



AMENDED KENNEDALE CITY COUNCIL AGENDA

**SPECIAL MEETING | FEBRUARY 8, 2024 AT 5:30 PM
CITY HALL COUNCIL CHAMBERS | 405 MUNICIPAL DRIVE, KENNEDALE, TX 76060**

**MEMBERS OF THE PUBLIC MAY JOIN IN PERSON OR
ACCESS A LIVE FEED AT WWW.CITYOFKENNEDEALE.COM/VIDEOS
THE VIRTUAL OPTION DOES NOT ALLOW FOR PUBLIC COMMENT**

I. CALL TO ORDER

To address the Kennedale City Council regarding an agenda item, submit a 'Request to Speak' form before the meeting begins. Speakers are allotted three (3) minutes, must limit their comments to the subject indicated on the form, and should address the Kennedale City Council as a whole, rather than individual members or staff. Pursuant to Texas Government Code §551.071, the Kennedale City Council reserves the right to adjourn into Executive (Closed) Session at any time during the meeting to seek legal advice from the City Attorney on any item posted on the agenda.

A. ROLL CALL

B. INVOCATION AND PLEDGES OF ALLEGIANCE TO THE U.S. AND TEXAS FLAGS

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

II. VISITOR AND CITIZEN FORUM

At this time, any person may address the Kennedale City Council about items not on the agenda. Rules and procedures for addressing the Kennedale City Council are included under "I. CALL TO ORDER". Neither formal action nor discussion may occur at this time. Those wishing, instead, to speak on an agenda item should indicate their desire to speak as the Kennedale City Council considers that item.

III. WORK SESSION

A. WORK SESSION REPORTS

1. Freese and Nichols updates on the following projects:
 - N. Little School Road Extension
 - Valley Lane Bridge Repair
 - Averett Road Bridge Repair
2. Charter Study Committee results.
3. Update on Tarrant County Emergency Services Agreement.
4. Discussion regarding authorization for the City Manager to hire an additional 2 Public Works employees.
5. 2023 Annual Report for Kennedale Public Library.
6. 2023 Annual Report for Kennedale Municipal Court.

B. DISCUSSION AND/OR REQUESTS FOR CLARIFICATION OF ITEMS LISTED ON THE AGENDA

IV. REGULAR SESSION

A. REPORTS AND ANNOUNCEMENTS

In addition to any items below, the Kennedale City Council, the presiding officer, and/or staff may give or receive reports regarding items of community interest, including, but not limited to, recognition of officials, citizens, staff, or departments; information regarding holiday schedules; and upcoming or attended events.

B. CONSENT AGENDA

These matters have appeared on previous agendas, require little or no deliberation, or are considered routine or ministerial tasks. If discussion is desired, items may be removed for separate consideration.

1. Approval of the minutes from the January 16, 2024 Regular Meeting.
2. Receive the 2023 Racial Profiling Report from the Police Department.
3. Approve a resolution for the May 4, 2024 General Election.
4. Approval for the City Manager to hire 2 additional Public Works employees.

C. ITEMS FOR INDIVIDUAL CONSIDERATION

1. Discussion and Approval of an ordinance calling for a Special Charter Election on May 4, 2024.
2. Consider approval of an emergency rehabilitation to a 12" sanitary sewer line with Excel 4 Construction, LLC at an estimated cost of \$91,640.00

V. EXECUTIVE SESSION

The Kennedale City Council reserves the right to meet in Executive (Closed) Session at any time during the meeting pursuant to the below cited sections of the Texas Government Code:

- A. **PURSUANT TO §551.071** — *Consultation with the City Attorney pertaining to any matter in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct may conflict with the Open Meetings Act, including discussion of any item posted on the agenda, legal issues regarding the Open Meetings Act.*
- B. **PURSUANT TO §551.072** — *Deliberation regarding the purchase, exchange, lease, or value of real property.*
- C. **PURSUANT TO §551.087** — *(1) Deliberation regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a*

financial or other incentive to a business prospect described by Subdivision.

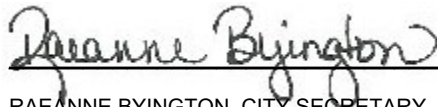
- D. **PURSUANT TO §551.074** — *Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee.*

**VI. RECONVENE INTO OPEN SESSION, AND TAKE ACTION NECESSARY
PURSUANT TO EXECUTIVE SESSION, IF NEEDED**

VII. ADJOURNMENT

CERTIFICATION

I DO HEREBY CERTIFY THAT THE FEBRUARY 8, 2024 KENNEDALE CITY COUNCIL AGENDA WAS POSTED INSIDE THE MAIN ENTRANCE OF CITY HALL (405 MUNICIPAL DRIVE), IN A PLACE CONVENIENT AND READILY ACCESSIBLE TO THE GENERAL PUBLIC AT ALL TIMES; AND THAT SAID AGENDA WAS POSTED AT LEAST SEVENTY-TWO (72) HOURS PRECEDING THE SCHEDULED TIME OF SAID MEETING, IN ACCORDANCE WITH CHAPTER 551 OF THE TEXAS GOVERNMENT CODE.



RAEANNE BYINGTON, CITY SECRETARY

In compliance with the Americans with Disabilities Act (ADA), the City of Kennedale will provide for reasonable accommodations for persons attending meetings. This facility is wheelchair accessible and accessible parking spaces are available. Requests for sign interpreter services must be made forty-eight (48) hours prior to the meeting by calling 817-985-2104 or (TTY) 1-800-735-2989.

Amended on 02/05/2024 at 10:48 am to include:

Attachments for III.A.2

Addition of III.A.3 and III.A.4

Addition of IV.B.4

STAFF REPORT
TO THE HONORABLE MAYOR AND CITY COUNCIL

MEETING DATE: FEBRUARY 8, 2024

AGENDA ITEM NUMBER: REGULAR SESSION ITEM I.B.

SUBJECT

INVOCATION AND PLEDGES OF ALLEGIANCE TO THE U.S. AND TEXAS FLAGS

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

ORIGINATED BY

SUMMARY

RECOMMENDATION

ATTACHMENTS

STAFF REPORT
TO THE HONORABLE MAYOR AND CITY COUNCIL

MEETING DATE: FEBRUARY 8, 2024

AGENDA ITEM NUMBER: WORK SESSION ITEM III.A.

SUBJECT
WORK SESSION REPORTS

ORIGINATED BY

SUMMARY

RECOMMENDATION

ATTACHMENTS

STAFF REPORT
TO THE HONORABLE MAYOR AND CITY COUNCIL

MEETING DATE: FEBRUARY 8, 2024

AGENDA ITEM NUMBER: WORK SESSION ITEM III.A.1.

SUBJECT

Freese and Nichols updates on the following projects:

- N. Little School Road Extension
- Valley Lane Bridge Repair
- Averett Road Bridge Repair

ORIGINATED BY

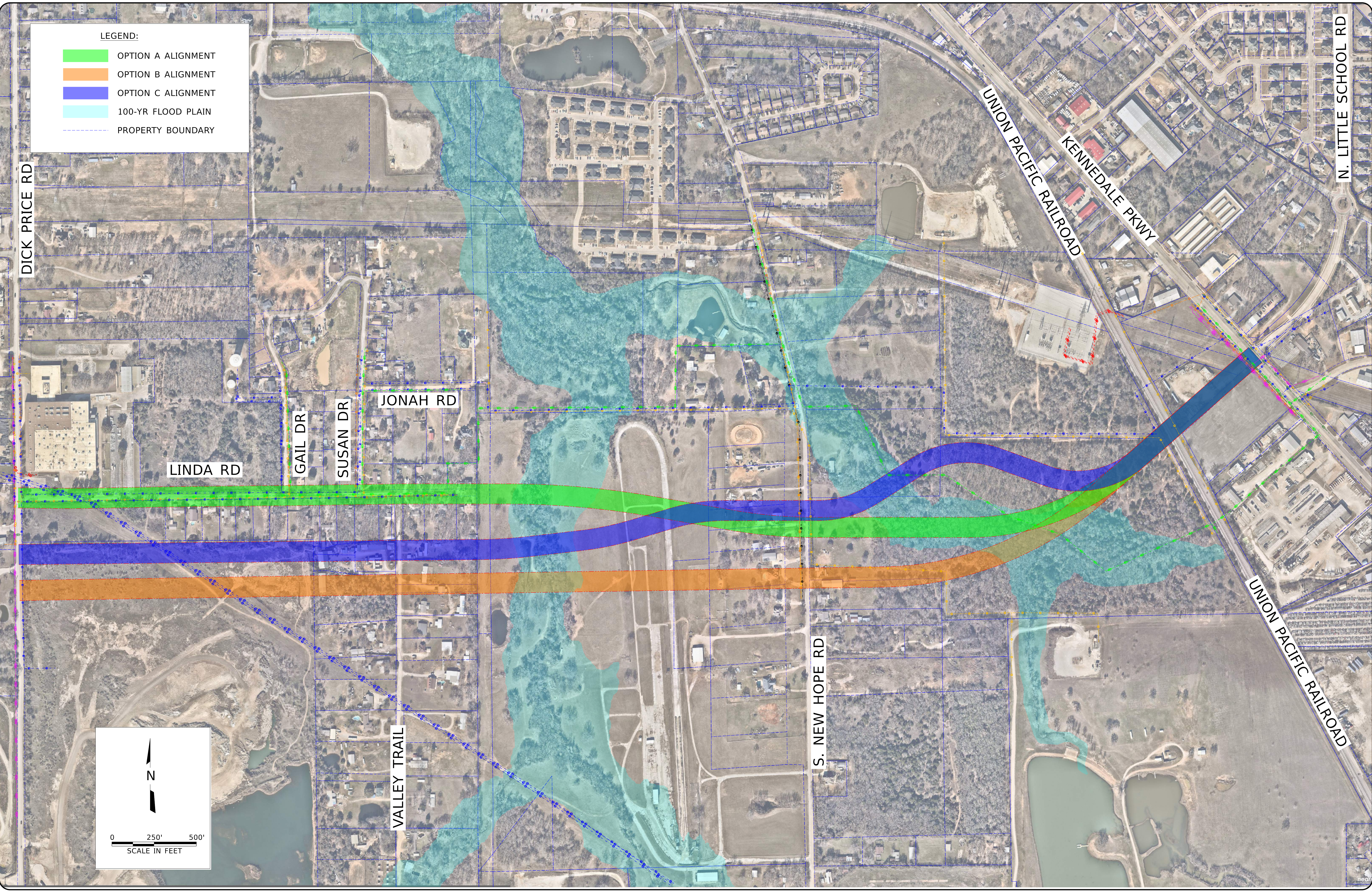
SUMMARY

RECOMMENDATION

ATTACHMENTS

1.	Little School Road - Proposed Alignments Exhibits - 08-15-2023	Little School Road - Proposed Alignments Exhibits - 08-15-2023.pdf
2.	KEN23311 - Little School Road - Preferred Alignment - 10-18-2023	KEN23311 - Little School Road - Preferred Alignment - 10-18-2023.pdf

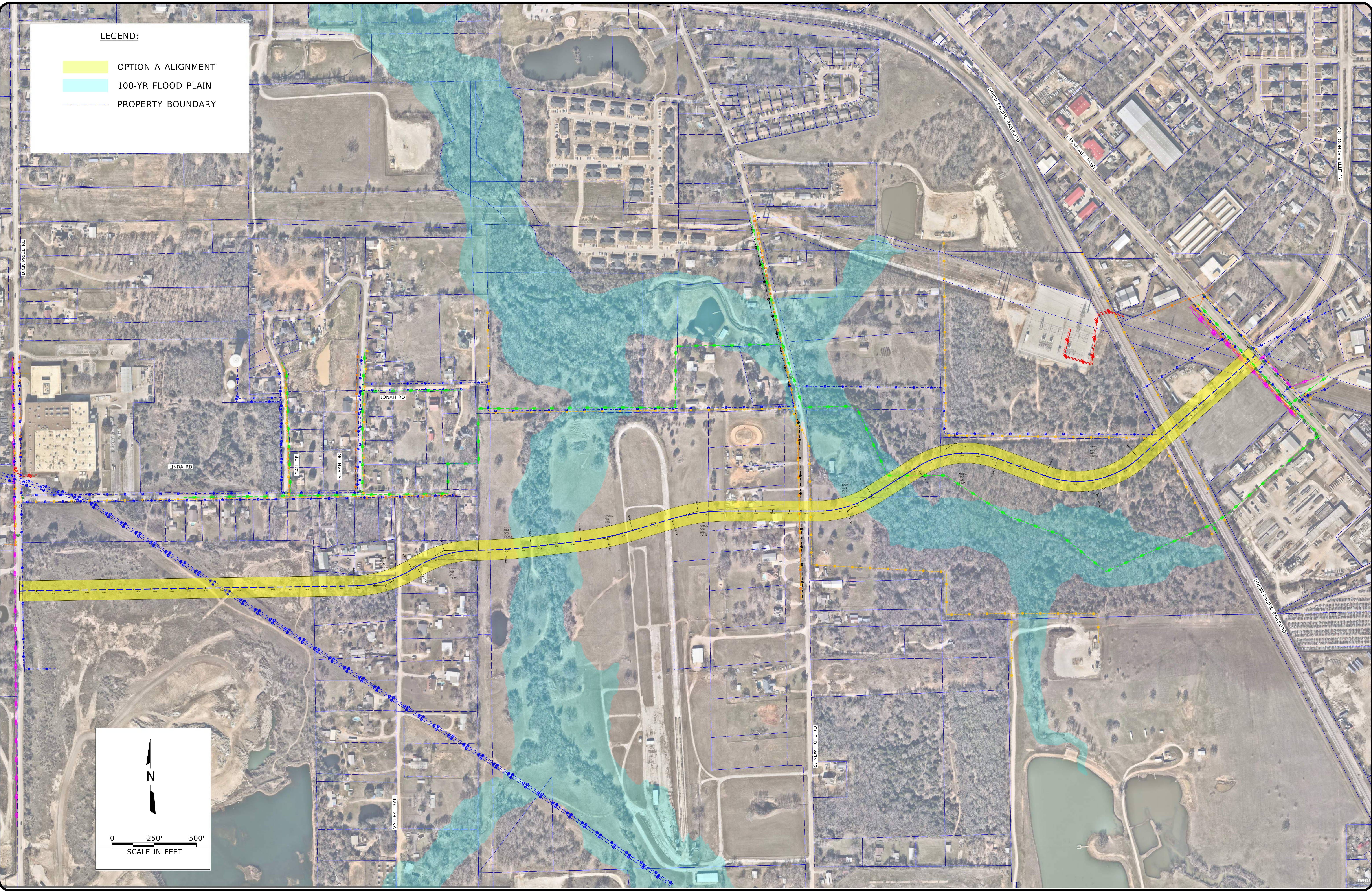
MicroStation V8 User: 90262 O ce:
Project: N:\P\Schematic\ORD\Archive\Option B - UPDATE1.dgn
Plot Scale: 0.00333333 1/30
Date: 8/11/2023
Model: Option B - UPDATE1



LEGEND:

- OPTION A ALIGNMENT
- OPTION B ALIGNMENT
- OPTION C ALIGNMENT
- 100-YR FLOOD PLAIN
- PROPERTY BOUNDARY

MicroStation V8 User: 04313 Office: N:\P\Schematic\ORD\Combined Alignment Exhibit.dgn and N:\P\ Standards\Common\Plc\p3\PDF-Mono.plt
Plot Scale: 1/8"=1'-0" Configuration: W:\P\008333317\7 In. Model: Option B - UPDATE
Date: 9/1/2023 Project:



STAFF REPORT
TO THE HONORABLE MAYOR AND CITY COUNCIL

MEETING DATE: FEBRUARY 8, 2024

AGENDA ITEM NUMBER: WORK SESSION ITEM III.A.2.

SUBJECT
Charter Study Committee results.

ORIGINATED BY

SUMMARY

RECOMMENDATION

ATTACHMENTS

1.	Charter Comm Chart	Charter Comm Chart.pdf
2.	2023..12.11 Charter Study Signed Minutes	2023..12.11 Charter Study Signed Minutes.pdf
3.	2024.01.08 Charter Study Signed Minutes	2024.01.08 Charter Study Signed Minutes.pdf
4.	2024.01.22 Charter Study unsigned Minutes	2024.01.22 Charter Study unsigned Minutes.pdf

Current Language	Comments, Alternatives & Considerations
Section 3.03 - Mayor and Mayor Pro Tem The Mayor shall preside at City Council meetings, and shall be recognized as head of the City government. The Mayor shall have the right to vote only in the event of a tie. The Mayor shall also have veto power. The City Council shall elect one of its members Mayor Pro Tem. The Mayor Pro Tem shall act as Mayor in the absence of the Mayor and shall have the same duties and power as the Mayor except veto power. The Mayor Pro Tem shall retain the right to vote as a Council member. The Mayor may exercise veto power over a Council action within five (5) working days of that action. The Mayor shall give written notice of a veto to the City Secretary. Upon proper notice, Council action to consider overriding a veto shall be an agenda item at the next scheduled Council meeting. The decision of the Council to override a veto is not subject to veto by the Mayor and becomes effective immediately.	Suggestions: The Mayor shall preside at City Council meetings, and shall be recognized as head of the City government. The Mayor shall have the right to vote only in the event of a tie. The Mayor shall also have veto power. The City Council shall elect one of its members Mayor Pro Tem. The Mayor Pro Tem shall act as Mayor in the absence of the Mayor and shall have the same duties and power as the Mayor except veto power. The Mayor Pro Tem shall retain the right to vote as a Council member, <u>when acting as Mayor</u>. ... <u>Alternate 1 for new 3rd Paragraph:</u> <u>In the event of a vacancy in the office of Mayor, the Mayor Pro Tem shall act as Mayor until a successor is duly elected and qualified at the next uniform election date that offers sufficient time to comply with the requirements of the Election Code.</u> <u>Alternate 2 for new 3rd and 4th Paragraphs:</u> <u>In the event of a vacancy in the office of Mayor, the Mayor Pro Tem shall, on the effective date of the vacancy, assume the office of Mayor, to serve the remainder of the Mayor's unexpired term.</u> <u>The council seat vacated by the new Mayor shall be filled according to Section 3.06 of this charter. A new Mayor Pro Tem shall be selected according to this Section 3.03.</u>
Section 3.04 - General Duties and Powers By this Charter, all powers of the City shall be vested in the City Council. The City Council shall exercise these powers to ensure the performance of all duties and obligations imposed on the City by law and by this Charter. Specifically,	

Current Language	Comments, Alternatives & Considerations
(b) <i>Appointments and Removals.</i> Neither the City Council nor any of its members shall, in any manner, dictate the appointment or removal of any City administrative officer or employee whom the City Manager or any of his subordinates are empowered to appoint. The City Council may, however, express its views fully and freely, discussing with the City Manager anything pertaining to the appointment and removal of such officers and employees. (c) <i>Interference in Administrative Matters.</i> Except for the purpose of inquiry or investigation, the City Council shall deal with administrative departments and the personnel of these departments solely through the City Manager. Neither the City Council nor any of its members shall give an order, either publicly or privately, to any subordinate of the City Manager.	
Section 3.06 - Vacancies and Forfeiture of Office (a) <i>Vacancies.</i> The office of a Council member or Mayor shall become vacant upon the death, resignation, forfeiture of office, or removal from office in any manner authorized by law or by this Charter. (1) Reserved. (2) Vacancies on the City Council for offices with two year terms shall be filled as provided in this subsection. The City Council may call a special election or by a majority vote of all remaining Council Members appoint a qualified person to fill the vacancy. (b) <i>Forfeiture of Office.</i> A Council member shall forfeit office if the member:	Alternative: (2) <u>In the event of a vacancy on the City Council in a seat other than the Mayor, Vacancies on the City Council for offices with two-year terms shall be filled as provided in this subsection. The City Council may call a special election or by a majority vote of all remaining Council Members appoint a qualified person to fill the vacancy, to serve until the next uniform election date that offers sufficient time to comply with the requirements of the Election Code.</u> (3) <u>A member of the governing body is ineligible to vote to fill a vacancy after resigning from the governing body.</u>

CHARTER STUDY COMMITTEE MEETING MINUTES

DECEMBER 11, 2023 AT 6:00 PM

CITY HALL CONFERENCE ROOM | 405 MUNICIPAL DRIVE, KENNEDALE, TX 76060

I. CALL TO ORDER

Mayor Pro Tem Kenneth Michels called the meeting to order at 6:06 pm.

A. ROLL CALL

Present: Linda Rhodes, Michael Brown, John Clark, Laurie Humiston. Absent: Eric Elam and Chris Gary.

II. REGULAR SESSION

A. Discuss purpose and charge to the committee

Mayor Pro Tem discussed the history of the Charter Committee and the purpose for this committee.

B. Discuss committee rules of procedure

Mayor Pro Tem asked that all committee members read through the Charter and find items to review and discuss for changes.

C. Receive a presentation by the City Attorney's Office and hold a discussion regarding Home Rule City Charters and amendments thereto

Attorney Betsy Elam from TOASE Law Firm stated that our Charter is in good shape in relation to state law and gave an overview of the purpose of a Charter.

D. Begin identifying and discussing the committee's desired Charter topics for further discussion and/or research.

The committee discussed some of the desired changes that Council was interested in:

Section 3.06 - Ms. Elam explained the section was deleted since the citizens voted down 3 year terms. Her suggestion is to add to Section 3.03 about the Mayor Pro Tem's duties if the Mayor steps down.

Moving from 2 to 3 year terms.

Ethics Ordinance

Procedure for outcome if someone breaks the Charter.

3.08 Meeting Procedures - Special meeting called by Mayor or 3 council members.

Potential quorum. Needs to be 2 council members and not 3.

3.08b Motion to go into Executive Session - State law does not require a motion.
5.06 City Secretary answers to Council and City Manager - John Clark stated this was for a check and balance.
Discussion regarding Council vacancies and how to handle them.

E. Discuss a regular meeting schedule and set next meeting date and time

The meeting schedule was discussed as follows:

January 8, 6 pm
January 22, 6 pm
January 29, 6 pm

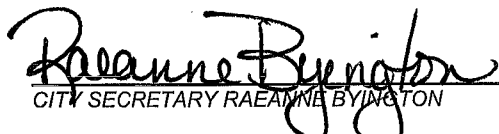
III. ADJOURNMENT

Mayor Pro Tem Michels adjourned the meeting at 7:01pm.

APPROVED:


MAYOR PRO TEM KENNETH MICHELS

ATTEST:


CITY SECRETARY RAEANNE BYINGTON

CHARTER STUDY COMMITTEE MEETING MINUTES

DECEMBER 11, 2023 AT 6:00 PM

CITY HALL CONFERENCE ROOM | 405 MUNICIPAL DRIVE, KENNEDALE, TX 76060

I. CALL TO ORDER

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A. ROLL CALL

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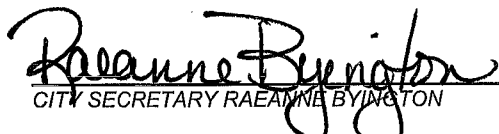
III. ADJOURNMENT

Mayor Pro Tem Michels adjourned the meeting at 7:01pm.

APPROVED:


MAYOR PRO TEM KENNETH MICHELS

ATTEST:


CITY SECRETARY RAEANNE BYINGTON



MINUTES

REGULAR MEETING | JANUARY 22, 2024 AT 5:30 PM
CITY HALL COUNCIL CHAMBERS | 405 MUNICIPAL DRIVE, KENNEDALE, TX 76060

I. CALL TO ORDER

Mayor Pro Tem Kenneth Michels called the meeting to order at 6:00 pm.

A. ROLL CALL

Present: Linda Rhodes, John Clark, Eric Elam. Absent: Laurie Humiston, Michael Brown. Staff: City Secretary Raeanne Byington, Attorney Betsy Elam.

II. REGULAR SESSION

A. ITEMS FOR INDIVIDUAL CONSIDERATION AND DISCUSSION

1. Approval of the minutes from the January 8, 2024 Meeting

Motion Approve . Action Approval of the minutes from the January 8, 2024 Meeting, **Moved By** Linda Rhodes **Seconded By** Jon Clark. **Motion passed unanimously.**

2. Review and approve to recommend to Council language for charter revision.

Motion Approve. Action Approve the suggested changes to the Charter, Section 3.03 - Mayor and Mayor Pro Tem. Moved by: John Clark, Second by: Eric Elam. Motion passes unanimously.

Motion Approve. Action Approve the suggested changes to the Charter, Section 3.06 - Vacancies and Forfeiture of Office. Moved by: John Clark. Second by: Linda Rhodes. Motion passes unanimously.

III. ADJOURNMENT

Motion to adjourn made by Mayor Pro Tem Michels at 6:17 pm.

APPROVED:

ATTEST:

MAYOR JAN JOPLIN

CITY SECRETARY RAEANNE BYINGTON

STAFF REPORT TO THE HONORABLE MAYOR AND CITY COUNCIL

MEETING DATE: FEBRUARY 8, 2024

AGENDA ITEM NUMBER: WORK SESSION ITEM III.A.3.

SUBJECT

Update on Tarrant County Emergency Services Agreement.

ORIGINATED BY

SUMMARY

RECOMMENDATION

ATTACHMENTS

STAFF REPORT TO THE HONORABLE MAYOR AND CITY COUNCIL

MEETING DATE: FEBRUARY 8, 2024

AGENDA ITEM NUMBER: WORK SESSION ITEM III.A.4.

SUBJECT

Discussion regarding authorization for the City Manager to hire an additional 2 Public Works employees.

ORIGINATED BY

SUMMARY

RECOMMENDATION

ATTACHMENTS



STAFF REPORT
TO THE HONORABLE MAYOR AND CITY COUNCIL

MEETING DATE: FEBRUARY 8, 2024

AGENDA ITEM NUMBER: WORK SESSION ITEM III.A.5.

SUBJECT
2023 Annual Report for Kennedale Public Library.

ORIGINATED BY

SUMMARY

RECOMMENDATION

ATTACHMENTS

1.	Library, Senior Center, and Communications	Library, Senior Center, and Communications.pptx
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The background features abstract geometric shapes, primarily triangles, in various shades of green and blue. These shapes are layered and overlap, creating a dynamic, modern look. The colors range from dark forest green to light lime green, and from light sky blue to deep navy blue.

Library, Senior Center, and Communications

2023 Activities and Accomplishments

Library Mission

The Kennedale Public Library serves as a thriving community center that provides access to information and resources to educate, empower, enrich, and welcome our community.

Library Vision

The Kennedale Public Library connects the community with library services for personal enjoyment, growth, and enrichment through:

- ◆ diverse resources in multiple and accessible formats;
- ◆ innovative programs and technology that increase knowledge, awareness, and quality of life for all members of the community;
- ◆ support for local educational programs and self-directed, lifelong learning opportunities;
- ◆ community gathering spaces;
- ◆ and the preservation of local history.

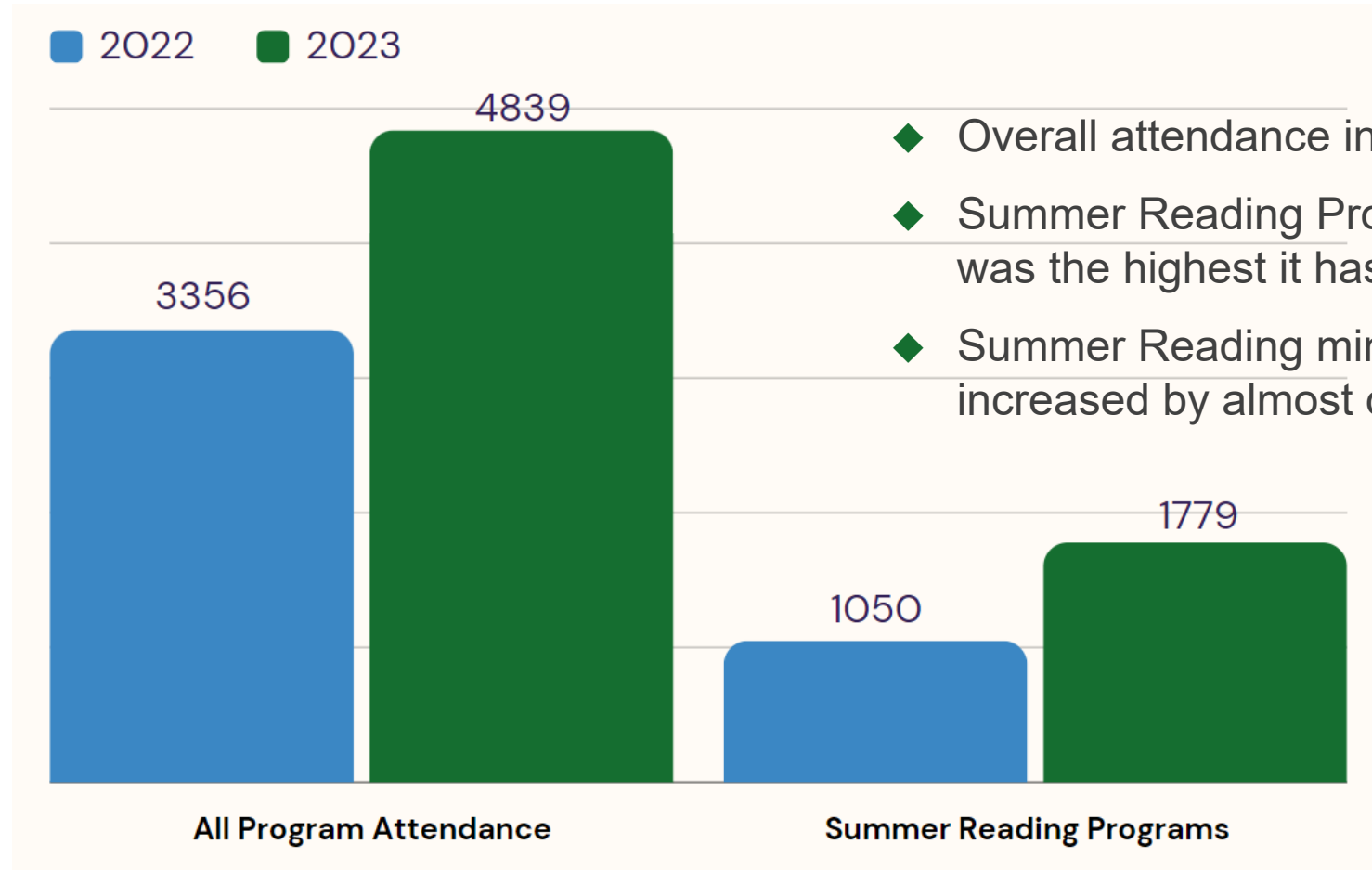
Library Goals

- ◆ Provide superior customer service to all library users.
- ◆ Be the first choice for information needs.
- ◆ Anticipate and meet changing community needs.
- ◆ Guarantee equitable access to Library resources and services.
- ◆ Be a strong and effective partner in the community.

Library Staff

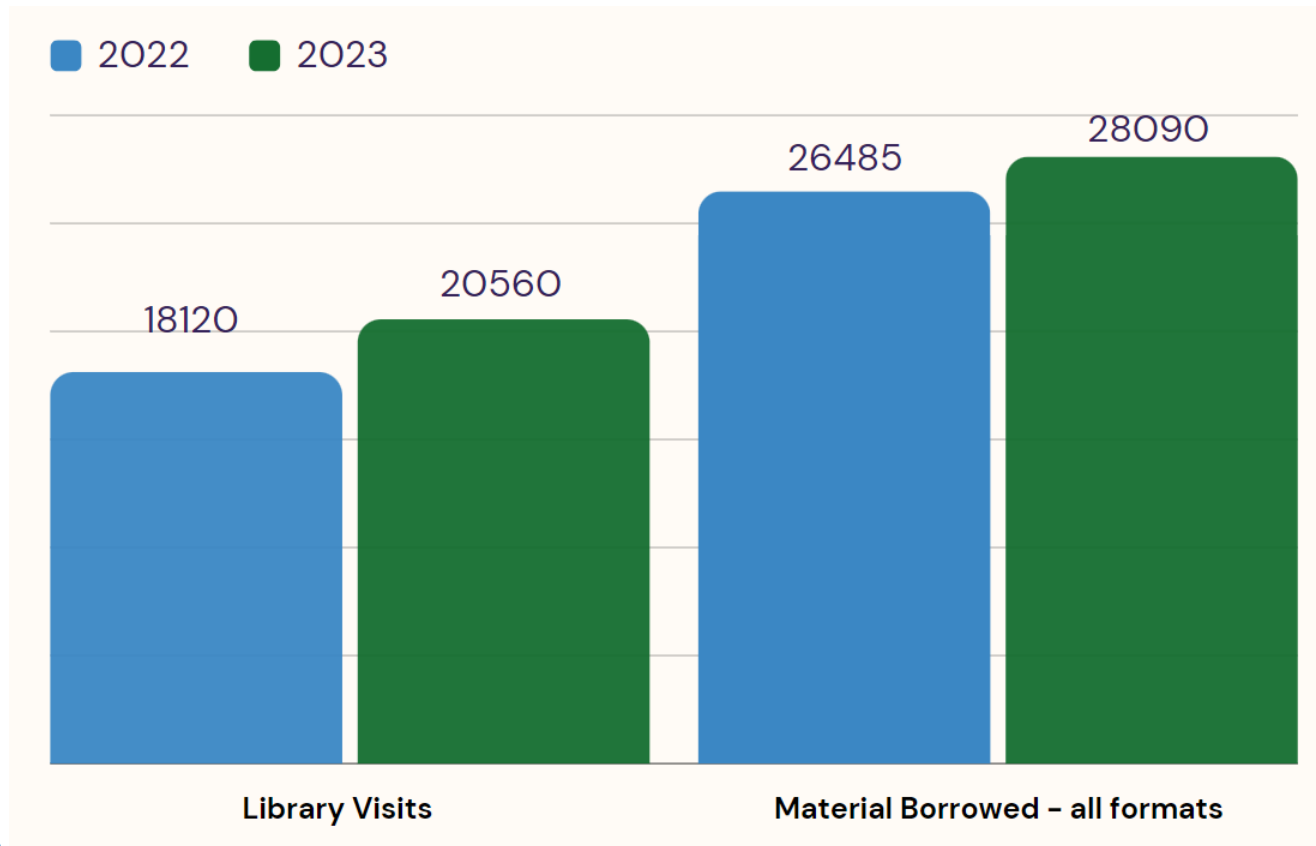
- ◆ Elizabeth Partridge – Library Director
- ◆ Laura Smith – Library Clerk – cataloging/facility rentals
- ◆ Kelly Skiles – Library Clerk – children's services
- ◆ Sara Hooser – Library Programming and Event Coordinator
- ◆ Lucy Shonkwiler – Library Clerk – circulation
- ◆ Selestine Martinez – Library Clerk - circulation

Accomplishments



- ◆ Overall attendance increased
- ◆ Summer Reading Program attendance was the highest it has been
- ◆ Summer Reading minutes read increased by almost double to 375,410

Accomplishments



- ◆ Library visits increased
- ◆ Material Borrowed went up –
Particularly Ebooks/Eaudiobooks:
2022 – 6553
2023 – 8246

Accomplishments

- ◆ Establishing an Innovation Station – \$10,000 Hancher Foundation grant for tech equipment for public use
- ◆ Received accreditation through TSLAC
- ◆ Self-checkout kiosk added
- ◆ Texas E-Reads online books added to catalog
- ◆ New public computer reservation software implemented
- ◆ Mobile printing installed
- ◆ Community information and announcement board installed
- ◆ Web site cleaned up and databases updated
- ◆ Computer classes for adults of all ages established with community partnership
- ◆ New furniture and layout for improved library security
- ◆ New carpet in the Community Room
- ◆ Strengthened community partnerships with schools, community groups, and local support agencies
- ◆ Story Walk installed in Sonora Park

Digital Skills Workshops

FREE!

5:30-7:00pm

February 7 - Microsoft Word
February 14 - Microsoft PowerPoint
February 21 - Microsoft Excel

Everyone is welcome. Registration is required.
Sign up for any class or all classes.

Kennedale Public Library
316 W 3rd St.
Register at 817-985-2136

YOUR CHILDREN'S TEETH

Sept. 20th
10-10:30 AM
Kennedale Public Library



Don't miss this opportunity to set your child on the path to a lifetime of healthy smiles.

Plus, walk away with a FREE oral care kit and a chance to win fantastic prizes!



Kennedale Public Library is proud to announce our 2024 Accreditation.



Our Library has been accredited for over 29 years!

TSLAC accreditation allows us to provide statewide interlibrary loan services, access to the TexShare card, and access to hundreds of databases through the TexShare Database program.

Visit us at the library, check out all our resources, and learn more at www.kennedalelibrary.org.

Kennedale Public Library
316 W 3rd Street, Kennedale
817-985-2136

HISTORY LECTURE SERIES

PRESENTED BY THE KENNEDALE HISTORICAL SOCIETY

HISTORY OF OUR PUBLIC LIBRARY

with Gwen Bevell

Thursday, September 21, 6:30pm
Kennedale Public Library, Community Room
316 W 3rd Street
light refreshments provided

Kennedale Newspaper Donations Requested!
Do you have old newspapers you could donate to our digitization project? Bring them to the Library! Check www.kennedalelibrary.org for the link, or use the QR code, to see the editions we are missing. You can help get Kennedale onto the UNT Portal to Texas!

Join us for the Kennedale Historical Society meeting at 5:30pm every third Thursday. Membership is \$10 per year.

Check www.cityofkennedale.com/cal for additional dates and programs.



Pigeon Party!

Kennedale Public Library
September 23 10-11:30am



The Bus



The Pigeon

Celebrate 20 years of not letting the Pigeon Drive the Bus! Join us for stories, crafts, activities & a few surprises!



Don't Let the Pigeon Drive the Bus!

words and pictures by mo'willee

FREE COMPUTER CLASSES!

NEXT SESSION:
MICROSOFT WORD
AUGUST 8, 5:30 - 7:00 PM

Call to Register - 817-985-2136
Kennedale Public Library
316 W 3rd Street
www.kennedalelibrary.org

Grow with Google www.Career@NorthCentralTexas.org

Butterfly Party!

Bring the whole family for butterfly fun in TownCenter Park!

The event will include a Monarch Pledge by Mayor Joplin, butterfly lifecycle demos, a scavenger hunt, plant and seed giveaways, a raffle, and releasing butterflies. Howard Garrett, The Dirt Doctor, will be sharing information on how organic gardening helps pollinators from 10:00 to 11:00AM.

TownCenter Park
405 Municipal Drive
SATURDAY, SEPTEMBER 16
9:00-11:00am

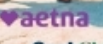
 

FAMILY HEALTH & RESOURCE FAIR

MARCH 18, 2023
10AM-12PM



COMMUNITY CENTER
316 W. 3RD STREET
KENNEDALE, TX 76060
817-985-2136
WWW.KENNEDALELIBRARY.ORG



Senior Center Mission

The Kennedale Senior Center provides access to community resources, nutrition, health and entertainment activities that promote social connection, vibrant aging, and life-long learning and enable the emotional and physical well-being of independent adults over 55. Our goal is to provide opportunities for seniors that meet their changing needs, improve their quality of life, and empower them to live life to the fullest.

Accomplishments

- ◆ Established contract with Meals on Wheels to provide an activities director Monday through Friday, and serve breakfast and lunch through the Meals on Wheels program
- ◆ Increased activities from 6 per month to more than 40 per month
- ◆ Significant increase in participation averaging 400+ visits per month
- ◆ Increased participation with community partners
- ◆ Improved relationships with facilities for Seniors in the area
- ◆ Established approved volunteer program to increase participation and involvement
- ◆ Established on-going computer and technology classes for seniors with community partner
- ◆ Involved Seniors in area activities – school field trips to the center, Trunk or Treat, Butterfly Party

Accomplishments

The A B C Ds of Medicare

Are you interested in finding out how Medicare works?
Are you looking at making changes to your Medicare benefits?
This free program may be for you.

March 22, 2023; 1:00 pm
Kennedale Public Library
316 W. 3rd Street
Kennedale, TX 76060

- Defining Medicare and its parts
- How and when to enroll in Medicare, what happens if you are already on Medicare and turning 65
- When you are allowed to change plans
- Prescription Drug Plans
- Medicare Health Plan Coverage Choices
- Do I qualify for extra help with my premiums? How do I apply?
- What if I plan to keep working? What if my spouse isn't on Medicare?

The meeting lasts approximately one hour and will include time for questions and answers. Please text or call to RSVP.
Benefit Advisor, Michele Vina at (940) 393-3738

www.kennedalelibrary.org This program does not constitute endorsement by the library.

FUN! JOIN US FOR GAME DAY!

MARCH 23RD, 1-3PM
KENNEDALE SENIOR APARTMENTS
OUTSIDE BEHIND THE OFFICE

EAT FOOD, HAVE FUN, BRING YOUR FAVORITE BOARD OR CARD GAME, LEARN ABOUT LIBRARY AND SENIOR CENTER PROGRAMS, VISIT WITH OFFICERS FROM THE POLICE DEPARTMENT, AND GET YOUR LIBRARY CARD!

FOR MORE INFORMATION
817-985-2136



May 2023



Kennedale Activity Center
420 Corry A. Edwards Dr.
Activity Center Director: Alicia Henshaw
Ph.: 817-985-2131 Email: alicia.henshaw@mealsonwheels.org
Open: Monday - Friday ~ 10am - 3pm ~ Meals Served @ 11:30am

Monday	Tuesday	Wednesday	Thursday	Friday	Highlights
1 10:30 AM-BINGO 10:30 AM-DOMINOES 11:30 AM-LUNCH	2 10:30 AM-MATTER OF BALANCE 10:30 AM-DOMINOES 11:30 AM-LUNCH	3 10:30 AM-CINCO BINGO CELEBRATION 10:30 AM-DOMINOES 11:30 AM-LUNCH	4 10:30 AM-KH BAND PERFORMANCE 10:30 AM-DOMINOES 11:30 AM-LUNCH	5 10:30 AM-CRAFTS WITH VICKI 10:30 AM-DOMINOES 11:30 AM-LUNCH 12:00 PM-BRIDGE	Food Box Pick-up May 19th.
8 10:30 AM-BINGO 10:30 AM-DOMINOES 11:30 AM-LUNCH	9 10:30 AM-MATTER OF BALANCE 11:30 AM-LUNCH 12:00 PM - MEMBER MEETING	10 United Healthcare Sponsor 10:30 AM-BINGO 10:30 AM-DOMINOES 11:30 AM-LUNCH	11 Women's Tea Party 10:30 AM-DOMINOES 11:30 AM-LUNCH	12 10:30 AM CHRIS JOURNEAY MUSIC 11:30 AM-LUNCH 12:30 PM-BRIDGE	Matter of Balance Begins May 2nd.
15 10:30 AM-BINGO 10:30 AM-DOMINOES 11:30 AM-LUNCH	16 10:30 AM-MATTER OF BALANCE 10:30 AM-DOMINOES 11:30 AM-LUNCH	17 Humana Sponsored Bingo and Lunch and Learn 10:30 AM-BINGO 10:30 AM-DOMINOES 11:30 AM-LUNCH	18 ART ON THE GO 10:30 AM-EXERCISE/FITNESS 10:30 AM ART 10:30 AM DOMINOES 11:30 AM - LUNCH	19 Food Pick Up SCRAPBOOKING CLUB 10:30 AM TRIVIA CARE N CARE 11:30 AM-LUNCH 12:30 PM-BRIDGE	Wear your fancy dress and spectacular hat for a Mother's Day Tea and Celebration! May 11th!
22 Molina Health	23 Molina Health	24 Super Lotto Sponsored Bingo	25 10:30 AM-EXERCISE/FITNESS 10:30 AM-CROCHET 11:30 AM-LUNCH	26 10:30 AM-DOMINOES 11:30 AM-LUNCH 12:30 PM-BRIDGE	CLOSED MAY 29TH IN OBSERVANCE OF MEMORIAL DAY

Time for a field trip!

FORT WORTH MUSEUM
SCIENCE AND HISTORY

Members of the Kennedale Senior Center are taking a trip **June 29** to the Fort Worth Museum of Science and History! There may still be room for YOU!

Contact the Senior Center for more details.
817-985-2131
www.cityofkennedale.com

Let's celebrate the last days of summer!

BEACH PARTY BINGO!

Monday, September 18
10:30-11:30am

Wear your sunglasses and Hawaiian shirts for our end-of-summer party.

You can win lawn chairs, beach towels, can coolers, and MORE!

Kennedale Senior Center
420 Corry A Edwards Dr
817-985-2131

www.cityofkennedale.com



Communications Mission

The Communications Department provides transparency through innovative and creative communications solutions. It promotes the City's mission, programs, and initiatives efficiently and effectively. The vision of the Communications Department is to consistently create and distribute effective messaging that is recognized as the best, most accurate, and dependable source of City information.

Communications Areas of Concentration

Areas of concentration:

- ◆ Communication with employees, citizens, and businesses
- ◆ Marketing and graphic design
- ◆ Media and community relations
- ◆ City publications
- ◆ Manage city online presence
- ◆ Special Events Promotion
- ◆ Work to improve the image of Kennedale

Communications Areas of Concentration

- ◆ Communication with employees, citizens, and businesses
 - ◆ Restarted the monthly newsletter – TownCenter Herald – to distribute city information and activities
 - ◆ Reinvigorated all social media accounts and created a new Instagram account to increase audience/reach
 - ◆ Executed a web page redesign and clean-up
 - ◆ Created a Communications and Social Media policy
- ◆ Media and community relations
 - ◆ Created list of over 100 media outlets to share city event information and press releases
 - ◆ Increased community outreach
- ◆ Special Events Promotion
 - ◆ Increased promotions resulting in tremendous increase in community participation

www.cityofkennedale.com/Top

4-Way (All Way)

LITTLE SCHOOL ROAD AND PENNSYLVANIA AVE

will be in place beginning
February 27, 2018



STOP

4-WAY
STOP

KENNEDALE
City of
1400 W. 1st Ave.
Kenilworth, NJ 07033
(201) 991-2000

Questions? 800-447-2000

**Business
Out!**

Carmen's Tex Me
317 W. Kennedale Parkway
817-476-0337
Stop by for some

The parade will begin at Delaney Elementary, 180 W Kennedale Parkway, and end at TownCenter Park, 405 Municipal Drive.

Fun activities and entertainment to follow in TownCenter Park.



TRUNK OR TREAT

OCTOBER 28 5PM- 7PM TOWNCENTER PLAZA

Get your costumes and your bags ready and head to TownCenter Plaza to see all the creatures and collect some delicious treats.

by KENNEDY



PARKING LOT
ready to
be the cool
place for
treats!



COMPREHENSIVE
How the City
improve its



CHALLENGE



Grand Opening
NEWDALE
Branch
City of Portland
Grand Opening

VE PLAN SURV
of Kennedy grow and
in the future?



Take a look at how land use, infrastructure
may occur into the future. It's a
to manage new growth and
Council and Staff want your opinion.

WELCOME!



CELEBRATE
NOV 9
TOWN

SCHEDULE OF

Prelude - America the Beautiful
Introduction and Welcome - City
Prayer - Pastor Nelda Borretti
Posting of Colors - TCU ROTC
Pledge of Allegiance - Chief M
National Anthem - Ross Sanchez
Recognition of Veterans



STAFF REPORT
TO THE HONORABLE MAYOR AND CITY COUNCIL

MEETING DATE: FEBRUARY 8, 2024

AGENDA ITEM NUMBER: WORK SESSION ITEM III.A.6.

SUBJECT
2023 Annual Report for Kennedale Municipal Court.

ORIGINATED BY

SUMMARY

RECOMMENDATION

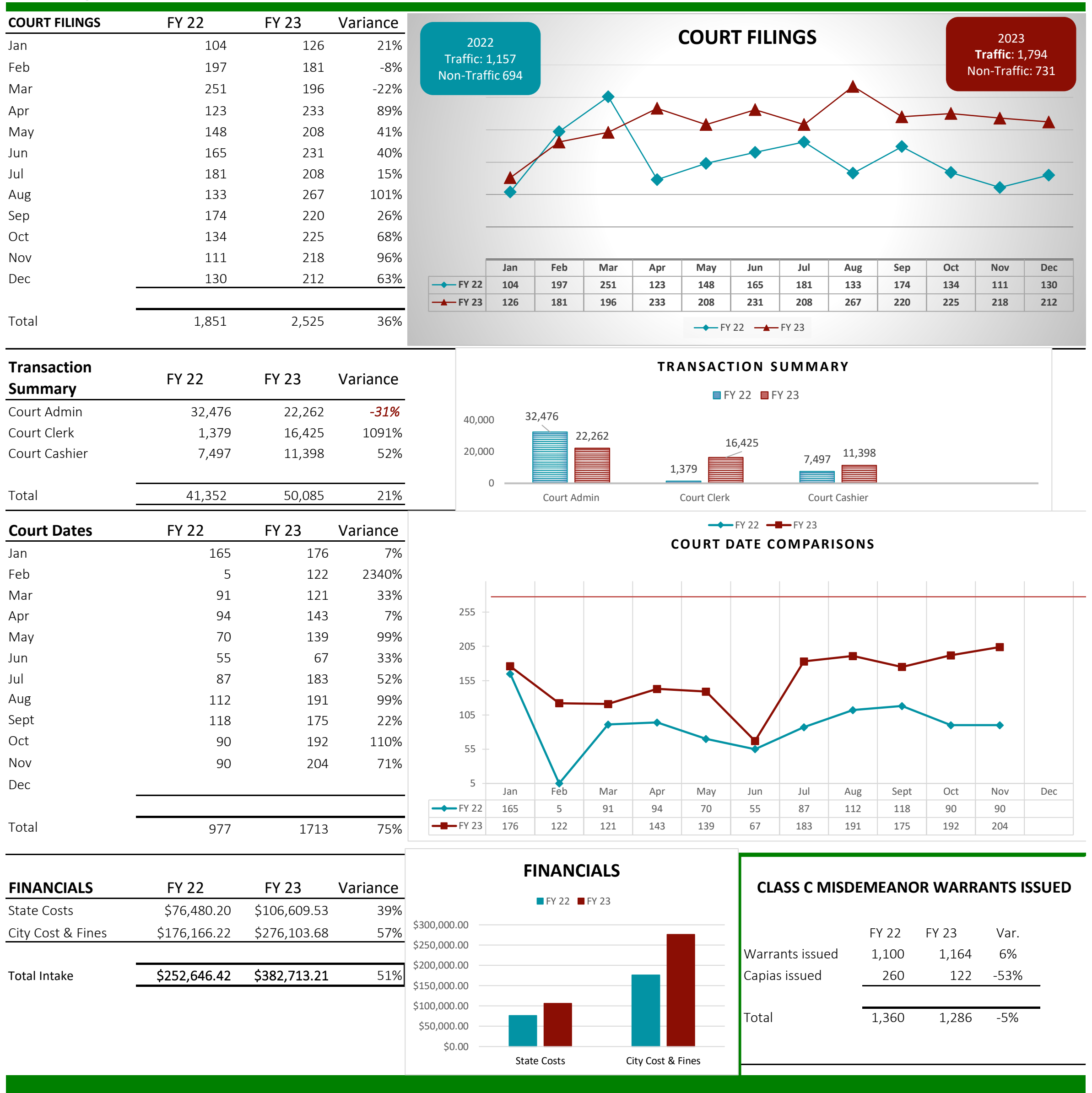
ATTACHMENTS

1.	FY 23 Dashboard Workbook Jan-Dec	FY 23 Dashboard Workbook Jan-Dec.pdf
2.	Kennedale 2024- Print	Kennedale 2024- Print.pptx



KENNEDALE MUNICIPAL COURT SERVICES AND PERFORMANCE DASHBOARD

MONTHS OF: January 2023- December 2023



The Kennedale Municipal Court had 11 Court dockets with a **35 % average increase in total.**

Kennedale Municipal Court

Bertha Vindel
Court Administrator



Municipal Courts make up 39% of the entire state's judiciary. More people, citizens and non-citizens alike, come in personal contact with municipal courts than all other Texas courts combined; and public impression of the Texas judicial system is largely dependent upon the public's experience in municipal court.





OUR MISSION STATEMENT



The Kennedale Municipal Court and its personnel are committed to promoting the highest standards in customer service, upholding the integrity of the court and serving the citizens of Kennedale in a courteous, efficient and professional manner. The Municipal Court is dedicated to principles of fair and impartial justice with exceptional customer service while building public trust and confidence.

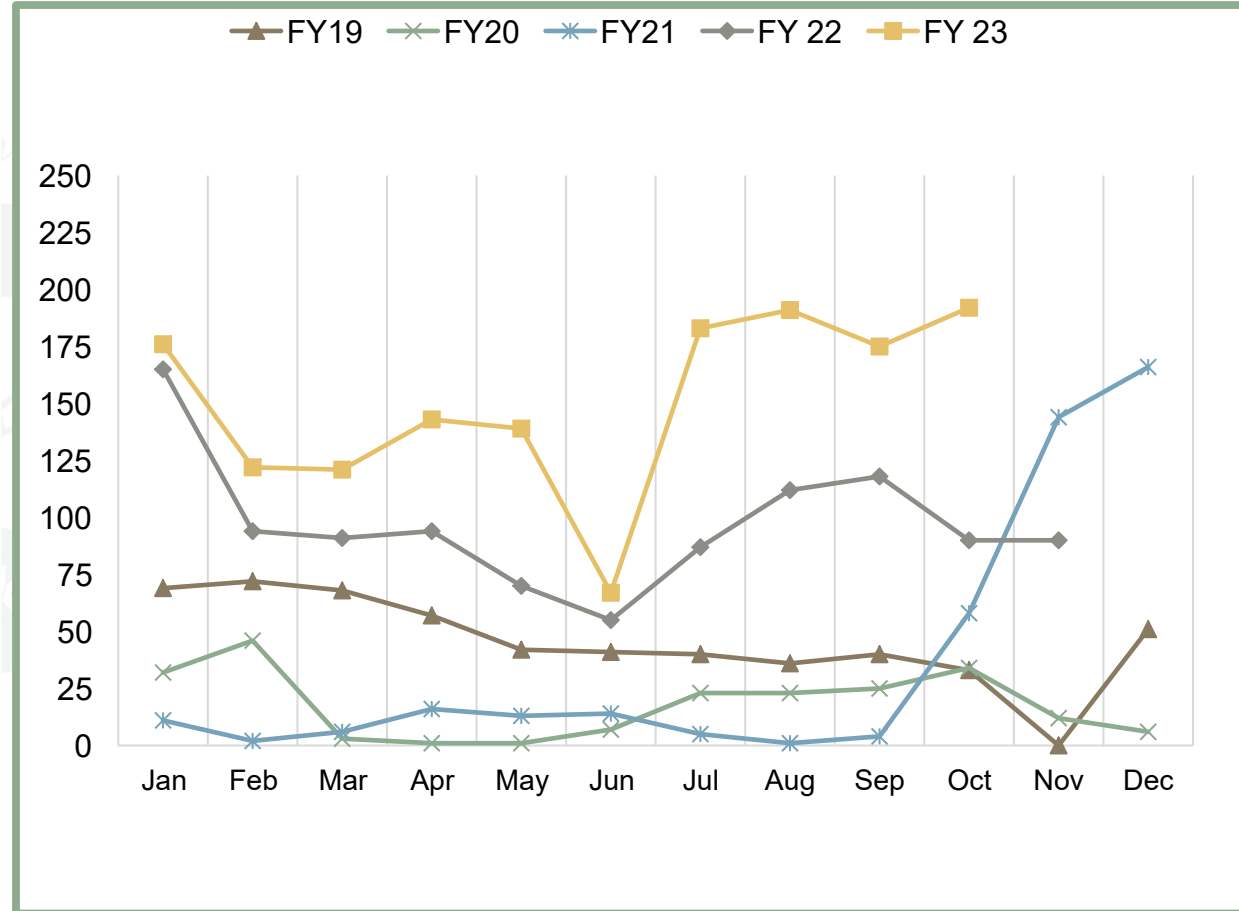
WHAT WE DO



- The Municipal Court interprets and adjudicates applicable state laws and supports the local community by providing efficient and effective services through the promotion of justice.
- The Municipal Court Handles all Class C misdemeanors issued by Kennedale Police officers, Code Compliance officers, Animal Control officers, and the Fire Marshal.
- The Municipal Court holds Hearings for Property, Animal Seizure, Dangerous Dog, and Expunction. The court also conducts Bench and Jury Trials.
- We serve as a buffer between citizens and police.

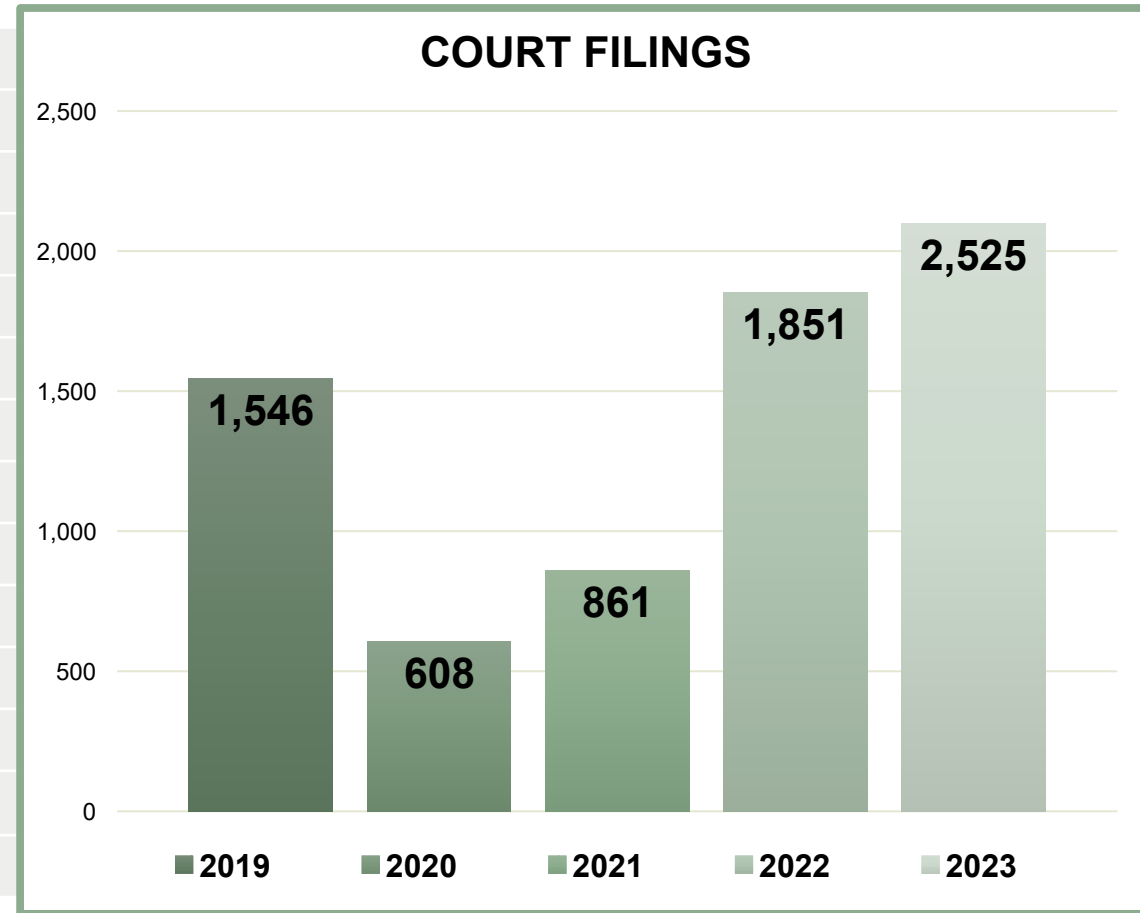
COURT DATES

	2019	2020	2021	2022	2023
January	69	32	11	165	176
February	72	46	2	94	122
March	68	3	6	91	121
April	57	1	16	94	143
May	42	1	13	70	139
June	41	7	14	55	67
July	40	23	5	87	183
August	36	23	1	112	191
September	40	25	4	118	175
October	33	34	58	90	192
November	0	12	144	90	204
December	51	6	166	0	0
Total	549	213	440	1,066	1,713



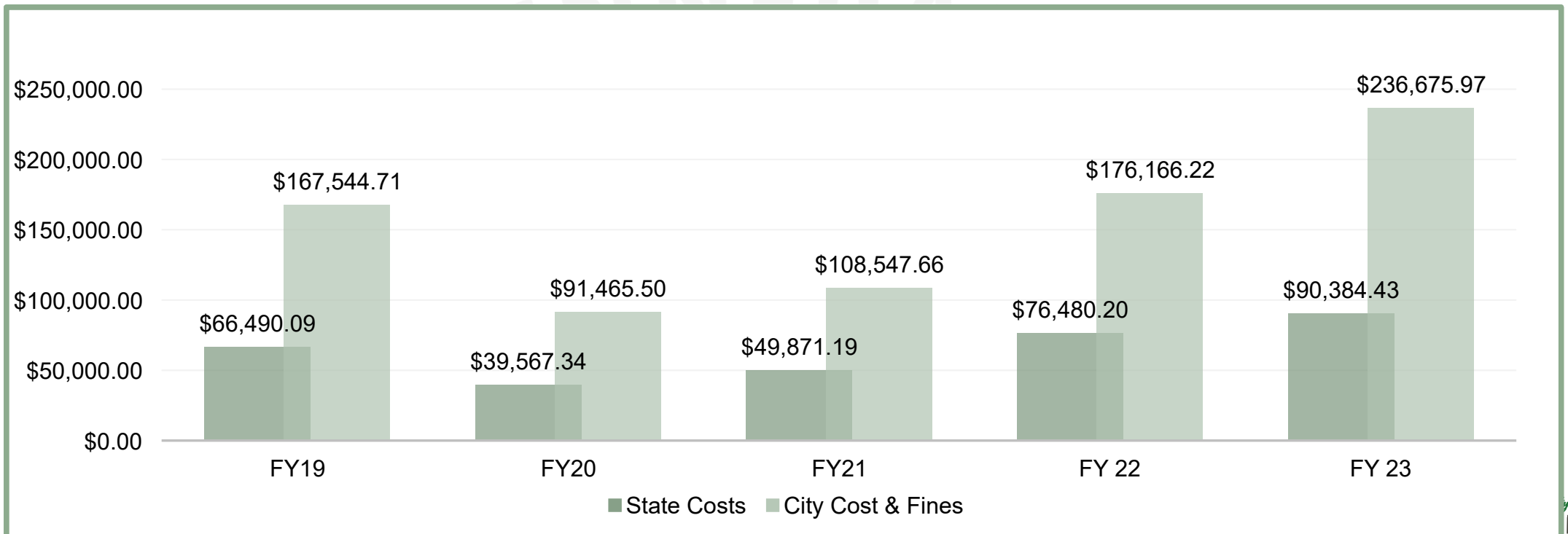
COURT FILINGS

	2019	2020	2021	2022	2023
January	155	170	14	104	126
February	135	129	44	197	182
March	171	82	41	251	197
April	169	17	110	123	233
May	104	31	69	148	209
June	79	34	111	165	231
July	116	32	96	181	208
August	106	29	77	133	267
September	84	29	76	174	220
October	187	22	120	134	225
November	117	17	53	111	218
December	123	16	50	130	212
Total	1,546	608	861	1,851	2,525



FINANCIALS

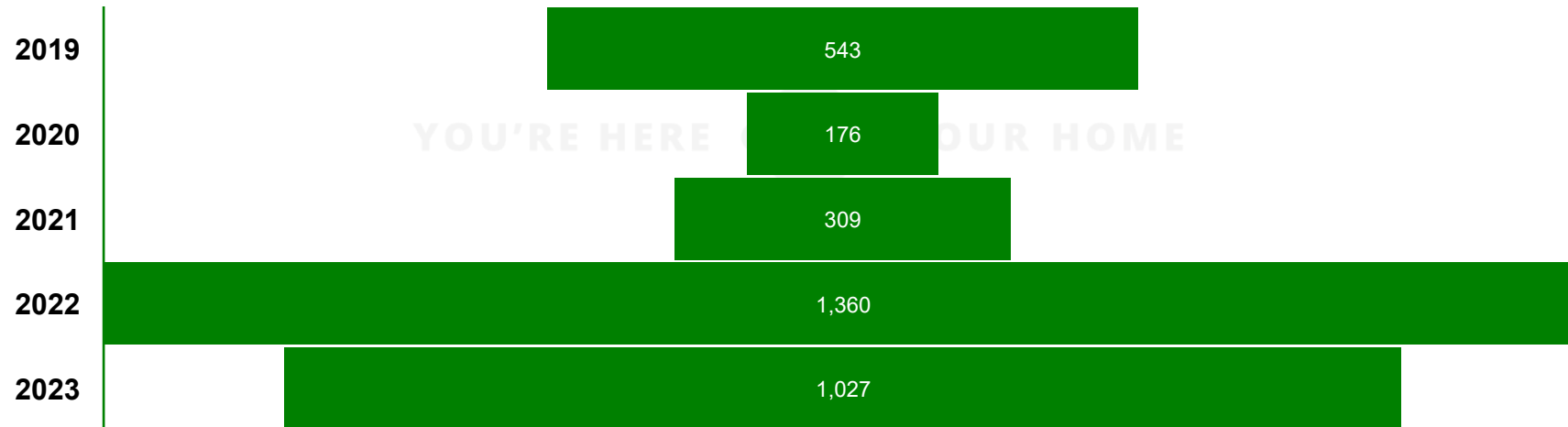
	2019	2020	2021	2022	2023
State Costs	\$66,490.09	\$39,567.34	\$49,871.19	\$76,480.20	\$106,609.53
City Cost & Fines	\$167,544.71	\$91,465.50	\$108,547.66	\$176,166.22	\$276,103.68
Total Intake	\$268,599.33	\$131,032.84	\$158,418.85	\$252,646.42	\$382,713.21



WARRANTS ISSUED

	2019	2020	2021	2022	2023
Warrants	476	166	295	1,100	1,164
Capias	67	10	14	260	122
Total	543	176	309	1,360	1,286

Warrant Issued



WHAT WE DID IN 2023

- Vera Frewaldt received her Level 1 Court Clerk Certification
- Set 1,713 cases for court, 75% up from 2022
- Had 50,085 transactions, 21% up from 2022
- Assisted the police department in implementing Cell Phone Ticket Writers
- Issued 1,286 Warrants
- 2,525 court cases were filed, 36% up from 2022
- Collected \$382,713.21 in fines and fees, 51% up from 2022
- Participated in the Public Safety Event, Trunk or Treat, and National Night Out
- Designed a new Municipal Court Web Page



405 MUNICIPAL DRIVE
KENNEDALE, TX 76060

**Kennedale
Municipal Court**

Office: 817-985-2140
Fax: 817-478-4309
Email: court@cityofkennedale.com
www.cityofkennedale.com



**Scan QR Code
For Citation
Options**

-  Request A Court Date
-  Request Deferred Disposition
-  Request Driving Safety Class
-  Pay Your Fine

<https://www.cityofkennedale.com/102/Municipal-Court>

STAFF REPORT
TO THE HONORABLE MAYOR AND CITY COUNCIL

MEETING DATE: FEBRUARY 8, 2024

AGENDA ITEM NUMBER: WORK SESSION ITEM III.B.

SUBJECT

DISCUSSION AND/OR REQUESTS FOR CLARIFICATION OF ITEMS LISTED ON THE AGENDA

ORIGINATED BY

SUMMARY

RECOMMENDATION

ATTACHMENTS

STAFF REPORT TO THE HONORABLE MAYOR AND CITY COUNCIL

MEETING DATE: FEBRUARY 8, 2024

AGENDA ITEM NUMBER: REPORTS AND ANNOUNCEMENTS ITEM IV.A.

SUBJECT

REPORTS AND ANNOUNCEMENTS

In addition to any items below, the Kennedale City Council, the presiding officer, and/or staff may give or receive reports regarding items of community interest, including, but not limited to, recognition of officials, citizens, staff, or departments; information regarding holiday schedules; and upcoming or attended events.

ORIGINATED BY

SUMMARY

RECOMMENDATION

ATTACHMENTS

STAFF REPORT TO THE HONORABLE MAYOR AND CITY COUNCIL

MEETING DATE: FEBRUARY 8, 2024

AGENDA ITEM NUMBER: CONSENT AGENDA ITEM IV.B.

SUBJECT

CONSENT AGENDA

These matters have appeared on previous agendas, require little or no deliberation, or are considered routine or ministerial tasks. If discussion is desired, items may be removed for separate consideration.

ORIGINATED BY

SUMMARY

RECOMMENDATION

ATTACHMENTS



STAFF REPORT
TO THE HONORABLE MAYOR AND CITY COUNCIL

MEETING DATE: FEBRUARY 8, 2024

AGENDA ITEM NUMBER: CONSENT AGENDA ITEM IV.B.1.

SUBJECT
Approval of the minutes from the January 16, 2024 Regular Meeting.

ORIGINATED BY

SUMMARY

RECOMMENDATION

ATTACHMENTS

1.	Minutes Unsigned (46)	Minutes Unsigned (46).pdf
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KENNEDALE CITY COUNCIL MINUTES

REGULAR MEETING | JANUARY 16, 2024 AT 5:30 PM
CITY HALL COUNCIL CHAMBERS | 405 MUNICIPAL DRIVE, KENNEDALE, TX 76060

I. CALL TO ORDER

Mayor Jan Joplin called the meeting to order at 5:30 p.m.

A. ROLL CALL

PRESENT: Jan Joplin, Kenneth Michels, Jeff Nevarez, David Glover, Bryant Griffith; **ABSENT:** none ; **STAFF:** City Manager Darrell Hull, City Secretary Raeanne Byington, Director of Planning and Economic Development Nathan Gonzales, Director of Finance Jonathan Horton, Library Director Elizabeth Partridge, Director of Human Resources Caroline Green, Public Works Director Kristian Sugrim, Fire Chief James Brown, Police Chief Michael Holguin, City Attorney Carvan Adkins; **CONSULTANTS:** Jason Gray of Willdan Financial Services.

B. INVOCATION AND PLEDGES OF ALLEGIANCE TO THE U.S. AND TEXAS FLAGS

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

Pastor Holley Drost of Iglesia R Church gave the invocation and Mayor Pro Tem Kenneth Michels led the Pledges.

II. VISITOR AND CITIZEN FORUM

No one signed up to speak.

III. WORK SESSION

A. WORK SESSION REPORTS

1. Presentation from Willdan Financial Services on the 2024 Water and Wastewater Rate Study.

Mr. Jason Gray of Willdan Financial Services gave a presentation of the Water and Wastewater study that his firm conducted for the city and was available to answer questions from the Council.

B. DISCUSSION AND/OR REQUESTS FOR CLARIFICATION OF ITEMS LISTED ON THE AGENDA

IV. REGULAR SESSION

A. REPORTS AND ANNOUNCEMENTS

In addition to any items below, the Kennedale City Council, the presiding officer, and/or staff may give or receive reports regarding items of community interest, including, but not limited to, recognition of officials, citizens, staff, or departments; information regarding holiday schedules; and upcoming or attended events.

1. Promotional Ceremony for firefighters Chance Warren and Zachery Dayton to Driver Engineer.

Chief James Brown presented the firefighters with a certificate of promotion.

2. Badge pinning for Police Officer Juan Rodriguez.

This item was postponed.

3. Updates from members of the Kennedale City Council

Councilmember Jeff Nevarez mentioned the Rotary Chili Cook Off, Saturday, 2/24/24. It will raise money for scholarships for Kennedale Seniors. He also mentioned the Chamber Luncheon on 1/17/24 where Mayor Joplin will be speaking.

Councilmember Bryant Griffith updated the Council on the Veteran's Memorial Committee meetings.

Mayor Pro Tem Kenneth Michels updated the Council on the Charter Study Committee and the need for a special meeting to propose the changes.

Councilmember David Glover had no updates.

4. Updates from the Mayor

Mayor Joplin mentioned the Chili Cook Off for the Rotary and reminded everyone that if you hear or see anything, feel free to call the Council or City Manager.

5. Updates from the City Manager

EDC Purchase of Russell, Jesse Survey Abstract, 1328 Tract 3B3 on Eden Road. Offer accepted on 6720, 6724, 6728, 6732 Oak Crest Dr. W.

Traffic Control Update

- Device on 1100 Bowman Springs Rd

Public Works Update:

- Above Ground Water Storage
- Sewer Line (2023 Bond)
- Eden Road (Tarrant County Precinct 2)
- Construction on Collett Sublett

City Manager Darrell Hull had directors present:

Chief Michael Holguin regarding the 1100 block of Bowman Springs Dr. A study was done on the area and Chief Holguin will be suggests traffic control devices (stop signs) at Pennsylvania and Bowman Springs and Corry A Edwards and Bowman Springs. Study revealed 63000 vehicles on that road from October 25th to November 1, 2023. High speeds were detected and both schools are concerned about pedestrians crossing the road.

Public Works Director Kristian Sugrim discussed Eden Road S between Mansfield Cardinal and Kennedale Parkway. He stated with weather permitting this should be finished by the end of the month. The

Collette Sublett Improvement Project will hold a town hall meeting on January 23, 2024 regarding the closures and changes on the road for the public. Start

construction by March 1 Estimated 9 months for completion.

Raceway Interceptor Project - Construction to be completed by 2027. Preliminary designs happening now. This is part of the Bond.

Safe Roads to School - Bid Opening on January 25th. Trying to work on this project during Spring and Summer Break.

Ground Storage Tank - RFP under review. He hopes to have that in construction this year, and it will be a 1 year project.

Stabilization Project - Hoping for approval for FEMA Grant.

N. Little School Road Extension Project - Completion in 2025. Estimated 9 months construction.

Valley Lane and Averitt Bridge is also underway.

City Manager Hull then discussed the Economic Development Corporation.

EDC purchased the property on Eden Road through auction on January 2nd. It was purchased for \$4500 (.32 acres). We can now begin cleanup of the encampment.

The property on Oak Crest was offered \$180,000 and it was accepted.

6. Financial Reports for the City and/or the EDC

Finance Director Jon Horton presented the budgets for the City and the EDC for council.

7. Schedule of Investment Activity for quarter ending December 31, 2023.

Finance Director Jon Horton presented the investment activity for the quarter and was available for questions.

B. CONSENT AGENDA

These matters have appeared on previous agendas, require little or no deliberation, or are considered routine or ministerial tasks. If discussion is desired, items may be removed for separate consideration.

1. Approval of the minutes from the December 19, 2023 Regular Meeting

Motion Approve. **Action** Approve Approval of the minutes from the December 19, 2023 Regular Meeting, **Moved By** Kenneth Michels, **Seconded By** Bryant Griffith. **Motion passed unanimously.**

C. ITEMS FOR INDIVIDUAL CONSIDERATION

1. Discussion and approval of an Interlocal Agreement between the City of Kennedale and the Fort Worth Transportation Authority for door-to-door paratransit services for elderly and persons with disabilities within Tarrant County.

Motion Approve. **Action** Approve Discussion and approval of an Interlocal Agreement between the City of Kennedale and the Fort Worth Transportation Authority for door-to-door paratransit services for elderly and persons with disabilities within Tarrant County., **Moved By** David Glover, **Seconded By** Jeff Nevarez. **Motion passed/failed unanimously.**

2. Approval of an agreement for Mutual Aid in Fire Protection and Emergency Medical Services with Tarrant County and any action necessary to authorize the City Manager or his designee to execute same on behalf of the City.

Motion Table. **Action** Table Approval of an agreement for Mutual Aid in Fire Protection and Emergency Medical Services with Tarrant County and any action necessary to authorize the City

Manager or his deisgnee to execute same on behalf of the City., **Moved By** Jeff Nevarez, **Seconded By** None. **Motion passed unanimously.**

3. Discussion and approval for a 4% increase with Waste Connections beginning February 1, 2024.

District manager Abel Moreno with Waste Connections presented for approval an increase of 4% for FY24. He stated that although we approved last year's 5% increase, Waste Connections forgot to charge us so this year's increase will be the 5 plus 4% for a total of 9% beginning February 1, 2024.

Councilmember Nevarez had some items to ask Mr. Moreno to work on in the city. Mr. Moreno stated he would look into them.

Motion Approve. **Action** Approve Discussion and approval for a 4% increase with Waste Connections beginning February 1, 2024. **Moved By** David Glover, **Seconded By** Jeff Nevarez. **Motion passed unanimously with a vote of 3-1-0**, with Bryant Griffith voting against approval.

V. EXECUTIVE SESSION

A. **PURSUANT TO §551.071** — *Consultation with the City Attorney pertaining to any matter in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct may conflict with the Open Meetings Act, including discussion of any item posted on the agenda, legal issues regarding the Open Meetings Act.*

1. Investigation Update.

B. **PURSUANT TO §551.072** — *Deliberation regarding the purchase, exchange, lease, or value of real property.*

C. **PURSUANT TO §551.087** — *(1) Deliberation regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision.*

D. **PURSUANT TO §551.074** — *Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee.*

1. Removal and appointments for boards.

VI. RECONVENE INTO OPEN SESSION, AND TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION, IF NEEDED

Mayor Joplin reconvened into open session at 8:40 pm.

Motion to appoint the following to Boards:

EDC - Bryant Griffith, Place 4, David Glover Place 7.

TIRZ - Jeff Nevarez, Place 3, David Glover, Place 1 and Chad Wandell, Place 4.

KKB and Parks - Amy Cowan as Place 1 on both Boards.

Motion Approve. **Action** Approve RECONVENE INTO OPEN SESSION, AND TAKE ACTION

NECESSARY PURSUANT TO EXECUTIVE SESSION, IF NEEDED, **Moved By** Kenneth Michels, **Seconded By** Jeff Nevarez. **Motion passed/failed unanimously.**

VII. ADJOURNMENT

Motion Adjourn. **Action** Adjourn ADJOURNMENT, **Moved By** Jeff Nevarez, **Seconded By** David Glover. **Motion passed unanimously.**
Meeting was adjourned at 8:42 pm.

APPROVED:

ATTEST:

MAYOR JAN JOPLIN

CITY SECRETARY RAEANNE BYINGTON

STAFF REPORT
TO THE HONORABLE MAYOR AND CITY COUNCIL

MEETING DATE: FEBRUARY 8, 2024

AGENDA ITEM NUMBER: CONSENT AGENDA ITEM IV.D.2.

SUBJECT

Receive the 2023 Racial Profiling Report and the Texas Police Chiefs Association Annual Report from the Police Department.

ORIGINATED BY

Mike Holguin, Police Chief

SUMMARY

As required by State Senate Bill 1074 (77th Texas Legislative Session), this annual report is being presented to Council for review and will be uploaded to the Texas Commission on Law Enforcement (TCOLE) website for public access no later than March 1. Council can review the full 2022 Kennedale Police Department Racial Profiling Report (attached).

Our report was completed by Dr. Alex del Carmen of Del Carmen and Associates, a leading expert on the subject matter of racial profiling and reporting requirements and conforms to the Sandra Bland Act, which explicitly outlaws the practice of pretext stops and raises the burden of proof needed to both stop and search vehicles in the State of Texas.

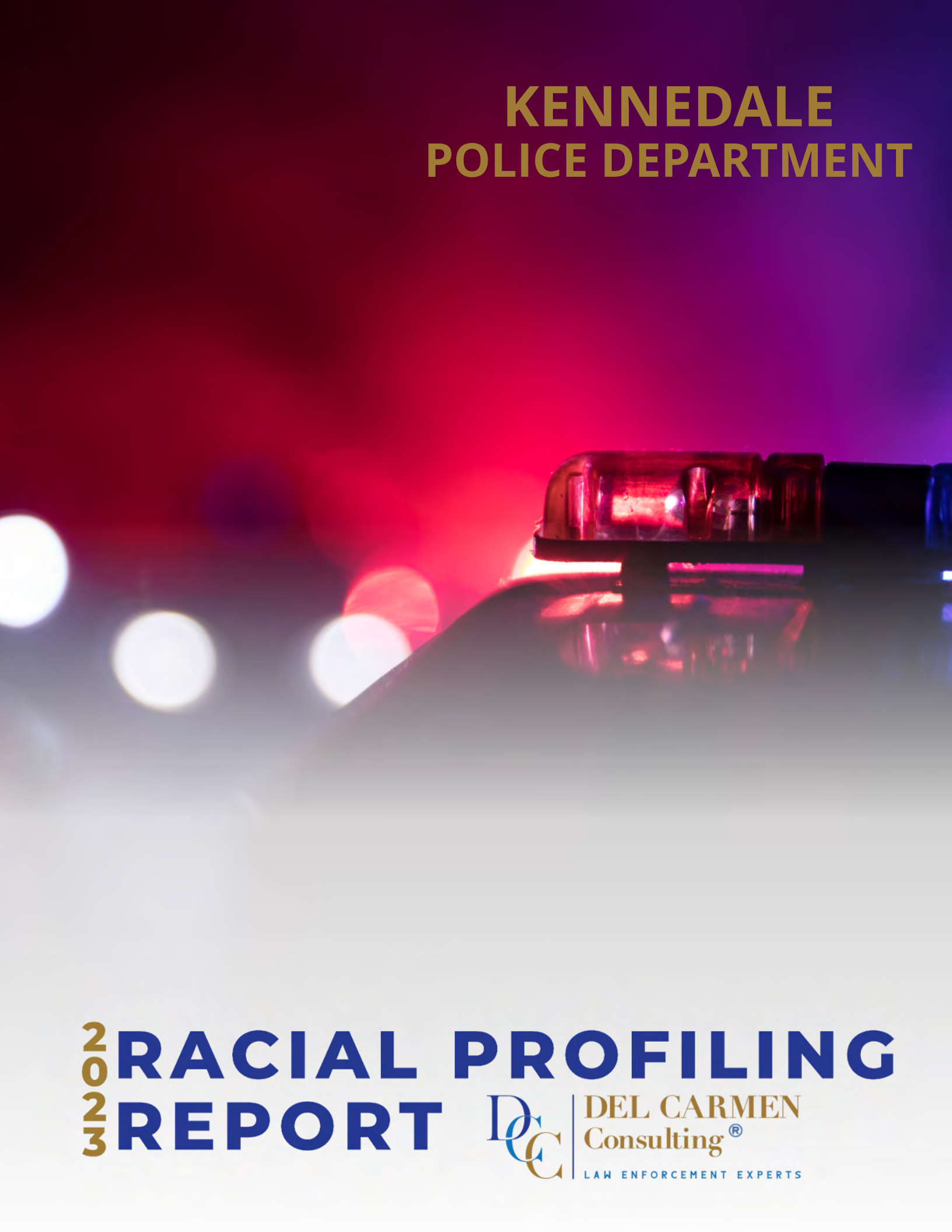
RECOMMENDATION

No specific action is required by the City Council other than to receive the report.

ATTACHMENTS

1.	Kennedale 2023 Racial Profiling_	Kennedale 2023 Racial Profiling_.pdf
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KENNEDALE POLICE DEPARTMENT

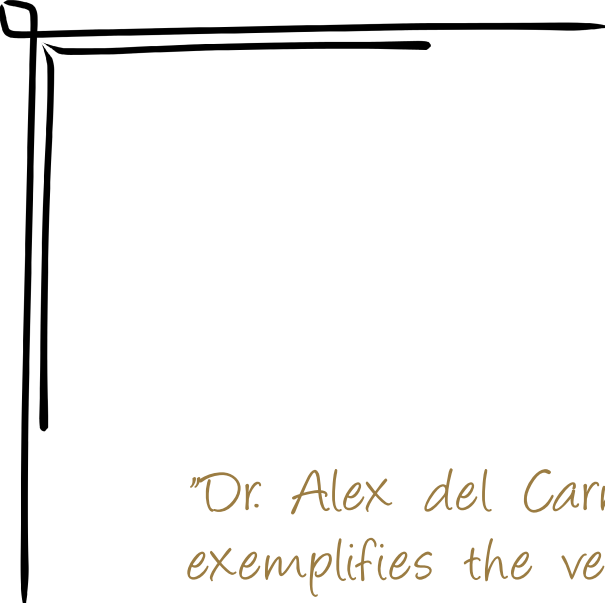


2023 RACIAL PROFILING REPORT



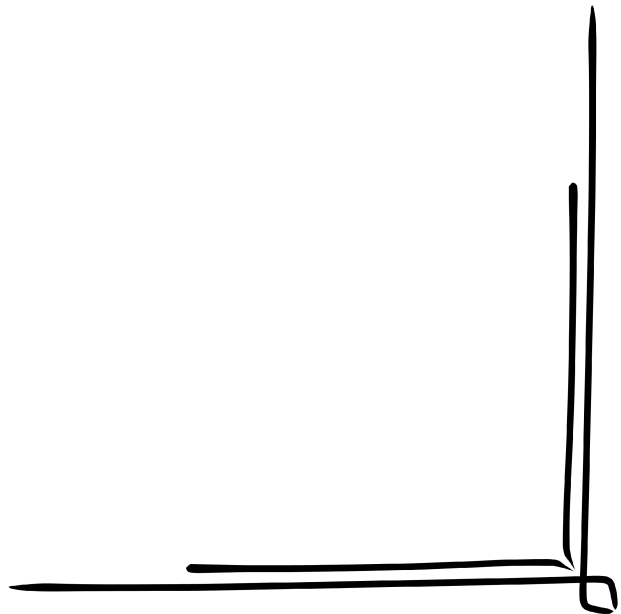
DEL CARMEN
Consulting®

LAW ENFORCEMENT EXPERTS



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

-Quote by Geneva Reed (Mother of Sandra Bland)



January 20, 2024

Kennedale City Council
401 Municipal Dr.
Kennedale, TX 76060

Dear Distinguished Members of the City Council,

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



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

Finally, section three contains statistical data relevant to contacts (as defined by the law) which were made during the course of motor vehicle stops that took place between 1/1/23 and 12/31/23. Further, this section contains the Tier 2 form, which is required to be submitted to this particular organization and the law enforcement agency's local governing authority by March 1 of each year. The data in this report has been analyzed and compared to information derived from the U.S. Census Bureau's Fair Roads Standard. The final analysis and recommendations are also included in this report.

In the last section of the report, you will find the original draft of the Texas Racial Profiling Law, SB1074, as well as the Sandra Bland Act (current law). Also in this section, a list of requirements relevant to the Racial Profiling Law, as established by TCOLE (Texas Commission on Law Enforcement), is included. The findings in this report support the Kennedale Police Department's commitment to comply with the Texas Racial Profiling Law.

Sincerely,

Alex del Carmen, Ph.D.

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Public Education on Responding to Compliments and Complaints

Informing the Public on the Process of Filing a Compliment or Complaint with the Kennedale Police Department

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

The police department made available, in the lobby area and on its web site, information relevant to filing a compliment and complaint on a racial profiling violation by a Kennedale Police Officer. In addition, each time an officer issues a citation, ticket or warning, information on how to file a compliment or complaint is given to the individual cited. This information is in the form of a web address (including in the document issued to the citizen), which has instructions and details specifics related to the compliment or complaint processes.

It is believed that through these efforts, the community has been properly informed of the new policies and the complaint processes relevant to racial profiling.

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

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



Racial Profiling Course 3256

Texas Commission on Law Enforcement

September 2001

Racial Profiling 3256

Instructor's Note:

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

Abstract

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

Target Population: Licensed law enforcement personnel in Texas

Prerequisites: Experience as a law enforcement officer

Length of Course: A suggested instructional time of 4 hours

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

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

Evaluation Process and Procedures

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

Reference Materials

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

Racial Profiling 3256

1.0 RACIAL PROFILING AND THE LAW

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

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

Racial Profiling Requirements:

Racial profiling CCP 3.05

Racial profiling prohibited CCP 2.131

Law enforcement policy on racial profiling CCP 2.132

Reports required for traffic and pedestrian stops CCP 2.133

Liability CCP 2.136

Racial profiling education for police chiefs Education Code 96.641

Training program Occupations Code 1701.253

Training required for intermediate certificate Occupations Code 1701.402

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

A. Written departmental policies

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

B. Not prima facie evidence

C. Feasibility of use of video equipment

D. Data does not identify officer

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

F. Vehicle stop report

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

G. Compilation and analysis of data

H. Exemption from reporting – audio/video equipment

I. Officer non-liability

J. Funding

K. Required training in racial profiling

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



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

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

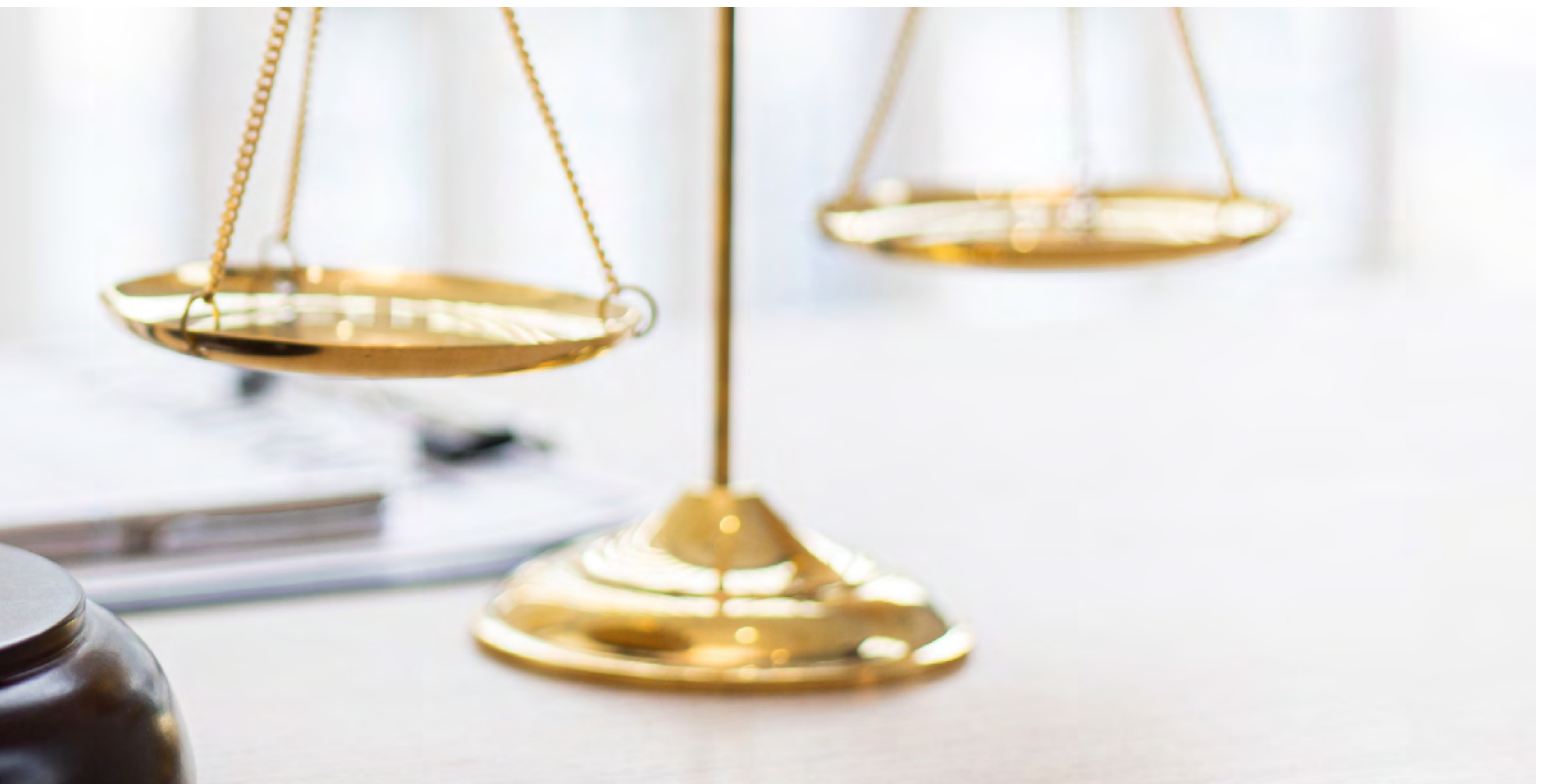
1. Motor vehicle search exemption
2. Traffic violation acceptable as pretext for further investigation
3. Selective enforcement can be challenged

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

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

C. Other cases

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



2.0 RACIAL PROFILING AND THE COMMUNITY

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

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

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

3.0 RACIAL PROFILING VERSUS REASONABLE SUSPICION

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

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

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

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

C. A typical traffic stop resulting from racial profiling

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



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

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

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

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

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

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

B. Vehicle exterior

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

C. Pre-stop indicators

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

D. Vehicle interior

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

Resources

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

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

Report on Compliments and Racial Profiling Complaints



Report on Complaints

The following table contains data regarding officers that have been the subject of a complaint, during the time period of 1/1/23-12/31/23 based on allegations outlining possible violations related to the Texas Racial Profiling Law. The final disposition of the case is also included.



A check above indicates that the Kennedale Police Department has not received any complaints, on any members of its police services, for having violated the Texas Racial Profiling Law during the time period of 1/1/23-12/31/23.

Complaints Filed for Possible Violations of The Texas Racial Profiling Law

Complaint Number	Alleged Violation	Disposition of the Case

Additional Comments:

Tables Illustrating Motor Vehicle-Related Contacts

TIER 2 DATA

TOTAL STOPS: 5,775

STREET ADDRESS OR APPROXIMATE LOCATION OF STOP.

City Street	2,573
US Highway	3,085
State Highway	0
County Road	5
Private Property	112

WAS RACE OR ETHNICITY KNOWN PRIOR TO STOP?

Yes	54
No	5,721

RACE OR ETHNICITY

Alaska Native/American Indian	10
Asian/Pacific Islander	151
Black	1,525
White	3,119
Hispanic/Latino	970

GENDER

Female Total: 1,912

Alaska Native/American Indian	2
Asian/Pacific Islander	41
Black	599
White	1,039
Hispanic/Latino	231

Male Total: 3,863

Alaska Native/American Indian	8
Asian/Pacific Islander	110
Black	926
White	2,080
Hispanic/Latino	739

REASON FOR STOP?

Violation of Law Total: 444

Alaska Native/American Indian	1
Asian/Pacific Islander	2
Black	112
White	314
Hispanic/Latino	15

Pre-existing Knowledge Total: 10

Alaska Native/American Indian	0
Asian/Pacific Islander	1
Black	4
White	5
Hispanic/Latino	0

Moving Traffic Violation Total: 3,804

Alaska Native/American Indian	6
Asian/Pacific Islander	110
Black	1,004
White	2,039
Hispanic/Latino	645

TIER 2 DATA

Vehicle Traffic Violation Total: 1,517

Alaska Native/American Indian	3
Asian/Pacific Islander	38
Black	405
White	761
Hispanic/Latino	310

Contraband (in plain view) Total: 4

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

WAS SEARCH CONDUCTED?

	YES	NO
Alaska Native/American Indian	0	10
Asian/Pacific Islander	2	149
Black	56	1,469
White	42	3,077
Hispanic/Latino	18	952
TOTAL	118	5,657

Probable Cause Total: 82

Alaska Native/American Indian	0
Asian/Pacific Islander	1
Black	48
White	26
Hispanic/Latino	7

Inventory Total: 8

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

REASON FOR SEARCH?

Consent Total: 13

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	1
White	7
Hispanic/Latino	5

Incident to Arrest Total: 11

Alaska Native/American Indian	0
Asian/Pacific Islander	1
Black	2
White	5
Hispanic/Latino	3

TIER 2 DATA

WAS CONTRABAND DISCOVERED?

	YES	NO
Alaska Native/American Indian	0	0
Asian/Pacific Islander	2	0
Black	56	0
White	42	0
Hispanic/Latino	18	0
TOTAL	118	0

Did the finding result in arrest?

	YES	NO
Alaska Native/American Indian	0	0
Asian/Pacific Islander	0	2
Black	17	39
White	13	29
Hispanic/Latino	3	15
TOTAL	33	85

DESCRIPTION OF CONTRABAND

Drugs Total: 38

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	20
White	16
Hispanic/Latino	2

Currency Total: 0

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

Weapons Total: 3

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

Alcohol Total: 6

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

TIER 2 DATA

Stolen Property Total: 2

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

Other Total: 5

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

RESULT OF THE STOP

Verbal Warning Total: 3,466

Alaska Native/American Indian	5
Asian/Pacific Islander	90
Black	932
White	1,911
Hispanic/Latino	528

Written Warning Total: 808

Alaska Native/American Indian	1
Asian/Pacific Islander	24
Black	201
White	468
Hispanic/Latino	114

Citation Total: 1,418

Alaska Native/American Indian	4
Asian/Pacific Islander	36
Black	357
White	705
Hispanic/Latino	316

Written Warning and Arrest Total: 2

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

Citation and Arrest Total: 2

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

Arrest Total: 79

Alaska Native/American Indian	0
Asian/Pacific Islander	1
Black	33
White	33
Hispanic/Latino	12

TIER 2 DATA

ARREST BASED ON

Violation of Penal Code Total: 33

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	17
White	11
Hispanic/Latino	5

Violation of Traffic Law Total: 1

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

Violation of City Ordinance Total: 0

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

Outstanding Warrant Total: 49

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	18
White	24
Hispanic/Latino	7

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

	YES	NO
Alaska Native/American Indian	0	10
Asian/Pacific Islander	0	151
Black	0	1,525
White	0	3,119
Hispanic/Latino	0	970
TOTAL	0	5,775

Tables Illustrating Motor Vehicle Related Contact Data

Table 1. Citations and Warnings

Race/ Ethnicity	All Contacts	Citations	Verbal Warning	Written Warning	Contact Percent	Citation Percent	Verbal Percent	Written Percent
Alaska Native/ American Indian	10	4	5	1	0%	0%	0%	0%
Asian/ Pacific Islander	151	36	90	24	3%	3%	3%	3%
Black	1,525	359	932	201	26%	25%	27%	25%
White	3,119	705	1,911	468	54%	50%	55%	58%
Hispanic/ Latino	970	316	528	114	17%	22%	15%	14%
TOTAL	5,775	1,420	3,466	808	100%	100%	100%	100%



Table 2. Motor Vehicle Contacts and Fair Roads Standard Comparison

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

Race/Ethnicity	Contact Percentage	Households with Vehicle Access
Alaska Native/American Indian	0%	0%
Asian/Pacific Islander	3%	5%
Black	26%	14%
White	54%	60%
Hispanic/Latino	17%	19%
TOTAL	100%	98%

Table 3. Motor Vehicle Searches and Arrests.

Race/Ethnicity	Searches	Consent Searches	Arrests
Alaska Native/American Indian	0	0	0
Asian/Pacific Islander	2	0	1
Black	56	1	35
White	42	7	35
Hispanic/Latino	18	5	12
TOTAL	118	13	83

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

Instances Where Peace Officers Used Physical Force that Resulted in Bodily Injury	Arrest	Location of Stop	Reason for Stop

Table 5. Search Data

Race/ Ethnicity	Searches	Contraband Found Yes	Contraband Found No	Arrests	Percent Searches	Percent Contraband Found	Percent No Contraband	Percent Arrest
Alaska Native/ American Indian	0	0	0	0	0%	0%	0%	0%
Asian/ Pacific Islander	2	2	0	1	2%	2%	0%	1%
Black	56	56	0	35	47%	47%	0%	42%
White	42	42	0	35	36%	36%	0%	42%
Hispanic/ Latino	18	18	0	12	15%	15%	0%	14%
TOTAL	118	118	0	83	100%	100%	0%	100%

Table 6. Report on Audits.

The following table contains data regarding the number and outcome of required data audits during the period of 1/1/23-12/31/23.

Audit Data	Number of Data Audits Completed	Date of Completion	Outcome of Audit
1	1	03/01/23	Data was valid and reliable
2	1	06/01/23	Data was valid and reliable
3	1	09/01/23	Data was valid and reliable
4	1	12/01/23	Data was valid and reliable

ADDITIONAL COMMENTS:

Table 7. Instance Where Force Resulted in Bodily Injury.

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

Table 8. Reason for Arrests from Vehicle Contact

Race/ Ethnicity	Violation of Penal Code	Violation of Traffic Law	Violation of City Ordinance	Outstanding Warrant	Percent Penal Code	Percent Traffic Law	Percent City Ordinance	Percent Warrant
Alaska Native/ American Indian	0	0	0	0	0%	0%	0%	0%
Asian/ Pacific Islander	0	1	0	0	0%	100%	0%	0%
Black	17	0	0	18	52%	0%	0%	37%
White	11	0	0	24	33%	0%	0%	49%
Hispanic/ Latino	5	0	0	7	15%	0%	0%	14%
TOTAL	33	1	0	49	100%	100%	0%	100%

Table 9. Contraband Hit Rate

Race/ Ethnicity	Searches	Contraband Found Yes	Contraband Hit Rate	Search Percent	Contraband Percent
Alaska Native/ American Indian	0	0	0%	0%	0%
Asian/ Pacific Islander	2	2	100%	2%	2%
Black	56	56	100%	47%	47%
White	42	42	100%	36%	36%
Hispanic/Latino	18	18	100%	15%	15%

Analysis and Interpretation of Data

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

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

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

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

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

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

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

As part of their effort to comply with The Texas Racial Profiling/Sandra Bland Law, the Kennedale Police Department commissioned the analysis of its 2023 contact data. Hence, two different types of data analyses were performed. The first of these involved a careful evaluation of the 2023 motor vehicle-related data. This particular analysis measured, as required by the law, the number and percentage of Whites, Blacks, Hispanics or Latinos, Asians and Pacific Islanders, Alaska Natives and American Indians (Middle Easterners and individuals belonging to the “other” category, as optional categories), who came in contact with police in the course of a motor vehicle-related contact and were either issued a ticket, citation, or warning or an arrest was made. Also included in this data were instances when a motor vehicle contact took place for an alleged violation of the law or ordinance. The Tier 2 data analysis included, but was not limited to, information relevant to the number and percentage of contacts by race/ethnicity, gender, reason for the stop, location of stop, searches while indicating the type of search performed, result of stop, basis of an arrest, and use of physical force resulting in bodily injury.

The analysis on the data performed in this report, was based on a comparison of the 2023 motor vehicle contact data with a specific baseline. When reading this particular analysis, one should consider that there is disagreement in the literature regarding the appropriate baseline to be used when analyzing motor vehicle-related contact information. Of the baseline measures available, the Kennedale Police Department accepted our recommendation to rely, as a baseline measure, on the Fair Roads Standard. This particular baseline is established on data obtained through the U.S. Census Bureau (2020) relevant to the number of households that have access to vehicles while controlling for the race and ethnicity of the heads of households.

It should be noted that the census data presents challenges to any effort made at establishing a fair and accurate racial profiling analysis. That is, census data contains information on all residents of a particular community, regardless whether they are among the driving population. Further, census data, when used as a baseline of comparison, presents the challenge that it captures information related to city residents only, thus excluding individuals who may have come in contact with the Kennedale Police Department in 2023 but live outside city limits. In some jurisdictions the percentage of the population that comes in contact with the police but lives outside city limits represents a substantial volume of all motor vehicle-related contacts made in a given year.

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

Tier 2 (2023) Motor Vehicle-Related Contact Analysis

When examining the enhanced and more detailed Tier 2 data collected in 2023, it was evident that most motor vehicle-related contacts were made with Whites, followed by Blacks. Of those who came in contact with police, most tickets or citations were issued to Whites and Blacks; this was followed by Hispanics. However, in terms of written warnings, most of these were issued to Whites, followed by Blacks.

While reviewing searches and arrests, the data showed that most searches took place among Blacks. When considering all searches, most were consented by Whites and Hispanics, while most custody arrests were Whites and Blacks. Overall, all searches resulted in contraband; of those that produced contraband, most were of Blacks; this was followed by Whites. Most arrests were made of Whites and Blacks. Most of the arrests that originated from a violation of the penal code involved Blacks. Overall, the police department does not report any instances where force was used that resulted in bodily injury.

Comparative Analysis

A comprehensive analysis of the motor vehicle contacts made in 2023 to the census data relevant to the number of “households” in DFW who indicated in the 2020 census that they had access to vehicles, produced interesting findings. Specifically, the percentage of Whites, Hispanics, Asians, and American Indians who came in contact with police was the same or lower than the percentage of White, Hispanic, Asian, and American Indian households in DFW that claimed in the last census to have access to vehicles. The opposite was true of Blacks. That is, a higher percentage of Blacks came in contact with police than the percentage of Black households in DFW that claimed in the last census to have access to vehicles.

The data produced by Kennedale PD shows that all searches, regardless of ethnicity or race, produced contraband.

Summary of Findings

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

While considering the findings produced as a result of this analysis, it is recommended that the Kennedale Police Department should continue to collect and evaluate additional information on motor vehicle contact data (i.e., reason for probable cause searches, contraband detected), which may prove to be useful when determining the nature of the contacts police officers are making with all individuals.

As part of this effort, the Kennedale Police Department should continue to:

- 1) Perform an independent analysis on contact and search data in the upcoming year.
- 2) Commission data audits in 2024 in order to assess data integrity; that is, to ensure that the data collected is consistent with the data being reported.

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

Checklist

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

- ✓ Implement a Racial Profiling Policy citing act or actions that constitute racial profiling.
- ✓ Include in the racial profiling policy, a statement indicating prohibition of any peace officer employed by the Kennedale 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 and complaint process.
- ✓ Implement disciplinary guidelines for officers found in violation of the Texas Racial Profiling Law.
- ✓ Collect, report and analyze motor vehicle data (Tier 2).
- ✓ Commission Data Audits and a Search Analysis.
- ✓ Indicate total number of officers who knew and did not know, the race/ethnicity of individuals before being detained.
- ✓ Produce an annual report on police contacts (Tier 2) and present this to the local governing body and TCOLE by March 1, 2024.
- ✓ Adopt a policy, if video/audio equipment is installed, on standards for reviewing video and audio documentation.

The background of the page is a photograph of a library. In the foreground, the spines of several books are visible. On the left, a dark brown book spine has gold lettering that reads "Peerings". Below it, a red book spine has gold lettering that reads "FEDERAL TAX REGULATIONS". The background shows more bookshelves filled with books, slightly out of focus.

Legislative & Administrative *Addendum*

TCOLE GUIDELINES

Guidelines for Compiling and Reporting Data under Senate Bill 1074

Background

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

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

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

Standard 1

Each law enforcement agency has a detailed written directive that:

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

Commentary

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

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

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

Standard 2

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

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

Commentary

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

Standard 3

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

Commentary

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

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

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

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

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

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

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

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

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

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

Standard 4

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

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

Commentary

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

Standard 5

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

Commentary

None

Standard 6

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

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

Commentary

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

Standard 7

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

Commentary

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

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

The Texas Law on Racial Profiling

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

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

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

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

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

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

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

(1) clearly define acts constituting racial profiling;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) the person's gender; and

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

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

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

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

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

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

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

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

Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT.

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

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

(2) smaller jurisdictions; and

(3) municipal and county law enforcement agencies.

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

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

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

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

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

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

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

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

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

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

(3) analyzing and reporting collected information.

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

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

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

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

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

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

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

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

(2) the registration number of the vehicle involved;

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

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

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

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

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

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

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

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

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

SECTION 9. Not later than January 1, 2002:

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

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

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

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

SECTION 12. This Act takes effect September 1, 2001

President of the Senate

Speaker of the House

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

Secretary of the Senate

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

Chief Clerk of the House

Approved:

Date

Governor

Modifications to the Original Law

(H.B. 3389)

Amend CSHB 3389 (Senate committee report) as follows:

(1) Strike the following SECTIONS of the bill:

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

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

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

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

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

(a) In this article:

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

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

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

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

(1) clearly define acts constituting racial profiling;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) the person's gender; and

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

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

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

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

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

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

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

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

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

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

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

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

(a) In this article:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) a sentence is imposed on the person;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$3;

(2) a fee for withdrawing request for jury less than 24 hours before time of trial (Art. 102.004, Code of Criminal Procedure) . . . \$3;

(3) a jury fee for two or more defendants tried jointly (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of \$3;

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

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

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

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

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

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

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

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

- (1) this chapter;

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

(3) a commission rule.

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

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

Racial and Ethnic Designations (H.B. 3051)

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

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

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

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

(A) Alaska native or American Indian;

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

(C) black;

(D) white; and

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

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

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

(1) Alaska native or American Indian;

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

(3) black;

(4) white; and

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

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

President of the Senate

Speaker of the House

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

Chief Clerk of the House

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

Secretary of the Senate

APPROVED: _____

Date

Governor

The Sandra Bland Act

(S.B. 1849)

S.B. No. 1849

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

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

ARTICLE 1. SHORT TITLE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) recommended treatment.

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

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

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

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

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

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

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

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

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

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

(2) it is reasonable to divert the person;

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

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

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

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

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

(1) establishing [a] new collaboratives; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

otherwise if the:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

standards, and procedures of the commission; and

(C) solutions to operational challenges for jails;

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

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

(A) determine if a prisoner is pregnant; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

as follows:

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

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

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

(b) The prisoner safety fund consists of:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE 4. PEACE OFFICER AND COUNTY JAILER TRAINING

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

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

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

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

section.

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

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

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

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

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

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

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

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

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

as follows:

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

SECTION 4.06. Not later than March 1, 2018, the Texas Commission on Law Enforcement shall develop and the Commission on Jail Standards shall approve the examination required by Section 511.00905, Government Code, as added by this article.

SECTION 4.07. (a) Not later than March 1, 2018, the Texas Commission on Law Enforcement shall establish or modify training programs as necessary to comply with Section 1701.253, Occupations Code, as amended by this article.

(b) The minimum curriculum requirements under Section 1701.253(j), Occupations Code, as amended by this article, apply only to a peace officer who first begins to satisfy those requirements on or after April 1, 2018.

SECTION 4.08. (a) Section 1701.310, Occupations Code, as amended by this article, takes effect January 1, 2018.

(b) A person in the position of county jailer on September 1, 2017, must comply with Section 1701.310(a), Occupations Code, as amended by this article, not later than August 31, 2021.

ARTICLE 5. MOTOR VEHICLE STOPS, RACIAL PROFILING, AND ISSUANCE OF CITATIONS

SECTION 5.01. Article 2.132, Code of Criminal Procedure, is amended by amending Subsections (b) and (d) and adding Subsection (h) to read as follows:

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

(1) clearly define acts constituting racial profiling;

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

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

(4) provide public education relating to the agency's compliment and complaint process, including providing the telephone number, mailing address, and e-mail address to make a compliment or complaint with respect to each ticket, citation, or warning issued by a peace officer;

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

(6) require collection of information relating to motor vehicle stops in which a ticket, citation, or warning is issued and to arrests made as a result of those stops, including information

relating to:

- (A) the race or ethnicity of the individual detained;
- (B) whether a search was conducted and, if so, whether the individual detained consented to the search; [and]
- (C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;
- (D) whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop;
- (E) the location of the stop; and
- (F) the reason for the stop; and

(7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:

- (A) the Texas Commission on Law Enforcement; and
- (B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make motor vehicle stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle stops. The agency also shall examine the feasibility of equipping each peace officer who regularly detains or stops motor vehicles with a body worn camera, as that term is defined by Section 1701.651, Occupations Code. If a law enforcement agency installs video or audio equipment or equips peace officers with body worn cameras as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(h) A law enforcement agency shall review the data collected under Subsection (b)(6) to identify any improvements the agency could make in its practices and policies regarding motor vehicle stops.

SECTION 5.02. Article 2.133, Code of Criminal Procedure, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

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

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

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

(2) the initial reason for the stop;

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

(4) whether any contraband or other evidence was discovered in the course of the search

and a description of the contraband or evidence;

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

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

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

(C) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle;

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

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

(8) whether the officer issued a verbal or written warning or a ticket or citation as a result of the stop; and

(9) whether the officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop.

(c) The chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is responsible for auditing reports under Subsection (b)

to ensure that the race or ethnicity of the person operating the motor vehicle is being reported.

SECTION 5.03. Article 2.134(c), Code of Criminal Procedure, is amended to read as follows:

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

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

(A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities; [and]

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

(C) evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches; and

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

SECTION 5.04. Article 2.137, Code of Criminal Procedure, is amended to read as follows:

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT. (a) The Department of Public Safety shall adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras [as described by Article 2.135(a)(1)(A)], including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may include consideration of tax effort, financial hardship,

available revenue, and budget surpluses. The criteria must give priority to:

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

(2) smaller jurisdictions; and

(3) municipal and county law enforcement agencies.

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

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

(d) On receipt of funds or video and audio equipment from the state for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras [as described by Article 2.135(a)(1)(A)], the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency has taken the necessary actions to use and is using [installed] video and audio equipment and body worn cameras for those purposes [as described by Article 2.135(a)(1)(A) and is using the equipment as required by Article 2.135(a)(1)].

SECTION 5.05. Article 2.1385(a), Code of Criminal Procedure, is amended to read as follows:

(a) If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Article 2.134, the agency is liable to the state for a civil penalty in an [the] amount not to exceed \$5,000 [of \$1,000] for each violation. The attorney general may sue to collect a civil penalty under this subsection.

SECTION 5.06. Article 2.135, Code of Criminal Procedure, is repealed.

SECTION 5.07. Articles 2.132 and 2.134, Code of Criminal Procedure, as amended by this article, apply only to a report covering a calendar year beginning on or after January 1, 2018.

SECTION 5.08. Not later than September 1, 2018, the Texas Commission on Law Enforcement shall:

(1) evaluate and change the guidelines for compiling and reporting information required under Article 2.134, Code of Criminal Procedure, as amended by this article, to enable the guidelines to better withstand academic scrutiny; and

(2) make accessible online:

(A) a downloadable format of any information submitted under Article 2.134(b), Code of Criminal

Procedure, that is not exempt from public disclosure under Chapter 552, Government Code; and
(B) a glossary of terms relating to the information to make the information readily understandable to the public. This Act takes effect September 1, 2017.

Senate Speaker of the House

I hereby certify that S.B. No. 1849 passed the Senate on May 11, 2017, by the following vote:
Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1849 passed the House on May 20, 2017, by the following vote:
Yeas 137, Nays 0, one present not voting.

ARTICLE 6. EFFECTIVE DATE

SECTION 6.01. Except as otherwise provided by this Act,

Approved:

Date

Governor

Chief Clerk of the House

**KENNEDALE
POLICE DEPARTMENT
RACIAL PROFILING POLICY**

Kennedale Police Department

Reference: Chapter 2

**Subject: Professional Standards & Conduct-
Bias Based Profiling**

Policy #1

Date: 08/01/2011

Revised: 12/04/2017

Purpose: To reaffirm the Kennedale Police Department's professional commitment to unbiased policing in all its encounters between our police officers and any person; to reinforce procedures that serve to ensure public confidence and mutual trust through the provision of services in a fair and equitable fashion; and to protect our officers from unwarranted accusations of misconduct when they act within the dictates of agency policy, state, and federal laws.

Authority:

1. United States Constitution, 4th Amendment & 14th Amendment
2. Texas Code of Criminal Procedure, Articles 2.131 – 2.138 and 3.05
3. SB 1074 (2001) The Texas Racial Profiling Law
4. HB 3389 (2009) Update on Original Law
5. HB 3051 (2017) Racial and Ethnic Designations
6. SB 1849 (2017) The Sandra Bland Act
(Non-Data Requirements (established by SB 1074, HB 3389 and SB 1849))

Definitions:

1. Acts Constituting Racial Profiling: are acts initiating law enforcement action, such as a motor vehicle contact, a detention, a search, issuance of a citation, or an arrest based solely upon an individual's race, ethnicity, or national origin, or on the basis of racial or ethnic stereotypes, rather than upon the individual's behavior, information identifying the individual as having possibly engaged in criminal activity, or other lawful reasons for the law enforcement action.
2. Bias Based Profiling: the selection of an individual 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.
3. 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 contacts in the routine performance of the officer's official duties.
4. MVR: an acronym for mobile video / audio recording equipment.
5. Probable Cause: also known as reasonable suspicion. Probable Cause is more than a mere

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hunch, but is based on a set of articulable facts and circumstances that would warrant a person of reasonable caution in believing that a crime has been committed, is about to be committed, or is in the process of being committed. Probable Cause can be based on the observations of a police officer, combined with his/her training and law enforcement experience, and/or reliable information received from credible sources.

6. Race or Ethnicity: means of a particular descent, including Caucasian, African, Hispanic, Asian, Native American or Middle Eastern descent. Determining a person's race or ethnicity shall be determined by the officer in accordance with applicable state and federal standards.
7. 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.
8. Texas Commission on Law Enforcement: TCOLE is a state agency created in 1965 by an act of the 59th Texas Legislature, empowered to establish minimum licensing and training standards for Texas peace officers to improve the proficiency of law enforcement services.
9. Motor vehicle contact: means the stopping of a motor vehicle by a police officer for an alleged violation of law or ordinance regulating traffic.
10. Verbal Warnings : If an officer elects to complete a motor vehicle contact with a verbal warning, a response must still be entered into all of the required racial profiling fields in CAD.

Discussion:

The Kennedale Police Department is charged with enforcing the law, as well as, protecting citizen's constitutional rights, regardless of race, color, ethnicity, national origin, age, gender, sexual orientation, religion, disability, or economic status. Because of the nature of our law enforcement profession, police officers are required to be observant, to identify unusual occurrences, suspicious behavior, and law violations, taking appropriate and reasonable law enforcement action. It is this proactive enforcement that prevents crime, keeps our citizens free from crime, our city streets safe, and that detects and apprehends criminals. This agency policy is intended to accomplish our police mission, while enforcing the law and arresting criminals within constitutional restrictions.

While criminal behavior profiling can be a useful investigative tool to assist law enforcement officers in carrying out their duties, peace officers are prohibited from engaging in racial profiling. Instead, police officers should focus on a person's behavior, conduct, or other factual information. They should not let their personal bias or prejudices interfere with their professional performance as a peace officer. Officers must have reasonable suspicion supported by specific articulated facts that

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the person is committing, has committed, or is about to commit a crime, or is presenting a threat to the safety of themselves or others. Employees shall treat all citizens with fairness, respect, and dignity. Police Officers should always conduct themselves in a dignified, respectful and professional manner at all times when interacting with the public.

Policy:

It is the policy of the Kennedale Police Department to police in a proactive manner, to aggressively investigate suspicious persons, vehicles, and circumstances, while actively enforcing the motor vehicle traffic laws. Officers shall actively enforce state and federal laws in a responsible and professional manner, without regard to a person's race, ethnicity or national origin. However, agency policy strictly prohibits our police officers from engaging in racial profiling as defined by state law. This policy shall be applicable to all persons, whether drivers, passengers or pedestrians.

Procedure:

- A. **Bias Based Profiling Prohibited:** Kennedale's police officers are strictly prohibited from engaging in bias based profiling including racial profiling in traffic contacts, field contacts, and in asset seizure and forfeiture efforts. Officers profiling individuals based on ethnic background, color, gender, sexual orientation, religion, economic status, age, cultural group, physical impairment or any other identifiable group in the performance of their official law enforcement duties are legally, morally, and ethically wrong. Racial profiling is prohibited by both state / federal laws. Racial profiling serves no legitimate law enforcement purpose. It leads to allegations of violations of the constitutional rights of the citizens we serve, while undermining legitimate law enforcement objectives. Additionally, racial profiling alienates citizens, destroys public trust of law enforcement, and invites media scrutiny, legislative action, and judicial intervention. The prohibition against profiling does not preclude the use of race, ethnicity, or national origin as factors in a detention decision. Race, ethnicity, or national origin may be legitimate factors in such a detention when used in part as a description of a criminal suspect or witnesses for whom a police officer is searching.
1. Police practices, known as racial profiling, are unlawful. Officers practicing racial profiling are guilty of discrimination by race, which is a violation of state / federal laws.
 2. Acts constituting racial profiling may include: a police officer engaging in pre-textual motor vehicle contacts of minorities, with the intent of searching the driver and occupants for contraband, such as drugs; or detaining the driver of a vehicle based on the determination that a person of that race, ethnicity, or national origin is unlikely to own or possess that specific make or model of vehicle; or stopping a young black male who is observed in a predominantly white neighborhood.
 3. Officers should focus their enforcement or investigative efforts upon criminal behavior

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or conduct, not one's race, ethnicity, or gender. However, it is not illegal to use race as descriptive information, such as a robbery suspect description- young black male, 6'5", 185 lbs., wearing a red jacket, and silver Dallas Cowboy's baseball cap. (TBP 2.01)

B. Complaint Process:

1. Any individual may file a complaint with the Chief of Police, if the individual believes that a Kennedale Police Officer has engaged in racial profiling with respect to the individual. No person shall be discouraged, intimidated, or coerced from filing such a complaint or discriminated against because they filed such a complaint.
2. To make a compliment or complaint with respect to each ticket, citation, or warning issued by a police officer, send to the following:
Chief of Police
401 Municipal Dr.
Kennedale, Texas 76060
817-985-2160
E-mail – twilliams@cityofkennedale.com
3. The Kennedale Police Department shall accept and investigate citizen complaints alleging racial profiling by its police officers in the same consistent manner as other complaints of police misconduct. Such complaints must be in writing, including the identity or description of the officer, date, time, place and details of the alleged incident of racial profiling.
4. Any police officer, city employee, or city official who receives a citizen complaint alleging racial profiling shall direct the complaint to the Chief of Police, who retains the right to assign the complaint to an investigator, within or outside the police department, including the Tarrant County Sheriff's Department, Tarrant County District Attorney, Texas Rangers, Texas Attorney General, or FBI.
5. The accused officer will be given the opportunity to respond, in writing, to the citizen's allegations. Depending upon the circumstances and facts, the investigation may be either administrative, criminal, or both.
6. The investigator shall seek to determine if the accused officer has engaged in a pattern of racial profiling that includes multiple acts constituting racial profiling for which there is no reasonable, credible explanation based on established police and law enforcement procedures.
7. The investigator shall record findings supporting sustained, unfounded, or exonerated.

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Any recommendations for disciplinary action or changes in policy, training, or patrol tactics should be included.

8. If a complaint involves an audio / video recording, the Chief of Police shall, upon commencement of the investigation and written request of the officer, provide a copy of the recording to the accused police officer.
9. The Chief of Police will acknowledge in writing receipt of the complaint. Upon conclusion of the investigation, the Chief of Police shall notify the complainant of the final results. If a racial profiling complaint is sustained against an officer, it will result in appropriate corrective and/or disciplinary action, as directed by the Chief of Police. The Chief of Police will make the final determination about the disposition of any complaint.

C. Public Education:

1. The Chief of Police is responsible to provide public education relating to the agency's compliant process.
2. This public awareness effort may include, but is not limited: to news media, radio, civic club presentations, citizen police academies, the internet, printed pamphlets, as well as, city council meetings.

D. Corrective Action:

1. The Kennedale Police Department does not condone the practice of racial profiling. Any peace officer who is found to have engaged in racial profiling shall be subject to corrective action as deemed appropriate by the Chief of Police.
2. Depending upon the facts and circumstances, corrective action may include cultural diversity and racial sensitivity training, employee counseling, disciplinary action, and/or dismissal.

E. Motor Vehicle Contact Data Collection & Reporting:

1. The Kennedale Police Department collects racial profiling data.
2. Patrol officers are required to record the following information relating to motor vehicle contacts, resulting in a citation or arrest: the violator's race or ethnicity, whether a search was conducted, and if so, was the search consensual.
3. Whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual.

Chapter 2 Policy 1

4. Whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code (“means physical pain, illness, or any impairment of physical condition), during the contact;

- a. The location of the contact, and
- b. The reason for the contact
- c. Complete the Use of Force Report as required.

5. While this information may be gathered in various ways, including mobile data terminals, hand-held devices, reports, patrol officers shall record this information on (CAD) OSSI.

6. Race or Ethnicity: The following categories must be used:

- White (W)
- Black (B)
- Hispanic or Latino (H)
- Asian or Pacific Islander (A)
- Alaska Native or American Indian (AI)
- Middle Eastern (ME)
- There is no “other” category.

You must identify someone’s race or ethnicity to the best of your ability using one of these categories

7. Data Fields: Information that must be collected.

Initial Reason for Contact?

Free text field that defaults to same reason as offense

Race – W, B, H, A, AI, ME

Officer Knew Race Prior to Contact?

Yes or No

Search Type?

No Search (default)

Consent

Plain View

Probable Cause (includes a search warrant or K9 hit)

Incident to Arrest

Inventory

Chapter 2 Policy 1

Contraband?

- None found
- Drugs
- Weapons
- Other Contraband

Arrest?

- Yes
- No (default)

Arrest based on:

- Penal Code Violation
- Traffic Law Violation
- City Ordinance Violation
- Outstanding Warrant

Offense Charged:

- Free text field

Use of Force Resulting in Bodily Injury?

- Yes
- No (default)

If an officer elects to complete a motor vehicle contact with a verbal warning, a response must still be entered into all of the required racial profiling fields in CAD.

It is not necessary to enter the vehicle information unless it is specifically relevant to the warning being issued.

F. Annual Administrative Review / Report: Annually, this administration shall review agency practices related to motor vehicle contacts. One purpose of this administrative review is to identify any violations related to this written directive, state, or federal laws, including training deficiencies.

1. As part of the Annual Police Report, the Chief of Police shall report to the Kennedale City Council a statistical summary of motor vehicle contacts, resulting in a citation, arrest, and/or search.
2. The information collected shall be compiled in an annual report covering the period January 1 through December 31 of each year, and shall be submitted to the Kennedale City Council no later than March 1 of the following year.
3. The agency shall review the data collected under Subsection (b) (6) to identify any

Chapter 2 Policy 1

improvements the agency could make in its practices and policies regarding motor vehicle contacts.

4. The report will contain required information, including:
 - Number of citations by race or ethnicity;
 - Number of citations resulting in a search;
 - Number of consensual searches; and
 - Number of citations resulting in custodial arrest.
5. The annual report shall not include identifying information about any individual stopped or arrested, and shall not include identifying information about any police officer involved in a motor vehicle contact or arrest.
6. This data collected as a result of reporting requirements (State Law) shall not constitute prima facie evidence of racial profiling!

G. Audio and Video Equipment:

1. As part of the new “racial profiling” law, law enforcement agencies were encouraged to install video / audio cameras in every patrol vehicle to ensure officer accountability. If patrol vehicles are equipped with mobile video / audio recording equipment, the agency is exempt from compiling information contained in Articles 2.133 and 2.134. The feasibility of equipping each officer who regularly detains or stops motor vehicles with a body worn camera, as the term is defined by Section 1701.651, Occupation Code will be examined.
2. This administration has gone to great expense installing MVR systems in all patrol vehicles to accomplish the many patrol objectives, including officer accountability, documentation, evidence, and training.
3. All motor vehicle contacts shall be recorded. During motor vehicle contacts, MVR equipment shall automatically activate and remain on until the motor vehicle contact is terminated.
4. If a complaint is filed with this department, the agency shall retain that videotape until final disposition of the complaint.
5. First-Line Supervisors will ensure that patrol officers are recording their motor vehicle contacts, in compliance with agency policy, as well as, state law. First-Line Supervisors are responsible to periodically review the videos, monitoring the performance of patrol officers, and taking corrective measures, as warranted, to prevent any police misconduct, including racial profiling. First-Line Supervisors are required to review at least three random videos each quarter (3

Chapter 2 Policy 1

months) per officer. When conducting random, quarterly, supervisory reviews of officer's video, review the footage in a manner intended to gain an understanding of that officer's performance and adherence to policy and law. All audio/video recordings of a racial profile use of force will be investigated and saved.

6. Any evidence of racial profiling or police mis-conduct, the First-Line Supervisor will forward the videotape to the Chief of Police for corrective measures, including sanctions.
- H. Racial Profiling Training: All officers, including the Chief of Police, are responsible to adhere to the Texas Commission on Law Enforcement (TCOLE) and the Law Enforcement Management Institute of Texas (LEMIT) training and education requirements, as mandated by state law.
1. All officers shall complete a TCOLE training and education program on racial profiling, in accordance with state law.
 2. The Chief of Police will be required to attend the LEMIT program on racial profiling.

Chief of Police

BP 2.01

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

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

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STAFF REPORT
TO THE HONORABLE MAYOR AND CITY COUNCIL

MEETING DATE: FEBRUARY 8, 2024

AGENDA ITEM NUMBER: CONSENT AGENDA ITEM IV.B.3.

SUBJECT
Approve a resolution for the May 4, 2024 General Election.

ORIGINATED BY

SUMMARY

RECOMMENDATION

ATTACHMENTS

1.	R626 Calling General Election May 4, 2024	R626 Calling General Election May 4, 2024.docx
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RESOLUTION NO. 626

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KENNEDALE, TEXAS, CALLING FOR A GENERAL ELECTION TO BE HELD ON MAY 4, 2024; APPROVING A JOINT ELECTION WITH TARRANT COUNTY; ESTABLISHING PROCEDURES FOR THAT ELECTION; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the regular election for City Council of the City of Kennedale is required to be held on May 4, 2022, at which time the voters will elect persons to fill the offices of Mayor and City Council Places 2 and 4; and

WHEREAS, the election will be held as a joint election, conducted under the authority of Chapter 271 of the Texas Election Code (the “Code”); and

WHEREAS, by this Resolution, it is the intention of the City Council to designate a polling place for the election, to appoint the necessary election officers, to establish and set forth procedures for conducting the election, and to authorize the Mayor to execute a contract with Tarrant County for conducting the election.

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

SECTION 1. GENERAL ELECTION CALLED.

An election is hereby called to elect the offices of Mayor and City Council Places 2 and 4 to serve from May of 2024 until May of 2026, or until their successors are duly elected and qualified. The election shall be held on Saturday, May 4, 2024, between the hours of 7:00 a.m. and 7:00 p.m. at Kennedale Community Center (in the Kennedale Public Library), 316 W. 3rd Street, Kennedale, Texas 76060.

SECTION 2. JOINT ELECTION AGREEMENT APPROVED.

The Mayor is authorized to execute a Joint Election Agreement (the “Agreement”) with Tarrant County for the purpose of having Tarrant County furnish all or any portion of the election services and equipment needed to conduct the election. The Agreement and election services provided therein shall conform to Chapter 31, Subchapter D of the Code and other applicable statutes and laws. In the event of conflict between this resolution and the Agreement, the Agreement shall control.

SECTION 3. APPLICATION FOR PLACE ON BALLOT.

Qualified persons may file as candidates by filing applications in the office of the City Secretary from 8:00 a.m. to 5:00 p.m., Monday through Friday, from January 16, 2024 through February 16, 2024.

SECTION 4. EARLY VOTING.

- a. **Early voting by personal appearance.** Early voting by personal appearance shall

be conducted beginning April 25, 2022, and continue through May 3, 2022, at the Kennedale Community Center (in the Kennedale Public Library), 316 W. 3rd Street, Kennedale, Texas 76060, at the following times:

MONDAY, APRIL 22, 2024	8:00 A.M. – 5:00 P.M.
TUESDAY, APRIL 23, 2024	8:00 A.M. – 5:00 P.M.
WEDNESDAY, APRIL 24, 2024	8:00 A.M. – 5:00 P.M.
THURSDAY, APRIL 25, 2024	8:00 A.M. – 5:00 P.M.
FRIDAY, APRIL 26, 2024	8:00 A.M. – 5:00 P.M.
SATURDAY, APRIL 27, 2024	7:00 A.M. – 7:00 P.M.
SUNDAY, APRIL 28, 2024	11:00 A.M. – 4:00 P.M.
MONDAY, APRIL 29, 2024	7:00 A.M. – 7:00 P.M.
TUESDAY, APRIL 30, 2024	7:00 A.M. – 7:00 P.M.

Branch offices for early voting by personal appearance shall also be established as outlined in the Joint Election Agreement with Tarrant County.

- b. **Early Voting by Mail.** Clinton Ludwig, the Tarrant County Elections Administrator, or his successor, acting pursuant to Texas Government Code §601.002 (“Election Administrator”), is hereby designated as Early Voting Clerk for the election. Applications for early voting by mail may be delivered not later than the close of business on April 26, 2022, to the Election Administrator in any of the following ways: via mail to Early Voting Clerk, P.O. Box 961011, Fort Worth, Texas 76161-0011; via courier or hand delivery to Tarrant County Elections, 2700 Premier St., Fort Worth, Texas 76111-3011; via fax to 817-850-2344; or via email to votebymail@tarrantcountytx.gov.
- c. **Early Voting Ballot Board.** Early voting, both by personal appearance and by mail, shall be canvassed by the Early Voting Ballot Board established by Tarrant County under the terms of the Agreement.

SECTION 5. APPOINTMENT OF ELECTION JUDGE AND ALTERNATE ELECTION JUDGE. The Presiding Election Judge and Alternate Presiding Judge shall be appointed by Tarrant County as authorized by Chapter 271 of the Code.

SECTION 6. METHOD OF VOTING; COSTS.

The Joint Election Agreement shall provide (a) the type of electronic voting equipment to be used for early voting by personal appearance and on election day, (b) notification and training for election judges and clerks, (c) an estimate and final payment terms for the election services provided, (d) agreements for early voting equipment and voting machine rental, and (e) other procedures to conduct the election. All expenditures necessary for the conduct of the election, the purchase of materials therefor, and the employment of all election officials are hereby authorized, and shall be conducted in accordance with the Code.

SECTION 7. GOVERNING LAW AND QUALIFIED VOTERS.

The election shall be held in accordance with the Constitution of the State of Texas and the Code, and all resident qualified voters of the City shall be eligible to vote at the election.

SECTION 8. PUBLICATION AND POSTING OF NOTICE OF ELECTION.
Notice of the election shall be given as required by Chapter 4 of the Code.

SECTION 9. SUBMISSIONS TO THE UNITED STATES JUSTICE DEPARTMENT.
Tarrant County is authorized to make such submissions as are necessary to the United States Justice Department to seek pre-clearance for any changes in voting practices as authorized by the Voting Rights Act of 1965, as amended.

SECTION 10. NECESSARY ACTIONS.
The Mayor and the City Secretary, in consultation with the City Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of federal and state law in carrying out and conducting the election, whether or not expressly authorized herein.

SECTION 11. RUNOFF ELECTION.
The Council hereby orders that, following the canvass of the May 7, 2022 election, any runoff election required shall be held in accordance with Section 2.025(a) of the Code, and on a date as agreed to between the City of Kennedale and Tarrant County Elections Administration.

SECTION 12. EFFECTIVE DATE.
This resolution shall be effective upon its adoption.

PASSED AND APPROVED THIS 8TH DAY OF FEBRUARY 2024.

APPROVED:

MAYOR JAN JOPLIN

SEAL

ATTEST:

CITY SECRETARY RAEANNE BYINGTON

APPROVED AS TO FORM AND LEGALITY:

CITY ATTORNEY, CARVAN ADKINS

MEETING DATE: FEBRUARY 8, 2024

AGENDA ITEM NUMBER: CONSENT AGENDA ITEM IV.B.4.

SUBJECT

Approval for the City Manager to hire 2 additional Public Works employees.

ORIGINATED BY

SUMMARY

RECOMMENDATION

ATTACHMENTS

MEETING DATE: FEBRUARY 8, 2024

AGENDA ITEM NUMBER: INDIVIDUAL CONSIDERATION ITEM IV.C.

SUBJECT
ITEMS FOR INDIVIDUAL CONSIDERATION

ORIGINATED BY

SUMMARY

RECOMMENDATION

ATTACHMENTS



STAFF REPORT
TO THE HONORABLE MAYOR AND CITY COUNCIL

MEETING DATE: FEBRUARY 8, 2024

AGENDA ITEM NUMBER: INDIVIDUAL CONSIDERATION ITEM IV.C.1.

SUBJECT
Discussion and Approval of an ordinance calling for a Special Charter Election on May 4, 2024.

ORIGINATED BY

SUMMARY

RECOMMENDATION

ATTACHMENTS

1.	Ordinance Calling Special Charter Election	Ordinance Calling Special Charter Election.docx
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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KENNEDALE, TEXAS, CALLING A SPECIAL ELECTION TO BE HELD ON MAY 4, 2024, FOR THE PURPOSE OF SUBMITTING CHARTER AMENDMENTS TO THE VOTERS; PROVIDING AN ESTIMATE OF ANTICIPATED FISCAL IMPACT; PROVIDING FOR NOTICE OF THE ELECTION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, Section 9.004 of the Local Government Code allows for charter amendments to be submitted to the qualified voters of a home rule municipality; and

WHEREAS, it is the desire of the City Council to call a special election to submit proposed amendments to the City Charter to the voters in accordance with Section 9.004 of the Local Government Code; and

WHEREAS, Section 9.004(b) of the Local Government Code requires the election to be held on a uniform election date; and

WHEREAS, Section 41.001 of the Election Code establishes the first Saturday in May as a uniform election date, and the City Council has determined that date sufficient in time to comply with the requirements of the law; and

WHEREAS, the special election will be held in conjunction with the general election held on the same dates.

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

**SECTION 1
CHARTER AMENDMENT ELECTION CALLED**

The City Council does hereby, on its own motion, order a special election to submit to the voters of the City of Kennedale proposed amendments to the City Charter. The proposed amendments to the City Charter are set forth below and are hereby approved by the City Council for submission to the voters. The election shall be conducted according to the laws of the State of Texas, and shall be held on Saturday, May 4, 2024, from 7:00 a.m. to 7:00 p.m. The proposed amendments are as follows:

Section 3.03 - Mayor and Mayor Pro Tem

The Mayor shall preside at City Council meetings, and shall be recognized as head of the City government. The Mayor shall have the right to vote only in the event of a tie. The Mayor shall also have veto power. The City Council shall elect one of its members Mayor Pro Tem. The Mayor Pro Tem shall act as Mayor in the absence of the Mayor and shall have the same duties and power as the Mayor except veto power. The Mayor Pro Tem shall retain the right to vote as a Council member when acting as mayor.

The Mayor may exercise veto power over a Council action within five (5) working days of that action. The Mayor shall give written notice of a veto to the City Secretary. Upon proper notice, Council action to consider overriding a veto shall be an agenda item at the next scheduled Council meeting. The decision of the Council to override a veto is not subject to veto by the Mayor and becomes effective immediately.

In the event of a vacancy in the office of Mayor, the Mayor Pro Tem shall, on the effective date of the vacancy, assume the office of Mayor, to serve the remainder of the Mayor's unexpired term.

The council seat vacated by the new Mayor shall be filled according to Section 3.06 of this charter. A new Mayor Pro Tem shall be selected according to this Section 3.03.

Section 3.06 - Vacancies and Forfeiture of Office

(a) *Vacancies.* The office of a Council member or Mayor shall become vacant upon the death, resignation, forfeiture of office, or removal from office in any manner authorized by law or by this Charter.

(1) Reserved.

(2) In the event of a vacancy on the City Council in a seat other than the Mayor, the City Council may call a special election or by a majority vote of all remaining Council Members appoint a qualified person to fill the vacancy, to serve until the next uniform election date that offers sufficient time to comply with the requirements of the Election Code.

(3) A member of the governing body is ineligible to vote to fill a vacancy after resigning from the governing body.

(b) *Forfeiture of Office.* A Council member shall forfeit office if the member:

- (1) Lacks at any time during the term of office any qualification for the office prescribed by law or by this Charter;
 - (2) Violates any express prohibition of this Charter;
 - (3) Is convicted of a felony or any offense involving moral turpitude while in office; or
 - (4) Fails to attend three (3) consecutive scheduled meetings without valid excuse, or fails to maintain an eighty (80) percent attendance record, excluding excused absences, for each elected year (including all scheduled budget and special meetings).
- (c) *Declaration.* Upon finding the occurrence of a condition of forfeiture, the Council must declare a vacancy at its next regular meeting and shall fill the vacancy as set forth in this Charter.
- (d) *Qualifications.* The Council shall be the judge of the qualifications of its members and for these purposes shall have the power to subpoena witnesses and require the production of records, but the decision of the Council in any case shall be subject to review by the courts.

SECTION 2 BALLOT

The official ballots for the election shall be prepared in accordance with the Election Code so as to permit the electors to vote “Yes” or “No” on the propositions, with the ballots to contain such provisions, markings, and language as required by law, and with the propositions to be expressed substantially as set forth below.

PROPOSITION A

Shall the Kennedale Home Rule Charter be amended by revising Section 3.03 to provide that in the event of a vacancy in the office of Mayor, the Mayor Pro Tem shall assume the office of Mayor to serve the remainder of the unexpired term, and the Council seat vacated by the Mayor Pro Tem be filled as provided by the Charter?

PROPOSITION B

Shall the Kennedale Home Rule Charter be amended by revising Section 3.06 to provide that in the event of a vacancy in the office of a Council Member other than the Mayor, the Council may either call a special election or appoint a qualified person to fill the vacancy until the next available uniform election date, at which time an election will be held to fill the

unexpired term, and to provide that a Council Member is ineligible to vote to fill a vacancy after resigning from the Council?

SECTION 3 POLLING PLACES

Voting shall be conducted on Election Day between the hours of 7:00 a.m. and 7:00 p.m. at the Kennedale Community Center in the Kennedale Public Library, located at 316 W. 3rd Street, Kennedale, Texas.

SECTION 4 AGREEMENT WITH TARRANT COUNTY

Prior to the election, the City anticipates that it will enter into contract agreement for election services with Tarrant County. The Mayor is hereby authorized to execute contract agreement (the "Agreement") with Tarrant County for the conduct of the election in accordance with Chapter 31, Subchapter D of the Texas Election Code and offer applicable statutes and laws. In the event of a conflict with this Ordinance and the Agreement, the Agreement shall control.

SECTION 5 APPOINTMENT OF ELECTION JUDGES AND ALTERNATE ELECTION JUDGES

Election judges for the election shall be appointed by Tarrant County as authorized by Chapter 271, of the Texas Election Code.

SECTION 6 EARLY VOTING

a. **Early voting by personal appearance.** Early voting by personal appearance shall be conducted beginning April 25, 2022, and continue through May 3, 2022, at the Kennedale Community Center (in the Kennedale Public Library), 316 W. 3rd Street, Kennedale, Texas 76060, at the following times:

MONDAY, APRIL 22, 2024	8:00 A.M. – 5:00 P.M.
TUESDAY, APRIL 23, 2024	8:00 A.M. – 5:00 P.M.
WEDNESDAY, APRIL 24, 2024	8:00 A.M. – 5:00 P.M.
THURSDAY, APRIL 25, 2024	8:00 A.M. – 5:00 P.M.
FRIDAY, APRIL 26, 2024	8:00 A.M. – 5:00 P.M.
SATURDAY, APRIL 27, 2024	7:00 A.M. – 7:00 P.M.
SUNDAY, APRIL 28, 2024	11:00 A.M. – 4:00 P.M.
MONDAY, APRIL 29, 2024	7:00 A.M. – 7:00 P.M.
TUESDAY, APRIL 30, 2024	7:00 A.M. – 7:00 P.M.

Branch offices for early voting by personal appearance shall also be established as outlined in the Joint Election Agreement with Tarrant County.

b. **Early Voting by Mail.** Clinton Ludwig, the Tarrant County Elections Administrator, or his successor, acting pursuant to Texas Government Code §601.002 ("Election Administrator"), is hereby designated as Early Voting Clerk for the election. Applications for early voting by mail may be delivered not later than the close of business on April 26, 2022, to the Election Administrator in any of the following ways: via mail to Early Voting Clerk, P.O. Box 961011, Fort Worth, Texas 76161-0011; via courier or hand delivery to Tarrant County Elections, 2700 Premier St., Fort Worth, Texas 76111-3011; via fax to 817-850-2344; or via email to votebymail@tarrantcountytx.gov.

c. **Early Voting Ballot Board.** Early voting, both by personal appearance and by mail, shall be canvassed by the Early Voting Ballot Board established by Tarrant County under the terms of the Agreement.

SECTION 7 METHOD OF VOTING

The Agreement shall provide (a) the type of electronic voting equipment to be used for early voting by personal appearance and on election day, (b) notification and training for election judges and clerks, (c) an estimate and final payment terms for the election services provided, (d) agreements for early voting equipment and voting machine rental, and (e) other procedures to conduct the election. All expenditures necessary for the conduct of the election, the purchase of materials therefor, and the employment of all election officials are hereby authorized, and shall be conducted in accordance with the Election Code.

SECTION 8 FISCAL IMPACT

It is estimated that there could be a cost to the City of approximately Dollars if a vacancy in a council position requires a special election to be held on a November uniform election date for which no other election is required.

SECTION 9 SEVERABILITY CLAUSE

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

**SECTION 10
NOTICE**

(a) Notice of the election shall be published in accordance with Chapter 4 of the Election Code.

(b) Additionally, in accordance with Section 9.004(c) of the Local Government Code, notice of the election shall be published in a newspaper of general circulation in Flower Mound on the same day, in each of two consecutive weeks, with the first publication occurring before the 14th day before the Election Day. The notice shall contain a substantial copy of the proposed amendments and shall include an estimate of the anticipated fiscal impact to the City if the amendments are approved.

**SECTION 11
EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after approval.

PASSED AND APPROVED THIS 8TH DAY OF FEBRUARY 2024.

APPROVED:

MAYOR JAN JOPLIN

[CITY SEAL]

ATTEST:

CITY SECRETARY RAEANNE BYINGTON

APPROVED AS TO FORM AND LEGALITY:

CITY ATTORNEY, CARVAN ADKINS

STAFF REPORT TO THE HONORABLE MAYOR AND CITY COUNCIL

MEETING DATE: FEBRUARY 8, 2024

AGENDA ITEM NUMBER: INDIVIDUAL CONSIDERATION ITEM IV.E.2.

SUBJECT

Consider approval of an emergency rehabilitation to a 12" sanitary sewer line with Excel 4 Construction, LLC at an estimated cost of \$91,640.00

ORIGINATED BY:

Kristian Sugrim

SUMMARY:

On Saturday, December 16, 2023, the City of Arlington responded to a sewer back-up at 400 N. Little School Road. Arlington Field Operations crew rodded our line, KENSL0339, to a distance of about 162 feet and relieved the clog. On December 18th, we requested that KENSL0339 be CCTV'ed, and based on the video, it was determined that our 12" vitrified clay pipe (VCP) had collapsed.

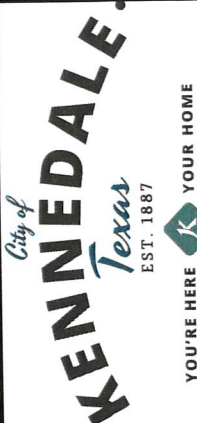
Staff has solicited and reviewed quotes received and has decided to move forward with Excel 4 Construction, LLC. The 388 LF of VCP pipe will be replaced with 12" PVC, by way of trenchless pipe bursting. This technique is more efficient, cheaper and less intrusive.

RECOMMENDATION:

ATTACHMENTS

1.	CCTV_KENSL0339	CCTV_KENSL0339.pdf
2.	400 N. Little School Rd_Homeowner's report	400 N. Little School Rd_Homeowner's report.pdf
3.	Quotes_SS Rehab.-400 N. Little School Rd.	Quotes_SS Rehab.-400 N. Little School Rd..pdf





City of

KENNEDALE

Texas

EST. 1887

YOU'RE HERE

+

Fire Hydrant

●

Water Valve

—

Waterline

□

Parcel

—

SewerLine

●

SewerManhole

—

SS_Replace

0

70

140

Feet

400 & 436 N Little School Rd.

City of Kennedale

SS Emergency Repair



Defect Listing

Pipe Segment Reference KENSL0339	City Kennedale	Owner Public	Material Vitrified Clay Pipe	Lining Method	Pipe Use Sanitary Sewage Pipe
Upstream MH KENMH0484	Total Length 338	Street -	Shape Circular	Coating_Method	
Downstream MH KENMH0545	Length surveyed 162.5	Year Constructed	Year Renewed	Height 12	Inspectability Partially Inspectable
				Inspectability Notes Egged pipe/collapsing	

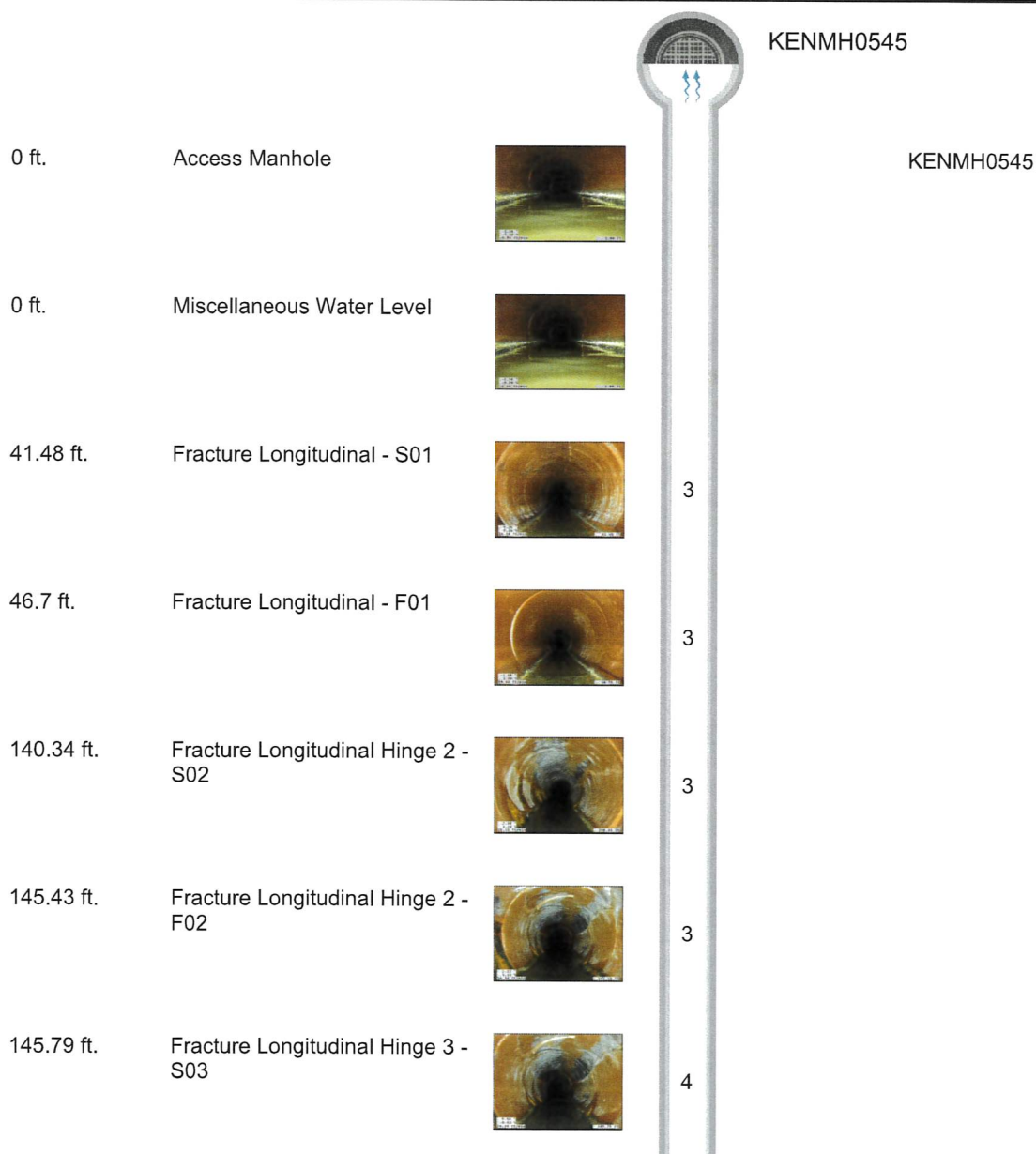
AWU 3S Score	Surveyed By Jerome Sloan	Inspection Project		Customer Arlington	
PM Cleaning Score	Date 01/02/2024	Work Order Number 475337		Purpose	
Current Cleaning Frequency	Reviewed_By Robbie Bailey				
Total Maintenance Cost	Reviewed_Date 01/08/2024	Asset_Name 337	Is Scorable Inspection Yes	Camera PTZ	
Surcharge State	Avg DW Depth/D	Direction Upstream	Scorability Notes	Weather	Reverse Setup
Dmax/D	Max DW Depth/D	Pre-Cleaning No Pre-Cleaning	MSA_Reason Pipe material obstruction	Additional Info	

Distance	Condition	Cont. Dfct.	Values			Joint	Clock Position		Grade
			1st	2nd	%		At/From	To	
0	Access Manhole					☐			
Remarks: KENMH0545									
0	Miscellaneous Water Level				30	☐			
41.48	Fracture Longitudinal	S01				☒	12		3
46.7	Fracture Longitudinal	F01				☒	12		3
140.34	Fracture Longitudinal Hinge 2	S02				☒	9	3	3
145.43	Fracture Longitudinal Hinge 2	F02				☒	9	3	3
145.79	Fracture Longitudinal Hinge 3	S03				☒	9	3	4
162.05	Fracture Longitudinal Hinge 3	F03				☒	9	3	4
162.48	Hole Soil Visible					☒	11	4	5
162.48	Obstruction Pipe Material in Invert				35	☐	9	6	5
162.5	Broken Pipe					☒	2	4	4
164.5	Miscellaneous Survey Abandoned					☐			
Remarks: Pipe material obstruction									

Defect Listing Plot

Pipe Segment Reference KENSL0339	City Kennedale	Owner Public	Material Vitrified Clay Pipe	Lining Method	Pipe Use Sanitary Sewage Pipe
Upstream MH KENMH0484	Total Length 338	Street -	Shape Circular	Coating_Method	
Downstream MH KENMH0545	Length surveyed 162.5	Year Constructed	Year Renewed	Height 12	Inspectability Partially Inspectable
				Inspectability Notes Egged pipe/collapsing	

AWU 3S Score	Surveyed By Jerome Sloan	Inspection Project		Customer Arlington	
PM Cleaning Score	Date 01/02/2024	Work Order Number 475337		Purpose	
Current Cleaning Frequency	Reviewed_By Robbie Bailey				
Total Maintenance Cost	Reviewed_Date 01/08/2024	Asset_Name 337	Is Scorable Inspection Yes	Camera PTZ	
Surcharge State	Avg DW Depth/D	Direction Upstream	Scorability Notes	Weather	Reverse Setup
Dmax/D	Max DW Depth/D	Pre-Cleaning No Pre-Cleaning	MSA_Reason Pipe material obstruction	Additional Info	



Defect Listing Plot

Pipe Segment Reference	City	Owner	Material		Lining Method	Pipe Use
KENSL0339	Kennedale	Public	Vitrified Clay Pipe			Sanitary Sewage Pipe
Upstream MH	Total Length	Street	Shape		Coating_Method	
KENMH0484	338	-	Circular			
Downstream MH	Length surveyed	Year Constructed	Year Renewed	Height	Inspectability	Inspectability Notes
KENMH0545	162.5			12	Partially Inspectable	Egged pipe/collapsing

162.05 ft. Fracture Longitudinal Hinge 3 - F03



4

162.48 ft. Hole Soil Visible



5

162.48 ft. Obstruction Pipe Material in Invert



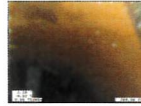
5

162.5 ft. Broken Pipe



4

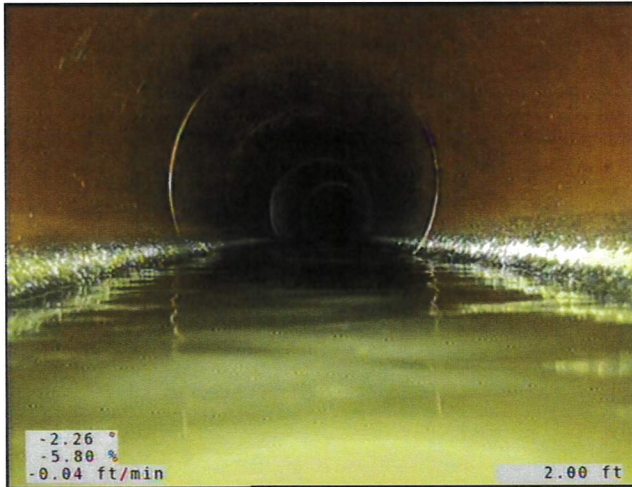
164.5 ft. Miscellaneous Survey Abandoned



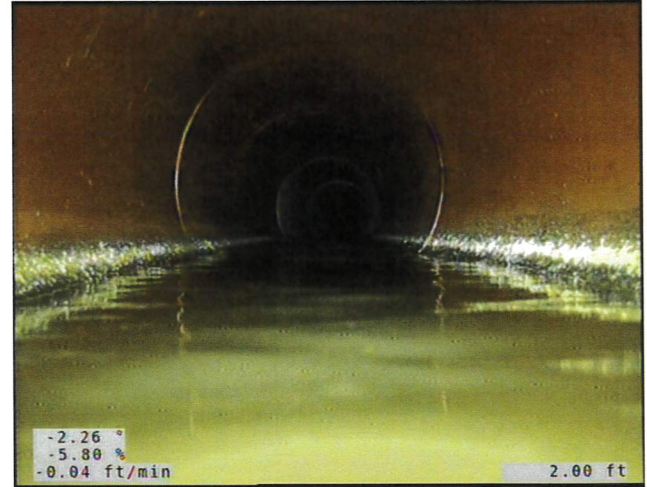
Pipe material obstruction

4 Image Report

Pipe Segment Reference	City	Owner	Material		Lining Method	Pipe Use
KENSL0339	Kennedale	Public	Vitrified Clay Pipe			Sanitary Sewage Pipe
Upstream MH	Total Length	Street	Shape		Coating_Method	
KENMH0484	338	-	Circular			
Downstream MH	Length surveyed	Year Constructed	Year Renewed	Height	Inspectability	Inspectability Notes
KENMH0545	162.5			12	Partially Inspectable	Egged pipe/collapsing



Distance: 0.0 ft. Grade: 0
Condition: Access Manhole
Remarks: KENMH0545



Distance: 0.0 ft. Grade: 0
Condition: Miscellaneous Water Level
Remarks: N/A



Distance: 41.5 ft. Grade: 3
Condition: Fracture Longitudinal
Remarks: N/A



Distance: 46.7 ft. Grade: 3
Condition: Fracture Longitudinal
Remarks: N/A

4 Image Report

Pipe Segment Reference	City	Owner	Material	Lining Method	Pipe Use
KENSL0339	Kennedale	Public	Vitrified Clay Pipe		Sanitary Sewage Pipe
Upstream MH	Total Length	Street	Shape	Coating_Method	
KENMH0484	338	-	Circular		
Downstream MH	Length surveyed	Year Constructed	Year Renewed	Height	Inspectability
KENMH0545	162.5			12	Partially Inspectable
					Inspectability Notes
					Egged pipe/collapsing



Distance: 140.3 ft. Grade: 3
Condition: Fracture Longitudinal Hinge 2
Remarks: N/A



Distance: 145.4 ft. Grade: 3
Condition: Fracture Longitudinal Hinge 2
Remarks: N/A



Distance: 145.8 ft. Grade: 4
Condition: Fracture Longitudinal Hinge 3
Remarks: N/A



Distance: 162.1 ft. Grade: 4
Condition: Fracture Longitudinal Hinge 3
Remarks: N/A

4 Image Report

Pipe Segment Reference KENSL0339	City Kennedale	Owner Public	Material Vitrified Clay Pipe		Lining Method	Pipe Use Sanitary Sewage Pipe
Upstream MH KENMH0484	Total Length 338	Street -	Shape Circular		Coating_Method	
Downstream MH KENMH0545	Length surveyed 162.5	Year Constructed	Year Renewed	Height 12	Inspectability Partially Inspectable	Inspectability Notes Egged pipe/collapsing



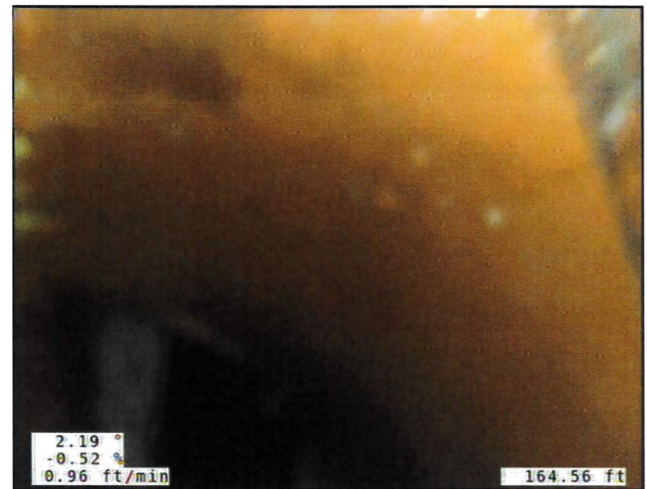
Distance: 162.5 ft. Grade: 5
Condition: Hole Soil Visible
Remarks: N/A



Distance: 162.5 ft. Grade: 5
Condition: Obstruction Pipe Material in Invert
Remarks: N/A



Distance: 162.5 ft. Grade: 4
Condition: Broken Pipe
Remarks: N/A



Distance: 164.5 ft. Grade: 0
Condition: Miscellaneous Survey Abandoned
Remarks: Pipe material obstruction



Defect Listing

Pipe Segment Reference KENSL0339	City Kennedale	Owner Public	Material Vitrified Clay Pipe		Lining Method	Pipe Use Sanitary Sewage Pipe
Upstream MH KENMH0484	Total Length 338	Street -	Shape Circular		Coating_Method	
Downstream MH KENMH0545	Length surveyed 162.5	Year Constructed	Year Renewed	Height 12	Inspectability Partially Inspectable	Inspectability Notes Egged pipe/collapsing

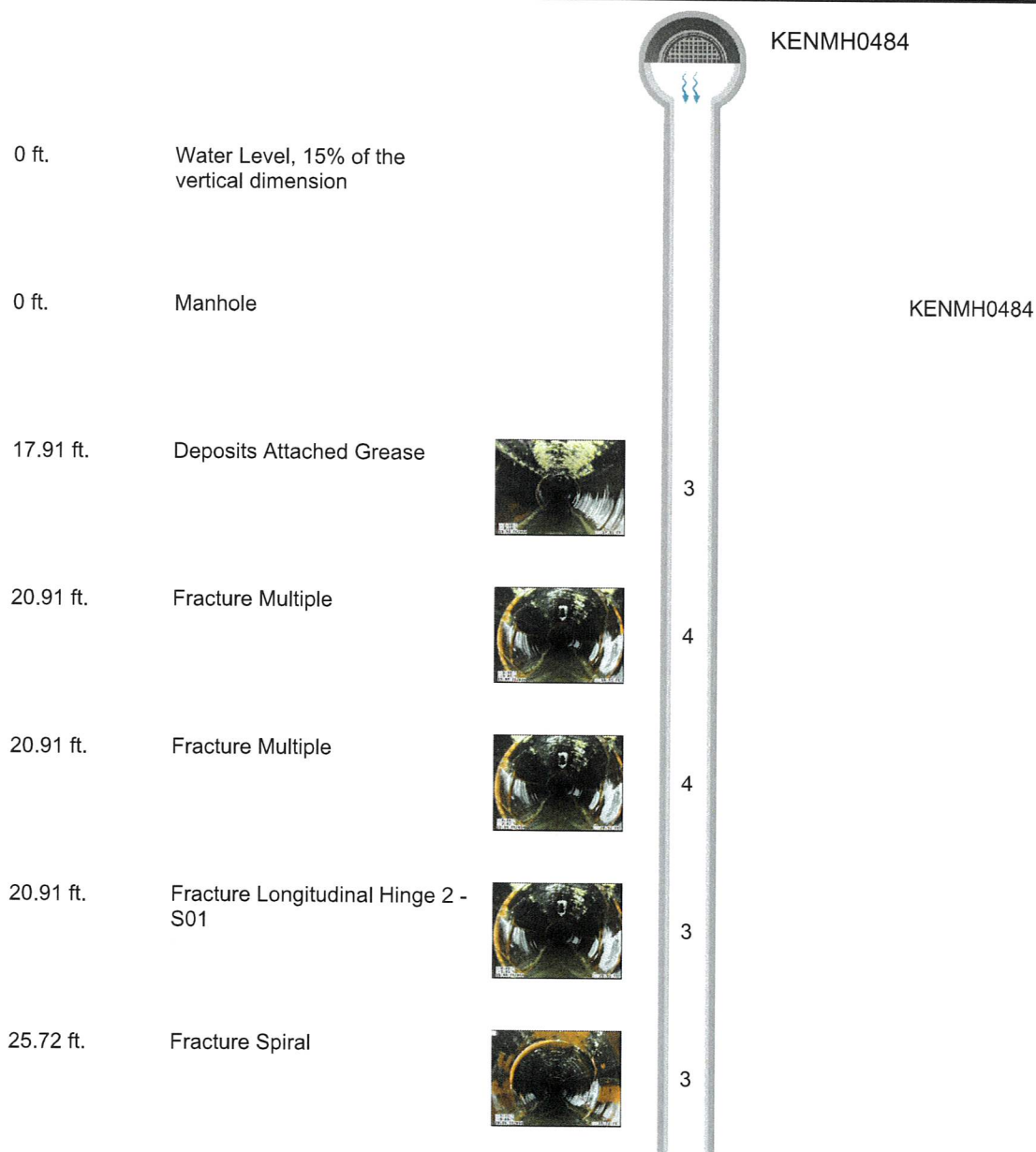
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PM Cleaning Score	Date 01/03/2024	Work Order Number 475337		Purpose	
Current Cleaning Frequency	Reviewed_By Robbie Bailey	Asset_Name 337		Camera PTZ	
Total Maintenance Cost	Reviewed_Date 01/08/2024	Is Scorable Inspection Yes		Weather	
Surcharge State	Avg DW Depth/D	Direction Downstream		Reverse Setup	
Dmax/D	Max DW Depth/D	Pre-Cleaning No Pre-Cleaning		MSA_Reason Egged pipe/collapsing	
				Additional Info	

Distance	Condition	Cont. Dfct.	Values			Joint	Clock Position		Grade
			1st	2nd	%		At/From	To	
0	Water Level, 15% of the vertical dimension				15	☐			
0	Manhole					☐			
Remarks: KENMH0484									
17.91	Deposits Attached Grease				20	☒	11	2	3
20.91	Fracture Multiple					☒	7	10	4
20.91	Fracture Multiple					☒	2	5	4
20.91	Fracture Longitudinal Hinge 2	S01				☒	10	3	3
25.72	Fracture Spiral					☒	12	2	3
26.15	Fracture Multiple					☒	2	4	4
26.15	Fracture Multiple					☒	7	9	4
29.42	Fracture Longitudinal					☒	12		3
31.36	Fracture Longitudinal Hinge 2	F01				☒	10	3	3
31.36	Fracture Longitudinal Hinge 3	S02				☒	9	3	4
42.05	Fracture Longitudinal Hinge 3	F02				☒	9	3	4
73.59	Deposits Attached Grease	S03			20	☒	10	2	3
145.14	Deposits Attached Grease	F03			20	☒	10	2	3
145.14	Deposits Attached Grease	S04			25	☒	9	3	4
145.6	Fracture Spiral					☒	8	10	3
145.6	Fracture Multiple	S05				☒	3	5	4
151.1	Fracture Circumferential					☒	7	9	2
153.48	Fracture Circumferential					☐	7	9	2
153.87	Fracture Multiple	F05				☒	3	5	4
155	Fracture Longitudinal					☒	9		3
155.03	Fracture Spiral					☒	3	5	3
155.8	Fracture Longitudinal Hinge 2	S06				☒	9	3	3
162.8	Deposits Attached Grease	F04			25	☒	9	3	4
162.8	Fracture Longitudinal Hinge 2	F06				☒	9	3	3
162.8	Collapse				50	☐			5
162.9	Miscellaneous Survey Abandoned					☐			
Remarks: COULD NOT PASS EGGED PIPE									

Defect Listing Plot

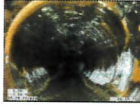
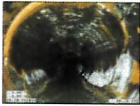
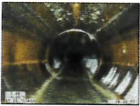
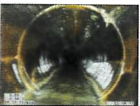
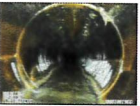
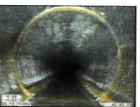
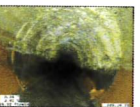
Pipe Segment Reference KENSL0339	City Kennedale	Owner Public	Material Vitrified Clay Pipe	Lining Method	Pipe Use Sanitary Sewage Pipe
Upstream MH KENMH0484	Total Length 338	Street -	Shape Circular	Coating_Method	
Downstream MH KENMH0545	Length surveyed 162.5	Year Constructed	Year Renewed	Height 12	Inspectability Partially Inspectable
				Inspectability Notes Egged pipe/collapsing	

AWU 3S Score	Surveyed By Jerome Sloan	Inspection Project		Customer Arlington	
PM Cleaning Score	Date 01/03/2024	Work Order Number 475337		Purpose	
Current Cleaning Frequency	Reviewed_By Robbie Bailey				
Total Maintenance Cost	Reviewed_Date 01/08/2024	Asset_Name 337	Is Scorable Inspection Yes	Camera PTZ	
Surcharge State	Avg DW Depth/D	Direction Downstream	Scorability Notes	Weather	Reverse Setup
Dmax/D	Max DW Depth/D	Pre-Cleaning No Pre-Cleaning	MSA_Reason Egged pipe/collapsing	Additional Info	



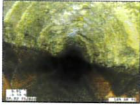
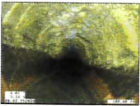
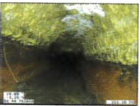
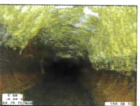
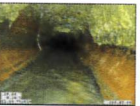
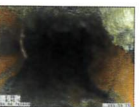
Defect Listing Plot

Pipe Segment Reference	City	Owner	Material	Lining Method	Pipe Use
KENSL0339	Kennedale	Public	Vitrified Clay Pipe		Sanitary Sewage Pipe
Upstream MH	Total Length	Street	Shape	Coating_Method	
KENMH0484	338	-	Circular		
Downstream MH	Length surveyed	Year Constructed	Year Renewed	Height	Inspectability
KENMH0545	162.5			12	Partially Inspectable
					Inspectability Notes
					Egged pipe/collapsing

26.15 ft.	Fracture Multiple		4
26.15 ft.	Fracture Multiple		4
29.42 ft.	Fracture Longitudinal		3
31.36 ft.	Fracture Longitudinal Hinge 2 - F01		3
31.36 ft.	Fracture Longitudinal Hinge 3 - S02		4
42.05 ft.	Fracture Longitudinal Hinge 3 - F02		4
73.59 ft.	Deposits Attached Grease - S03		3
145.14 ft.	Deposits Attached Grease - F03		3
145.14 ft.	Deposits Attached Grease - S04		4

Defect Listing Plot

Pipe Segment Reference	City	Owner	Material	Lining Method	Pipe Use
KENSL0339	Kennedale	Public	Vitrified Clay Pipe		Sanitary Sewage Pipe
Upstream MH	Total Length	Street	Shape	Coating_Method	
KENMH0484	338	-	Circular		
Downstream MH	Length surveyed	Year Constructed	Year Renewed	Height	Inspectability
KENMH0545	162.5			12	Partially Inspectable
			Inspectability Notes		
			Egged pipe/collapsing		

145.6 ft.	Fracture Spiral		3
145.6 ft.	Fracture Multiple - S05		4
151.1 ft.	Fracture Circumferential		2
153.48 ft.	Fracture Circumferential		2
153.87 ft.	Fracture Multiple - F05		4
155 ft.	Fracture Longitudinal		3
155.03 ft.	Fracture Spiral		3
155.8 ft.	Fracture Longitudinal Hinge 2 - S06		3
162.8 ft.	Deposits Attached Grease - F04		4

Defect Listing Plot

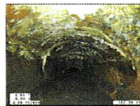
Pipe Segment Reference	City	Owner	Material		Lining Method	Pipe Use
KENSL0339	Kennedale	Public	Vitrified Clay Pipe			Sanitary Sewage Pipe
Upstream MH	Total Length	Street	Shape		Coating_Method	
KENMH0484	338	-	Circular			
Downstream MH	Length surveyed	Year Constructed	Year Renewed	Height	Inspectability	Inspectability Notes
KENMH0545	162.5			12	Partially Inspectable	Egged pipe/collapsing

162.8 ft. Fracture Longitudinal Hinge 2 - F06



3

162.8 ft. Collapse



5

162.9 ft. Miscellaneous Survey Abandoned

COULD NOT PASS EGGED PIPE

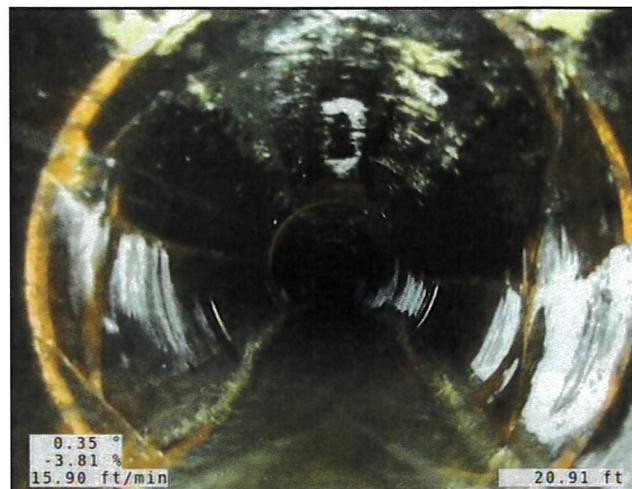


4 Image Report

Pipe Segment Reference KENSL0339	City Kennedale	Owner Public	Material Vitrified Clay Pipe		Lining Method	Pipe Use Sanitary Sewage Pipe
Upstream MH KENMH0484	Total Length 338	Street -	Shape Circular		Coating_Method	
Downstream MH KENMH0545	Length surveyed 162.5	Year Constructed	Year Renewed	Height 12	Inspectability Partially Inspectable	Inspectability Notes Egged pipe/collapsing



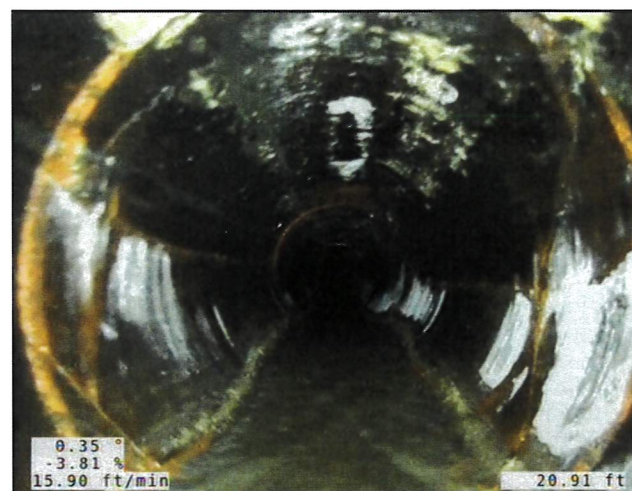
Distance: 17.9 ft. Grade: 3
Condition: Deposits Attached Grease
Remarks: N/A



Distance: 20.9 ft. Grade: 4
Condition: Fracture Multiple
Remarks: N/A



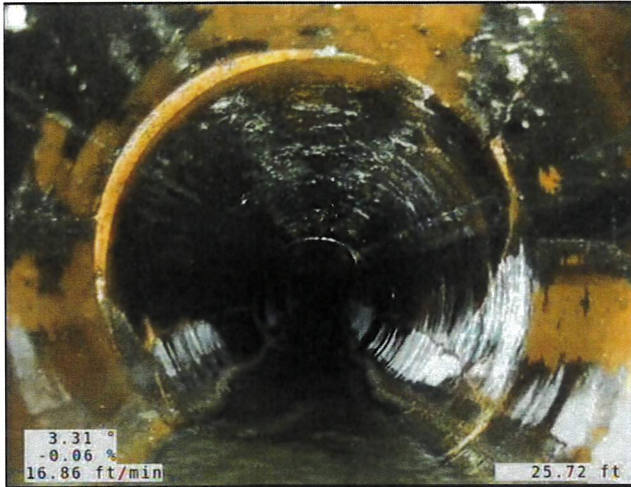
Distance: 20.9 ft. Grade: 4
Condition: Fracture Multiple
Remarks: N/A



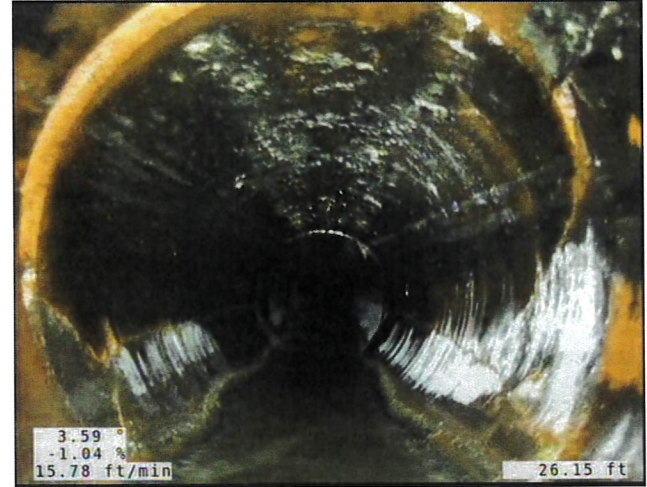
Distance: 20.9 ft. Grade: 3
Condition: Fracture Longitudinal Hinge 2
Remarks: N/A

4 Image Report

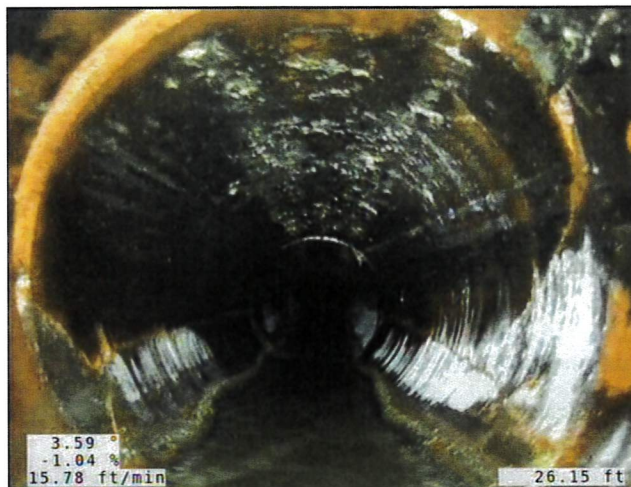
Pipe Segment Reference	City	Owner	Material	Lining Method	Pipe Use
KENSL0339	Kennedale	Public	Vitrified Clay Pipe		Sanitary Sewage Pipe
Upstream MH	Total Length	Street	Shape	Coating_Method	
KENMH0484	338	-	Circular		
Downstream MH	Length surveyed	Year Constructed	Year Renewed	Height	Inspectability
KENMH0545	162.5			12	Partially Inspectable
					Inspectability Notes
					Egged pipe/collapsing



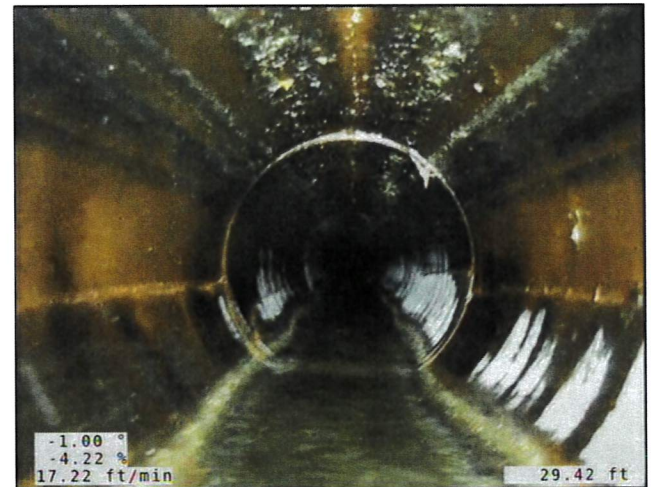
Distance: 25.7 ft. Grade: 3
Condition: Fracture Spiral
Remarks: N/A



Distance: 26.2 ft. Grade: 4
Condition: Fracture Multiple
Remarks: N/A



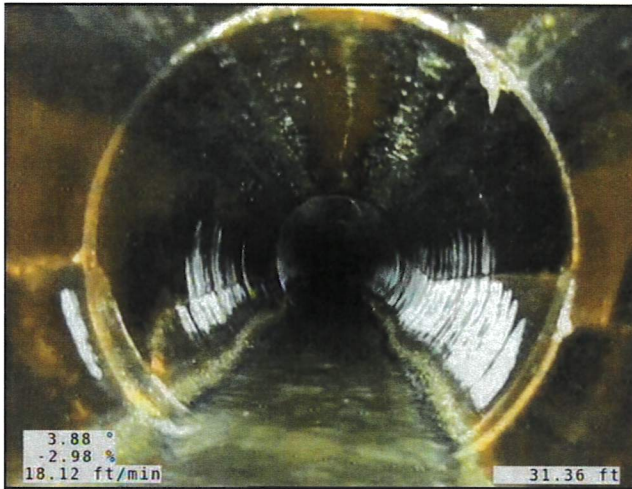
Distance: 26.2 ft. Grade: 4
Condition: Fracture Multiple
Remarks: N/A



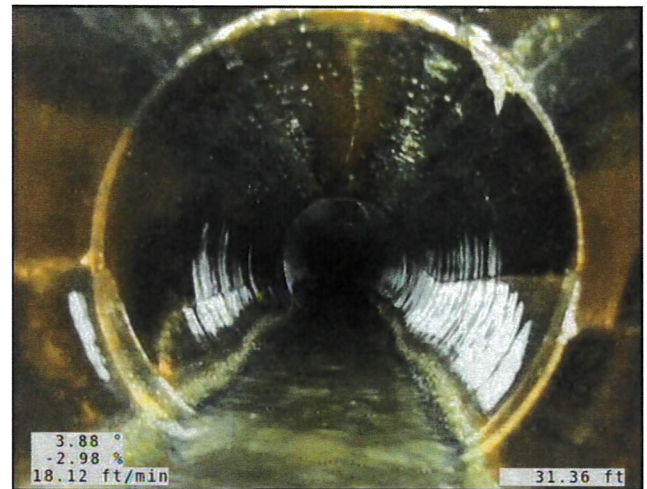
Distance: 29.4 ft. Grade: 3
Condition: Fracture Longitudinal
Remarks: N/A

4 Image Report

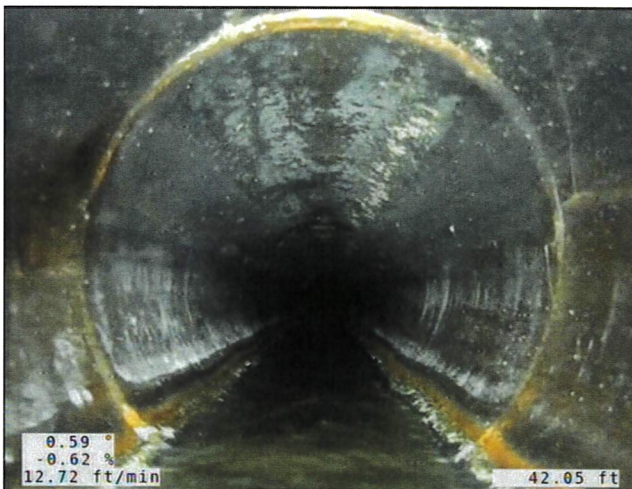
Pipe Segment Reference	City	Owner	Material		Lining Method	Pipe Use
KENSL0339	Kennedale	Public	Vitrified Clay Pipe			Sanitary Sewage Pipe
Upstream MH	Total Length	Street	Shape		Coating_Method	
KENMH0484	338	-	Circular			
Downstream MH	Length surveyed	Year Constructed	Year Renewed	Height	Inspectability	Inspectability Notes
KENMH0545	162.5			12	Partially Inspectable	Egged pipe/collapsing



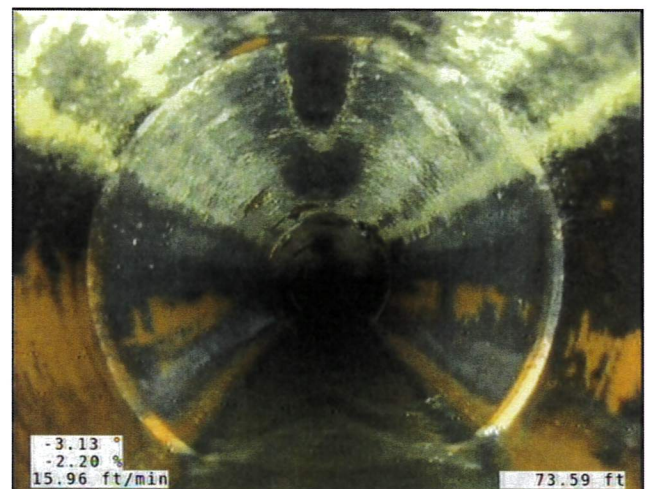
Distance: 31.4 ft. Grade: 3
Condition: Fracture Longitudinal Hinge 2
Remarks: N/A



Distance: 31.4 ft. Grade: 4
Condition: Fracture Longitudinal Hinge 3
Remarks: N/A



Distance: 42.1 ft. Grade: 4
Condition: Fracture Longitudinal Hinge 3
Remarks: N/A



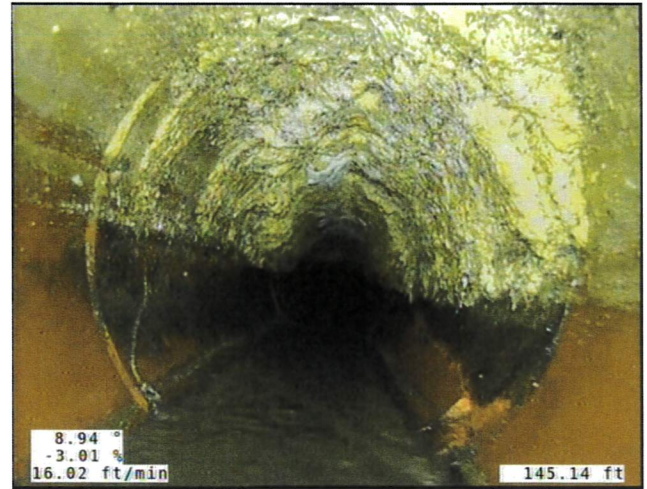
Distance: 73.6 ft. Grade: 3
Condition: Deposits Attached Grease
Remarks: N/A

4 Image Report

Pipe Segment Reference	City	Owner	Material		Lining Method	Pipe Use
KENSL0339	Kennedale	Public	Vitrified Clay Pipe			Sanitary Sewage Pipe
Upstream MH	Total Length	Street	Shape		Coating_Method	
KENMH0484	338	-	Circular			
Downstream MH	Length surveyed	Year Constructed	Year Renewed	Height	Inspectability	Inspectability Notes
KENMH0545	162.5			12	Partially Inspectable	Egged pipe/collapsing



Distance: 145.1 ft. Grade: 3
Condition: Deposits Attached Grease
Remarks: N/A



Distance: 145.1 ft. Grade: 4
Condition: Deposits Attached Grease
Remarks: N/A



Distance: 145.6 ft. Grade: 3
Condition: Fracture Spiral
Remarks: N/A



Distance: 145.6 ft. Grade: 4
Condition: Fracture Multiple
Remarks: N/A

4 Image Report

Pipe Segment Reference	City	Owner	Material		Lining Method	Pipe Use
KENSL0339	Kennedale	Public	Vitrified Clay Pipe			Sanitary Sewage Pipe
Upstream MH	Total Length	Street	Shape		Coating_Method	
KENMH0484	338	-	Circular			
Downstream MH	Length surveyed	Year Constructed	Year Renewed	Height	Inspectability	Inspectability Notes
KENMH0545	162.5			12	Partially Inspectable	Egged pipe/collapsing



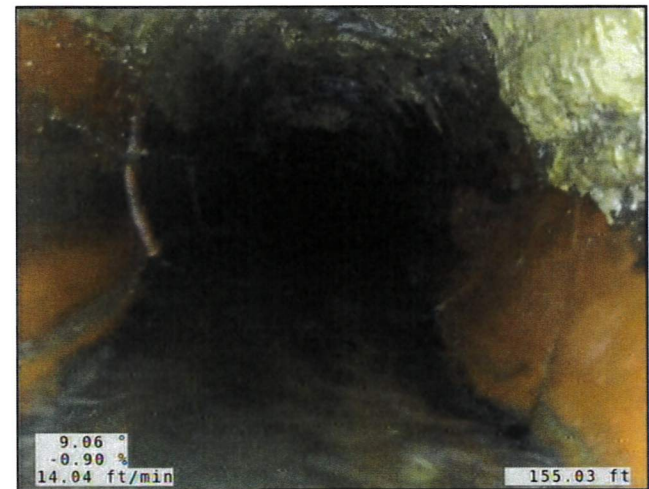
Distance: 151.1 ft. Grade: 2
Condition: Fracture Circumferential
Remarks: N/A



Distance: 153.5 ft. Grade: 2
Condition: Fracture Circumferential
Remarks: N/A



Distance: 153.9 ft. Grade: 4
Condition: Fracture Multiple
Remarks: N/A



Distance: 155.0 ft. Grade: 3
Condition: Fracture Longitudinal
Remarks: N/A

4 Image Report

Pipe Segment Reference	City	Owner	Material	Lining Method	Pipe Use
KENSL0339	Kennedale	Public	Vitrified Clay Pipe		Sanitary Sewage Pipe
Upstream MH	Total Length	Street	Shape	Coating_Method	
KENMH0484	338	-	Circular		
Downstream MH	Length surveyed	Year Constructed	Year Renewed	Height	Inspectability
KENMH0545	162.5			12	Partially Inspectable
					Inspectability Notes
					Egged pipe/collapsing



Distance: 155.0 ft. Grade: 3
Condition: Fracture Spiral
Remarks: N/A



Distance: 155.8 ft. Grade: 3
Condition: Fracture Longitudinal Hinge 2
Remarks: N/A



Distance: 162.8 ft. Grade: 4
Condition: Deposits Attached Grease
Remarks: N/A



Distance: 162.8 ft. Grade: 3
Condition: Fracture Longitudinal Hinge 2
Remarks: N/A

4 Image Report

Pipe Segment Reference KENSL0339	City Kennedale	Owner Public	Material Vitrified Clay Pipe		Lining Method	Pipe Use Sanitary Sewage Pipe
Upstream MH KENMH0484	Total Length 338	Street -	Shape Circular		Coating_Method	
Downstream MH KENMH0545	Length surveyed 162.5	Year Constructed	Year Renewed	Height 12	Inspectability Partially Inspectable	Inspectability Notes Egged pipe/collapsing



Distance: 162.8 ft. Grade: 5
Condition: Collapse
Remarks: N/A

Sewer Water Back Up at 400 N. Little School Rd. Kennedale, TX
Owners: William "Eddie" Patterson & Tammy Patterson

To City of Arlington / City of Kennedale & persons and parties regarding the sewer water back up:

On 12/16/2023 - we got up about 8:am on Saturday morning, we had a lot to do that day since it was one week before we would have family come in for our Christmas celebration on 12/23/23 and stay at our home. I had started breakfast and Eddie was working in one of the bathrooms between 9 & 9:30 am. We ate and then went out into our garage ... and our day changed dramatically.

On 12/16/23 At 10:38 am – We opened our kitchen door to the garage we smelled an odd stinky odor and looking to see what the smell was we saw some water spreading along one wall. So, we opened the garage door, immediately there was water coming out of the gasket and from the garage door. I thought the water heater in the attic might have a leak. So, I ran upstairs to check but the water heater was fine nothing was leaking up there. Our primary bathroom is on the wall that had water so I ran in there and there was brownish water halfway up in our jetted bathtub. I yelled out to my husband that there was sewer water in our tub and shower. After checking the bathrooms, we realized our house was backing up with sewer water, in all 3 bathtubs were half full of sewer water and the 2 showers were full of sewer water & were overflowing onto the floors! This happened in a matter of minutes. I was frantic & yelling that the sewer is backing up everywhere!! I yelled at my husband, please do something!! Eddie went out to open the sewer clean out & when he did it shot up in the air about 2 ft from the pressure & then it began to flow across our yard & down into the creek that runs behind our home and feeds into Lake Arlington.

At 10:51am - Eddie contacted our plumber to explain what was going on and based on what was happening and the videos, the plumber explained that it had to be a main line clog or break to be doing that to our home since we were had not even done any laundry & we were not using any water.

At 10:54am - I called the Kennedale City Hall but could not reach anyone then I remembered we needed to Contact the City of Arlington.

At 11:01am - I called the Arlington City Emergency Water number. I was extremely upset and I explained to the dispatch representative that sewer water was flooding our home. She asked me if I had called a plumber? At that point, I began to cry and gave the phone to my husband. He told her we had called a plumber and that this has to be a main line issue. He tried to explain the seriousness of the situation and that our house was being flooded with sewer water from the main line! She told him that she would notify them but that there were two other calls ahead of us. And that they would get there as soon as they could. He explained to her what was happening and that even though we opened our clean out that it was still flooding our home and it was also now flowing from the cleanout into the creek behind us that flows into Arlington Lake. He asked her to have someone call him back. She told him, I have your number and I will tell them to call you. -- In the meantime, the sewer water is still backing up into our house coming out of the showers onto our floors & into the walls etc. We could not do anything to stop this! The odor was so horrible we opened all the windows in every room it was all so very disgusting. We began to grab and move things from off the floor in the bathrooms, closets & the bedrooms as fast and as furiously as we could onto the cabinets and beds wherever we could do to try to keep things from being contaminated by sewer water. It is nearly noon and no one has showed up to help.

1/8/24 At 11:55am - I called the Kennedale Police Dept. to see if they might be able to help us. I spoke to the dispatch person and explained what was happening and that we had called but no one had called us back or came out. I told her I did not know what to do and asked her if she could do anything. She contacted someone and they told her they had been dispatched.

At 12:07pm - I received a call from the someone saying that they were on site and I told her, that they were not on site where I was because I was outside since I could not stand the smell in my house. After that my husband got in his truck and went to look for them. In a few minutes, I saw a City of Arlington truck go down our street to the south and turn around and pull into the median in front of our neighbor's house to the South of us. I was waving and trying to get their attention but then my husband drove by and stopped to talk to them. He explained to them that they needed to come down past our house but they told him they were following the map. He tried to explain to them he had lived her for over 30 years but they continued to discount what he said until finally he said if you will quit arguing with me I can show you where you need to be. They followed him down to the man hole in the driveway of Tommy Lelond our neighbor to the north of us. They opened the man hole and noticed there was no flow of sewage water at that location. Looking down inside the man hole there was not any flowing sewer water in there it was just barely a trickle running through there it. The city worker said he would run a snake down the pipe and try to clear the clog. He ran the sewer snake and after a little while a bunch of stuff, grease and sewage and everything started moving again he had cleared whatever was stopped up. My husband asked him how far he had to go. He said he ran the snake in about 250ft. They said they would be sending a report and that he would make a note of all he found. Eddie came back and I am still so upset but trying to move more things since the carpet is beginning to show more sewer water. Finally, our bathtubs and showers drained but the damage was done and it was catastrophic and extensive. I had called my sons and they helped me call a water restoration company that could come out and that they believed was reputable – I could hardly think clear and all I could do is cry as I tried to protect our personal belongings! All of this was so upsetting and devastating. I screamed and cried when we first saw it all and now all I could do was cry each time I had to talk to someone.

On 12/16/23 Our son, Andrew Patterson contacted Paul Davis Restoration for us to come out to try to clean up all the sewer water damage. They told our son that they would need to load equipment and then they would come as quick as they could. When they arrived, Markus introduced himself and he said they would need to assess the situation and determine what they would do first. After that he explained that this was a serious situation since it was not clean water, they explained that this was called Category 3 water. They did inform us that every wall, everything that was contacted by Cat 3 water was contaminated and that every wall contacted had potential for mold. He said that they would get right to work to get all the furniture and other items moved as quickly as possible so that they could get all the wet carpet and pad out and go from there. They first thing was to get everything moved out of all the rooms affected so they could get all the saturated carpet and pad removed. They told us they would need to move everything off the floor of the affected areas that were dry as quickly as possible and then get all the soiled carpet and pad cut up and bagged and removed from the house. So, they started moving furniture as fast as possible, if it was dry it went into dry areas and if wet with CAT 3 water it went out on the driveway or into the garage. We had already moved some things and we continued to help as much as we could. They worked so hard to get everything moved as quickly as possible so that they could remove the sewer-soaked carpet and pad from each room and remove excess water. They did also remove the baseboards affected. They vacuumed up the sewer water from the concrete and placed all the sewer soiled materials in bags and put them outside the house to be hauled away. All items not affected by CAT 3 waste water were moved to a safe place and all furniture

affected by CAT 3 waste water were moved to the garage that could be moved, since all built in cabinets and closet shelving could not be moved. He told us that there was a total of 13 rooms affected. He explained to us that they would be able to take moisture readings of all the affected rooms. He said they would mark all the rooms showing how far the moisture was up in the walls and that depending on how far up the moisture was that a portion of the sheetrock would have to be cut out and removed including any insulation to prevent mold. He explained that for tonight they would set up the equipment and then spray in each room and all of the surfaces that were affected by the Cat 3 water and accessible to be sprayed, bathtubs, showers, floors etc. in each room. They stressed to us that at some point the sheetrock affected by the Cat 3 water would need to be cut out and removed and those open areas sprayed with the anti-microbial chemical. He said the chemical spray would kill the germs where they could spray and it would take care of the odor in those areas. However, the areas where the bathtubs, showers and walls that the Cat 3 water spread underneath they could not reach those areas until the sheetrock and if those items were removed. They could only do so much that night. And he said it needed to dry out as soon as possible. He told us to shut all the windows and turn the heat up to 78 degrees on both HVAC units and to leave all fans off. Prior to leaving for the night, they sprayed every surface that had been affected and accessible to be sprayed with anti-microbial chemical spray to kill the germs and get rid of the odor. They installed the equipment and then sprayed everywhere and it was nearly 9pm when they left. There were too many bags of soiled material to fit in their van so they said they would come back and pick the rest up Sunday or Monday. It was a very long, devastating day for us! We had packed and made plans to stay with family. It would not be safe to stay there and the house was a disaster and smelled horrible. Our home was uninhabitable. I finally reached Allstate and they gave me a claim number.

On 12/18/23 At 9am - I went to the Allstate office and spoke to Patti Jones with Allstate because Allstate called and told me on Sunday that the claim was denied. They told me that we were not covered for Sewer Water Back Up. I was at a total loss. It was my understanding that we had full coverage. After explaining all of this to Patti, she said she would contact the Claim Department Advocate for me.

About 10:30am - I went to the Arlington City Hall and stood in line for a good bit at the Arlington Water Department. I needed to find out who to speak to about my home flooding with sewer water on Saturday. She gave me the name of Angelo Dupont, Field Operations Manager and his number 817-459-5913, since he was at a different facility not located at the City Hall. So, I called him and got his voice mail. I left him my name & number and asked him to please call me about a sewer water back up at my address. He called me back and I explained in great detail the situation and he said he had just gotten to the office at 10am and after my message he was just finding out about what had happened on Saturday. I explained the devastation to our home and that we were supposed to have Christmas on Saturday 12/23/23 in our home but now we cannot use our home. I told him I wanted a copy of the report sent from the person that came out and cleared the blockage. And I asked him for his manager's name and title, he said it was Craig Gant, Assistant Director of Field Operations & Customer Service and that he was also at the facility he was at that is not located at the City Hall where I was at the time we were speaking over the phone. I asked him, who was over Mr. Gant and he said it was Craig Cummins, Director of Water Utilities and I asked where he was located and he said at the City Hall on the 2nd floor. So, I went to the 2nd floor and located his office. I spoke to a lady there she took me to the conference room where Mr. Cummins came in and took time to speak to me about this situation. I was emotionally upset and went into the full details of the flooding and that it was explained to me that there was only one truck working on Saturdays and that we would have to wait until the other two calls were handled before us then we could get our line cleared. And all the other details and I told

him I was going to the Kennedale City Hall next. I asked him who else I might need to speak to at the City of Kennedale. He said that I might try to speak to someone from Risk management. I asked him many questions and he answered them as best he could he was extremely helpful for the most part. He told me that they were handling the water & maintenance for the City of Kennedale. And he stated that when they began doing the maintenance that they had asked when the lines in Kennedale had last had cameras ran through their lines. He told me that Kennedale said that they had never ran cameras down their lines for maintenance. He mentioned that he would request for them to run cameras on that main line to be sure it was clear. But he also stated that they were in the process of running cameras through the lines in Kennedale. But he was not sure where that was in the process. I asked him if he could and would please schedule a camera to be ran on the line between us and the property north of us. He said he would request that for me. After our meeting I went to the City Hall of Kennedale and spoke to Nathan Gonzales, Community Development Director, who gave me the name of Kristian Sugrim, Director of Public Works. I called him and left him a message that we would like to speak with him today.

12/18/23 At 2:44pm - Markus and another worker with Paul Davis Restoration arrived to check the walls and to pick up the bags of soiled carpet, pad, baseboard, etc. that was still on our driveway since they could not get it all in their van on Saturday, and they came out to check their equipment and the levels of moisture in the walls and to spray the garage and hall with chemical spray. We were not staying at our home since it was inhabitable. Marcus said that the levels of moisture in that walls were dry enough with running the heat that they could remove the equipment. But that he could not stress enough that the sheetrock and cabinets and shelves would need to be removed and then those areas sprayed with the anti-microbial chemical spray especially in the walls. He said they would send me an Invoice and an Estimate for the rest of the restoration to repair all the damage to our home.

At 3:20pm – Kristian Sugrim, Director of Public Works with the City of Kennedale came out to our property. We explained to him the details of what happened on 12/16. We showed him the clean out, the toilet paper on the ground where it ran down into the creek. And we showed him the damage to the inside of our home. I asked how long he had been with Kennedale. He said he had been on the job 9 months. I told him we would like to have the report from the person who unclogged the line. I told him that I had been to Arlington City Hall and that I told them I wanted the line looked at as soon as possible with a camera. I told him that we wanted the line looked at with a camera from the man hole that runs behind the creek on our property where the clog was found to the north of us. And we wanted to know what the next steps would be for us. We asked him to please come see the damage to our home and he did walk through it with us. We had family coming in and we could not have them stay here now with all the damage! And that we have to figure out where to stay and to have enough room for all of our family to stay for Christmas. He left about 5pm and Markus with Paul Davis Restoration finished up and left at 5:15pm

On 12/19/23 At 12pm - A manager from Paul Davis came out to assess the restoration - now with the carpet, pad & tack strips out – he inspected and tested with moisture readings and testers. He pointed out areas where water had seeped through to difficult-to-reach areas, under built-ins, beneath fixtures, etc. and explained what it would take to mitigate. He further discussed the extent of the damage, tearing out areas of walls, sheetrock, trim, shelves, wood flooring and cabinets & more – as well as what has to be done to be sure we have no issues with MOLD.

1/2/24 At approx. 10:45am - We were driving by and saw a City of Arlington vehicle in the driveway of our Neighbor Thomas (Tommy) Lelond at 436 N Little School Rd. We stopped and Eddie spoke with Jerome who was running a camera from the man hole north of us in their driveway on the main sewer line. He was running the camera south toward the man hole on the main sewer line behind our home on the 10' sewer easement.

At 1:10pm - Our ring doorbell rang. It was a man in an orange vest from the City of Arlington. He introduced himself as Jerry Diaz and that he was coming by to talk to us because they needed access to the back of our property. I asked him to please call me on my cell. He called me and I explained that we were on our way home and would be there in 15 to 20 mins. He said that would be fine. After that he texted me that he would come back in about 20 mins. At 1:32pm - He arrived and Eddie went out and talked to him he gave us his card - Gerald (Jerry) Diaz, Field Operations Supervisor in the Water Utilities Department of the City of Arlington. He said that he wanted to have a Jerome come and look at the property and he did and they said that he would be back the next day to camera the line from the man hole on our property to the north.

1/3/24 At 8:55am - A man from the City of Arlington rang our doorbell to let us know they were going to get set up to camera the main line from the man hole behind our house to the north. Eddie spoke to Jerome again and he was able to show us pictures to two areas where the clay pipes were broken.

At 11:46am - Khristian Sugrim and another representative from Kennedale and Shawn Fargo with Tejas Commercial Construction came to our property to go look at the locations of the collapsed pipes. They said that there is about 65 feet that could not be explored because of the two blockages so Khristian requested an estimate to repair the entire line from the man hole on our property to the man home to the north on the Lelond's property. They did say that it could possible include replacing the man hole on our property since it was oozing waste water the day it was backed up. There was some discussion about how they would access the sewer line on our property. They said that there would need to be more discussion about how to make the repairs and that plans would have to be discussed. They felt like it would be better to wait until the ground was less saturated.

1/5/24 - I went to the Kennedale City Hall because I need to request maintenance records for the sewer line running across our property. I spoke to Ross Sanchez, Administrative Assistant about requesting those records. He said those requests have to be made on line. I told him that I would try to do that. He said he would send me a link so that I could do that. And I asked him to please have the Mayor give me a call that I would like to speak with her.

At 4:18pm - I received an email from Kim Messner from the City of Arlington with a link to file a claim. I filed a claim on line.

At 4:19pm - I received an email from Ross with the link to file a form on line to request all the maintenance records for the line that runs across our property along the sewer easement to the north and south at 400 N Little School Rd, Kennedale, TX 76060

1/8/24 - At 9:37am I received an email from Kristian Sugrim (he cc'd multiple individuals) on this email were two attachments one was a Notice of Claim Against the City of Kennedale and a Claims against the City of Kennedale word document.

1/11/24 at 10:48am - I received an email from Ariel Davis with ASG with a Claim number 810.22885

1/11/24 at 4:37pm - I sent an email to Ross thanking him for the link and that I had filed the request two times since it did not appear to work – I requested all the records of maintenance and repairs on the main line that runs across our property – as far back as 1990. We built our home in 1990.

1/13/24 at 12:37pm - I thanked Kim Messner for sending me the link to make a claim on line for the City of Arlington

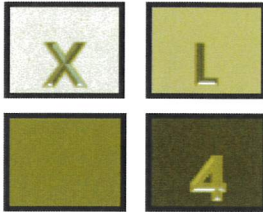
I tried to make an open request to Arlington but it did not work

At 1:01pm - I sent an email Kim Messner to let her know that I tried to make an open request but it did not work - So I asked her if you could assist me in how to do make an open request -of all the maintenance and repairs and specifically for the report of the 12/16/23 blockage repair and for the two days that Jerome ran cameras on this main line.

1/13/24 – I sent the Notice of Claim Against the City of Kennedale forms that we have filled out & had notarized. We each filled out a Claim form since there is only one claimant line on the form. These have been sent to the finance@cityofkennedale.com - the form states that this has to be filed within 30 days. AND I will say that no one told me that we only had 30 days to file - but I do believe we have made the 30-day deadline. I wonder if that should be something someone should tell you.

We have not had time with all the damage and Christmas etc. to get all the estimates. We have no idea yet the What the total amount of Claim will be – we checked the box Unknow at this time/Pending.

These are the details that I and my husband recall to the best of our abilities.

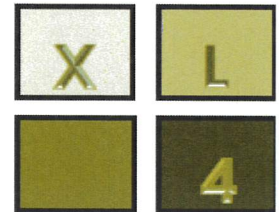


Excel 4 Construction LLC

PO Box 4739 * Fort Worth, TX * 76179

(817)457-3399 / (817)457-3379 fax

Luis Conchas 682-554-4740



PROPOSAL FOR
Kennedale Emergency Sanitary Sewer Repair Kennedale
Kennedale, TX
1/17/2024

ITEM	UNIT	QUANTITY	DESCRIPTION	UNIT COST	TOTAL COST
1	lf	380.00	Pipe burst 12" sanitary sewer with 12" DR 17 HDPE	\$165.00	\$62,700.00
2	ea	1.00	Remove & Replace 4' Diameter Manhole (12' depth)	\$14,000.00	\$14,000.00
3	ls	1.00	concrete encase the 4" service (16 lf)	\$4,500.00	\$4,500.00
4	ls	1.00	Bypass w/ 4" pump	\$5,000.00	\$5,000.00
5	lf	45.00	Trench safety	\$20.00	\$900.00
6	ea	1.00	Connect to existing manhole	\$1,500.00	\$1,500.00
7	lf	380.00	Pre & Post TV Inspection	\$8.00	\$3,040.00
					\$91,640.00

Excludes bonds, any and all fees and permits, pavement repair, sidewalk repair, curb & gutter repair, grass sod/seeding, barricades & traffic control, SW3P, erosion control.

Submitted By:
Excel 4 Construction, LLC

Accepted By:
City of Kennedale

Name / Title

Name / Title

Sign

Date

Sign

Date

Circle C Construction

Little Road Emergency Pipe Replacement

Item No.	Description	Unit	Cost	Quantity	Total
1	Mobilization	LS	\$ 3,500.00	1	\$ 3,500.00
2	Traffic Control	EA	\$ 3,000.00	1	\$ 3,000.00
3	12" Pipe Installation	LF	\$ 175.00	380	\$ 66,500.00
4	Manhole Removal	EA	\$ 1,500.00	2	\$ 3,000.00
5	5' Manhole Replacement	EA	\$ 7,500.00	2	\$ 15,000.00
6	Extra Manhole Footage	VF	\$ 450.00	12	\$ 5,400.00
7	Interior Corrosion Protection for New Manholes	VF	\$ 600.00	25	\$ 15,000.00
8	Corrosion Protection Testing	LS	\$ 500.00	1	\$ 500.00
9	Trench Safety	LF	\$ 10.00	380	\$ 3,800.00
10	Bypass	LS	\$ 8,500.00	1	\$ 8,500.00
11	4" Service Concrete Encasement	LS	\$ 8,500.00	1	\$ 8,500.00
12	Removal of Concrete Encasement As Needed	LF	\$ 100.00	40	\$ 4,000.00
13	Remove and Replace Rip Rap	CY	\$ 250.00	100	\$ 25,000.00
14	Temporary Fencing	LF	\$ 10.00	400	\$ 4,000.00
15	Post CCTV	LF	\$ 8.00	380	\$ 3,040.00
16	Dewatering	LS	\$ 5,500.00	1	\$ 5,500.00
17	Hydro Seeding	SY	\$ 9.50	1000	\$ 9,500.00
18	Connect to Existing w/o Manhole Removal	EA	\$ 2,500.00	2	\$ 5,000.00
19	Point Repair if Needed	LF	\$ 200.00	40	\$ 8,000.00
Total Cost					\$ 196,740.00

X Keegan Jonkers

Keegan Jonkers

500 W TRAMMEL AVE FORT WORTH, TEXAS 76140
T 817-293-1863



GRA-TEX UTILITIES, INC.
P.O. Box 1038
Keenedale, Texas 76060
PHONE: (817) 781-0234



PROPOSAL

Date: January 22,2024

To: Kennedale
Attn: Omar Cereceres

Bid Date: January 22,2024

RE: 400&436 N. Little Rd.

Please see attached quote for 400&436 N. Little Rd. We will pipe burst the collapsed line, Remove and Replace Manhole, Connect to existing manhole, Connect 4" service and concrete encase and Pre&Post TV line. We will need to bypass pump the line during construction.

Note: These prices are only good for 30 days from date of bid.

Rex Heflin
Gratex Utilities Inc.
817-781-0234
gratexestimate@gmail.com

Accepted Signature:

Date:

Kennedale Emergency Sewer Repair
North Little School Rd.

Item	Description	Quantity	Unit	Bid Unit	Total
1	Pipe Burst 12" Sewer	380	LF	222.75	84645
2	R&R 4' MH	2	EA	18900	37800
3	Encase 4" Service	1	LS	6075	6075
4	Bypass Pumping	1	LS	6750	6750
5	Trench Safety	380	LF	4.05	1539
6	Connect to Exsisting	1	EA	2025	2025
7	Pre & Post TV Insection	380	LF	10.8	4104
					142938

MEETING DATE: FEBRUARY 8, 2024

AGENDA ITEM NUMBER: EXECUTIVE SESSION ITEM V.A.

SUBJECT

PURSUANT TO §551.071 — Consultation with the City Attorney pertaining to any matter in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct may conflict with the Open Meetings Act, including discussion of any item posted on the agenda, legal issues regarding the Open Meetings Act.

ORIGINATED BY

SUMMARY

RECOMMENDATION

ATTACHMENTS

STAFF REPORT TO THE HONORABLE MAYOR AND CITY COUNCIL

MEETING DATE: FEBRUARY 8, 2024

AGENDA ITEM NUMBER: EXECUTIVE SESSION ITEM V.B.

SUBJECT

PURSUANT TO §551.072 — *Deliberation regarding the purchase, exchange, lease, or value of real property.*

ORIGINATED BY

SUMMARY

RECOMMENDATION

ATTACHMENTS

MEETING DATE: FEBRUARY 8, 2024

AGENDA ITEM NUMBER: EXECUTIVE SESSION ITEM V.C.

SUBJECT

PURSUANT TO §551.087 — (1) *Deliberation regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision.*

ORIGINATED BY

SUMMARY

RECOMMENDATION

ATTACHMENTS

STAFF REPORT TO THE HONORABLE MAYOR AND CITY COUNCIL

MEETING DATE: FEBRUARY 8, 2024

AGENDA ITEM NUMBER: EXECUTIVE SESSION ITEM V.D.

SUBJECT

PURSUANT TO §551.074 — *Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee.*

ORIGINATED BY

SUMMARY

RECOMMENDATION

ATTACHMENTS