



AGENDA CITY COUNCIL

FEBRUARY 25, 2025 @ 5:00 PM

Notice is hereby given that the City Council for the City of Parker will meet on Tuesday, February 25, 2025 at 5:00 PM at the Parker City Hall, 5700 E. Parker Road, Parker, Texas, 75002. The City Council meeting will be open to the public and live streamed.

Pursuant to Texas Government Code § 551.127, notice is given that it is the intent of the City Council that a quorum of the Council will be physically present for the above-referenced meeting at Parker City Hall, 5700 E. Parker Road, Parker, Texas. Some council members or City employees may participate in this meeting remotely by means of video conference call in compliance with state law.

CALL TO ORDER – Roll Call and Determination of a Quorum

WORKSHOP (5:00 - 6:00 PM)

1. PROPOSED PERSONNEL POLICY MANUAL

[Proposed Personnel Policy Manual](#)

ADJOURN

CALL TO ORDER – Roll Call and Determination of a Quorum

INDIVIDUAL CONSIDERATION ITEMS (1 of 2)

2. ADMINISTER OATH OF OFFICE TO NEWLY APPOINTED OFFICIAL.

MAYOR – COUNCILMEMBER

EXECUTIVE SESSION (6:05 - 7:00 PM) – Pursuant to the provision of Chapter 551, Texas Government Code the City Council may hold a closed meeting.

RECESS TO CLOSED EXECUTIVE SESSION IN ACCORDANCE WITH THE AUTHORITY CONTAINED IN:

Government Code Section 551.074 Personnel—To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

Government Code Section 551.071(1)—Consultation with City Attorney concerning Pending or Contemplated Litigation.

Government Code Section 551.071(2) – Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter (Open Meetings Act).

RECONVENE SPECIAL MEETING 7:00 PM.

ANY APPROPRIATE DELIBERATION AND/OR ACTION ON ANY OF THE EXECUTIVE SESSION SUBJECTS LISTED ABOVE.

PLEDGE OF ALLEGIANCE

AMERICAN PLEDGE: I pledge allegiance to the flag of the United States of America; and to the republic for which it stands, one nation under God, indivisible with liberty and justice for all.

TEXAS PLEDGE: Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.

PUBLIC COMMENTS – The City Council invites any person with business before the council to speak to the council. No formal action may be taken on these items at this meeting. please keep comments to 3 minutes.

ITEMS OF COMMUNITY INTEREST

3. NOISE COMMITTEE - MARCH 5, 2025, 2 PM

PARKS AND RECREATION COMMISSION (P&R) – WEDNESDAY, MARCH 12, 2025, 5 PM

THURSDAY, APRIL 3, 2025 - LAST DAY TO REGISTER TO VOTE FOR THE MAY 3, 2025, GENERAL ELECTION

2025 CANDIDATES NIGHT – THURSDAY, APRIL 17, 2025, 7 PM – VICTORY CHURCH – 6301 E. PARKER ROAD

NATIONAL PRESCRIPTION DRUG TAKE BACK - SATURDAY, APRIL 26, 2025, 10AM-2PM

GENERAL ELECTION

REMINDER – MAY 3, 2025 – GENERAL ELECTION (EV AND ED INFO)

Sunday (Domingo)	Monday (Lunes)	Tuesday (Martes)	Wednesday (Miércoles)	Thursday (Jueves)	Friday (Viernes)	Saturday (Sábado)
April 20 No Voting (20 de abril) (Sin votar)	April 21 No Voting (21 de abril) (Sin votar)	April 22 Early Voting (22 de abril) (Votación adelantada)	April 23 Early Voting (23 de abril) (Votación adelantada)	April 24 Early Voting (24 de abril) (Votación adelantada)	April 25 Early Voting (25 de abril) (Votación adelantada)	April 26 Early Voting (26 de abril) (Votación adelantada)
April 27 No Voting (27 de abril) (Sin votar)	April 28 Early Voting (28 de abril) (Votación adelantada)	April 29 Early Voting (29 de abril) (Votación adelantada)	April 30 (30 de abril)	May 1 (1 de mayo)	May 2 (2 de mayo)	May 3 Election Day (3 de mayo) (Día de elección)

CONSENT AGENDA - Routine Council business. Consent Agenda is approved by a single majority vote. Items may be removed for open discussion by a request from a Councilmember or member of staff.

4. APPROVAL OF MEETING MINUTES FOR FEBRUARY 4, 2025. [JOINT CC/P&Z COMP PLAN WORKSHOP AND REGULAR MEETING]
5. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2025-835, AUTHORIZING CONTINUED PARTICIPATION WITH THE ATMOS CITIES

STEERING COMMITTEE; AND AUTHORIZING THE PAYMENT OF FIVE CENTS PER CAPITA TO THE ATMOS CITIES STEERING COMMITTEE TO FUND REGULATORY AND RELATED ACTIVITIES RELATED TO ATMOS ENERGY CORPORATION.

INDIVIDUAL CONSIDERATION ITEMS (2 of 2)

6. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2025-833 APPOINTING THE 2024-2025 MAYOR PRO TEM. [REMAINDER OF MAYOR PRO TEM REED'S TERM - RES. NO. 2024-792]
7. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2025-834 ON UPDATING THE INVESTMENT COMMITTEE.
8. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2025-831 APPROVING AN AGREEMENT BETWEEN THE CITY OF PARKER AND BUCKINGHAM LOT VENTURE, LTD., AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND TAKE ALL ACTION NECESSARY TO COMPLY WITH THIS RESOLUTION; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE (BUCKINGHAM ESTATES).
9. CONSIDERATION AND/OR ANY APPROPRIATE ACTION, ACCEPTING THE 2024 RACIAL PROFILING REPORT AND THE 2024 PARKER PD ANNUAL REPORT.
10. DISCUSSION AND/OR CONSIDERATION REGARDING THE USE OF CITY RESOURCES TO REPAIR PORTIONS OF LEWIS LANE BETWEEN PARKER ROAD AND THE LEWIS LANE LIFT STATION.

ROUTINE ITEMS

11. UPDATE(S):

FM2551

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ)

PROJECTS IN PROGRESS

ENGINEERING REVIEW

NOISE COMMITTEE

CHAPARRAL INTERSECTION

POST OFFICE

ANY ADDITIONAL UPDATES

MONTHLY/QUARTERLY REPORTS

[January 2025 - Building Permit/Code Report](#)

[January 2025 – Court Report](#)

[January 2025 - Finance \(monthly financials\) Report](#)

[Investment 4th Qtr. Report 2024](#)

[Fire 4th Qtr. 2024 & 1st Qtr. \(Jan. – Feb.\) 2025 Report](#)

[January 2025 – Republic Services Inc., dba Allied Waste Services of Plano](#)

DONATION(S)

12. ACCEPTANCE OF DONATION(S) FOR POLICE, FIRE, AND CITY STAFF FOR THE RECORD (Each valued at between \$0 - \$1,000 [RES. NO. 2024-801])

American National Bank of Texas donated a 6-pack of cookies from Crumbl with a value of \$22.99 to City Staff.

Maryam Boroujerdi & Mohammad Massoudi donated 1 dozen Nothing Bundt Cakes Bundtinis valued at \$28 to City Staff.

FUTURE AGENDA ITEMS

13. FUTURE AGENDA ITEMS

ADJOURN

In addition to any specifically identified Executive Sessions, Council may convene into Executive Session at any point during the open meeting to discuss any item posted on this Agenda. The Open Meetings Act provides specific exceptions to the requirement that a meeting be open. Should Council elect to convene into Executive Session, those exceptions will be specifically identified and announced. Any subsequent action, as a result of this Executive Session, will be taken and recorded in open session.

I certify that this Notice of Meeting was posted on or before February 21, 2025, by 5:00 p.m. at the Parker City Hall, and required by Texas Open Meetings Act (TOMA) is also posted to the City of Parker Website at www.parkertexas.us

The Parker City Hall is Wheelchair accessible. Sign interpretations or other special assistance for disabled attendees must be requested 48 hours in advance by contacting the City Secretary's Office at 972 442 6811.

Date Notice Removed

Patti Scott Grey
City Secretary

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Council Agenda Item

Budget Account Code:	Meeting Date:	See above.
Budgeted Amount:	Department/ Requestor:	Council
Fund Balance-before expenditure:	Prepared by:	ACA/CS Scott Grey for Mayor Pettle
Estimated Cost:	Date Prepared:	February 12, 2025
Exhibits:	<u>Proposed Personnel Policy Manual</u>	

AGENDA SUBJECT

PROPOSED PERSONNEL POLICY MANUAL

SUMMARY

Please review information provided and be prepared to discuss.

POSSIBLE ACTION

City Council may approve, deny, or direct staff to take appropriate action.

Inter – Office Use

Approved by:	Enter Text Here		
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date:	02/13/2025
Interim City Attorney:	<i>Catherine Clifton</i>	Date:	02/14/2025 via Municode
Mayor	<i>Lee Pettle</i>	Date:	02/XX/2025

City of Parker

PERSONNEL POLICY MANUAL

PROPOSED

TABLE OF CONTENTS

Contents

TABLE OF CONTENTS	2
CHAPTER 1 – CITY POLICIES	5
Section 1.1 Introduction.....	5
Section 1.2 At-Will Employment.	5
Section 1.3 Equal Opportunity Employer.....	5
Section 1.4 Inappropriate Conduct and Prohibited Harassment.....	6
Section 1.5 Drug and Alcohol Use Policy / Testing	8
Section 1.6 Nepotism	13
Section 1.7 Conflict of Interest and Outside Employment	14
Section 1.8 Health/Medical Examinations / Fitness for Duty	15
Section 1.9 Americans with Disabilities Act	16
Section 1.10 Modified Duty Assignments	16
Section 1.11 Social Media	17
CHAPTER 2 – EMPLOYMENT	20
Section 2.1 Employee Applications	20
Section 2.2 Employee Classifications.....	20
Section 2.3 Selection Process.....	21
Section 2.4 Training and Evaluation Period	21
Section 2.5 Working Hours / Attendance.....	21
Section 2.6 Promotional Opportunities	21
Section 2.7 Transfers	21
Section 2.8 Voluntary Demotion	22
Section 2.9 Involuntary Demotion	22
Section 2.10 Temporary Assignments.....	22
Section 2.11 Layoffs – Reduction In Force	22
Section 2.12 Searches	233
Section 2.13 Telephone Contact	23
CHAPTER 3 – WORK PERFORMANCE	24
Section 3.1 Periodic Reviews	24
Section 3.2 Education and Training	24
Section 3.3	24

CHAPTER 4 – CONDUCT	24
Section 4.1 Commitment	25
Section 4.2 Personal Appearance	25
Section 4.3 Contact with the Public and the Media	26
Section 4.4 Electronic Communications and Systems Access Use	26
Section 4.5 Cell Phone Use in the Workplace	28
Section 4.6 City Property / Equipment Use	29
CHAPTER 5 DISCIPLINE, APPEALS, GRIEVANCES.....	32
Section 5.1 Discipline	32
Section 5.2 Grounds for Disciplinary Action	32
Section 5.3 Types of Disciplinary Action	36
Section 5.4 Disciplinary Procedures.....	37
Section 5.5 Appeals of Disciplinary Action	387
Section 5.6 Grievance Procedures.....	38
CHAPTER 6 PERSONNEL RECORDS	39
Section 6.1 Personnel Files and Records	39
CHAPTER 7 SAFETY	40
Section 7.1 Safe Working Conditions	40
Section 7.2 Driving Record Checks.....	40
CHAPTER 8 COMPENSATION	42
Section 8.1 Pay Days	42
Section 8.2 Overtime Pay.....	42
Section 8.3 Longevity Pay.....	42
Section 8.4 Final Pay Upon Separation.....	42
Section 8.5 Travel and Subsistence Allowance.....	42
Section 8.6 Attendance and Work Hours	44
Section 8.7 Clocking In & Clocking Out for Employees	45
Section 8.8 Breaks	46
CHAPTER 9 BENEFITS	47
Section 9.1 Holidays.....	47
Section 9.2 Vacation	47
Section 9.3 Sick Leave.....	477

Section 9.4 Emergency Leave	477
Section 9.5 Leave Donation	477
Section 9.6 Bereavement Leave	47
Section 9.7 Jury Duty Leave	49
Section 9.8 Military Leave	49
Section 9.9 Workers Compensation.....	50
Section 9.10 Unpaid Leave of Absence	52
Section 9.11 Group Medical Plan.....	52
Section 9.12 Group Life Insurance.....	52
Section 9.13 Long Term Disability.....	53
Section 9.14 Dental Insurance	53
Section 9.15 Texas Municipal Retirement System	Error! Bookmark not defined.
Section 9.16 Social Security.....	53
Section 9.17 Medicare.....	53
Section 9.18 Continuation of Group Medical Benefits	53
Section 9.19 Inclement Weather and Emergency Conditions	54
Section 9.20 Quarantine Leave.....	54
EMPLOYEE ACKNOWLEDGMENT FORM	56

CHAPTER 1 – CITY POLICIES

Section 1.1 **Introduction**

The purpose of the personnel policy manual is to promote understanding, cooperation, efficiency and unity, all of which come through the systematic application of established procedures in personnel management and administration; and to provide a uniform policy for all employees, with all the benefits such a program ensures. This manual is designed to acquaint all employees with the City and provide information about working conditions, employee benefits, and policies affecting employment. Employees should read, understand, and comply with all provisions of the manual. It describes many responsibilities as an employee and outlines the programs developed by the City to benefit employees. It is not intended to give specific guidelines for every conceivable personnel action; it does not replace in-person conversations with your supervisor. Because of the variety of services performed by the City, it may be necessary for individual departments to establish codes of conduct, rules and regulations, and policies and procedures to accomplish departmental responsibilities. An employee who violates a City or departmental code of conduct, rule, policy, or procedure is subject to disciplinary action.

The City reserves the authority to modify, revoke, interpret, or terminate any or all the rules and regulations specified in the personnel policy manual in whole or in part, at any time, with or without notice. The issuance of the personnel policy manual does not constitute an express or implied contract between the City of Parker and its employees. City supervisory personnel shall not make any representation to employees or applicants concerning the terms or conditions of employment with the City of Parker, which is not consistent with the personnel policy manual.

The Human Resources function may be performed by a designated City employee with a different title; all references to "Human Resources" or "Human Resources Manager" refer to the assigned employee and his or her designee.

Section 1.2 **At-Will Employment**

Employment with the City of Parker is on an at-will basis. Employment with the City is for no fixed or definite term. At-will employment means that both the employee and/or the City have the right to terminate employment at any time, with or without notice, and with or without cause. No agreement or promise regarding an employee's terms or conditions of employment is binding on the City unless such agreement is in writing, approved by the City Council, and signed by the Mayor. This personnel policy manual does not constitute a contract of employment. Nothing in this personnel policy manual is intended to alter the continuing at-will status of employment with the City.

Section 1.3 **Equal Opportunity Employer**

The City is an equal opportunity employer. Discrimination against any person in recruitment, examination, selection, appointment, rate of pay, promotion and transfer, retention, daily working conditions, training, awards, compensation and benefits, disciplinary measures or any other aspect of employment because of age, race, color, religion, sex, sexual

orientation, gender identity, national origin, disability, genetics, veteran's status or other unlawful basis, is prohibited.

Section 1.4 **Inappropriate Conduct and Prohibited Harassment**

All City employees are entitled to a workplace free of unlawful harassment and inappropriate conduct by management, supervisors, co-workers, citizens, and vendors. This means that each employee must be respectful of others and act professionally. City employees are also prohibited from engaging in inappropriate conduct and unlawful harassment of other employees, citizens, vendors, and all other third parties.

Unlawful Sexual Harassment

- All types of sexual harassment are prohibited. "Sexual harassment" means an unwelcome sexual advance, a request for a sexual favor, or any other verbal or physical conduct of a sexual nature if submission to the advance, request, or conduct is made, either explicitly or implicitly, a term or condition of an individual's employment; or
- submission to or rejection of the advance, request, or conduct by an individual is used as a basis for a decision affecting the individual's employment; or
- the advance, request, or conduct has the purpose or effect of unreasonably interfering with an individual's work performance; or
- the advance, request, or conduct has the purpose or effect of creating an intimidating, hostile, or offensive work environment.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Prohibited sexual harassment does not require sexual attraction or interest. This policy prohibits sexual advances and requests for sexual favors, sexual jokes and innuendo; comments about bodies, sexual prowess, sexual preferences, sexual experiences or sexual deficiencies; leering, whistling, or touching; verbal abuse of a sexual nature, including insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures, including nudity and pornography; and all inappropriate conduct of a sexual nature, whether it be physical, verbal or visual conduct.

It is an unlawful employment practice if sexual harassment of an employee occurs and the City's management or a supervisor (1) knows or should have known that the sexually harassing conduct was occurring; and (2) fails to take immediate and appropriate corrective action.

Inappropriate Conduct and Other Prohibited Harassment

In addition to the State law prohibiting sexual harassment, harassment on the basis of any other legally protected characteristic is also strictly prohibited. This means that verbal or physical conduct that singles out, denigrates, or shows hostility or aversion toward someone because of race, religion, color, national origin, age, disability, genetics, veteran status, sexual orientation, gender, gender identity, citizenship, or any other characteristic protected by law is also prohibited.

Prohibited conduct includes, but is not limited to, epithets, slurs and negative stereotyping;

threatening, intimidating, or hostile conduct; denigrating jokes and comments; and writings or pictures, that single out, denigrate, or show hostility or aversion toward someone on the basis of a protected characteristic.

Conduct, comments, or innuendoes that may be perceived by others as offensive are inappropriate and are strictly prohibited. This policy also prohibits sending, showing, sharing, or distributing in any form, inappropriate jokes, pictures, comics, stories, etc., including but not limited to via facsimile, e-mail, cell phone or other electronic devices, social media, and/or the Internet, such as YouTube and Facebook. Harassment of any nature, when based on race, religion, color, sex, sexual orientation, gender identity, national origin, age or disability, genetics, veteran status, citizenship or any other characteristic protected by law is prohibited and will not be tolerated.

This policy applies to City employees, citizens, vendors, and other visitors to the workplace, and applies to social events, off-duty, retreats and travel situations as well.

Mandatory Reporting

The City requires that employees report all perceived incidents of harassment or inappropriate conduct, regardless of the offender's identity or position.

Any employee who observes or otherwise learns of possible harassment in the workplace or who feels that harassment has occurred or has been subjected to conduct prohibited by this policy must report it immediately to:

- the Department Head
- the City Administrator or
- Human Resources

Any supervisor, manager, or department head who becomes aware of possible conduct prohibited by this policy must immediately advise the department head and/or the City Administrator.

Under this policy, an employee may report to and/or contact the City Administrator, without regard to the employee's normal chain of command:

Voice messages or e-mails may be left at any time.

Investigation

All reports of prohibited conduct will be investigated promptly and in as confidential a manner as possible. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have other relevant knowledge. All employees are required to cooperate with City investigations and to maintain confidentiality.

Retaliation Prohibited

Retaliation against employees who make a good faith charge or report of prohibited conduct or who assist in a complaint investigation is prohibited. Acts of retaliation must be reported immediately as set out above.

Responsive Action

The City will take immediate and appropriate action upon receipt of a sexual harassment complaint.

Misconduct constituting harassment or retaliation will be dealt with appropriately. Discipline, up to and including dismissal, will be imposed upon any employee who is found to have engaged in conduct prohibited by this policy. Likewise, disciplinary action will be imposed in situations where claims of prohibited conduct were untruthful, fabricated or exaggerated or when employees are untruthful during an investigation.

Section 1.5 **Drug and Alcohol Use Policy/Testing**

It is the desire of the City to provide a drug-free, healthful, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory and safe manner.

Prohibition Against Alcohol and Illegal and Unauthorized Drugs

While on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment, no employee may use, possess, distribute, sell, or have a detectable amount of alcohol in his/her system (.02) (except under the limited circumstances described below), inhalants, illegal drugs, including drugs which are legally obtainable but which were not legally obtained, and prescribed or over-the-counter drugs which are not being used as prescribed or as intended by the manufacturer.

The use of alcohol by a City employee during a business lunch is prohibited even though the person with whom the employee is having lunch may be consuming alcohol. Further, an employee on duty or conducting City business, including City-related business entertainment, may not drive his or her own personal vehicle while under the influence of alcohol. No employee in his or her work-related capacity should ever be impaired because of the use of alcohol. City employees may not bring alcoholic beverages on City premises, including parking lots adjacent to City work areas, and may not store or transport alcohol in a City-owned or leased vehicle.

Prohibition Against Illegal and Unauthorized Drug-Related Paraphernalia

This policy also prohibits the use, possession, distribution and sale of drug-related paraphernalia while on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment.

Drug-related paraphernalia includes material and/or equipment designed for use in testing, packaging, storing, injecting, ingesting, inhaling or otherwise introducing illegal or unauthorized drugs into the body.

Permissive Use of Prescribed and Over-The-Counter Drugs

The legal use of prescribed and over-the-counter drugs is permitted while on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment only if it does not impair an employee's ability to perform the essential functions of the job (or operate the vehicle, property or other equipment) effectively and in a safe manner that does not endanger the employee, citizens or other individuals in the workplace. Examples of impairment include, but are not limited to, drowsiness, dizziness, confusion, or feeling shaky.

Police Department Employees

Certain City Police Department employees may be required to be in possession of alcohol and/or drugs in carrying out their job duties. Such employees will be exempt from certain portions of this policy under certain limited conditions. Additional guidelines may be established by Police Department operating procedures.

Mandatory Disclosure by Employees

Employees taking prescription medication and/or over-the-counter medication must report such use to either their Department Head or to the City Administrator if there is a reasonable likelihood the medication will impair the employee's ability to perform the essential functions of his or her job (or operate a vehicle, property or other equipment, if applicable) effectively and in a safe manner that does not endanger the employee, citizens or other individuals in the workplace. Examples of impairment include, but are not limited to, slurred speech, drowsiness, dizziness, confusion, or feeling shaky.

Employees Who Are Called Out

Employees who are aware they are subject to being called out are expected to be fit for duty upon reporting to work.

Any employee who is called out is governed by this policy. If a situation occurs where the employee called out has a detectable amount of alcohol in his/her system (.02) or has a presence in the system of drugs, such that reporting to work would result in a violation of this policy, the employee must so advise the appropriate supervisor on duty. The employee will not be required to report to work.

Mandatory Reporting of Arrests and Convictions

Employees must notify their immediate supervisor and the department head, in writing, of any alcohol or drug-related arrest and/or convictions (including a plea of *nolo contendere*) or deferred adjudication, for a violation occurring off duty and/or in the workplace no later than twenty-four (24) hours after the arrest and/or conviction.

Off-Duty Conduct

The City may take disciplinary action, up to and including termination of employment, if an employee's off-duty use of or involvement with drugs or alcohol is damaging to the City's reputation or business, is inconsistent with the employee's job duties, or when such off-duty use or involvement adversely affects the employee's job performance.

Any employee reporting to work under the influence of illegal drugs or with a detectable amount of alcohol (.02 bac or higher) may be disciplined, up to and including termination.

Rehabilitation/Treatment

1. It is the City's desire to assist employees who voluntarily request assistance with alcohol or drug dependency. For City support and assistance, however, an employee must acknowledge the problem and seek and accept counseling and/or rehabilitation before it impairs job performance and/or jeopardizes the employee's employment.
2. Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take a leave of

absence to participate in a rehabilitation or treatment program. An employee may not enroll in a rehabilitation or treatment program in lieu of disciplinary action. The leave of absence may be granted in the City's sole discretion. Factors considered by the City in deciding whether to grant leave include: the length of the employee's employment with the City; the employee's prior work and disciplinary history; the employee's agreement to abstain from the use of the problem substance and follow all other requirements of the rehabilitation/treatment program; the reputation of the program and the likelihood of a successful outcome; the employee's compliance with City policies, rules, and prohibitions relating to conduct in the workplace; and the resulting hardship on the City due to the employee's absence. Unless otherwise required by law, it is the City's policy to grant such a leave of absence only once during the course of an employee's employment with the City.

3. The employee is responsible for all costs associated with any rehabilitation or treatment program. The cost of any rehabilitation or treatment may be partially covered under the City's group health insurance policy.
4. During time off for a City-approved rehabilitation or treatment program, the employee must use any available Vacation leave or Sick leave.
5. If the employee successfully completes the prescribed rehabilitation or treatment, the City will make reasonable efforts to return the employee to the prior position or one of similar pay and status. However, employment with the City following a City approved leave for rehabilitation or treatment is conditioned on the following:
 - Initial negative test for drugs and/or alcohol before returning to work;
 - A written release to return to work from the City-approved rehabilitation or treatment facility/program;
 - Periodic and timely confirmation of the employee's on-going cooperation and successful participation in any follow-up or ongoing counseling, testing, or other treatment required in connection with the City-approved rehabilitation or treatment program, if applicable;
6. In addition to any testing required in connection with the employee's ongoing treatment or follow-up to treatment, all employees who participate in rehabilitation or treatment under this section will also be required to submit to periodic and/or random testing by the City during the two years following the employee's return to work following treatment; and
7. The employee must sign a formal written agreement to abide by the above conditions, as well as any other conditions deemed appropriate by the City Administrator. The employee must meet with the City Administrator to discuss the terms of continued employment and sign a formal agreement before returning to work.

Policy Violations

Violations of this policy will generally lead to disciplinary action, up to and including immediate termination of employment and/or required participation in a substance abuse rehabilitation or treatment program. The Police Department may have stricter disciplinary rules regarding violation of this policy. Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with their

supervisor or the City Administrator to receive assistance or referrals to appropriate resources in the community.

TESTING

Types of Tests

Testing may include one or more of the following: urinalysis, hair testing, breathalyzer, Intoxilyzer, blood, or other generally accepted testing procedure.

Testing of Applicants

All applicants to whom a conditional offer of employment has been made will be required to submit to testing for illegal and unauthorized drugs.

A positive test result, refusal to test, or attempts to alter or tamper with a sample or any other part of the test, will render the applicant ineligible for consideration of employment or future employment with the City.

Testing of Employees

1. Employees will be tested for alcohol and/or illegal and unauthorized drugs after a workplace injury or accident or "near miss," when reasonable suspicion exists, or in connection with any required treatment or rehabilitation.
2. The City may conduct random testing on employees holding safety sensitive positions in the police department, fire department, and public works departments.
3. Police Department employees are also subject to any applicable departmental rules and regulations regarding illegal and unauthorized drug and alcohol testing.
4. For purposes of this policy, reasonable suspicion is a belief based on articulable observations (e.g., observation of alcohol or drug use, apparent physical state of impairment, incoherent mental state, changes in personal behavior that are otherwise unexplainable, deteriorating work performance that is not attributable to other factors, a work-related accident or injury, evidence of possession of substances or objects which appear to be illegal or unauthorized drugs or drug paraphernalia, or credible reports of drug use even if anonymously provided) sufficient to lead a supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol.
5. Supervisors who refer an employee for reasonable suspicion testing must document the specific factors that support reasonable suspicion testing (e.g., the who, what, when, where of the employee's behavior and other symptoms, statements from other employees or third parties, and other evidence supporting the reasonable suspicion testing).
6. Tests will be paid for by the City. To the extent possible, testing will normally be done during the employee's normal work time.
7. Any employee who refuses to be tested, or who attempts to alter or tamper with a sample or any other part of the testing process, will be subject to disciplinary action up to and including termination.

8. A positive test result is a violation of the City's Drug and Alcohol Use Policy and will result in disciplinary action up to and including termination of employment. Any employee who is terminated for violation of the City's Drug and Alcohol Use Policy is ineligible for future employment with the City.
9. The City has additional obligations when testing for controlled substances and alcohol for those employees regulated by the U.S. Department of Transportation. Please see the City's Drug and Alcohol Policy for DOT Employees (below) for additional information.

Testing Procedures

1. All testing must normally be authorized in advance by both the employee's department head and the Human Resources Manager. If the department head is unavailable within a reasonable period of time, the Human Resources Manager, with sole discretion, authorize the testing of an employee. If the Human Resources Manager is unavailable within a reasonable period of time, the department head or Human Resources Manager may, with sole discretion, authorize the testing of an employee. For reasonable suspicion testing, testing may not be authorized without the supervisor's documentation of the articulable factors which led the supervisor to suspect that the employee is has any detectable amount of alcohol or illegal/unauthorized drugs. Testing should be arranged as soon as possible after the supervisor's articulable observations and no later than 4 hours after the articulated observations.
2. If an employee is involved in workplace accident, injury or "near miss," or reasonable suspicion exists to believe that the employee has violated the City's Drug and Alcohol Use Policy, the employee will be provided with transportation to the testing facility. A supervisor or other designated City representative may be required to stay with the employee during the testing process. The City may, in its discretion, reassign the employee or put the employee on administrative leave until the test results are received. The City will make arrangements to have the employee transported home after the testing.
3. All substance abuse testing will be performed by an approved laboratory or healthcare provider chosen by the City. All positive test results will be subject to confirmation testing.
4. Test results will be maintained in a confidential file separate and apart from the employee's personnel file. Any medical-related information will be confidential and accessible only by the City Administrator and Human Resources; supervisors on a need to know basis, including those who have a need to know about necessary restrictions on the work or duties of an employee and any necessary accommodation; first aid and safety personnel when appropriate; government officials; insurance companies as may be necessary to provide health or life insurance to employees; by court order or as otherwise legally mandated; and as necessary to protect the interests of the City.

DRUG AND ALCOHOL POLICY FOR DOT EMPLOYEES

Employees/Applicants Subject to Testing

The City complies with the U.S. Department of Transportation's (DOT) physical mandated by the Federal Motor Carrier Safety Administration (FMCSA) applicable to employees in positions requiring a Commercial Driver's License (CDL). A DOT physical helps determine if a driver is physically, mentally, and emotionally fit to operate a CMV. For your safety and the public's safety, FMCSA requires all CDL holders to complete and pass a DOT physical to maintain a valid commercial driver's license.

Covered drivers must also comply with DOT drug testing and alcohol testing procedures.

Questions

Anyone with questions regarding this policy should contact the Human Resources Manager.

Section 1.6 Nepotism **(Employment of Relatives)**

This policy is designed to prevent conflicts of interest and perceptions of biased conduct and to maintain the confidentiality of restricted information.

Hiring & Employment of Relatives. The City will not hire a relative of a current employee without the express written authorization of the City Administrator. Continuing employment of employees who become relatives after they are hired is subject to the following:

- No employee may supervise, review, or process the work of a relative;
- The employees' relationship must not create an actual or potential conflict of interest;
- There can be no interdependence or relationship between jobs that might be potentially detrimental to the City;
- Relatives cannot work in the same Department; Department Heads cannot have a relative in their own or in another Department.

Mayor, Council Members, and City Administrator.

- Relatives of the Mayor may not work for the City.
- Relatives of City Council members may not work for the City.
- Relatives of the City Administrator may not work for the City.

Employee Dating. Department Heads are prohibited from dating another City employee. Other supervisors are prohibited from dating anyone in their own Department and are discouraged from dating employees in other Departments, especially if the relationship (or dissolution of the relationship) might reasonably create a disruption to the work environment, create a conflict of interest or the appearance of a conflict of interest, or lead to charges of favoritism, discrimination, or sexual harassment.

If a dating relationship is permitted under this policy, repeatedly asking out someone who is not interested is still a violation of this policy. For purposes of this policy "dating" includes both serious and casual dating and other conduct associated with romantic or sexual relationships. Anyone with questions as to whether an existing or potential relationship is prohibited by this policy is directed to discuss it with their Director, Human Resources, and/or the City Administrator's Office.

Required Disclosures.

- **Job Applicants.** Job applicants, both internal and external, must disclose during the hiring process if they are related to or are dating the Mayor, a Council Member, or a current City employee.
- **Current Employees.** Employees are required to notify the Human Resource department of the following:
 - **Relatives Seeking Employment.** Employees who know that a relative is or has applied for employment with the City must immediately notify Human Resources.
 - **Impending Relationships.** The City recognizes that future situations may arise where employees who were not relatives or who were not dating when hired may subsequently become related to or consider dating another City employee. If a romantic relationship, engagement, marriage, reorganization, or other situation will result in a violation of this policy, affected employees must immediately inform the appropriate Department Head and Human Resources.
- **Supervisors.** Supervisors must immediately disclose to the Human Resource department any known or suspected violations of this policy, as well as any impending relationships that will or may be in violation. Human Resources will work with Department Heads and the City Administrator to determine if this policy is or will be violated and coordinate any further action.

Application. This policy applies to all employees. Relationships that violate this policy will, unfortunately, result in the termination of one or both employees if a transfer or other resolution is not workable.

Definition of Relative. The definition of a “relative” is applied broadly and includes an employee’s:

- Mother, father, daughter, son, sister and brother;
- Stepparent, stepchild, and stepsibling;
- Aunt, uncle, niece, nephew, grandparent, and grandchild;
- Great-grandparent and great-grandchild;
- Spouse and the spouse’s mother/father, brother/sister, son/daughter, aunt/uncle, niece/nephew, grandparent, grandchild, great-grandparent and great-grandchild;
- Former spouse, fiancé, “significant other,” and members of the same household.

Section 1.7 Conflict of Interest and Outside Employment

It is the policy of the City of Parker to establish that no officer or employee shall give occasion for distrust of integrity, impartiality, or devotion to the best interests of the City and the public trust held by such persons.

No officer or employee shall use or attempt to use his official position to secure special advantage, privilege or exemption for him or herself or others.

To guard against a potential conflict of interest, no employee of the City of Parker may engage in any outside employment or self-employment without first securing approval, in writing, from his or her Department Head and approved by the City Administrator.

Section 1.8

Health/Medical Examinations/Fitness for Duty

The City endeavors to provide a safe work environment for all employees. It is the responsibility of each employee to maintain the standards of physical and mental health and fitness required for performing the essential functions of the position, either with or without reasonable accommodation.

Serious Health Condition/Disabilities

The City recognizes that employees with a potentially life-threatening and/or infectious illness or physical and/or mental disabilities may wish to continue to engage in as many of their normal pursuits as their condition allows, including their employment.

As long as these employees are able to perform the essential functions of their job, with or without a reasonable accommodation, without creating an undue hardship on other employees, and medical evidence indicates that their condition is not a direct threat to themselves or others, the City will treat them consistently with other employees.

Medical Exams for Current Employees

The City Administrator, or an employee's department head (with the prior written approval of the City Administrator) may require a current employee to undergo a medical and/or psychological examination to determine fitness for continued employment, as may be necessary in order for the City to provide a reasonable accommodation; following an injury or accident; and as otherwise permitted in accordance with applicable laws. Any requested medical examinations of employees will be job-related and consistent with business necessity.

Medical Information from an Employee's Doctor

Under certain circumstances, the City Administrator may require employees to provide medical information from their healthcare provider. In such cases, employees are to inform their health care provider not to provide any genetic information when responding to such request.

Genetic Information

In accordance with the Genetic Information Nondiscrimination Act (GINA), the City will neither request nor require genetic information of an employee or his/her family member, except as specifically allowed by GINA. To comply with GINA, employees are directed not to provide any genetic information when responding to any City request for medical information.

"Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or embryo lawfully held by an individual or family member receiving assistive reproductive services.

Medical Records

Medical records and sensitive information regarding an employee's health will be kept confidential as required by law. Limited information may be provided to supervisors and

managers, first aid and safety personnel, government officials, Texas Workers' Compensation Commission, and as necessary for insurance and other business-related purposes.

Return to Work/Fitness for Duty

Before returning to work following a medical and/or psychological examination under this policy, the employee must coordinate his/her return through the City Administrator. An employee who misses work due to medical reasons may be required to provide a fitness-for-duty certification before returning to work.

Time Off from Work

Time away from work undergoing a City mandated fitness for duty examination will normally be coded to paid administrative leave but may be retroactively changed to Sick or Vacation leave as circumstances warrant.

Section 1.9 **Americans with Disabilities Act**

To ensure compliance with the Americans with Disabilities Act and Americans with Disabilities Act as Amended (ADAAA), the City offers equal employment opportunity to qualified individuals and strictly prohibits discrimination against qualified individuals on the basis of disability.

The City will provide reasonable accommodation to the known physical or mental impairments of an otherwise qualified individual with a disability if such reasonable accommodation will enable the individual to perform the essential functions of the position at issue. The City's obligation under this policy is limited to providing reasonable accommodations that will not result in undue hardship to the City.

Any employee seeking reasonable accommodation for a disability that affects the employee's ability to perform the essential functions of the position shall make a written request to the City Administrator.

Employees who have a complaint involving potential violations of the Americans with Disabilities Act or ADAAA, including but not limited to harassment, discrimination, or failure to provide a reasonable accommodation, must immediately contact the immediate Supervisor, Department Head, or the City Administrator.

Section 1.10 **Modified Duty Assignments**

The City may modify duty assignments available to ill or injured employees who are unable to perform their regular job duties. The decision to offer an employee a modified duty assignment is made in the City's sole discretion.

A modified duty assignment may be in the employee's own or another department in the City. Factors considered by the City in making its decision include but are not limited to: the nature of the employee's illness or injury; the medical release provided in support of modified duty; the risk that a modified duty assignment may result in aggravation of the employee's injury or illness; the type of modified duty work available; the length of the employee's

employment with the City; the employee's performance and disciplinary history in making modified duty assignments.

Employees who are released for and given a modified duty assignment may not perform work duties in violation of their medical release. An employee who violates the terms of the medical release while on a modified duty assignment may lose the modified duty assignment and, in addition, may be disciplined up to and including termination of employment.

Modified duty will not normally extend beyond thirty (30) calendar days without an evaluation by the employee's treating physician and a recommendation from the department head to the City Administrator. Only the City Administrator may approve an extension of a modified duty assignment.

Employees still unable to return to regular duty within the time limit established for modified duty must re-qualify for modified duty through evaluation by the treating physician or revert to workers' compensation indemnity payment or accumulated leave benefits, if available.

An employee who is released for and offered modified duty by the City, but who elects not to accept such an assignment, will be ineligible for leave benefits under City policy and salary continuation benefits under workers' compensation, but may still be granted unpaid leave.

An employee's salary during any modified duty assignment shall be at the same rate as the salary received prior to the injury. This policy will be enforced consistent with the City's obligations under the ADA/ADAAA.

Section 1.11 **Social Media Policy**

An employee's use of social media, both on and off duty, must not interfere with or conflict with the employee's duties or job performance, reflect negatively on the City or violate any City policy. The intent of these standards is to regulate the creation and distribution of information concerning the City, its employees, and citizens through electronic media, including, but not limited to online forums, instant messaging and internet social media and blogging sites. This policy is designed to protect the City's reputation and ensure that an employee's communications not only reflect positively on the employee as an individual, but also on the City.

The term "social media" encompasses Twitter, Facebook, Snapchat, TikTok, LinkedIn, Instagram, Threads, blogs, and other online journals and diaries; bulletin boards and chat rooms, microblogging and all other social networking sites, instant messaging and the posting of video on YouTube and similar media.

Use of City's Internet

Use of the City's Internet is a privilege and City employees must responsibly and ethically use it. The City may monitor an employee's access, use, and postings to the City's Internet to ensure compliance with internal policies, support the performance of internal investigations, assist management of information systems, and for all other lawful purposes. Employees have no expectation of privacy when using the City's internet.

The City expects all employees to follow the Guidelines below when posting information on

the City's Social media sites.

Other City Policies

This policy should be read and interpreted in conjunction with other City policies, including but not limited to, policies prohibiting harassment, discrimination, offensive conduct or inappropriate behavior. Violations of the Social Media Policy may lead to disciplinary action. The City provides an effective system for employee complaints through the "General Complaint and Grievance" policy without resorting to social media.

Employee Guidelines: Use of City's Social Media on Work Time

Any blogging or posting of information on the Internet or other City social media sites must comply with the City's guidelines, regardless of where the blogging or posting is done.

- Blogging, or posting information of a personal nature on the Internet or other City social media sites is prohibited during work hours. Employees are not permitted to engage in social networking of a personal nature while using any of the City's electronic social media sites.
- Employees must obtain written authorization from the City Administrator to update or post on social media sites on behalf of the City and all content must be approved prior to posting.
- All the employee's time spent updating or posting on City social media sites as part of the employee's job duties is compensable time that must be reported and counted in the calculation of overtime.
- No use of social media on work time and on City equipment on City networks is considered private or confidential, even if password protected or otherwise restricted. The City reserves the right to access, intercept, monitor and review all information accessed, posted, sent, stored, printed or received through its communication systems or equipment at any time.
- Never disclose any confidential information concerning another employee of the City in a blog or other posting to the Internet. Posting confidential information may violate state law and subject the user to criminal penalty. All requests for City documents must be processed through the Public Information Act.
- Employees must abide by all federal and state law and policies of the City regarding information sent through the City's Internet.
- Individual supervisors do not have the authority to make exceptions to these guidelines.

Employee Guidelines: Use of Personal Social Media While not on Work Time

The City recognizes that many City employees utilize social media when not at work. The City requires that employees be aware of guidelines regarding posting of work-related information on personal social media sites, and they are listed below.

- If the employee's social networking includes any information related to the City, the employee must make it clear to the readers that the views expressed are the employee's alone and not reflective of the views of the City.
- Employees are encouraged to act responsibly on and off duty, and to exercise good judgment when using social media. Recognize that postings on your social media site, even if done off premises and while off duty, could have an adverse effect on the City's legitimate business interests.

- Respect coworkers and the City. Do not put anything on your personal social media site that may defame, embarrass, insult, demean or damage the reputation of the City or any of its employees.
- Do not put anything on your personal social media site that may constitute violation(s) of the City's Inappropriate Conduct and Prohibited Harassment policy.
- Do not post any pornographic pictures of any type that could identify you as an employee of the City. Be mindful that the City's harassment policy covers both work and non-work time, including postings on social media sites.
- Do not post pictures of yourself or others on your personal social media site containing images of City uniforms or insignia, City logos, City equipment or City work sites.
- Do not post information on your personal social media site that could adversely impact the City and/or an employee of the City.
- Do not permit or fail to remove postings violating this policy, even when placed by others on your social media site.

PROPOSED

CHAPTER 2 – EMPLOYMENT

Section 2.1 **Employee Applications**

The City relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the City's exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

Section 2.2 **Employee Classifications**

Exempt Employees

Salaried executive, administrative, and/or professional employees earning \$684 per week or more and who meet all of the exempt requirements of the FLSA are exempt under FLSA and are not eligible for overtime pay. Exempt employees usually work in excess of forty hours per week. Due to the nature of exempt work, exempt employees may work irregular, incidental, casual or discretionary hours beyond their normal work schedule. Such hours are an integral part of the job. The job description should inform employees whether their position is exempt.

However, exempt personnel may be allowed to flex time at the discretion of the City Administrator if the employee worked over the required eighty (80) hours during a pay period. Exempt personnel wishing to flex time off are expected to obtain approval in advance from the City Administrator. Exempt employees will not be paid for any additional hours worked upon separation.

Non-Exempt Employees

Non-Exempt employees are paid on an hourly basis and are eligible to receive overtime pay for overtime hours worked.

Full Time Employees

Full-time employees are those persons employed to work a regular full schedule. Each full-time employee is eligible for all benefits provided by the benefits plan currently in effect, subject to any waiting periods defined in specific plans.

Part Time Employees

Part-time employees generally work fewer than 18 hours per week and are paid on an hourly basis. Part-time employees do not participate in or receive employee benefits.

Seasonal Employees

Employees may be hired on a seasonal basis and are paid on an hourly basis. Seasonal employees do not participate in or receive benefits.

Section 2.3 **Selection Process**

The Department Head shall determine the most appropriate means of selecting applicants using job requirements to identify the best qualified and best suited applicant(s). Reference checks, interviews, assessment centers, medical examinations, performance tests, written tests, and other selection methods may be used.

Applicants shall be required to provide any information and undergo any examinations necessary to demonstrate compliance with prescribed requirements for the position(s) involved.

Section 2.4 **Training and Evaluation Period**

All regular employees shall be placed in a training and evaluation capacity for a period of three (3) months, with the exception of police personnel, who shall be placed in a training and evaluation capacity for a period of twelve (12) months. This training and evaluation period will be utilized for closely observing the employee's work; for securing the most effective adjustment for a new employee to the position; and for dismissing any employee whose performance does not meet the required work standards. During this training and evaluation period, employees have no opportunity to appeal their termination.

Section 2.5 **Working Hours/Attendance**

City Administration office hours are from 8:00 a.m. until 5:00 p.m. Monday-Friday. Scheduled working hours, lunch and rest breaks are established for each department employee by their respective department head. This schedule may change from time-to-time depending on the needs of the City of Parker. City offices are closed on Saturday and Sunday. Regular and reliable attendance is expected for all employees.

Section 2.6 **Promotional Opportunities**

Employees interested in promotional opportunities must apply through the Administration Department when opportunities are officially posted. The hiring supervisor will be allowed to review the employee's personnel file.

The City of Parker reserves the right to select individuals that it deems best suited for positions consistent with equal opportunity laws and fairness.

Section 2.7 **Transfers**

A transfer is the assignment of an employee in one position to another position at the same rate of pay. As with any other job opportunity, employees interested in a transfer must apply through the Administration Department when such an opportunity is officially posted. (This does not include internal transfers within a specific rank or classification within a department.) The hiring supervisor will be allowed to review the employee's personnel file.

A transfer does not affect the current rate of pay.

There will likely be no objection to capable employees transferring between departments provided the following conditions are met:

- Both department heads are aware of it and agreeable **before** contact is made with the employee.
- That the employee is the best available person to fill the job that is open.
- That the employee is qualified to handle the new job and it will not create undue hardship in the department that the employee is leaving.

Section 2.8 **Voluntary Demotion**

Voluntary demotions occur whenever employees apply for and accept a position at a lower pay rate. Prior to accepting the job offer, the Department Head and the City Administrator will decide the pay rate for the demotion, but it must be within the pay range of the lower job classification.

Section 2.9 **Involuntary Demotion**

An involuntary demotion occurs whenever a Department Head makes an administrative decision to permanently reassign an employee to a lower pay rate or reduced responsibilities. Compensation for an employee involuntarily demoted will be determined on a case-by-case basis by the Department Head and City Administrator depending on the circumstances of the demotion.

Section 2.10 **Temporary Assignments**

An employee may temporarily be paid at a higher base rate of pay if he or she performs all the duties of a higher job classification for a prescribed period of time. A temporary assignment to a higher job classification does not constitute a promotion and shall not be used to circumvent normal selection procedures. The employee involved shall not acquire any status or rights in the class to which temporarily assigned.

The City of Parker reserves the right to assign higher-level duties to an employee without additional compensation. Additional compensation for temporary assignments or acting duty shall be paid only if officially authorized by the Department Head and City Administrator.

Section 2.11 **Layoffs – Reduction in Force**

An employee may have his/her employment terminated due to the elimination of budgeted positions by the City Council. This is a non-disciplinary termination and is not subject to appeal.

Section 2.12 **Searches**

The City may conduct unannounced searches or inspections of the work site, including but not limited to City property used by employees such as lockers, file cabinets, desks, and offices, computer and electronic files, social media sites, cell phones, text messages, whether secured, unsecured or secured by a lock or password provided by the employee. No supervisor has the authority to deviate from City policy. If reasonable suspicion exists, the City may also conduct unannounced searches or inspections of the employee's personal property located on City premises, including vehicles parked on City parking lots.

All searches must be authorized and conducted under the direction of the City Administrator. Employees who refuse to cooperate with a search may be subject to disciplinary action up to and including termination.

Section 2.13 **Telephone Contact**

All supervisory personnel and service personnel must have a telephone number at which they can be reached during off-duty hours. This can be a cell phone or a land line telephone.

- No reimbursement shall be made to the employee for the City's use of such employee's private telephone to contact the employee regarding work-related matters.
- All employees must immediately notify supervision of any change in phone number(s), and provide a phone number for a secondary contact, i.e., spouse, parent.

CHAPTER 3 – WORK PERFORMANCE

Section 3.1 **Periodic Reviews**

It is a goal of the City to establish a uniform and equitable plan of evaluation and compensation based upon the relative duties and responsibilities of positions within the City and to reward meritorious service.

Newly hired employees will experience an intense period of job orientation for the first several months of employment. New employees will be evaluated on job performance as often as necessary. Employees will be evaluated three months after hire, and Police Officers will be evaluated 12 months after hire; all employees will be evaluated annually thereafter.

Periodic reviews may be performed when an employee's performance does not meet expectations or in any other event that the supervisor determines a performance review is needed.

If an employee believes he/she has received an unfair or incorrect performance evaluation, it should first be discussed with the Department Head during the initial evaluation interview. Written comments on the evaluation form are allowed, or they may be attached to the form, regarding why the employee contends the evaluation is unfair or incorrect. Written comments shall become part of the personnel file. Signing an evaluation does not indicate agreement with the review, only that it has been received.

Section 3.2 **Education and Training**

All employees shall have the knowledge and expertise to do their job. Employees will have the minimum educational standard required for their position. In addition, the City of Parker will work to provide the following:

- On the job training - Each employee will receive training on procedures, policy, and equipment from their supervisor and other employees in similar positions.
- Government required education and registration – All employees so required will achieve and maintain their own educational and registration requirements.
- Additional training and education – From time to time, additional training and education will be required to enhance job performance, knowledge, skills and ability.

Section 3.3 **Memberships in Organizations and Associations**

The City of Parker may pay for memberships in organizations and associations whose objectives and purposes are directly related to the objectives and purposes of the City. Each Department Head will be responsible for approving payment for membership in the organization.

CHAPTER 4 CONDUCT

Section 4.1 **Commitment**

The City of Parker expects each employee to provide quality public services by meeting high standards of job performance and conduct and by following established policies, procedures, rules, regulations, and practices. For this reason, all employees are to be treated as responsible adults in the employment relationship. Employees are expected to meet the City of Parker's performance standards and perform his/her job in an efficient and safe manner. Supervisors will provide a written job description and performance expectations. Employees are expected to hold a high level of commitment to the City of Parker organization. This commitment should be shown through cooperation, good work habits, and high standards of efficiency, economy, and accountability in the public service.

Section 4.2 **Personal Appearance**

All employees, regardless of work location and degree of public contact, are expected to maintain a good personal appearance and an acceptable standard of cleanliness and personal hygiene at all times.

While it is not the City's intention to dictate the personal wardrobe of employees, the appearance and dress of employees are important in creating a favorable image supportive of public confidence. In general, dress and grooming which management might consider faddish, extreme, slovenly, or overly casual should be avoided. The following guidelines should prove helpful:

1. Appearance of all employees should be businesslike and within the limits of common sense and acceptable community standards. Employees should wear clothing that is neat, clean, professional, attractive and suitable for business, except when fieldwork is required. Very casual clothing and evening wear are not appropriate.
2. Those employees who are issued uniforms are expected to wear them and present a neat and clean appearance. Identification badges should be worn when appropriate.
3. Grooming, hairstyle and length should be the individual's choice, but should avoid extremes, be neat, clean, and suitable for business. Safety concerns may override some employee preferences. Accessories and shoes should be functional and safe for the type of work performed. Since it is impossible to foresee all possible individual variations in dress and style, employees should be alert to the reactions of other employees and the public to their appearance.
4. Judgment is to be exercised by the department head to assure that equitable and uniform application of the guidelines prevails. An employee whose personal appearance is unacceptable to these general standards will be informed of this immediately and may be sent home. If the problem is not corrected promptly and cooperatively, he or she may receive disciplinary action.

Section 4.3

Contact with the Public and the Media

Employees are the ambassadors of the City to all they meet. Employees must be courteous, polite, and helpful. Nothing they do or say should detract from the public image of the City. If the help that is needed is “not your job,” courteously find the people or direct the person to the right people to assist them. If they ask, explain to anyone what you are doing and why you are doing it.

If the person is asking about the policies and opinions of the City, direct them to your supervisor.

Contact with the media is centralized to the City Administrator as Public Information Officer (PIO). Media contact dealing with police business goes through the Chief of Police. If a member of the media contacts an employee, the employee needs to refer them to the appropriate official.

Section 4.4

Electronic Communications and Systems Access Use

The City may provide computer networks, internet access, email, telephones, cell phones, digital cameras, voice mail, and fax communication systems for use by City employees in the performance of their job duties. These communication devices are referred to collectively in this policy as “electronic communications systems” or “systems.” These electronic communications systems are designed to support and enhance the communication, research and information capabilities of City employees and to encourage work-related communication and sharing of information resources within the City. This policy governs user behavior pertaining to access and usage of the City’s electronic communications systems. This policy applies to all City employees, contractors, volunteers and other affiliates who use the City’s electronic communications systems.

The City’s electronic communications systems access must be used in a professional, responsible, efficient, ethical and legal manner.

Internet, Instant Message and Email Access

Users desiring Internet, and/or email access must obtain written permission from their department head and provide it to the City Administrator. Users must acknowledge an understanding of this policy and its guidelines as a condition of receiving an Internet, instant message and/or email access account.

Failure to adhere to this policy and its guidelines may result in suspending or revoking the offender's privilege of access and/or other disciplinary action under City policies, up to and including termination of employment.

Acceptable Use

Acceptable uses of the City’s electronic communication systems are limited to those activities that support reference, research, internal/external communication and conducting City business in line with the user’s job responsibilities. Network users are encouraged to develop uses which meet their individual needs and which take advantage of the City’s internal network function. The City prohibits connection to sites or forwarding of information

that contain materials that may be offensive to others including, but not limited to, sites or information containing sexually explicit material.

Users must understand that use of any City-provided, publicly accessible computer network such as the Internet, instant messaging and email is a privilege. Personal use of City electronic media is not permitted. Supervisors cannot alter the restrictions of this policy.

Unacceptable Uses of Electronic Communications Systems include:

- Using profanity, obscenity, or other language which may be offensive or harassing to other coworkers **or** third parties.
- Accessing, displaying, downloading, or distributing sexually explicit material.
- Accessing, displaying, downloading or distributing profane, obscene, harassing, offensive or unprofessional messages or content.
- Copying or downloading commercial software in violation of copyright law.
- Using the systems for financial gain or for any commercial activity unrelated to City business.
- Using the systems in such a manner as to create a security breach of the City network.
- Looking or applying for work or business opportunities other than for internal City postings.
- Accessing any site, or creating or forwarding messages with derogatory, inflammatory, or otherwise unwelcome remarks or content regarding race, religion, genetics, color, sex, national origin, age, disability, age, physical attributes, or veteran status.
- Transmitting or sharing information regarding a coworker's health status without permission.
- Expressing opinions or personal views that could be misconstrued as being those of the City.
- Expressing opinions or personal views regarding management of the City or other political views.
- Using the electronic communication systems for any illegal purpose or in any way that violates City policy or is contrary to the City's best interest.
- The use of TikTok on a City-issued device is strictly prohibited; the City Administrator may prohibit the use of any other social media site, software, or application to protect the integrity of the City's network.

Responsibility

The person in whose name a City provided Internet, email or other electronic communications system account is issued is responsible at all times for its proper use, regardless of the user's location.

Exchanges that occur in the course of conducting City business on the City's electronic communications systems will be considered a communication of the City and held to the same standards as formal letters.

No Right of Privacy/Monitoring

Users of City electronic communications systems may not assume they are provided any degree of anonymity and employees have no right to privacy with regard to such systems. Personal passwords are not an assurance of confidentiality. To ensure proper use of its

electronic communications systems, the City will monitor their use. Management staff has the ability and will, with or without advance notice, monitor and view usage, including but not limited to: employee email, voice mail and instant messages, text messages, information and material transmitted, received or stored using City systems and user internet access and usage patterns to assure that the City's Internet resources are devoted to maintaining the highest levels of productivity, as well as proper use and compliance with this policy.

Copyright Restriction

Any software or other material, including music, downloaded into a City computer may be used only in ways consistent with the licenses and copyrights of the vendor, author or owner of the material. Prior written authorization from the City Administrator is required before introducing any software into the City's computer system. Employees may not download entertainment software, games or any other software unrelated to their work.

Cybersecurity Awareness Training

The City will conduct cybersecurity training in compliance with State law (HB 1118) and regulations for all employees, council members and any other person who has access to the City's computer network and/or IT infrastructure.

Section 4.5

Cell Phone Use in the Workplace

The City recognizes that many employees bring cell phones to work. Cell phones may belong to the employee or be provided for the employee's use by the City. The use of personal cell phones, including those with a texting, camera and/or video playing capability is not permitted during work time without a supervisor's approval.

Employees who are permitted by a supervisor to use a personal cell phone while at work must not allow cell phone use to become disruptive or interfere with their own or a co-worker's ability to do their jobs.

Employees who use cell phones to violate City policy, including the City's Inappropriate Conduct and Prohibited Harassment Policy, will be subject to disciplinary action.

Employees with City-issued cell phones are allowed to use City cell phones for personal phone calls.

Except in emergency circumstances, employees should not use a cell phone while operating a motor vehicle, including both making and receiving phone calls and texting. Employees using City -issued cell phones have no expectation of privacy in cell phone calls, pictures, or text messages on these phones.

Public Information Act

Employees are advised that records related to calls and text messages made and received on City issued cell phones are public information. Information related to telephone numbers called, length of call, and time and date of call as well as the text message itself may be obtainable through the Texas Public Information Act.

If an employee uses a personal phone or device for City related business, that phone or

device may be subject to disclosure under the Public Information Act of the State of Texas. Texas Government Code § 552.004, §552.233. Employees, including former employees, who possess City records on a personal device are required to either transfer the information to the City or to preserve the information in accordance with law and provide it to the City upon request. City information may be transferred from personal devices to the City by forwarding to the City Secretary.

Section 4.6 **City Property/Equipment Use**

The City attempts to provide employees with adequate tools, equipment, vehicles and facilities for the job being performed, and the City requires all employees to observe safe work practices and lawful, careful and courteous operation of vehicles and equipment. Any City-provided safety equipment must be used at all times.

From time to time, the City may issue various equipment or other property to employees, e.g., credit cards, keys, tools, security passes, manuals, written materials, uniforms, cell phones, computers, and computer-related equipment. Employees are responsible for items formally issued to them by the City, as well as for items otherwise in their possession or control or used by them in the performance of their duties.

At the time of issuance, employees may be required to sign certain forms or other documentation evidencing their receipt of property and/or equipment and authorizing a payroll deduction for the cost of lost, damaged, or unreturned items. In addition to payroll deductions, the City may take any other action it deems appropriate or necessary to recover and/or protect its property.

Employees must notify their supervisor immediately if any vehicle, equipment, machinery, tools, etc. appears to be damaged or defective, or are in need of repair. The appropriate supervisor can answer questions about an employee's responsibility for maintenance and care of equipment used on the job. The improper, careless, negligent, destructive, unauthorized, or unsafe use or operation of equipment will likely result in disciplinary action.

Personal Use Prohibited

City property, materials, supplies, tools, equipment or vehicles may not be removed from the premises or used for personal business without prior written approval by the City Administrator, or the Department Director.

Tobacco Use Prohibited

The use of all tobacco products of any kind, including smokeless electronic cigarettes is prohibited at any time in City buildings and other facilities, in City vehicles, while using City equipment, and as otherwise directed. Employees should not smoke at a resident's home. Employees are welcome to smoke on their rest breaks outside of the building in designated smoking areas. Smoke breaks which are excessive in frequency or length will be treated as an attendance issue.

Mileage Reimbursement

An employee will receive mileage reimbursement for consistently using such employee's own vehicle for City business if the use is deemed necessary by the City Administrator.

Mileage will be reimbursed at the current IRS mileage reimbursement rate.

Take Home Vehicles

A City vehicle may be assigned to a position or employee when it is more economical than payment of a car allowance or mileage reimbursement. To be eligible for assignment of a take-home vehicle, an employee must be subject to emergency call back during off-duty hours to locations other than the employee's normal work location. No personal use of a take-home vehicle is permitted except to commute to and from home or work. A City vehicle is not to be used for personal business such as going to the bank, grocery store, etc. without prior written approval of the City Administrator. No alcoholic beverages are allowed in City vehicles. No passengers may be transported in take-home vehicles except as required by official duties.

The City's vehicles are classified as either "exempt" or "non-exempt" as prescribed by law. Most pickups, vans and automobiles are classified as "non-exempt" vehicles. Employees to whom a "non-exempt" vehicle is assigned for take-home may incur a federal income tax liability for the benefit of commuting to and from work in a City vehicle. Police vehicles used by employees on call 24-hours are normally exempt from the benefit tax liability.

Use of City Vehicles

City-owned or leased vehicles may be used only for official City business. City owned or leased vehicles may only be driven by authorized City employees. If an employee drives a personal vehicle, or a City-owned, rented or leased vehicle on the job or while carrying out City-related business, the employee must comply with the following:

- Drivers must have a valid State of Texas driver's license appropriate for the vehicle operated, must maintain a satisfactory driving record, and must inform their supervisor of any change in status.
- Always observe all posted laws and speed limits.
- Always wear seat belts when the vehicle is in operation.
- No passengers other than City employees or others on City business may ride in a City vehicle unless otherwise approved in advance by the department head.
- No personal use of City-provided vehicles is allowed without the prior, specific approval of the Department Director.
- All maintenance and use records for City vehicles must be completed as directed by the employee's supervisor.
- Report any broken, missing, or worn parts, tires, etc., or any needed maintenance of City vehicles to the appropriate supervisor immediately.
- All drivers must be eligible for coverage under the City's insurance policy.
- Drivers covered by Department of Transportation (DOT) regulations must comply with the DOT regulations at all times.
- At no time may an employee under the influence of alcohol or with a presence in the system of illegal drugs drive a City vehicle or a personal vehicle while conducting City business.
- Employees involved in an accident while operating a City vehicle, or while operating a personal vehicle on City business, must immediately notify the proper law enforcement agency (if applicable) and the appropriate supervisor, Department Head, and/or City Administrator. Accident reports, along with any law enforcement report, must be filed by the employee with the City Administrator.

The City may, at any time, check the driving record of a City employee who drives as part of the job duties to determine that the necessary qualifications are maintained as a City driver. Employees must cooperate in giving the City whatever authorization is required for this purpose.

The above is not a complete and exhaustive list of vehicle use policies. Violations of any of the specific items listed, as well as the improper, careless, negligent, destructive, unauthorized, or unsafe use or operation of a vehicle, may result in loss of driving privilege or disciplinary action.

PROPOSED

CHAPTER 5 DISCIPLINE, APPEALS and GRIEVANCES

Section 5.1 **Discipline**

The City's discipline policy emphasizes the employee's responsibility for the consequences of his or her own behavior, with a focus on communicating expectations for changes in behavior and needed improvement. It also emphasizes that the disciplinary process should be fair to both the employee and the City and as consistent among employees and as appropriate to the individual situation as is practicable. The City's discipline policy and procedures apply to all City employees, except Council appointees and contractual employees, unless otherwise specifically stated.

Employees may be disciplined or discharged at any time and for any or no reason at the discretion of the City. The policy and procedures are only guidelines for supervisory actions; they are not intended to be inclusive of every possible situation. Furthermore, nothing in the policy is meant to imply that disciplinary steps or action must be taken in any particular order. No employee is entitled to progressive discipline.

Section 5.2 **Grounds for Disciplinary Action**

Every employee is expected to consistently maintain satisfactory performance standards. Continuing performance deficiencies, unlike the isolated violations noted in the subsequent sections of this chapter, should first be addressed by the mutually cooperative efforts of the supervisor and employee. Those efforts include but are not limited to:

- An analysis of the problem;
- A determination of needed changes and assistance; and
- Implementation of a corrective plan of action and establishment of achievement dates.

If performance standards are not met within a reasonable period of time, the employee, depending upon the reasons for failure, may be transferred, demoted, or terminated.

The following types of conduct are unacceptable and may be cause for discipline up to and including termination, depending upon the facts and circumstances of each case. The examples given below are typical, but not all-inclusive:

1. Unsatisfactory attendance is exemplified by, but is not limited to, the following violations:
 - Unexcused absence or tardiness; Failure to give notice of an absence or tardiness to the supervisor thirty (30) minutes before starting time, or as may be prescribed by departmental policy;
 - Separate absences or days of tardiness which exceed the average absences of days of tardiness of the employee's work group and which lack sufficient justification;
 - Failure to notify supervisor before leaving; or failure to return to work after any authorized leave of absence;

- Unscheduled absences in conjunction with weekends, holidays or other scheduled time off;
- Absence or tardiness that causes disruption of services; or excessive amounts of time off the job, regardless of the reason.

2. Abandonment occurs when an employee, without authorization, is absent from the job, or refuses a legitimate order to report to work, for two (2) consecutive workdays. The employee is deemed to have abandoned his/her job and may be terminated. Any unauthorized leave shall be unpaid.

3. Insubordination, including an inability or unwillingness to perform assigned work satisfactorily is exemplified by, but is not limited to, the following violations:

- Failure to follow routine written or verbal instructions;
- Arguing over assignments or instructions;
- Disrespectful or challenging conduct towards supervisor;
- An accumulation of other deficiencies indicating the employee's continuing failure to adequately perform in a productive, efficient, and competent manner;
- Failure or refusal to follow the lawful and specific orders or instructions of a supervisor or higher authority; and/or
- Pursuit of a denied request to a higher authority without revealing the lower-level disposition/failure to exhaust chain of command without excuse.

4. Indifference toward work is exemplified by, but is not limited to, the following violations:

- Inattention, inefficiency, loafing, sleeping, carelessness, or negligence;
- Reading social media or unauthorized material, playing games, watching television, movies or other non-work-related video content, or otherwise engaging in entertainment while on the job and/or in view of the public.
- Failure to remain at one's workstation without notifying the supervisor, leaving work without permission, or taking more time than allowed for meal or rest break periods;
- Performance of personal business on work time;
- Interference with the work of others; or
- Discourteous or irresponsible treatment of the public or other employees.

5. Sabotage is exemplified by, but is not limited to, the following violations:

- Deliberate damage to or destruction of City equipment or property;
- Defacing of City property;
- Unauthorized alteration, removal, destruction, or disclosure of City records (this conduct may also violate criminal laws);
- Advocacy of or participation in unlawful trespass or seizure of City property;
- Encouraging or engaging in slowdowns, sit-ins, strikes, or other concerted actions or efforts to limit or restrict employees from working;
- Encouraging City employees to disobey provisions of these rules and regulations, City ordinances, or other laws;
- Interference with the public use of or access to City services, properties, or buildings;
- Interference with the operations of City government; or

- Threats to commit any act of sabotage as defined in this subparagraph.

6. Safety violations are exemplified by, but are not limited to, the following violations:

- Failure to follow City or departmental safety rules and regulations;
- Failure to use required safety apparel;
- Removal or circumvention of a safety device;
- Lifting in a manner which may cause injury;
- Operations of a vehicle or other equipment in an unsafe, negligent, or careless manner;
- Smoking in a prohibited area;
- Endangering of one's own safety or that of others by careless or irresponsible actions or negligence;
- Failure to immediately report an on-the-job injury, vehicle accident, or unsafe working condition;
- Failure of a supervisor to remove from the workplace or to assist to a safe location an employee whose mental capabilities are impaired due to injury, illness, alcohol or drug use, or emotional distress; or
- Failure to maintain an insurable driving record acceptable to the City.

7. Dishonesty is exemplified by, but is not limited to, the following violations:

- Acceptance of money or anything of value from a person subject to the regulatory decision or supervision of the employees;
- Failing to be honest and truthful to supervisors when questioned;
- Cheating, forging, or falsification of official City reports or records;
- False reporting of the reason for an absence, paid or unpaid; or
- Other falsifying action detrimental to the City, City employees, or others.

8. Theft, regardless of item value, is exemplified by, but is not limited to, the following violations:

- Unauthorized taking of City property, City supplies or the property of others;
- Unauthorized use of City or employee funds;
- Using or authorizing the use of City equipment, supplies, or employee services for other than official City business, including the unauthorized use of long distance or pay telephone services (including "900" toll calls); or
- Using or authorizing the use of City equipment or employee services without proper authority.

9. Abuse of drugs or alcohol is exemplified by, but is not limited to, the following violations:

- The manufacture, distribution, dispensing, possession, sale, purchase or consumption of drugs or alcohol during working hours, work breaks, lunch period, in a City vehicle or at any time while the employee is on City property;
- Entering City property or reporting to work unable to perform duties in an effective and safe manner due to the ingestion, inhalation or injection of a drug or ingestion and/or consumption of an alcoholic beverage;
- Employees may use legally prescribed drugs or over the counter medicines but must not use any drugs or medicines that impair his/her ability to perform the essential functions of his/her job safely and satisfactorily. Employees shall report to HR when an employee takes any medication that might impair their ability to

- perform the essential functions of his/her job;
- Criminal acts involving the use of illegal drugs or alcohol while off-duty are grounds for termination.

10. Disturbance is exemplified by, but is not limited to, the following violations:

- Fighting or boisterous conduct;
- Deliberate causing of physical injury to another employee or citizen;
- Use of profane, abusive, threatening, or loud and boisterous language;
- Harassment, as defined by the Texas Penal Code, or intimidation;
- Unlawful harassment, violation of Inappropriate conduct or equal employment opportunity policies;
- Spreading of false reports; or
- Other disruption of the harmonious relations among employees or between employees and the public.

11. Abuse of City property is exemplified by, but is not limited to, the following violations:

- Intentional, careless, or negligent damage or destruction of City equipment or property;
- Waste of materials or negligent loss of tools or materials;
- Improper maintenance of equipment; or
- Damage caused by use of tools or equipment for purposes other than that for which the tool or equipment was intended.

12. Misconduct is any criminal offense or immoral conduct, during or off working hours, which, on becoming public knowledge, could have an adverse effect on the City or the confidence of the public in City government. "Criminal offense" means any act constituting a violation of law and/or resulting in charges being filed, arrest, or confinement.

13. Violation of the City's Inappropriate Conduct and Prohibited Harassment policy.

14. An employee shall maintain high standards of moral conduct in his personal affairs and shall not be a participant in any incident which tends to or does impair his ability to perform as a City employee or cause the City to be brought into disrepute.

15. An employee shall notify his/her immediate supervisor of all traffic violations, arrest and/or convictions within twenty-four hours of any offense.

16. Except for sworn peace officers and those licensed by the State of Texas to carry a handgun, no employee of the City, shall carry a handgun or any other firearm into any City building or portion of a building, or any City vehicle.

17. Engaging in conflicts of interest could compromise the appearance of professionalism and impartiality necessary to public service. Examples of prohibited conduct that could constitute an improper conflict of interest are:

- No employee shall accept any gift, or favor from any citizen, person, firm, group or corporation that does business with the City or that might reasonably be expected by the donor to result in favorable or special treatment in the performance of the employee's official duties.

- No employee shall use his/her official position to secure or grant benefits, privileges, or special consideration to himself/herself or others beyond that which is available to every other citizen, person, firm, group, or corporation.
- No employee shall transact any business on behalf of the City in his/her official capacity with any business entity with which he/she is an officer, agent, or member, or in which he/she owns directly or indirectly an interest.
- No employee shall accept other employment or engage in outside activities incompatible with the full and proper discharge of his/her duties and responsibilities with the City, or which might impair his/her independent judgment in the performance of his/her public duty.
- No employee shall receive any fee or compensation for his/her services as an officer or employee of the City from any source other than the City, except as may otherwise be provided by law. This shall not prohibit his/her performing the same type of other services for a private organization that he/she performs for the City if there is no conflict with his/her City duties and responsibilities.

Section 5.3 **Types of Disciplinary Action**

In making a decision as to what discipline should be recommended, the supervisor should consider such factors as the type and severity of the offense or offenses, the employee's work record, and any mitigating circumstances which may be relative to the situation.

The following disciplinary actions are not exclusive and may be initiated against an employee for violations of these Policies and/or City or departmental rules and regulations.

Verbal Counseling

Verbal counseling is best suited for a minor rule infraction or incident of substandard performance. Verbal counseling should identify violations and indicate areas needing improvement. A written record of this warning shall be maintained in the employee's personnel file.

Written Reprimand

A written reprimand is a formal warning of an infraction that may result in suspension, demotion, or termination should the violation recur. Both the supervisor and the employee should sign the written reprimand. Included in the written reprimand should be a statement of what changes in behavior are expected, when the next evaluation will be held and what penalty will be imposed if no changes are made by the employee. Copies of the written reprimand and all supporting documentation, if any, will become part of the employee's personnel file. The employee shall be given the opportunity to respond in written form to the written reprimand.

Suspension

A suspension is to bring about a change in behavior and results in time off without pay. The employee should be encouraged to reflect on his/her behavior during the suspension and to decide whether he/she wishes to correct the offending behavior or terminate his/her employment.

A Department Head may suspend an employee without pay for a period of not less than one (1) hour nor more than ten (10) working days. Prior to suspending an employee, a Department Head shall confer with the City Administrator. Suspension for more than ten (10) working days requires the written approval of the City Administrator. A suspension becomes a permanent part of the employee's personnel file.

Demotion

A Department Head may demote an employee for a disregard or violation of these Policies and/or any City or departmental rule or regulation, or for repeated refusal or inability to improve performance. Prior to demoting an employee, the Department Head shall confer with the City Administrator regarding the proposed demotion. Demotions may be either permanent or for a predetermined specified period of time and shall result in a reduction of salary. The demotion becomes a permanent part of the employee's personnel file.

Termination

An employee may be dismissed from employment at any time for any reason. The City Administrator must ratify any termination of an employee. The ratification will take place as soon as possible. An employee is not entitled to progressive discipline. For example, the City is not required to provide an employee with verbal counseling or a written reprimand before suspending, demoting, or terminating the employee.

Section 5.4 **Disciplinary Procedures**

Any disciplinary action, with the exception of oral reprimand/employee counseling, shall be presented in written form to the employee and the City Administrator specifying:

- The type of disciplinary action taken, i.e., written reprimands, suspension, or demotion;
- The specific rule violated;
- The specific incident, including date(s), if applicable, causing the action;
- A written or verbal response from employee regarding the allegations against him/her, if any;
- The employee's right to appeal to a specific office within a specified time; and
- The finality of the action if the employee fails to appeal within the specified time.

No discipline above oral reprimand/counseling shall be administered without prior approval by the City Administrator.

Section 5.5 **Appeals of Disciplinary Action**

An employee may appeal the following disciplinary actions to the Department Head if the discipline was imposed by a supervisor of lesser rank than the Department Head: a) Verbal Counseling b) Written reprimands. The decision of the Department Head will be final and non-appealable. If the Department Head makes the initial decision, no appeal is available.

The City Administrator has the authority to appoint, suspend or terminate any City employee.

The following actions may be appealed to the City Administrator: suspension, demotion and terminations. The appeal must be submitted to the City Administrator.

In order to appeal disciplinary actions, an employee must submit a written request for an appeal within three (3) business days, to the City Administrator. The decision of the City Administrator is final and no further appeal is available.

The appeal of disciplinary action will be an informal process wherein an employee will be given an opportunity to inform the City Administrator the action was not appropriate. The hearing will be confined to consideration of the reasons for the disciplinary action. If the reasons for the action have not yet been reduced to writing, they will be presented to the employee at least three (3) days prior to the hearing. The sole purpose of the hearing is to allow the employee an opportunity to respond to allegations of misconduct. It is not a formal evidentiary hearing.

Any appeal decision is final and non-appealable.

The procedures as set forth herein are intended to be used as guidelines only and are not to be interpreted as giving any employee substantive or procedural due process. All employees serve the City on an at-will basis. These guidelines do not alter the at-will relationship between the City and any employee.

Section 5.6 **Grievance Procedures**

Definition of Grievance. Employee complaints of inconsistent treatment, interpretation and/or application of City or departmental policies, procedures, or practices; and retaliation.

Any employee wishing to submit a complaint or grievance must first discuss the grievance with the employee's supervisor. If the employee's supervisor is a Department Head, the employee should first discuss the grievance with the Department Head in an effort to resolve the matter informally.

If the matter is not resolved to the employee's satisfaction, the employee may submit the grievance in writing on or within seven (7) calendar days after the discussion with the supervisor.

An employee still dissatisfied after conferring with the employee's Department Head may present the grievance to the City Administrator within three (3) business days of receipt of the Department Head's decision. The City Administrator's decision is final.

If an employee is complaining about the City Administrator, the employee must submit his/her grievance to the City Council within three business days for its consideration.

If the City Administrator has a complaint, they may submit their grievance to the Council for its consideration not less than three business days of the desire to have the grievance considered by the City Council.

CHAPTER 6 PERSONNEL RECORDS

Section 6.1 **Personnel Files and Records**

The City of Parker will request, use and retain only that personal information about employees that is required for business or legal reasons. The confidentiality of all personal information in City records and files will be protected, preserved, and maintained for all City employees in compliance with State and Federal laws.

Employees have access to personal information in his/her personnel files and will have the right to correct inaccurate information or express, in writing, disagreement with the accuracy of information maintained.

PROPOSED

CHAPTER 7 SAFETY

Section 7.1 **Safe Working Conditions**

It is the policy of the City to make every effort to provide healthy and safe working conditions for all its employees.

1. Employees will follow all established safety regulations and use all safety equipment provided by each department.
2. Each department head is responsible for reviewing all work procedures and enforcing all necessary safety rules and providing any safety equipment necessary to provide a safe working environment.
3. Employees shall immediately report any accidents or injuries occurring on the job to their supervisor. The supervisor shall take all necessary action to ensure safe transportation and/or treatment of the injured. The supervisor shall then notify the City Administrator's Office of the incident and shall file a written accident report with the Administration Department.
4. Employees shall not be compelled by orders of a supervisor to commit acts that are unlawful or pose unusual and unnecessary risk to the health or life of the employee.

Safety is important to the City and to you. Failure to follow safety rules is grounds for discipline up to and including termination.

Section 7.2 **Driving Record Checks**

An employee required to drive a City vehicle or personal vehicle as a regular part of their job will have their driving record reviewed from time to time. In addition, any and all traffic accidents, moving violations, convictions (including probated sentences), and/or license suspensions, whether occurring on or off the job, must be reported to your immediate supervisor within twenty-four hours of occurrence and the supervisor must immediately report it to the Department Head and/or the City Administrator. In order to ensure the safety of all employees and the public, employees may be forbidden to operate street vehicles based on a case-by-case review of driving records. If driving is an essential function of the job, this may result in termination.

An employee charged with, but not convicted of, any major moving violations including D.W.I. or D.U.I., may be removed from driving pending the resolution of the alleged violation or terminated if the circumstances warrant. If the employee is not lawfully authorized to drive and driving is an essential job function, the employee may be terminated.

PROPOSED

CHAPTER 8 COMPENSATION

Section 8.1 **Pay Days**

The City of Parker pays employees bi-weekly. Payroll is completed by the Friday following the two-week pay period ending on the previous Friday at 11:59 p.m.

If the payday falls on a holiday, payroll will be issued on the last working day preceding the holiday.

Section 8.2 **Overtime Pay**

The Fair Labor Standards Act defines “exempt” employees. Exempt employees are paid to do a job and are not required to be compensated for overtime.

Vacation, Sick, Holiday, and Bereavement leave does not count as “hours worked” for purposes of an employee reaching the overtime threshold.

Nonexempt employees may not work overtime (more than 40 hours per week, except for police officers and firefighters) without prior approval by their supervisor. Any nonexempt employee who works overtime without prior supervisory approval shall be disciplined, up to and including termination. Police officers and firefighters are subject to the 7k partial overtime exemption from overtime.

Section 8.3 **Longevity Pay**

Regular, full-time employees are eligible to receive longevity pay beginning November 2023. Longevity pay is calculated from date of hire through the end of the fiscal year at the rate of \$4.00 per month per year of service. Payment of longevity will be during second half of November each year. An employee who terminates employment with the City either voluntarily or involuntarily before November 15 will not be paid the longevity pay for the previous years' service.

Section 8.4 **Final Pay Upon Separation**

Upon final separation, an employee shall be paid his or her last paycheck on the next regularly scheduled payday.

Section 8.5 **Travel and Subsistence Allowance**

Statement of Policy

When employees of the City are required to travel on official business, the City will pay reasonable amounts for transportation, meals, and lodging. An employee is expected to show good judgment and an appreciation for the economy when incurring travel expenses.

Expense limits established by these regulations are limits, and not allowances or authorization to spend that much if less would be adequate.

General

Travel expenses must be itemized on a travel expense form, which must be forwarded to the Finance Director within two working days after returning from a trip. Paid bills for lodging and receipts for air or rail fares are required to be attached to the travel expense form if such expenses have been incurred. The City shall pay actual registration fees which shall be based upon a copy of the official conference brochure indicating such fees.

Meal Allowance

Employees are reimbursed for meals while traveling on City business according to the current GSA schedule and rates provided by the U.S. General Services Administration or its successor.

Transportation

The City may purchase tickets in advance for employees traveling by common carrier. All employees shall travel in economy class where such services are available.

Municipal owned vehicles may be used for out-of-City travel. All expenses incurred for operation of such vehicles must be documented by receipts attached to the expense report. Employees who, with authorization from their Department Head, use their personal vehicles for official business will be reimbursed for mileage at the current IRS mileage reimbursement rates.

Receipts must be attached to the expense report to claim reimbursement for all transportation costs. If receipts were not available for ferry, bridge, road and parking tolls, and taxicab fares, these items can be itemized with the reason the receipts were not available. Reimbursements for those unreceipted costs will be determined on a case-by-case basis.

Lodging

An employee is expected to make hotel or motel reservations well in advance whenever possible and to take other actions to insure that lodging is secured at moderate rates.

If an employee is to attend a formal, organized meeting or conference, he/she may stay at the hotel where the meeting is to be held unless it is within a 50-mile radius of City hall. The City, in all cases, will pay no more than the regular single room rate.

Non- Allowable Expenses

Expenses or charges for the following will normally not be reimbursed and must be paid for by the employee:

- In-hotel pay television and movies;
- Dry cleaning and laundry;
- Health club and spas;
- Expenses of a spouse;
- Alcoholic beverages;
- Personal long distance telephone calls; and
- Other items of a personal nature.

Section 8.6 **Attendance and Work Hours**

Regular Work Hours

Nonexempt employees of the City, except for Police Department Personnel, normally work 40 hours in a seven-day workweek. Exempt employees may be required to work in excess of 40 hours in certain weeks.

The work week for most City employees begins at 12:00 a.m. on Saturday and ends at 11:59 p.m. on Friday. With approval of the City Administrator, individual departments may be permitted to set a work week that differs.

The City has declared a 14-day work period for Police Personnel under the 7K partial overtime exemption. For police officers, overtime is paid for time worked in excess of 80 hours in a 14-day work period.

Adjustment to Work Hours

In order to assure the continuity of City services, it may be necessary for Department Heads to establish other operating hours for their departments. Work hours and work shifts must be arranged to provide continuous service to the public. Employees are expected to cooperate when asked to work overtime or a different schedule. Acceptance of work with the City includes the employee's acknowledgement that changing shifts or work schedules may be required and indicates that the employee will be available to do such work.

On-Call and Call Back Pay

On-call status is not considered time worked. On-call employees called back to the workplace will be paid at their overtime rate of pay for actual hours worked or a minimum of two (2) hours, whichever is greater for each call-back within the same 24 hours after their regularly scheduled working hours or on a regular day off. Continuing work on a call-back that extends beyond the 2-hour minimum and into a day off does not entitle the employee to additional premium pay. An employee who is on call must be able to reach City Hall within one hour. Travel time to and from a call-back is compensable under this policy. On-call employees who do not return to the workplace but who handle a workplace issue by phone will be paid for actual time spent on the phone. Employees are on-call for one work week at a time and receive a stipend for each week they are on-call week.

Attendance/Time Records

Employees are expected to be at their workstations and ready to work at their scheduled start time. Employees are required to accurately record the number of hours worked each day. Employees' meal breaks are automatically deducted, and the employee must affirm that he/she took a meal break and was relieved of his/her duties. Meal breaks for police personnel are not deducted. Employees are required to sign the time sheets and affirm the work time reported is accurate.

Attendance and Punctuality

Regular and reliable in-person attendance is an essential job function.

To maintain a safe and productive work environment, the City expects employees to be

reliable and punctual in reporting to work. Absenteeism and tardiness are disruptive and place a burden on the City and on co-workers.

Either may lead to disciplinary action, up to and including termination of employment.

In most instances, an employee who fails to properly notify the supervisor in advance of an absence or tardiness will be subject to disciplinary action up to and including termination. An employee who fails to notify the City of an absence of three days or more may be presumed to have voluntarily resigned from employment.

Regular and reliable on-time attendance is required. Accordingly, employees with unscheduled and/or unapproved tardies and absences, if more often than infrequent, will face discipline.

Generally, if an employee has two or more tardies within 6 months, he will receive a reprimand; if he has 3 or more tardies within a twelve-month period, he will receive a written reprimand and if he has more than 4 in a 12-month period, he will be suspended and/or terminated.

Generally, if an employee has an unscheduled and unexcused absence, and does not provide a doctor's note, he will generally receive a reprimand. If he has more than one unscheduled and unexcused absence in a 12-month period, he will be suspended without pay. If he has more than 2 unexcused and unscheduled absences within a twelve-month period he will likely be terminated.

Section 8.7 **Clocking In & Out for Employees**

The Fair Labor Standards Act (FLSA) requires employers to keep records on wages and hours worked. The City of Parker uses Time and Attendance tracking software. Employees may use an application for their phone to clock in and out or may enter their hours worked through the software available on their work computer.

The FLSA requires employers to pay non-exempt employees for all hours worked, so it is important for employees to clock in and clock out or enter time appropriately. Employees should record hours worked by clocking in or recording the time immediately prior to beginning work and clocking out from their work site or recording the time upon finishing work before leaving for the day. Early or late clocking in/out or time recording will not be permitted unless the employee is actually working.

Rounding

It is permissible to round the employee's start time and stop time under the FLSA when used in such a manner that it will not result, over a period of time, in the failure to compensate properly for all hours actually worked by non-exempt employees. The City of Parker's timekeeping system records time to the nearest quarter of an hour (15 minutes). The City will ensure that the employees are adequately compensated for all hours worked.

Section 8.8 **Breaks**

The City may allow rest breaks as authorized by an employee's immediate supervisor during the course of each workday to prevent undue fatigue.

Rest Breaks

Full-time employees may, depending on individual departmental work schedules and the discretion of the supervisor, take up to two fifteen-minute, paid breaks each day, one during the first part of the workday and the other during the latter part of the workday. Breaks may not be combined. Time spent on rest breaks will be compensated as hours worked. An employee is expected to be punctual in starting and ending breaks and will be subject to disciplinary action for tardiness.

Meal Periods

Full-time employees are normally provided with a one-hour unpaid meal break near the middle of the workday. Employees will be relieved from work responsibilities during unpaid meal breaks. Employees may not extend meal breaks beyond their assigned period without permission from supervisor.

Lactation Break

Nursing mothers will be provided with reasonable unpaid break time to express breast milk for up to one year after the birth of a child in accordance with applicable law. If an employee needs time beyond the usual lunch and break times, the employee may use Vacation leave. Employees and supervisors are expected to agree, in advance, upon a break schedule and how the time will be counted or made up. A private room will be provided for nursing mothers to use. Employees who have a private office may use it if they prefer.

Supervisor Responsibility

Supervisors are responsible for scheduling the time for employee rest and lactation breaks and should take into consideration the workload and nature of the job performed. Whenever necessary, the supervisor may change the frequency and length of rest breaks.

Practices Not Permitted

The following practices are not permitted uses of rest breaks:

- combining two daily breaks into one thirty (30) minute rest break;
- "banking" break period time from day to day;
- saving break period time to extend lunch periods or shorten the scheduled workday; or
- requesting overtime pay for work performed during break period time.

CHAPTER 9 BENEFITS

Section 9.1

Holidays

The City of Parker observes the following days as paid holidays:

New Year's Day	Thanksgiving Day
Good Friday	Friday after Thanksgiving
Memorial Day	Christmas Eve
Independence Day	Christmas Day
Labor Day	Day after Christmas

Full-time employees shall be paid for official paid City holidays providing the employee is not on an unpaid leave of absence immediately preceding or following the holiday.

Police Department full-time employees required to work on a holiday will be paid 8 hours for the holiday at their regular rate of pay, in addition to the hours worked. If a holiday and an employee's regularly scheduled day off occur on the same day, the employee will be paid 8 hours for the holiday at the regular rate of pay.

If a holiday occurs on a Saturday, the preceding Friday shall be observed as the holiday. If the holiday falls on a Sunday, the following Monday shall be observed as the holiday.

A holiday does not count towards compensable hours of work. Stated another way, holiday hours do not count as "hours worked" for purposes of reaching the overtime threshold.

Section 9.2

Vacation

Vacation leave refers to the allocation of time employees can take off work and still be paid regular wages. Regular full-time employees accrue vacation leave each pay period as follows:

<u>Consecutive Months of Service</u>
0 - 60
61 - 120
Over 120 months

<u>Accrual Rate Based on 26 Pay Periods Per Year</u>
4.61 hours per pay period – 120 hours per year
6.15 hours per pay period – 160 hours per year
7.69 hours per pay period – 200 hours per year

Vacation is accrued per pay period with a maximum accrual cap equal to the yearly accrual rate plus 40 hours. Employees do not accrue additional vacation leave until the vacation balance is reduced below his/her maximum accrual cap.

Vacation leave shall be used in one (1) hour increments, up to a maximum of two (2) weeks consecutively unless prior approval from the City Administrator has been granted.

If you are eligible for vacation leave, you must submit a request in advance of your requested time off to obtain approval from your supervisor.

Vacation does not count towards compensable hours of work. Stated another way, vacation hours do not count as "hours worked" for purposes of reaching the overtime threshold.

Upon separation, an employee who voluntarily resigns after working more than one year shall be paid seventy-five percent (75%) of the value of their accrued Vacation leave, up to a maximum of the employee's current annual accrual rate plus 40 hours. No payout will occur if you have worked less than one year.

Section 9.3 **Sick Leave**

Employees who are employed as of January 1 of each year shall receive 40 hours in their sick leave bank. Sick leave shall be used in one (1) hour increments. You may use vacation leave for any sick or personal time needs that exceed available sick leave.

Employees who have sick leave hours remaining at the end of the year will have those remaining hours converted to Emergency leave. Sick leave is not paid out upon separation.

Section 9.4 **Emergency Leave**

As additional income security, rather than losing sick leave hours, you may "bank" additional hours into an "Emergency Leave account." You may use your Emergency Leave for your own medically related absence of 5 consecutive days or greater. An employee may not use Emergency Leave until sick leave is exhausted. Once Sick Leave is exhausted and you have been absent for medical reasons for more than four days, deductions will come from your Emergency Account until exhausted. When Emergency Leave is exhausted, an employee may use Vacation to cover any additional absences. If no leave is available, absences will be unpaid.

Any balance in an Emergency Leave account as of the effective date of this policy will remain available to be used as set forth in this policy; as of the effective date of this policy, Vacation leave will not roll over to Emergency Leave. Emergency Leave is not paid out upon separation.

Section 9.5 **Leave Donation**

From time to time an employee may have extraordinary circumstances requiring leave that exceeds their accumulated Vacation and Sick leave. Employees may donate Vacation leave to such an employee by notifying Human Resources in writing of the amount of Vacation they wish to donate to such an employee. An employee may receive donated leave only for their own serious health condition or to care for an immediate family member who has a serious health condition, and only after all leaves have been exhausted.

Section 9.6 **Bereavement Leave**

Bereavement leave with pay for a period not to exceed three days (24 hours) per occurrence will be given to any regular, full-time employee in case of death in the immediate family.

“Immediate family members” are defined as an employee’s spouse, domestic partner, parents, stepparents, siblings, children, stepchildren, grandparents, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, or grandchild.

If there is a death in the family, the employee should request leave in advance or as soon as possible to his/her immediate supervisor. The supervisor should obtain permission for its use through the supervisor’s chain of command.

An employee may be required to provide proof of death/funeral/family relationship in support of bereavement leave. Bereavement leave is paid at the employee’s base rate at the time of absence. It does not include overtime or any special forms of compensation. Paid time off for bereavement leave is not counted as hours worked for purposes of determining overtime.

Employees who wish to attend funerals for other than immediate family must use Vacation leave.

Section 9.7 **Jury Duty Leave**

The City provides paid leave to regular full-time employees required to serve on jury duty requested to testify as a witness by the City in a City-related civil, criminal, legislative, or administrative proceeding. Court appearances for testimony, investigation, and court preparation as a result of official duties as a City employee (e.g., police, fire, inspections, animal control, etc.) are compensated as actual hours worked and are not classified as paid leave. Employees will receive regular pay during jury service for up to two weeks; absences for longer periods of time will be handled on a case-by-case basis.

The employee must provide documentation of the requirement for jury duty, subpoena compliance, etc., with the leave request, along with supporting documentation to their supervisor as soon as possible so that arrangements can be made to accommodate the absence. Employees must maintain daily contact with their supervisor for the duration of the absence.

An employee who is on jury duty typically must report for work for the remainder of the day upon completion of court or jury service, or request approval for use of Vacation leave. Any payment for jury duty received by the employee may be retained by the employee.

Jury duty leave is paid at the employee’s base rate at the time of leave and does not include overtime or any other special forms of compensation.

Section 9.8 **Military Leave**

Employees shall be eligible for paid military leave in accordance with state and federal laws for military duty for a maximum of fifteen (15) days per fiscal year. If your reserve unit is called to active duty, your leave will be for the length of that active duty but will be unpaid beyond the three-week annual leave. While on leave, you may use your available Vacation. You will be asked to submit a copy of the order, directive, notice, or other document that requires you to report for duty when requesting leave.

While you are on military leave, your benefits will continue for up to 24 months. You will continue to be responsible for your portion of the premium for leaves of 30 days or less, and for longer leaves, you will be responsible for the entire premium.

Pay and benefits return to normal when you return to work within 10 days of release from active duty, or as agreed to with your supervisor. The City complies with all state and federal laws relating to employees in reserve or active military service and does not discriminate against employees who served in the military.

Section 9.9 **Workers' Compensation**

Eligibility for Workers' Compensation

If you are injured as a direct result of the duties performed in the course of your employment with the City, you may be eligible to receive Workers' Compensation benefits under the Workers' Compensation Insurance plan. Such a plan is required under state law and covers the cost of hospitalization, physician fees, drugs, treatment, and other related expenses. See Section 9.6.

Workers' compensation is designed to cover the costs associated with injuries resulting from identifiable and specific accidents or injuries occurring during the course and scope of one's employment. It is not designed to cover ordinary diseases of life. All employees are covered by workers' compensation insurance.

An employee injured on the job may be eligible for workers' compensation benefits, which may cover the cost of hospitalization, doctors, treatment, prescription drugs and other related expenses, to include possible partial salary continuation.

Injuries not directly related to or caused by a specific accident or incident that occurred in the performance of the employee's job duties for the City, injuries occurring while an employee or volunteer is working or volunteering for an employer or organization other than the City, and/or injuries occurring during self-employment, are not covered under the City's workers' compensation plan.

Accident and Injury Reporting Procedures

1. **Medical Attention.** When an employee is injured on the job, the City's first priority is to ensure that the employee gets timely medical attention. The employee must immediately report the circumstances of the accident and/or injury to the supervisor who will direct the employee to seek medical treatment, if necessary, from the Approved Doctor List (ADL) referred to by Human Resources
2. **Reporting and Documentation.** The employee's supervisor is responsible for notifying Human Resources immediately upon being made aware of an employee's involvement in an accident or injury. This timely notification is critical.

The employee's supervisor will initiate a thorough investigation into the cause and circumstances of the accident causing the injury, including interviewing all witnesses and preparing a detailed written report explaining the facts of the accident that occurred. The supervisor must submit the City's Accident Report, First Report of Injury or Illness and any

other related information to the City Administration no later than the next business day after the injury was reported or no later than 9 a.m. on Monday for injuries occurring over the weekend. If the employee's supervisor has reason to believe that an injury has been reported that is not directly related to or caused by a specific accident or incident occurring in the performance of the employee's assigned job duties, the supervisor must advise the City Administration of these circumstances.

The decision of whether or not an injury will be covered by workers' compensation will be made by the Worker's Compensation Carrier and not by the City.

If the employee's treating physician recommends convalescence at home, the employee is required to contact the supervisor each day during the time away from work. For every doctor's office visit, the employee is required to obtain from his doctor a completed Work Status Report, which includes the employee's diagnosis, when the employee is expected to be able to return to work, the employee's restrictions and the date of the employee's next appointment.

It is the employee's responsibility to ensure that a copy of the Work Status Report is forwarded to Human Resources and to the supervisor. Failure to report to Human Resources as required may result in disciplinary action, up to and including termination of employment.

Returning to Work

The employee is to return to work immediately after treatment unless the employee's physician will permit neither regular duty nor modified duty. The employee must have a written release from the doctor to return to work and the release must specify any restrictions. The City does not guarantee the availability of a modified duty opportunity. However, the employee must accept any modified duty assignment that is offered, including an assignment in another department.

All modified duty assignments must be approved by the City Administrator to ensure compliance with the City's policies, the physician's restrictions/release and with the Americans with Disabilities Act (ADA,) the Americans with Disabilities Act as Amended (ADAAA).

Maximum Time Limits

Subject to other restrictions, limitations and earlier terminations as applicable in particular circumstances, the City will hold open an employee's position following an injury that occurred while performing official job duties or conducting City business, for a reasonable time period if holding the position does not result in undue hardship on the City, generally not to exceed six months.

The City Administrator will engage in discussions of any reasonable accommodations that may assist the employee in performing the essential functions of the job. At the end of the reasonable period of time, should the employee still be unable for any reason to perform the essential duties of the job, with or without accommodation, the employee's position may be filled and the employee may be considered for a vacant position for which the employee is qualified and released from the physician to perform.

If no vacant position is available for which the employee is qualified, if not selected to fill the vacant position or if the employee declines to accept another position, employment with the

City will be terminated.

Section 9.10 **Unpaid Leave of Absence**

If you are a regular, full-time employee, you may request an unpaid leave of absence by submitting a written request to your Department Head.

You may be given an unpaid leave of absence for illness or inability to work or any other legitimate purpose approved by the Department Head. Unpaid leaves of absence may be approved only after Vacation and Sick leave has been exhausted.

The Department Head may approve an unpaid leave of absence of up to two (2) weeks in duration. The City Administrator and the Department Head must approve an unpaid leave of absence beyond two weeks. An unpaid leave of absence may not exceed 30 days, unless an additional application is requested by the employee and approved by the City Administrator.

During an approved unpaid leave of absence, the City will continue to pay its usual contributions toward your benefits; however, you will still be responsible for paying any benefit premiums that would normally be deducted from your paycheck. Please make arrangements with Administration for paying these premiums prior to your leave.

Section 9.11 **Group Medical Plan**

The City makes comprehensive group medical coverage available to every regular full-time employee and pays the premium toward such single coverage for as long as an employee is eligible and enrolled. Newly hired employees should enroll themselves and their eligible dependents (if desired) for medical coverage within 30 days of hire. Once enrolled, an employee and his/her dependents are covered effective the first of the month after the employee's date of employment.

Any premium for dependent coverage will be deducted from your paycheck; employees in a non-pay status will have to pay premiums to the City in order to maintain coverage.

Specific and complete details of the City's medical plan are available in plan booklets supplied to you by Administration.

Section 9.12 **Group Life Insurance**

Group life insurance coverage in the amount of \$50,000, including accidental death and dismemberment coverage, is provided to all regular, full-time employees. The City pays the full premiums for the employee for the provided amount. Employees may elect and pay for additional optional coverage. For further information, refer to the Group Life Insurance Policy.

Section 9.13 **Long Term Disability**

Long-term disability coverage is provided to all regular, full-time employees. The City pays the full premium for full-time employees. For further information, refer to the Long-Term Disability information available from Human Resources.

Section 9.14 **Dental Insurance**

Dental insurance is available to regular full-time employees and their dependents, if desired. The City pays the premium for single coverage. Premiums for dependent coverage will be deducted from your paycheck.

Specific and complete details of the City's dental plan are available in plan booklets supplied to you by Administration.

Section 9.15 **Texas Municipal Retirement System**

The City of Parker is a member of the Texas Municipal Retirement System (TMRS). Participation in the system is mandatory for all regular, full-time employees. There is no maximum age for participation in TMRS. Beginning January 1, 2024, employees contribute 7% of their gross income, which is not taxable until withdrawn. The City contributes on your behalf at a rate of 2:1 (14%).

The purpose of the retirement system is to provide adequate and dependable retirement benefits for employees retiring from Texas Municipalities. Each member City chooses from various TMRS options to tailor its retirement plan to meet local needs and circumstances. Policy Manuals detailing this plan are available at www.TMRS.com.

Section 9.16 **Social Security**

The City of Parker does not participate in Social Security (unless you are a part-time or seasonal employee). If you retire under both Social Security and a local government retirement plan such as TMRS, with a City that does not participate in Social Security, your Social Security benefit may be lowered or offset. For more information, contact your local Social Security office.

Section 9.17 **Medicare**

Employees hired after April 1, 1986 are required to make a contribution toward Medicare equal to 1.45% of gross pay. The City matches the employee's contribution with an amount equal to the employee's contribution.

Section 9.18 **Continuation of Group Medical Benefits**

The Consolidated Omnibus Budget Reconciliation Act (COBRA), provides that all employees are eligible to continue their group insurance for a maximum of eighteen (18) months when employment is terminated due to resignation, retirement, reduction in employees, reduction of work hours, or dismissal for reasons other than gross misconduct. The law also entitles dependents of a covered employee to continue their group insurance coverage for a maximum of eighteen (18) months upon the separation of a covered employee or a reduction in such employee's hours of employment; and up to thirty-six (36) months upon the death of a covered employee, divorce or legal separation, when dependent children are no longer "eligible dependent" under the definition in the policy, or when the employee becomes Medicare eligible. The employee or dependent must request continuation of coverage and must pay the full cost of coverage.

Section 9.19 **Inclement Weather and Emergency Conditions**

The City will make every effort to maintain normal working hours through inclement weather. Except for extraordinary circumstances, City offices DO NOT CLOSE, although City facilities may be closed to the public. All City employees, whether exempt or nonexempt, are expected to make a sincere effort to report to work during inclement weather conditions or other emergency situations.

1. **Employee.** If an employee determines that the weather conditions constitute a danger to life and/or property, the employee must notify the immediate supervisor and/or Department Head and make arrangements to report to work if weather conditions improve. If conditions do not improve, Vacation leave or leave without pay will be utilized.
2. **Department Head.** The Department Head is responsible for seeing that City services are staffed while City offices are open for business during inclement weather or emergency conditions. Any City service that cannot be provided during inclement weather or other emergency conditions must be immediately reported to the City Administrator.
3. **City Administrator.** When weather or other conditions are such that the City Administrator or designee declares certain City offices/departments officially closed, all affected personnel, i.e., those non-essential employees who were scheduled to work during the time of closure, will be paid for their scheduled hours when the office/department is closed. On days when the weather worsens as the day progresses, the City may decide to close early. In such cases, a decision and announcement will be made by the City Administrator or designee at the appropriate time. Employees will only be paid for time worked when the office/department closes early and may utilize Vacation leave or leave without pay for the remainder of the day.
4. **Essential Personnel.** Essential personnel must report to work even when other City offices/departments are officially closed due to weather or other type of extraordinary circumstances. Essential personnel required to be on the job regardless of adverse weather or other conditions are designated by the Department Head and/or the City Administrator. Nonexempt essential personnel shall receive 1.5 times their regular rate of pay for actual hours worked during inclement weather or emergency conditions. Essential personnel who

fail to report to work may be subject to disciplinary action up to and including termination of employment.

Section 9.20 **Quarantine Leave**

In accordance with Local Government Code 180.008, this paid quarantine leave policy applies to peace officers who are employed or appointed by the City and ordered to quarantine or isolate due to a possible or known exposure to a communicable disease while on duty.

Definitions:

- (1) "Health authority" means a physician appointed by the county health department to administer state and local laws relating to public health within the City's jurisdiction.
- (2) "Paid quarantine leave" means: (1) all employment benefits and compensation, including leave accrual, pension benefits, and health benefit plan benefits provided by the City; and (2) if applicable, reimbursement for reasonable costs related to the quarantine, including lodging, medical, and transportation costs.
- (3) "Peace officer" means police officers licensed by the Texas Commission on Law Enforcement and employed by the City.

Quarantine Leave:

A City of Parker peace officer who is ordered to quarantine or isolate by the person's supervisor or the county's health authority due to a possible or known exposure to a communicable disease while on duty is entitled to receive paid quarantine leave for the duration of the leave.

No Reduction in Compensation and Benefits

The City will not reduce a peace officer's sick leave balance, vacation leave balance, holiday leave balance, or other paid leave balance in connection with paid quarantine leave taken in accordance with this policy.

EMPLOYEE ACKNOWLEDGMENT FORM

The Personnel Policy Manual describes important information about the City of Parker, and I understand that I should consult Human Resources regarding any questions. I acknowledge that there is no specified duration of employment and employment is at-will. Accordingly, either I and/or the City of Parker may terminate employment with or without cause at any time.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions may occur, except to the City's policy of employment-at-will. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies.

Furthermore, I acknowledge that this manual is not a contract of employment. I have received the manual, and I understand that it is my responsibility to read and comply with the policies contained therein and any revisions made to it. I also understand that it is my responsibility to keep this manual updated with future official notices relative to revised information and shall return this manual to the personnel department upon termination of my employment with the City of Parker.

Employee's Signature

Date

Employee's Name (Typed or Printed)



Council Agenda Item

Budget Account Code:	Meeting Date: See above.
Budgeted Amount:	Department/ Requestor: City Council
Fund Balance-before expenditure:	Prepared by: ACA/CS Scott Grey
Estimated Cost:	Date Prepared: February 10, 2025
Exhibits:	<u>Oath</u>

AGENDA SUBJECT

ADMINISTER OATH OF OFFICE TO NEWLY APPOINTED OFFICIAL.

MAYOR – COUNCILMEMBER

SUMMARY

Mayor Lee Pettle will administer the Oath of Office to the appointed official.

After the Oath is completed the newly appointed official will take their seat at the bench as directed by the Mayor.

POSSIBLE ACTION

City Council may direct staff to take appropriate action

Inter – Office Use			
Approved by:	Enter Text Here		
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date:	02/13/2025
Interim City Attorney:	<i>Catherine Clifton</i>	Date:	02/14/2025 via Municode
Mayor	<i>Lee Pettle</i>	Date:	02/xx/2025



In the name and by the authority of
The State of Texas
OATH OF OFFICE

I, _____, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of _____, City of Parker, Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.

Signature of Officer

.....

State of Texas)
County of Collin)

Sworn to and subscribed before me this (date) day of (Month), (year).

Signature of Notary Public or Other
Officer Administering Oath

Printed or Type Name

(Seal)

CITY OF PARKER, COLLIN COUNTY, TEXAS

Term Expires: May 2025



Council Agenda Item

Budget Account Code:	Meeting Date:	See above.
Budgeted Amount:	Department/ Requestor:	Council
Fund Balance-before expenditure:	Prepared by:	ACA/CS Scott Grey
Estimated Cost:	Date Prepared:	February 11, 2025
Exhibits:	<u>None</u>	

AGENDA SUBJECT

NOISE COMMITTEE – MARCH 5, 2025, 2 PM

PARKS AND RECREATION COMMISSION (P&R) – WEDNESDAY, MARCH 12, 2025, 5 PM
THURSDAY, APRIL 3, 2025 - LAST DAY TO REGISTER TO VOTE FOR THE MAY 3, 2025, GENERAL ELECTION

2025 CANDIDATES NIGHT – THURSDAY, APRIL 17, 2025, 7 PM – VICTORY CHURCH – 6301 E. PARKER ROAD

NATIONAL PRESCRIPTION DRUG TAKE BACK - SATURDAY, APRIL 26, 2025, 10AM-2PM
GENERAL ELECTION

REMINDER – MAY 3, 2025 – GENERAL ELECTION (EV AND ED INFO)

Sunday (Domingo)	Monday (Lunes)	Tuesday (Martes)	Wednesday (Miércoles)	Thursday (Jueves)	Friday (Viernes)	Saturday (Sábado)
April 20 No Voting (20 de abril) (Sin votar)	April 21 No Voting (21 de abril) (Sin votar)	April 22 Early Voting (22 de abril) (Votación adelantada) 8 am – 5 pm	April 23 Early Voting (23 de abril) (Votación adelantada) 8 am – 5 pm	April 24 Early Voting (24 de abril) (Votación adelantada) 8 am – 5 pm	April 25 Early Voting (25 de abril) (Votación adelantada) 8 am – 5 pm	April 26 Early Voting (26 de abril) (Votación adelantada) 8 am – 5 pm
April 27 No Voting (27 de abril) (Sin votar)	April 28 Early Voting (28 de abril) (Votación adelantada) 7am - 7pm	April 29 Early Voting (29 de abril) (Votación adelantada) 7am - 7pm	April 30 (30 de abril)	May 1 (1 de mayo)	May 2 (2 de mayo)	May 3 Election Day (3 de mayo) (Día de elección) 7am – 7pm

SUMMARY

Please review information provided.

POSSIBLE ACTION

City Council may direct staff to take appropriate action.

Inter – Office Use			
Approved by:	Enter Text Here		
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date:	02/13/2025
Interim City Attorney:	<i>Catherine Clifton</i>	Date:	02/14/2025 via Municode
Mayor	<i>Lee Pettle</i>	Date:	02/XX/2025



Council Agenda Item

Budget Account Code:	Meeting Date:	See above.
Budgeted Amount:	Department/ Requestor:	City Secretary
Fund Balance-before expenditure:	Prepared by:	ACA/CS Scott Grey
Estimated Cost:	Date Prepared:	February 10, 2025
Exhibits:	<u>Proposed Minutes</u>	

AGENDA SUBJECT

APPROVAL OF MEETING MINUTES FOR FEBRUARY 4, 2025. [JOINT CC/P&Z COMP PLAN WORKSHOP AND REGULAR MEETING]

SUMMARY

Please review the attached minutes. If you have any questions, comments, and/or corrections, please contact the City Secretary at PGrey@parkertexas.us prior to the City Council meeting.

POSSIBLE ACTION

City Council may direct staff to take appropriate action.

Inter – Office Use			
Approved by:	Enter Text Here		
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date:	02/13/2025
Interim City Attorney:	<i>Catherine Clifton</i>	Date:	02/14/2025 via Municode
Mayor	<i>Lee Pettle</i>	Date:	02/ XX /2025



MINUTES
CITY COUNCIL MEETING
FEBRUARY 4, 2025

CALL TO ORDER – Roll Call and Determination of a Quorum

The Parker City Council met in a Joint City Council & Planning and Zoning (P&Z) workshop, regarding the Comprehensive Plan, on the above date at Parker City Hall, 5700 E. Parker Road, Parker, Texas, 75002.

Mayor Lee Pettle called the meeting to order at 5:00 p.m.

QUORUM (CITY COUNCIL)

City Council: Mayor Pro Tem Jim Reed and Councilmembers Todd Fecht, Randy Kercho, Amanda Noe, and Buddy Pilgrim were present. Asst. City Administrator/City Secretary Patti Scott Grey verified a quorum of City Council was present.

QUORUM (PLANNING AND ZONING (P&Z) COMMISSION)

Planning and Zoning (P&Z) Commission: P&Z Chair Russell Wright, and Commissioners Joe Lozano, Wei Wei Jeang, Lucy Estabrook, Lynnette Ammar, and Rajiv Gaind (Alternate Three) were present. Commissioners Larkin Crutcher (Alternate One) and Jasmat Sutaria (Alternate Two) were absent. Asst. City Administrator/City Secretary Patti Scott Grey verified a quorum of P&Z was present.

CITY STAFF

Staff Present: Asst. City Administrator/City Secretary Patti Scott Grey, Finance/Human Resources Director Grant Savage (his office), Interim City Attorney Catherine Clifton, Public Works Director Gary Machado

WORKSHOP (5:00 – 6:30 PM)**1. COMPREHENSIVE PLAN**

The Proposed Comprehensive Plan hyperlinked above was discussed along with resident Terry Lynch's feedback. (See Exhibit 1 – Terry Lynch's feedback re: Comprehensive Plan, dated Thursday, September 26, 2024, 2:43 PM.)

Additional discussion is planned to continue at a future City Council workshop.

Mayor Pettle adjourned the workshop at 6:27 p.m.

CALL TO ORDER – Roll Call and Determination of a Quorum

The Parker City Council met in a regular meeting on the above date at Parker City Hall, 5700 E. Parker Road, Parker, Texas, 75002.

Mayor Lee Pettle called the meeting to order at 6:32 p.m. Mayor Pro Tem Jim Reed and Councilmembers Todd Fecht, Randy Kercho, Amanda Noe, and Buddy Pilgrim were present.

Staff Present: Asst. City Administrator/City Secretary Patti Scott Grey, Finance/Human Resources Director Grant Savage (arrived from his office @ 7:18 p.m.), Interim City Attorney Catherine Clifton (arrived from conference room after executive session), Public Works Director Gary Machado (arrived from conference room after executive session), Assistant Fire Chief Jeff Kendrick, and Police Chief Kenneth Price (left @ 6:37 p.m. and returned after executive session)

EXECUTIVE SESSION (6:30 – 7:00 PM) - Pursuant to the provisions of Chapter 551, Texas Government Code, Vernon's Texas Codes Annotated the City Council may hold a closed meeting.

RECESS TO CLOSED EXECUTIVE SESSION IN ACCORDANCE WITH THE AUTHORITY CONTAINED IN:

Government Code Section 551.071(1)—Consultation with City Attorney concerning Pending or Contemplated Litigation.

Government Code Section 551.071(2) – Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter (Open Meetings Act).

Government Code Section 551.074 Personnel: To deliberate the evaluation and appointment of candidates for the vacancy created by the pending resignation of one member of city council.

Mayor Lee Pettle recessed the regular meeting to Executive Session at 6:36 p.m.

RECONVENE REGULAR MEETING.

Mayor Lee Pettle reconvened the meeting at 7:24 p.m.

ANY APPROPRIATE DELIBERATION AND/OR ACTION ON ANY OF THE EXECUTIVE SESSION SUBJECTS LISTED ABOVE.

No action was taken.

PLEDGE OF ALLEGIANCE

AMERICAN PLEDGE: Parks and Recreation (P&R) Chair Frank DaCosta led the pledge.

TEXAS PLEDGE: Michael Slaughter led the pledge.

PUBLIC COMMENTS The City Council invites any person with business before the Council to speak. No formal action may be taken on these items at this meeting. Please keep comments to 3 minutes.

Terry Lynch, 5809 Middleton Drive, thanked City Council and City Staff for making repairs to Lewis Lane, and said she hopes additional repairs and an interlocal agreement between the cities of Parker and Lucas will be agreed upon soon.

Sireesha Penmatsa, 4405 Dover Drive (Kings Crossing Phase 3) expressed continued concern and a need for assistance with the drainage issues in her neighborhood,

stating there is a broken culvert by her home, and she is scared of flooding every time it rains. Mrs. Penmatsa indicated she thought it would be an easy fix and hopes the city will work with her to fix it. (See Exhibit 2 – Sireesha Penmatsa’s photos, dated February 4, 2024.)

ITEMS OF COMMUNITY INTEREST

Mayor Pettle reviewed the upcoming Community Interest items below:

2. NOISE COMMITTEE - FEBRUARY 5, 2025, 2 PM

PARKS AND RECREATION COMMISSION (P&R) – WEDNESDAY, FEBRUARY 12, 2025, 5 PM

CITY FILING DEADLINE- FRIDAY, FEBRUARY 14, 2025, 5:00 PM
THURSDAY, APRIL 3, 2025 - LAST DAY TO REGISTER TO VOTE FOR THE
MAY 3, 2025, GENERAL ELECTION
REMINDER – MAY 3, 2025 – GENERAL ELECTION (EV AND ED INFO)

Sunday (Domingo)	Monday (Lunes)	Tuesday (Martes)	Wednesday (Miércoles)	Thursday (Jueves)	Friday (Viernes)	Saturday (Sábado)
April 20 No Voting (20 de abril) (Sin votar)	April 21 No Voting (21 de abril) (Sin votar)	April 22 Early Voting (22 de abril) (Votación adelantada) 8 am – 5 pm	April 23 Early Voting (23 de abril) (Votación adelantada) 8 am – 5 pm	April 24 Early Voting (24 de abril) (Votación adelantada) 8 am – 5 pm	April 25 Early Voting (25 de abril) (Votación adelantada) 8 am – 5 pm	April 26 Early Voting (26 de abril) (Votación adelantada) 8 am – 5 pm
April 27 No Voting (27 de abril) (Sin votar)	April 28 Early Voting (28 de abril) (Votación adelantada) 7am - 7pm	April 29 Early Voting (29 de abril) (Votación adelantada) 7am - 7pm	April 30 (30 de abril)	May 1 (1 de mayo)	May 2 (2 de mayo)	May 3 Election Day (3 de mayo) (Día de elección) 7am – 7pm

CONSENT AGENDA Routine Council business. Consent Agenda is approved by a single majority vote. Items may be removed for open discussion by a request from a Councilmember or member of staff.

3. APPROVAL OF MEETING MINUTES FOR JANUARY 21, 2025. [REGULAR MEETING]
4. APPROVAL OF MEETING MINUTES FOR JANUARY 23, 2025. [SPECIAL JOINT CC/P&Z COMP PLAN MEETING]

MOTION: Councilmember Kercho moved to approve items #3 and Item #4, January 21 and 23, 2025 City Council meeting minutes, as provided. Mayor Pro Tem Reed seconded with Councilmembers Fecht, Kercho, Noe, Pilgrim, and Reed voting for the motion. Motion carried 5-0.

INDIVIDUAL CONSIDERATION ITEMS

5. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ORDINANCE NO. 889 CALLING FOR AN ELECTION TO BE HELD ON SATURDAY, MAY 3,

2025 TO ELECT THREE (3) CITY COUNCIL MEMBERS AT-LARGE; PROVIDING FOR EARLY VOTING; AUTHORIZING THE MAYOR TO EXECUTE A JOINT GENERAL AND SPECIAL ELECTION SERVICES CONTRACT FOR ELECTION SERVICES WITH COLLIN COUNTY; PROVIDING FOR THE ORDER AND NOTICE OF THE ELECTION; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

MOTION: Councilmember Noe moved to approve Ordinance No. 889 calling for an election to be held on Saturday, May 3, 2025 to elect three (3) City Council Members at-large; providing for early voting; authorizing the Mayor to execute a Joint General and Special Election services contract for election services with Collin County; providing for the Order and Notice of the Election; finding and determining that the meeting at which this Ordinance is passed was noticed and is open to the public as required by law. Councilmember Reed seconded with Councilmembers Fecht, Kercho, Noe, Pilgrim, and Reed voting for the motion. Motion carried 5-0.

6. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2025-829 AUTHORIZING CONTINUED PARTICIPATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR; AND AUTHORIZING THE PAYMENT OF ELEVEN CENTS PER CAPITA TO THE STEERING COMMITTEE TO FUND REGULATORY AND LEGAL PROCEEDINGS AND ACTIVITIES RELATED TO ONCOR ELECTRIC DELIVERY COMPANY, LLC.

MOTION: Councilmember Kercho moved to approve Resolution No. 2025-829 authorizing continued participation with the Steering Committee of Cities served by Oncor; and authorizing the payment of eleven cents per capita to the steering committee to fund regulatory and legal proceedings and activities related to Oncor Electric Delivery Company, LLC. Councilmember Fecht seconded with Councilmembers Fecht, Kercho, Noe, Pilgrim, and Reed voting for the motion. Motion carried 5-0.

7. DISCUSSION, CONSIDERATION, AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2025-830 AUTHORIZING THE USE OF CITY RESOURCES TO REPAIR PORTIONS OF LEWIS LANE BETWEEN PARKER ROAD AND THE LEWIS LANE LIFT STATION.

MOTION: Councilmember Noe moved to postpone Resolution No. 2025-830 authorizing the use of city resources to repair portions of Lewis Lane between Parker Road and the Lewis Lane lift station. Mayor Pro Tem Reed seconded with Councilmembers Fecht, Kercho, Noe, Pilgrim, and Reed voting for the motion. Motion carried 5-0.

8. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2025-831 APPROVING AN AGREEMENT BETWEEN THE CITY OF PARKER AND BUCKINGHAM LOT VENTURE, LTD., PROVIDING FOR ANNEXATION OF, AND A DEVELOPMENT AGREEMENT FOR, APPROXIMATELY 46.69 ACRES OF LAND IN THE EXTRATERRITORIAL JURISDICITON OF THE CITY OF PARKER (BUCKINGHAM ESTATES).

Developers John Arnold (and Neil Stenberg in the audience), with Skorburg Company, 8214 Westchester Drive, Suite 900, Dallas, Texas 75225 reviewed the Buckingham Lot Venture, Ltd. and requested City Council approve the annexation and the development agreement (See Exhibit 3 – Skorburg Company PowerPoint, dated February 4, 2024.).

Cindy Meyer, 6618 Estados Drive, said the City of Parker's zoning codes state 2 acre lots. Ms. Meyer said City Council and City Staff should stand by city code and not make exceptions.

Lucy Estabrook, 4407 Church Lane, said City Council ran for office stating they wanted 2 acre lots, they should keep their word, and adhere to the code.

Karen Pratt, 6404 Northridge Parkway, said developing 1 acre lots in the City of Parker's extraterritorial jurisdiction (ETJ) and then annexing into the City knowing the city code calls for 2 acre lots is not the right thing to do.

MOTION: Councilmember Noe moved to postpone Resolution No. 2025-831 approving an agreement between the City of Parker and Buckingham Lot Venture, Ltd., providing for annexation of, and a development agreement for, approximately 46.69 acres of land in the extraterritorial jurisdiction of the City of Parker (Buckingham Estates). Councilmember Fecht seconded with Councilmembers Fecht, Kercho, Noe, and Reed voting for, no one voting against, and Councilmember Pilgrim abstaining, the motion. Motion carried 4-0-1.

9. ACCEPT MAYOR PRO TEM REED'S LETTER OF RESIGNATION.

Mayor Pro Tem Reed announced he provided a letter of resignation effective February 8, 2025. The resignation indicates he will no longer be a resident of the City of Parker.

MOTION: Councilmember Pilgrim moved to accept Mayor Pro Tem Reed's resignation (See Exhibit 4 – Jim Reed's resignation via email, dated February 3, 2025.). Councilmember Kercho seconded with Councilmembers Fecht, Kercho, Noe, and Pilgrim voting for the motion, no one voting against the motion, and Councilmember Reed abstaining. Motion carried 4-0-1.

10. CONSIDERATION AND APPROPRIATE ACTION TO FILL A COUNCILMEMBER VACANCY THROUGH MAY 2025 COUNCIL APPOINTMENT AS AUTHORIZED BY TEX. LOC. GOV'T CODE §22.010 FOR A TYPE A GENERAL LAW CITY WITH TWO YEAR TERMS AND ONE VACANCY; AND IF BY COUNCIL APPOINTMENT, APPOINTEE NOMINATION, IF ANY.

MOTION: Councilmember Noe moved to nominate and approve Terry Lynch, who is a former Councilmember and recently appointed to the Zoning Board of Adjustment (ZBA) Alternate 1 position (January 21, 2025). Councilmember Fecht seconded.

Councilmember Pilgrim expressed concern about the vacancy/nomination process.

MOTION: Councilmember Pilgrim moved to postpone the vacancy/nomination process until City Council's next meeting for transparency purposes. Councilmember Kercho seconded with Councilmembers Pilgrim and Kercho voting for the motion to

postpone and Councilmembers Fecht, Noe, and Reed voting against the motion to postpone. Motion failed 2-3.

Councilmember Noe stated there was a motion to nominate and approve Terry Lynch to fill Mayor Pro Tem Reed vacant position by herself and second by Councilmember Fecht on the floor and requested a vote.

Councilmembers Fecht, Noe, and Reed voting for and Councilmembers Kercho and Pilgrim voting against the motion. Motion carried 3-2. Terry Lynch was appointed.

Mayor Pettle noted Terry Lynch would fill Jim Reed's unexpired term, effective February 8, 2025 to the May 3, 2025 Joint General and Special Election canvass.

11. CONSIDERATION AND APPROPRIATE ACTION CONCERNING RESOLUTION NO 2025-832 APPOINTING A COUNCILMEMBER TO SERVE EFFECTIVE FEBRUARY, 2025, THROUGH THE REGULARLY SCHEDULED ELECTION OF MAY 3, 2025, AND OATH OF OFFICE TO COUNCIL APPOINTEE, IF AN APPOINTMENT IS MADE.

Mayor Pettle noted Terry Lynch's oath would be administered after the February 8, 2025 effective date *[Note: Mrs. Lynch will need to provide a resignation from current ZBA Alternate 1 position.]*

12. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2025-833 APPOINTING THE 2024-2025 MAYOR PRO TEM. [REMAINDER OR MAYOR PRO TEM REED'S TERM - RES. NO. 2024-792]

MOTION: Councilmember Pilgrim moved to postpone Resolution No. 2025-833 appointing the 2024-2025 Mayor Pro Tem. *[REMAINDER OR MAYOR PRO TEM REED'S TERM - RES. NO. 2024-792]*. Councilmember Fecht seconded with Councilmembers Fecht, Kercho, Noe, Pilgrim, and Reed voting for the motion. Motion carried 5-0.

13. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2025-834 ON UPDATING THE INVESTMENT COMMITTEE.

MOTION: Councilmember Noe moved to postpone Resolution No. 2025-834 on updating the Investment Committee. Councilmember Pilgrim seconded with Councilmembers Fecht, Kercho, Noe, Pilgrim, and Reed voting for the motion. Motion carried 5-0.

ROUTINE ITEMS

14. UPDATE(S):

FM2551

Public Works Director Gary Machado said he had nothing new to report. The project is currently a mess in part due to current weather conditions. Mr. Machado said he would continue to post information on the City website, www.parkertexas.us "News" section, as the information is made available.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ)

No update at this time.

PROJECTS IN PROGRESS**ENGINEERING REVIEW**

Councilmember Noe indicated she has proposed meeting dates and hopes the meeting(s) will occur soon.

NOISE COMMITTEE

Councilmember Kercho noted the Noise Committee would have a meeting tomorrow, February 5, 2025, at 2 p.m. in the City Council Chambers. Councilmember Fecht asked if the recordings could be uploaded to the City's website, as some residents were unable to attend in the afternoon. City Staff said they would edit and upload the recordings available, if possible, and Councilmember Kercho said they would try to make sure future meetings were recorded.

LEWIS LANE

Mayor Pettle said a proposed agreement was received late Monday (February 3, 2025) and the agreement is being reviewed Counsel.

CHAPARRAL INTERSECTION

Councilmember Kercho asked Police Chief Price to conduct a traffic study at the 4-way stop to see if traffic backs up at the intersection at peak traffic hours. Mr. Kercho said residents were still concerned traffic will backup leaving the Rolling Knolls Subdivision travelling north during those peak times.

ANY ADDITIONAL UPDATES**PUMP STATION/PUBLIC WORKS BUILDING**

Mayor Pettle said there was some confusion about what this building/project is called. She noted the information City Council requested on building price, material costs and a diagram should be coming soon.

DONATION(S)**15. ACCEPTANCE OF DONATION(S) FOR POLICE, FIRE, AND CITY STAFF FOR THE RECORD (Each valued at between \$0 - \$1,000 [RES. NO. 2024-801])**

Mary Ellen Cavanaugh donated chips/snacks valued at \$50 to the Police Department.

Jerry Dorough donated \$100 to the Parker Fire Department.

Linda Ryan donated 2 boxes of Girl Scout Cookies valued at \$12 to City Staff.

Mayor Pettle, on behalf of herself, City Council, and City Staff, thanked the donors for their kind and generous donation.

FUTURE AGENDA ITEMS**16. FUTURE AGENDA ITEMS**

Mayor Pettle asked if there were any items to be added to the future agenda.

Hearing no requests, Mayor Pettle encouraged everyone to email her any requests. She noted the next regularly scheduled meeting would be Tuesday, February 18, 2025.

PRESENTATION – RECOGNIZING FORMER COUNCILMEMBER/MAYOR PRO TEM REED

Mayor Pettle presented a plaque and reviewed former Mayor Pro Tem Jim Reed's many accomplishments and distinguished service to the City of Parker, Texas, 2021-2025. Mr. Reed thanked everyone.

The Mayor, City Council, City Staff, and audience applauded and expressed their appreciation for Mayor Pro Tem Reed's service

ADJOURN

Mayor Lee Pettle adjourned the meeting at 9:04 p.m.

RECEPTION FOR
FORMER COUNCILMEMBER/MAYOR PRO TEM JIM REED

ATTESTED:

Patti Scott Grey, City Secretary

APPROVED:

Mayor Lee Pettle

Approved on the 25th day
of February, 2025.



Terry Lynch [REDACTED]

Comments regarding Comprehensive Plan

Terry Lynch [REDACTED]
Draft

Thu, Sep 26, 2024 at 2:43 PM

I thank the P&Z Committee for taking on a revision of the city's existing Comprehensive Plan. I have reviewed the document and have a few comments. They are noted below:

- Page 17 - Commercial Development -
 - Additional "strategic discussion" needs to be provided on this topic?
 - As a city - what is in the best interest of the city and residents of Parker? Should we be embracing this type of growth or not?
 - Based on that, what are our options to achieve those?
 - As we look at commercial, should we look at the ETJ lands and large properties (ag land, exempt land, etc.)
- Page 11 - Parker's Population -
 - Source of Parker's 2023 Population should be provided.
 - Number of Homes in Parker - Source (and further explanation) needs to be provided. Per the Collin County Assessor's Office, the 2023 Certified Totals show that Parker has 1,824 Single Family Residential properties. The total "Property County" was 2,586; however, this shows other properties, including ag land, utilities, and exempt properties.
- Page 14 -Character of Parker Neighborhoods
 - Is the fourth paragraph necessary?
 - Properties in HOAs do agree to abide by a certain set of guidelines; however, each subdivision is unique in what might refer to their standards.
 - Paragraph implies that the city monitors and enforces non-HOA areas to a standard different from that of HOA areas. I do not think this is or should be the case. The city has standards that are applied to all areas of the city.
- Page 15 Current subdivisions within Parker.
 - Longhorn Farm - not in alpha order
- Page 16 - Kings Crossing 5 is not reflected here but is on schedule
-
- Page 19 - City Owned Property - City Hall
 - The third paragraph is an opinion that others might argue about. You say the city cannot conduct its operations, but it is managing to do so at present. Perhaps it is not the most spacious location for staff and the city should address other options that will allow for the future needs of our city.
 - Fourth paragraph - should clarify that the voters voted against the bond proposals (I would even suggest that the percentages of the elections should be provided). The low interest rates should not have been the justification for borrowing money from the city, costing taxpayer dollars without a sufficient case for the project.
- Page 20 - City Owned Property - City Hall Goals and objectives
 - The fact that a city has growth does not necessarily mean that there will be additional personnel - there are other options including more efficiency or outsourcing of non-core services.
 - I'm afraid I have to disagree with the statement that "a lack of space limits the city's ability to attract or retain personnel needed
- Page 21 - City Owned Property - Fire Department
 - Second paragraph -
 - when referring to the resident approval for funding- Was the actual bond proposition based on a \$ amount with the intent to build separate fire and police facilities?
 - part of the sentence referring to the police facility not being built is irrelevant to this topic. There is a discussion of police in a later section.
- Page 23 - City Owned Property - Police Department
 - Third paragraph - was the police department renovated using bond funds?
- Page 25 - City Owned Property - Parks, Trails - Introduction
 - The third paragraph - Are you anticipating a requirement that developments - donate land to the city for open green spaces? Or are you considering requiring that their developments have open green space for their residents (this would be owned by HOA but limited to HOA due to liability concerns)
 - The fourth paragraph - Are all of these sidewalks adjacent to collector streets (Whitestone- Whitestone Dr. & Belvedere Dr; Parker Ranch -Chaparral) - are Whitestone's sidewalks within the city's Right of Way?
- Page 28 - Infrastructure/Utilities - Water System

Exhibit 1

4405 Dorei Drive

Meeting Date: 02/25/2025 Item 4.

Absolutely no outlet for the water coming from the culvert. Eventually flooding our yards

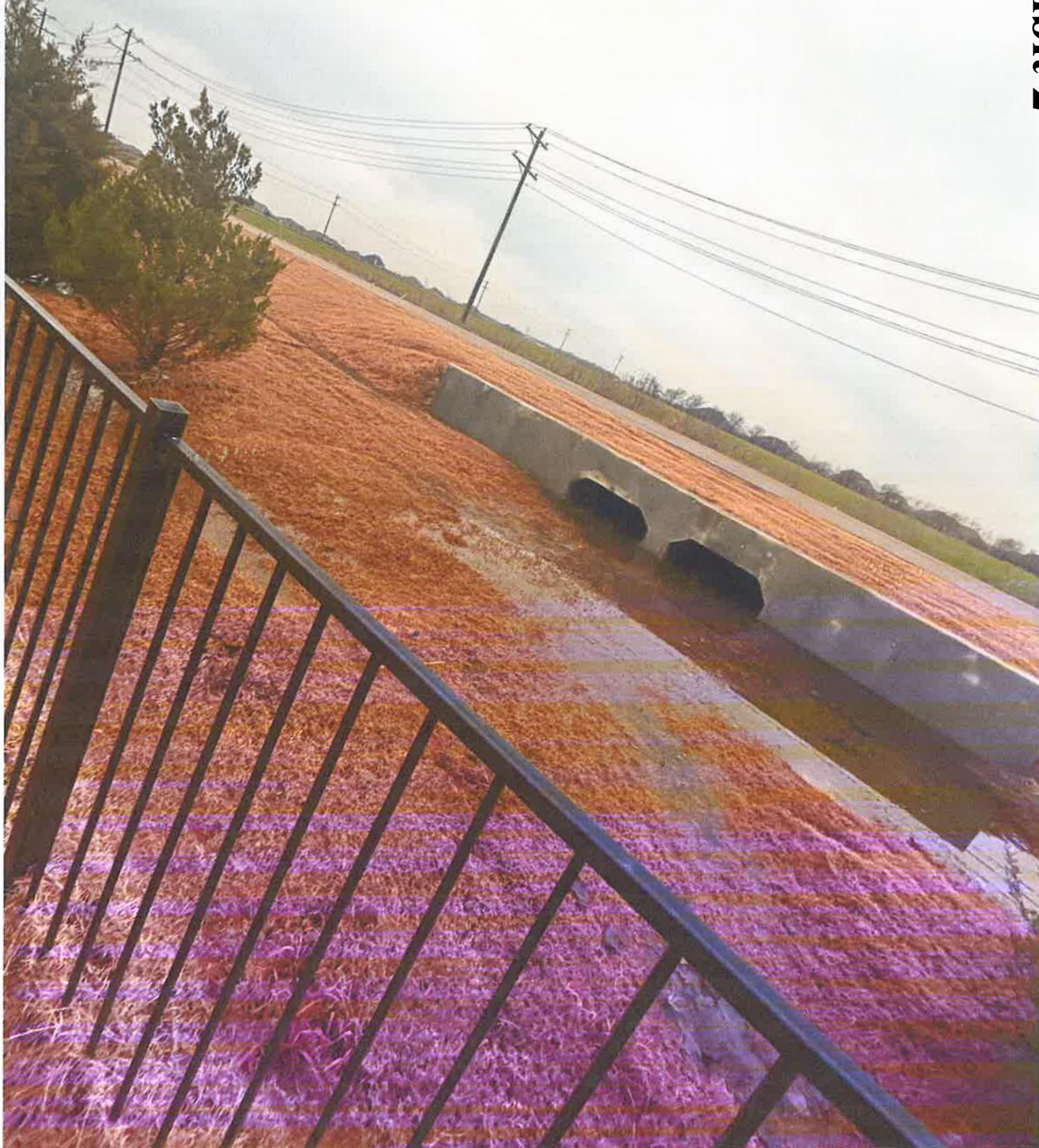


Exhibit 2

Proof of
Culvert. Set



4405 Dover Drive Flood
due to failed culvert. Water
directly entering in our yard flooding
back and front yards.

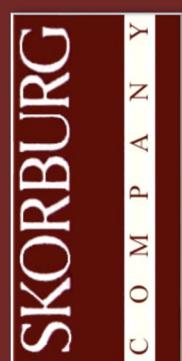


4405 Dover Drive
Constant flooding due to failed
culvert on the back of the fence line





Meeting Date: 02/25/2025 Item 4.



Buckingham Estates

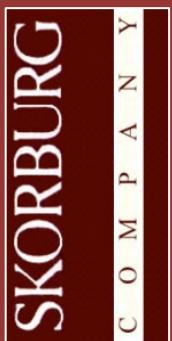
City Council Meeting

February 4, 2025

Exhibit 3

Contents

- Skorburg Company Background
- Subject Property
- Development Plan
- Home Building Partners

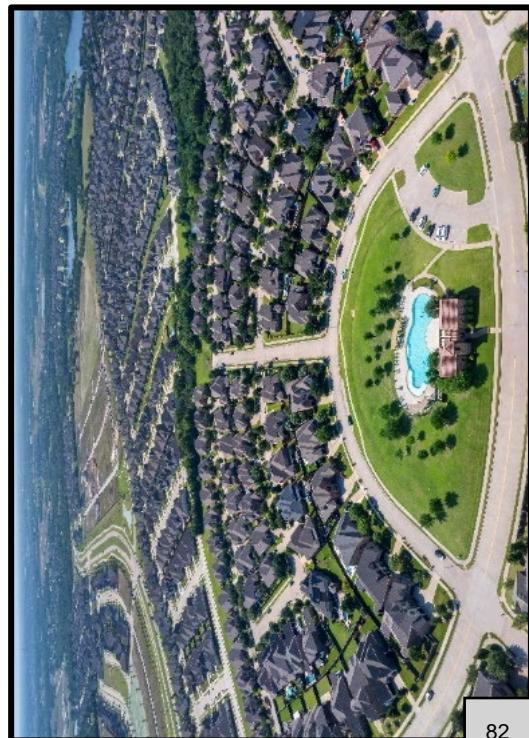
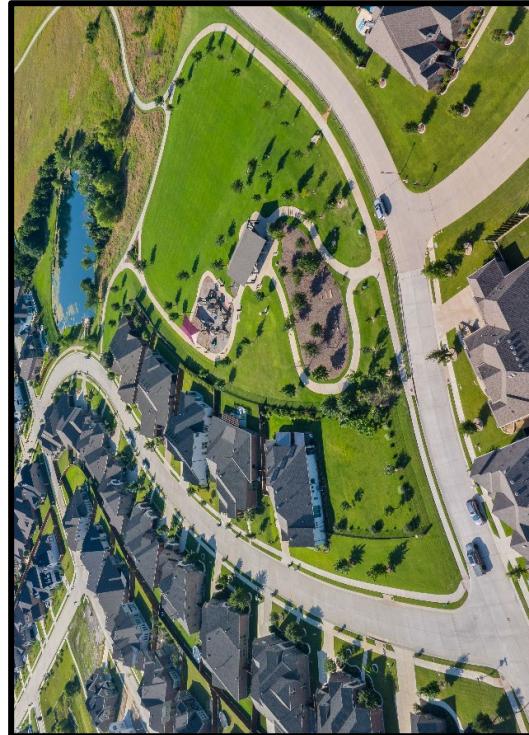
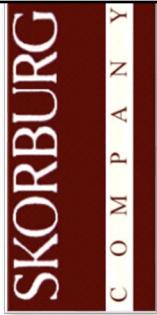
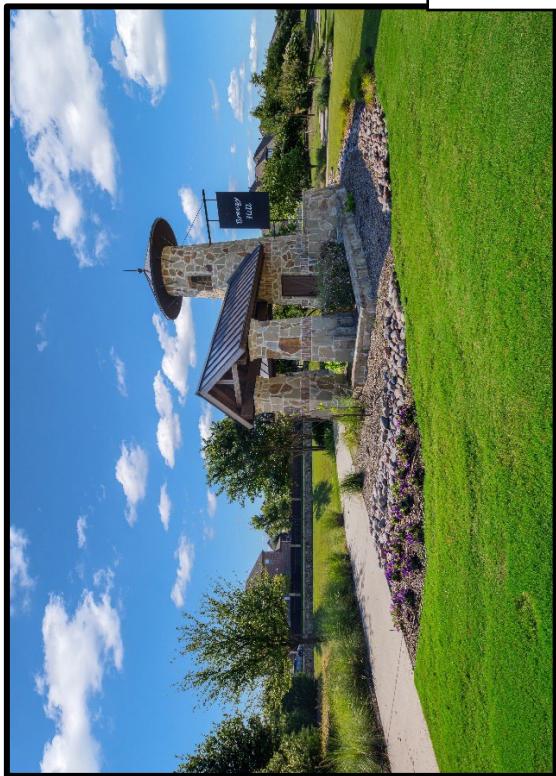
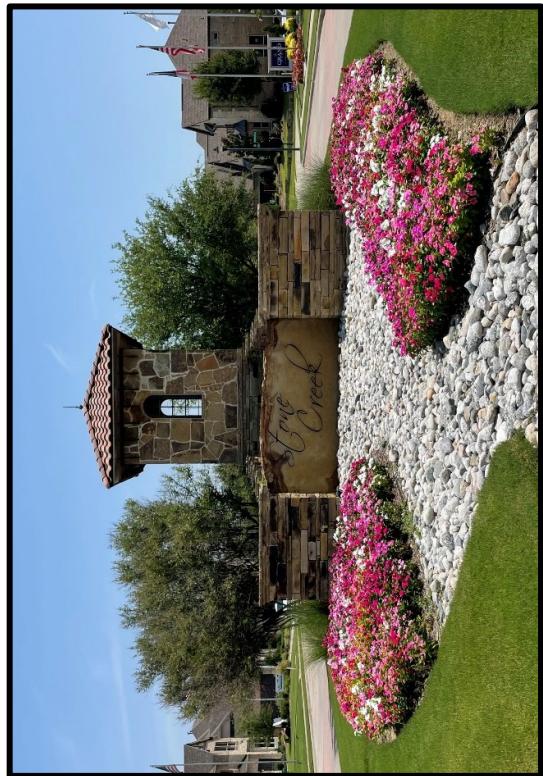




Skorburg Company Background

The Skorburg Company

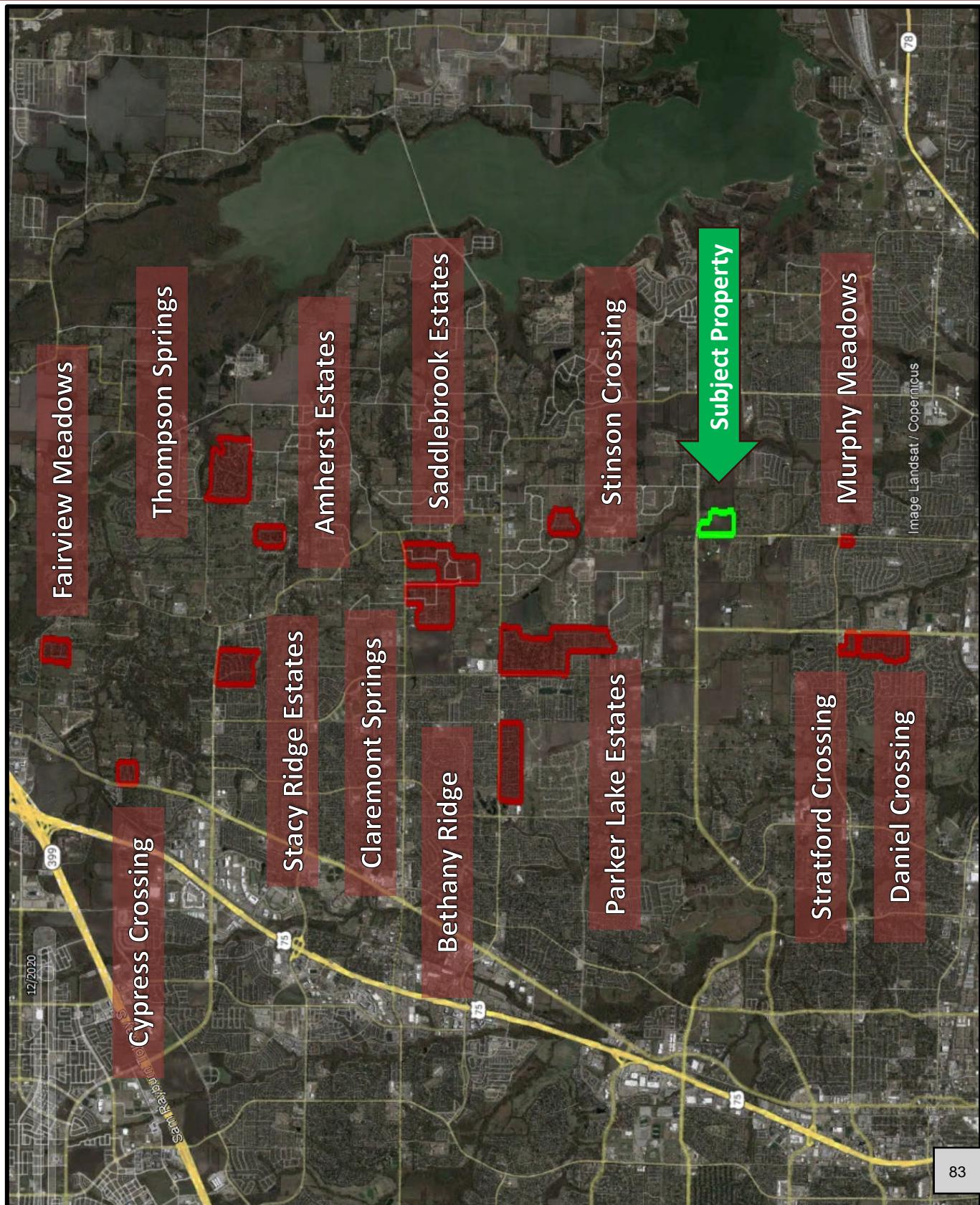
- Local, privately owned development firm with 40 years of experience
- Over 120 development projects in more than 33 different cities around DFW metroplex
- Over 25 current projects in active development or build out
- Reputation for building high-quality, long-lasting communities
- Projects range from small, infill locations to 800-acre multi-phase master planned communities



Skorburg Projects in the Area

Meeting Date: 02/25/2025 Item 4.

- Parker Lakes Estates (Parker, TX)
- Cypress Crossing (Fairview, TX)
- Fairview Meadows (Fairview, TX)
- Thompson Springs (Fairview, TX)
- Stacy Ridge Estates (Allen, TX)
- Bethany Ridge (Allen, TX)
- Amherst Estates (Lucas, TX)
- Saddlebrook Estates (Lucas, TX)
- Claremont Springs (Lucas, TX)
- Stinson Crossing (Lucas, TX)
- Stratford Crossing (Murphy, TX)
- Daniel Crossing (Murphy, TX)
- Murphy Meadows (Murphy, TX)



Parker Lake Estates – Parker, TX

Parker Lake Estates Overview

Location: East of Angel Pkwy

Size: +/- 282 Acres

Zoning: 278 – 1 to 2 Acre Lots

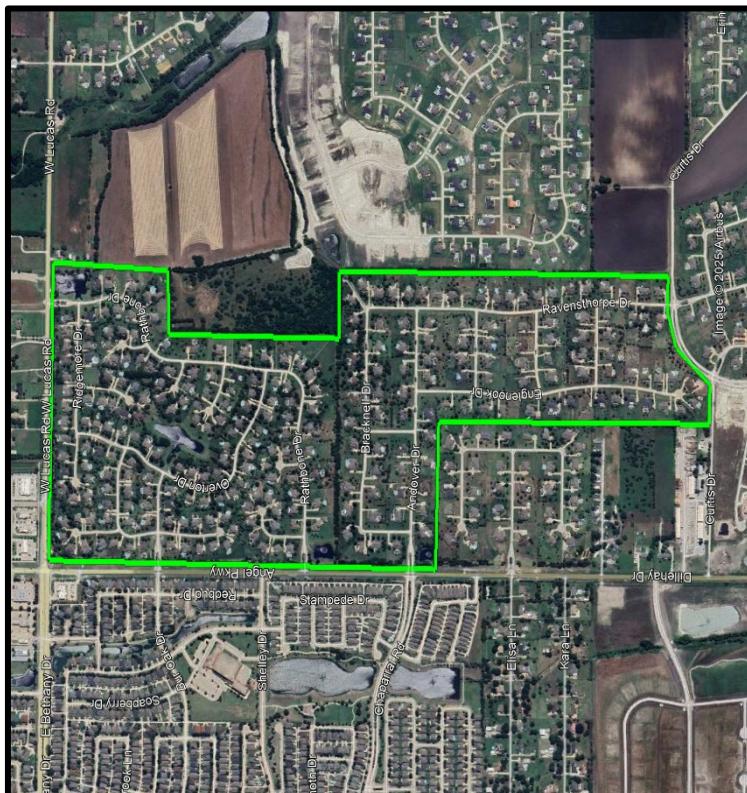
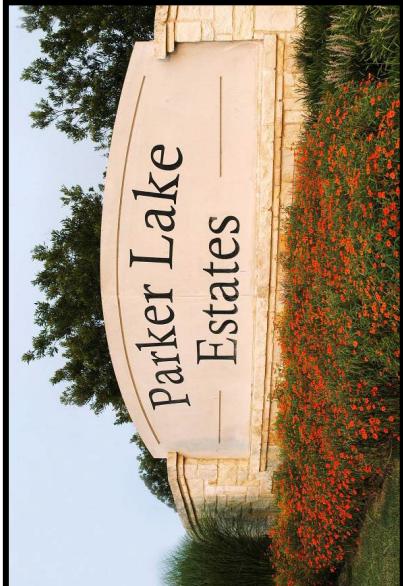
Builders: Highland Homes
Paul Taylor Homes

Status: Successfully entitled and closed in 2001. Fully built out.

Meeting Date: 02/25/2025 Item 4.

PAUL TAYLOR
Home

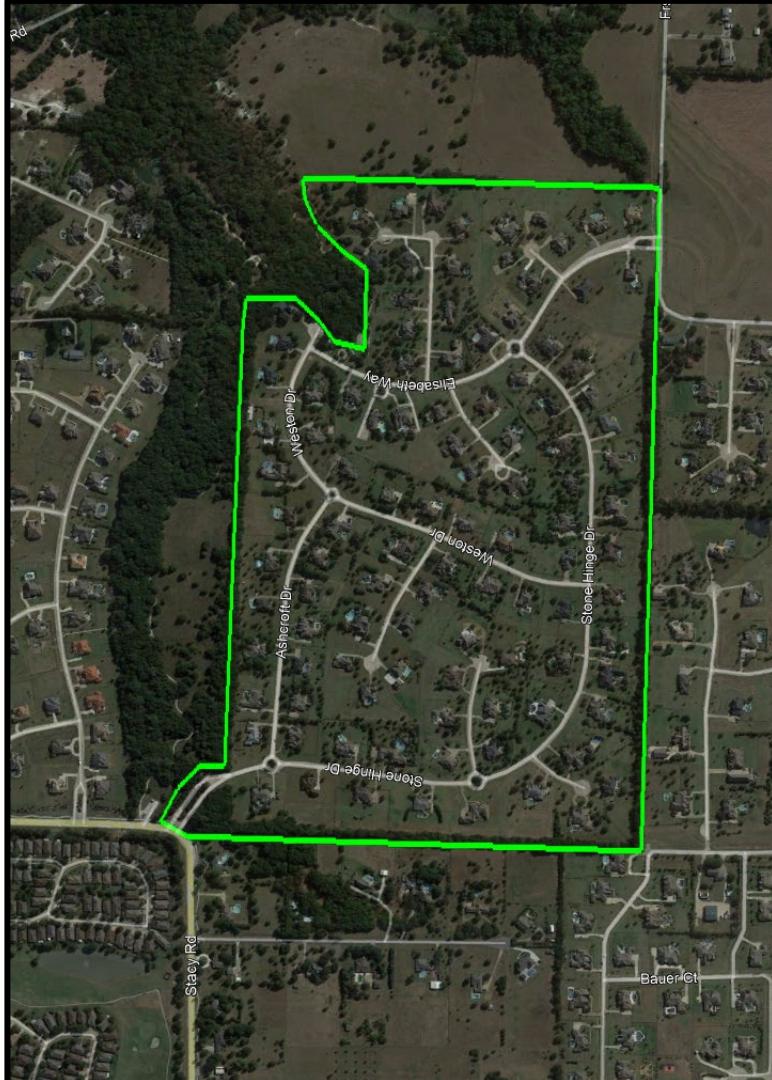
HIGHLAND
HOMES



Thompson Springs – Fairview, TX

Thompson Springs Overview

Location:	East of Angel Pkwy
Size:	+/- 165 Acres
Zoning:	106 – 1 Acre Lots
Builders:	Drees Homes Paul Taylor Homes Grand Homes
Status:	Successfully entitled and closed in of 2006. Fully built out.



Meeting Date: 02/25/2025 Item 4.

PAUL TAYLOR
Homes



Saddlebrook Estates – Lucas, TX

Saddlebrook Estates Overview

Location: South of Estates Pkwy

Size: +/- 120 Acres

Zoning: 67 – 1.5 to 2 Acre Lots

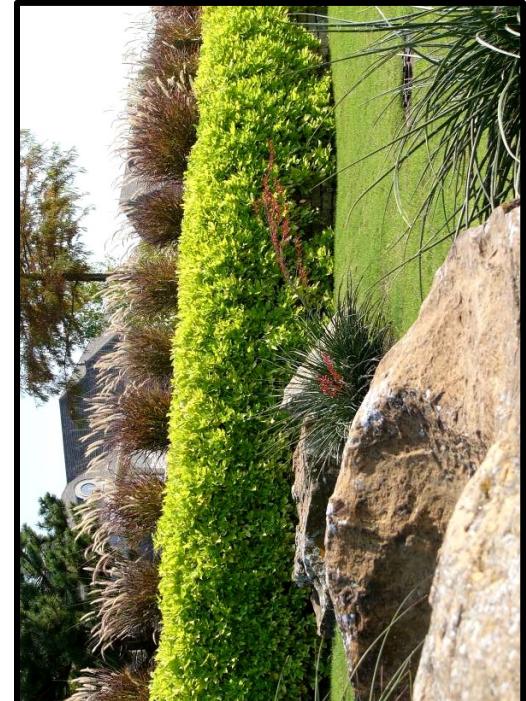
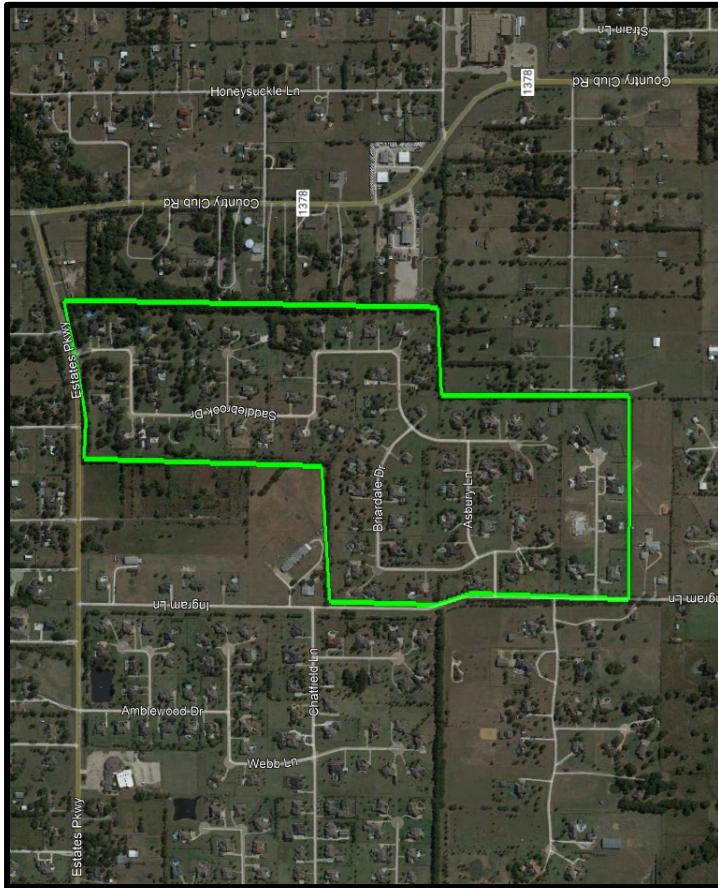
Builders:
Drees Homes
Paul Taylor Homes

Status: Successfully entitled and closed in 2006. Fully built out.

PAUL TAYLOR
Homes

Drees
HOMES

Meeting Date: 02/25/2025 Item 4.



Amherst Estates – Lucas, TX

Amherst Estates Overview

Location: North of Frst Grv Rd

Size: +/- 40 Acres

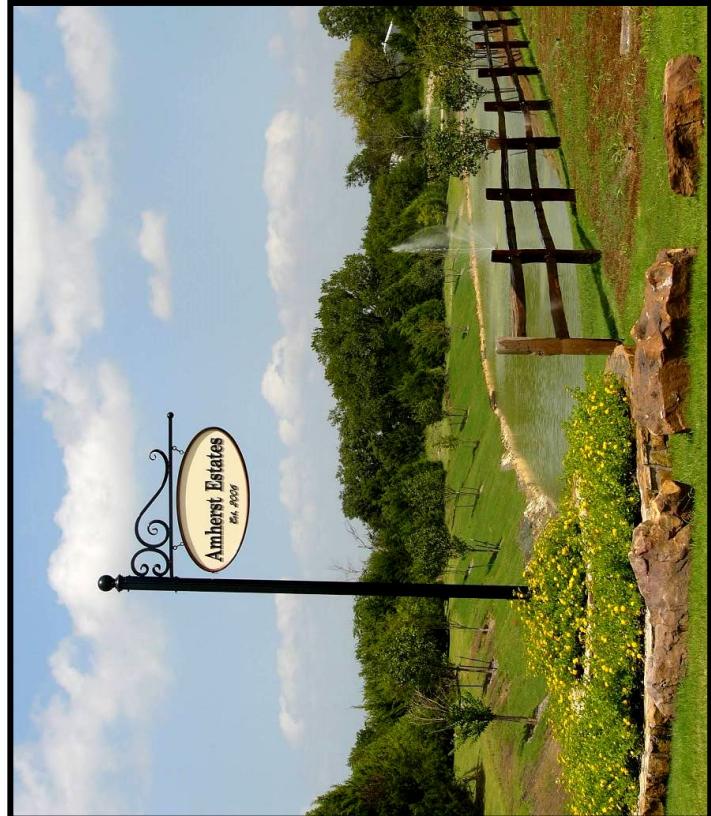
Zoning: 31 – 1 Acre Lots

Builders: Paul Taylor Homes

Status: Successfully entitled and closed in 2006. Fully built out.

Meeting Date: 02/25/2025 Item 4.

PAUL TAYLOR
Home.com



Claremont Springs – Lucas, TX

Claremont Springs Overview

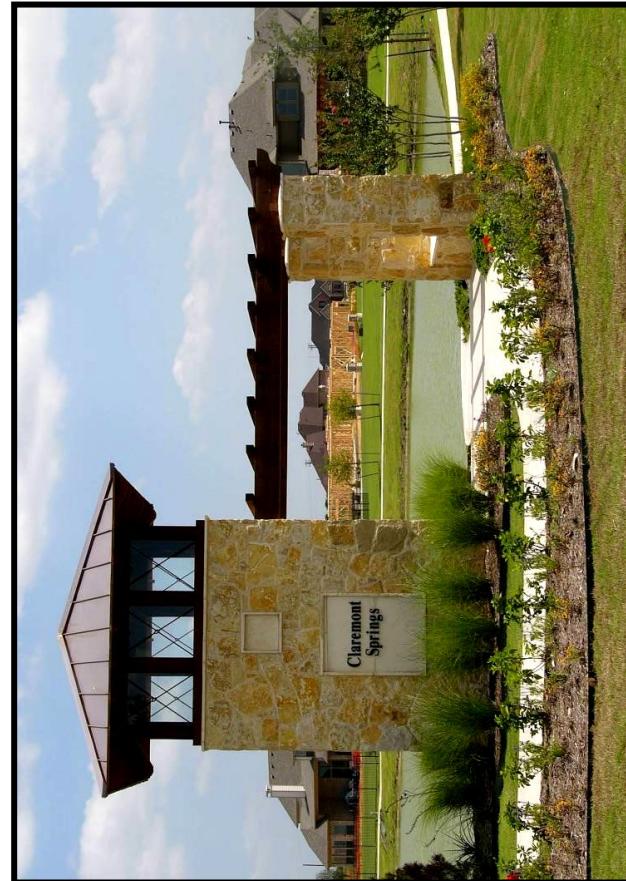
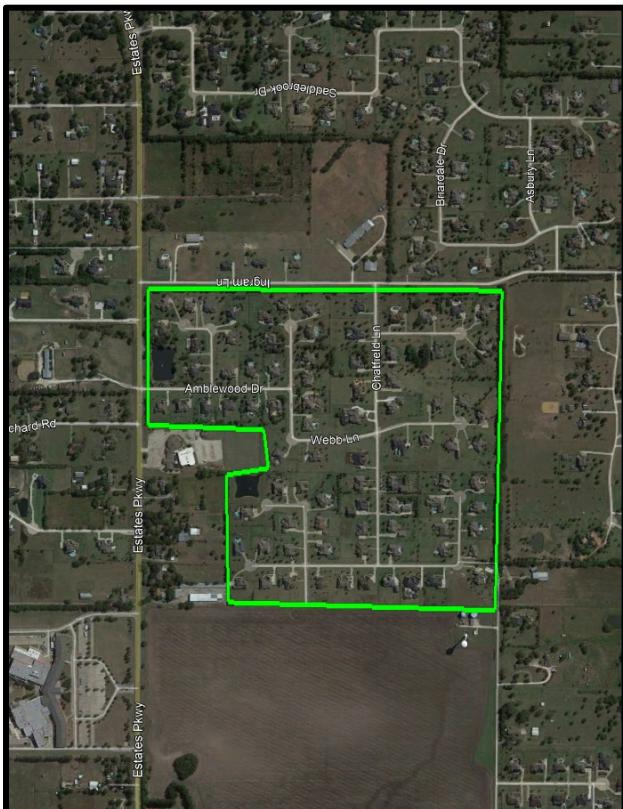
Location: South of Estates Pkwy

Size: +/- 120 Acres

Zoning: 87 – 1 to 1.5 Acre Lots

Builders: Paul Taylor Homes
Windsor Homes

Status: Successfully entitled and closed
in 2006. Fully built out.



Meeting Date: 02/25/2025 Item 4.

PAUL TAYLOR
Homes



Las Brisas at Sunnyvale, TX

Las Brisas at Stoney Creek

Overview

Location: Southeast Corner of Hounsel Ln & Nance Rd

Size: +/- 110.75 Acres

Zoning: 82 – 1 Acre Lots

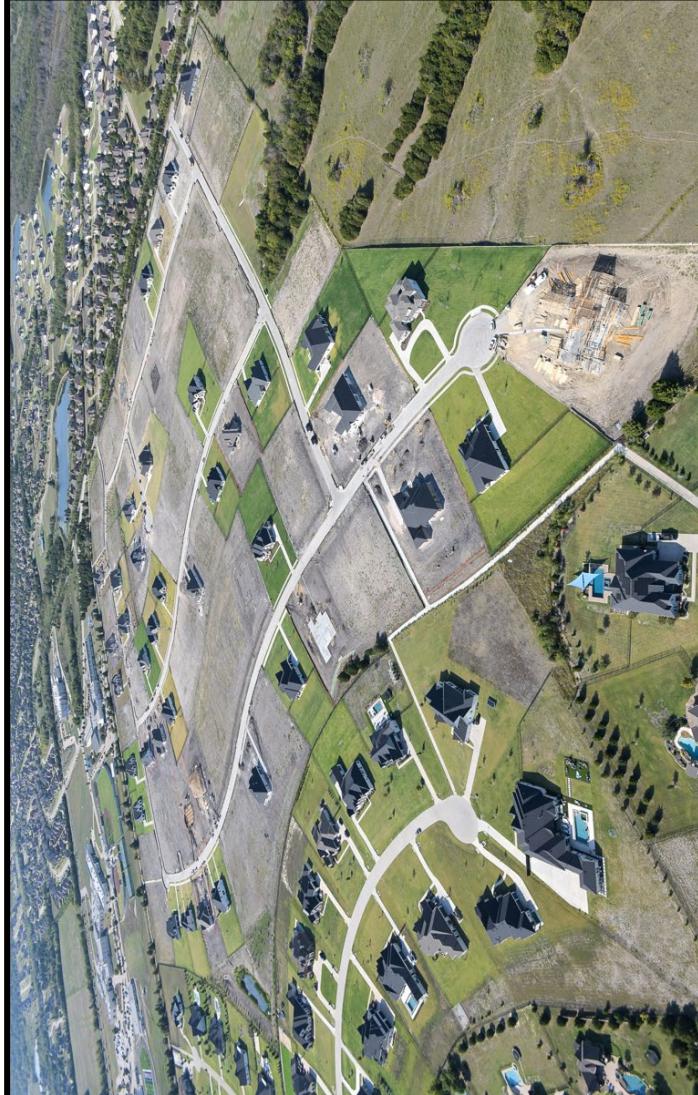
Builders:
Windsor Homes
Drees Homes
Kindred Homes

Home Prices: \$780K - \$1.1M

Status: Successfully entitled and closed in December 2021. Currently selling homes.



Meeting Date: 02/25/2025 Item 4.



Ridge Pointe Estates—McLendon-Chisolm, TX



Ridge Pointe Estates Overview

Location: Northwest Corner of FM 550 & Chapel Hill Ln

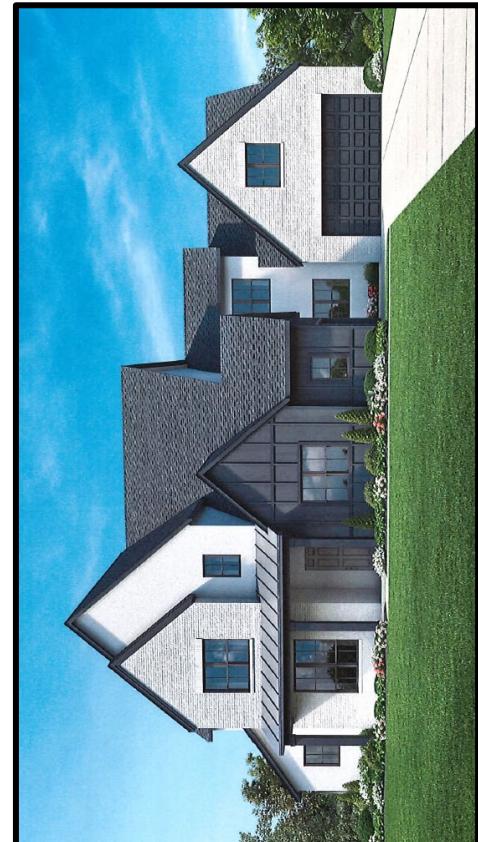
Size: +/- 99.54 Acres

Zoning: 83 – 1 Acre Lots

Builders: Windsor Homes
Toll Brothers

Status: Successfully entitled and closed in May 2024. Currently under construction.

Meeting Date: 02/25/2025 Item 4.

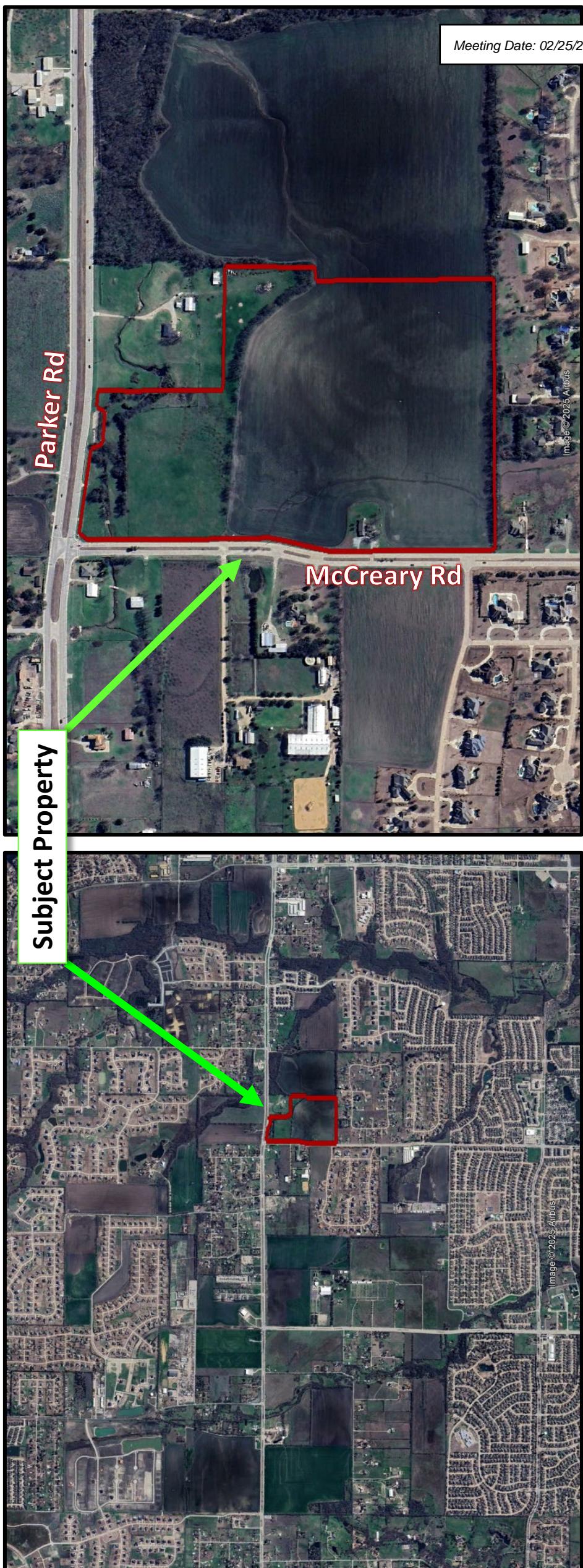




Subject Property

Subject Property

Location



Subject Property

Subject Property Overview

► Location: Southeast Corner of Parker Rd & McCreary Rd

► Size: +/- 50.278 Acres

Meeting Date: 02/25/2025 Item 4.



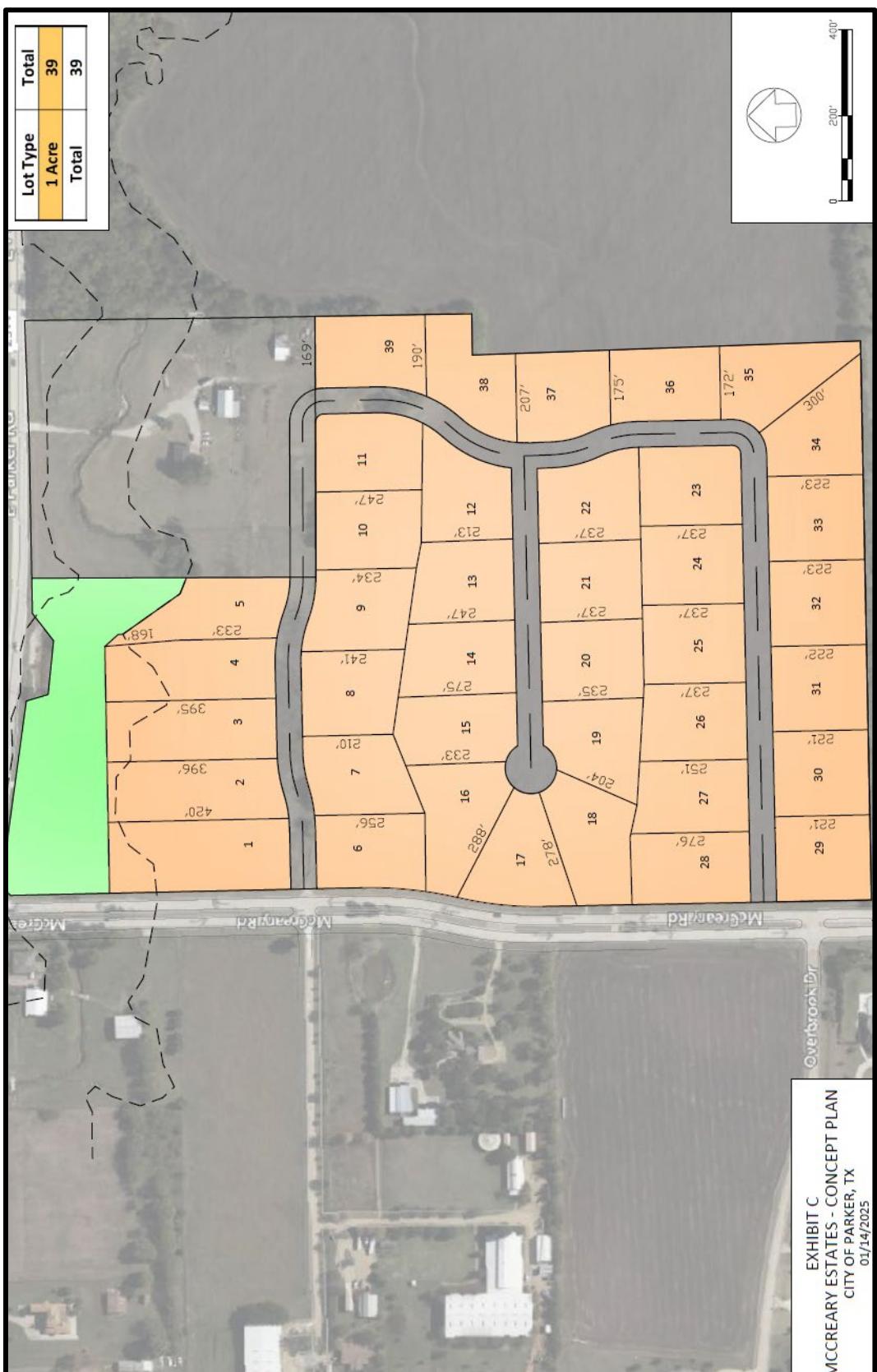


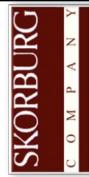
Development Plan

Buckingham Estates

Development Plan

- 39 – Single Family Lots
- 1 AC (43,560 SF) – Min. Lot Size
- 3,000 SF – Min. Home Size
- HOA Maintained Perimeter
Landscaping/Fencing and
Common area Drainage





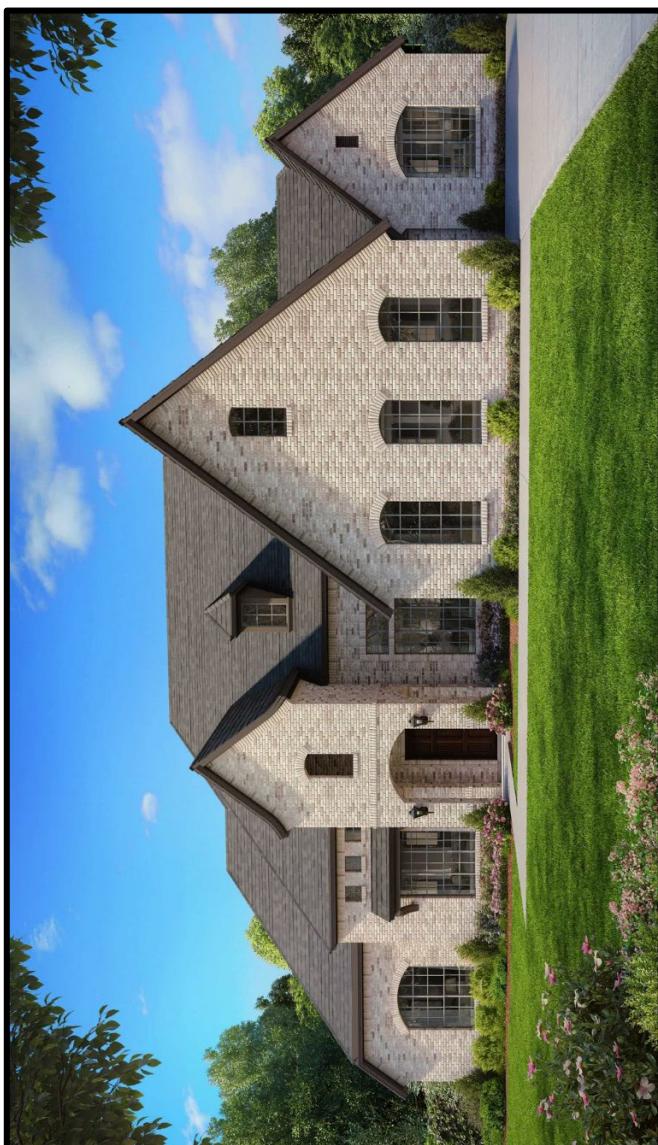
Home Building Partners



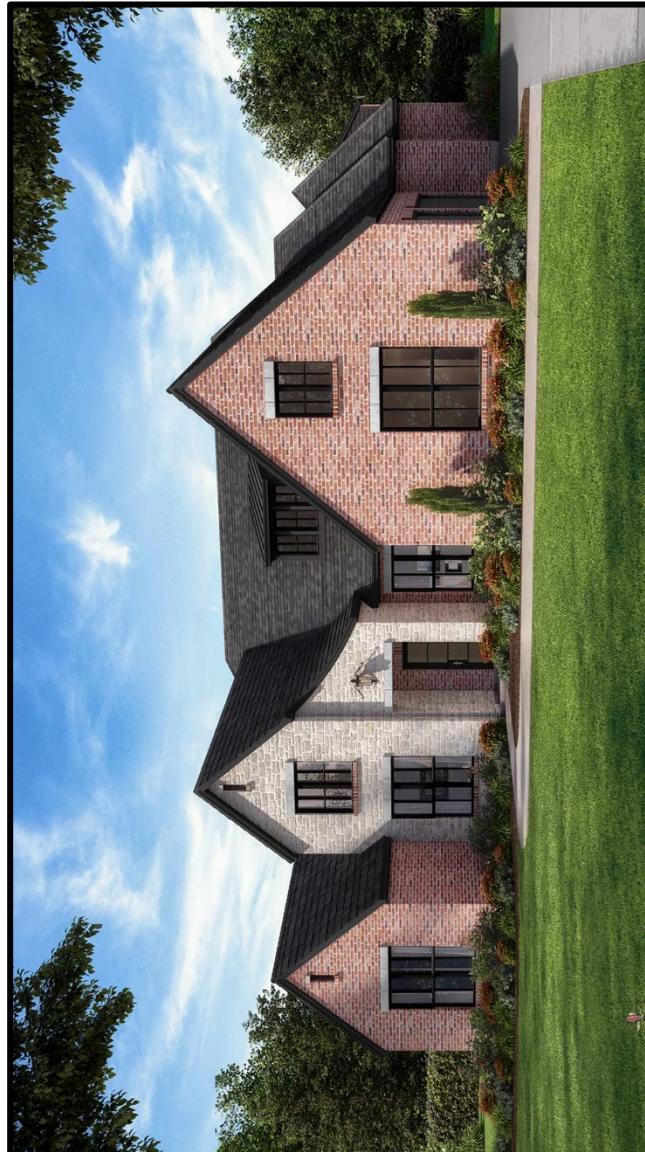
Projected Home Square Foot Range – 3,200 SF – 5,100 SF

Projected Home Price Starting At – \$1,200,000

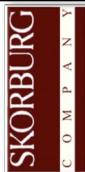












Thank you.
We Would Appreciate
Your Support of
This Exciting Project.

Good morning,

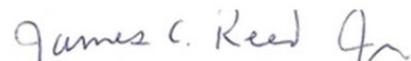
It is with a heavy heart that I am sending this message to communicate my upcoming residency change outside of the city of Parker. It has been a very difficult decision and although I looked at options to stay in this city I love, I was not able to find any suitable more modest options for Donna and I as we transition to an empty nest couple.

With this move, I will be resigning my seat as Mayor Protem and other responsibilities within the city of Parker effective Feb 8th 2025. I cannot emphasize enough the fabulous support I have been provided in this role. It has been an honor and privilege to serve the city and more importantly represent a city that has been my dream to be a 25 year resident. I want to make sure thank everyone for the stellar support over these almost 4 years. This includes the past and current councils, the Mayor, all of the Parker staff, and most importantly our residents. I am happy that we have closed a number of very strategic efforts while I served. I was blessed with a very special group with a selfless passion to make sure the best path forward was taken for the residents of this great city. It has been a pleasure to be considered as a small part of this team and in my absence, the city is very good hands.

I want to thank all of community for your support to me and confidence in my representing the city of Parker. I will always consider Parker my home !!

With Sincere Regards,

James C. Reed, Jr.



February 4, 2025



Council Agenda Item

Budget Account Code:	Meeting Date:	See above.
Budgeted Amount:	Department/ Requestor:	Council & Staff
Fund Balance-before expenditure:	Prepared by:	City Secretary Scott Grey for Interim City Attorney Clifton
Estimated Cost:	Date Prepared:	February 11, 2025
Exhibits:	1. Proposed Resolution 2. Model Staff Report	

AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2025-835, AUTHORIZING CONTINUED PARTICIPATION WITH THE ATMOS CITIES STEERING COMMITTEE; AND AUTHORIZING THE PAYMENT OF FIVE CENTS PER CAPITA TO THE ATMOS CITIES STEERING COMMITTEE TO FUND REGULATORY AND RELATED ACTIVITIES RELATED TO ATMOS ENERGY CORPORATION.

SUMMARY

Most municipalities have retained original jurisdiction over gas utility rates and services within municipal limits. The Atmos Cities Steering Committee (“ACSC”) is composed of 186 municipalities in the service area of Atmos Energy Corporation, Mid-Tex Division that have retained original jurisdiction. Atmos is a monopoly provider of natural gas. Because Atmos has no competitors, regulation of the rates that it charges its customers is the only way that cities can ensure that natural gas rates are fair. Working as a coalition to review the rates charged by Atmos allows cities to accomplish more collectively than each city could do acting alone. Cities have more than 100 years’ experience in regulating natural gas rates in Texas.

ACSC is the largest coalition of cities served by Atmos Mid-Tex. There are 186 ACSC member cities, which represent more than 60 percent of the total load served by Atmos-Mid Tex. ACSC protects the authority of municipalities over the monopoly natural gas provider and defends the interests of residential and small commercial customers within the cities. Although many of the activities undertaken by ACSC are connected to rate cases (and therefore expenses are reimbursed by the utility), ACSC also undertakes additional activities on behalf of municipalities for which it needs funding support from its members.

POSSIBLE ACTION

City Council may direct staff to take appropriate action.

Inter – Office Use			
Approved by:	Enter Text Here		
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date:	02/13/2025
Interim City Attorney:	<i>Catherine Clifton</i>	Date:	02/14/2025 via Municode
Mayor	<i>Lee Pettle</i>	Date:	02/ XX /2025

RESOLUTION NO. 2025-835
(ATMOS Cities Steering Committee)

**A RESOLUTION AUTHORIZING MEMBERSHIP IN THE
 ATMOS CITIES STEERING COMMITTEE; AND
 AUTHORIZING THE PAYMENT OF FIVE CENTS PER
 CAPITA TO THE ATMOS CITIES STEERING COMMITTEE TO
 FUND REGULATORY AND RELATED ACTIVITIES
 RELATED TO ATMOS ENERGY CORPORATION**

WHEREAS, the City of Parker is a regulatory authority under the Gas Utility Regulatory Act (GURA) and has exclusive original jurisdiction over the rates and services of Atmos Energy Corporation, Mid-Tex Division (Atmos) within the municipal boundaries of the city; and

WHEREAS, the Atmos Cities Steering Committee (ACSC) has historically intervened in Atmos rate proceedings and gas utility related rulemakings to protect the interests of municipalities and gas customers residing within municipal boundaries; and

WHEREAS, ACSC is participating in Railroad Commission dockets and projects, as well as court proceedings and legislative activities, affecting gas utility rates; and

WHEREAS, the City would like to become a member of ACSC; and

WHEREAS, in order for ACSC to continue its participation in these activities which affects the provision of gas utility service and the rates to be charged, it must assess its members for such costs; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PARKER, TEXAS:

I.

That the City is authorized to become a member in the Atmos Cities Steering Committee to protect the interests of the City of Parker and protect the interests of the customers of Atmos Energy Corporation, Mid-Tex Division residing and conducting business within the City limits.

II.

The City is further authorized to pay its 2025 assessment to the ACSC in the amount of five cents (\$0.05) per capita.

III.

A copy of this Resolution and approved assessment fee payable to "City of Arlington, c/o *Atmos Cities Steering Committee*," shall be sent to:

City of Arlington
Brandi Stigler
PO Box 90231
Arlington, Texas 76004

PRESENTED AND PASSED on this the 25th, day of February, 2025, by a vote of
 ayes and nays at a regular meeting of the City Council of the City of Parker,
Texas.

CITY OF PARKER:

Lee Pettle, Mayor

ATTEST:

Patti Scott Grey, City Secretary

Catherine Clifton, Interim City Attorney

STAFF REPORT ON ASSESSMENT RESOLUTION FOR ATMOS CITIES STEERING COMMITTEE

Purpose of the Resolution:

Most municipalities have retained original jurisdiction over gas utility rates and services within municipal limits. The Atmos Cities Steering Committee (“ACSC”) is composed of 186 municipalities in the service area of Atmos Energy Corporation, Mid-Tex Division that have retained original jurisdiction. Atmos is a monopoly provider of natural gas. Because Atmos has no competitors, regulation of the rates that it charges its customers is the only way that cities can ensure that natural gas rates are fair. Working as a coalition to review the rates charged by Atmos allows cities to accomplish more collectively than each city could do acting alone. Cities have more than 100 years experience in regulating natural gas rates in Texas.

ACSC is the largest coalition of cities served by Atmos Mid-Tex. There are 186 ACSC member cities, which represent more than 60 percent of the total load served by Atmos-Mid Tex. ACSC protects the authority of municipalities over the monopoly natural gas provider and defends the interests of residential and small commercial customers within the cities. Although many of the activities undertaken by ACSC are connected to rate cases (and therefore expenses are reimbursed by the utility), ACSC also undertakes additional activities on behalf of municipalities for which it needs funding support from its members.

The ACSC Membership Assessment Supports Important Activities:

ACSC is actively involved in rate cases, appeals, rulemakings, and legislative efforts impacting the rates charged by Atmos within the City. These activities will continue throughout the calendar year. It is possible that additional efforts will be necessary on new issues that arise during the year, and it is important that ACSC be able to fund its participation on behalf of its member cities. A per capita assessment has historically been used, and is a fair method for the members to bear the burdens associated with the benefits received from that membership.

Explanation of Resolution Paragraphs:

- I. This paragraph authorizes the continuation of the City’s membership in ACSC.
- II. This paragraph authorizes payment of the City’s assessment to the ACSC in the amount of five cents (\$0.05) per capita.
- III. This paragraph requires notification that the City has adopted the Resolution.

Payment of Assessment

The assessment payment check should be made out to “City of Arlington, c/o *Atmos Cities Steering Committee*,” and mailed to City of Arlington, Brandi Stigler, PO Box 90231, Arlington, Texas 76004.



Council Agenda Item

Budget Account Code:	Meeting Date:	See above.
Budgeted Amount:	Department/ Requestor:	City Council
Fund Balance-before expenditure:	Prepared by:	ACA/CS Scott Grey for Interim City Attorney Clifton
Estimated Cost:	Date Prepared:	February 10, 2025
Exhibits:	<u>Proposed Resolution</u>	

AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2025-833 APPOINTING THE 2024-2025 MAYOR PRO TEM. [REMAINDER OR MAYOR PRO TEM REED'S TERM - RES. NO.. 2024-792]

SUMMARY

Please review information provided.

POSSIBLE ACTION

City Council may direct staff to take appropriate action.

Inter – Office Use			
Approved by:	Enter Text Here		
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date:	02/13/2025
Interim City Attorney:	<i>Catherine Clifton</i>	Date:	02/13/2025 via Municode
Mayor	<i>Lee Pettle</i>	Date:	02/ xx /2025

RESOLUTION NO. 2025-833
(Appointment of Mayor Pro Tem)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS, APPOINTING A MEMBER OF THE CITY COUNCIL TO SERVE AS MAYOR PRO TEM.

WHEREAS, the Texas Local Government Code requires that the governing body of a general law municipality to elect a member of the City Council to serve as Mayor Pro Tem for a term of one year or until another is appointed;

WHEREAS, if the Mayor fails, is unable, or refuses to act, the Mayor Pro Tem shall perform the Mayor's duties and is entitled to receive the fees and compensation prescribed for the Mayor; and

WHEREAS, the City Council for the City of Parker appointed, Councilmember Jim Reed as Mayor Pro Tem by Resolution No. 2024-792 on May 14, 2024; and

WHEREAS, Mayor Pro Tem Reed has resigned from the City of Parker City Council and there is a Mayor Pro Tem vacancy through the remainder of the term;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS, AS FOLLOWS:

SECTION 1. The City Council of the City of Parker, Texas hereby appoints _____ to serve as Mayor Pro Tem for the remainder of the current term or until another is appointed.

SECTION 2. In the event that the Mayor fails, is unable, or refuses to act, the Mayor Pro Tem shall perform the Mayor's duties and is entitled to receive the fees and compensation prescribed for the Mayor.

DULY RESOLVED by the City Council of the City of Parker, Texas on this the 25th day of February, 2025.

APPROVED:

Lee Pettle, Mayor

ATTEST:

Patti Scott Grey, City Secretary

APPROVED AS TO FORM:

Catherine Clifton, Interim City Attorney



Council Agenda Item

Budget Account Code:	Meeting Date:	See above.
Budgeted Amount:	Department/ Requestor:	City Council
Fund Balance-before expenditure:	Prepared by:	ACA/CS Scott Grey for Interim City Attorney Clifton
Estimated Cost:	Date Prepared:	February 10, 2025
Exhibits:	1. <u>Proposed Resolution</u>	

AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2025-834 ON UPDATING THE INVESTMENT COMMITTEE.

SUMMARY

Please review information provided.

POSSIBLE ACTION

City Council may direct staff to take appropriate action.

Inter – Office Use

Approved by:	Enter Text Here		
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date:	02/13/2025
Interim City Attorney:	<i>Catherine Clifton</i>	Date:	02/14/2025 via Municode
Mayor	<i>Lee Pettle</i>	Date:	02/xx/2025

RESOLUTION NO. 2025-834
(2024 *Investment Officers and Committee*)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PARKER,
COLLIN COUNTY, TEXAS, APPOINTING A COUNCILMEMBER TO
SERVE ON THE INVESTMENT COMMITTEE.**

WHEREAS, Texas Government Code 2256 requires an investment committee to review the investment policies of the municipality; and

WHEREAS, the City of Parker has adopted an Investment Policy providing for Investment Officers and the appointment of the Mayor and two councilmembers to form an Investment Committee; and

WHEREAS, the resignation of Mayor Pro Tem Jim Reed has created a vacancy for one councilmember on the Investment Committee;

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS, AS FOLLOWS:

SECTION 1. Appointment of Council Member

Current

Lee Pettle

Mayor

Randy Kercho

Councilmember

Councilmember

The following is hereby appointed to serve on the Investment Committee for the remainder of the current term:

DULY PASSED AND APPROVED by the City Council of the City of Parker, Collin County, Texas on this the 25th day of February, 2025.

CITY OF PARKER:

Lee Pettle, Mayor

ATTEST:

Patti Scott Grey, City Secretary

Catherine Clifton, Interim City Attorney



Council Agenda Item

Budget Account Code:		Meeting Date: See above.
Budgeted Amount:		Department/ Requestor: Council
Fund Balance-before expenditure:	Prepared by:	ACA/CS Scott Grey for Public Works Director Gary Machado
Estimated Cost:	Date Prepared:	February 11, 2025
Exhibits:	1. <u>Proposed Resolution</u> 2. <u>Buckingham Estates Development Agreement</u> 3. <u>PowerPoint</u>	

AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2025-831 APPROVING AN AGREEMENT BETWEEN THE CITY OF PARKER AND BUCKINGHAM LOT VENTURE, LTD., AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND TAKE ALL ACTION NECESSARY TO COMPLY WITH THIS RESOLUTION; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE (BUCKINGHAM ESTATES).

SUMMARY

Please see information provided.

POSSIBLE ACTION

City Council may approve, deny, or direct staff to take appropriate action.

Inter – Office Use

Approved by:	Enter Text Here		
Department Head/ Requestor:	<i>Gary Machado</i>	Date:	02/13/2025 via phone
Interim City Attorney:	<i>Catherine Clifton</i>	Date:	02/14/2025 via Municode
Mayor	<i>Lee Pettle</i>	Date:	02/ XX /2025

RESOLUTION NO. 2025-831*(Development Agreement – Buckingham Estates)*

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS, APPROVING THE TERMS OF AN AGREEMENT BETWEEN THE CITY OF PARKER AND BUCKINGHAM LOT VENTURE, LTD.; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND TAKE ALL ACTION NECESSARY TO COMPLY WITH THIS RESOLUTION; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE (BUCKINGHAM ESTATES).

WHEREAS, the City of Parker (“City”) and Buckingham Lot Venture, LTD. (“Buckingham”), (collectively, the “Parties”) have the power and authority to enter into this Agreement, including, but not limited to, the authority granted by Section 212.172 of the Texas Local Government Code; and

WHEREAS, Buckingham Lot Venture, LTD desires, upon acquisition of the property, to petition for the annexation of approximately 48.5 acres currently in the City’s extraterritorial jurisdiction so that its development may receive the benefit of City services; and

WHEREAS, the Parker City Council has reviewed the Agreement by and between the City of Parker and Buckingham Lot Venture, LTD, entitled “Annexation and Development Agreement,” a copy of which is attached hereto as Exhibit A and incorporated herein by reference (“Agreement”); and

WHEREAS, the Parker City Council finds that the terms thereof are in the best interests of the City and its residents, and should be approved;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS, AS FOLLOWS:

SECTION 1. The recitals contained in the preamble of this Resolution are incorporated into the body of this Resolution as if set out fully herein.

SECTION 2. The attached Annexation and Development Agreement set forth in Exhibit A is hereby approved.

SECTION 3. The Mayor is hereby authorized to execute the Agreement, attached hereto as Exhibit A, and all other necessary and related documents in connection therewith on behalf of the City of Parker.

SECTION 4. All provisions of any and all resolutions of the City of Parker found to be in conflict with the provisions of this Resolution be, and the same are hereby, repealed to the extent

of the conflict, and all other provisions of the resolutions of the City of Parker not in conflict with the provisions of this Resolution shall remain in full force and effect.

SECTION 5. This Resolution shall take effect immediately from and after its passage.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF PARKER,
COLLIN COUNTY, TEXAS, THIS 25th DAY OF FEBRUARY, 2025.**

CITY OF PARKER:

Lee Pettle, Mayor

ATTEST:

Patti Scott Grey, City Secretary

Catherine Clifton, Interim City Attorney

APPROVED AS TO FORM:

Proposed

EXHIBIT A

ANNEXATION AND DEVELOPMENT AGREEMENT

Proposed

ANNEXATION AND DEVELOPMENT AGREEMENT

This Annexation and Development Agreement (“**Agreement**”) is made on the _____ day of _____, 2025 (“**Effective Date**”) by and among the City of Parker, Texas, a municipal corporation existing under the laws of the State of Texas (hereinafter referred to as the “**City**”) and Buckingham Lot Venture, LTD., a Texas limited partnership (its successors and assigns, “**Developer**”). The City and Developer are each referred to herein as a “**Party**” or collectively as the “**Parties**”.

RECITALS

WHEREAS, the Developer or its affiliate or assignee is under contract to purchase approximately 50.278 acres of real property more particularly described in **Exhibit "A-1"** and **Exhibit "A-2"** attached hereto and incorporated herein for all purposes (the “**Property**”); and

WHEREAS, the approximately 48.493 acre portion of the Property described on **Exhibit "A-1"** (the “**ETJ Property**”) is not currently located within the City limits; and

WHEREAS, the approximately 1.785 acre portion of the Property described on **Exhibit "A-2"** is currently located within the City limits; and

WHEREAS, there has been disagreement between the Parties as to whether the ETJ Property is located within the City’s extraterritorial jurisdiction; however, in consideration for the mutual covenants and conditions contained herein, upon the approval and execution of this Agreement by both Developer and the City, the Parties agree that the ETJ Property is located within the extraterritorial jurisdiction of the City; and

WHEREAS, subject to the mutual covenants and conditions contained herein, the Developer is requesting the City to annex the ETJ Property; and

WHEREAS, the City Council of the City finds that it will be beneficial to the City to annex said ETJ Property; and

WHEREAS, the Developer has requested that the City provide water service to the Property; and

WHEREAS, the Parties intend that this Agreement be a development agreement as provided for by Section 212.172 of the Texas Local Government Code (“**Section 212.172**”) with respect to the ETJ Property and desire to agree on the matters set forth in this Agreement with respect to the ETJ Property pursuant to Section 212.172, for the purposes set forth in that section; and

WHEREAS, the Parties intend that this Agreement shall constitute a permit under Chapter 245 of the Texas Local Government Code; and

WHEREAS, the Parties have the authority to enter into this Agreement pursuant to Section 212.172; and

NOW, THEREFORE, for and in consideration of the mutual covenants set forth herein, the Parties agree as follows:

ARTICLE I

GENERAL TERMS

1.1 **Definitions.** The terms defined in the preamble hereto shall have the meaning provided for them herein. The following capitalized terms shall have the meanings provided below, unless otherwise defined or the context clearly requires otherwise. For purposes of this Agreement the words "shall" and "will" are mandatory, and the word "may" is permissive.

"Annexation" has the meaning ascribed to that term in Section 4.2.

"Applicable City Rules" means all of the rules, regulations, ordinances and official policies of the City in force and effect.

"Business Day" shall mean a day that is not a Saturday, Sunday or legal holiday in the State of Texas. All other references to "days" hereunder shall mean calendar days.

"Date of Acquisition" has the meaning ascribed to that term in Article 2.

"Development Regulations" has the meaning ascribed to that term in Section 3.1(A).

"ETJ Property" has the meaning ascribed to that term in the Recitals.

"Force Majeure" has the meaning ascribed to that term in Section 6.4.

"Impact Fees" mean those fees assessed and charged against development of the Property in accordance with Chapter 395 of the Texas Local Government Code and as adopted by the City's City Council.

"Municipal Services" means all services provided by the City as of the Effective Date and those which may be provided in the future, including, without limitation, water, roadway, drainage, solid-waste collection, fire protection, and law enforcement.

"Property" has the meaning ascribed to that term in the Recitals.

"Term" has the meaning ascribed to that term in Section 6.9.

"Zoning Ordinance" has the meaning ascribed to that term in Section 3.1(A).

1.2 Singular and plural; gender. Words used herein in the singular, where the context so permits, also include the plural and vice versa. The definitions of words in the singular herein also apply to such words when used in the plural where the context so permits and vice versa. Likewise, any masculine references shall include the feminine, and vice versa.

ARTICLE 2

LAND SUBJECT TO THE AGREEMENT

Subject to Developer (and/or one or more of its assignee(s)) acquiring the Property, the land that will be subject to this Agreement is the Property. This Agreement and all of the rights, duties and obligations herein shall be subject to and conditioned on Developer (and/or one or more of its assignee(s)) acquiring fee simple title to the Property on or before September 1, 2025. For the avoidance of doubt, the aforementioned condition shall be satisfied if Buckingham Lot Venture, LTD. acquires the Property by September 1, 2025, or if one or more entities that Developer assigns this Agreement to (in whole or in part) individually or collectively acquire the Property by September 1, 2025 (who from and after such assignment would be considered the Developer under this Agreement with respect to rights and obligations so assigned). By way of example and not limitation, prior to closing of the underlying real estate contract for the Property, Buckingham Lot Venture, LTD. may assign this Agreement, in whole or in part, to one or more assignees in accordance with Section 6.12 herein, and its assignee(s) may acquire the Property by September 1, 2025 in satisfaction of the aforementioned condition. This Agreement shall be held in escrow until the date that Developer (and/or one or more of its assignee(s)) acquires the Property (the “**Date of Acquisition**”), at which time this Agreement shall be effective and filed in the Real Property Records of Collin County, Texas. In the event that Developer (and/or one or more of its assignee(s)) does not acquire the Property by September 1, 2025, this Agreement shall not be effective, shall be null and void and no party shall have any rights, duties or obligations of any kind under this Agreement.

ARTICLE 3

GOVERNING REGULATIONS

3.1 ETJ Property Governing Regulations. Development of the ETJ Property shall be governed by all applicable City ordinances and regulations currently and duly adopted by the City as of the Effective Date as such regulations are modified by the following regulations (collectively, the “**Governing Regulations**”):

A. Chapter 156: Zoning of the City of Parker Code of Ordinances in effect as of the Effective Date (the “**Zoning Ordinance**”), as modified by the development regulations set forth on **Exhibit “B”** (the “**Development Regulations**”), which Development Regulations are considered to be a development plan as provided for in Section 212.172(b)(2) of the Texas Local Government Code. In the event of a conflict between the Zoning Ordinance or any zoning and development regulations applicable to the ETJ Property and the Development Regulations, the Development Regulations shall control;

B. The concept plan attached as **Exhibit "C"** hereto, as may be modified as provided herein (the "**Concept Plan**"). In the event of a conflict between the Development Regulations and the Concept Plan, the Development Regulations shall control. The Concept Plan may be amended in accordance with the provisions of Section 156.35(B)(6)(d) of the Zoning Ordinance, and such an amendment shall automatically amend and update the Concept Plan without requiring an amendment of this Agreement. The Director of Public Works may administratively approve minor amendments to the Concept Plan in accordance with the same requirements as the Director of Public Works may approve minor amendments to a PD Plan; and

C. The uniform building codes, as amended from time to time, including any local amendments thereto adopted by the City, and including any permits and inspections related thereto (the "**Building Codes**"). The term "Building Codes," as applied to a particular building shall mean the Building Codes in effect on the date an application is filed for a building permit for the building in question.

3.2 Impact Fees. The City does not currently assess wastewater Impact Fees or roadway Impact Fees. The City agrees no wastewater Impact Fees or roadway Impact Fees will be assessed against the development of the Property (regardless of any future ordinances or regulations enacted imposing such Impact Fees) and expressly waives the collection and assessment of wastewater Impact Fees and roadway Impact Fees on the Property or with respect to any development thereof. Water Impact Fees are currently assessed within the City. Any water Impact Fees paid for the development of the Property will be used by the City in compliance with the City's impact fee policy and applicable law.

3.3 No Off-Site Improvements. The Parties agree that Developer shall not be required to construct or fund any off-site roadway, wastewater, gas or franchise utility improvements or facilities for development of the Property or any portion thereof. For the avoidance of doubt, the City agrees that construction of off-site roadway, wastewater, gas or franchise utility improvements or any funding related thereto shall not be a condition to final plat approval for the Property, approval of construction plans or issuance of building permits or certificates of occupancy for the Property. The Parties agree that if Developer is able to provide a loop to connect in to the 18-inch water line in Parker Road that Developer shall not be required to construct or fund any off-site water improvements or facilities for development of the Property or any portion thereof. If Developer connects to the City water system through other means (e.g., the existing 8-inch line on McCreary Road), then Developer's responsibility for construction of water facilities shall be determined at the time Developer submits full engineering plans to the City; provided that Developer shall not be required to construct or fund any improvements that are not roughly proportionate to its proposed development.

3.4 No Infrastructure Oversizing. Developer shall not be required to construct or fund any infrastructure so that it is oversized to provide a benefit to land outside the Property ("**Oversized Public Infrastructure**"). In the event the Parties mutually agree (each in its discretion) for Developer to construct or cause the construction of any Oversized Public Infrastructure on behalf of the City, the City shall be solely responsible for all costs attributable to oversized portions of the Oversized Public Infrastructure.

3.5 No Park Fees or Dedication. There shall be no park fees, park development fees, or

park land dedication (or fee in lieu thereof) required for development of the Property (regardless of any future ordinances or regulations enacted imposing such requirements).

ARTICLE 4

ANNEXATION, ZONING AND MUNICIPAL SERVICES

4.1 Annexation Petition. Subject to the terms hereof, upon full execution and recording of this Agreement, after the Date of Acquisition, Developer consents to Annexation of the ETJ Property by the City. From and after the Date of Acquisition, this Agreement constitutes a petition to the City for annexation of the ETJ Property under Chapter 43, Subchapter C-3 of the Texas Local Government Code. After the Date of Acquisition, Developer agrees to execute and supply any and all instruments and/or other documentation reasonably necessary for the City to annex the ETJ Property into the City's corporate limits.

4.2 Annexation. The City agrees, in accordance with applicable statutory requirements, to take all steps necessary to complete and approve annexation of the ETJ Property into the corporate limits of the City (the "**Annexation**") within sixty (60) days of the Date of Acquisition. Should the City fail to complete the Annexation of the ETJ Property in accordance with this Agreement, Developer shall have the right to terminate this Agreement with notice to the City with respect to all of Developer's rights and obligations hereunder. If Developer elects to terminate this Agreement in such an instance, this Agreement shall be null and void and of no further force and effect. If Developer does not elect to terminate this Agreement in such an instance, then the Agreement will remain in full force and effect with respect to all covenants of the Parties hereto (including without limitation the City's obligation to provide all Municipal Services to the Property in accordance with Section 4.3 and water service in accordance with Section 4.7) and the City will allow the Developer to develop the Property in accordance with the Development Regulations and all other terms of this Agreement.

4.3 Services. This Agreement shall further constitute an agreement for the provision of services to the ETJ Property. From and after the Effective Date, the ETJ Property and its residents shall be entitled to receive all Municipal Services on the same terms and at the same rates as provided elsewhere within the City and without discrimination, subject to Section 4.8 herein.

4.4 Access. The City will allow at least two (2) points of access to the Property from McCreary Road.

4.5 Zoning. Upon and substantially concurrent with Annexation of the ETJ Property, the City agrees to consider zoning the Property in accordance with the Development Regulations and the Concept Plan ("**Zoning Approval**"). Any such zoning shall otherwise be in accordance with all procedures set forth in the applicable City ordinances and regulations. Regardless of how the City zones the ETJ Property, and notwithstanding anything to the contrary in the Zoning Ordinance or zoning maps of the City, the ETJ Property shall be governed by and may be used and developed in accordance with the Development Regulations and all other terms of this Agreement at all times during the Term of this Agreement. All applicable City ordinance requirements that reference

compliance with zoning regulations shall be interpreted to mean compliance with the Development Regulations. Should the City fail to grant the Zoning Approval in accordance with the Development Regulations within ninety (90) days of the Date of Acquisition, and/or approve zoning on the ETJ Property that is any way more restrictive than the Development Regulations without Developer's consent, Developer and any lessee or occupant of the ETJ Property shall have the right to: (1) use and develop the ETJ Property in accordance with the Development Regulations and this Agreement notwithstanding the ultimate zoning of the ETJ Property; and/or (2) disannex the ETJ Property at its discretion. If Developer elects disannexation in such circumstances, upon disannexation, Developer shall have the option to continue this Agreement (in which case the City shall still be obligated to meet all City obligations under this Agreement including without limitation the City's obligation to provide all Municipal Services to the Property in accordance with Section 4.3 and water service in accordance with Section 4.7), or terminate this Agreement by providing written notice to the City.

4.6 Water Service and CCN. The entirety of the Property is located within the City's Certificate of Convenience and Necessity ("CCN") area for water service, CCN No. 10207. The City agrees that it will not, under any circumstances, file an application to decertify the Property from its CCN.

4.7 Retail Water Service for the Property. From and after the Effective Date, the City agrees to provide water service to the Property for the density contemplated in the Development Regulations on the same terms and rates as it provides water service to other property within the City's corporate limits and in compliance with applicable law. The City confirms that it currently has and reasonably expects to continue to have the capacity to provide continuous and adequate retail water service to the Property at times and in capacities sufficient to meet the service demands of development as contemplated in this Agreement in accordance with the Development Regulations.

4.8 On-Site Wastewater System. The City shall permit the installation and use of an on-site (septic) wastewater system for all residential development within the Property. No sewer facilities shall be required for development within the Property.

ARTICLE 5

DEFAULT

5.1 A Party will be in default under this Agreement if such Party breaches any material term of this Agreement or fails to perform any of its material obligations hereunder in substantial compliance with this Agreement and such breach remains uncured after sixty (60) calendar days following receipt of written notice from a non-defaulting Party referencing this Agreement and identifying the default and curative action required to cure the same (or, if the Party in breach has diligently and continuously attempted to cure following receipt of such written notice but reasonably requires more than sixty (60) calendar days to cure, then such additional amount of time as is reasonably necessary to effect cure) (the "**Cure Period**"). For the avoidance of doubt, a Party shall not be considered in default unless and until such Party receives a notice of default and fails to cure such failure within the Cure Period stated herein. In the event of Developer's default

that is not cured within the applicable Cure Period, the City may pursue any rights or remedies available at law or in equity. In the event of City's default that is not cured within the applicable Cure Period, the Developer may terminate this Agreement, pursue an action for specific performance, or seek any other remedy allowable at law or in equity.

No Party shall be in default under this Agreement if, within the applicable Cure Period, the Party to whom the notice of default was given begins performance and thereafter diligently and continuously pursues performance until the alleged failure has been cured.

Notwithstanding any statement to the contrary herein, no default hereunder, including without limitation the City's failure to annex the ETJ Property or zone the ETJ Property in accordance with the terms of this Agreement, shall: (i) entitle the City to suspend performance under this Agreement; (ii) adversely affect or impair the current or future obligations of the City to provide water and other Municipal Services to the Property or any portion thereof; or (iii) limit the Term.

ARTICLE 6

GENERAL

6.1 Procedures and Actions; Authority to Execute. The City Council of the City, after conducting a duly-noticed public meeting, adopted a resolution on February 18, 2025, effective immediately upon adoption, which resolution (i) confirmed the City Council's approval of this Agreement and the City Council's finding that the provisions of this Agreement are consistent with Applicable City Rules and (ii) authorized the execution of this Agreement by the signatory below. The Parties represent and warrant to each other that (a) each Party has the full power and authority to enter into this Agreement and to perform its obligations hereunder, and (b) this Agreement is a valid and binding obligation, enforceable against each Party in accordance with the terms hereof. The City represents and warrants to the Developer that the execution and delivery of this Agreement has been validly authorized by all necessary governmental or other action and does not conflict with any other agreements entered into by the City. The undersigned officers and/or agents of the Parties are the properly authorized agents and have the necessary authority to execute this Agreement on behalf of the Parties hereto.

6.2 Notices. Whenever any notice is required or permitted under this Agreement, it shall be in writing and shall be delivered (i) by electronic mail; (ii) personally, with acknowledgment of receipt being obtained by the delivering Party, (iii) by U.S. Certified Mail, pre-paid and return receipt requested; or (iv) by overnight delivery service by a reliable courier, such as Federal Express or United Parcel Service, with acknowledgement of receipt being obtained by the delivering Party. Notice given in accordance with (ii), (iii) or (iv) herein shall be deemed given when received. Notice given in accordance with (i) herein shall be deemed given when delivered if sent by 5:00 pm Central Time on a Business Day; otherwise it will be deemed given on the next Business Day. Until further notification by written notice in the manner required by this Section 6.2, notices to the Parties shall be delivered as follows:

<u>Developer</u>	<u>City</u>
Buckingham Lot Venture, LTD.	City of Parker
c/o Skorburg Company	City Administrator
Attention: Adam Buczek	City of Parker
8214 Westchester Drive	5700 Parker Road
Suite 900	Parker, Texas 75002-6767
Dallas, Texas 75225	lolson@parkertexas.us
abuczek@skorburgcompany.com	

with a copy to:

Winstead PC
 Attention: Laura Hoffmann
 2728 N. Harwood Street
 Suite 500
 Dallas, Texas 75201
 lhoffmann@winstead.com

with a copy to:

Catherine Clifton
 Gannaway Clifton PLLC
 1121 Carroll Ave., Ste 240
 Southlake, Texas 76092
 cc@gannawayclifton.law

6.3 Amendments and Waivers. No provision of this Agreement may be amended or waived unless such amendment or waiver is in writing and is signed by all the Parties. No course of dealing on the part of the Parties, nor any failure or delay by one or more of the Parties, with respect to exercising any right, power or privilege under this Agreement shall operate as a waiver thereof, except as otherwise provided in this section.

6.4 Force Majeure. It is expressly understood and agreed by the Parties to this Agreement that if the performance of any obligations hereunder is delayed by reason of war; civil commotion; acts of God; strike; inclement weather; inability to procure, shortages or unavailability of labor, supplies or materials; governmental action or inaction (unless caused by negligence or omissions of such Party) including any changes to the plans and specifications required as a condition to issuance of any permits or any changes in laws or codes not reasonably foreseeable, and any delay in issuance of necessary permits by any governmental authority having jurisdiction, including unreasonable delays by the City (based on the then-current workload of City department(s) responsible for undertaking the activity in question) in issuing any permits, consents, or certificates of occupancy or conducting any inspections of or with respect to the Property and any infrastructure related thereto, but excluding delays due to work conditions that violate applicable codes and regulations; fires; explosions; floods; failure of power or utility delays; riot; insurrection; incidence of disease or other illness that reaches outbreak, epidemic, or pandemic proportions or any governmental orders, actions, shut-downs, mandates, restrictions or quarantines, or any quasi-governmental orders, actions, shut-downs, mandates, restrictions or quarantines resulting from any epidemics or pandemics, and any public health emergencies, whether declared by local, state or federal governmental authorities or agencies; any force majeure event or excusable delay under the general contractor's construction contract; or other circumstances which are reasonably beyond the control of the Party obligated or permitted under the terms of this Agreement to do or perform the same, regardless of whether any such circumstance is similar to any of those enumerated or not, the Party so obligated or permitted shall be excused from doing or performing the same during

such period of delay, so that the time period applicable to such design or construction requirement and any applicable completion deadline shall be extended for a period of time equal to the period such Party was delayed (“**Force Majeure**”). Notwithstanding the foregoing or anything contained herein to the contrary, in no event shall Force Majeure apply to the payment of any monetary obligations of the City.

6.5 Invalidity; Severability. If any of the provisions contained in this Agreement shall be held unenforceable in any respect by a court of competent jurisdiction, (i) such unenforceability shall not affect any other provision of this Agreement; (ii) such unenforceable provision shall be deleted from this Agreement; (iii) the unenforceable provision shall, to the extent possible and upon mutual agreement of the Parties, be rewritten to be enforceable and to give effect to the intent of the Parties; and (iv) the remainder of this Agreement shall remain in full force and effect and shall be interpreted to give effect to the intent of the Parties.

6.6 Exhibits, Titles of Articles, Sections and Subsections. The exhibits attached to this Agreement are incorporated herein and shall be considered a part of this Agreement for the purposes stated herein. All titles or headings are only for the convenience of the Parties and shall not be construed to have any effect or meaning as to the agreement between the Parties hereto. Any reference herein to a Section or subsection shall be considered a reference to such section or subsection of this Agreement unless otherwise stated. Any reference herein to an exhibit shall be considered a reference to the applicable exhibit attached hereto unless otherwise stated.

6.7 Construction. This Agreement is a contract made under and shall be construed in accordance with and governed by the laws of the United States of America and the State of Texas, as such laws are now in effect. Venue for and all suits and causes of action shall be exclusively in Collin County, Texas.

6.8 Entire Agreement. THIS WRITTEN AGREEMENT AND THE ATTACHED EXHIBITS REPRESENT THE FINAL AGREEMENT BETWEEN THE PARTIES AND MAY NOT BE CONTRADICTED BY EVIDENCE OF PRIOR, CONTEMPORANEOUS, OR SUBSEQUENT ORAL AGREEMENTS OF THE PARTIES. THERE ARE NO UNWRITTEN ORAL AGREEMENTS BETWEEN THE PARTIES.

6.9 Effective Date and Term. This Agreement shall be in force and effect from the Effective Date and shall last for ten (10) years after the Effective Date (the “**Initial Term**”); provided that, if at least twenty-five (25) single-family homes have been constructed on the Property during the Initial Term, the term of the Agreement shall be extended an additional five (5) years so that the Agreement shall last for a total of fifteen (15) years after the Effective Date (“**Term**”), unless extended by mutual agreement of the Parties and in accordance with applicable law or terminated in accordance with the terms hereof.

6.10 Time of the Essence. Time is of the essence with respect to the obligations of the Parties to this Agreement.

6.11 Further Assurances. Each Party hereby agrees that it will take all actions and execute all documents necessary to fully carry out the purposes and intent of this Agreement.

6.12 Assignability. The Developer may assign this Agreement, in whole or in part, without the prior consent of the City, but upon written notice to the City to an Affiliate of Developer or collaterally to a lender providing financing for the Property or improvements located thereon. Except as expressly provided for in the preceding sentence, Developer does not have the right to assign this Agreement to any other party without the express prior written consent of the City Administrator of the City, which consent shall not be unreasonably withheld, conditioned or delayed. The City shall not assign this Agreement. For purposes of this agreement the an “**Affiliate**” means an entity related to, controlled by, controlling or under common control with Developer or Developer’s parent company.

6.13 Conflicts. In the event of any conflict between this Agreement and any other ordinance, rule, regulation, standard, policy, order, guideline or other City-adopted or City-enforced requirement, whether existing on the Effective Date or hereinafter adopted, this Agreement shall control.

6.14 Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.

6.15 Limited Waiver of Immunity. The Parties are entering into this Agreement in reliance upon its enforceability. Consequently, the City irrevocably waives all claims of sovereign and governmental immunity which it may have (including, but not limited to, immunity from suit and immunity to liability), if any, to the extent, but only to the extent, that a waiver is necessary to enforce specific performance of this Agreement and to give full effect to the intent of the Parties under this Agreement. Notwithstanding the foregoing, the waiver contained herein shall not waive any immunities that the City may have with respect to claims of injury to persons or property, which claims shall be subject to all of their respective immunities and to the provisions of the Texas Tort Claims Act. Further, the waiver of immunity herein is not enforceable by any party not a Party to this Agreement.

6.16 Binding Obligations. This Agreement and all amendments thereto and assignments hereof shall be recorded in the real property records of the county in which the Property is located. This Agreement binds and constitutes a covenant running with the Property and, upon the Effective Date, is binding upon the Parties, and forms a part of any other requirements for development within the Property. This Agreement shall be binding upon the Parties and their successors and assigns as permitted by this Agreement and upon the Property.

6.17 Estoppel Certificate. From time to time upon written request of the Developer or any future owner, the City will execute a written estoppel certificate, which shall include, but not necessarily be limited to, statements that this Agreement is in full force and effect without default (or if default exists, the nature of default and curative action, which should be undertaken to cure same), the remaining Term of this Agreement, and such other matters reasonably requested by the party to receive the certificate.

6.18 No partnership or agency created. The City and Developer agree and represent that the City and the Developer are not agents, partners or ventures of the other with respect to the

development of the Property, and that nothing in this Agreement shall be construed to create any such relationship.

6.21 Statutory Verifications. Developer makes the following representations and verifications to enable the City to comply with Chapters 2252, 2271, 2274, and 2276, Texas Government Code, as heretofore amended (the “**Government Code**”), in entering into this Agreement. As used in such verifications, “affiliate” means an entity that controls, is controlled by, or is under common control with Developer, within the meaning of SEC Rule 405, 17 C.F.R. § 230.405, and exists to make a profit.

- (a) Not a Sanctioned Company. Developer represents that neither it nor any of its parent company, wholly- or majority-owned subsidiaries, and other affiliates is a company identified on a list prepared and maintained by the Texas Comptroller of Public Accounts under Section 2252.153 or Section 2270.0201, Government Code. The foregoing representation excludes Developer and each of its parent companies, wholly- or majority-owned subsidiaries, and other affiliates, if any, that the United States government has affirmatively declared to be excluded from its federal sanctions regime relating to Sudan or Iran or any federal sanctions regime relating to a foreign terrorist organization.
- (b) No Boycott of Israel. Developer hereby verifies that it and its parent company, wholly- or majority-owned subsidiaries, and other affiliates, if any, do not boycott Israel and will not boycott Israel during the Term of this Agreement. As used in the foregoing verification, “boycott Israel” has the meaning provided in Section 2271.001, Government Code.
- (c) No Discrimination Against Firearm Entities. Developer hereby verifies that it and its parent company, wholly- or majority-owned subsidiaries, and other affiliates, if any, do not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association and will not discriminate against a firearm entity or firearm trade association during the Term of this Agreement. As used in the foregoing verification, “discriminate against a firearm entity or firearm trade association” has the meaning provided in Section 2274.001(3), Government Code.
- (d) No Boycott of Energy Companies. Developer hereby verifies that it and its parent company, wholly- or majority-owned subsidiaries, and other affiliates, if any, do not boycott energy companies and will not boycott energy companies during the Term of this Agreement. As used in the foregoing verification, “boycott energy companies” has the meaning provided in Section 2276.001(1), Government Code.

[Signatures appear on the following pages]

IN WITNESS WHEREOF, the Parties hereto have caused this instrument to be duly executed as of the Effective Date.

CITY OF PARKER, TEXAS

Name: _____
Title: _____

ATTEST:

City Secretary, _____

STATE OF TEXAS §
 §
COUNTY OF _____ §

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be one of the persons whose names are subscribed to the foregoing instrument; he/she acknowledged to me that he/she is the _____ and duly authorized representative of the City of Parker, Texas a _____ municipality, and that he/she executed the same for the purposes and consideration therein stated and in the capacity therein stated as the act and deed of the City of Parker, Texas.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of office this _____ day of _____, 2025.

Notary Public, State of Texas
My Commission Expires: _____

DEVELOPER

Buckingham Lot Venture, LTD.,
a Texas limited partnership

By: Buckingham Lot Venture GP Corporation,
a Texas corporation
its General Partner

By: _____
Adam Buczek, President

STATE OF TEXAS §
 §
COUNTY OF _____ §

This instrument was acknowledged before me on _____, 2025, by Adam Buczek, as the President of Buckingham Lot Venture GP Corporation, a Texas corporation, the General Partner of Buckingham Lot Venture, LTD., a Texas limited partnership, on behalf of said entities.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2025.

Notary Public, State of Texas
My Commission Expires: _____

Exhibit “A-1”

Legal Description of the ETJ Property

(see attached)

EXHIBIT “A-1”**LEGAL DESCRIPTION (ETJ Property)**

BEING, a tract of land situated in the S.T. Lewis Survey, Abstract Number 529, in the City of Parker, Texas, Collin County, Texas, being all of a 4.229 acre tract, as described in Doc. No. 2024000054350 in the Deed Records of Collin County, Texas, and all of a 18.41 acre tract and a 1.00 acre tract, as described in 2023000115301 in said Deed Records and a 24.268 acre tract, as described in 2023000066710 in said Deed Records and a portion of an 8.225 acre tract, as described in 2023000141617 in said Deed Records and being more particularly described as follows:

BEGINNING, at a 5/8 inch iron found at the most northerly northwest corner of said 4.229 acre tract being in the south line of Parker Road (Variable R.O.W.);

THENCE, South 80°51'55" East, along the north line of said 4.229 acre tract and the south line of said Parker Road, for a distance of 435.31 feet;

THENCE, South 15°12'29" East, continuing along said north and south lines, for a distance of 52.74 feet;

THENCE, South 82°53'43" East, continuing along said lines, for distance of 125.97 feet;

THENCE, North 53°17'51" East, continuing along said lines, for a distance of 79.79 feet;

THENCE, South 89°46'26" East, continuing along said lines, for a distance of 82.45 feet, at the northeast corner of said 4.229 acre tract and the northwest corner of said 8.225 acre tract;

THENCE, South 01°05'11" West, departing said south line and along the east line of said 4.229 acre tract and the west line of said 8.225 acre tract, at 232.90 feet, passing the southeast corner of said 4.229 acre tract and the most northerly northeast corner of said 18.41 acre tract, for a total of distance of 600.76 feet, to a calculated point for corner;

THENCE, South 88°54'49" East, departing the east line of said 18.41 acre tract and the west line of said 8.225 acre tract, for a distance of 359.65 feet, to a calculated point at the point of curvature of a curve to the right, having a radius of 80.00 feet, a central angle of 75°31'36";

THENCE, along said curve to the right for an arc distance of 105.46 feet (Chord Bearing South 51°09'00" East – 97.98 feet), to a calculated point in the north line of said 18.41 acre tract;

THENCE, South 88°54'49" East, along the north line of said 18.41 acre tract, for a distance of 169.39 feet, at the northeast corner of said 18.41 acre tract;

THENCE, South 00°20'24" West, along the east line of said 18.41 acre tract, at 336.33 feet, passing the southeast corner of said 18.41 acre tract and the northeast corner of said 24.268 acre tract, and continuing for a total distance of 346.60 feet, at the most easterly southeast corner of said 24.268 acre tract;

THENCE, North 89°24'05" West, along the east line of said 24.268 acre tract, for a distance of 96.21 feet;

THENCE, South 00°46'23" East, continuing along said east line, for a distance of 902.83 feet, at the southeast corner of said 24.268 acre tract;

THENCE, North 89°47'48" West, along the south line of said 24.268 acre tract, for a distance of 1267.96 feet, at the southwest corner of said 24.268 acre tract and being in the east line of McCreary Road (105' R.O.W.);

THENCE, North 00°11'17" East, along the west line of said 24.268 acre tract and the east line of said McCreary Road, for a distance of 549.63 feet, at the southwest corner of a 1.785 acre tract, as described in Doc. No. 97-0000824 in said Deed Records;

THENCE, South 89°55'57" East, departing the east line of said McCreary Road and along the south line of said 1.785 acre tract, for a distance of 264.08 feet, at the southeast corner of said 1.785 acre tract;

THENCE, North 00°04'03" East, along the east line of said 1.785 acre tract, for a distance of 295.25 feet, at the northeast corner of said 1.785 acre tract in the south line of said 18.41 acre tract;

THENCE, North 89°55'57" West, along the north line of said 1.785 acre tract and the south line of said 18.41 acre tract, for a distance of 259.28 feet, at the northwest corner of said 1.785 acre tract and the southwest corner of said 18.41 acre tract, same being in the east line of said McCreary Road, being on a curve to the right, having a radius of 797.67 feet, a central angle of 08°22'02";

THENCE, along the west line of said 18.41 acre tract and the east line of said McCreary Road with said curve to the right for an arc distance of 116.46 feet (Chord Bearing North 10°13'28" East – 116.36 feet), at the point of reverse curvature of a curve to the left, having a radius of 902.50 feet, a central angle of 14°22'15";

THENCE, continuing along said east and west lines and with said curve to the left for an arc distance of 226.36 feet (Chord Bearing North 07°13'23" East – 225.77 feet), at the point of tangency;

THENCE, North 00°02'16" East, continuing along said east and west lines, for a distance of 817.08 feet;

THENCE, North 45°02'25" East, continuing along said lines, for a distance of 30.78 feet, to the POINT OF BEGINNING and containing 48.493 acres of land.

Exhibit “A-2”**Legal Description of the Portion of the Property within the City Limits as of the Effective Date****EXHIBIT “A-2”****LEGAL DESCRIPTION (City Limits Property)**

BEING, a tract of land situated in the S.T. Lewis Survey, Abstract Number 529, in the City of Parker, Texas, Collin County, Texas, being all of a 1.785 acre tract, as described in Doc. No. 97-0000824 in the Deed Records of Collin County, Texas, and being more particularly described as follows:

BEGINNING, at a 5/8 inch iron found at the northwest corner of said 1.785 acre tract being in the east line of McCreary Road (105° R.O.W.);

THENCE, South 89°55'57" East, along the north line of said 1.785 acre tract, for a distance of 259.28 feet, at the northeast corner of said 1.785 acre tract;

THENCE, South 00°04'03" West, along the east line of said 1.785 acre tract, for a distance of 295.25 feet, at the southeast corner of said 1.785 acre tract;

THENCE, North 89°55'57" West, along the south line of said 1.785 acre tract, for a distance of 264.08 feet, at the southwest corner of said 1.785 acre tract and being in the east line of said McCreary Road;

THENCE, North 00°11'17" East, along the west line of said 1.785 acre tract and the east line of said McCreary Road, for a distance of 214.00 feet, at the point of curvature of a curve to the right, having a radius of 797.67 feet, a central angle of 05°50'48";

THENCE, continuing along said east and west lines and with said curve to the right for an arc distance of 81.41 feet (Chord Bearing North 03°07'51" East – 81.37 feet), to the POINT OF BEGINNING and containing 1.785 acres of land.

Exhibit "B"
Development Regulations

(see attached)

EXHIBIT “B”

Buckingham Estates – Development Standards

The following uses and standards shall be applied to the subject property:

1. Allowed Uses:

- a. Single-family residential and accessory uses and all uses allowed in the single-family transitional (SFT) zoning district per the SFT district requirements in the City’s Zoning Ordinance, except as modified herein.

2. Lot Size Requirements:

- a. Minimum Lot Size: 1 acre (43,560 square feet)
- b. Minimum Average Lot Size: 1 acre (43,560 square feet)
- c. Maximum Lot Coverage (All Above-ground Structures): 25% (10,890 square feet)
- d. Maximum Lot Coverage (Accessory Buildings): 10% (4,356 square feet)
- e. Minimum Lot Width (Front Lot Line): 100 feet ⁽¹⁾
- f. Minimum Lot Depth: 150 feet
- g. Minimum Front Setback: 50 feet
- h. Minimum Rear Setback: 30 feet
- i. Minimum Side Setback: 25 feet
- j. Minimum Side Setback (Corner Lots): 50 feet

(1) For lots located on cul-de-sacs and knuckles, the minimum lot width (front lot line) shall be 62 feet.

3. Building Regulations:

- a. Minimum Living Space: 3,000 square feet of air-conditioned space.
- b. Building Materials:
 - (i) Total Exterior Elevations – 90% brick, stucco, stone, or masonry, exclusive of windows, doors, gables and trim.

- (ii) Any Single Elevation – not less than 75% brick, stucco, or stone, on any one elevation, exclusive of windows, doors, gables and trim.
- c. Maximum Height: 2 stories or 45 feet

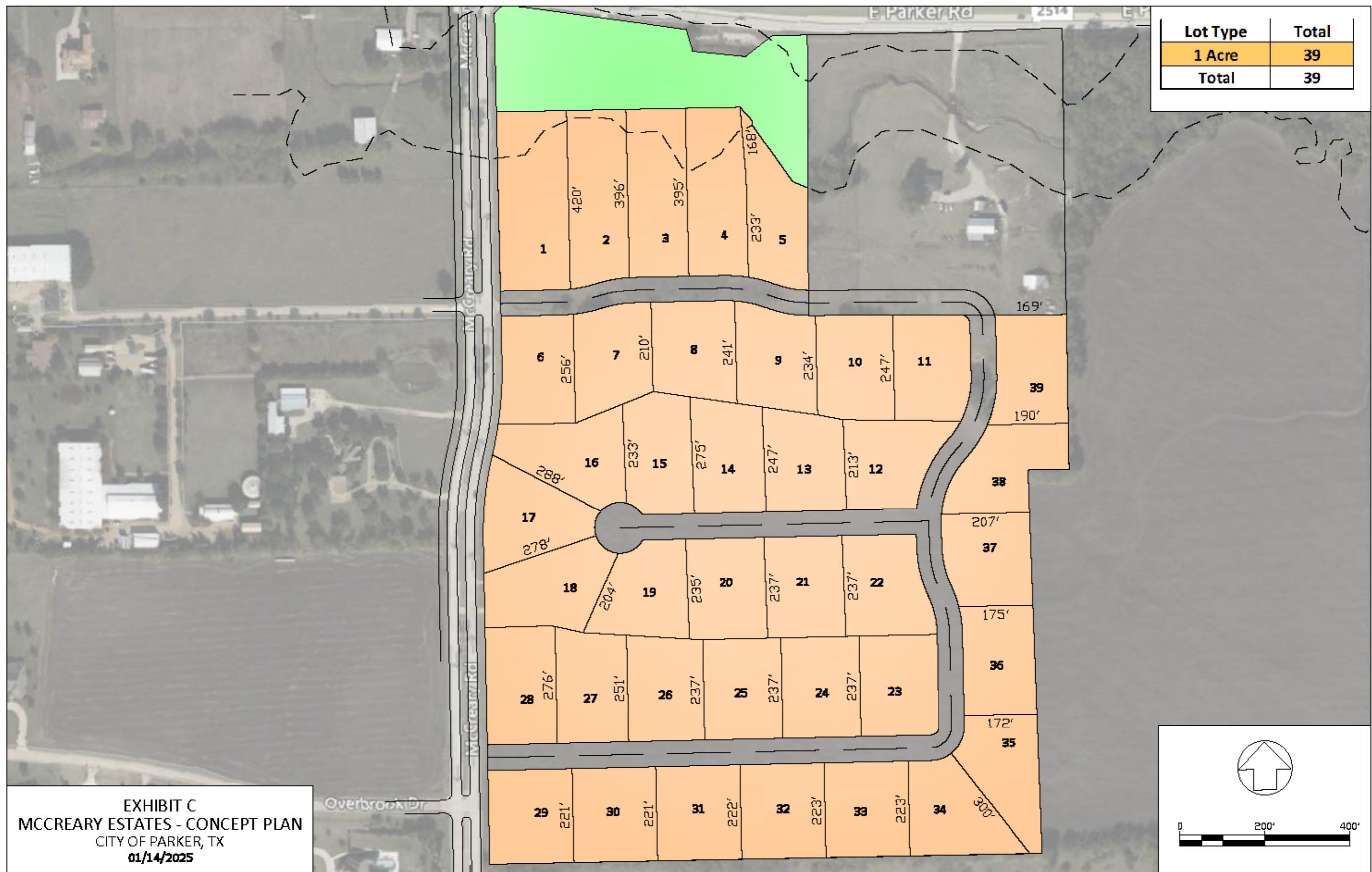
4. Special Requirements:

- a. Perimeter Fencing and Landscaping:
 - (i) There shall be a 20-foot landscape easement along the western property boundary in the lots that back up to or side McCreary Road, which shall include the following:
 - (1) An ornamental metal fence or rail fencing with evergreen shrubs planted directly in front of the fence.
 - (2) 3 caliper inch shade trees planted every 30 feet on center.
 - (3) Minimum 2-foot high rolling berms.
 - (ii) All other fencing shall be ornamental metal or rail fencing.
 - (iii) All perimeter screening and landscaping described above shall be installed by the developer before any residential building certificate of occupancy is issued.
- b. Garages: No garage shall open to the front of a lot or to the side street in a corner lot.
- c. Utilities: All utilities shall be installed underground, except for open swale drainage structure.
- d. Homeowners' Association: A Homeowners' Association (HOA) shall be established and shall be responsible for maintaining perimeter fencing and landscaping as well as drainage located in common areas. The HOA maintenance requirements described herein shall be included in the HOA documents as well as stated on any Preliminary or Final Plats for the Property.
- e. Lot Drainage: Each individual homeowner shall be responsible for maintaining drainage on their lot and the bar ditch adjacent to their lot. The homeowners' maintenance requirements described herein shall be included in the HOA documents as well as stated on any Preliminary or Final Plats for the Property.
- f. Other Standards: Unless addressed hereinabove, the development shall comply with the requirements of the City of Parker's SFT Zoning District and Subdivision Ordinance in effect on the Effective Date of the Development Agreement.

Exhibit "C"

Concept Plan

(see attached)





Council Agenda Item

Budget Account Code:		Meeting Date: See above.
Budgeted Amount:		Department/ Requestor: City Council
Fund Balance-before expenditure:		Prepared by: ACA/CS Scott Grey for Parker Police Chief Kenneth Price
Estimated Cost:		Date Prepared: February 11, 2025
Exhibits:	1. <u>2024 Parker PD Racial Profiling Report</u> 2. <u>2024 Parker PD Annual Report</u>	

AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION, ACCEPTING THE 2024 RACIAL PROFILING REPORT AND THE 2024 PARKER PD ANNUAL REPORT.

SUMMARY

Please review the attached 2024 Racial Profiling Report. By reporting this information to the City Council and the Texas Commission on Law Enforcement (TCOLE) this will fulfill the totality of our obligation as required by the Texas Code of Criminal Procedure and State House Bill 3389. Should City Council have any questions, suggestions or in need of any clarification, please contact Chief Kenny Price. Chief Price also included the 2024 Parker PD Annual Report for your review. This is the fifth year of a five-year annual report project to provide Council with a long-range statistical tool for identifying trends in police reported activity and to highlight yearly accomplishments.

POSSIBLE ACTION

City Council may direct staff to take appropriate action.

Inter – Office Use			
Approved by:	Enter Text Here		
Department Head/ Requestor:	<i>Kenneth Price</i>	Date:	02/13/2025
Interim City Attorney:	<i>Catherine Clifton</i>	Date:	02/14/2025 via Municode
Mayor	<i>Lee Pettle</i>	Date:	02/ xx /2025

Parker Police Department

2024 RACIAL PROFILING REPORT



February 2025

Parker Police Department

Kenneth Price

Chief of Police

In compliance with the Sandra Bland Act



Introduction

Message to the Parker City Council

February 10, 2025
 Parker City Council
 5700 East Parker Road
 Parker, Texas 75002

Honorable Mayor and Distinguished Members of the City Council,

The Texas Legislature, with the intent of addressing the issue of racial profiling, enacted 2001, the Texas Racial Profiling Law. During the past year, the Parker Police Department, following the law, has collected and reported motor vehicle-related contact data to identify and address, 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. Moreover, 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 requires that law enforcement agencies in the State collect additional data and provide a more detailed analysis. All these requirements have been met by the Parker Police Department and are included in this report.

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

The last section of this report includes statistical data relevant to contacts made during motor vehicle stops and following the law, between 01/01/2024 and 12/31/2024. In addition, this section contains the TCOLE Tier 2 form, which is required to be submitted to the governing body of this organization by March 1st of each year. The data in this report has been analyzed and compared to data derived from the final analysis. The findings in this report serve as evidence of the Parker Police Department's commitment to comply with the Racial Profiling Law.

As the Council is aware this report was prepared by a vendor for a couple of years and at the Council's direction, that vendor contract was canceled, and the task was returned to the Police Department to complete in 2021. Please take the time to review the information contained in this report to ensure, in your opinion, that the City of Parker is meeting the spirit of the law intended to ensure the Parker Police Department is not engaged in racial profiling practices.

Sincerely,

Kenneth Price
 Chief of Police

Table of Contents

Introduction

Letter to City Council	3
Table of Contents	4

Responding to the Law

Public Education and Filing Compliments or Complaints	7
Racial Profiling Course Number 3256	9
Reports on Compliments and Racial Profiling Complaints	36
Tier 2 Data (Includes Tables)	38

Analysis and Interpretation of Data

Tier 2 Motor Vehicle-Related Contact Analysis and Comparative Analysis	49
Summary of Findings	70
Checklist	72

Legislative and Administrative Addendum

TCOLE Guidelines	74
Texas Law on Racial Profiling	81
Modifications to the Original Law	89
Racial and Ethnic Designations	99
The Sandra Bland Act	101
Parker Police Department Racial Profiling Policy	115



Responding to the Law



Public Education and Filing Compliments or Complaints

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

The Texas Racial Profiling Law requires that police agencies provide information to the public regarding the way to file a compliment or racial profiling complaint. To comply with this particular component, the Parker 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, at the municipal courts, and on its website, information relevant to filing a compliment or complaint on a racial profiling violation by a Parker 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 specifically related to the compliment or complaint processes. It is believed that through these efforts, the community has been properly informed of the current policies and the complaint processes relevant to racial profiling.

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

The satisfactory completion of the racial profiling training by the sworn personnel of the Parker Police Department fulfills the training requirement as specified in the Education Code (96.641) of the Texas Racial Profiling Law.



Racial Profiling Course

Number 3256

Racial Profiling



Course # 3256
September 2023

Racial Profiling

ABSTRACT

This instructor resource guide (IRG) is designed to provide the instructor with the learning objectives and teaching steps needed to construct a complete and effective lesson plan. By itself the IRG is not a lesson plan but is a guide for the instructor to build on and may be used as a student handout as well.

This IRG is designed to meet the educational requirement for racial profiling established by legislative mandate: 77R-SB1074. In 2001, the 77th Texas Legislature passed S.B. 1074 in an attempt to address racial profiling by law enforcement officers. On June 19, 2009, during the 81st Regular Session, House Bill 3389 was signed by the Governor of Texas and became effective on September 1, 2009. HB 3389 changed the racial profiling data collection and reporting requirements for Texas law enforcement agencies. Among other changes, HB 3389 required law enforcement agencies to: (1) alter their data collection procedures and methods beginning in 2010, and (2) report such data electronically to the Texas Commission on Law Enforcement (TCOLE) using a mandatory format defined by the department's Tier classification. In the 85th Texas Legislature, HB 2702 made further changes to the racial profiling data collection requirements and reporting. During the 85th legislative session in 2017, Senate Bill 1849 (the Sandra Bland Act) was signed into law. This act strengthened Texas' racial profiling law and ensured the Texas collections' robust, clear, and accurate. All of these bills are consolidated in statute in the Texas Code of Criminal Procedure Articles 2.131 through 2.138.

Note to Trainers: It is the responsibility of the training coordinator to ensure this curriculum and its materials are kept up to date. Refer to curriculum and legal resources for changes in subject matter or laws relating to this topic as well as the Texas Commission on Law Enforcement website at www.tcole.texas.gov for edits due to course review.

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.

Target Population: Licensed law enforcement personnel in Texas.

Student Prerequisites:

- None

Instructor Prerequisites:

- Certified TCOLE Instructor and documented knowledge/training in course subject matter OR

Revised September 2023

- Documented subject matter expert

Length of Course: 4 hours, minimum

Equipment:

- None

Training Delivery Method(s):

- Online
- Instructor-led, classroom-based
- Instructor-led, virtual classroom

Method(s) of Instruction:

- Lecture
- Discussion
- Demonstration
- Practical exercise
- Scenarios

Facility Requirements:

- Standard classroom

Assessment: Assessment is required for completion of this course to ensure the student has a thorough comprehension of all learning objectives. Training providers are responsible for assessing and documenting student mastery of all objectives in this course.

In addition, the Commission highly recommends a variety of testing/assessment opportunities throughout the course which could include: oral or written testing, interaction with instructor and students, case study and scenario, and other means of testing student's application of the skills taught as the instructor or department deems appropriate.

Unless otherwise indicated, the minimum passing score shall be 70%.

Reference Materials:

- 77 Legislation (2001) SB 1074
- 81 Legislation (2009) HB 3389.
- 85 Legislation (2017) SB 1849
- Proactive Field Stops Training Unit – Instructor's Guide, Maryland Police and Correctional Training Commissions, 2001.
- TCOLE New Racial Profiling Format. Accessed April 2021. <
<https://www.tcole.texas.gov/sites/default/files/documents/Full%20Reporting.pdf>>

Revised September 2023

- TCOLE Racial Profiling Report Procedures. Accessed April 2021.
[<https://www.tcole.texas.gov/content/racial-profiling-reports>](https://www.tcole.texas.gov/content/racial-profiling-reports)
- Texas Code of Criminal Procedure
- Texas District & County Attorneys Association, Getting Evidence from Cars, 2018. Accessed August 2020. <https://www.tdcaa.com/journal/getting-evidence-from-cars/>
- Texas District & County Attorneys Association, V. Basis for Vehicle Stop-Legal Standard. Accessed August 2020. <https://www.tdcaa.com/resources/dwi/jessica-fraziers-dwi-case-law/v-basis-for-vehicle-stop-legal-standard/>
- Texas Transportation Code
- Texas Chiefs of Police Association (TCPA), Texas Law Enforcement Agency Best Practices Program Standards Manual. <https://www.texaspolicechiefs.org/getting-started-with-recognition>

Revised September 2023

Racial Profiling

Learning Objectives

UNIT 1 Racial Profiling and The Law

- 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.
- 1.2 **Learning Objective:** The student will be able to write the adopted department policy on racial profiling.
- 1.3 **Learning Objective:** The student will be able to explain Supreme Court decisions and other court decisions regarding traffic stops and prohibited racial profiling.

UNIT 2 Racial Profiling and The Community

- 2.1 **Learning Objective:** The student will be able to explain the legal, ethical, and moral responsibilities against racial profiling.
- 2.2 **Learning Objective:** The student will be able to identify logical and social arguments against racial profiling.

UNIT 3 Racial Profiling Versus Reasonable Suspicion

- 3.1 **Learning Objective:** The student will be able to identify elements of typical racially-motivated traffic stops.
- 3.2 **Learning Objective:** The student will be able to list the elements of legal contact with drivers and occupants of vehicles.
- 3.3 **Learning Objective:** The student will be able to describe the various basis for vehicle stops based on the legal standard.
- 3.4 **Learning Objective:** The student will be able to list the valid searches and seizures without warrants.

Racial Profiling

UNIT 1. Racial Profiling and The Law

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

INSTRUCTOR NOTE: Refer to Racial Profiling Requirements at Appendix A: Law Requirements.

Code of Criminal Procedure	
Art. 3.05	Racial Profiling.
Art. 2.131	Racial Profiling Prohibited.
Art. 2.132	Law Enforcement Policy on Racial Profiling.
Art. 2.133	Reports Required for Motor Vehicle Stops.
Art. 2.134	Compilation and Analysis of Information Collected.
Art. 2.136	Liability.
Art. 2.137	Provision of Funding or Equipment.
Art. 2.138	Rules.
Art. 2.1385	Civil Penalty.
Education Code	
Sec. 96.641 (a) (k)	Initial Training and Continuing Education for Police Chiefs and Command Staff.
Occupations Code	
Sec. 1701.253 (c) (h)	School Curriculum.
Sec. 1701.402 (e)	Proficiency Certificates.
Transportation Code	
Sec. 543.202 (a)	Form of Record.

1.2 The student will be able to write the adopted department policy on racial profiling.

- Written departmental policies
 - Definition of what constitutes racial profiling
 - Prohibition of racial profiling

Revised September 2023

- 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. Officer non-liability
- I. Funding
- J. Training in racial profiling
 - 1. Police chiefs
 - 2. All holders of intermediate certificate

INSTRUCTOR NOTE: Share, review, and discuss the following information with the students.

- Appendix B: Sample General Order (Texas Police Chiefs Association Best Practices)

Note: Please have students review the format and if their agency is currently capturing the new data points, please review their 2019 Racial Profiling Report. This new data is required to be collected for all traffic stops beginning January 1, 2021,

Revised September 2023

and will be required for all future Racial Profiling reports. The new report can be found in their agency's TCLEDDS account.

1.3 The student will be able to explain Supreme Court decisions and other court decisions regarding traffic stops and prohibited racial profiling.

A. Supreme court cases

- *Whren v. United States*, 517 U.S. 806, 116 S. Ct. 1769 (1996)
- *Terry v. Ohio*, 392 U.S. 1, 88 S. Ct. 1868 (1968)

B. Other cases

- *Pennsylvania v. Mimms*, 434 U.S. 106, 98 S. Ct. 330 (1977)
- *Maryland v. Wilson*, 519 U.S. 408, 117 S. Ct. 882 (1997)
- *Graham v. State*, 119 Md. App 444, 705 A.2d 82 (1998)
- *Pryor v. State*, 122 Md. App. 671 (1997), cert. denied 352 Md. 312, 721 A.2d 990 (1998) (other citations omitted)
- *Ferris v. State*, 355 Md. 356, 735 A.2d 491 (1999)
- *New York v. Belton*, 453 U.S. 454 (1981)

C. Recent cases

- *Brendlin v. California*, 551 U.S. 249, 127 S. Ct. 2400 (2007)
- *Virginia v. Moore*, 553 U.S. 164, 128 S. Ct. 1598 (2008)
- *Arizona v. Johnson*, 555 U.S. 323, 129 S. Ct. 781 (2009)

INSTRUCTOR NOTE: Review select court decisions on traffic stops (Review rule, read facts, discuss issue, and Interpret conclusion.) You can find resource on [LexisNexis](#).

UNIT 2. Racial Profiling and The Community

2.1 The student will be able to explain the legal, ethical, and moral responsibilities against racial profiling.

- A. Declaration of Independence
- B. Fourth Amendment
- C. U.S. Constitution Preamble
- D. Pledge of Allegiance

Revised September 2023

E. Texas Constitution (Article 1. Bill of Rights, Section 9. Search and Seizure)

F. Holy Bible

2.2 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 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 believe 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.

Racial profiling is wrong and will not be tolerated: Racial profiling sends the dehumanizing message to our citizens that they are judged by the color of their skin and harms the criminal justice system by eviscerating the trust necessary for law enforcement to effectively protect our communities.

Police cannot ascribe certain behavior traits to a person or a group merely on the basis of their race or ethnic background. If police action is taken, it must be because the person in question has violated a law, not because he or she is of a particular race, ethnicity, or gender. Police can only intervene on the basis of what people do, not on what they look like.

SCENARIO: A police officer parked on the side of a highway notices that nearly all vehicles are exceeding the posted speed limit. The officer's attention is immediately drawn to an older SUV travelling slower than the other vehicles on the highway yet at the posted speed limit. Contained within this SUV are 4 young bearded Middle Eastern men each wearing a "Keffiyeh" (arabic headdress). The officer initiates a traffic stop based on only a "feeling" as a pretext to further investigate. Would this situation be considered, "racial profiling?"

INSTRUCTOR NOTE: Student must articulate that in connection with an initiative to prevent terrorist activity, law enforcement authorities may not target members of any particular race or

Revised September 2023

religion as suspects based on a generalized assumption that members of that race or religion are more likely than non-members to be involved in such activity.

INSTRUCTOR NOTE: Display one (or both) of the following TEDx Talks videos on YouTube as applicable.

- How Racial Profiling Hurts Everyone, Including the Police (10:37)
https://www.youtube.com/watch?v=LCX_Th-IjJE
- Policing the Bridge (8:32) <https://www.youtube.com/watch?v=lz7fva4OQzo>

UNIT 3. Racial Profiling Versus Reasonable Suspicion

3.1 The student will be able to identify elements of typical racially-motivated traffic stops.

A. Definition

Racial Profiling: a law enforcement-initiated action based solely on an individual's race, ethnicity, and/or national origin, rather than on the individual's behavior and/or information tending to identify the individual as having engaged in criminal activity.

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

1. Citing a driver who is speeding in a stream of traffic where most other drivers are speeding, solely because of the cited driver's race, ethnicity, or national origin.
2. Stopping or detaining the driver of a vehicle solely 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.
3. Stopping or detaining a person solely based on the determination that a person of that race, ethnicity, or national origin does not belong in a specific geographic area or a specific place.

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

Revised September 2023

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.)

3.2 The student will be able to list the elements of legal contact with drivers and occupants of vehicles.

- A. Voluntary encounter: no suspicion
- B. Temporary detention “Terry Stop”: **Reasonable suspicion required**
 1. Theories for stop
 - a. Traffic Violations
 - b. “Pretext” Stops
 - c. Community Caretaking
 - d. Citizen Calls
 - e. Roadblocks/checkpoints
 2. Temporary detention options
 - a. Detain individual for a reasonable period of time to satisfactorily account for his activity
 - b. Interview (No “Miranda Warning” is required)
 - c. Make reasonable investigative inquiries, i.e., request identity, reason for being in area, explanation of suspicious conduct
 - d. Seek consent for pat down or search
 - e. Transport detainee to possible crime scene
- C. Arrest: Probable cause required

Reasonable Suspicion ≠ Probable Cause

1. Reasonable Suspicion
 - a. An officer can briefly detain an individual or make a traffic stop if there is reasonable suspicion a person committed a crime, is currently committing a crime, or plans to engage in criminal activity—based on certain facts or circumstances. Having a gut feeling or a hunch does not qualify as reasonable suspicion.

Revised September 2023

- b. There must be reasonable suspicion in any type of criminal case, including traffic offenses and driving while intoxicated (DWI). Examples of actions that may establish reasonable suspicion to stop someone for DWI who is driving include:
 - 1. weaving,
 - 2. frequent braking,
 - 3. drifting between lanes,
 - 4. driving without headlights at night
 - 5. following too closely (tailgating)
 - 6. slow response to traffic or officer's signals
- 2. Probable Cause
 - a. An officer can make an arrest or conduct a search or seizure if probable cause is established. To prove probable cause, law enforcement must demonstrate there are facts or evidence that would lead a reasonable person to believe that a crime has been committed, is being committed, or will be committed in the future.
 - b. Making an illegal turn, having a taillight out and expired registration are probable cause reasons for a vehicle stop against the transportation code.

A higher standard is required to establish probable cause than reasonable suspicion. It cannot be shown based on an officer's suspicions or guesses. It must be based on facts and hard evidence. In some cases, sufficient probable cause can develop after the police detain someone based on reasonable suspicion.

There are many ways that the police can establish probable cause to arrest an individual. Examples include smelling alcohol or drugs on them, seeing evidence, such as a gun, drugs, or stolen property, in plain view, or an admission of guilt.

3.3 The student will be able to describe the various basis for vehicle stops based on the legal standard.

A. Officer's Mistake of Fact/Law Will Not Make Stop Illegal

State v. Varley, No. 02-15-00076-CR, 2016 WL 4540491 (Tex. App. Fort Worth 2016)

Officer's mistaken belief that defendant violated statute by driving with only one functioning brake light was reasonable. Because the mistake of law was "reasonable" it provided sufficient reasonable suspicion to justify the traffic stop.

B. Information from Citizen/Police Radio/Anonymous Call

Revised September 2023

Chrisman v. State, No. 06-16-00179-CR, 2017 Tex. App. LEXIS 2785, 2017 WL 2118968 (Tex. App. Texarkana 2017)

This stop was based solely on a 9-1-1 call from a bartender who stated an intoxicated person had just driven away from the bar after being denied service and who refused to take a cab. The defendant argued the stop was improper based on a conclusory statement made by the bartender. The court properly denied the defendant's motion to suppress even if the statement from the bartender was conclusory it was sufficiently corroborated by other details. For example, when the bartender called 9-1-1, he gave his name, phone number and identified himself as the bartender at the establishment. The court found him to be reliable. Furthermore, the court found the information provided to the dispatcher by the bartender to be sufficiently corroborated by additional details from which the dispatcher could have surmised from the bartender.

C. Bad Driving/Conduct Need Not Equal Criminal Offense

Derichsweiler v. State, 348 S.W.3d 906 (Tex. Crim. App. 2011), S. Ct. cert. denied, Oct. 3, 2011.

The defendant was reported to be stopping next to vehicles in parking lots and staring at the occupants of those vehicles. That conduct resulted in a 9-1-1 call which ended with the detention and arrest of the defendant. The issue: was the defendant's non-criminal behavior enough to justify an investigative stop without reasonable suspicion of a particular offense? The Court said yes, pointing out there is no requirement to point to a particular offense, but rather reasonable suspicion he was about to engage in criminal activity.

D. "Community Care-Taking Function" (CCF)

Wright v. State, 7 S.W.3d 148 (Tex. Crim. App. 1999) ref'd on remand, 18 S.W.3d 245 (Tex. App. Austin 2000, pet. ref'd).

The case came to the Court of Criminal Appeals when the Austin Court of Appeals failed to apply the "community care-taking function" in holding the stop in this case to be unreasonable. The basis for the stop was the officer observed a passenger in the vehicle vomiting out of a car window. The Court of Appeals did not believe that concept covered a passenger's actions. The Court of Criminal Appeals held the exception could apply to these facts and listed four factors that are relevant in determining when community care-taking provides a sufficient basis for a traffic stop.

1. the nature and level of distress exhibited by the individual
2. the location of the individual
3. whether the individual was alone and/or had access to assistance independent of that offered by the officer; and

Revised September 2023

4. to what extent the individual—if not assisted—presented a danger to himself or others.

The court added that, “as part of his duty to ‘serve and protect’ a police officer may stop and assist an individual whom a reasonable person—given the totality of the circumstances—would believe is in need of help.” The case was remanded back to the Court of Appeals which in 18 S.W.3d 245 (Tex. App. Austin 2000) applied the above mentioned factors and found the stop to be unreasonable. (INSTRUCTOR NOTE: Open this case and review with students the court’s reasoning behind finding the stop unreasonable.) <https://caselaw.findlaw.com/tx-court-of-appeals/1495874.html>

E. Officer’s Arrest Authority When Outside Jurisdiction

For A Traffic Offense:

1. Stops made before 9-01-05 = NO

State v. Kurtz, 152 S.W.3d 72 (Tex. Crim. App. 2004) An officer of a municipal police department does not have authority to stop a person for committing a traffic offense when the officer is in another city within the same county.

2. Stops made after 9-01-05 = YES

CCP Article 14.03 (g) (1). Authorizes a municipal police officer to make a warrantless arrest for a traffic offense that occurs anywhere in the county or counties in which the officer’s municipality is located.

Note: This legislative change effectively overrules the Kurtz case listed above.

F. Operating Vehicle in Unsafe Condition

State v. Kloecker, 939 S.W.2d 209 (Tex. App. Houston [1st Dist.] 1997, no pet.)

Trial judge held there was insufficient basis for the stop. Court of Appeals reversed holding the officer observed the defendant was driving on a tireless metal wheel and knew this constituted the traffic offense of driving a vehicle on a highway in an unsafe condition.

G. Rapid Acceleration/Spinning Tires

1. YES. Fernandez v. State, 306 S.W.3d 354 (Tex. App. Fort Worth 2010, no pet.)

Officer heard defendant’s pickup loudly squeal its tires and saw light smoke coming from the tires as the pickup fishtailed about two feet outside its lane of traffic supporting officer’s opinion that what he observed constituted reckless driving and supported the stop. This was so although there were no vehicles directly around

Revised September 2023

defendant's vehicle though there was testimony there were other vehicles in the area.

2. NO. State v. Guzman, 240 S.W.3d 362 (Tex. App. Austin 2007, pet. ref'd).

The spinning motion of one tire of defendant's truck as truck began to move from a stop after a traffic light turned green did not alone give police officer reasonable suspicion the defendant was unlawfully exhibiting acceleration in violation of statute pertaining to racing on highways, and thus officer's stop of defendant's vehicle on that basis was unlawful.

H. Approaching A Vehicle That is Already Stopped

Murray v. State, No. 07-13-00356-CR, 2015 WL 6937922 (Tex. App. Amarillo 2015)

At 1:00 a.m. officer saw Defendant's vehicle parked parallel to road, partially on improved road and partially in driveway next to closed fireworks stand which had been the location of a previous burglary. Officer parked behind vehicle and walked up to closed car window and knocked and yelled to get Defendant to wake up. Officer finally got defendant to awake and encounter led to arrest for DWI. In response to defense argument that this was an illegal stop, Court held this was a voluntary encounter. Even though officer testified the Defendant was not going to be allowed to leave once he approached the car this subjective intent regarding whether he could leave is only relevant when it is in some way communicated to the citizen, which was lacking in this case.

INSTRUCTOR NOTE: Resource: TDCAA Basis for Vehicle Stop-Legal Standard

<https://www.tdcaa.com/resources/dwi/jessica-fraziers-dwi-case-law/v-basis-for-vehicle-stop-legal-standard/>

SCENARIO: A homeowner in an exclusive small suburban neighborhood noticed a late model maroon Range Rover with an out of state vehicle registration. The vehicle was occupied by two Black males in their early 20's. The homeowner reported this Range Rover as suspicious activity to the local law enforcement agency. This neighborhood is predominately an established one and most of the neighbors know each other.

Fear of crime had created a deliberate neighborhood cooperative effort for assertive and proactive crime prevention with the local department. Residents had been encouraged to report even minor suspicious activity to law enforcement.

A nearby officer/deputy responded to this "suspicious" vehicle call and quickly encountered the maroon Range Rover. The officer/deputy did not observe any traffic or other law violations. Should the officer/deputy activate his overhead lights, detain, and identify the vehicle's occupants to ease neighborhood concerns?

Revised September 2023

INSTRUCTOR NOTE: Discuss the below topics of interest:

- Student must be able to ascertain if a civilian's report of suspicious activity creates a reason to detain and identify the Range Rover's occupants? (Not necessarily. The deputy should consider the totality of all objectively reasonable observations. A civilian's suspicion should not be ignored but neither is it a free reason to stop without just legal cause.)
- Student should be able to articulate if there was probable cause for a detention? (No. In this case, no law was broken and unless the deputy sees articulable reasonable suspicions one cannot detain. See CCP [14.03](#).)
- Student should be able to answer does a traffic stop equate to a consensual and voluntary encounter? (In most cases, once overhead emergency lights and equipment are activated it's not a voluntary nor consensual.)
- Student should be able to answer what could the responding officer/deputy do to ensure the requirements of a safe neighborhood and still safeguard the 4th amendment? (The responding officer/deputy could check the vehicle's registration, video & photograph the vehicle, registration, and possibly occupants; the officer/deputy could maintain a high visibility patrol methodology and even make contact with the reporter to encourage successful, legal and continued crime suppression partnerships.)
- Although the maroon Range Rover is suspicious in its appearance, it's not at the standard of CCP 14.03's "reasonable suspicion."

3.4 The student will be able to list the valid searches and seizures without warrants.

- A. Search Incident to Arrest
- B. Consent Searches
- C. Border Searches
- D. Open Fields
- E. Plain View and Plain Feel
- F. Exigent Circumstances
- G. Inventory Searches
- H. Automobile Exception

INSTRUCTOR NOTE: Review with students the information provided by the Legal Information Institute <https://www.law.cornell.edu/constitution-conan/amendment-4/valid-searches-and-seizures-without-warrants>

Revised September 2023

APPENDIX A: LAW REQUIREMENTS

Texas Code of Criminal Procedure (CCP) Art. 3.05. Racial Profiling.

- (a) 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.

CCP Art. 2.131. Racial Profiling Prohibited.

A peace officer may not engage in racial profiling.

CCP Art. 2.132. Law Enforcement Policy on Racial Profiling.

- (a) In this article:
 - (1) “Law enforcement agency” means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make motor vehicle stops in the routine performance of the officers’ official duties.
 - (2) “Motor vehicle stop” means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.
 - (3) “Race or ethnicity” means the following categories:
 - (A) Alaska native or American Indian;
 - (B) Asian or Pacific Islander;
 - (C) black;
 - (D) white; and
 - (E) Hispanic or Latino.
- (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;

Revised September 2023

- (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;
 - (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.
- (c) The data collected as a result of the reporting requirements of this article shall not constitute *prima facie* evidence of racial profiling.
- (d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make motor vehicle stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle stops. 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.

Revised September 2023

- (e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).
- (f) On the commencement of an investigation by a law enforcement agency of a complaint described by Subsection (b)(3) in which a video or audio recording of the occurrence on which the complaint is based was made, the agency shall promptly provide a copy of the recording to the peace officer who is the subject of the complaint on written request by the officer.
- (g) On a finding by the Texas Commission on Law Enforcement 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.
- (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.

CCP Art. 2.133. Reports Required for Motor Vehicle Stops.

- (a) In this article, “race or ethnicity” has the meaning assigned by Article 2.132(a).
- (b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance shall report to the law enforcement agency that employs the officer information relating to the stop, including:
 - (1) a physical description of any person operating the motor vehicle who is detained as a result of the stop, including:
 - (A) the person’s gender; and
 - (B) the person’s race or ethnicity, as stated by the person or, if the person does not state the person’s race or ethnicity, as determined by the officer to the best of the officer’s ability;
 - (2) the initial reason for the stop;
 - (3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;
 - (4) whether any contraband or other evidence was discovered in the course of the search and a description of the contraband or evidence;
 - (5) the reason for the search, including whether:
 - (A) any contraband or other evidence was in plain view;
 - (B) any probable cause or reasonable suspicion existed to perform the search; or

Revised September 2023

- (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;
- (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.

CCP Art. 2.134. Compilation and Analysis of Information Collected.

- (b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each law enforcement agency shall submit a report containing the incident-based data compiled during the previous calendar year to the Texas Commission on Law Enforcement and, if the law enforcement agency is a local law enforcement agency, to the governing body of each county or municipality served by the agency.
- (c) A report required under Subsection (b) must be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, and must include:
 - (1) a comparative analysis of the information compiled under Article 2.133 to:
 - (A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities;
 - (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

Revised September 2023

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.
- (d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133(b)(1).
- (e) The Texas Commission on Law Enforcement, in accordance with Section 1701.162, Occupations Code, shall develop guidelines for compiling and reporting information as required by this article.
- (f) The data collected as a result of the reporting requirements of this article shall not constitute *prima facie* evidence of racial profiling.
- (g) On a finding by the Texas Commission on Law Enforcement 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.

CCP 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.

CCP 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, 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

Revised September 2023

enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras. 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, 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, 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 video and audio equipment and body worn cameras for those purposes.

Art. 2.138. Rules.

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

CCP 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 an amount not to exceed \$5,000 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.

Education Code Sec. 96.641. Initial Training and Continuing Education for Police Chiefs and Command Staff.

- (a) The Bill Blackwood Law Enforcement Management Institute of Texas shall establish and offer a program of initial training and a program of continuing education for police chiefs.
- (k) 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.

Occupations Code Sec. 1701.253. School Curriculum.

- (c) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program on civil rights, racial sensitivity, implicit bias, and cultural diversity for persons licensed under this chapter.
- (h) 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.

Occupations Code Sec. 1701.402. Proficiency Certificates.

- (e) 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(h).

Transportation Code Sec. 543.202. Form of Record.

- (a) In this section, "race or ethnicity" means the following categories:
 - (A) Alaska native or American Indian;
 - (B) Asian or Pacific Islander;
 - (C) black;
 - (D) white; and
 - (E) Hispanic or Latino.

Revised September 2023

APPENDIX B: SAMPLE GENERAL ORDER

Police Department	
Section 300: Operations	
General Order 303: Racial and Bias-based Profiling	
Effective Date:	Revision Date:
Issued By:	
TX Best Practices: 2.01	

A. Purpose

The Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly and without discrimination toward any individual or group. Race, ethnicity or nationality, religion, sex, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group shall not be used as the basis for providing differing levels of law enforcement service or the enforcement of the law (Tex. Code of Crim. Pro., Art. 2.131). (TCPA TBP: 2.01)

This policy provides guidance to department members and establishes appropriate controls to ensure that employees of the Police Department do not engage in racial- or bias-based profiling or violate any related laws while serving the community.

B. Definitions

Racial profiling is a form of discrimination defined by the Texas Code of Criminal Procedure as "law enforcement-initiated action based on an individual's race, ethnicity or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity." (CCP 3.05) The following are implicit in the definition.

- (1) Racial profiling only becomes an issue as it pertains to contacts with citizens who are viewed as suspects or as potential suspects. It is not relevant as it pertains to witnesses, complainants or other citizen contacts.
- (2) Racial profiling does not preclude race, ethnicity or national origin as factors in a detention decision. Race, ethnicity or national origin may be legitimate factors in a detention decision when used as part of an actual description of a specific suspect for whom an officer is searching. They may not, however, be the only factors in determining whom to detain.
- (3) Detaining an individual and conducting an inquiry into that person's activities because that person is of a specific race, ethnicity or national origin is racial profiling.

Revised September 2023

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

- (1) Citing a driver who is speeding in a stream of traffic where most other drivers are speeding because of the driver's race, ethnicity or national origin.
- (2) Detaining the driver of a vehicle based upon the supposition that a person of that race, ethnicity or national origin is unlikely to own or possess that specific make or model of vehicle.
- (3) Detaining an individual based upon the supposition that a person of that race, ethnicity or national origin does not belong in a specific part of town or in a specific place.

Bias based profiling occurs when enforcement decisions, the decision to render service or aid, or the willingness to engage is based upon the officer's bias either for or against an individual or group because of characteristics, beliefs or values, or legal practices associated with the individual or group.

Bias based profiling is often associated with a person's, race, ethnicity, national origin, religion, age, gender, sexual preference, political affiliation, economic status, cultural group, and/or other identifiers.

C. Prohibition

Racial- and/or bias-based profiling is strictly prohibited. Violations of racial and/or bias-based profiling are subject to disciplinary action up to and including termination. Allegations of racial and/or bias based profiling will be investigated consistent with the procedures set forth in 204: Personnel Complaints. (TCPA TBP: 2.01)

Nothing in this policy prohibits an officer from using any unique identifier along with other factors that are part of a legitimate description as a reason to detain a possible suspect.

D. Responsibilities

Texas Code of Criminal Procedure Article 2.132 requires law enforcement agencies to collect data from traffic stops in which a ticket, citation, or warning is issued to facilitate the state's reporting requirements. Patrol officers who issue tickets, citations, or warnings are required to collect data on traffic citations to include the race/ethnicity of the detainee; whether a search was conducted, if so, whether the individual detained signed an acknowledgement or made a recorded verbal statement that the individual consented to the search; whether the peace officer knew the race or ethnicity of the individual before detaining the individual; whether the police officer used physical force that resulted in bodily injury during the stop, if so, the location and reason for the stop; and whether the citation resulted in a physical arrest. Officers shall ensure the required information is captured on the citation form. All traffic stops shall be audio and video recorded whether a citation was issued or whether a citation was not issued.

(TBP: 2.01)

Revised September 2023

Officers detaining a person shall be prepared to articulate sufficient reasonable suspicion to justify a detention, independent of the individual's membership in a protected class. To the extent that written documentation would otherwise be completed (e.g., arrest report, Field Interview (FI) card), the involved officer should include those facts giving rise to the officer's reasonable suspicion or probable cause for the detention, as applicable.

Supervisors shall monitor those individuals under their command for any behavior that may conflict with the purpose of this policy and shall handle any alleged or observed violation of this policy in accordance with the Personnel Complaints Policy. Supervisors will discuss any issues with the involved officer(s) and their supervisor in a timely manner.

Supervisors will review at least three random videos each quarter (3 months) per officer in order to gain an understanding of that officer's performance and adherence with racial profiling laws (Tex. Code Crim. Pro. Art. 2.132(d)) and this policy. Supervisors will document these reviews in the comments section of the video details section within the video database and make note of the review in the Daily Shift Report. The reviews will encompass all contacts, not just traffic stops [see General Order 602: Body Worn Cameras]. (TCPA TBP: 2.01)

In instances where officers record their public contacts, supervisors will review the recordings every 30 days to ensure compliance with racial profiling laws (Tex. Code Crim. Pro. Art. 2.132(d)) and this policy. Supervisors will document these monthly reviews in the Daily Shift Report and are responsible for their log maintenance. The reviews will encompass all contacts, not just traffic stops [see General Order 602: Body Worn Cameras].

All recording will be maintained for 90 days. However, recordings that capture a potential instance of racial- or bias-based profiling will be appropriately retained for administrative investigation purposes. Supervisors shall initiate investigations of any actual or alleged violations of this policy and ensure that no retaliatory action is taken against any member of this department who discloses information concerning racial- or bias-based profiling.

E. State Report

The Police Chief shall submit to the Texas Commission on Law Enforcement (TCOLE) and to City Council an annual report of the information required in Tex. Code of Crim. Pro. Art. 2.132 (b)(6). These reports may not include identifying information about any officer who made a motor vehicle stop or about an individual who was stopped or arrested by any officer (Tex. Code of Crim. Pro. Art. 2.132; Tex. Code of Crim. Pro. Art. 2.134). (TBP: 2.01)

F. Training

All sworn members of this department will be scheduled to attend TCOLE-approved training on the subject of racial- and bias-based profiling. Each member of this department undergoing initial TCOLE-approved training will thereafter be required to complete an approved refresher course every five years or sooner if deemed necessary, in order to keep current with changing racial issues and cultural trends. (TCPA TBP: 2.01)

Revised September 2023



Reports 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 1/1/2024 - 12/31/2024, based on allegations outlining possible violations related to the Texas Racial Profiling Law. The final disposition of the case is also included.

X

A X above indicates that the Parker Police Department has not received any complaints, on any members of its police force, for having violated the Texas Racial Profiling Law during the time period of 1/1/2024 - 12/31/2024.

Complaints Filed for Possible Violations of The Texas Racial Profiling Law

Complaint Number	Alleged Violation	Disposition of the Case

Additional Comments:



Tier 2 Data (Includes Tables)

TOTAL STOPS: 3443

STREET ADDRESS OR APPROXIMATE

LOCATION OF STOP.

City Street	1976
US Highway	0
County Road	0
State Highway	1467
Private Property	0

WAS RACE OR ETHNICITY KNOWN PRIOR TO STOP?

Yes	15
No	3428

RACE OR ETHNICITY

Alaska Native/American Indian	5
Asian/Pacific Islander	1012
Black	483
White	1305
Hispanic/Latino	638

GENDER

Female Total: 1230

Alaska Native/American Indian	4
Asian/Pacific Islander	324
Black	186
White	535
Hispanic/Latino	181

Male Total: 2213

Alaska Native/American Indian	1
Asian/Pacific Islander	688
Black	297
White	770
Hispanic/Latino	457

REASON FOR STOP?

Violation of Law Total: 9

Alaska Native/American Indian	0
Asian/Pacific Islander	2
Black	0
White	3
Hispanic/Latino	4

Pre-existing Knowledge Total: 6

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

Moving Traffic Violation Total: 2826

Alaska Native/American Indian	5
Asian/Pacific Islander	889
Black	386
White	1063
Hispanic/Latino	483

Vehicle Traffic Violation Total: 602

Alaska Native/American Indian	0
Asian/Pacific Islander	117
Black	97
White	238
Hispanic/Latino	150

Was Search Conducted? Yes No

Alaska Native/American Indian	0	5
Asian/Pacific Islander	4	1008
Black	4	479
White	14	1291
Hispanic/Latino	9	629
TOTAL	31	3412

Reason for Search?

Consent Total: 3

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

Contraband (in plain view) Total: 1

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

Probable Cause Total: 26

Alaska Native/American Indian	0
Asian/Pacific Islander	3
Black	4
White	11
Hispanic/Latino	8

Inventory Search Total: 0

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

Incident to arrest Total: 1

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

Was Contraband Discovered? Yes No

Alaska Native/American Indian	0	0
Asian/Pacific Islander	1	3
Black	2	2
White	12	2
Hispanic/Latino	8	1
TOTAL	23	8

Did the finding result in arrest (total should equal the previous Yes column)?

Yes No

Alaska Native/American Indian	0	0
Asian/Pacific Islander	0	1
Black	0	2
White	2	10
Hispanic/Latino	5	3
TOTAL	7	16

Description of Contraband

Drugs Total: 14

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	1
White	7
Hispanic/Latino	6

Weapons Total: 0

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

Currency Total: 0

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

Alcohol Total: 4

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

Stolen Property Total: 0

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
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 Stop

Verbal Warning Total: 24

Alaska Native/American Indian	0
Asian/Pacific Islander	5
Black	5
White	11
Hispanic/Latino	3

Written Warning Total: 1788

Alaska Native/American Indian	5
Asian/Pacific Islander	505
Black	278
White	776
Hispanic/Latino	224

Citation Total: 1592

Alaska Native/American Indian	0
Asian/Pacific Islander	497
Black	191
White	511
Hispanic/Latino	393

Written Warning and Arrest Total: 10

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

Citation and Arrest Total: 13

Alaska Native/American Indian	0
Asian/Pacific Islander	1
Black	3
White	1
Hispanic/Latino	8

Arrest Total: 16

Alaska Native/American Indian	0
Asian/Pacific Islander	4
Black	4
White	2
Hispanic/Latino	6

Arrest Based On

Violation of Penal Code Total: 13

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

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

Outstanding Warrant Total: 24

Alaska Native/American Indian	0
Asian/Pacific Islander	2
Black	5
White	4
Hispanic/Latino	13

Was physical force resulting in bodily injury used during stop?

Yes Total: 0

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

Resulting in Bodily Injury to:

Suspect	0
Officer	0
Both	0

No Total: 3443

Alaska Native/American Indian	5
Asian/Pacific Islander	1012
Black	483
White	1305
Hispanic/Latino	638

Number of complaints of racial profiling: 0

Total	0
Resulted in disciplinary action	0
Did not result in disciplinary action	0

Comparative Analysis:

Use TCOLE's auto generated analysis	X
Use Department's submitted analysis	

Submitted electronically to the



The Texas Commission on Law Enforcement



Racial Profiling Analysis Report

Racial Profiling Analysis Report

PARKER POLICE DEPARTMENT

01. Total Traffic Stops:	3443
02. Location of Stop:	
a. City Street	1976 57.39%
b. US Highway	0 0.00%
c. County Road	0 0.00%
d. State Highway	1467 42.61%
e. Private Property or Other	0 0.00%
03. Was Race known prior to Stop:	
a. NO	3428 99.56%
b. YES	15 0.44%
04. Race or Ethnicity:	
a. Alaska/ Native American/ Indian	5 0.15%
b. Asian/ Pacific Islander	1012 29.39%
c. Black	483 14.03%
d. White	1305 37.90%
e. Hispanic/ Latino	638 18.53%
05. Gender:	
a. Female	1230 35.72%
i. Alaska/ Native American/ Indian	4 0.12%
ii. Asian/ Pacific Islander	324 9.41%
iii. Black	186 5.40%
iv. White	535 15.54%
v. Hispanic/ Latino	181 5.26%
b. Male	2213 64.28%
i. Alaska/ Native American/ Indian	1 0.03%
ii. Asian/ Pacific Islander	688 19.98%
iii. Black	297 8.63%
iv. White	770 22.36%
v. Hispanic/ Latino	457 13.27%
06. Reason for Stop:	
a. Violation of Law	9 0.26%
i. Alaska/ Native American/ Indian	0 0.00%
ii. Asian/ Pacific Islander	2 22.22%

Racial Profiling Analysis Report

iii. Black	0	0.00%
iv. White	3	33.33%
v. Hispanic/ Latino	4	44.44%
b. Pre-Existing Knowledge	6	0.17%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	4	66.67%
iii. Black	0	0.00%
iv. White	1	16.67%
v. Hispanic/ Latino	1	16.67%
c. Moving Traffic Violation	2826	82.08%
i. Alaska/ Native American/ Indian	5	0.18%
ii. Asian/ Pacific Islander	889	31.46%
iii. Black	386	13.66%
iv. White	1063	37.62%
v. Hispanic/ Latino	483	17.09%
d. Vehicle Traffic Violation	602	17.48%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	117	19.44%
iii. Black	97	16.11%
iv. White	238	39.53%
v. Hispanic/ Latino	150	24.92%
07. Was a Search Conducted:		
a. NO	3412	99.10%
i. Alaska/ Native American/ Indian	5	0.15%
ii. Asian/ Pacific Islander	1008	29.54%
iii. Black	479	14.04%
iv. White	1291	37.84%
v. Hispanic/ Latino	629	18.43%
b. YES	31	0.90%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	4	12.90%
iii. Black	4	12.90%
iv. White	14	45.16%
v. Hispanic/ Latino	9	29.03%

08. Reason for Search:

a. Consent	3	0.09%
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Racial Profiling Analysis Report

i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	1	33.33%
iii. Black	0	0.00%
iv. White	2	66.67%
v. Hispanic/ Latino	0	0.00%
b. Contraband in Plain View	1	0.03%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	0	0.00%
iv. White	1	100.00%
v. Hispanic/ Latino	0	0.00%
c. Probable Cause	26	0.76%
ii. Alaska/ Native American/ Indian	0	0.00%
i. Asian/ Pacific Islander	3	11.54%
iii. Black	4	15.38%
iv. White	11	42.31%
v. Hispanic/ Latino	8	30.77%
d. Inventory	0	0.00%
i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	
e. Incident to Arrest	1	0.03%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	0	0.00%
iv. White	0	0.00%
v. Hispanic/ Latino	1	100.00%

09. Was Contraband Discovered:

YES	23	0.67%
i. Alaska/ Native American/ Indian	0	0.00%
Finding resulted in arrest - YES	0	
Finding resulted in arrest - NO	0	
ii. Asian/ Pacific Islander	1	4.35%
Finding resulted in arrest - YES	0	
Finding resulted in arrest - NO	1	
iii. Black	2	8.70%

Racial Profiling Analysis Report

Finding resulted in arrest - YES	0	
Finding resulted in arrest - NO	2	
iv. White	12	52.17%
Finding resulted in arrest - YES	2	
Finding resulted in arrest - NO	10	
v. Hispanic/ Latino	8	34.78%
Finding resulted in arrest - YES	5	
Finding resulted in arrest - NO	3	
b. NO	8	0.23%
i. Alaska/ Native American/ Indian	0	0.00%
i. Asian/ Pacific Islander	3	37.50%
iii. Black	2	25.00%
iv. White	2	25.00%
v. Hispanic/ Latino	1	12.50%
10. Description of Contraband:		
a. Drugs	14	0.41%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	1	7.14%
iv. White	7	50.00%
v. Hispanic/ Latino	6	42.86%
b. Currency	0	0.00%
i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	
c. Weapons	0	0.00%
i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	
d. Alcohol	4	0.12%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	1	25.00%
iii. Black	0	0.00%
iv. White	2	50.00%

Racial Profiling Analysis Report

v. Hispanic/ Latino	1	25.00%
e. Stolen Property	0	0.00%
i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	
f. Other	5	0.15%
i. Alaska/ Native American/ Indian	0	0.00%
i. Asian/ Pacific Islander	0	0.00%
iii. Black	1	20.00%
iv. White	3	60.00%
v. Hispanic/ Latino	1	20.00%

11. Result of Stop:

a. Verbal Warning	24	0.70%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	5	20.83%
iii. Black	5	20.83%
iv. White	11	45.83%
v. Hispanic/ Latino	3	12.50%
b. Written Warning	1788	51.93%
i. Alaska/ Native American/ Indian	5	0.28%
ii. Asian/ Pacific Islander	505	28.24%
iii. Black	278	15.55%
iv. White	776	43.40%
v. Hispanic/ Latino	224	12.53%
c. Citation	1592	46.24%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	497	31.22%
iii. Black	191	12.00%
iv. White	511	32.10%
v. Hispanic/ Latino	393	24.69%
d. Written Warning and Arrest	10	0.29%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	2	20.00%
iv. White	4	40.00%
v. Hispanic/ Latino	4	40.00%

Racial Profiling Analysis Report

e. Citation and Arrest	13	0.38%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	1	7.69%
iii. Black	3	23.08%
iv. White	1	7.69%
v. Hispanic/ Latino	8	61.54%
f. Arrest	16	0.46%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	4	25.00%
iii. Black	4	25.00%
iv. White	2	12.50%
v. Hispanic/ Latino	6	37.50%

12. Arrest Based On:

a. Violation of Penal Code	13	0.38%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	2	15.38%
iii. Black	3	23.08%
iv. White	3	23.08%
v. Hispanic/ Latino	5	38.46%
b. Violation of Traffic Law	1	0.03%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	1	100.00%
iii. Black	0	0.00%
iv. White	0	0.00%
v. Hispanic/ Latino	0	0.00%
c. Violation of City Ordinance	1	0.03%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	1	100.00%
iv. White	0	0.00%
v. Hispanic/ Latino	0	0.00%
d. Outstanding Warrant	24	0.70%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	2	8.33%
iii. Black	5	20.83%
iv. White	4	16.67%
v. Hispanic/ Latino	13	54.17%

Racial Profiling Analysis Report

13. Was Physical Force Used:

a. NO	3443	100.00%
i. Alaska/ Native American/ Indian	5	0.15%
ii. Asian/ Pacific Islander	1012	29.39%
iii. Black	483	14.03%
iv. White	1305	37.90%
v. Hispanic/ Latino	638	18.53%
b. YES	0	0.00%
i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	
b 1. YES: Physical Force Resulting in Bodily Injury to Suspect	0	
b 2. YES: Physical Force Resulting in Bodily Injury to Officer	0	
b 3. YES: Physical Force Resulting in Bodily Injury to Both	0	

14. Total Number of Racial Profiling Complaints Received: 0

REPORT DATE COMPILED 02/10/2025

Report on Audits.

The following table contains data regarding the number and outcome of required data audits during the period of 1/1/2023 - 12/31/2023.

Data Audits on Racial Profiling Data

Number of Data Audits Completed	Date of Completion	Outcome of Audit
1	February 2024	Data reviewed is valid and reliable.
1	March 2024	Data reviewed is valid and reliable.
1	April 2024	Data reviewed is valid and reliable.
1	May 2024	Data reviewed is valid and reliable.
1	June 2024	Data reviewed is valid and reliable.
1	July 2024	Data reviewed is valid and reliable.
1	August 2024	Data reviewed is valid and reliable.
1	September 2024	Data reviewed is valid and reliable.
1	October 2024	Data reviewed is valid and reliable.
1	November 2024	Data reviewed is valid and reliable.
1	December 2024	Data reviewed is valid and reliable.
1	January 2025	Data reviewed is valid and reliable.

Additional Comments:
Corrections of data found and corrected monthly and audit letters for those are attached below.
During this period, monthly video reviews were conducted, and no cases of racial profiling were discovered



February 7, 2024

Racial Profiling File
Parker Police Department
5700 E. Parker Road
Parker, TX 75002

RE: JANUARY DATA AUDIT

File,

The January data audit for the Parker Police Department has been completed. A review of the Department log showing traffic contact data recorded while comparing this information to the citations issued during the same period leads me to conclude that the Department's records are accurate. Additionally, the ICS Report "Racial Profiling" was run for this period and had one correction concerning missing racial profiling data, which was researched and corrected. Video reviews were also conducted for this period and no incidents of racial profiling were discovered.

The Department will continue to monitor our data collection mechanisms to ensure accuracy concerning the racial profiling data. If any questions arise, please contact me so I can elaborate on the points made in this audit.

Sincerely,

Kenneth Price
Chief of Police

5700 E Parker Road Parker Texas, 75002 (972) 442-0333



March 1, 2024

Racial Profiling File
Parker Police Department
5700 E. Parker Road
Parker, TX 75002

RE: FEBRUARY DATA AUDIT

File,

The February data audit for the Parker Police Department has been completed. A review of the Department log showing traffic contact data recorded while comparing this information to the citations issued during the same period leads me to conclude that the Department's records are accurate. Additionally, the ICS Report "Racial Profiling" was run for this period and had zero corrections needed. Video reviews were also conducted for this period and no incidents of racial profiling were discovered.

The Department will continue to monitor our data collection mechanisms to ensure accuracy concerning the racial profiling data. If any questions arise, please contact me so I can elaborate on the points made in this audit.

Sincerely,

Kenneth Price

Chief of Police

5700 E Parker Road Parker Texas, 75002 (972) 442-0333



April 09, 2024

Racial Profiling File
Parker Police Department
5700 E. Parker Road
Parker, TX 75002

RE: MARCH DATA AUDIT

File,

The March data audit for the Parker Police Department has been completed. A review of the Department log showing traffic contact data recorded while comparing this information to the citations issued during the same period leads me to conclude that the Department's records are accurate. Additionally, the ICS Report "Racial Profiling" was run for this period. One record was missing data completely and two streets were improperly designated and those were researched and corrected. Video reviews were also conducted for this period and no incidents of racial profiling were discovered.

The Department will continue to monitor our data collection mechanisms to ensure accuracy concerning the racial profiling data. If any questions arise, please contact me so I can elaborate on the points made in this audit.

Sincerely,

Kenneth Price

Chief of Police

5700 E Parker Road Parker Texas, 75002 (972) 442-0333



May 02, 2024

Racial Profiling File
Parker Police Department
5700 E. Parker Road
Parker, TX 75002

RE: APRIL DATA AUDIT

File,

The April data audit for the Parker Police Department has been completed. A review of the Department log showing traffic contact data recorded while comparing this information to the citations issued during the same period leads me to conclude that the Department's records are accurate. Additionally, the ICS Report "Racial Profiling" was run for this period and had one correction concerning missing racial profiling data, and one street that was improperly designated, and all were researched and corrected. Video reviews were also conducted for this period and no incidents of racial profiling were discovered.

The Department will continue to monitor our data collection mechanisms to ensure accuracy concerning the racial profiling data. If any questions arise, please contact me so I can elaborate on the points made in this audit.

Sincerely,

Kenneth Price

Chief of Police

5700 E Parker Road Parker Texas, 75002 (972) 442-0333



June 04, 2024

Racial Profiling File
Parker Police Department
5700 E. Parker Road
Parker, TX 75002

RE: MAY DATA AUDIT

File,

The May data audit for the Parker Police Department has been completed. A review of the Department log showing traffic contact data recorded while comparing this information to the citations issued during the same period leads me to conclude that the Department's records are accurate. Additionally, the ICS Report "Racial Profiling" was run for this period and had four corrections concerning missing racial profiling data and those were researched and corrected. Video reviews were also conducted for this period and no incidents of racial profiling were discovered.

The Department will continue to monitor our data collection mechanisms to ensure accuracy concerning the racial profiling data. If any questions arise, please contact me so I can elaborate on the points made in this audit.

Sincerely,

Kenneth Price

Chief of Police

5700 E Parker Road Parker Texas, 75002 (972) 442-0333



July 01, 2024

Racial Profiling File
Parker Police Department
5700 E. Parker Road
Parker, TX 75002

RE: JUNE DATA AUDIT

File,

The June data audit for the Parker Police Department has been completed. A review of the Department log showing traffic contact data recorded while comparing this information to the citations issued during the same period leads me to conclude that the Department's records are accurate. Additionally, the ICS Report "Racial Profiling" was run for this period and had no correction needed. Video reviews were also conducted for this period and no incidents of racial profiling were discovered.

The Department will continue to monitor our data collection mechanisms to ensure accuracy concerning the racial profiling data. If any questions arise, please contact me so I can elaborate on the points made in this audit.

Sincerely,

Kenneth Price
Chief of Police

5700 E Parker Road Parker Texas, 75002 (972) 442-0333



August 08, 2024

Racial Profiling File
Parker Police Department
5700 E. Parker Road
Parker, TX 75002

RE: JULY DATA AUDIT

File,

The July data audit for the Parker Police Department has been completed. A review of the Department log showing traffic contact data recorded while comparing this information to the citations issued during the same period leads me to conclude that the Department's records are accurate. Additionally, the ICS Report "Racial Profiling" was run for this period and had one correction concerning missing racial profiling data and two streets that were improperly designated, and all were researched and corrected. Video reviews were also conducted for this period and no incidents of racial profiling were discovered.

The Department will continue to monitor our data collection mechanisms to ensure accuracy concerning the racial profiling data. If any questions arise, please contact me so I can elaborate on the points made in this audit.

Sincerely,

Kenneth Price

Chief of Police

5700 E Parker Road Parker Texas, 75002 (972) 442-0333



September 11, 2024

Racial Profiling File
Parker Police Department
5700 E. Parker Road
Parker, TX 75002

RE: AUGUST DATA AUDIT

File,

The August data audit for the Parker Police Department has been completed. A review of the Department log showing traffic contact data recorded while comparing this information to the citations issued during the same period leads me to conclude that the Department's records are accurate. Additionally, the ICS Report "Racial Profiling" was run for this period and found one street that was improperly designated, and it was researched and corrected. Video reviews were also conducted for this period and no incidents of racial profiling were discovered.

The Department will continue to monitor our data collection mechanisms to ensure accuracy concerning the racial profiling data. If any questions arise, please contact me so I can elaborate on the points made in this audit.

Sincerely,

Kenneth Price

Chief of Police

5700 E Parker Road Parker Texas, 75002 (972) 442-0333



October 04, 2024

Racial Profiling File
Parker Police Department
5700 E. Parker Road
Parker, TX 75002

RE: SEPTEMBER DATA AUDIT

File,

The September data audit for the Parker Police Department has been completed. A review of the Department log showing traffic contact data recorded while comparing this information to the citations issued during the same period leads me to conclude that the Department's records are accurate. Additionally, the ICS Report "Racial Profiling" was run for this period and had no correction needed. Video reviews were also conducted for this period and no incidents of racial profiling were discovered.

The Department will continue to monitor our data collection mechanisms to ensure accuracy concerning the racial profiling data. If any questions arise, please contact me so I can elaborate on the points made in this audit.

Sincerely,

Kenneth Price
Chief of Police

5700 E Parker Road Parker Texas, 75002 (972) 442-0333



November 08, 2024

Racial Profiling File
Parker Police Department
5700 E. Parker Road
Parker, TX 75002

RE: OCTOBER DATA AUDIT

File,

The October data audit for the Parker Police Department has been completed. A review of the Department log showing traffic contact data recorded while comparing this information to the citations issued during the same period leads me to conclude that the Department's records are accurate. Additionally, the ICS Report "Racial Profiling" was run for this period and found two missing racial profiling data and one improperly designated street. These incidents were researched and were corrected. Video reviews were also conducted for this period and no incidents of racial profiling were discovered.

The Department will continue to monitor our data collection mechanisms to ensure accuracy concerning the racial profiling data. If any questions arise, please contact me so I can elaborate on the points made in this audit.

Sincerely,

Kenneth Price

Chief of Police

5700 E Parker Road Parker Texas, 75002 (972) 442-0333



December 11, 2024

Racial Profiling File
Parker Police Department
5700 E. Parker Road
Parker, TX 75002

RE: NOVEMBER DATA AUDIT

File,

The November data audit for the Parker Police Department has been completed. A review of the Department log showing traffic contact data recorded while comparing this information to the citations issued during the same period leads me to conclude that the Department's records are accurate. Additionally, the ICS Report "Racial Profiling" was run for this period and had five corrections concerning missing racial profiling data and two streets that were improperly designated, all were researched and corrected. Video reviews were also conducted for this period and no incidents of racial profiling were discovered.

The Department will continue to monitor our data collection mechanisms to ensure accuracy concerning the racial profiling data. If any questions arise, please contact me so I can elaborate on the points made in this audit.

Sincerely,

Kenneth Price

Chief of Police

5700 E Parker Road Parker Texas, 75002 (972) 442-0333



January 09, 2025

Racial Profiling File
Parker Police Department
5700 E. Parker Road
Parker, TX 75002

RE: DECEMBER DATA AUDIT

File,

The December data audit for the Parker Police Department has been completed. A review of the Department log showing traffic contact data recorded while comparing this information to the citations issued during the same period leads me to conclude that the Department's records are accurate. Additionally, the ICS Report "Racial Profiling" was run for this period and one missing racial profiling data, and two streets were improperly designated. These were researched and corrected. Video reviews were also conducted for this period and no incidents of racial profiling were discovered.

The Department will continue to monitor our data collection mechanisms to ensure accuracy concerning the racial profiling data. If any questions arise, please contact me so I can elaborate on the points made in this audit.

Sincerely,

Kenneth Price

Chief of Police

5700 E Parker Road Parker Texas, 75002 (972) 442-0333



Summary of Findings

Summary of Findings

The comprehensive analysis of the data included in this report demonstrates that the Parker Police Department has complied with the Texas Racial Profiling Law and all its requirements. Further, this report demonstrates that the Parker Police Department has incorporated a comprehensive racial profiling policy, currently offers information to the public on how to file a compliment or complaint, commissions/permits monthly audits to ensure validity and reliability, collects and performs the analysis of Tier 2 data, and ensures that the practice of racial profiling is not tolerated. I am very proud of the men and women of the Parker Police Department in their commitment to excellent customer service and for embracing the tenets of the Racial Profiling Law.

As being appointed Chief, assumed the role of Racial Profiling Law compliance. In my review of the Department's activities, as it relates to racial profiling compliance, I am proud to report that the Parker Police Department has not received a single complaint concerning the 3443 traffic contacts documented in this report. The men and women of the Parker Police Department are to be commended for their hard work and dedication to providing professional police service to all those who live within or travel through our city. They have shown they can do what it takes to get the job done and to do it with honor and service. During this review, we compiled the stats for 2024 and found the average manpower per month was 9.17 employees. In 2023, the average manpower was 6.92, a difference of 2.25 employees per month. In 2024 the average officer stopped 375 vehicles versus 239 in 2023.



Checklist

Checklist

The following requirements were met by the Parker Police Department following the Texas Racial Profiling Law:

- ✓ Implement a Racial Profiling Policy citing act(s) or action(s) that constitute racial profiling
- ✓ Include in the racial profiling policy, a statement indicating the prohibition of any peace officer employed by the Parker Police Department from engaging in racial profiling.
- ✓ Implement a process by which an individual may file a complaint regarding racial profiling.
- ✓ Provide public education related to the compliment or complaint process.
- ✓ Implement disciplinary guidelines for officers found in violation of the Texas Racial Profiling law.
- ✓ Collect, report, and analyze motor vehicle Tier 2 Data.
- ✓ Commission Data Audits and Search Analysis.
- ✓ Indicate the 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.



Legislative and Administrative Addendum



TCOLE Guidelines

TCOLE GUIDELINES

Guidelines for Compiling and Reporting Data under Senate Bill 1074

Background

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

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

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

Standard 1

Each law enforcement agency has a detailed written directive that:

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

Commentary

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

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

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

Standard 2

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

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

Commentary

The information required by 2.133 TCCP is used to complete the agency reporting requirements found in Article 2.134. A peace officer and an agency may be exempted from this requirement under Article 2.135 TCCP Exemption for Agencies Using Video and Audio Equipment. An agency may be exempt from this reporting

requirement by applying for the funds from the Department of Public Safety for video and audio equipment and the State does not supply those funds. Section 2.135 (a)(2) states, “the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a) (1) (A) and the agency does not receive from the state funds for video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.”

Standard 3

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

Commentary

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

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

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

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

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

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

- 1) the detained person’s gender and race or ethnicity;

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

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

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

Reports should include both raw numbers and percentages for each group. Caution should be exercised in interpreting the data involving percentages because of statistical distortions caused by very small numbers in any 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.



Texas Law on Racial Profiling

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

- (d) 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).
- (e) 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) the date of conviction; and
- (9) 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

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

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) Asian or Pacific Islander;
 - (C) black;
 - (D) white; and
 - (E) Hispanic or Latino.

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) Asian or Pacific Islander;
 - (3) black;
 - (4) white; and
 - (5) Hispanic or Latino

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

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
- (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 inspectionsprocess;

- (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.

President of the 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



Parker Police Department

Racial Profiling Policy



Parker Police Department
General Orders

Title: Racial Profiling

Number: 112.001

Effective Date: January 12, 2018 **Review Date:** 02/11/2024 **City Attorney Review:** Yes

TPCA Recognition Standards: 2.01

I. PURPOSE

The purpose of this order is to reaffirm the City of Parker Police Department's commitment to unbiased policing in all its encounters with any person; to reinforce procedures that serve to ensure public confidence and mutual trust through the provision of services fairly and equitably, and to protect our officers from unwarranted accusations of misconduct when they act within the dictates of departmental policy and the law.

II. POLICY

- A. It is the policy of this department to police in a proactive manner and to aggressively investigate suspected violations of the law. Officers shall actively enforce local, state, and federal laws responsibly and professionally without regard to race, ethnicity, gender, sexual orientation, religious status, age, cultural group, or any other identifiable group rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity. Racial profiling pertains to persons who are viewed as suspects or potential suspects of criminal behavior. The term is not relevant as it pertains to witnesses, complainants, persons needing assistance, or other citizen contacts. ([TPCA Standard 2.01](#))
- B. This General Order is adopted in compliance with the requirements of Articles 2.131 through 2.138, Texas Code of Criminal Procedures (TEX. CODE CRIM. PROC.), which prohibits Texas Peace Officers from engaging in racial profiling. ([TPCA Standard 2.01](#))

III. DEFINITIONS

- A. Racial Profiling – a law enforcement-initiated action based on an individual's race, ethnicity, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity. Racial



Parker Police Department
General Orders

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

- B. Race or Ethnicity – persons of a particular descent, including White, Black, Hispanic, or Latino, Asian or Pacific Islander, Alaskan Native or American Indian descent.
- C. Acts Constituting Racial Profiling – acts initiating law enforcement action, such as a traffic stop, a detention, a search, issuance of a citation, or an arrest based solely upon an individual's race, ethnicity, gender sexual orientation, religion, economic status, age, culture group, or any other identifiable group 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.
- D. Motor Vehicle Stop – means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.
- E. Motor Vehicle Contacts – includes stops for alleged violation of a law or ordinance, tickets/citations, and verbal and written warnings.

IV. PROHIBITION

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

V. COMPLAINT PROCESS

- A. No person shall be discouraged, intimidated, or coerced from filing a complaint, or be discriminated against because they have filed a complaint.
- B. Any person who believes that a Peace Officer employed by the Parker Police Department has engaged in racial profiling concerning that person may file a complaint following the provisions of General Order 108.001, Discipline System, Section IV, A. Complaint Procedures.



Parker Police Department
General Orders

1. An employee who is contacted regarding a complaint against an officer shall follow the procedures outlined in General Order 108.001, Section A 1-4.
2. Citizens who appear in person wishing to file a complaint shall be directed to the on-duty supervisor, Chief of Police, or his designee and provided with a departmental brochure, "How to File a Complaint." Brochures are maintained in the Parker Police Department Lobby, and at Parker City Hall. Citizens may also be directed to the Departmental website to file a complaint.
- C. Any Officer or Investigator who becomes aware of an alleged or suspected violation of this General Order shall report the alleged violation following General Order 108.001, Disciplinary Systems.
- D. Complaints of racial profiling shall be classified as a level I complaint and shall be investigated by the office of the Chief of Police or the Internal Affairs Investigator as directed by the Chief of Police. A log of all Racial Profiling Complaints will be maintained by the Chief of Police or his designee.

VI. DISCIPLINARY AND CORRECTIVE ACTIONS

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

VII. PUBLIC EDUCATION

This department shall provide education to the public concerning the racial profiling complaint process. The primary method of public education shall be through a brochure, "How to File a Complaint" which is maintained in the lobby of the Parker Police Department, and at the Parker City Hall. These brochures are available in both English and Spanish versions. Other education methods may be utilized to inform the public, including news media, civic presentations, the Internet, public meetings, newsletters, email, phone, or by mail. The Department will disclose to others the phone number, name of the person, and address where a complaint or compliment can be filed.



Parker Police Department
General Orders

VIII. COLLECTION OF INFORMATION AND ANNUAL REPORT OF MOTOR VEHICLE STOPS
(TPCA Standard 2.01)

A. For each motor vehicle stop and each arrest resulting from a motor vehicle stop, an officer involved in the stop shall collect the following information:

1. A physical description of any person operating the motor vehicle, who is detained as a result of the stop, including:
 - a. The person's gender.
 - b. The person's race or ethnicity, as stated by the person, or if the person does not state, the person's race, or ethnicity, as determined by the officer to the best of his or her ability. Officers will not ask the individual to identify their race or ethnicity.
 - c. Information identifying the race or ethnicity of the individual detained will be documented using the following codes:

W – White
B – Black
H – Hispanic or Latino
A – Asian or Pacific Islander
I – Alaska Native or American Indian
2. Whether the officer knew the race or ethnicity of the individual detained before detaining that individual.
3. The initial reason for the stop.
 - a. Violation of the law.
 - b. Pre-existing knowledge (i.e. warrant)
 - c. Moving Traffic Violation.
 - d. Vehicle Traffic Enforcement (Equipment, Inspection or Registration).



Parker Police Department
General Orders

4. Whether the officer conducted a search as a result of the stop, and, if so, whether or not the person detained consented to the search verbally or by signing the form (PPD-020).
5. Whether any contraband or other evidence was discovered in the course of the search and a description of the contraband or evidence.
 - a. Illegal drugs/drug paraphernalia.
 - b. Currency
 - c. Weapons
 - d. Alcohol
 - e. Stolen Property
 - f. Other
6. The reason for the search, including whether.
 - a. Consent.
 - b. Any contraband or other evidence was in plain view.
 - c. Any probable cause of reasonable suspicion existed to perform the search.
 - d. The search was performed as a result of an impound of the motor vehicle.
 - e. Incident to arrest or arrest by warrant.
7. 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 Traffic Law or City Ordinance, or an outstanding warrant and a statement of the offense charged.



Parker Police Department
General Orders

8. The street address or approximate location of the stop. Including type of roadway,
 - a. City Street
 - b. US Highway
 - c. County Road
 - d. Private Property or other.
9. Whether the officer issued a citation or a written or verbal warning as a result of the stop.
10. Whether the person contacted is a resident or non-resident of the City of Parker.
11. 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.
 - a. The location of the stop.
 - b. The reason for the stop.
- B. The primary mechanism for collecting this data will be the ICS Records Management system. The modules of "Racial Profiling" (Citations and Written Warnings) and "Stop Data" (Verbal Warnings) shall be used. Should this method fail, all required data should be reported to an on-duty supervisor, Patrol Sergeant, or the Chief of Police using the Racial Profiling form PPD-008.
- C. The Patrol Sergeants shall ensure all Racial Profiling Data is collected and reported to the Chief of Police. A monthly audit will be conducted to ensure the accuracy of the collected data and the data collected shall be compiled in an annual report covering the period of January 1 through December 31 of each year and shall be submitted to the governing body of the City of Parker no later than March 1 of the following year. The report will include:
 1. A breakdown of citations by race or ethnicity.



Parker Police Department
General Orders

2. Gender.
3. Reason for the Stop.
4. Number of citations that resulted in a search.
5. Number of searches that were:
 - a. Consent,
 - b. Contraband,
 - c. Probable Cause,
 - d. Inventory,
 - e. Incident to Arrest.
6. Number of citations that resulted in a custodial arrest.
7. Public education efforts concerning the racial profiling complaint process.
8. A comparative analysis of the information compiled (under TEX. CODE CRIM. PROC., Article 2.133):
 - a. Evaluate and compare the number of motor vehicle stops, with the City of Parker, 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 Parker Police Department, categorized according to race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops with the City of Parker.
 - c. Evaluate and compare the number of searches resulting from motor vehicle stops within the City of Parker and whether contraband or other evidence was discovered in the course of those searches.
9. Information related to each complaint filed with the Parker Police Department alleging that a peace officer employed by the Parker Police Department has engaged in racial profiling.



Parker Police Department
General Orders

10. Total number of officers who knew or did not know, the race/ethnicity of the individual before being detained.
- D. 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 VIII C. 7. to ensure that the race or ethnicity of the person operating the motor vehicle is being reported.
- E. If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by TEX. CODE CRIM. PROC., Article 2.134, the agency is liable to the State for a civil penalty in an amount not to exceed \$5,000.00 for each violation. The Attorney General may be used to collect a civil penalty under this subsection.
- F. The annual report shall not include identifying information about any individual stopped or arrested and shall not include identifying information about any peace officer involved in a traffic stop or arrest.
- G. Racial Profiling Data will also be reported to the Texas Commission on Law Enforcement (TCOLE) by March 1 of each year, following the Commission-prescribed format.

IX. AUDIO AND VIDEO EQUIPMENT

- A. Each motor vehicle regularly used by this department to make motor vehicle stops shall be equipped with a mobile camera system capable of recording video and audio and each officer shall be equipped as well with a synced Digital Media Recorder (DMR).
- B. For procedures for the proper use of audio and video equipment refer to General Order 112.013 Computer and Electronic Equipment Usage and Data Security Section VII. (Mobile Video Recording Systems) and Section VIII. {Digital Media Recorders (DMR)(Body Worn Camera)}
- C. A supervisor shall have the authority to assign units with malfunctioning or inoperable mobile video equipment when situations dictate. Officers assigned to such units shall collect and document the information listed above for each motor vehicle stop on the Racial Profiling form (PPD-008). All documentation must be



Parker Police Department
General Orders

submitted to the on-duty supervisor or the Chief of Police before the end of that tour of duty.

X. REVIEW OF VIDEO AND AUDIO DOCUMENTATION (TPCA Standard 2.01)

- A. Each audio and video recording shall be retained for a minimum period of one hundred eighty (180) days unless a complaint is filed alleging that an officer engaged in racial profiling in response to a motor vehicle stop. The on-duty supervisor or Patrol Sergeant shall ensure that all audio and recordings are properly stored and retained following applicable laws and this General Order.
- B. If a complaint is received alleging that an officer has engaged in racial profiling, the audio/video recording shall be forwarded to the office of the Chief of Police who shall retain the video until final disposition of the complaint has been made.
- C. The Patrol Sergeants shall review a randomly selected sampling of video and audio recordings, made recently by officers employed by the Department, to determine if patterns of racial profiling exist. These reviews shall be conducted monthly and documented on the appropriate form (PPD-009)
 - 1. Written documentation shall include:
 - a. The name of the officer(s) whose stops were reviewed.
 - b. The date(s) of the videos reviewed.
 - c. The date the actual review was conducted.
 - d. The name of the person conducting the review.
 - 2. The reviewing Patrol Sergeant shall forward the required documentation to the Office of the Chief of Police.
 - 3. The records department shall maintain a file of all video review documentation performed, in compliance with this General Order.



Parker Police Department
General Orders

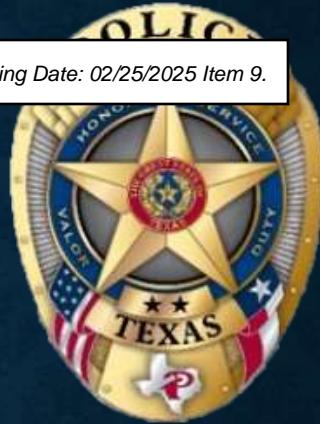
- D. In reviewing audio and video recordings, the Patrol Sergeant, shall seek to determine if the officer(s) reviewed have engaged in a pattern of racial profiling, that includes multiple acts constituting racial profiling for which there is no reasonable, credible explanation based on established police and law enforcement procedures.

XI. TRAINING (TPCA Standard 2.01)

- A. Each Peace Officer employed by the department shall complete the comprehensive education and training program on racial profiling established by the Texas Commission on Law Enforcement (TCOLE) not later than the second anniversary of the date the officer was licensed, or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier. A person who on September 1, 2001, held a TCOLE intermediate proficiency certificate, or who had held a peace officer license issued by TCOLE for at least two years, shall complete a TCOLE training and education program on racial profiling.
- B. The Chief of Police shall, in completing the training required by Section 96.641, Texas Education Code, complete the program on racial profiling established by the Bill Blackwood Law Enforcement Management Institute of Texas (LEMIT).

XIII EFFECTIVE DATE

- A. Any previous directive, rule, order, or regulation that pertains to this subject matter and its amendments shall remain in full force and effect for any violation(s) that occur before the effective date of this General Order.
- B. If any section, sentence, clause, or phrase of this General Order is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this General Order.
- C. All training in this General Order will be in accordance with General Order 101.001, Written Directive System, Chapter VIII, Training.
- D. The effective date is stated in the header block of this General Order.



PARKER POLICE DEPARTMENT

2024 Annual Report



MESSAGE FROM THE CHIEF

Now that 2024 has ended, it is time to reflect on the successes and challenges the Parker Police Department faced throughout the year. We started 2024 with record numbers of traffic stops and arrests. Our officers took the citizens' complaints of speeding to heart and worked tirelessly to reduce speeding infractions throughout the city. The officers worked to provide the best service possible, all while facing staffing issues and severe illnesses and utilizing our sparse resources to train new hires. Even with the challenges, we were able to grow our staff and provide training for not only newly hired prior service police officers but also our first-ever cadet out of the police academy.

With 2024 in the past, we must look toward the future. With that in mind, we will look at what worked and what did not last year, to improve our department and the service we provide to the community. As we add modern technology to how we police we would like to start a social media page to interact with our community more effectively. We must also work diligently to keep up with new state mandates in training and policies.

This last year we added several new officers/team members who have already made a positive impact in our community. We still have a few positions open, and we will look to find some exceptional people to fill them. We currently have started hiring recruits out of the police academy and will continue to do so. However, we want to take a more proactive approach and interact with the trainees and observe trainees in the academy to ensure they are a proper fit for our community and police department.

We would like to thank the Citizens of Parker, the Mayor, and the City Council for the opportunity to serve their community and for their continued support. We look forward to working with everyone in 2025. With 2024 now at a close, please accept our Parker Police Department 2025 Annual Report.

In service to you,
Kenneth Price
Chief of Police



OUR VISION

The Parker Police Department is committed to providing high quality police services to the community through community partnerships, problem-solving strategies, innovation, creativity, adaptability to an ever-changing environment and a participative management style through highly trained and disciplined employees using the latest technology.

Furthermore, we recognize that our most valuable resource in this commitment is our people, and we strive to create a positive working atmosphere where creativity and participation abound.

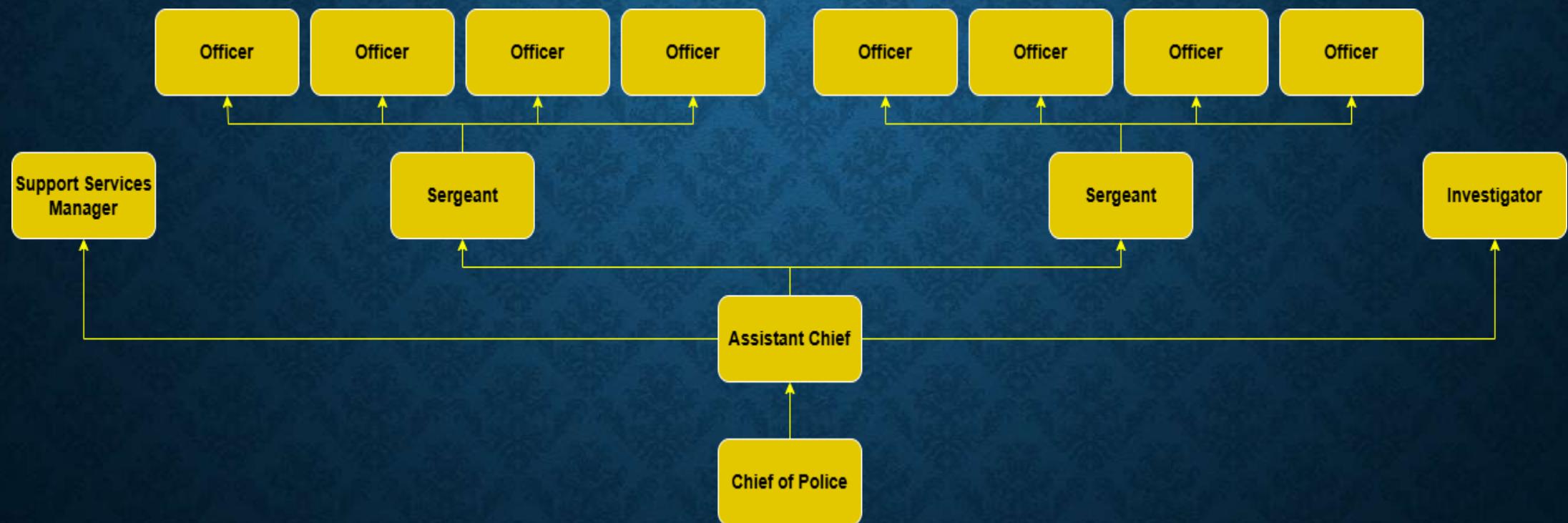


OUR MISSION

The mission of the Parker Police Department is to serve our community by providing professional, courteous and unbiased law enforcement services, thus making the City of Parker a safe place to live, visit and work.



ORGANIZATIONAL CHART





PARKER POLICE STRUCTURE

Office of the Chief of Police

- Policy Development
- Recognition Program
- Budget/Purchasing
- Public Information Officer
- Emergency Communications

Support Services Division

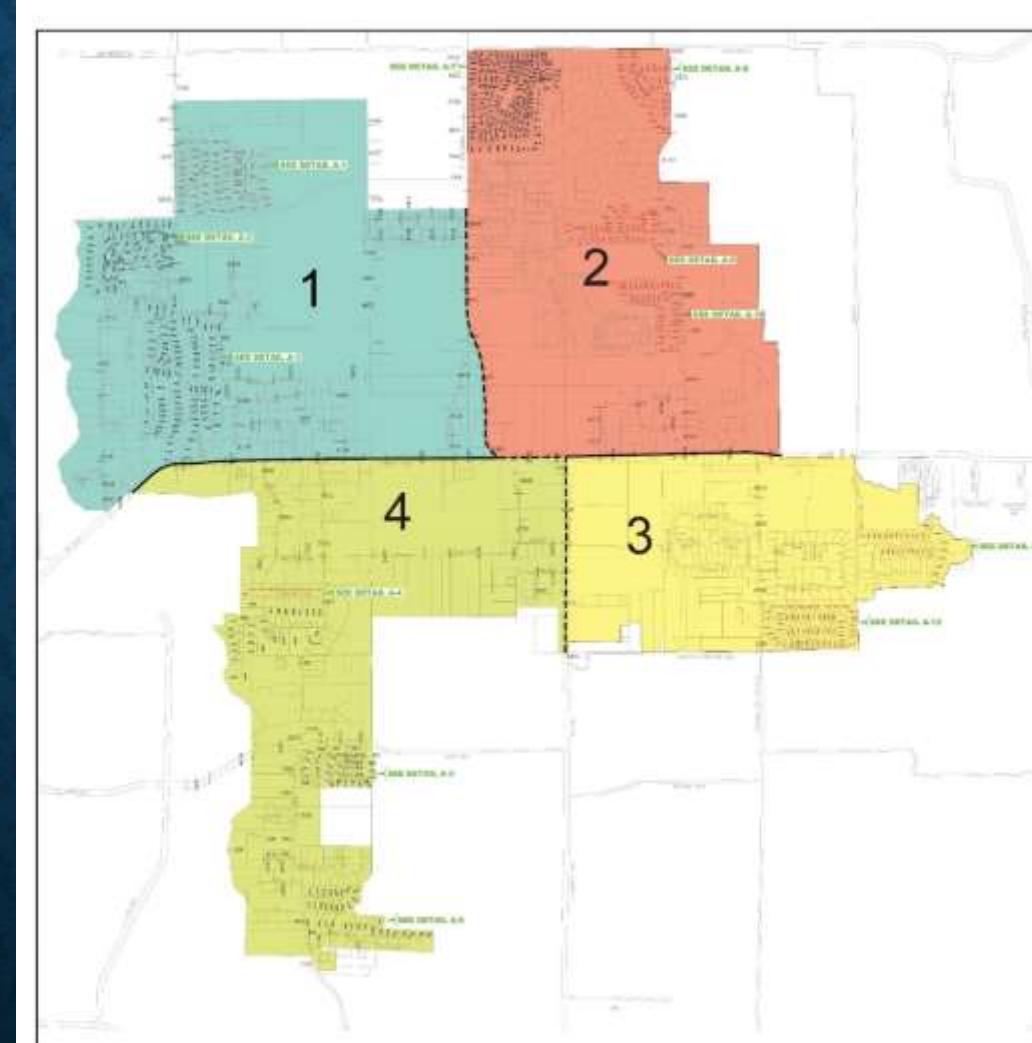
- Asset Management
 - Quartermaster
 - Capital Assets
- Property/Evidence
- Records
 - Records Management System (ICS)
 - Freedom of Information Act

Shared Operations Division Functions

<ul style="list-style-type: none"> • Professional Standards • Internal Affairs • Recruiting/Hiring • Vehicle Maintenance 	<ul style="list-style-type: none"> • Criminal Investigation • Crime Prevention • Crimes Against Persons • Property Crimes • Juvenile Crimes • Crime Analysis • Crime Victim Compensation 	<ul style="list-style-type: none"> • Reserve Force • Uniform Patrol • Community Services • Special Events/Part-Time Jobs
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POLICE BEAT MAP - CITY





5 YEAR CRIME COMPARISON (GROUP A)

	2020	2021	2022	2023	2024
Total Reporting Offenses	92	83	101	70	89
Arson	0	0	0	0	0
Aggravated Assault	8	5	9	10	11
Bribery	0	0	0	0	0
Burglary/Breaking and Entering	12	5	5	3	5
Counterfeiting/Forgery	2	1	8	0	2
Destruction/Damage/Vandalism of Property	19	12	12	12	11
Drug/Narcotics	8	11	18	13	24
Embezzlement	0	0	0	0	0
Extortion/Blackmail	0	1	1	0	0
Fraud	24	20	27	15	10
Gambling	0	0	0	0	0
Homicide	0	0	0	0	0
Human Trafficking	0	0	0	0	0
Kidnapping/Abduction	0	0	0	0	0
Theft – Larceny	16	22	18	13	20
Motor Vehicle Theft	1	0	3	0	1
Pornography/Obscene Material	0	0	0	0	1
Prostitution	0	0	0	0	0
Robbery	0	0	0	0	0
Sex Offenses	1	3	0	1	1
Stolen Property	0	1	0	0	1
Weapon Law Violations	1	2	0	3	2



5 YEAR CRIME COMPARISON (GROUP A)





5 YEAR CRIME COMPARISON (GROUP B)

	2020	2021	2022	2023	2024
Total Reporting Offenses	29	29	34	41	54
Bad Checks	0	0	0	0	0
Curfew/Loitering/Vagrancy Violations	0	0	0	0	0
Disorderly Conduct	0	0	0	1	0
Driving Under the Influence	4	2	7	5	4
Drunkenness	2	1	4	0	1
Family Offenses, Nonviolent	0	0	1	5	4
Liquor Violations	0	3	0	2	3
Peeping Tom	0	0	0	0	0
Runaway	3	3	1	0	0
Trespass of Real Property	5	3	1	3	4
All Other Offenses	15	17	20	25	38



5 YEAR CRIME COMPARISON (GROUP B)





CRIME RATE PER CAPITA

Population	2020 5020⁺	2021 5177⁺⁺	2022 5730⁺⁺⁺	2023 5907⁺⁺⁺⁺	2024 6128*
Group A**	0.01833	0.01603	0.01763	0.01185	0.01452
Group B***	0.00578	0.00560	0.00593	0.00694	0.00881

⁺Population count as of Jan. 2020

⁺⁺Population count as of Jan. 2021

⁺⁺⁺Population count as of Jan. 2022

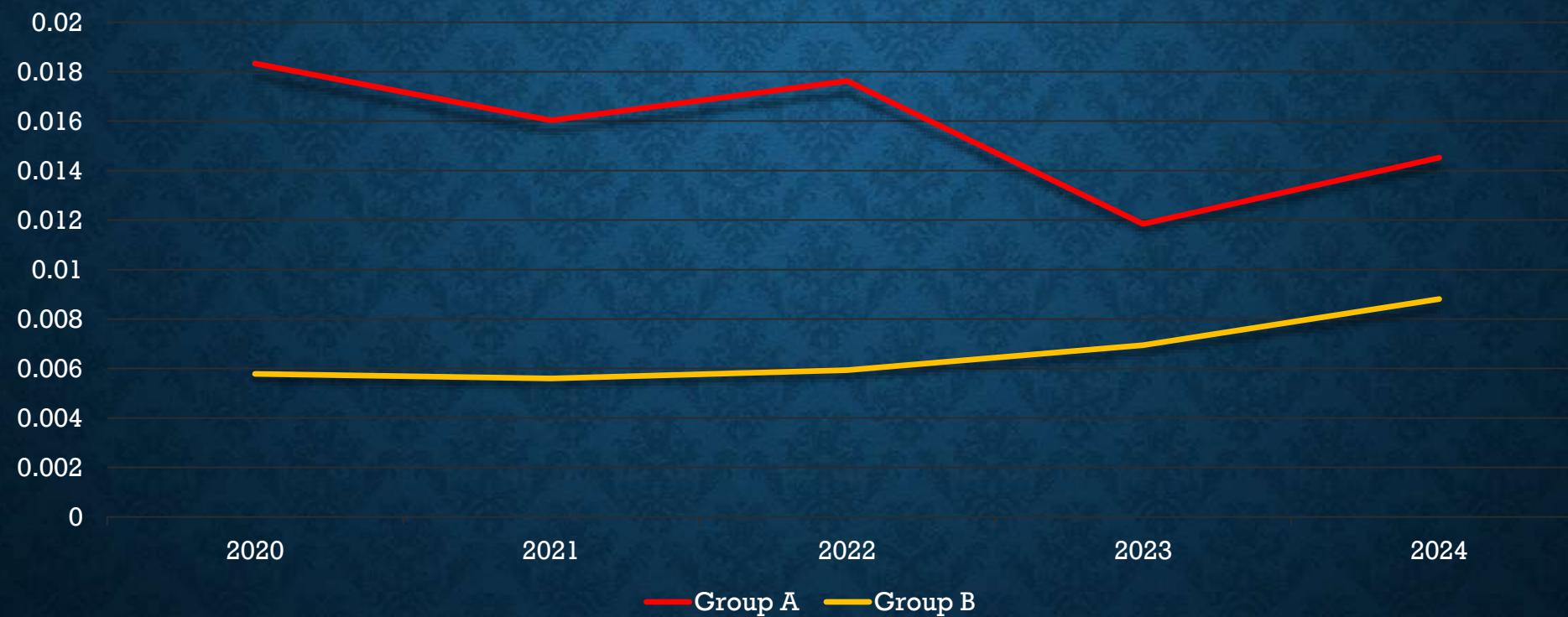
⁺⁺⁺⁺Population count as of Jan. 2023

* Population count as of Jan. 2024

- **Group A – Arson, Assault, Bribery, Burglary/Breaking and Entering, Counterfeiting/Forgery, Destruction/Damage/Vandalism of Property, Drug/Narcotic, Embezzlement, Extortion/Blackmail, Fraud, Gambling, Homicide, Human Trafficking, Kidnapping/Abduction, Larceny/Theft, Motor Vehicle Theft, Pornography/Obscene Material, Prostitution, Robbery, Sex Offenses, Stolen Property, Weapon Law Violations
- ***Group B – Bad Checks, Curfew/Loitering/Vagrancy Violations, Disorderly Conduct, Driving Under Influence, Drunkenness, Family Offenses Nonviolent, Liquor Violations, Peeping Tom, Runaway, Trespass of Real Property, All Other Offenses



CRIME RATE PER CAPITA





RESPONSE TIMES - 2024

Response Times (Avg. Mins)	January	February	March	April	May	June
Priority 1	5.46	4.19	4.57	5.18	3.88	6.55
Priority 2	3.96	2.75	3.76	3.13	4.45	4.71
Response Times (Avg. Mins)	July	August	September	October	November	December
Priority 1	4.62	4.81	6.72	4.40	5.28	4.40
Priority 2	4.52	4.36	4.55	4.55	3.69	5.09



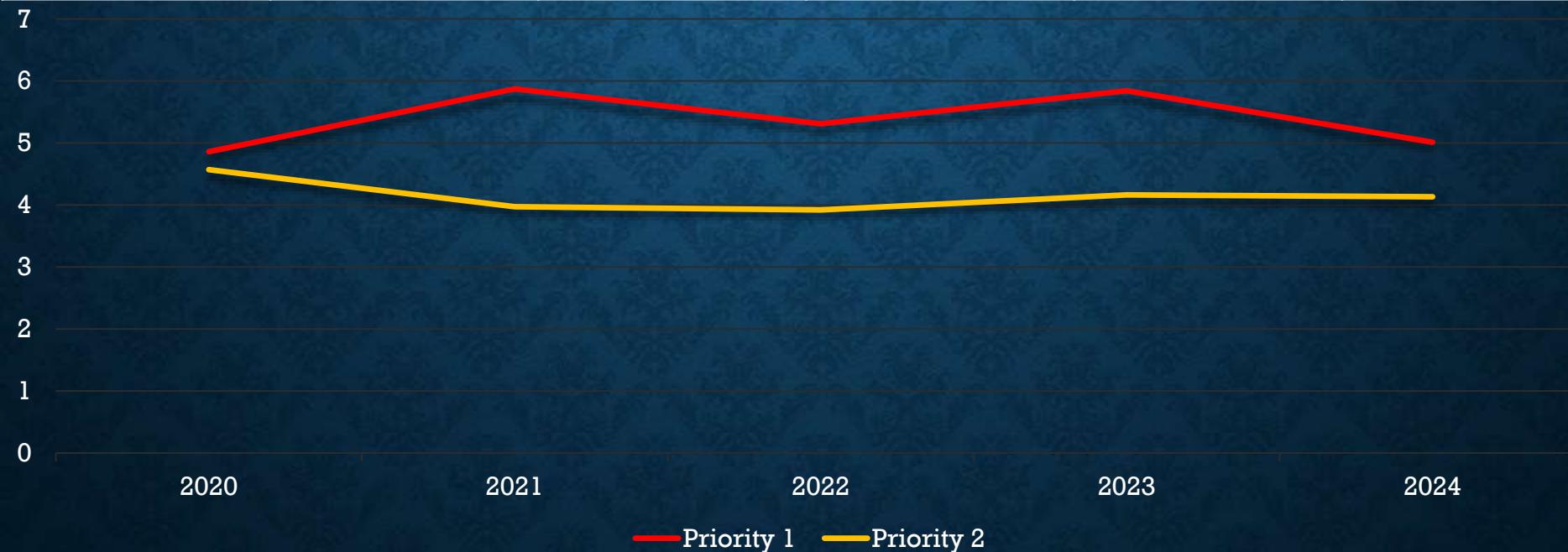
RESPONSE TIMES - 2024





RESPONSE TIMES – 5 YEARS

Response Times (Avg. Mins)	2020	2021	2022	2023	2024
Priority 1	4.86	5.87	5.31	5.84	5.01
Priority 2	4.57	3.97	3.92	4.16	4.13



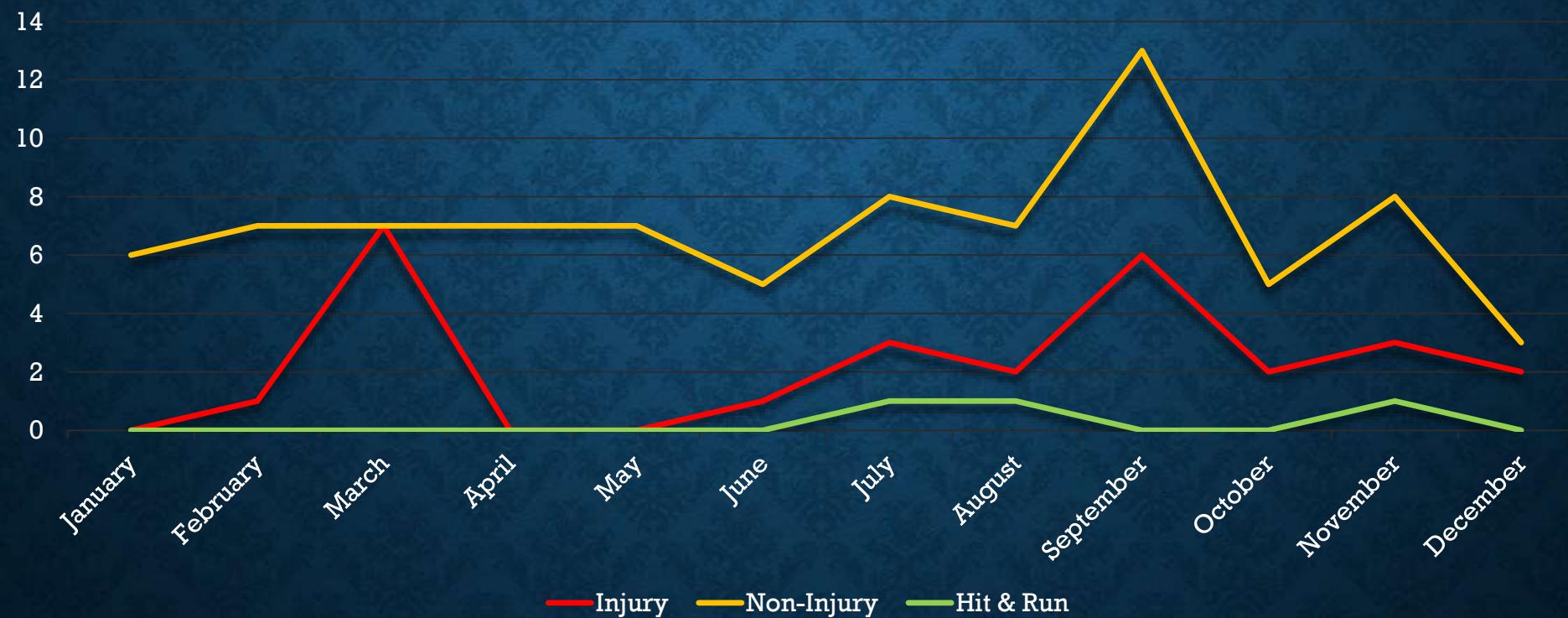


ACCIDENTS – 2024

Accident Types	January	February	March	April	May	June
Injury – Major	0	1	7	0	0	1
Non-Injury – Minor	6	7	7	7	7	5
Hit & Run	0	0	0	0	0	0
Accident Types	July	August	September	October	November	December
Injury – Major	3	2	6	2	3	2
Non-Injury – Minor	8	7	13	5	8	3
Hit & Run	1	1	0	0	1	0



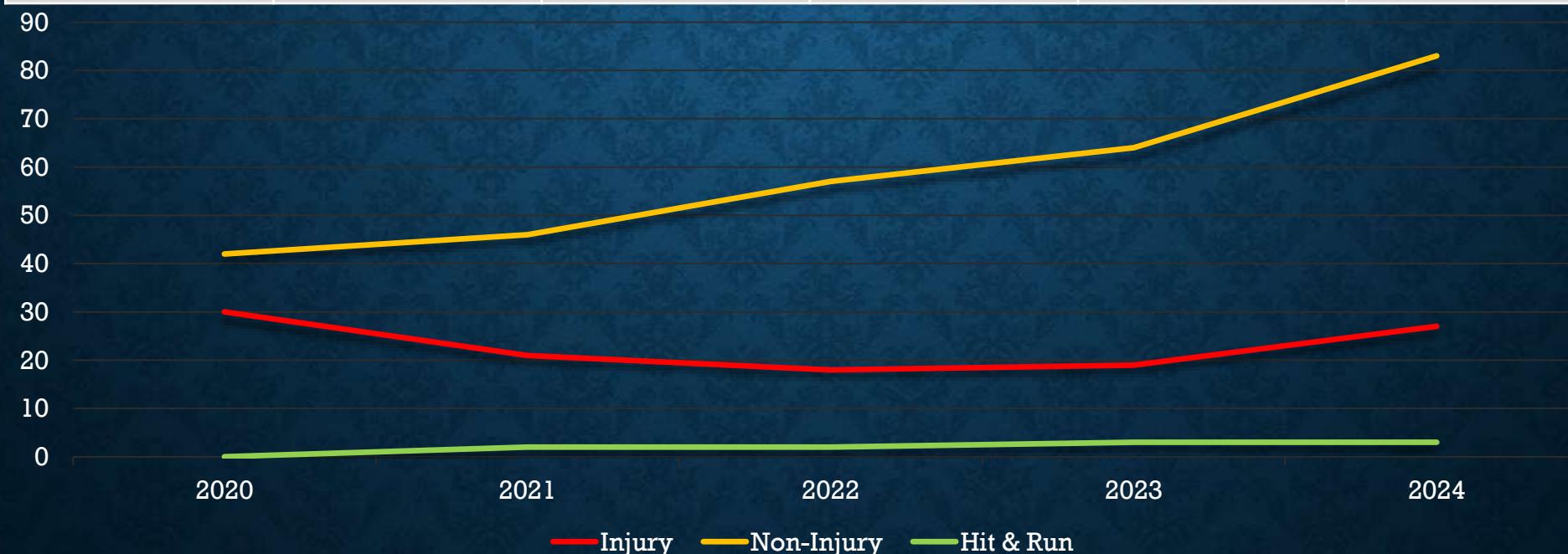
ACCIDENTS – 2024





ACCIDENTS – 5 YEARS

Accident Types	2020	2021	2022	2023	2024
Injury – Major	30	21	18	19	27
Non-Injury – Minor	42	46	57	64	83
Hit & Run	0	2	2	3	3





INVESTIGATIONS - 2024

Investigation	January	February	March	April	May	June
Case Assigned	11	12	12	20	14	11
Clearances	16	18	15	11	9	25
Investigation	July	August	September	October	November	December
Case Assigned	11	12	14	20	19	10
Clearances	11	10	16	12	22	8



INVESTIGATIONS – 2024





INVESTIGATIONS – 5 YEARS

Investigation	2020	2021	2022	2023	2024
Cases Assigned	194	176	197	198	166
Clearances	112	185	179	165	173





ALARMS - 2024

Alarm Activity	January	February	March	April	May	June
Residential	16	10	12	13	34	26
Business	0	1	0	0	0	0
Total	16	11	12	13	34	26
Alarm Activity	July	August	September	October	November	December
Residential	21	17	13	19	19	25
Business	1	0	0	0	0	0
Total	22	17	13	19	19	25



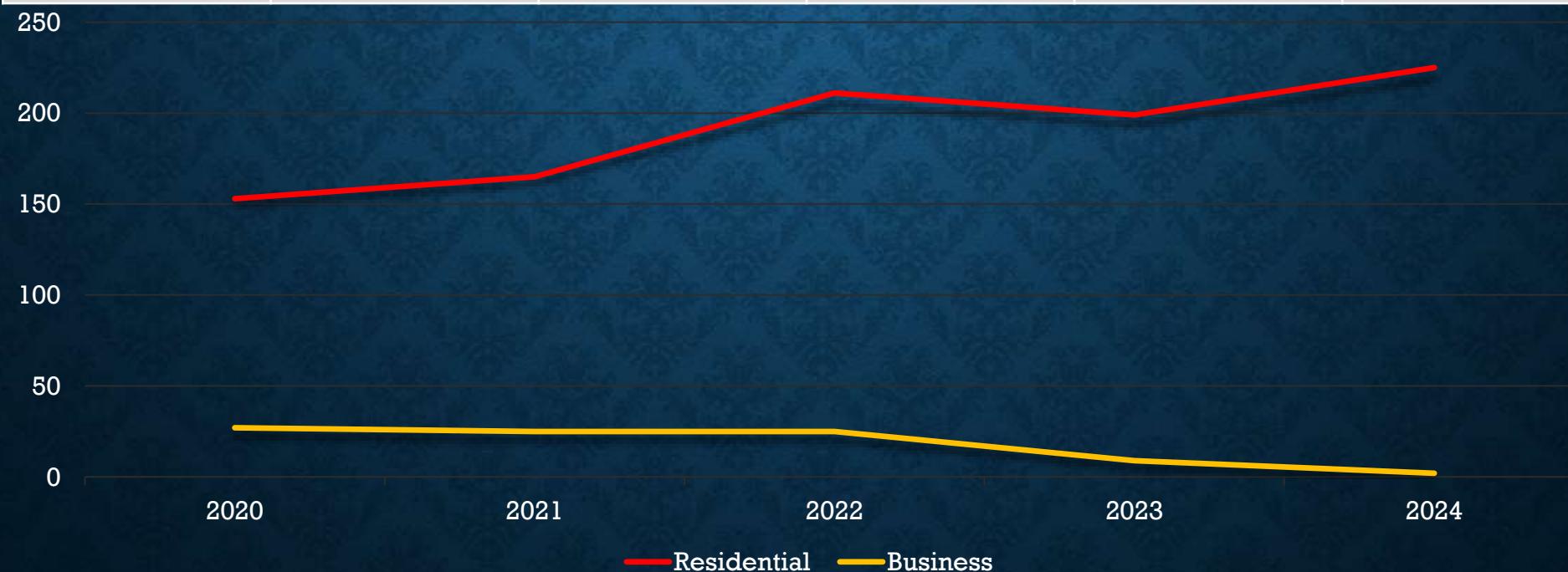
ALARMS – 2024





ALARMS – 5 YEARS

Alarm Activity	2020	2021	2022	2023	2024
Residential	153	165	211	199	225
Business	27	25	25	9	2
Total	180	190	236	208	227



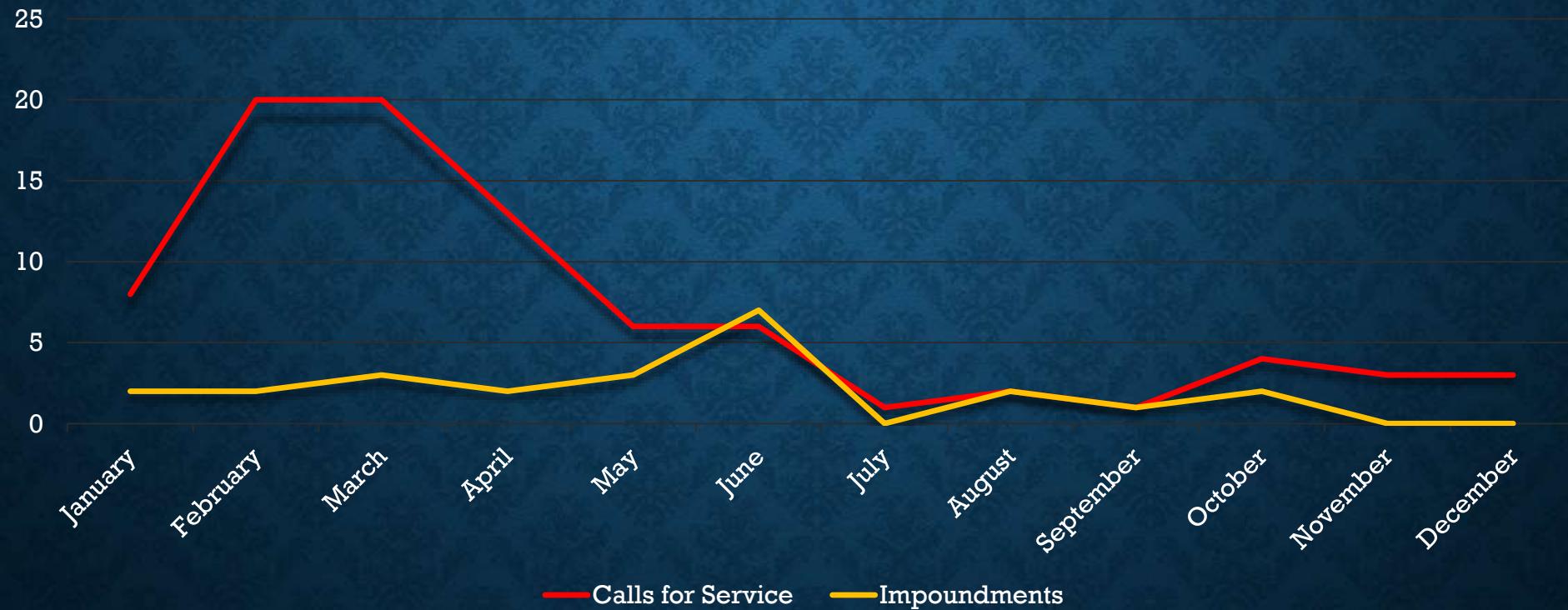


ANIMAL SERVICES - 2024

Service Activity	January	February	March	April	May	June
Calls for Service	8	20	20	13	6	6
Impoundments	2	2	3	2	3	7
Service Activity	July	August	September	October	November	December
Calls for Service	1	2	1	4	3	3
Impoundments	0	2	1	2	0	0



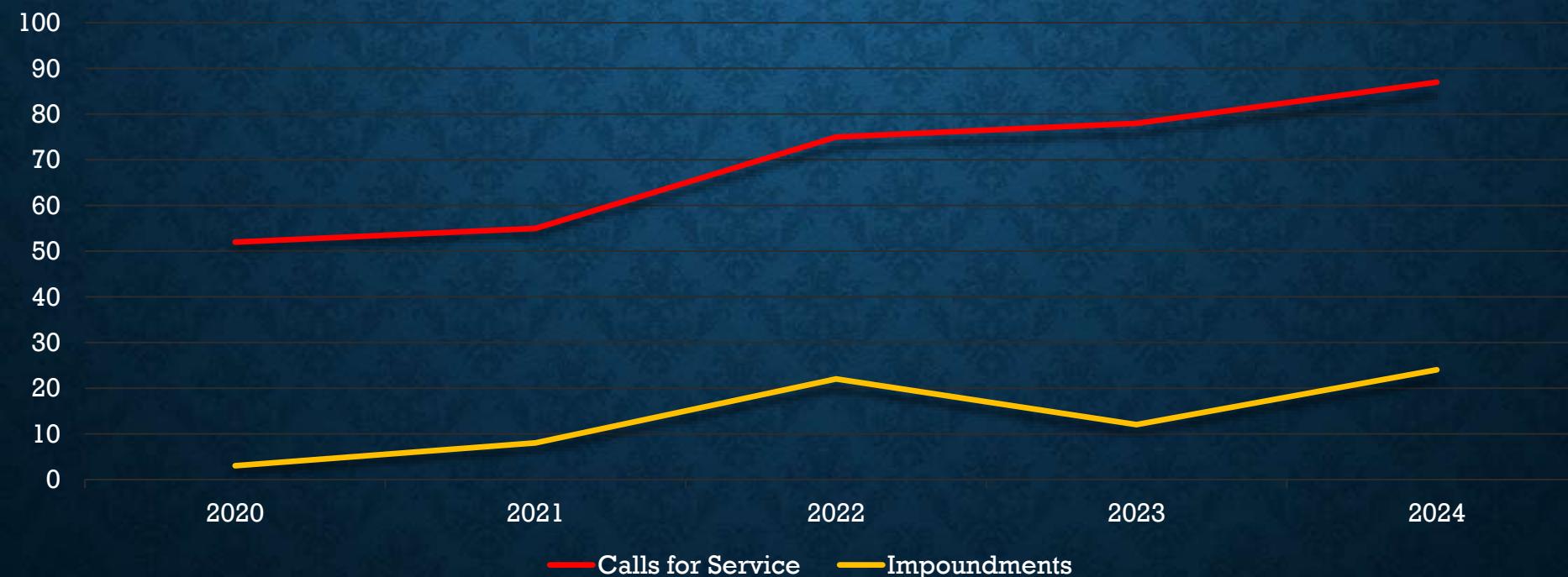
ANIMAL SERVICES - 2024





ANIMAL SERVICES – 5 YEARS

Service Activity	2020	2021	2022	2023	2024
Calls for Service	52	55	75	78	87
Impoundments	3	8	22	12	24





CITATIONS - 2024

Citations	January	February	March	April	May	June
Citations	133	110	131	155	246	142
Warnings	195	154	151	172	255	184
Citations	July	August	September	October	November	December
Citations	175	241	150	145	155	128
Warnings	188	273	194	211	216	187



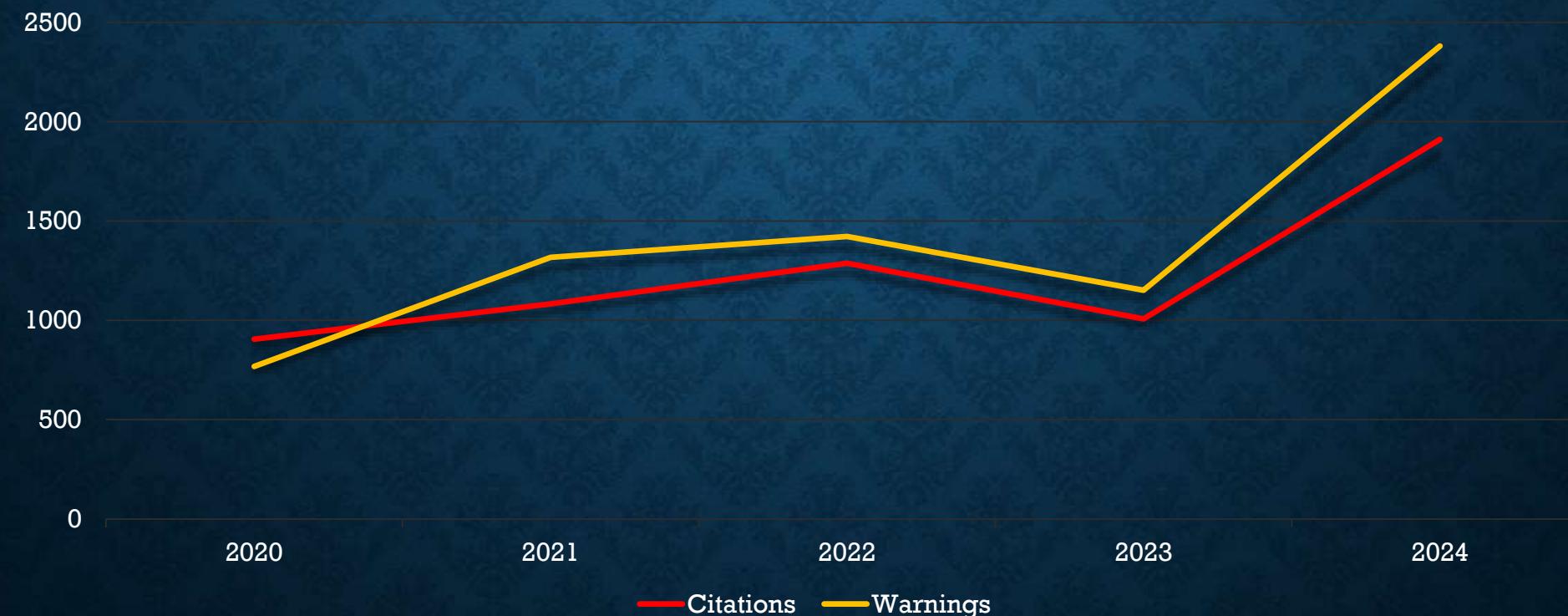
CITATIONS - 2024





CITATIONS – 5 YEARS

Citations	2020	2021	2022	2023	2024
Citations	905	1083	1287	1007	1911
Warnings	768	1317	1422	1152	2380





TRAFFIC ENFORCEMENT – 5 YEARS

Traffic Stops	2020	2021	2022	2023	2024
Ave. Personnel	N/A	N/A	9.58	6.92	9.17
Ave. Stops per Person	N/A	N/A	233	239	375
Total Stop per Year	N/A	N/A	2234	1652	3443





ONGOING COMMUNITY PROGRAMS & EVENTS

- National Night Out
 - Held in October in neighborhoods throughout the city, a community-police awareness-raising event. All Officers responded at the same time to each event allowing for longer interaction with community members, which was received well by the citizens.
- Speed Radar Trailer
 - This program allows the Parker Police Department to set up a speed radar trailer at different intervals and locations throughout the City to help remind motorists of the speed limits. This helps greatly in reducing the amount of speeding and reckless driving incidents throughout the City.
- National Drug Take Back
 - This program, in conjunction with the Drug Enforcement Administration (DEA), allows the Parker Police Department to participate in a nationwide collaborative effort focused on removing potentially dangerous controlled substances from our nation's medicine cabinets. This is a unified opportunity for the public to surrender expired, unwanted, or unused pharmaceutical controlled substances and other medications to law enforcement officers for destruction at no cost to the City or its Citizens.
- Parkerfest
 - The Parker Police Department uses Parkerfest, a City of Parker event, to meet and greet our citizens. This past year we set up a Parker Police Department stand that was staffed by our officers. The stand provided our citizens with contact information for our sergeants and chief along with several other goodies and police related handouts.



LOOKING FORWARD

- In the upcoming year, we will work diligently to
 - Recruit high quality individuals who will fit our organizational needs and our city's needs
 - Meet all the mandates the State of Texas has passed
 - Build a set annual training program. The program will ensure our officers are highly trained and will not only meet but exceed the standards set by the State of Texas
 - Increasing community engagement is key to a successful police department. We would like to start the following programs
 - Coffee with a Cop
 - Shop with a Cop
 - Social Media/Web Page
 - Community Toy/Food Drives



Council Agenda Item

Budget Account Code:	Meeting Date:	See above.
Budgeted Amount:	Department/ Requestor:	City Council
Fund Balance-before expenditure:	Prepared by:	ACA/CS Scott Grey for Public Works Director Machado
Estimated Cost:	Date Prepared:	February 11, 2025
Exhibits:	1. <u>Lewis Lane Proposal for work</u>	

AGENDA SUBJECT

DISCUSSION AND/OR CONSIDERATION REGARDING THE USE OF CITY RESOURCES TO REPAIR PORTIONS OF LEWIS LANE BETWEEN PARKER ROAD AND THE LEWIS LANE LIFT STATION.

SUMMARY

Discuss attached proposal to repair a 1,680sf section of Lewis Lane.

POSSIBLE ACTION

City Council may direct staff to take appropriate action.

Inter – Office Use			
Approved by:	Enter Text Here		
Department Head/ Requestor:	<i>Gary Machado</i>	Date:	02/13/2025
Interim City Attorney:	<i>Catherine Clifton</i>	Date:	02/14/2025 via Municode
Mayor	<i>Lee Pettle</i>	Date:	02/ XX /2025



Proposal for Work

Anderson

Meeting Date: 02/25/2025 Item 10.

Dallas, TX 75229
www.aacpaving.com

Rep: Cory Henneberg

Phone: 214-352-3400

Proposal: CH250111

Date: 1/22/2025

To:

City Of Parker
Attn: Gary Machado
5700 E. Parker Road
Parker, Tx 75002

Project:

Lewis Lane Patch
Lewis Lane
Parker, Tx

Scope of Work

Provide labor and materials for the scope of work described below at the above location. The following bid is based on the documents listed below, as provided to Subcontractor. Documents include:

NO DOCUMENTS PROVIDED

Scope(s) of work which may or may not be in Subcontractor's classification which is(are) noted in documents not included in above list is(are) specifically excluded from Subcontractor's bid. Work to include the following items:

Item	Description	Quantity	UOM	Unit Price	Extended Price
01)	Cement Stabilize 40LBS\SY	1,680	SF	3.95	6,636.00
02)	3" TYPE C HMAC	1,680	SF	5.00	8,400.00
03)	Bond	1	LS	305.39	305.39

Exclusions

Bid does not include Permits, Sales Tax, or AGC Dues.

Excludes barricades, testing, striping, utility adjustments, and traffic control.

Bid does not include Prime Coat unless spelled out as a bid item.

No survey or engineering

Water source to be furnished on site by prime contractor.

Bid is based on up to one (1) move in's, additional move in's will be billed @ \$2,500.00 each.

Anderson Asphalt & Concrete Paving, LLC. will not be held liable for any items of work not quoted above.

Not responsible for delays due to circumstances beyond our control.

This quote to be included in any subcontract offered to Anderson Asphalt & Concrete Paving, LLC.

Subcontractor's bid and its agreement to perform the work set forth herein are explicitly contingent upon Subcontractor and Contractor negotiating mutually acceptable Subcontract terms.

Proposal Total: **15,341.39**

Any failure of the materials used in construction to conform to the requirements of the contract document or failure of workmanship to conform to standards utilized by generally proficient builders engaged in similar work and performing under similar circumstances shall be rectified at the expense of Contractor in a prompt fashion. This paragraph supersedes and/or overrides any implied warranties under Texas Law.

ACCEPTANCE: "The terms and conditions contained herein this proposal shall be an integral part of any agreement for the work, which, by authorized signature, the contracting party acknowledges to have read, understood and agreed."

Submitted By:	Acceptance:
By: Cory Henneberg	By: _____
Title: Vice President	Title: _____
Date: 01/22/2025	Date: _____

TERMS AND CONDITIONS

Meeting Date: 02/25/2025 Item 10.

To be Included in the Contract for the Work Included in this Proposal

- 1.** Anderson Asphalt & Concrete Paving LLC, hereinafter referred to as Subcontractor, shall not be liable for any damages, direct, indirect, or consequential, caused to any utilities, objects or other facilities located beneath the area of construction unless, prior to commencement of construction activities, Subcontractor is advised in writing of the existence of such utilities, objects or other facilities and their location is clearly identified and marked by the Contractor or Owner. Contractor or Owner agrees to indemnify and hold Subcontractor, its agents, employees, officers, and directors harmless from any and all liability for any such damages to any utilities, objects or other facilities located beneath the area of construction.
- 2.** Contractor or Owner fully understands that Subcontractor may require the use of specialized heavy equipment to perform the work required. Contractor or Owner represents and warrants to Subcontractor that the area of the property designed for ingress and egress to the construction area is structurally sound and will support the equipment required by Subcontractor. Subcontractor shall not be liable for any damages, direct, indirect, or consequential, caused to Owner's property designated ingress and egress as result of the transportation and movement of specialized heavy equipment to and from the area of construction: provided, however, if such damages do occur, Subcontractor agrees to repair any such damages at an additional charge in accordance with normal rates charged by Subcontractor for such services.
- 3.** Anderson Asphalt & Concrete Paving LLC is not responsible for any damages, deterioration, or failure of its work, whether completed or in progress, due to any cause or causes beyond our control. This exclusion includes but is not limited to failure of sub-grade or failure of or inadequacy of any labor or materials not furnished and installed by Anderson Asphalt & Concrete Paving LLC, whether or not such failure or inadequacy was or could have been known at the time the work was undertaken.
- 4.** The Subcontractor and Contractor/Owner waive Claims against each other for consequential damages arising out of or relating to the Work included herein. This mutual waiver includes damages incurred by the Contractor/Owner for rental expenses, losses of use, income, profit, financing, business, and reputation, and for loss of management or employee productivity or of the services of such persons; and damages incurred by the Subcontractor for principal office expenses including the compensation of personnel stationed there, for losses of financing, business and reputation, and for loss of profit except anticipated profit arising directly from the Work.
- 5.** Unless otherwise provided in this contract, Subcontractor reserves the exclusive right to schedule the method and manner by which the work shall be completed: however, Subcontractor shall provide Contractor with reasonable notice of the commencement of work in order to allow Contractor or Owner to make arrangements to have the area of construction cleared which shall be the sole responsibility of the Contractor or Owner. Subcontractor shall not be liable for any damages, direct, indirect or consequential, caused to any vehicles, trailers, equipment or other movable obstacles which remain in the area of construction during the period of construction and Contractor and Owner agree to indemnify and hold Anderson Asphalt & Concrete Paving LLC, its agents, employees, officers and directors harmless from any and all liability for any such damages to any vehicles, boats, trailers, equipment or other movable obstacles which remain in the area of construction during the period of construction. Subcontractor reserves the right to postpone construction activities if the area of construction is not sufficiently clear at the time Subcontractor has scheduled commencement of construction. If Subcontractor is delayed in the commencement of construction due to Contractor or Owner's failure to provide a clear construction area, Subcontractor may impose a delay charge equal to the reasonable hourly costs of the persons, equipment and supplies designated for this contract which hourly charge shall commence as of 1 hour after arrival of the Subcontractor's Workers on the day that construction was scheduled to commence and shall continue for each hour of delay up to a maximum of eight hours per day until the area is sufficiently clear to allow commencement of construction. This amount shall be in addition to all other contract amounts.
- 6.** Subcontractor shall not be required to make any changes, deletions, additions or modifications to the contract terms and specifications without a proper written change order signed by the contracting parties. Any such change orders shall be in addition to the original contract. The change order form shall provide for an adjustment in the estimated cost and the completion date, if applicable.
- 7.** Prior to starting work, Subcontractor shall be responsible for obtaining and providing any workmen's compensation insurance for its employees and General Liability Insurance and Automobile Liability Insurance as to its' activities related to the work contained in this proposal; however, Subcontractor shall not be responsible or obligated to maintain Builders Risk Insurance.
- 8.** Payments must be made within 30 days of the last day of the month for which a Pay Application is submitted. **FAILURE OF THE CONTRACTOR OR OWNER TO PAY FOR MATERIAL OR SERVICES TO COMPLETE THIS CONTRACT CAN RESULT IN THE FILING OF A MECHANICS LIEN OR BOND CLAIM AGAINST THE PROPERTY THE SUBJECT OF THIS PROPOSAL.**
- 9.** Should Subcontractor encounter abnormal soil conditions, rock, or other reasonably unforeseen conditions below the surface of the ground, requiring a variance in the plans and specifications or requiring the performance of additional work in order to complete construction, the parties agree to execute a change order in accordance with Paragraph 6 hereto, which provides for the reimbursement to Anderson Asphalt & Concrete Paving LLC. of additional cost and fees incurred by reason of such conditions and an extension of the time of completion. Unless otherwise provided in this contract, testing, permits, or engineering are not included in the contract price.
- 10.** All disputes hereunder shall be decided by binding arbitration in accordance with the Construction Industry Arbitration Rules of the American Arbitration Association. The venue of any such proceedings shall be Dallas, Texas and each party hereto shall be entitled to one Request for Production of Documents and to one deposition. If either party to this Contract shall seek to enforce this Contract, or any duties or obligations arising out of this Contract, against the other party to this Contract, the prevailing party in such arbitration shall receive, in addition to all other rights and remedies to which such party is entitled, such party's reasonable cost and expenses incurred in such proceedings, including reasonable attorney's fees.
- 11.** This Proposal (including the exhibits hereto) contains the entire Proposal for the Work, and no oral statements or prior written matters not specifically incorporated herein shall be of any force and effect. No variation, modification or changes hereto shall be binding on any party hereto unless set forth in a document executed by all such parties. Furthermore (and in the event of a separate Vendor or other agreement signed by both parties) no such agreement shall control in the event there is a conflicting provision in this agreement and no such agreement may impose additional scope of the work duties or insurance requirements not specifically included in this agreement.
- 12.** The laws of the state of Texas shall govern the validity, enforcement, and interpretation of any Contract for this Work.

END



Council Agenda Item

Budget Account Code:	Meeting Date:	See above.
Budgeted Amount:	Department/ Requestor:	Council
Fund Balance-before expenditure:	Prepared by:	City Secretary Scott Grey for Mayor Pettle
Estimated Cost:	<i>Date Prepared:</i>	February 11, 2025
Exhibits:	<u>None</u>	

AGENDA SUBJECT

UPDATE(S):

FM2551

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ)

PROJECTS IN PROGRESS

ENGINEERING REVIEW

NOISE COMMITTEE

CHAPARRAL INTERSECTION

POST OFFICE

ANY ADDITIONAL UPDATES

MONTHLY/QUARTERLY REPORTS

[January 2025 - Building Permit/Code Report](#)

[January 2025 – Court Report](#)

[January 2025 - Finance \(monthly financials\) Report](#)

[Investment 4th Qtr. Report 2024](#)

[Fire 4th Qtr. 2024 & 1st Qtr. \(Jan. – Feb.\) 2025 Report](#)

[January 2025 – Republic Services Inc., dba Allied Waste Services of Plano](#)

SUMMARY

Please review information provided.

POSSIBLE ACTION

City Council may direct staff to take appropriate action.

Inter – Office Use

Approved by:	Enter Text Here		
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date:	02/13/2025
Interim City Attorney:	<i>Catherine Clifton</i>	Date:	02/14/2025 via Municode
Mayor	<i>Lee Pettle</i>	Date:	02/ xx /2025



Council Agenda Item

Budget Account Code:	Meeting Date:	See above.
Budgeted Amount:	Department/ Requestor:	City Council
Fund Balance-before expenditure:	Prepared by:	City Secretary Scott Grey for Mayor Pettle
Estimated Cost:	Date Prepared:	February 11, 2025
Exhibits:	<u>None</u>	

AGENDA SUBJECT

ACCEPTANCE OF DONATION(S) FOR POLICE, FIRE, AND CITY STAFF FOR THE RECORD (Each valued at between \$0 - \$1,000 [RES. NO. 2024-801])

American National Bank of Texas donated a 6-pack of cookies from Crumbl with a value of \$22.99 to City Staff.

Maryam Boroujerdi & Mohammad Massoudi donated 1 dozen Nothing Bundt Cakes Bundtinis valued at \$28 to City Staff.

SUMMARY

Please review information provided.

POSSIBLE ACTION

City Council may direct staff to take appropriate action.

Inter – Office Use			
Approved by:	Enter Text Here		
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date:	02/13/2025
Interim City Attorney:	<i>Catherine Clifton</i>	Date:	02/14/2025 via Municode
Mayor	<i>Lee Pettle</i>	Date:	02/xx/2025



Council Agenda Item

Budget Account Code:	Meeting Date: See above.
Budgeted Amount:	Department/ Requestor: City Council
Fund Balance-before expenditure:	Prepared by: ACA/CS Scott Grey
Estimated Cost:	Date Prepared: February 11, 2025
Exhibits:	Future Agenda Items – Work in Progress

AGENDA SUBJECT

FUTURE AGENDA ITEMS

SUMMARY

Please review information provided.

POSSIBLE ACTION

City Council may direct staff to take appropriate action.

Inter – Office Use

Approved by:	Enter Text Here		
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date:	02/13/2025
Interim City Attorney:	<i>Catherine Clifton</i>	Date:	02/14/2025 via Municode
Mayor	<i>Lee Pettle</i>	Date:	02/ XX /2025

FUTURE AGENDA ITEMS

	ITEM DESCRIPTION	CONTACT	Notes
2025			
Feb(Mar), May (July), Aug, Nov	Fire Department Quarterly Report	Miller	4th Qtr 2025 0218 CC Agenda - Done
Feb(Mar), May (July), Aug, Nov	Investment Quarterly Report	Savage	4th Qtr 2024 - 2025 0218 CC Agenda - Done
	Mayor Pettle 2025 0210 Update		Mayor Pettle 2025 0210 Update
Feb. 18, 2025	Swear Terry Lynch in as Council Member	Mayor Pettle	
Feb. 18, 2025	Mayor Pro Tem	Clifton	
Feb. 18, 2025	Finance Committee (jim's place)	Clifton	
Feb. 18, 2025	Any other necessary action regarding Jim Reed's position	Clifton	
Feb. 18, 2025	Election order	(Grey) Hull	
Feb. 18, 2025	Election contract for voting	(Grey) Hull	
Feb. 18, 2025	Anything that needs to be considered for ballot/election	Council	
Feb. 18, 2025	Lewis Lane	Machado/Clifton	
Feb. 18, 2025	Board/Commission appointments if not done	(Grey) Hull	P&Z - 2024 1217; ZBA (2025 0121); P&R (TBD)
Feb. 18, 2025	Public Works building	Clifton/Machado	
Feb. 18, 2025	Records Retention Policy	Clifton	

FUTURE AGENDA ITEMS

	ITEM DESCRIPTION	CONTACT	Notes
Feb. 18, 2025	Annual records review	Clifton	
Feb. 18, 2025	Engineering RFQs	Machado	
Feb. 18, 2025	Any Plats ready	Machado	No plat submittals on 2025 0116
Tentative 2/18/2025	St Paul ILA/agreement	Clifton	
Feb. 18, 2025	Any other ILAs ready	Clifton	
Feb. 18, 2025	Attorney appointment if ready	Council	
Feb. 18, 2025	Any resolutions ready	Clifton	
Feb. 18, 2025	Any NTMWD or water issues necessary (conservation plan, etc)	Clifton	
	Mayor Pettle 2025 0210 Update		Mayor Pettle 2025 0210 Update
TBD	Reception end of Agenda		
	Mayor Pettle 2025 0210 Update		Mayor Pettle 2025 0210 Update
TBD	Presentation:		
TBD	Town Hall	Council	
	Mayor Pettle 2025 0210 Update		Mayor Pettle 2025 0210 Update
	Workshops:		
TBA	Comp plan with P and Z in progress		2025 0204 Workshop
TBA	Personnel Manual in progress		2024 1217 Workshop 1 (pgs 1-7); 2025 0107 (8-15); 2025 0121 (Sec. 1.8-2.1 [Medical Issues /ADA to social media])

FUTURE AGENDA ITEMS

	ITEM DESCRIPTION	CONTACT	Notes
TBA	City organization		
TBA	city protocols		
TBA	Training for Boards/Commissions		
TBA	Departmental reports		
TBA	Zoning Coes (SAD, Commercial)		
TBA	Public Works		
TBA	Police		
TBA	CIP		
	Mayor Pettle 2025 0126 Update		Mayor Pettle 2025 0126 Update
	Updates:		
Feb. 18, 2025	2551	Machado	
Feb. 18, 2025	TCEQ	Mayor Pettle/CM Pilgrim	
Feb. 18, 2025	Projects in Progress		
Feb. 18, 2025	Engineering review	CM Noe/Machado	
Feb. 18, 2025	Noise Committee	CM Kercho	
Feb. 18, 2025	Lewis Lane	Clifton/Machado	

FUTURE AGENDA ITEMS

	ITEM DESCRIPTION	CONTACT	Notes
Feb. 18, 2025	Chaparral Intersection with Allen Heights	Clifton/Machado	
	Mayor Pettle 2025 0210 Update		Mayor Pettle 2025 0210 Update
	Future Agenda Items		
TBD	Southridge gate 2025		
TBD	Procedural Manual		
Feb. 4, 2025	Personnel Manual		2024 1217 Workshop 1 (pgs 1-7); 2025 0107 (8-15)
TBD	Procedures for Presentations		
TBD	Procedures for agendas		
TBD	Procedures for Council i.e. green cards, time limits, etc.		
TBD	Employment :Required time with city for paid training		
TBD	water impact fees (July 2025)		
TBD	CIP updates (April/May 2025)		
TBD	Microphones for Council Chambers, if not done		
TBD	Public Works Building		
TBD	Records retention policy		
TBD	Annual records review		

FUTURE AGENDA ITEMS

	ITEM DESCRIPTION	CONTACT	Notes
TBD	Any ILAs needed		
TBD	St Paul ILA/agreement		
TBD	Attorney appointment		
TBD	City Administrator appointment		
TBD	Sign ordinance revisions consideration		
TBD	Noise Ordinance		
TBD	Board/Commission appointments		
TBD	Engineering RFQs		
TBD	CCN Wylie when ready if needed		