practices, polling places and election procedures to assist the voters of the CITY.

I. RESPONSIBILITIES OF CONTRACTING OFFICER. The Contracting Officer shall be responsible for performing the following services and furnishing the following materials and equipment in connection with the election:

A. ***Notification to Presiding and Alternate Judges; Appointment of Clerks.***

1. The Contracting Officer shall notify each presiding judge and alternate judge of his or her appointment. The notification will also include the assigned polling location, the date of the election school(s), the eligibility requirements that pertain to them and to the selection of election day clerks, the date and time of the election, the rate of compensation, the number of election clerks the presiding judge may appoint, and the name of the presiding or alternate judge, as appropriate.

2. The Contracting Officer shall ensure that the presiding judges make the appropriate election clerk appointments and notify the clerks of their appointments. The recommendations of the CITY will be the accepted guidelines for the number of clerks secured to work in each polling place. The presiding election judge of each polling place, however, will use his/her discretion to determine when additional manpower is needed during peak voting hours. Election judges shall be secured by the Contracting Officer with the approval of the CITY.

3. Notification to the election judges and alternates shall be made no later than April 22, 2016.

B. ***Contracting with Third Parties.*** In accordance with Section 31.098 of the Texas Election Code, the Contracting Officer is authorized to contract with third persons for election services and supplies. The cost of such third-person services and supplies will be paid by the Contracting Officer and reimbursed by the CITY as agreed upon on Exhibit "C."

C. ***Election School(s).*** The Contracting Officer shall be responsible for conducting one or more, at her discretion, election schools to train the presiding judges, alternate judges, election clerks, and early voting clerks, and Early Voting Ballot Board members in the conduct of elections, including qualifying voters, provisional voting, and the counting of ballots. The Contracting Officer shall determine the date, time, and place for such school(s) and notify the presiding judges, alternate judges, and election clerks of such. The Contracting Officer may hold the election school(s) on a Saturday in order to increase its availability to election workers who are employed during the regular work week. If at all possible, such election schools shall be conducted within the CITY territory.

D. ***Publication/Posting of Election Notice.*** The Contracting Officer shall be responsible for having the required election notice under Section 4.003(a)(1) of the Texas Election Code published in the newspaper as required by State law. The Contracting Officer shall also be responsible for posting the notice required under Section 4.003(b) of the Texas Election Code as required by law and may require the assistance of the CITY in having such notice posted.

E. ***Election Supplies.*** The Contracting Officer shall procure, prepare, and distribute to the presiding judges for use at the polling locations on Election Day and the Early Voting Ballot Board (and to the Deputy Early Voting Clerks during Early Voting) the following election supplies: election kits from third-party vendors (including the appropriate envelopes, sample ballots, lists, forms, name tags, posters, and signage described in Chapters 51, 61, and 62, and Subchapter B of Chapter 66 of the Texas Election Code); pens; pencils; tape; markers; paper clips; ballot box seals; sample ballots; tacks, and all consumable-type office supplies necessary to hold an election.

F. ***Registered Voter List.*** The Contracting Officer shall provide all lists of registered voters required for use on Election Day and for the early voting period required by law. The Election Day list of registered voters shall be arranged in alphabetical order by each precinct.

G. ***Ballots.*** The Contracting Officer shall be responsible for the programming of the direct recording electronic voting devices (referred to as DRE's) and the printing of ballots requested by mail or used for early voting or election day. The Contracting Officer shall be responsible for distributing the DRE's along with the election supplies.

H. ***Early Voting.*** In accordance with Sections 31.096 and 31.097(b) of the Texas Election Code, the Contracting Officer will serve as Early Voting Clerk for the election.

1. As Early Voting clerk, the Contracting Officer shall receive applications for early voting ballots to be voted by mail in accordance with Chapters 31 and 86 of the Texas Election Code. The Contracting Officer shall work with the CITY in securing personnel to serve as Early Voting Deputies.

The Contracting Officer shall, upon request, provide the CITY a copy of the early voting report on a daily basis and a cumulative final early voting report following the election.

2. Early Voting by personal appearance for the election shall be conducted during the hours and time period and at the locations listed in Exhibit "A," attached hereto and made a part of this contract.

3. The Contracting Officer shall receive mail ballot applications on behalf of the CITY. All applications for mail ballots shall be processed in accordance with Title 7 of the Texas Election Code by the Contracting Officer or her deputies at 804 Pecan Street, Bastrop, Texas 78602. Any requests for early voting ballots to be voted by mail received by the CITY shall be forwarded immediately to the Contracting Officer for processing.

4. All Early Voting ballots (those cast by mail and those cast by personal appearance) shall be secured and maintained by the Contracting Officer and delivered by her or her deputy for counting in accordance with Chapter 87 of the Texas Election Code to the Early Voting Ballot Board at the Bastrop County Courthouse on Election Day, May 7, 2016.

I. ***Election Day Polling Locations.*** The Election Day polling locations are those listed in Exhibit "B," attached hereto and made a part of this contract. The Contracting Officer shall arrange for the use of all Election Day polling places and shall arrange for the setting up of all polling locations for Election Day, including ensuring that each polling location has the necessary tables, chairs, and voting booths.

J. ***Central Counting Station.*** The Contracting Officer shall be responsible for establishing and operating the Central Counting Station to receive and tally the voted ballots in accordance with Section 127.001 of the Election Code and of this agreement. Counting Station Manager and Central Count Judge shall be Bridgette Escobedo. The Tabulation Supervisor shall be Krista Bartsch. The tabulation supervisor shall handle ballot tabulation in accordance with statutory requirements and county policies, under the auspices of the Contracting Officer.

Election night reports will be available to the CITY at the Central Counting Station on election night and will provide individual polling location totals.

K. ***Manual Counting.*** The Contracting Officer shall conduct a manual count as prescribed by Section 127.201 of the Texas Election Code and submit a written report to the CITY in a timely manner. The Secretary of State may waive this requirement. If applicable, a written report shall be submitted to the Secretary of State as required by Section 127.201(E) of the aforementioned code.

L. ***Election Reports.*** The Contracting Officer shall prepare the unofficial tabulation of precinct results under Section 66.056(a) of the Texas Election Code and shall provide a copy of the tabulation to the CITY as soon as possible after the Contracting Officer has received the precinct returns on Election Day night. Provisional ballots will be tabulated after election night in accordance with state laws.

M. ***Custodian of Voted Ballots.*** The Contracting Officer is hereby appointed the custodian of voted ballots and shall preserve them in accordance with Chapter 66 of the Texas Election Code and other applicable law.

II. **RESPONSIBILITIES OF THE CITY**. The CITY shall assume the following responsibilities:

A. ***Election School(s).*** At the request of the Contracting Officer, and at no cost to the Contracting Officer, the CITY will make available space in an CITY building to hold the election school(s), if applicable.

B. ***Polling Locations.*** The CITY shall pay the respective cost of all employee services required to provide access, security, or custodial services for the polling locations.

C. ***Applications for Mail Ballots.*** The CITY shall date stamp and then immediately hand deliver to the Contracting Officer all original mail ballot applications for mail ballots that it receives.

D. ***Election Orders, Election Notices, Canvass***. The CITY shall prepare the election order, resolutions, notices, official canvass, and other pertinent documents for adoption by the CITY's governing body. Promptly after approval of election order, resolutions, notices, official canvass, and other pertinent documents by the CITY's governing body and within such time so as not to impede the orderly conduct of the election, the CITY shall return said documents to the Contracting Officer for proper posting and recordkeeping. The CITY assumes the responsibility of promoting the schedules for Early Voting and Election Day

E. ***Paper Ballots.*** In advance of the March 23, 2016 date on which the Texas Secretary of State's Office encourages the mailing out of ballots for early voting by mail, the Contracting Officer shall arrange with a third party to prepare the necessary optical paper ballots for the election. The ballots shall be in English with the Spanish translation included.

The CITY shall furnish the Contracting Officer a list of candidates and/or propositions showing the order and the exact manner in which their names or proposition(s) are to appear on the official ballot (including bilingual titles and text). This list shall be delivered to the Contracting Officer as soon as possible after ballot positions have been determined. The CITY shall perform the duties required for drawing for place on the ballot by candidates. The CITY shall be responsible for proofreading and approving the ballot insofar as it pertains to the authority's candidates and/or propositions.

III. SPECIAL PROVISIONS RELATING TO ELECTION WORKERS

A. ***Compensation.*** The parties agree that presiding judges and alternate judges will be compensated at a rate of $10.00/hr, and election clerks will be compensated at a rate of $8.00/hr. They will be compensated for all hours actually worked, including the time to set up the polling location and the time to complete the counting and to wrap up the paper work, but not to exceed one hour before and two hours after the polling location is open for voting. The presiding judge, or the election worker at the polling location that he or she designates, who picks up the election supplies on May 7, 2016 from the Contracting Officer and who returns the remaining supplies, ballot boxes, and all other election records from the polling location to the Contracting Officer will be compensated with a delivery fee of $25 at the same time that payment is made for the hours worked. The Contracting Officer will pay the election workers directly and be reimbursed for such by the CITY.

B. ***Number of Election Workers.*** The parties agree that at all polling locations there will be a minimum of three election workers, consisting of the presiding judge, alternate judge, and one clerk.

IV. JOINT EXPENSES AND PAYMENT

A. ***Expenses Incurred and Billing.*** The participating authorities agree to share actual costs incurred to the extent that the costs and expenses are incurred in connection with a polling location used by more than one local political subdivision, such as (without limitation) the cost of renting polling locations and voting equipment, programming the voting equipment, supplies needed for the polling place, wages and salaries of election workers. Election expenses shall be pro-rated equally among the participants.

The parties agree, for those polling locations used solely by the CITY and not shared by any other participating authority, that the CITY will pay the wages, salaries, and other applicable election costs and expenses directly related to such polling location.

It is understood that to the extent space is available, other districts and political subdivisions may wish to participate in the use of the County's election equipment and voting places, and it is agreed that the Elections Administrator may contract with such other districts or political subdivisions for such purposes and that in such event there may be an adjustment of the pro-rata share to be paid to the County by the participating authorities.

Billing. As soon as reasonably possible after Election Day, the Contracting Officer will submit an itemized invoice to the CITY for (1) actual expenses directly attributable to the coordination, supervision, and running of the election and incurred on behalf of the CITY by the Contracting Officer, including expenses for supplies in connection with the election school(s), publication and printing of election notices, election supplies, wages paid to the Contracting Officer's employees for services under this contract performed outside of normal business hours, election workers, and any other expenses reasonably and directly related to the election, including, without limitation, rental and programming of DREs and audio ballots, and (2) the Contracting Officer's fee under Section 31.100(d) of the Texas Election Code and as provided in Section IV.E below. Expenses related to wages shall be supported by compensation sheets. Other expenses shall be supported by invoices or receipts, except that the price of items coming out of the Contracting Officer's stock of election supplies shall be supported by the Contracting Officer's certificate about the number of items used and the unit cost therefore according to the vendor's standard price list.

B. ***Payment.*** The CITY shall pay the Contracting Officer's invoice within 30 days from the date of receipt to: **Bastrop County, Attn: Bridgette Escobedo, Elections Administrator, 804 Pecan Street, Bastrop, TX 78602.** If the CITY disputes any portion of the invoice, the CITY shall pay the undisputed portion of the invoice, and the parties will discuss in good faith a resolution of the disputed portion. All payments shall be made from current revenues available to the CITY.

C. ***Expense Item Larger than $500.*** If a single election expense exceeds $500, the Contracting Officer reserves the right to invoice the CITY for such expense at the time it is incurred, supported by an invoice or receipt, rather than waiting until after Election Day. The CITY shall pay such invoice within 30 days from the date of receipt.

D. ***Estimated Cost of Services.*** A cost estimate for election expenses is attached hereto and made a part of this contract as Exhibit "C." The parties agree that this is an estimate only and that the CITY is obligated to pay their respective portion of the actual expenses of the election as set forth herein. The Contracting Officer agrees to advise the CITY if it appears that the actual expenses incurred by the Contracting Officer will exceed by 20% or more the estimated expenses to be paid initially by the Contracting Officer and reimbursed jointly by the CITY.

E. ***Administrative Fee.*** The CITY shall pay the Contracting Officer a 10 % administrative fee, pursuant to the Texas Election Code, Section 31.100.

V. GENERAL PROVISIONS

A. ***Nontransferable Functions.*** In accordance with Section 31.096 of the Texas Election Code, nothing in this contract shall be construed as changing

1. the authority required by state law to order the election;

2. the authority with whom applications of candidates for a place on the ballot are filed;

3. the authority with whom documents relating to political funds and campaigns under Title 15 of the Texas Election Code are filed; or

4. the authority to serve as custodian of voted ballots or other election records, except that the Contracting Officer, if requested in writing by the CITY, will become the custodian of the voted ballots.

B. ***Joint Election.*** The parties acknowledge that the Contracting Officer may contract with other entities holding elections at the same time as the CITY on May 7, 2016.

C. ***Cancellation of Election.*** If the CITY cancels its election pursuant to Section 2.053 of the Texas Election Code, the Contracting Officer shall only be entitled to receive the actual expenses incurred before the date of cancellation in connection with the election and an administrative fee of $75. The Contracting Officer shall submit an invoice for such expenses (properly supported as described in **IV. PAYMENT** above) as soon as reasonably possible after the cancellation and the CITY shall make payment therefore in a manner similar to that set forth in **IV. PAYMENT** above. The Contracting Officer agrees to use reasonable diligence not to incur major costs in connection with election preparations until it is known that the election will be held, unless the CITY authorizes such major costs in writing. An entity canceling an election will not be liable for any further costs incurred by the Contracting Officer in conducting the May 7, 2016 Joint Election.

D. ***Contract Copies to Treasurer and Auditor.*** In accordance with Section 31.099 of the Texas Election Code, the Contracting Officer agrees to file copies of this contract with the County Treasurer of Bastrop County, Texas and the County Auditor of Bastrop County, Texas.

E. ***Representatives.*** For purposes of implementing this contract and coordinating activities hereunder, the CITY and the Contracting Officer designate the following individuals, and whenever the

contract requires submission of information or documents or notice to the CITY or the Contracting Officer, respectively, submission or notice shall be to these individuals:

For the CITY:	**For the Contracting Officer:**
Marc Holm	Bridgette Escobedo
Mayor At-Large	Elections Administrator
City of Elgin	Bastrop County
310 N. Main St./PO Box 591	804 Pecan Street
Elgin, TX 78621	Bastrop, TX 78602
Tel: (512) 281-5724	Tel: (512) 581-7160
Fax: (512) 285-5962	Fax: (512) 581-4260
Email: mayor@ci.elgin.tx.us	Email: elections@co.bastrop.tx.us

F. ***Amendment/Modification.*** Except as otherwise provided, this Agreement may not be amended, modified, or changed in any respect whatsoever, except by a further Agreement in writing, duly executed by the parties hereto. No official, representative, agent, or employee of the County has any authority to modify this Agreement except pursuant to such expressed authorization as may be granted by the Commissioners Court of Bastrop County, Texas. No official, representative, agent, or employee of the CITY has any authority to modify this Agreement except pursuant to such expressed authorization as may be granted by the governing body of the CITY. Both the Contracting Officer and the CITY may propose necessary amendments or modifications to this Agreement in writing in order to conduct a Joint Election smoothly and efficiently, except that any such proposals must be approved by the Commissioners Court of the County and the governing body of the Participating Entity, respectfully.

G. ***Entire Agreement.*** This Agreement contains the entire agreement of the parties relating to the rights herein granted and the obligations herein assumed and supersedes all prior agreements, including prior election services contracts and prior agreements to conduct joint elections. Any prior agreements, promises, negotiations, or representations not expressly contained in this Agreement are of no force and effect. Any oral representations or modifications concerning this Agreement shall be of no force or effect, excepting a subsequent modification in writing as provided herein.

H. ***Severability.*** If any provision of this Agreement is found to be invalid, illegal or unenforceable by a court of competent jurisdiction, such invalidity, illegality or unenforceability shall not affect the remaining provisions of this Agreement; and, parties to this Agreement shall perform their obligations under this Agreement in accordance with the intent of the parties to this Agreement as expressed in the terms and provisions of this Agreement.

I. ***Third Party Beneficiaries.*** Except as otherwise provided herein, nothing in this Agreement, expressed or implied, is intended to confer upon any person, other than the parties hereto, any benefits, rights or remedies under or by reason of this Agreement.

J. ***Mediation.*** Any controversy, claim or dispute arising out of or relating to this contract, shall be settled through mediation by the parties. The parties agree to use a mutually agreed upon mediator, or a

person appointed by a court of competent jurisdiction, for mediation as described in Section 154.023 of the Texas Civil Practice and Remedies Code. Unless both parties are satisfied with the result of mediation, the mediation will not constitute a final and binding resolution of the dispute. All communications within the scope of the mediation shall remain confidential as described in Section 154.023 of the Texas Civil Practice and Remedies Code unless both parties agree, in writing, to waive the confidentiality. Notwithstanding the foregoing, the parties intend to fully comply with the Texas Open Meetings Act and the Texas Public Information Act whenever applicable. The term "confidential" as used in this Agreement has the same meaning as defined and construed under the Texas Public Information Act and the Texas Open Meetings Act.

WITNESS BY MY HAND THIS THE _____ DAY OF _____, 2016.

_____
Marc Holm
Mayor At-Large
City of Elgin
Elgin, Texas

WITNESS BY MY HAND THIS THE _____ DAY OF _____, 2016.

_____

Paul Pape

County Judge
Bastrop County, Texas

WITNESS BY MY HAND THIS THE _____ DAY OF _____, 2016.

_____

Bridgette Escobedo

Elections Administrator
Bastrop County, Texas

EXHIBIT "A"

EARLY VOTING DATES, TIMES, AND LOCATIONS

Time Period:

Monday, April 25, 2016 through Tuesday, May 3, 2016.

Main Location:

City of Elgin Public Library, 404 N. Main Street, Elgin, TX 78621

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
25 **8:00 am – 5:00 pm**	**26** **8:00 am – 5:00 pm**	**27** **8:00 am – 5:00 pm**	**28** **8:00 am – 5:00 pm**	**29** **7:00 am – 7:00 pm**
2 **8:00 am – 5:00 pm**	**3** **7:00 am – 7:00 pm**	**4**	**5**	**6**

Voting by Mail:

Bridgette Escobedo, Bastrop County Elections Administrator, 804 Pecan Street, Bastrop, TX 78602

EXHIBIT "B"

CITY OF ELGIN ELECTION DAY POLLING LOCATION

City of Elgin Public Library, 404 N. Main Street, Elgin, TX 78621

EXHIBIT "C"

ESTIMATED COST OF MAY 7, 2016 ELECTION

JOINT ELECTION WITH ELGIN ISD

CITY OF ELGIN

Newspaper Publication Expenses	**$ 360.00**
Rental Fee for AutoMARK and Vote Tabulator (voting equipment)	**$4,162.45**
Staff Time and Mileage, Early Voting Clerks, Election Judges & Clerks, and Ballot Board, Optical Ballots and Programming Expenses	
Election Kits & other precinct supplies	**$ 200.00**
SUBTOTAL	**$4,722.45**
10% ADMINISTRATIVE FEE	**$ 472.25**
TOTAL	**$5,194.70**

EXHIBIT "C-1"

ESTIMATED COST OF MAY 7, 2016 ELECTION

WITHOUT JOINT ELECTION

CITY OF ELGIN

Newspaper Publication Expenses	**$ 360.00**
Rental Fee for AutoMARK and Vote Tabulator (voting equipment)	**$11,099.87**
Staff Time and Mileage, Early Voting Clerks, Election Judges & Clerks, and Ballot Board, Optical Ballots and Programming Expenses	
Election Kits & other precinct supplies	**$ 200.00**
SUBTOTAL	**$11,659.87**
10% ADMINISTRATIVE FEE	**$ 1,165.99**
TOTAL	**$ 12,825.86**

COUNCIL MEETING: February 2, 2016

ITEM: 4. Approval of street closures of South Avenue C from Central to 11th Street, 11th Street from South Avenue C to 2nd Street, 2nd Street from 11th to South Avenue C. on Saturday, March 5, 2016 from 7:30 a.m. to 1:30 p.m. for the Second Annual Superhero 5K.

RESOURCE PERSON(S): **Kerry Lacy, City Manager**
Michael Gonzalez, Parks and Recreation Director
Jodie Lopez, Event Organizer

SUMMARY: **The second annual Juvenile Diabetes Research Foundation Superhero 5K fun run, is set in Downtown Elgin on March 5, 2016. The proceeds from this event help the Austin Chapter in their mission to find a cure for Juvenile Diabetes.**

RECOMMENDATION(S): **Approve street closures of South Avenue C from Central to 11th Street, 11th Street from South Avenue C to 2nd Street, 2nd Street from 11th Street to South Avenue C. on Saturday, March 5, 2016 from 7:30 AM to 1:30 PM for the Second Annual Superhero 5K.**

ATTACHMENT: **1-Letter Form Jodie Lopez**
2-Map of Superhero 5K

January 15, 2016

City Council Members:

My name is Jodie Lopez. I am currently organizing The 2nd Annual SuperHero Run to Cure Diabetes 5k.

The 1st Annual SuperHero 5K was a tremendous success! We are hoping that this year's 5K will be even better than the last. Last year we were able to donate over $7000.00 to The Juvenile Diabetes Research Foundation.

The 5k route will go from South Ave C – from Central Ave to West 11th, West 2nd – from Ave C to West 11th. West 11th from West 2nd to Ave C on March 7th from 8:00 a.m – 12:00 p.m on March 5, 2015. The Elgin Volunteer Fire Department has kindly offered to assist in road closures, as well. They've offered to help in any way they can for this event.

JDRF Austin Chapter and The Diabetes Research Foundation has partnered with me for the SuperHero 5k, and they are very excited the City of Elgin is helping in their mission to find a cure.

The SuperHero team is working hard to make this event a successful one. On behalf of the SuperHero team, we'd like to thank the City of Elgin for their support.

Sincerely,

Jodie Lopez
(512)229-6080

COUNCIL MEETING: February 2, 2016

ITEM: 5. Approval of waiving the open container ordinance in Elgin Memorial Park from April 15, 2016 at 5:00 p.m. until April 17, 2016 at 1:00 p.m. for the Elgin Volunteer Fire Department Cook Off.

RESOURCE PERSON(S): **Kerry Lacy, City Manager**
Michael Gonzalez, Parks and Recreation Director
Justin Gwin, Elgin Volunteer Fire Department

SUMMARY: **The Elgin Volunteer Fire Department is hosting their annual bar-be-que cook out and competition in Elgin Memorial Park April 15-17, 2016.**

RECOMMENDATION(S): **Approve waiving the open container ordinance in Elgin Memorial Park from April 15, 2016 at 5:00 p.m. until April 17, 2016 at 1:00 p.m. for the annual Elgin Volunteer Fire Department Cook Off.**

ATTACHMENT:

COUNCIL MEETING: February 2, 2016

ITEM: 1. Discussion and action to consider an ordinance assigning newly annexed property to City Council Ward Area Numbers 1 and 2.

RESOURCE PERSON(S): **Kerry Lacy, City Manager**
Gary N. Cooke, Planning and Development Director

SUMMARY: **The City annexed 172.86 acres on August 4, 2015 and 94.798 acres on December 22, 2015. An ordinance is now necessary to assign the newly annexed property to the proper City Council Ward Areas. Ward Areas 1 & 2 were found to be affected by the annexation of the new properties.**

RECOMMENDATION(S): **Staff recommends approval of Ordinance No. 2016-02-02-01.**

ATTACHMENT:
1-Ordinance No. 2016-02-02-01
2-Exhibit A
3-Exhibit B
4-Exhibit C
5-Exhibit D
6-Ward Map

ORDINANCE NO. 2016-02-02-01

AN ORDINANCE ASSIGNING NEWLY ANNEXED PROPERTY TO CITY COUNCIL WARD AREA NO. 1 AND 2; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

WHEREAS, the City of Elgin, Texas is a duly constituted home-rule municipality and, as such, is authorized to unilaterally annex territory subject to the laws of the State of Texas and subject to its Charter; and

WHEREAS, the territory described on Exhibit "A" (the "Property") attached hereto and made a part hereof by reference for all purposes, was unilaterally annexed by the City of Elgin by Ordinance No. 2015-08-04-22, on August 4, 2015; and

WHEREAS, the territory described on Exhibit "B" (the "Property") attached hereto and made a part hereof by reference for all purposes, was unilaterally annexed by the City of Elgin by Ordinance No. 2015-12-22-34, on December 22, 2015, and

WHEREAS, the procedures prescribed by the Charter of the City of Elgin and the applicable laws of the State of Texas have been duly followed with respect to the Property; and

WHEREAS, the Property in Exhibit "C" is so situated as to be assigned to City Council Ward Area No. 1, and it is the intention of the City Council to add these parcels to Ward Area No. 1, and

WHEREAS, the Property in Exhibit "D" is so situated as to be assigned to City Council Ward Area No. 2, and it is the intention of the City Council to add these parcels to Ward Area No. 2; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS:

I.

That all of the above recitations are found to be true and correct and are incorporated into the body of this Ordinance.

II.

That the Property described in the attached Exhibit “C” is hereby assigned to Council Ward Area No. 1 and the Property described in the attached Exhibit “D” is hereby assigned to Council Ward Area No. 2

III.

That this Ordinance shall become effective after its passage.

IV.

If any section, subsection, sentence, phrase, or word of this Ordinance be found to be illegal, invalid or unconstitutional or if any portion of said property is incapable of being annexed by the City, for any reason whatsoever, the adjudication shall not affect any other section, sentence, phrase, word, paragraph or provision of this Ordinance or the application of any other section, sentence, phrase, word, paragraph or provision of any other ordinance of the City. The City Council declares that it would have adopted the valid portions and applications of this Ordinance and would have annexed the valid property without the invalid part, and to this end the provisions of this Ordinance are declared to be severable.

V.

A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this Ordinance shall not invalidate other sections or provisions thereof.

C. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter thereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

By motion duly made, seconded and passed with an affirmative vote of all the Council members present, the requirement for reading this ordinance on two separate days was dispensed with.

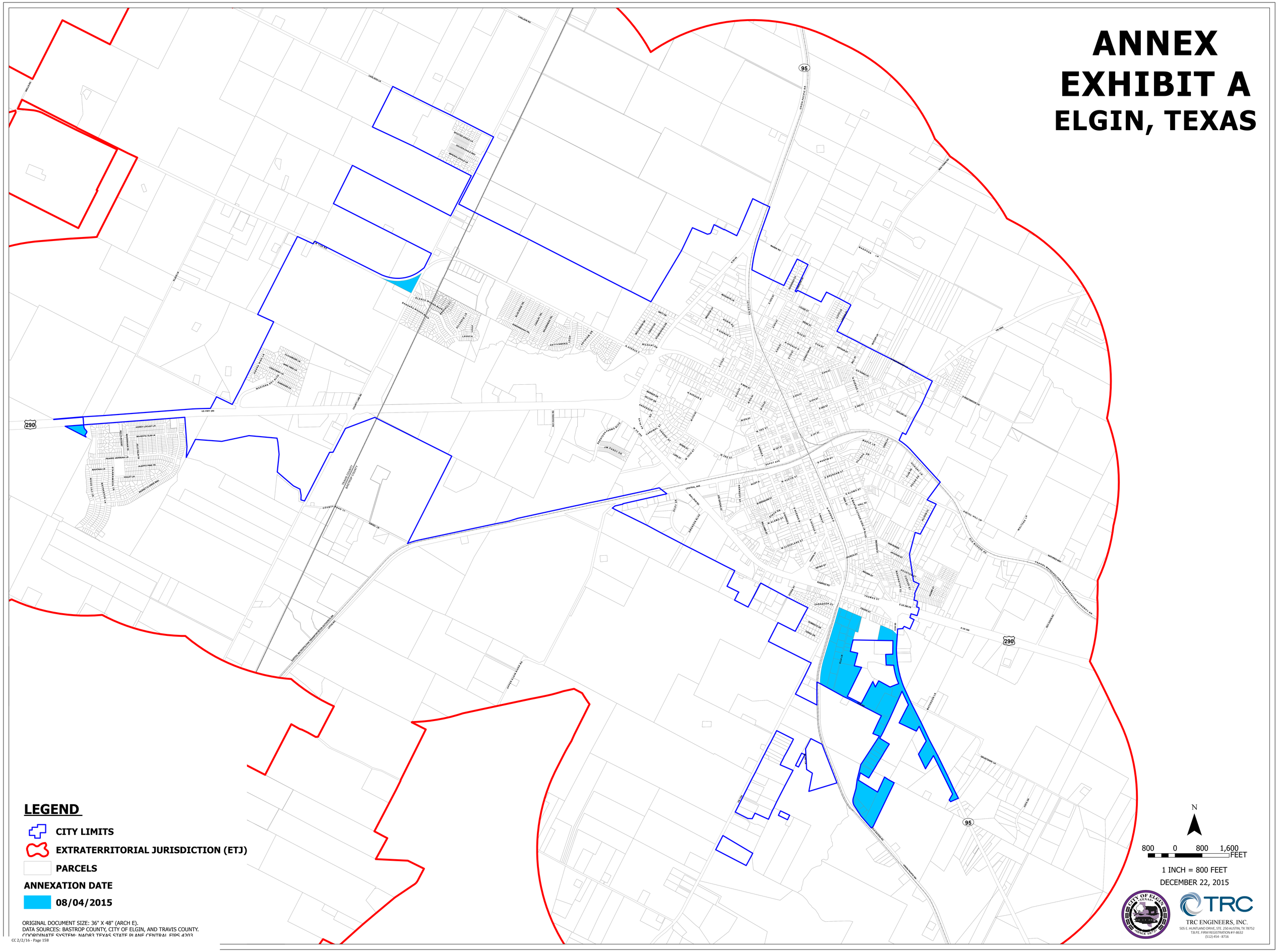
READ, **PASSED**, and **ADOPTED** on first reading this 2nd day of February, 2016.

_____
MARC HOLM, Mayor
City of Elgin, Texas

ATTEST:

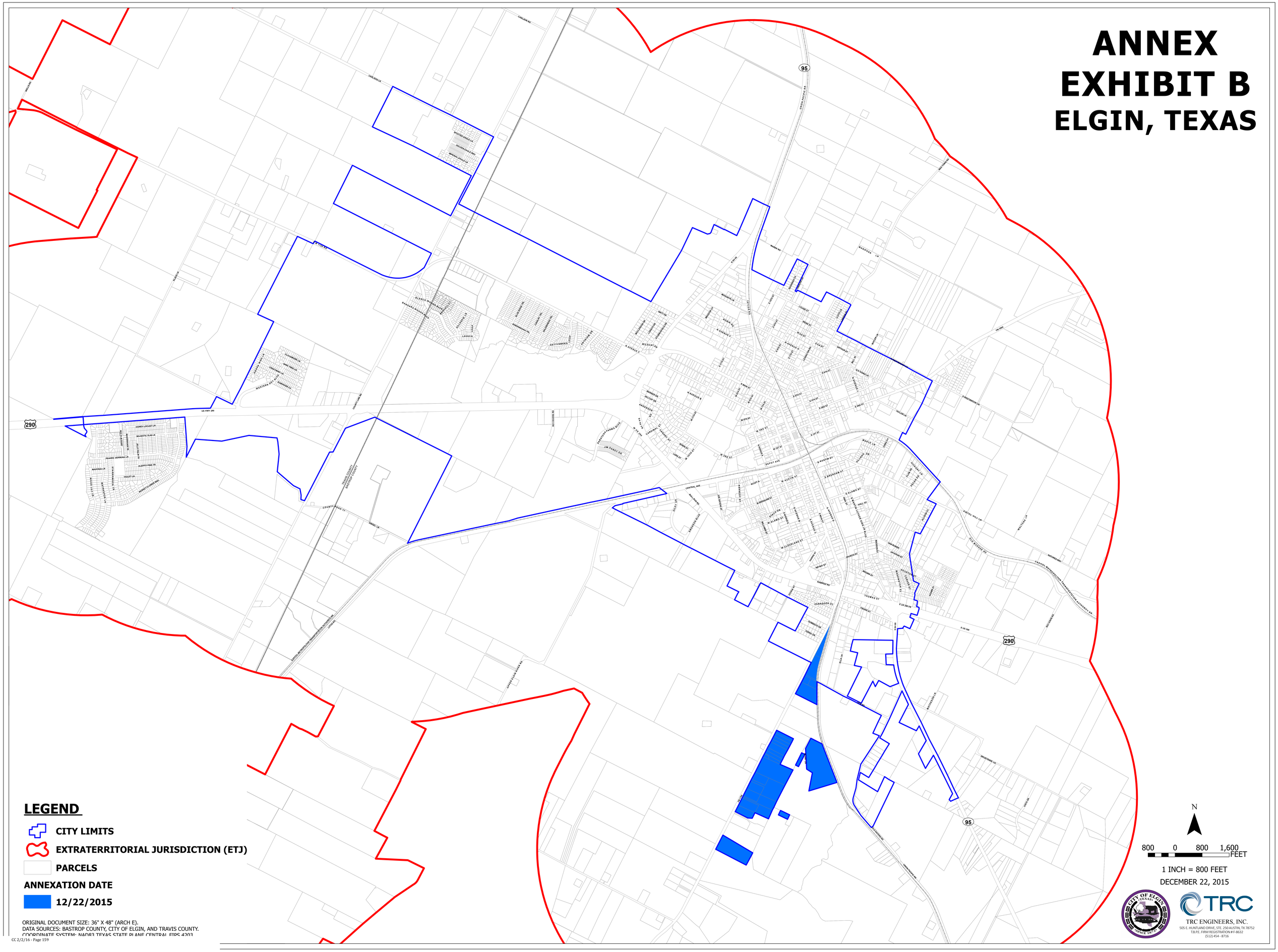
_____
Lucretia Alvarez, City Secretary

ANNEX EXHIBIT A
ELGIN, TEXAS



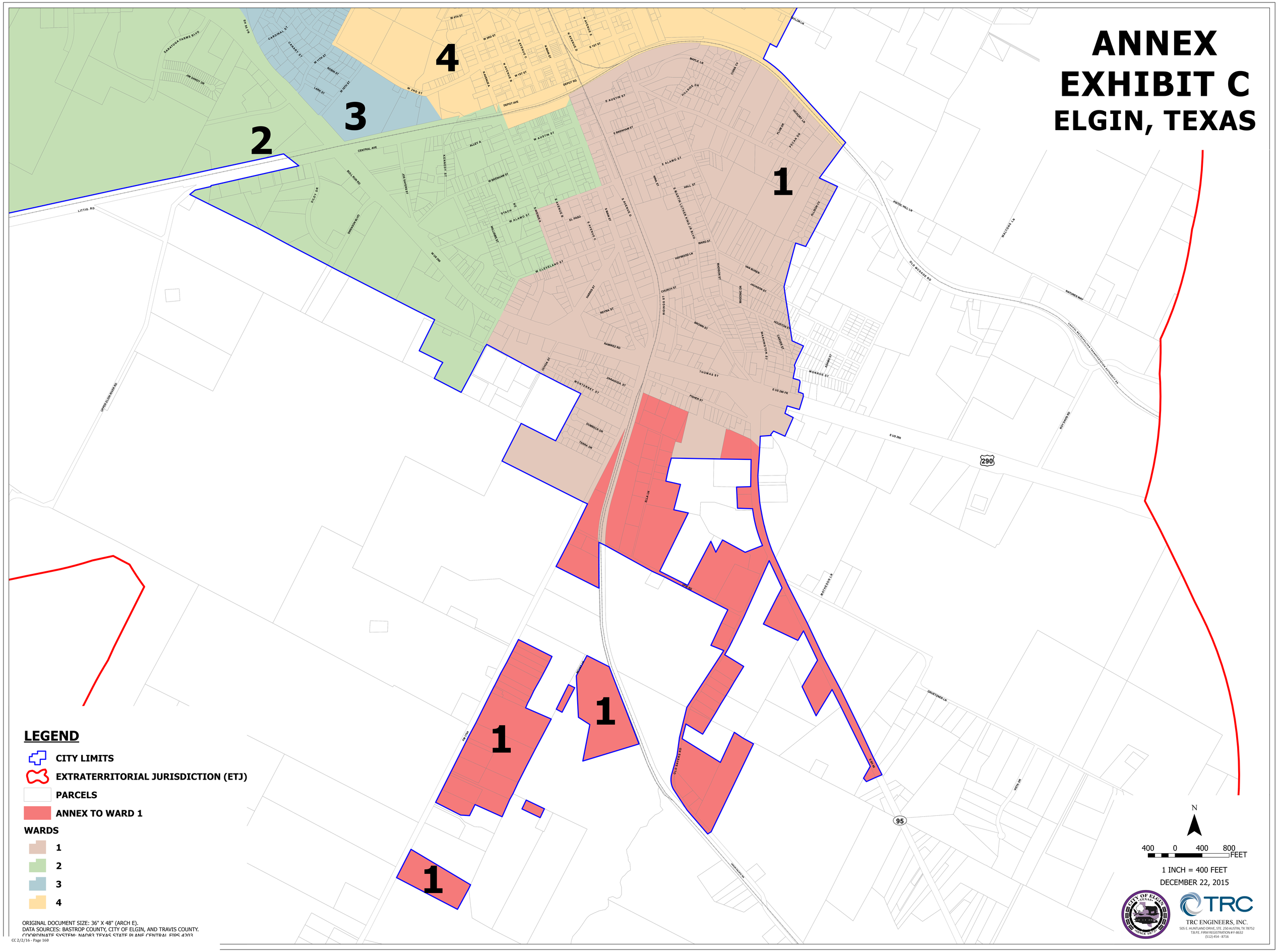
ORIGINAL DOCUMENT SIZE: 36" X 48" (ARCH E).
DATA SOURCES: BASTROP COUNTY, CITY OF ELGIN, AND TRAVIS COUNTY.
COORDINATE SYSTEM: NAD83 TEXAS STATE PLANE CENTRAL FIPS 4203

ANNEX EXHIBIT B
ELGIN, TEXAS



ORIGINAL DOCUMENT SIZE: 36" X 48" (ARCH E).
DATA SOURCES: BASTROP COUNTY, CITY OF ELGIN, AND TRAVIS COUNTY.
COORDINATE SYSTEM: NAD83 TEXAS STATE PLANE CENTRAL FIPS 4203

ANNEX EXHIBIT C
ELGIN, TEXAS



LEGEND

- CITY LIMITS
- EXTRATERRITORIAL JURISDICTION (ETJ)
- PARCELS
- ANNEX TO WARD 1

WARDS

- 1
- 2
- 3
- 4

400 0 400 800 FEET

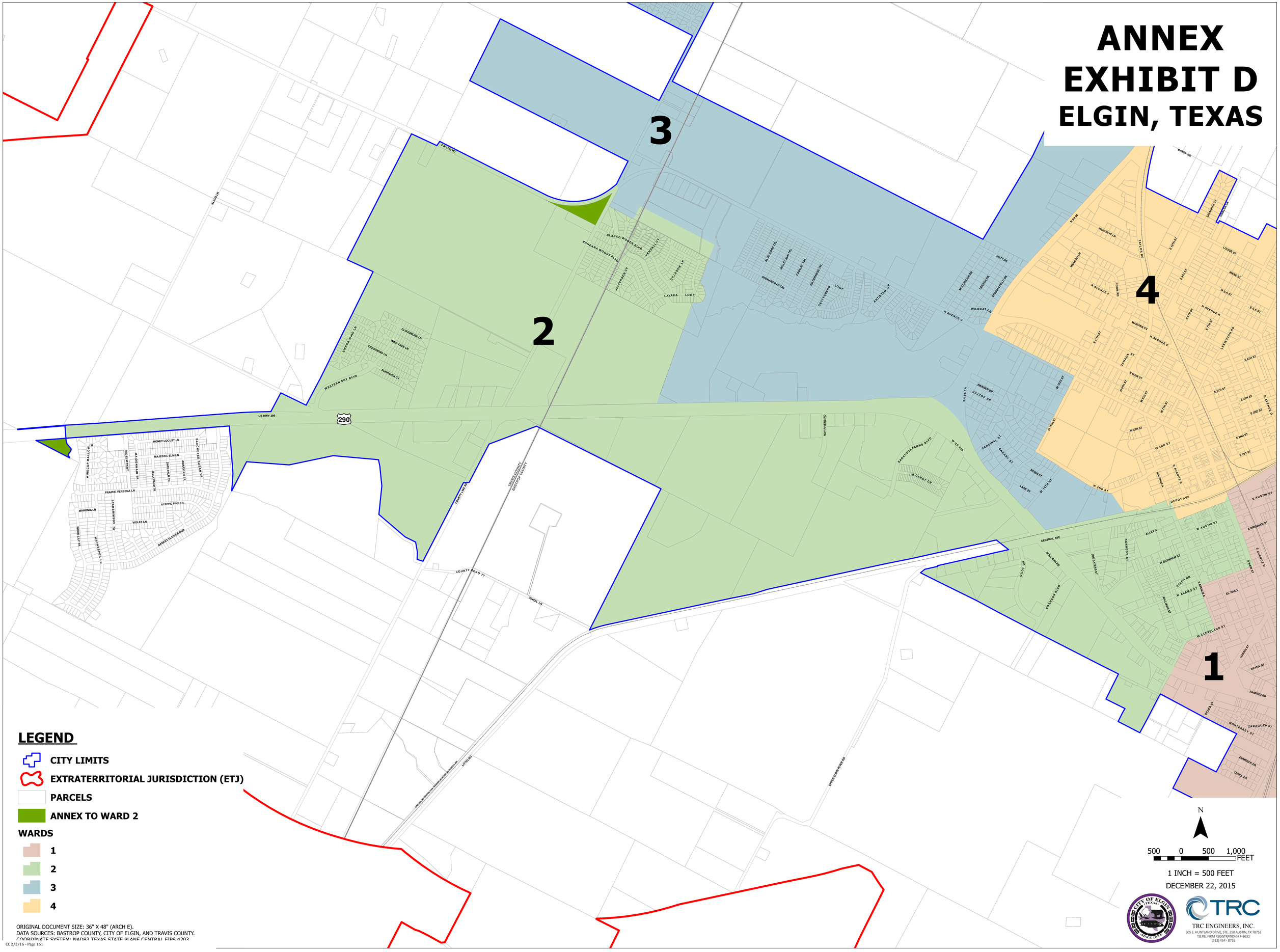
1 INCH = 400 FEET

DECEMBER 22, 2015

TRC ENGINEERS, INC.
505 E. HUNTLAND DRIVE, STE. 250 AUSTIN, TX 78752
T.B.P.E. FIRM REGISTRATION #F-8632
(512) 454 - 8716

ORIGINAL DOCUMENT SIZE: 36" X 48" (ARCH E).
DATA SOURCES: BASTROP COUNTY, CITY OF ELGIN, AND TRAVIS COUNTY.
COORDINATE SYSTEM: NAD83 TEXAS STATE PLANE CENTRAL FIPS 4203

ANNEX EXHIBIT D
ELGIN, TEXAS



LEGEND

- CITY LIMITS
- EXTRATERRITORIAL JURISDICTION (ETJ)
- PARCELS
- ANNEX TO WARD 2

WARDS

- 1
- 2
- 3
- 4

ORIGINAL DOCUMENT SIZE: 36" X 48" (ARCH E).
DATA SOURCES: BASTROP COUNTY, CITY OF ELGIN, AND TRAVIS COUNTY.
COORDINATE SYSTEM: NAD83 TEXAS STATE PLANE CENTRAL FIPS 4203

N

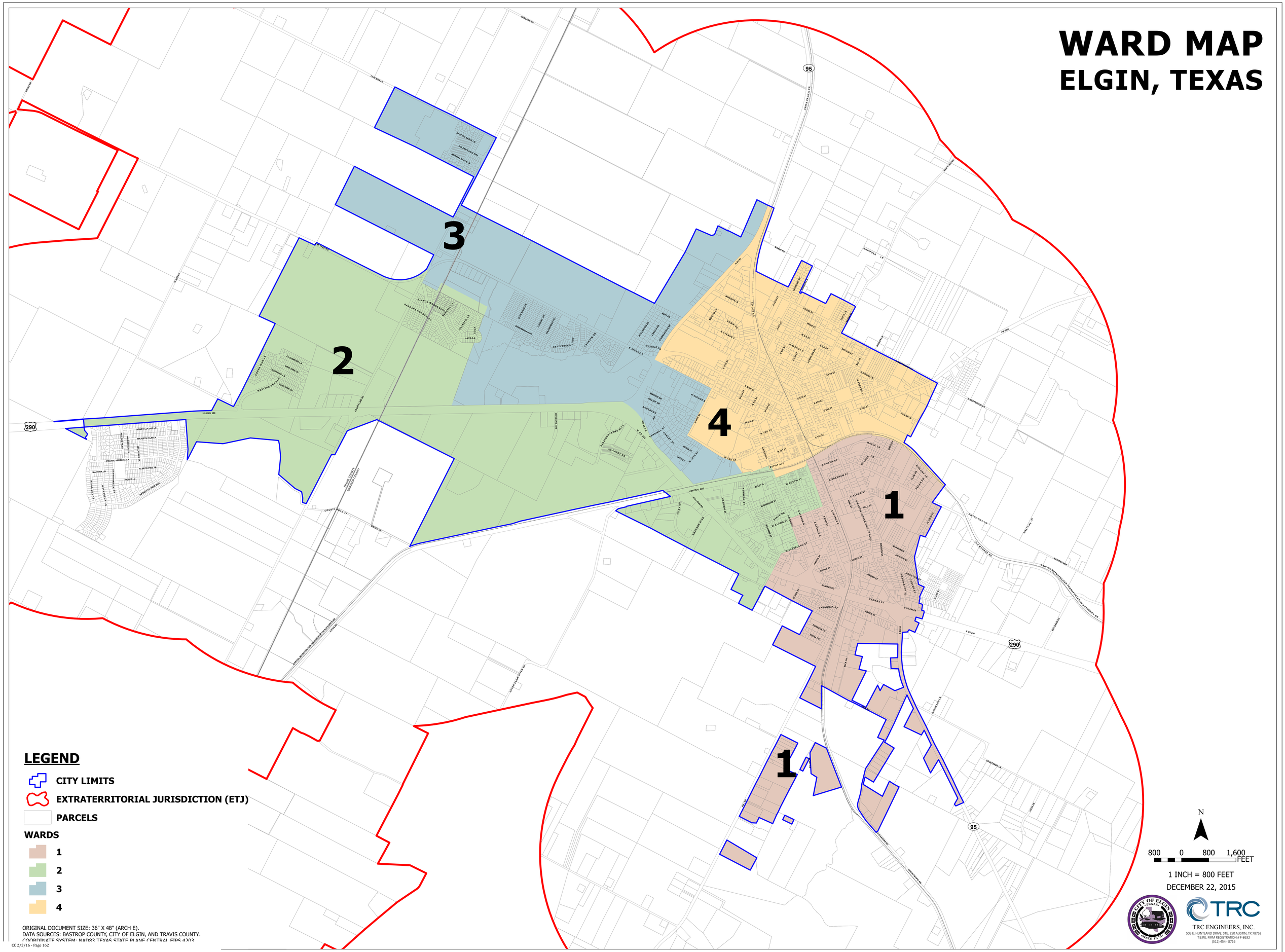
500 0 500 1,000 FEET

1 INCH = 500 FEET

DECEMBER 22, 2015

TRC ENGINEERS, INC.
505 E. HUNTLAND DRIVE, STE. 250 AUSTIN, TX 78752
T.B.P.E. FIRM REGISTRATION #F-8632
(512) 454 - 8716

WARD MAP
ELGIN, TEXAS



ORIGINAL DOCUMENT SIZE: 36" X 48" (ARCH E).
DATA SOURCES: BASTROP COUNTY, CITY OF ELGIN, AND TRAVIS COUNTY.
COORDINATE SYSTEM: NAD83 TEXAS STATE PLANE CENTRAL FIPS 4203

COUNCIL MEETING: February 2, 2016

ITEM: 1. Discussion and action to consider request for ordinance for No Thru Truck Traffic on Fisher Street from S.H. 95 South to F.M. 1704.

RESOURCE PERSON(S): **Traffic Control and Safety Committee**
Jessica Bega, Council Member Ward 1
Juan Gonzalez, Council Member Ward 2
Kerry Lacy, City Manager
Joe Parten, Director of Public Works
Phillip Taylor, Assistant Chief of Police

SUMMARY: **The Traffic Control and Safety Committee received a signed petition requesting No Thru Trucks on Fisher Street due to large trucks utilizing this route to avoid U.S. 290. Fisher Street is not designed to support heavy truck traffic therefore request Thru Truck Traffic be prohibited.**

RECOMMENDATION(S): **The Traffic Control and Safety Committee recommends Council pass the ordinance prohibiting Thru Truck Traffic on Fisher Street.**

ATTACHMENT:
1-Citizen Petition
2-Current Ordinance
3-Ordinance No. 2016-02-02-02 Truck Traffic

Petition by Citizens of Elgin, TX

To: Traffic Control and Safety Committee
City of Elgin, TX

Date: 12-10-15

Action Petitioned For: The undersigned persons, citizens living in Elgin, TX hereby petition the Traffic Control and Safety Committee to (state request/summary):

1.) Enforce speeding violations along Fisher St.
2). Install "No Thru Truck Traffic" signage along Fisher St.
3) Enforce no thru-truck traffic - Trucks use Fisher St. as a detour to avoid the DOT inspection on 290. They drive too fast.
4.) Assess and consider speed control devices such as speed humps.

at the specific location(s) listed below:

Location(s) address(s): Fisher Street - Hwy 95 to S. Main St.

With my signature, I support and call for the action petitioned for as described above.

Printed Name	Street Address	Signature
GARY W. PEÑA	108 FISHER ST	Gary W. Peña
ADAM PEÑA Jr.	108 Fisher ST	Adam Peña Jr
DORA MORUA	106 Fisher ST	Dora Morua
Charlie Vizcarra	104 Fisher St	Charlie Vizcarra
Lisa Vizcarra	104 Fisher St	Lisa Vizcarra
Cody Vizcarra	104 Fisher St.	Cody Vizcarra
Vanessa Monreal	106 Fisher St.	Vanessa Monreal
Carlos A. Monreal	106 Fisher St.	Carlos A. Monreal.
Manuela Vizcarra	105 Fisher St.	Manuela Vizcarra
George Vizcarra	105 Fisher St	George Vizcarra
Nic Vizcarra	105 Fisher St.	Nic Vizcarra
Joshua Vizcarra	105 Fisher St.	Josh Vizcarra
Rebecca Ortega	103 Fisher St.	Rebecca Ortega
Kimmy Peña	101 Fisher St	[illegible]
Deborah Tellez	108 Fisher st	Deborah Tellez
Charlie Gonzales	110 Fisher st	Charlie [illegible]

Printed Name	Street Address	Signature
Emily Gonzales	116 Fisher St.	Emily Gonzales
Erika Martinez	126 Fisher St	[illegible]
William Hawkins	128 Fisher	William Hawkins
Lee Vincent	123 Fisher	Lee Vincent
Moises Granados	118 Fisher st	[illegible]
Carolyn Carter	109 Fisher St	Carolyn Carter
Ronald Carter	109 Fisher	Ronald Carter
Jim Ortega	103 Fisher	Jim Ortega
[illegible]	103 Fisher St	[illegible]
Bobby DIAZ	103 Fisher St	Bobby Diaz
Natalie Ortega	103 Fisher St	Natalie Ortega

ARTICLE X. - TRUCKS

Sec. 40-606. - Tandem rear axle trucks prohibited on certain city streets.

It shall be unlawful for any person to drive or operate any truck or tractor-trailer combination which has dual or tandem rear axles on any street, roadway, or highway or segment of such street, roadway, or highway within the city limits when such street is marked with a sign prohibiting through truck traffic; provided, however, that this prohibition shall not apply to trucks being used to make deliveries or pick ups from a residence or business located on said street or street segment. When signs are erected giving notice thereof, through truck traffic shall be prohibited upon those streets or portions of streets as follows:

(1) North Avenue F from Loop 109 (Taylor Road) to SH 95 North.

(2) Mogonye Lane from Loop 109 (Taylor Road) to SH 95 North.

(3) Monterrey Street from FM 1704 to Ochoa Street.

(Code 1990, ch. 9, § 13; Ord. No. 2001-01-02-02, 1-2-2001; Ord. No. 2002-09-03-12, 9-3-2002)

Secs. 40-607—40-700. - Reserved.

ORDINANCE NO. 2016-02-02-02

AN ORDINANCE AMENDING ORDINANCE 2002-09-03-12, CHAPTER 40, TRAFFIC AND VEHICLES REGULATIONS, ARTICLE X, TRUCKS, CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, BY ADDING A NEW STREET TO SECTION 40-606, TRUCK TRAFFIC, PROVIDING A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ELGIN, TEXAS THAT:

I.

Chapter 40, Code of Ordinances, City of Elgin, Texas, is hereby amended by adding an additional city street to Article X, Section 40-606**,** which shall read as follows:

SECTION 40-606: Tandem rear axle trucks prohibited on certain city streets.

It shall be unlawful for any person to drive or operate any truck or tractor-trailer combination which has dual or tandem rear axles on any street, roadway, or highway or segment of such street, roadway, or highway within the city limits when such street is marked with a sign prohibiting through truck traffic; provided, however, that this prohibition shall not apply to trucks being used to make deliveries or pick-ups from a residence or business located on said street or street segment. When signs are erected giving notice thereof, through truck traffic shall be prohibited upon those streets or portions of streets as follows:

ON	**FROM**	**TO**
(4) Fisher Street	FM 1704	S. H. 95 South

II.

A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this ordinance shall not invalidate other sections or provisions thereof.

READ, PASSED, and ADOPTED on this 2nd day of February, 2016.

_____

Marc Holm, Mayor, City of Elgin, Texas

ATTEST:

_____

Lucretia Alvarez, City Secretary

COUNCIL MEETING: February 2, 2016

ITEM: 2. Discussion and action to consider an ordinance regarding a proposed zoning change request from JD Harkins for Jay Harkins Company, the owner of the property located at 618 N SH 95, Corlin Subdivision, Lot 3, Acres 2.4620, City of Elgin, County of Bastrop, Texas to change the rear 150' X 185.5' portion of the lot from R-1 (Single Family) to I (General Industrial).

RESOURCE PERSON(S): **Kerry Lacy, City Manager**
Gary N. Cooke, Planning and Development Director

SUMMARY: **The Planning and Zoning Commission held a public meeting on the zoning change request made by JD Harkins for Jay Harkins Company, the owner of the property located at 618 N SH 95 on January 11, 2016 and voted to recommend the requested change to City Council. The Elgin City Council held the second public hearing on the zoning change request on February 2, 2016.**

RECOMMENDATION(S): **The Planning and Zoning Commission recommends the approval of Ordinance No. 2016-02-02-03 for zoning change request from JD Harkins for Jay Harkins Company, the owner of the property located at 618 N SH 95, Corlin Subdivision, Lot 3, Acres 2.4620, City of Elgin, County of Bastrop, Texas to change the zoning on the rear 150' X 185.5' portion of the lot from R-1 (Single Family) to I (General Industrial).**

ATTACHMENT:

1-Agenda
2-Notice Recipients
3-Minutes
4-Ordinance No. 2016-02-02-03
5-Exhibit "A"

AGENDA
ELGIN PLANNING AND ZONING COMMISSION
PUBLIC HEARING/SPECIAL REGULAR MEETING
MONDAY, JANUARY 11, 2016, 6:30 P.M.
CITY HALL ANNEX COUNCIL CHAMBERS
310 NORTH MAIN STREET

CALL TO ORDER

PUBLIC COMMENT

Individuals may request to speak on items on the agenda, and items not on the agenda. Speaker comments are limited to three (3) minutes. No formal action can be taken on items not posted on the agenda. All speakers must limit their comments to the specific subject matter noted on the "PUBLIC COMMENT FORM" and refrain from personal attacks or derogatory comments directed at any Commission Member, member of Staff, other individual or group.

CONSENT

1. Approval of minutes, October 26, 2015.

UNFINISHED BUSINESS

None

NEW BUSINESS

1. REVIEW AND TAKE ACTION ON A ZONING CHANGE REQUEST SUBMITTED BY JD HARKINS FOR JAY HARKINS COMPANY, THE OWNER OF THE PROPOERTY LOCATED AT 618 N SH 95, CORLIN SUBDIVISION, LOT 3, ACRES 2.4620, CITY OF ELGIN, BASTROP COUNTY, TEXAS TO CHANGE THE ZONING ON THE REAR 150' X 185.5' PORTION OF THE LOT FROM R-1 SINGLE FAMILY TO I INDUSTRIAL.

EXECUTIVE SESSION

The board may adjourn the public meeting at any time during the meeting and convene in Executive Session pursuant to Chapter 551 of the Texas Government Code to discuss any matter as specifically listed on the agenda and/or as permitted by Chapter 551 of the Texas Government Code.

RECONVENE

The board returns to open session for possible discussion and action as a result of the Executive Session.

ANNOUNCEMENTS

ADJOURNMENT

NOTICE

I, Gary N. Cooke, Director Planning & Development for the City of Elgin, hereby certify this notice was posted at the City Hall Annex of the City of Elgin, Texas on or before the 23rd of December, 2015 before 5:00 p.m. in accordance with Chapter 551 of the Texas Government Code. The Elgin City Council will hold a public hearing on item #1 in the City Council Chambers, Elgin City Hall Annex, 310 N. Main Street, Elgin, Texas on Tuesday, February 2, 2016.

Gary N. Cooke

Gary N. Cooke, Director Planning & Development

Notice of Assistance at Public Meetings, the City of Elgin is committed to compliance with the Americans with Disabilities Act. Elgin City Hall and Council Chambers are wheelchair accessible and special marked parking is available. Persons with Disabilities who plan to attend this meeting and who may need assistance are requested to contact the City Secretary's Office at (512) 281-5724. Please provide forty-eight hours notice when feasible.

December 14, 2015

NOTICE OF A ZONING CHANGE REQUEST

A REQUEST HAS BEEN SUBMITTED BY J D HARKINS FOR JAY HARKINS COMPANY, THE OWNER OF THE PROPERTY LOCATED AT 618 N SH 95, CORLIN SUBDIVISION, LOT 3, ACRES 2.4620, CITY OF ELGIN, BASTROP COUNTY, TEXAS TO CHANGE THE ZONING FOR THE REAR 150' X 185.5' PORTION OF THE LOT FROM R-1 SINGLE FAMILY TO I INDUSTRIAL.

Notice is hereby given of a regular/special public hearing to be held in the City Council Chambers at the Elgin City Hall Annex, 310 N. Main St. in the City of Elgin, Texas on January 11, 2016 at 6:30 p.m. by the Planning and Zoning Commission.

You are being notified because your property is located within two-hundred feet (200) of the property requesting the zoning change. This hearing is open to any interested person. Opinions, objections and or comments relative to this matter may be expressed in writing or in person at the hearings. You may also be represented by another person, neighbor, or attorney.

The attached map shows the area of the request. Property owners within two hundred (200') feet are required by law to be notified.

For more information please contact Gary N. Cooke at 512-281-0119

"This institution is an equal opportunity provider"

Elgin, Texas 78621 Phone 512-281-0119

Harkins Company

Mechanical Contractor

(512) 281-5577 Fax (512) 281-5588
618 Hwy 95 N Elgin, Texas 78621
TACLA27076C M39024

December 3, 2015

City of Elgin
Planning and Zoning

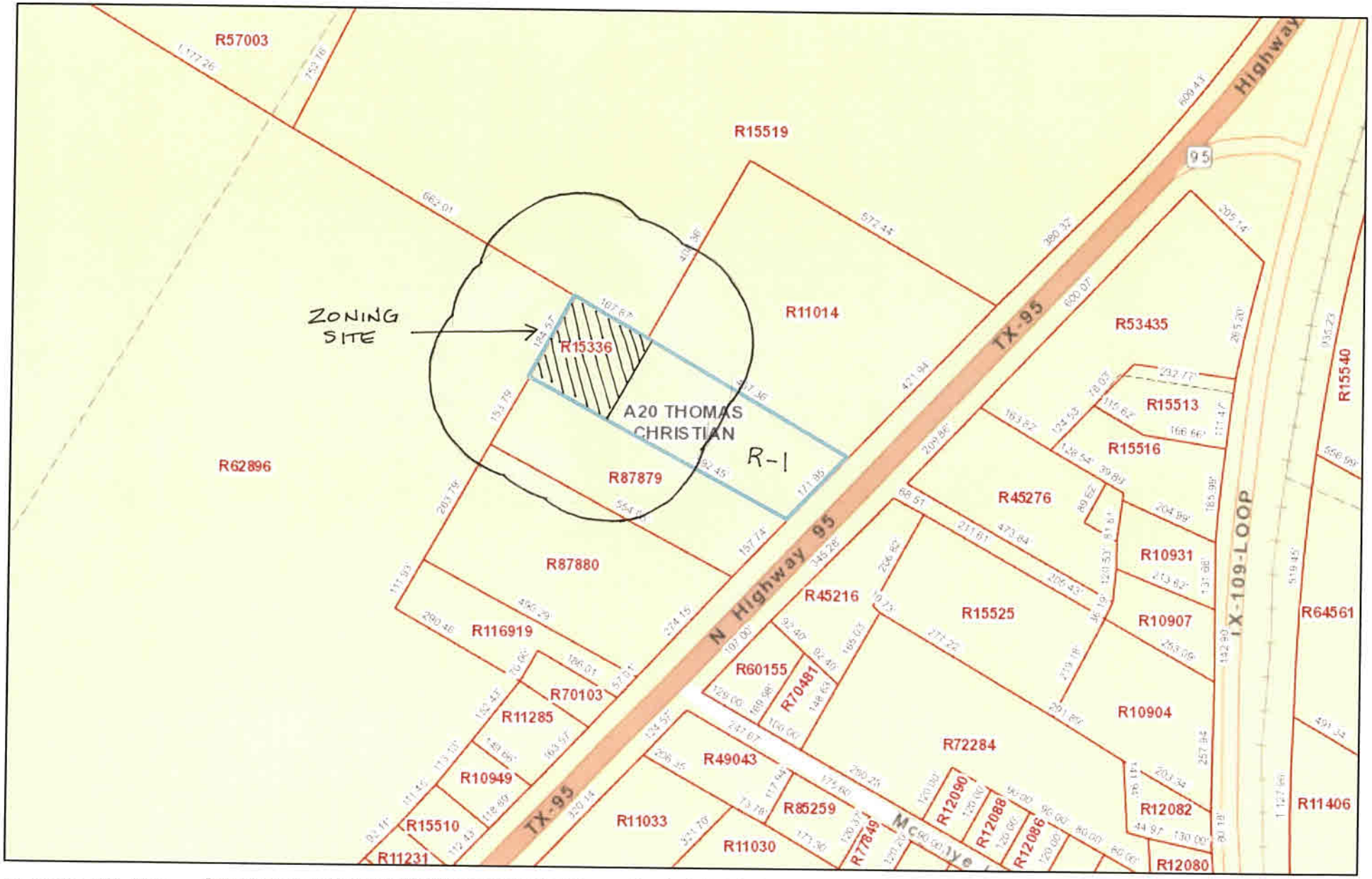
To Whom it may Concern:

We would like to request a zoning change for the rear portion of Lot 3 , of the Corlin Subdivision further described as being 150' X 185.5' for sheet metal fabrication at 618 Hwy 95 N from our current R-1 zoning to I (industrial).

Thank you,

JD Harkins
Harkins Company

619 Hwy 95 N (200' RADIUS)



December 16, 2015

Disclaimer: This product is for informational purposes only and has not been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of boundaries

- Parcels
- Abstracts
- Lot Lines

1:3,783

0 0.03 0.06 0.12 mi

0 0.05 0.1 0.2 km

Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand),

Bastrop County Appraisal District & BIS Consulting - www.bisconsultants.com

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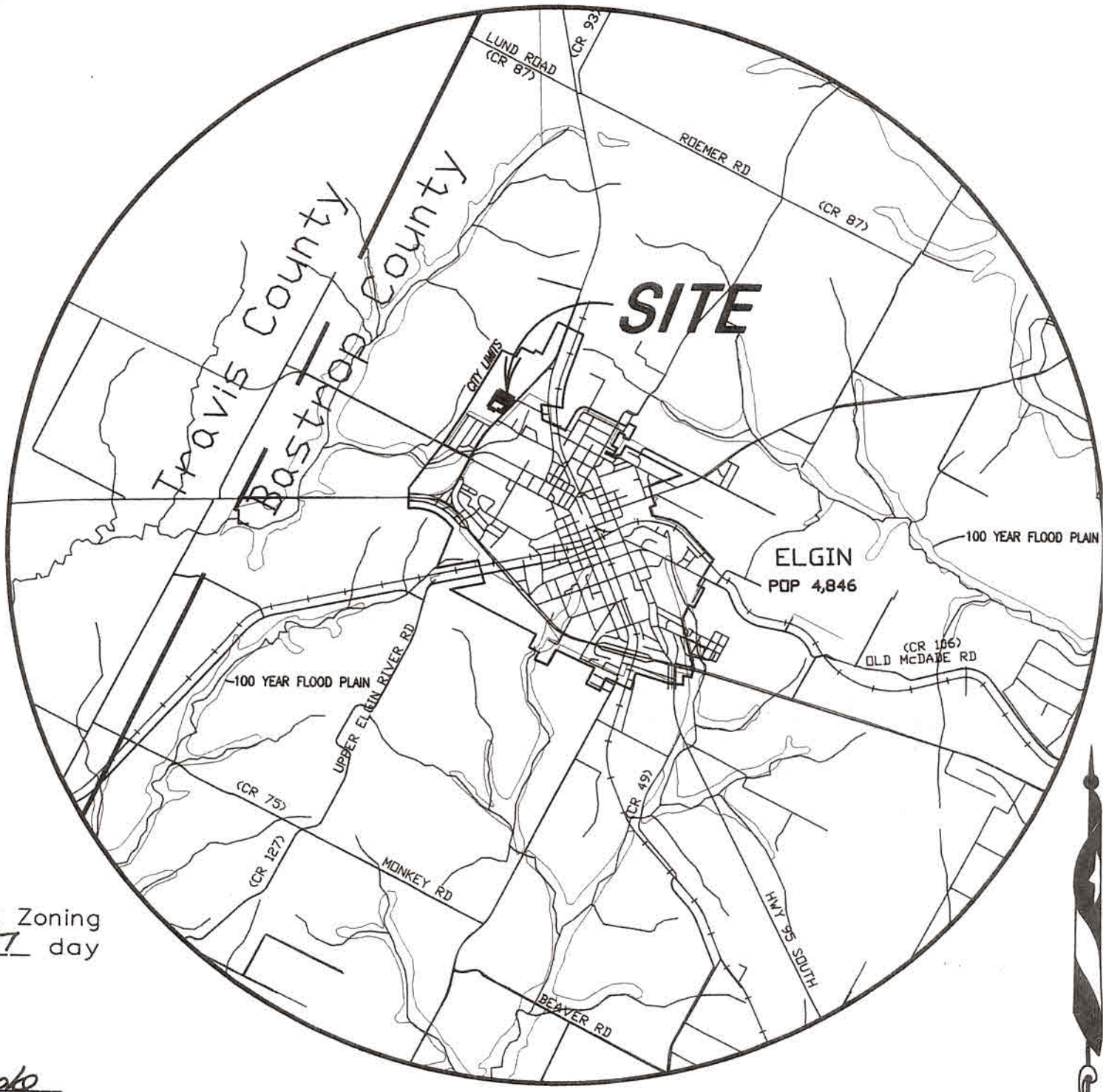
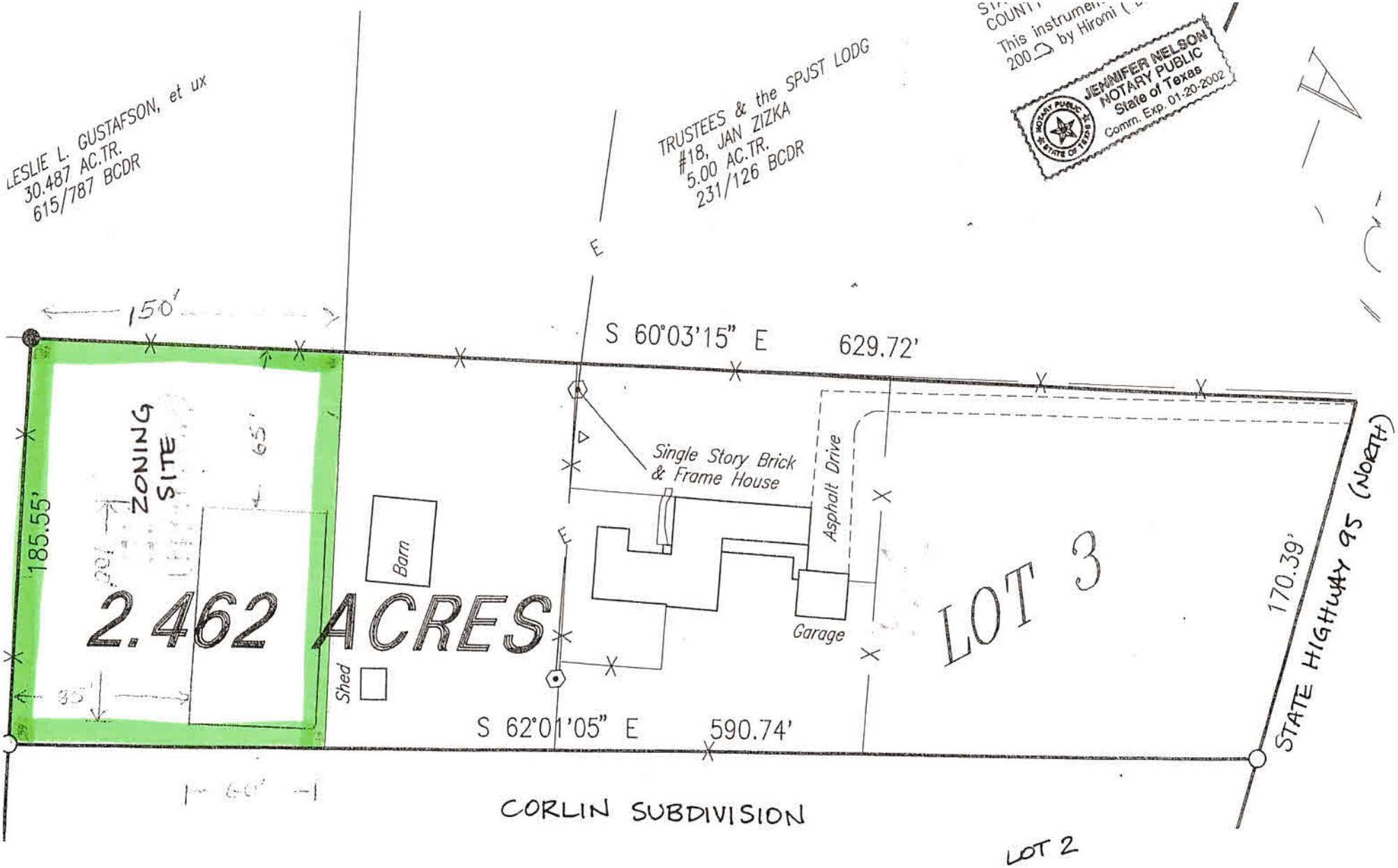
CORLIN SUBDIVISION

V



g and Zoning
e 27 day

Cooke



JENNIFER NELSON
NOTARY PUBLIC
State of Texas
Comm. Exp. 01-20-2002

	FIRST	LAST	ADDRESS	CITY	STATE	ZIP	PID1	PID2
1	SPJST	Lodge	P O Box 55	Elgin	TX	78621	11014	
2	Jim V & Katherine L Mogonye	Revocable Living Trust	139 Blisard Road	Elgin	TX	78621	62896	
3	Jay Harkins Company		618 Hwy 95 N	Elgin	TX	78621	87879	15336
4	Elgin Providence LLC		604 Hwy 95 N	Elgin	TX	78621	87880	
5	Ward A & Patsy D	Payne	P O BoX 642	Elgin	TX	78621	15519	

MINUTES
PLANNING AND ZONING COMMISSION
PUBLIC HEARING- REGULAR- SPECIAL MEETING
MONDAY JANUARY 11, 2016 - 6:30 PM

1. **CALL TO ORDER**: 6:30 pm

PRESENT: Ronald Creppon, Dorothy McCarther, Geno Chavarria, Antonio Prete, Rudy L. Ramirez, Brian Lundgren, David Lanford

ABSENT: None

GUEST: J D Harkins, Carlos Navejas, Melissa Lipiec

2. **PUBLIC COMMENT**: None

3. **MINUTES**: No correction or additions to the minutes, October 26, 2015 minutes approved unanimously.

4. **UNFINISHED BUSINESS**: None

5. **NEW BUSINESS**:

1. REVIEW AND TAKE ACTION ON A ZONING CHANGE REQUEST SUBMITTED BY JD HARKINS FOR JAY HARKINS COMPANY, THE OWNER OF THE PROPERTY LOCATED AT 618 N SH 95, CORLIN SUBDIVISION, LOT 3, ACRES 2.4620, CITY OF ELGIN BASTROP COUNTY, TEXAS TO CHANGE THE ZONING ON THE REAR 150' X 185.5' PORTION OF THE LOT FROM R-1 SINGLE FAMILY TO I INDUSTRIAL. Melissa Lipiec informed the commission that Gary N. Cooke would not be attending the meeting due to illness. She stated that a total of five (5) letters were mailed out and all green certified signature cards were received with no letters being returned and no property owners had contacted the office questioning the notice. She also stated that JD Harkins was present to answer any questions the commission may have. Antonio Prete asked why just the rear portion was being re-zoned rather than the whole lot. He also wanted to know why the zoning request was for Industrial instead of Commercial designation. JD Harkins replied that he did not need the whole lot to be zoned industrial at this time. Melissa Lipiec stated that Industrial designation was being requested because Mr. Harkins was going to use the property for fabrication and that use was not allowed in commercial designations. Ronnie Creppon asked if the City would require a separate plat. Antonio Prete answered that a separate plat was not required; you can have two zonings on one piece of property as long as it is described. David Lanford asked if there would be setbacks that would apply to this property. JD Harkins stated that he could place his building anywhere he needed to on that back portion with respect to setbacks and that the penciled in drawing representing the building was just to give them an idea of placement. David Lanford made a motion to recommend to the Elgin City Council the zoning for the rear 150' X 185.5' portion of the property located at 618 N SH 95 be changed from R-1Single Family to I Industrial. Dorothy McCarther seconded the motion and a vote was taken. The motion passed unanimously.

6. **ANNOUNCEMENTS:** Welcome two new Commission members: Brian Lundgren and David Lanford

7. **ADJOURNMENT**: 6:43 pm.

_____
Ronnie Creppon
Chairman, Planning & Zoning Commission

Attest:_____
Gary N. Cooke

Secretary, Planning and Zoning Commission

ORDINANCE NO. 2016-02-02-03

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ELGIN, TEXAS ADOPTED IN CHAPTER 46, SECTION 46-3, REVISED CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, 2013 AND MAKING THIS AMENDMENT A PART OF SAID OFFICIAL ZONING MAP, TO WIT: TO REZONE PROPERTY BEING IN THE CORLIN SUBDIVISION, LOT 3, 618 N SH 95, REAR 150' X 185.5' PORTION OF THE LOT, CITY OF ELGIN, BASTROP COUNTY, TEXAS FROM DISTRICT R-1 (SINGLE--FAMILY) TO DISTRICT I (GENERAL INDUSTRIAL); AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

WHEREAS, an application has been made to the City Council of the City of Elgin, Texas to amend the Official Zoning Map to rezone the property described in Exhibit "A" attached hereto and incorporated herein, from District R-1 (Single—Family) to District I (General Industrial), and

WHEREAS, the City Council has submitted the requested change in the Official Zoning Map to the Planning and Zoning Commission for its recommendation and report, and

WHEREAS, the Planning and Zoning Commission held a public hearing concerning the requested change on the 11th day of January, 2016, following lawful publication of the notice of said public hearing, and

WHEREAS, after considering the public testimony received at such hearing, the Planning and Zoning Commission has recommended that the Official Zoning Map be amended so that the zoning classification of the property described in Exhibit "A" be changed from District R-1 (Single--Family) to District I (General Industrial), and

WHEREAS, on the 2nd day of February, 2016, after proper notification, the City Council held a public hearing on the requested amendment, and

WHEREAS, the City Council has determined that substantial changes in conditions have occurred which justify the zoning classification change provided for herein, and

WHEREAS, the City Council determines that the zoning provided for herein promotes the health, safety, morals, and protects and preserves the general welfare of the community, and

WHEREAS, each and every requirement set forth in Chapter 211, Sub-Chapter A, Texas Local Government Code, and Chapter 46, Section 46-3 and Section 46-112, City of Elgin, Texas concerning public notices, hearings, and other procedural matters has been fully complied with, Now Therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ELGIN, TEXAS, THAT:

I.

The Official Zoning Map adopted in Chapter 46, Section 46-3, City of Elgin, Texas is hereby amended so that the zoning classification of the property described in Exhibit "A" is hereby changed from District R-1 (Single—Family) to District I (General Industrial).

II.

A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this Ordinance shall not invalidate other sections or provisions thereof.

C. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

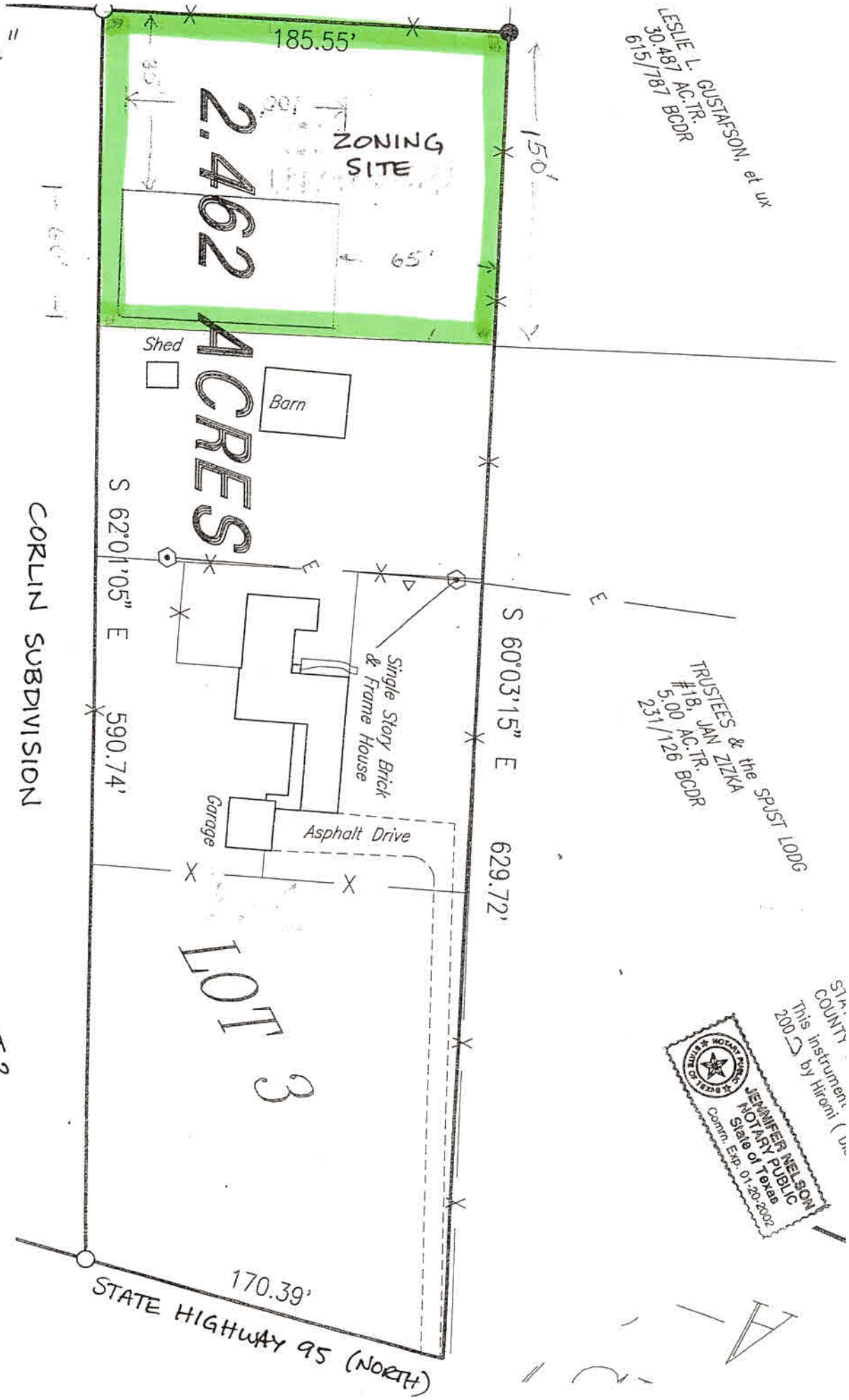
READ, **PASSED**, and **ADOPTED** on first reading this the 2nd day of February 2016.

_____
MARC HOLM, MAYOR

ATTEST:

_____
LUCRETIA ALVAREZ, CITY SECRETARY

Exhibit "A"


185.55'
ZONING SITE
2.462 ACRES
150'
65'
LESLIE L. GUSTAFSON, et ux
30.487 AC.TR.
615/787 BCDR
Shed
Barn
S 62°01'05" E
590.74'
CORLIN SUBDIVISION
Single Story Brick & Frame House
Garage
Asphalt Drive
S 60°03'15" E
629.72'
TRUSTEES & the SPJST LODG
#18, JAN ZIZKA
5.00 AC.TR.
231/126 BCDR
LOT 3
LOT 2
170.39'
STATE HIGHWAY 95 (NORTH)
JENNIFER NELSON
NOTARY PUBLIC
State of Texas
Comm. Exp. 01-20-2002

COUNCIL MEETING: February 2, 2016

ITEM: 3. Discussion and action for an Ordinance Calling an Election on May 7, 2016 for the purpose of Electing Certain City Officials, designating election precincts and polling place, providing for early voting and Election Day voting, making provisions for the conduct of such election, certifying provision of required accessible voting systems at each polling place, and providing for performance of required administrative duties.

RESOURCE PERSON(S): **Kerry Lacy, City Manager**
Lucretia Alvarez, City Secretary

SUMMARY: **This Ordinance calls the City of Elgin General Election for May 7, 2016 for the purpose of electing city officials for the positions of Mayor at-large and Council Member seats for Ward 1, Ward 2, Ward 3 and Ward 4, designating election precincts, polling place, providing early voting and providing for performance of required administrative duties.**

RECOMMENDATION(S): **Approve Ordinance 2016-02-02-04 for the general election on May 7, 2016.**

ATTACHMENT: **1-Ordinance calling general election**

ORDINANCE NO. 2016-02-02-04

AN ORDINANCE OF THE CITY OF ELGIN, TEXAS, CALLING AN ELECTION ON MAY 7, 2016 FOR THE PURPOSE OF ELECTING CERTAIN CITY OFFICIALS; DESIGNATING ELECTION PRECINCTS AND POLLING PLACES; PROVIDING FOR EARLY VOTING AND ELECTION DAY VOTING; PROVIDING FOR PERFORMANCE OF REQUIRED ADMINISTRATIVE DUTIES; MAKING PROVISIONS FOR THE CONDUCT OF SUCH ELECTION; CERTIFYING PROVISION OF REQUIRED ACCESSIBLE VOTING SYSTEMS AT EACH POLLING PLACE; AND PROVIDING FOR OTHER MATTERS RELATING TO SUCH CITY ELECTION.

WHEREAS, the City Council of the City of Elgin, Texas, wishes to order a general city election on May 7, 2016 for the purpose of electing Mayor At-Large and members for Ward 1, Ward 2, Ward 3, and Ward 4; and

WHEREAS, the City Council has determined that May 7, 2016 is the appropriate date for holding the election for electing Mayor At-Large and members for Ward 1, Ward 2, Ward 3, and Ward 4; and

WHEREAS, the City Council wishes to encourage all registered voters in the city to vote in this election; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS, THAT:

Section 1. ELECTION DATE, PRECINCTS AND POLLING PLACES, AND ELECTION JUDGES.

Election Date. An election shall be held on Saturday, May 7, 2016 in accordance with the attached Order of Election, which Order of Election is labeled as Exhibit "A" and incorporated herein by reference for all purposes.

Precincts and Polling Places. The City hereby designates the election precincts and polling places designated by the Bastrop County Elections Administrator, and approved by the Bastrop County Commissioners Court, for such Election Day voting. Further, the City hereby designates the early voting polling places and the temporary polling places designated by the Bastrop County Elections Administrator, and approved by the Bastrop County Commissioners Court, for early voting in such election.

Election Judges. The Bastrop County Elections Administrator is conducting such election for the City pursuant to the terms of an Election Services Contract. The City Council hereby appoints, for the term of such election, the presiding election judge(s) and alternate election judge(s) as being those designated by the Bastrop County Elections Administrator.

Section 2. ELECTION CLERKS.

The presiding election judge is hereby authorized to appoint the number of election clerks necessary to assist in the proper conduct of the election, and such election clerks shall be qualified voters of the City of Elgin, Texas. If the election is conducted by the regularly appointed presiding election

judge, then the alternate presiding election judge shall be appointed to serve as one of the clerks. The appointment of such clerks shall include a person fluent in the Spanish language to serve as a clerk to render oral aid in the Spanish language to any voter desiring such aid at the polls on the day of the election.

Section 3. EARLY VOTING.

Early Voting Clerk. The City Council hereby appoints the Bastrop County Elections Administrator as the City of Elgin Election Officer and Early Voting Clerk. The Early Voting Clerk's mailing address to which ballot applications and ballots to be voted by mail may be sent is as follows:

Bridgette Escobedo
Bastrop County Elections Administrator
804 Pecan Street
Bastrop, TX 78602

Applications for ballots by mail must be received no later than 5:00 p.m. on Tuesday, April 26, 2016.

Dates for Early Voting. Early voting shall commence on Monday, April 25, 2016 and continue through Tuesday, May 3, 2016, as provided by the Texas Election Code and as shown on attached exhibits.

Places for Early Voting. Early voting shall be conducted by personal appearance at the Elgin Public Library, 404 North Main Street, Elgin, Texas, and/or at such other places as shall be designated by the Bastrop County Elections Administrator and approved by the Bastrop County Commissioners Court.

Times for Early Voting. During the period in which early voting is required or permitted by law, that being April 25, 2016 through May 3, 2016, the hours designated for early voting by personal appearance shall be designated in writing by the Bastrop County Elections Administrator, and approved by the Bastrop County Commissioners Court.

Section 4. EARLY VOTING BALLOT BOARD.

An Early Voting Ballot Board is hereby created to process early voting results, and the City hereby appoints the presiding judge of the Early Voting Ballot Board as appointed by the Bastrop County Elections Administrator. Such presiding judge shall appoint not less than two (2) other qualified members to serve on such Board.

Section 5. CUSTODIAN OF ELECTION RECORDS.

Pursuant to the Texas Election Code and the applicable Election Services Contract, the Bastrop County Elections Administrator shall serve as the custodian of voted ballots, and the City Secretary of Elgin, Texas shall be appointed as custodian of all other election records.

Section 6. CANDIDATE FILING PERIOD.

In accordance with Section 143.007 of the Texas Election Code, the first day of filing is 8:00 a.m. Wednesday, January 20, 2016 and the deadline for filing an application for a place on the ballot for this election is declared to be 5:00 p.m. Friday, February 19, 2016.

Section 7. VOTERS.

All resident, qualified voters of the City shall be entitled to vote at the election.

Section 8. NOTICE.

Posting. Notice of this election, including a Spanish translation hereof, shall be given by posting the appropriate documentation on the bulletin board used for posting notices of City Council meetings, and same shall be posted not later than Saturday, April 16, 2016 and shall remain posted through Election Day.

Publication. Notice of this election, including a Spanish translation hereof, shall be published once in a newspaper of general circulation in the City, the publication to appear not earlier than April 7, 2016 nor later than April 27, 2016.

Authorization to City Secretary. The City Secretary is hereby authorized and directed to publish and post the required notices in the manner and for the time periods required by law.

Section 9. VOTING DEVICES.

Pursuant to the Election Code and the applicable Election Services Contract, the Bastrop County Elections Administrator may use electronic voting systems and corresponding voting devices and equipment in conducting the election. The Bastrop County Elections Administrator is currently using election systems and software certified by the Texas Secretary of State.

The City Council of the City of Elgin, Texas, finds as follows:

Section 61.012, Texas Election Code, requires that at least one accessible voting station must be provided in each polling place used in a Texas election on or after January 1, 2006. Such system must comply with state and federal laws setting the requirements for voting systems that (i) fully comply with applicable laws relating to accessible voting systems which make voting accessible for disabled voters; and (ii) provide a practical and effective means for voters with physical disabilities to cast a secret ballot. The Office of the Texas Secretary of State has certified that the DRE - Election Systems and Software iVotronic is an accessible voting system that may legally be used in Texas elections.

Sections 123.032 and 123.035, Texas Election Code, authorize the acquisition of voting systems by local political subdivisions and further mandate certain minimum requirements for contracts relating to the acquisition of such voting systems. As chief elections officer for the City of Elgin, the Bastrop County Elections Administrator shall provide at least one DRE - Election Systems and Software iVotronic in each polling place at every polling location used to conduct any election ordered on or after January 1, 2006. The DRE - Election Systems and Software iVotronic may be acquired by any legal means available to the City of Elgin, including but not limited to lease or rental from Bastrop County or from any other legal source, as authorized or required by Sections 123.032 and 123.035 of the Texas Election Code.

The Bastrop County Elections Administrator may also utilize a central counting station as provided by Texas Election Code § 127.000 *et seq.*, as amended.

Section 10. CONDUCT ACCORDING TO STATUTES.

In all substantive respects, the election shall be conducted in accordance with applicable provisions of the Texas Election Code, any other applicable statutes, and the City of Elgin's Home Rule Charter.

Section 11. ELECTION RESULTS.

The Bastrop County Elections Administrator shall conduct an unofficial tabulation of results after the closing of the polls on May 7, 2016. The official canvass, tabulation and declaration of the results of the election shall be conducted by the City Council at a regular or special council meeting held in accordance with provisions of the Texas Election Code.

Section 12. MISCELLANEOUS.

The provisions of this ordinance are severable; and in case any one or more of the provisions of this ordinance or the application thereof to any person or circumstance should be held to be invalid, unconstitutional, or ineffective as to any person or circumstance, then the remainder of this ordinance nevertheless shall be valid, and the application of any such invalid provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

By motion duly made, seconded and passed with an affirmative vote of the City Council members present, the requirement for reading this ordinance was dispensed.
READ, PASSED and **ADOPTED** on first reading on this 2nd day of February, 2016.

_____
Mayor, City of Elgin, Texas

ATTEST:

_____
City Secretary, City of Elgin, Texas

EXHIBIT "A"
ORDER OF ELECTION

CITY OF ELGIN, TEXAS

An Election is hereby ordered to be held on May 7, 2016 for the purpose of electing Mayor At-Large and members for Ward 1, Ward 2, Ward 3, and Ward 4.

Applications for a place on the ballot will be accepted beginning 8:00 a.m. on January 20, 2016 and must be received no later than 5:00 p.m. on February 19, 2016.

Election Day voting shall be conducted at the polling places for the precincts designated by the Bastrop County Elections Administrator and approved by the Bastrop County Commissioners Court, all as are shown on "Exhibit A to the Order of

Election" which is incorporated herein by reference and made a part hereof for all intents and purposes. The polls at the designated polling places shall be open on Election Day from 7:00 a.m. to 7:00 p.m.

The Bastrop County Elections Administrator is hereby appointed as the Election Officer and Early Voting Clerk and Custodian of Election Records for this election. The presiding judge(s) for each of said polling places are those designated by the Bastrop County Elections Administrator, and they are hereby authorized to appoint additional election clerks (not less than two and not more than six) to assist in conducting said election.

Early voting by personal appearance will be conducted at the locations designated by the Bastrop County Elections Administrator and approved by the Bastrop County Commissioners Court, all as are delineated on the attached "Exhibit B to the Order of Election" which is incorporated herein by reference and made a part hereof for all intents and purposes.

Applications for a ballot by mail shall be mailed to:

Bridgette Escobedo
Bastrop County Elections Administrator
804 Pecan Street
Bastrop, TX 78602

Applications for ballots by mail must be received no later than 5:00 pm on Tuesday, April 26, 2016.

Issued this the 2nd day of February, 2016.

_____
Marc Holm, Mayor City of Elgin, Texas

EXHIBIT "B"

EARLY VOTING DATES, TIMES, AND LOCATIONS

Time Period:

Monday, April 25, 2016 through Tuesday, May 3, 2016.

Main Location:

City of Elgin Public Library, 404 N. Main St., Elgin, TX 78621

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
25 8:00 am – 5:00 pm	**26** 8:00 am – 5:00 pm	**27** 8:00 am – 5:00 pm	**28** 8:00 am – 5:00 pm	**29** 7:00 am – 7:00 pm

2 **8:00 am – 5:00 pm**	**3** **7:00 am – 7:00 pm**	**4**	**5**	**6**

Issued this the 2nd day of February, 2016.

_____
Marc Holm, Mayor City of Elgin, Texas

EXHIBIT "C"

CITY OF ELGIN ELECTION DAY POLLING LOCATION

City of Elgin Public Library, 404 N. Main Street, Elgin, TX 78621

COUNCIL MEETING: February 2, 2016

ITEM: 4. Discussion and action for an ordinance calling a Special Election on May 7, 2016 for the purpose of Electing certain city officials for an unexpired term, designating election precincts and polling place, providing for early voting and Election Day voting, making provisions for the conduct of such election, certifying provision of required accessible voting systems at each polling place, and providing for performance of required administrative duties.

RESOURCE PERSON(S): **Kerry Lacy, City Manager**
Lucretia Alvarez, City Secretary

SUMMARY: **Ordinance to call a special election to fill a vacancy for Ward 3. Our city charter directs that this vacancy is to be filled at the next possible uniform election date. Election date of May 7, 2016 will be in conjunction with our General Election.**

All other dates and deadlines are in conjunction with the general election except for:

March 7, 2016 Deadline for filing a place on this ballot
March 11, 2016 Deadline to withdraw from a place on the ballot

March 11, 2016 at 5:00pm Drawing for placement of names on the ballot for Special Election

RECOMMENDATION(S): **Approval of Ordinance 2016-02-02-05 calling a special election on May 7, 2016 for the purpose of electing a certain city official for an unexpired term, etc.... as presented.**

ATTACHMENT: **1-Oedinance calling special election**

ORDINANCE NO. 2016-02-02-05

AN ORDINANCE OF THE CITY OF ELGIN, TEXAS, CALLING A SPECIAL ELECTION ON MAY 7, 2016 FOR THE PURPOSE OF FILLING A VACANCY ON CITY COUNCIL; DESIGNATING ELECTION PRECINCTS AND POLLING PLACES; PROVIDING FOR EARLY VOTING AND ELECTION DAY VOTING; PROVIDING FOR PERFORMANCE OF REQUIRED ADMINISTRATIVE DUTIES; MAKING PROVISIONS FOR THE CONDUCT OF SUCH ELECTION; CERTIFYING PROVISION OF REQUIRED ACCESSIBLE VOTING SYSTEMS AT EACH POLLING PLACE; AND PROVIDING FOR OTHER MATTERS RELATING TO SUCH CITY ELECTION.

WHEREAS, a vacancy exists on the City Council by reason of resignation and the Elgin City Charter Article IV Section 8C calls for election by special election; and

WHEREAS, the City Council has determined that May 7, 2016 is the appropriate date for holding the election for electing a member for Ward 3; and

WHEREAS, the City Council of the City of Elgin, Texas, wishes to order a special city election on May 7, 2016 for the purpose of electing a member for Ward 3; and

WHEREAS, the City Council wishes to encourage all registered voters in the city to vote in this election; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS, THAT:

Section 1. ELECTION DATE, PRECINCTS AND POLLING PLACES, AND ELECTION JUDGES.

Election Date. An election shall be held on Saturday, May 7, 2016 in accordance with the attached Order of Election, which Order of Election is labeled as Exhibit "A" and incorporated herein by reference for all purposes.

Precincts and Polling Places. The City hereby designates the election precincts and polling places designated by the Bastrop County Elections Administrator, and approved by the Bastrop County Commissioners Court, for such Election Day voting. Further, the City hereby designates the early voting polling places and the temporary polling places designated by the Bastrop County Elections Administrator, and approved by the Bastrop County Commissioners Court, for early voting in such election.

Election Judges. The Bastrop County Elections Administrator is conducting such election for the City pursuant to the terms of an Election Services Contract. The City Council hereby appoints, for the term of such election, the presiding election judge(s) and alternate election judge(s) as being those designated by the Bastrop County Elections Administrator.

Section 2. ELECTION CLERKS.

The presiding election judge is hereby authorized to appoint the number of election clerks

necessary to assist in the proper conduct of the election, and such election clerks shall be qualified voters of the City of Elgin, Texas. If the election is conducted by the regularly appointed presiding election judge, then the alternate presiding election judge shall be appointed to serve as one of the clerks. The appointment of such clerks shall include a person fluent in the Spanish language to serve as a clerk to render oral aid in the Spanish language to any voter desiring such aid at the polls on the day of the election.

Section 3. EARLY VOTING.

Early Voting Clerk. The City Council hereby appoints the Bastrop County Elections Administrator as the City of Elgin Election Officer and Early Voting Clerk. The Early Voting Clerk's mailing address to which ballot applications and ballots to be voted by mail may be sent is as follows:

Bridgette Escobedo
Bastrop County Elections Administrator
804 Pecan Street
Bastrop, TX 78602

Applications for ballots by mail must be received no later than 5:00 p.m. on Tuesday, April 26, 2016.

Dates for Early Voting. Early voting shall commence on Monday, April 25, 2016 and continue through Tuesday, May 3, 2016, as provided by the Texas Election Code and as shown on attached exhibits.

Places for Early Voting. Early voting shall be conducted by personal appearance at the Elgin Public Library, 404 North Main Street, Elgin, Texas, and/or at such other places as shall be designated by the Bastrop County Elections Administrator and approved by the Bastrop County Commissioners Court.

Times for Early Voting. During the period in which early voting is required or permitted by law, that being April 25, 2016 through May 3, 2016, the hours designated for early voting by personal appearance shall be designated in writing by the Bastrop County Elections Administrator, and approved by the Bastrop County Commissioners Court.

Section 4. EARLY VOTING BALLOT BOARD.

An Early Voting Ballot Board is hereby created to process early voting results, and the City hereby appoints the presiding judge of the Early Voting Ballot Board as appointed by the Bastrop County Elections Administrator. Such presiding judge shall appoint not less than two (2) other qualified members to serve on such Board.

Section 5. CUSTODIAN OF ELECTION RECORDS.

Pursuant to the Texas Election Code and the applicable Election Services Contract, the Bastrop County Elections Administrator shall serve as the custodian of voted ballots, and the City Secretary of Elgin, Texas shall be appointed as custodian of all other election records.

Section 6. CANDIDATE FILING PERIOD.

In accordance with Section 143.007 of the Texas Election Code, the first day of filing is 8:00 a.m. Wednesday, January 20, 2016 and the deadline for filing an application for a place on the ballot for this election is declared to be 5:00 p.m. Monday, March 7, 2016.

Section 7. VOTERS.

All resident, qualified voters of the City shall be entitled to vote at the election.

Section 8. NOTICE.

Posting. Notice of this election, including a Spanish translation hereof, shall be given by posting the appropriate documentation on the bulletin board used for posting notices of City Council meetings, and same shall be posted not later than Saturday, April 16, 2016 and shall remain posted through Election Day.

Publication. Notice of this election, including a Spanish translation hereof, shall be published once in a newspaper of general circulation in the City, the publication to appear not earlier than April 7, 2016 nor later than April 27, 2016.

Authorization to City Secretary. The City Secretary is hereby authorized and directed to publish and post the required notices in the manner and for the time periods required by law.

Section 9. VOTING DEVICES.

Pursuant to the Election Code and the applicable Election Services Contract, the Bastrop County Elections Administrator may use electronic voting systems and corresponding voting devices and equipment in conducting the election. The Bastrop County Elections Administrator is currently using election systems and software certified by the Texas Secretary of State.

The City Council of the City of Elgin, Texas, finds as follows:

Section 61.012, Texas Election Code, requires that at least one accessible voting station must be provided in each polling place used in a Texas election on or after January 1, 2006. Such system must comply with state and federal laws setting the requirements for voting systems that (i) fully comply with applicable laws relating to accessible voting systems which make voting accessible for disabled voters; and (ii) provide a practical and effective means for voters with physical disabilities to cast a secret ballot. The Office of the Texas Secretary of State has certified that the DRE - Election Systems and Software iVotronic is an accessible voting system that may legally be used in Texas elections.

Sections 123.032 and 123.035, Texas Election Code, authorize the acquisition of voting systems by local political subdivisions and further mandate certain minimum requirements for contracts relating to the acquisition of such voting systems. As chief elections officer for the City of Elgin, the Bastrop County Elections Administrator shall provide at least one DRE - Election Systems and Software iVotronic in each polling place at every polling location used to conduct any election ordered on or after January 1, 2006. The DRE - Election Systems and Software iVotronic may be acquired by any legal means available to the City of Elgin, including but not limited to lease or rental from Bastrop County or from any other legal

source, as authorized or required by Sections 123.032 and 123.035 of the Texas Election Code.

The Bastrop County Elections Administrator may also utilize a central counting station as provided by Texas Election Code § 127.000 *et seq.*, as amended.

Section 10. CONDUCT ACCORDING TO STATUTES.

In all substantive respects, the election shall be conducted in accordance with applicable provisions of the Texas Election Code, any other applicable statutes, and the City of Elgin's Home Rule Charter.

Section 11. ELECTION RESULTS.

The Bastrop County Elections Administrator shall conduct an unofficial tabulation of results after the closing of the polls on May 7, 2016. The official canvass, tabulation and declaration of the results of the election shall be conducted by the City Council at a regular or special council meeting held in accordance with provisions of the Texas Election Code.

Section 12. MISCELLANEOUS.

The provisions of this ordinance are severable; and in case any one or more of the provisions of this ordinance or the application thereof to any person or circumstance should be held to be invalid, unconstitutional, or ineffective as to any person or circumstance, then the remainder of this ordinance nevertheless shall be valid, and the application of any such invalid provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

By motion duly made, seconded and passed with an affirmative vote of the City Council members present, the requirement for reading this ordinance was dispensed.
READ, PASSED and **ADOPTED** on first reading on this 2nd day of February, 2016.

_____
Mayor, City of Elgin, Texas

ATTEST:

_____
City Secretary, City of Elgin, Texas

EXHIBIT "A"
ORDER OF ELECTION

CITY OF ELGIN, TEXAS

An Election is hereby ordered to be held on May 7, 2016 for the purpose of electing member for Ward 3.

Applications for a place on the ballot will be accepted beginning 8:00 a.m. on January 20, 2016 and must be received no later than 5:00 p.m. on March 7, 2016.

Election Day voting shall be conducted at the polling places for the precincts designated by the Bastrop County Elections Administrator and approved by the Bastrop County Commissioners Court, all as are shown on "Exhibit A to the Order of

Election" which is incorporated herein by reference and made a part hereof for all intents and purposes. The polls at the designated polling places shall be open on Election Day from 7:00 a.m. to 7:00 p.m.

The Bastrop County Elections Administrator is hereby appointed as the Election Officer and Early Voting Clerk and Custodian of Election Records for this election. The presiding judge(s) for each of said polling places are those designated by the Bastrop County Elections Administrator, and they are hereby authorized to appoint additional election clerks (not less than two and not more than six) to assist in conducting said election.

Early voting by personal appearance will be conducted at the locations designated by the Bastrop County Elections Administrator and approved by the Bastrop County Commissioners Court, all as are delineated on the attached "Exhibit B to the Order of Election" which is incorporated herein by reference and made a part hereof for all intents and purposes.

Applications for a ballot by mail shall be mailed to:

Bridgette Escobedo
Bastrop County Elections Administrator
804 Pecan Street
Bastrop, TX 78602

Applications for ballots by mail must be received no later than 5:00 pm on Tuesday, April 26, 2016.

Issued this the 2nd day of February, 2016.

_____
Marc Holm, Mayor City of Elgin, Texas

EXHIBIT "B"

EARLY VOTING DATES, TIMES, AND LOCATIONS

Time Period:

Monday, April 25, 2016 through Tuesday, May 3, 2016.

Main Location:

City of Elgin Public Library, 404 N. Main St., Elgin, TX 78621

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY

25 **8:00 am – 5:00 pm**	**26** **8:00 am – 5:00 pm**	**27** **8:00 am – 5:00 pm**	**28** **8:00 am – 5:00 pm**	**29** **7:00 am – 7:00 pm**
2 **8:00 am – 5:00 pm**	**3** **7:00 am – 7:00 pm**	**4**	**5**	**6**

Issued this the 2nd day of February, 2016.

_____
Marc Holm, Mayor City of Elgin, Texas

EXHIBIT "C"

CITY OF ELGIN ELECTION DAY POLLING LOCATION

City of Elgin Public Library, 404 N. Main Street, Elgin, TX 78621

COUNCIL MEETING: February 2, 2016

ITEM: 5. Discussion and action to appoint a citizen from Ward 3 as a council member to fill the vacancy in Ward 3, created by Chris Cannon resigning his seat on January 20, 2016, until the Special Election is held May 7, 2016.

RESOURCE PERSON(S): **Kerry Lacy, City Manager**
Lucretia Alvarez, City Secretary

SUMMARY: **Chris Cannon tendered his resignation as a council member on January 20, 2016. According to the City of Elgin Home Rule Charter Article IV, Section 8C, filling the vacancy may be appointed to any citizen member of Ward 3 by council appointment. The appointee to fill the vacancy until the next uniform election date (May 7, 2016) to hold a special election for the council term to be filled for the remainder of it's original term ending May 2017.**

RECOMMENDATION(S): **Appoint a citizen from Ward 3 to fill the vacant seat left by Chris Cannon's resignation, until the May 7, 2016 special election.**

ATTACHMENT: **1-Elgin Charter, Section 8 Vacancies**

CITY OF ELGIN- HOME RULE CHARTER

SECTION 8: VACANCIES, FORFEITURE, FILLING OF VACANCIES

A. Vacancies. The office of a councilman or office of the mayor shall become vacant upon his death, resignation, removal from office in any manner authorized by law, or forfeiture of his office.

B. Forfeiture of Office. A councilman or the mayor shall forfeit his office if he:

1. Lacks at any time during his term of office any qualification for the office prescribed by this Charter or by law;

2. Is convicted of a crime involving moral turpitude; or

3. Fails to attend three (3) consecutive regular council meetings without being excused by the council.

C. Filling of Vacancies. When any vacancy occurs on the council for any reason, a special election shall be ordered as soon as practicable and shall be held in accordance with the Texas Election Code; and further providing that, if such vacancy occurs within 90 days of the Next Regular Election, the Council shall not appoint a replacement but if such vacancy occurs at a time greater than 90 days of the next Regular Election, the Council shall appoint a replacement.

(Revised May 9, 2009)

COUNCIL MEETING: February 2, 2016

ITEM: 6. Discussion and action to consider appointing a Mayor Pro-Tem.

RESOURCE PERSON(S): **Kerry Lacy, City Manager**
Marc Holm, Mayor

SUMMARY: **Chris Cannon resigned from his council seat on January 20, 2016, which leaves a vacancy also for Mayor Pro-Tem. Elgin City Charter states that Mayor Pro-Tem is selected at the first regular meeting after election; however, our vacancy to be filled at this time would be for four months.**

RECOMMENDATION(S): **Appoint a new Mayor Pro-Tem.**

ATTACHMENT: