



THE CITY COUNCIL OF THE CITY OF HENDERSON, TEXAS, WILL MEET ON TUESDAY, THE 20TH DAY OF FEBRUARY 2024, AT 6:00 P.M. FOR A REGULAR COUNCIL MEETING, AT MUNICIPAL SERVICES COMPLEX, 300 W. MAIN STREET, FOR THE FOLLOWING PURPOSES:

Mayor:
J.W. (Buzz) Fullen

Council Members:
Stephen Strong
Reginald Weatherton
Melissa Morton
Gina Juarez

City Manager:
Jay Abercrombie

Mayor Pro Tem
Henry Pace

City Secretary
Cheryl Jimerson

CALL TO ORDER: *The Mayor will call the meeting to order, declare a quorum if present, and declare notices legally posted pursuant to Open Meetings Act.*

INVOCATION AND PLEDGE OF ALLEGIANCE:

CITIZENS COMMENTS

PRESENTATIONS/ANNOUNCEMENTS

CONSENT AGENDA

1. Consideration of possible action upon the Minutes of the City Council Meeting from December 19th Council Meeting, the meeting that was to be held January 16th was canceled due to bad weather and was not rescheduled.
2. Consideration and Possible Action upon HEDCO financials for the month of November 2023
3. Consideration and Possible Action upon HEDCO financials for the month of December 2023

COUNCIL BUSINESS – REGULAR SESSION

4. Consideration and possible action on confirmation of the appointment of a Fire Chief for the City of Henderson. (Abercrombie)
5. Consideration and possible action authorizing the City Attorney and City Manager to enter into an agreement with MD Health Pathways (MDHP) presentation by the founder of MDHP Dr. Dirk Perritt. This will be allowing citizens to have access to low-cost healthcare for a small fee and allowing this fee to be billed through the Henderson Utility Billing system.
6. Consideration and possible action upon Resolution 2024-02-01 setting two public hearing dates for the application for the annexation of Bradshaw State Jail Facility located on the corner of Loop 571 and Industrial Park Drive, also known as County Road 203 and/or Morris Street. (Jimerson)
7. Consideration and possible action upon scheduling a Special Council Meeting on April 2nd, 2024. (Jimerson)
8. Consider and possible action upon Resolution 2024-02-02 for 2023-2024 Budget Amendment #1. (Arnall)
9. Consideration and possible action upon the second reading of Ordinance 2023-12-01, regarding a request to re-zone a property from R1 to I1. (Hughes/McElfresh)
10. Consideration and possible action upon the second reading of Ordinance 2023-12-02, regarding a request to re-zone a property from R3 to M2. (Hughes/McElfresh)

11. Consideration of a recommendation from the Planning and Zoning Commission upon the first reading of ordinance 2024-01-01 regarding a request to create a new zoning district for Town Homes. (Hughes/McElfresh)
12. Consideration and possible action upon a recommendation from the Planning and Zoning Commission to rezone a property from R2 to TH upon the first reading of Ordinance #2024-02-02.
13. Consideration and possible action upon a recommendation from the Planning and Zoning Commission to rezone a property from R1 to TH upon the first reading of Ordinance # 2024-02-02.

DEPARTMENTAL REPORTS:

14. The City Council may deliberate and make inquiry into any item listed in the Departmental Reports.
 - A. City Manager
 - B. Fire Department
 - C. Police Department including the 2023 Annual Racial Profiling Report.
 - D. Animal Center
 - E. Community Development
 - F. Public Services/Parks and Recreation Department
 - G. Public Utilities
 - H. Finance Department
 - I. City Secretary
 - J. Communications and Marketing
 - K. HEDCO Sales Tax Revenue November and December 2023
 - L. Director of Operations Departmental Reports below.
 - Civic Center
 - Main Street/Tourism
 - Municipal Court

BOARDS AND COMMISSIONS

- Board of Adjustments Minutes
- Planning and Zoning Minutes from January Meeting
- Cemetery Board Meeting Minutes
- Main Street Meeting Minutes
- Preservation Minutes

EXECUTIVE SESSION:

REGULAR SESSION:

ADJOURNMENT

15. Adjourn

The City Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development).

ACCESSIBILITY STATEMENT

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (903) 657-6551.

CERTIFICATE

I certify the foregoing notice was posted on the notice board in front of the Municipal Services Complex, Henderson, Texas, on this ____ day of
_____, 20____.

Jay Abercrombie, City Manager

MINUTES OF THE
HENDERSON CITY COUNCIL
Regular Scheduled Meeting

December 19, 2023

CALL TO ORDER: *The Mayor will call the meeting to order, declare a quorum if present, and declare notices legally posted pursuant to Open Meetings Act.*

Mayor Fullen called the meeting to order at 6 p.m.

Council members present were Stephen Strong, Reggie Weatherton, Henry Pace, Melissa Morton, and Gina Juarez.

Staff members present were City Manager Jay Abercrombie, City Secretary Cheryl Jimerson, City Attorney Russell Brown, Chief of Police Chad Taylor, Fire Chief Rusty Chote, Director of Operations Davis Brown, Director of Public Services Kirk Kimbrell, Director of Utilities Randy Boyd, Finance Director Karen Arnall, Animal Center Director Charissa Pool, Planning and Zoning Administrator/Building Official Dennis Williams, Zoning Coordinator Billy Hughes, Health Officer Wes Breitenberg, Civic Center Manager Stephanie Kimbrell, Communications and Marketing Coordinator Phedra Johnson, and HEDCO Director John Clary.

INVOCATION AND PLEDGE OF ALLEGIANCE:

Council Member Reggie Weatherton gave the invocation, Mayor Buzz Fullen led the Pledges.

CITIZENS COMMENTS

Don Crites brought to the city's attention a property known as 103 W. Lakeview Dr. having code violations. The property has been abandoned and a hazard for quite some time. He started a petition to bring it before the Council hoping something could be done about it. Mr. Crites had not contacted the Code Enforcement Department with a complaint nor submitted the petition to anyone in the city.

Mayor Fullen asked the Community Development Department to check on this property.

PRESENTATIONS/ANNOUNCEMENTS

There were no presentations.

CONSENT AGENDA

1. Consideration of possible action upon the minutes of November 21, 2023.

2. Consideration and Possible Action upon HEDCO financials for the month of October 2023.

Council Member Melissa Morton made a motion to approve the consent agenda, duly seconded by Council Member Gina Juarez. The vote was unanimous.

COUNCIL BUSINESS – REGULAR SESSION

3. Consideration and possible action upon a retainer agreement for Russell Brown as the City Attorney and Prosecutor for legal services to the City of Henderson. (Abercrombie)

City Manager Jay Abercrombie stated at the November meeting that the Council appointed Russell Brown as the City Attorney effective December 1, 2023. Russell Brown has submitted a contract for the City of Henderson to pay six thousand dollars a month as the City Attorney and the prosecutor for legal services. This is one thousand dollars more than we were paying the previous City Attorney from the last raise agreed upon in 2018.

Council Member Stephen Strong made a motion to approve the contract presented by Russell Brown, duly seconded by Council Member Reggie Weatherton. The vote was unanimous.

4. Consideration and possible action regarding approving a contract with Wildfire Truck & Equipment Sales for Brush Truck bed and accessories for a supplied chassis. (Chote)

Fire Chief Rusty Chote asked the Council to consider authorizing Wildfire Truck & Equipment Sales to proceed with the building of a brush truck bed and fitting out a supplied chassis for a new brush truck for the Henderson Fire Department. The Rusk County Emergency Services District (RCESD) donated a new 5500 Ram chassis to the Henderson Fire Department in August 2023. The new brush truck will be used for wildfire and other emergency calls for both the City of Henderson and Rusk County.

Council Member Melissa Morton made a motion to approve the contract for a new brush truck bed and accessories for the Fire Department, duly seconded by Council Member Gina Juarez. The vote was unanimous.

5. Consideration and possible action upon a Memorandum of Understanding (MOU) Agreement with Carlisle ISD and the Henderson Civic Center. (S.Kimbrell)

This agreement is made to establish Henderson Civic Center as a shelter site location and terms of use in the event of an evacuation of Carlisle students and staff.

Carlisle Superintendent Josh Johnson reached out to look at area Rusk County facilities their district might utilize if they needed a reunification site for various emergencies for Carlisle ISD. Rusk County Expo Center is their Option 1. Henderson Civic Center will be their Option 2.

Council Member Reggie Weatherton made a motion to approve the agreement with Carlisle ISD, duly seconded by Council Member Gina Juarez. The vote was unanimous.

6. Consideration and possible action on the second reading of the ordinance regarding the 2050 Comprehensive Plan. (Hughes/McElfresh)

Planning and Zoning Coordinator Billy Hughes gave a synopsis of the 2050 Comprehensive Plan to council. The city contracted with Kimley Horn on March 22, 2022 to lead the city in discussions and development of a comprehensive plan for the city's future growth and development. A committee of citizens, stakeholders and business owners was formed to advise the city council and residents the direction they believed the city should be going in for the next 20 to 30 years. Public hearings, workshops, an open house at city hall as well as setting up a booth at the Syrup Festival. All to get input, opinions and information from citizens and area residents on their vision of Henderson 20 years from now.

Kimley Horn used the information and data to guide them as they developed the new 2050 Comprehensive Plan for the City of Henderson.

Council Member Henry Pace made a motion approving Ordinance 2023-11-01 as listed in this item, duly seconded by Council Member Reggie Weatherton. The vote was unanimous.

7. Consideration and possible action upon a Minor Plat Application submitted for a property located at 111 S. Mill St. (Hughes/McElfresh)

Planning and Zoning Coordinator Billy Hughes asked council to consider a Minor Plat application submitted by Collin Miley on behalf of Derrell Tucker and Lizbeth Garcia-Tucker. The subject property is located at 111 S. Mill St. The Tuckers already own one of the lots and recently purchased the vacant lot next to it. The vacant lot is too small for the owners to make any improvements to it under the current zoning requirements, so they are requesting to combine the two lots. Mr. Collin Miley, a registered surveyor, has surveyed and prepared a new plat combining Lots 8 and 9 of Block 109A located on S. Mill St. The new property will meet all current requirements.

Council Member Melissa Morton made a motion to approve said minor plat, duly seconded by Council Member Gina Juarez. The vote was unanimous.

8. Consideration of a recommendation from the Planning and Zoning Commission upon the first reading of Ordinance 2023-12-01, regarding a request to re-zone a property from R1 to I1. (Hughes/McElfresh)

Planning and Zoning Coordinator Billy Hughes explained to council, the Planning and Zoning Commission and our staff recommend that council approve an amendment to the Official Zoning Map that will give the owners the opportunity to include this adjoining property in their existing commercial property. The subject property is described as:

All Lot 14 Blk 658, of the TT Gammage Survey, Parcel #66

LSG Partners recently purchased this property that adjoins their property located at 502 Kilgore Drive. The property had an old substandard structure on it that was torn down and the lot cleared. Mr. Sam Jones, owner of LSG Partners, is requesting that this property be re-zoned to I1 so that he may fence it in and include this property as a part of his existing lay down yard for his business.

Council had no questions or comments on the first reading of Ordinance 2023-12-01.

9. Consideration and possible action on a Minor Plat application submitted by Bane Investment Holdings LLC. (Hughes/McElfresh)

Planning and Zoning Coordinator Billy Hughes and staff recommended approval of a Minor Plat application in order to re-plat approximately 209 undeveloped lots contained in 17-18 Blocks of land in the Crimcrest Addition into two (2) lots consisting of 46.13 acres combined.

Council Member Henry Pace made a motion to approve a Minor Plat of the Crimcrest Addition, duly seconded by Council Member Reggie Weatherton. The vote was unanimous.

10. Consideration of a recommendation from the Planning and Zoning Commission upon the first reading of Ordinance 2023-12-2, regarding a request to re-zone a property from R3 to M2. (Hughes/McElfresh)

Planning and Zoning Coordinator Billy Hughes and the Planning and Zoning Commission recommended the City Council consider the first reading of Ordinance 2023-12-2, to amend the Zoning Map for the City of Henderson, changing the zone designation of a property that is currently zoned High Density Single Family Residential (R3) to a Multi-Family (M2) zoned district. This property is located on North Evenside and North Whippoorwill Ave. The property is described as: Lot 1 9.611 Acres, BIH Addition of the F N Brooks Survey in Henderson, Texas. City Sec Cheryl Jimerson asked the ordinance number be corrected from 2023-12-2 to 2023-12-02 for the 2nd reading.

Council had no questions or comments on the first reading of Ordinance 2023-12-02.

11. Consideration and possible action upon a recommendation to the Interview Committee from the Main Street Board on the appointment of Brooke Dover of Campfire Coffee Shop as a Main Street and Preservation Board Member. (Jimerson)

The interview Committee consisted of Mayor Fullen, Mayor Pro tem Henry Pace and City Secretary Cheryl Jimerson. There were three applications submitted and recommended by the Main Street Board; Cyndi Walker, Ryan Ellis, and Brooke Dover.

There was a unanimous vote to recommend Brooke Dover to the City Council as the new board member for the Main Street and preservation Boards.

Council Member Melissa Morton made a motion to approve Brooke Dover as the new board member, duly seconded by Council Member Gina Juarez. The vote was unanimous.

DEPARTMENTAL REPORTS:

12. The City Council may deliberate and make inquiry into any item listed in the Departmental Reports.

A. City Manager

B. Fire Department

Fire Chief Rusty Chote mentioned earlier in the meeting that the firefighters would move from Old City Hall back into the living quarters of Central Fire Station right after Christmas.

C. Police Department

D. Animal Center

E. Community Development

F. Public Services/Parks and Recreation Department

G. Public Utilities

H. Finance Department

I. City Secretary

J. Communications and Marketing

K. HEDCO Sales Tax Revenue October 2023

L. Director of Operations Departmental Reports below.

Civic Center

Main Street/Tourism

Municipal Court

Council Member Reggie Weatherton made a point to tell the Public Services Director Randy Boyd, thank you.

The council had no questions or comments on the monthly reports.

BOARDS AND COMMISSIONS

Board of Adjustments Minutes

Planning and Zoning Minutes from the November 14 Meeting.

Cemetery Board Meeting Minutes

Main Street Meeting Minutes

Preservation Minutes

The council had no questions or comments on the Board meeting minutes.

EXECUTIVE SESSION:

There was a no executive session.

REGULAR SESSION:

ADJOURNMENT

13. Adjourn

Council Member Gina Juarez made a motion to adjourn at 6:28 p.m., duly seconded by Council Member Melissa Morton. The vote was unanimous.

ATTEST:

Cheryl Jimerson, City Secretary

APPROVED:

John Fullen, Mayor



City Council

Agenda Item # 2.

SUBJECT: Consideration and Possible Action upon HEDCO financials for the month of November 2023

MEETING DATE: February 20, 2024

DEPARTMENT: HEDCO

CONTACT: John Clary, HEDCO Director

RECOMMENDED CITY COUNCIL ACTION: To approve HEDCO financials for the month of October 2023

ITEM SUMMARY:

BACKGROUND INFORMATION:

SPECIAL CONSIDERATIONS:

SUPPORTING MATERIALS:

1. HEDCO FINANCIALS 2023-2024 (Updated Thru 2023-11-30)

HEDCO - APPROVED BUDGET 2022-2023

A	B	C	D	E	F	G	H	I	J	K
1	Last Edit Date:	December 14, 2023	TYPE A and B EDC		All expenditures expected to come from Type A bank account.					
2	Budget approved:	HEDCO - August 22, 2023	11/30/2023 Checking Acct. # 4911857 Balance		\$ 693,841.48					
3	Budget approved:	City Council - August 22, 2023	11/30/2023 Money Market Acct. # 4011759 Balance		\$ 2,187,480.32					
4	Budget amended:		11/30/2023 Type B Checking Acct. # 4271963 Balance		\$ 3,210,749.55					
5			Total Account Balances		\$ 6,092,071.35					
6			Approved	Final	APPROVED		Y-T-D			
7			Budget	Budget	BUDGET	1-Month Ended	2023-2024	% Of		
8	Acct.#	Description	2022-2023	2022-2023	2023-2024	11/30/2023	9/30/2024	Budget		Notes
9					12	2			17%	Percent of year completed
10	REVENUE									
11	3010	Sales Tax Revenues Type B	1,750,000.00	1,860,457.77	1,910,000.00	210,169.27	382,279.61		20%	
12	3025	Interest Income - Type A	165,500.00	158,463.05	130,000.00	6,978.62	15,139.00		12%	
13	3025	Interest Income - Type B			69,000.00	7,126.93	14,033.48		20%	
14	3030	Land Sales	123,246.60	203,346.60						Previous Year - 7.6 acres to Tyler Pipe
15	3059	Lease Income - Texas Materials Group - 29.16 Ac.	12,800.00	12,800.00						Previous Year - Mo.Lease - Industrial Dr. (CR 203) was Texas Bit/Oldcastle - Complete 9/2023 (to receive \$1600.00 per month 2/2022 thru 9/2023) Lease Agreement ENDED JUNE, 2023
16	3090	Other (Misc) Revenue	115,463.13	115,463.13	-	5,000.00	5,000.00			SWEPCO Planning Grant Received (Not budgeted)
17	TOTAL REVENUE		2,167,009.73	2,350,530.55	2,109,000.00	229,274.82	416,452.09		20%	
18	* Footnote		Note Receivable from Rusk County Rural Rail District - Not Included in Budget Totals							Notes receivable accrue on the balance sheet vs.the budget at. \$6,666.67 per month. Pmt. Deferred for 15 years until 2037.
19										
20										

HEDCO - APPROVED BUDGET 2022-2023

	A	B	C	D	E	F	G	H	I	J	K
6				Approved	Final	APPROVED		Y-T-D			
7				Budget	Budget	BUDGET	1-Month Ended	2023-2024	% Of		
8	Acct.#		Description	2022-2023	2022-2023	2023-2024	11/30/2023	9/30/2024	Budget		Notes
21			EXPENDITURES								
22			Economic Development Expenses								
23	6116		Henderson Canvas Products, Inc.								Job creation incentive, 6-jobs @ \$5,000 /job. Forgiveable loan executed March 2021. \$30,000 forgiveable Loan in A/R
24	6119		High Demand Job Training Grant #5	50,000.00		50,000.00					\$50,000 is HEDCO match. Application was submitted Nov-Dec 2023
25	6120		Proj Provalus - Remodel Old City Hall Complex		68,378.16	270,000.00					Project Provalus - Renovation of old city hall complex. Max exposure is \$325,000. Expended 68,378 to date
26	6122		US 259 Infrastructure (Christus)			750,000.00					Infrastructure for new Christus Clinic. Total exposure for the project is \$750,000
27	6123		Project K&L Recycling			190,000.00					Was for incentives for K&L Recycling. Project is on hold.
28	6124		Project SWEPCO			(173,559.00)				0%	Revenue for sale of 10 acres to SWEPCO. Anticipated in January 2024
29	6190		Matching Grants for Business Retention - Industrial Park	150,000.00		150,000.00					New matching grant program for Henderson Industrial Park.
30	6200		Business Incentives for new or existing businesses	350,000.00	4,000.00	350,000.00					Place Holder - Reserve for Incentive for New Businesses. \$5,000 per job x 100 jobs.
31											
32			Total Economic Development Expenses	550,000.00	72,378.16	1,586,441.00	-	-	0%		
33											
34			Supplies, Office Expenses and Professional Services								
35	6501		Accounting (Monthly Bookkeeping + Annual Audit)	12,000.00	10,590.00	14,000.00	375.00	750.00	5%	PB&J Accounting, Auditor Morgan LaGrone CPA	
36	6502		Insurance - General Liability	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	100%	City of Henderson Liability premium to HEDCO. Lump sum annual payment.	
37	6503		Legal (Attorney)	30,000.00	39,459.60	35,000.00	112.50	112.50	0%	Legal fees	
38	6504		Office Expenses	1,500.00	2,995.71	2,500.00	352.05	710.92	28%	Office supplies, copy paper, printer cartridges, computers, printer, furniture, bookshelves, storage, etc.	
39	6505		Postage & Shipping	100.00	261.75	250.00			0%	Stamps, Fed-Ex, UPS	

HEDCO - APPROVED BUDGET 2022-2023

	A	B	C	D	E	F	G	H	I	J	K
6				Approved	Final	APPROVED		Y-T-D			
7				Budget	Budget	BUDGET	1-Month Ended	2023-2024	% Of		
8	Acct.#		Description	2022-2023	2022-2023	2023-2024	11/30/2023	9/30/2024	Budget		Notes
40	6506	Property Tax			70.53	75.00				0%	Copy machine tax
41	6507	Telephone, Cell (Admin)		600.00	550.00	600.00	50.00	100.00		17%	Office Phone, Cell for Adm. Asst.
42	6508	Utilities - Provalus					1,725.89	2,228.19	#DIV/0!		These are Provalus utility expenses. Was not budgeted here.
43	6509	Professional Services - Consulting Fees, Engineering, Design, Architectural (Part of Capital Expenses)		225,000.00	202,791.96	225,000.00	9,350.00	17,500.00		8%	New Business Park, Professional Services, Property Surveys, Engineering, Phase 1 Environmentals, Streets, Drainage, Sidewalks, Water, Sewer, Fiber, Natural Gas
44		Subtotal - Supplies, Office Expenses and Professional		270,700.00	258,219.55	278,925.00	13,465.44	22,901.61		8%	
45											
46		Personnel Expenses									
47	7001	Contract Labor - Executive Director (with City)		161,539.00	138,553.08	161,539.00		21,553.26		13%	Salary, Insurance, Retirement, Cell Phone, Car Allowance, W/H invoiced by City of Henderson,
48	7002	Insurance Life - Adm. Asst.		1,200.00							Life Insurance - Office Manager Karen Smith
49	7003	Insurance Health - Adm. Asst.		5,044.00	4,176.14				#DIV/0!		Medical Insurance - Office Manager Karen Smith
50	7004	Insurance Worker's Comp - Adm. Asst.		396.00	381.52			(45.00)	#DIV/0!		Hartford Ins. - Office Manager Karen Smith
51	7007	Retirement -Adm. Asst.		4,000.00	3,957.98				#DIV/0!		Kansas City Life - Office Manager Karen Smith
52	7008	Salary - Adm. Asst.		49,850.00	45,549.63				#DIV/0!		Salary - Office Manager Karen Smith
53	7009	Payroll Taxes - Adm Asst.		4,950.00	4,200.63				#DIV/0!		Payroll Taxes - Office Manager Karen Smith
54	7010	Contract Labor - Dir. of Marketing/Business Dev.		108,280.00	67,510.14	89,500.00		15,774.39		18%	Salary, Insurance, Retirement, Cell Phone, Car Allowance, W/H invoiced by City of Henderson. Director of Marketing
55	7011	Insurance Health - Dir. of Marketing		3,940.00	3,937.14	5,250.00	404.00	808.00		15%	Health Insurance - Director of Marketing
56		Contract Labor - Administrative Assistant			722.77	70,500.00			9,148.95		Shelby
57	7020	Contract Labor - Admin Asst Part Time				30,000.00					Contract labor - Projected
58											
59		Subtotal - Personnel Expenses		339,199.00	268,989.03	356,789.00	404.00	47,239.60		13%	
60											

HEDCO - APPROVED BUDGET 2022-2023

	A	B	C	D	E	F	G	H	I	J	K
6				Approved	Final	Approved		Y-T-D			
7				Budget	Budget	Budget	1-Month Ended	2023-2024	% Of		
8	Acct.#		Description	2022-2023	2022-2023	2023-2024	11/30/2023	9/30/2024	Budget		Notes
61			Program Expenses								
62	7201		Website Annual License Fees	9,400.00	3,074.00	3,074.00	4,050.00	4,050.00	132%		Annual License Fee to ED Suite. Invoiced Nov 31 annually.
63	7202		Website Development, Maintenance, Upgrades, etc.	12,094.00	13,095.00	5,000.00		5,000.00	100%		Website CMS technology update (back end), new photo gallery, better mapping, new business park pages, updated property search tool, incentives tool - Website design updates by EDSuite
64	7203		Advertising and Marketing	70,100.00	43,705.23	70,000.00	1,159.27	4,936.45	7%		Print ads, Direct mail or email, Marketing travel, Trade shows, Sponsorships, Printed flyers & brochures, Marketing signage, Videos, Billboard, Public Notices, + Business Park Coming Soon Signs
65	7204		Meetings and Entertainment	14,500.00	10,650.26	12,000.00		164.88	1%		Meeting refreshments, BREP meals, Prospect Hosting, Industry Appreciation Luncheon
66	7205		Dues, Memberships & Subscriptions	17,250.00	6,648.32	10,000.00	199.00	199.00	2%		Chamber of Commerce, TEDC, Rotary, Team Texas, ICSC, NETEDR, Adobe AcrobatDC (2), Place Marketing, also Computer Programs & Subscriptions
67	7206		Training & Travel - Non-Marketing Conferences, Webinars, Seminars and Training (Including Travel), Admin. Asst. Mileage, Misc Consulting Fees	25,000.00	8,684.17	12,000.00		11.88	0%		TEDC Conferences, Training Workshops, Webinars, PFIA Training, Software Technical Assistance, Rusk County Days Austin Trip, Admin Assistant Mileage.
68	7207		Non Engineering Studies	2,000.00							Previous year -ETCOG Broadband Study Match
69	7208		Special Projects								
70	7209		BREP Matching Grant Program (Type B Program) (Placeholder)								Business Retention - Matching grants for current or new businesses in current industrial parks.
71			Subtotal - Program Expenses	150,344.00	85,856.98	112,074.00	5,408.27	14,362.21		13%	
72											

HEDCO - APPROVED BUDGET 2022-2023

	A	B	C	D	E	F	G	H	I	J	K
6				Approved	Final	APPROVED		Y-T-D			
7				Budget	Budget	BUDGET	1-Month Ended	2023-2024	% Of		
8	Acct.#		Description	2022-2023	2022-2023	2023-2024	11/30/2023	9/30/2024	Budget		Notes
73			Repairs and Maintenance (Non-Capital Expenses)								
74	7302		Property Maintenance - Frisco Street Parcel (29 acres)	4,000.00	3,565.00	2,500.00			0%		Maintenance (Mowing, Clearing, Trimming, water detention, etc)
75	7303		Property Maintenance - Taylor Street/Greenbelt	600.00	500.00	500.00			0%		Greenbelt Maintenance
76	7304		Property Maintenance - Old Industrial Park	40,000.00	34,513.75						
77	7305		Property Maintenance - East Texas Regional Business Park	35,000.00	51,100.00	75,000.00		10,800.00	14%		Mowing, trimming, repairs & maintenance
78	7306		Monument and Wayfinding Sign - Industrial Park								Sign at CR 203 & Loop 571 (TXDOT Won't Allow)
79			Property Maintenance, Jim Allen Estate			400,000.00		-	0%		Clearing & pipeline moving
80	7307		Railroad Preventative Maintenance (Ties)								To facilitate NETRMA Grant for RR ties. \$240,000 reimbursement (Completed)
81	7308		Remodel CAC Bldg & Furnishings								Previous years
82	7309		Property Maintenance - Old City Hall Complex		1,947.79	10,000.00	1,835.72	5,274.83	53%		Maintenance items not covered by Provalus agreement
83			Subtotal - Repairs and Maintenance (Non-Capital)	79,600.00	91,626.54	488,000.00	1,835.72	16,074.83	3%		
84											
85			TOTAL EXPENSES	1,389,843.00	777,070.26	2,822,229.00	21,113.43	100,578.25	4%		
86											

HEDCO - APPROVED BUDGET 2022-2023

	A	B	C	D	E	F	G	H	I	J	K
6				Approved	Final	APPROVED		Y-T-D			
7				Budget	Budget	BUDGET	1-Month Ended	2023-2024	% Of		
8	Acct.#		Description	2022-2023	2022-2023	2023-2024	11/30/2023	9/30/2024	Budget		Notes
87	CAPITAL OUTLAY										
88	7501		Purchase of Property for New Business Park	400,000.00	345,654.03	234,000.00					2019-20 Alford Parcel \$1,044,000, 2020-21 Richardson Parcel \$327,621.95. 2020-21 9.786 Acres \$39,144. 2022-23 Jim Allen Estate \$345,444, 2023-24 Colley Property \$230,000 + \$4,000 for
89	7502		East Texas Reg. Business Park - Capital Expenditures - Utilities & Street Improvements, Land Clearing, Sidewalks, Pond improvements	3,800,000.00	2,897,119.01	1,037,933.50	228,688.23	544,504.37	52%		John Wright Construction, Few Land & Timber & Other Contractors
90	7503		Grant Match for TCF Grant - Morris Street								Previous Year - TCF Program was Shelved by TX Ag Commission
91	7504		Speculative Building - Design and Construction								Engineer, design and construct a 20,000 sq ft building. On HOLD
92			CR203 Industrial Drive Improvements			2,000,000.00					Project estimated at \$4 million. Need participation by City and County
93	Total Capital Outlay			4,200,000.00	3,242,773.04	3,271,933.50	228,688.23	544,504.37	17%		
94											
95	TOTAL EXPENDITURES (Expenses + Capital Outlay)			5,589,843.00	4,019,843.30	6,094,162.50	249,801.66	645,082.62	11%		
96	Totals										
97	Total Revenues			2,167,009.73	2,350,530.55	2,109,000.00	229,274.82	416,452.09	20%		
98	(Less) Total Expenditures			5,589,843.00	4,019,843.30	6,094,162.50	249,801.66	645,082.62	11%		
99	Net Increase/Decrease In Unrestricted Net Assets			(3,422,833.27)	(1,669,312.75)	(3,985,162.50)	(20,526.84)	(228,630.53)	6%		
100	Receivable for Loan - Rusk County Rural Rail District				-						Agreement to defer for 15 years until the year 2037.
101	Total Available to Contribute to Fund Balance			(3,422,833.27)	(1,669,312.75)	(3,985,162.50)	(20,526.84)	(228,630.53)	6%		Operating income less operating expenses
102											
103	Potential Transfer From Fund Balance										Projected Expenditures In Excess of Annual Income
104											
105	FINAL BALANCE			-3,422,833.27	-1,669,312.75	-3,985,162.50	-20,526.84	-228,630.53			



City Council

Agenda Item # 3.

SUBJECT: Consideration and Possible Action upon HEDCO financials for the month of December 2023

MEETING DATE: February 20, 2024

DEPARTMENT: HEDCO

CONTACT:

RECOMMENDED CITY COUNCIL ACTION:

ITEM SUMMARY:

BACKGROUND INFORMATION:

SPECIAL CONSIDERATIONS:

SUPPORTING MATERIALS:

1. HEDCO FINANCIALS 2023-2024 (Updated Thru 2023-12-31)

HEDCO - APPROVED BUDGET 2022-2023

	A	B	C	D	E	F	G	H	I	J	K	
1	Last Edit Date:	January 18, 2024	TYPE A and B EDC All expenditures expected to come from Type A bank account. 12/31/2023 Checking Acct. # 4911857 Balance \$ 405,556.16 12/31/2023 Money Market Acct. # 4011759 Balance \$ 2,192,775.22 12/31/2023 Type B Checking Acct. # 4271963 Balance \$ 3,407,684.09 Total Account Balances \$ 6,006,015.47									
2	Budget approved:	HEDCO - August 22, 2023										
3	Budget approved:	City Council - August 22, 2023										
4	Budget amended:											
5												
6				Approved	Final	APPROVED		Y-T-D				
7				Budget	Budget	BUDGET	1-Month Ended	2023-2024	% Of			
8	Acct.#	Description	2022-2023	2022-2023	2023-2024	12/31/2023	9/30/2024	Budget		Notes		
9					12	3			25%	Percent of year completed		
10	REVENUE											
11	3010	Sales Tax Revenues Type B	1,750,000.00	1,860,457.77	1,910,000.00	189,000.43	571,280.04		30%			
12	3025	Interest Income - Type A	165,500.00	158,463.05	130,000.00	6,528.95	21,667.95		17%			
13	3025	Interest Income - Type B			69,000.00	7,934.11	21,967.59		32%			
14	3030	Land Sales -Old Industrial Park	123,246.60	203,346.60						Previous Year - 7.6 acres to Tyler Pipe		
15	3059	Lease Income - Texas Materials Group - 29.16 Ac.	12,800.00	12,800.00						Previous Year - Mo.Lease - Industrial Dr. (CR 203) was Texas Bit/Oldcastle - Complete 9/2023 (to receive \$1600.00 per month 2/2022 thru 9/2023) Lease Agreement ENDED JUNE, 2023		
16	3090	Other (Misc) Revenue	115,463.13	115,463.13			5,000.00			Previous Year - Winly Foods reimbursement on incentive		
17	TOTAL REVENUE		2,167,009.73	2,350,530.55	2,109,000.00	203,463.49	619,915.58		29%			
18												
19	* Footnote		Note Receivable from Rusk County Rural Rail District - Not Included in Budget Totals									
20												

HEDCO - APPROVED BUDGET 2022-2023

	A	B	C	D	E	F	G	H	I	J	K
6				Approved	Final	APPROVED		Y-T-D			
7				Budget	Budget	BUDGET	1-Month Ended	2023-2024	% Of		
8	Acct.#		Description	2022-2023	2022-2023	2023-2024	12/31/2023	9/30/2024	Budget		Notes
21	EXPENDITURES										
22	Economic Development Expenses										
23	6116		Henderson Canvas Products, Inc.								Job creation incentive, 6-jobs @ \$5,000 /job. Forgiveable loan executed March 2021. \$30,000 forgiveable Loan in A/R
24	6119		High Demand Job Training Grant #5	50,000.00		50,000.00					Application to be submitted Nov-Dec 2023
25	6120		Proj Provalus - Remodel Old City Hall Complex		68,378.16	270,000.00					Project Provalus - Renovation of old city hall complex. Max exposure is \$325,000. Expended 68,378 to date
26	6121		Proj Provalus - Utilities				1,391.45	1,391.45			
27	6122		US 259 Infrastructure (Christus)			750,000.00					Infrastructure for new Christus Clinic. Total exposure for the project is \$750,000
28	6123		Project K&L Recycling			190,000.00					Was for incentives for K&L Recycling. Project is on life support.
29	6124		Project SWEPCO			(173,559.00)					Revenue for sale of 10 acres to SWEPCO.
30	6190			150,000.00		150,000.00					
31	6200		Business Incentives for new or existing businesses	350,000.00	4,000.00	350,000.00					Place Holder - Reserve for Incentive for New Businesses. \$5,000 per job x 100 jobs.
32											
33			Total Economic Development Expenses	550,000.00	72,378.16	1,586,441.00	1,391.45	1,391.45	0%		
34											
35	Supplies, Office Expenses and Professional Services										
36	6501		Accounting (Monthly Bookkeeping + Annual Audit)	12,000.00	10,590.00	14,000.00	825.00	1,575.00	11%	PB&J Accounting, Auditor Morgan LaGrone CPA	
37	6502		Insurance - General Liability	1,500.00	1,500.00	1,500.00		1,500.00	100%	City of Henderson Liability premium to HEDCO. Lump sum annual payment.	
38	6503		Legal (Attorney)	30,000.00	39,459.60	35,000.00	113.00	225.50	1%	Legal fees	
39	6504		Office Expenses	1,500.00	2,995.71	2,500.00	472.83	1,183.75	47%	Office supplies, copy paper, printer cartridges, computers, printer, furniture, bookshelves, storage, etc.	
40	6505		Postage & Shipping	100.00	261.75	250.00			0%	Stamps, Fed-Ex, UPS	

HEDCO - APPROVED BUDGET 2022-2023

	A	B	C	D	E	F	G	H	I	J	K
6				Approved	Final	APPROVED		Y-T-D			
7				Budget	Budget	BUDGET	1-Month Ended	2023-2024	% Of		
8	Acct.#		Description	2022-2023	2022-2023	2023-2024	12/31/2023	9/30/2024	Budget	Notes	
41	6506		Property Tax		70.53	75.00			0%	Copy machine tax	
42	6507		Telephone, Cell (Admin)	600.00	550.00	600.00	50.00	150.00	25%	Office Phone, Cell for Adm. Asst.	
43	6508		Utilities - HEDCO Offices					2,228.19		Potential utilities in new building.	
44	6509		Professional Services - Consulting Fees, Engineering, Design, Architectural (Part of Capital Expenses)	225,000.00	202,791.96	225,000.00	41,886.15	59,386.15	26%	New Business Park, Professional Services, Property Surveys, Engineering, Phase 1 Environmentals, Streets, Drainage, Sidewalks, Water, Sewer, Fiber, Natural Gas	
45			Subtotal - Supplies, Office Expenses and Professional	270,700.00	258,219.55	278,925.00	43,346.98	66,248.59	24%		
46											
47			Personnel Expenses								
48	7001		Contract Labor - Executive Director (with City)	161,539.00	138,553.08	161,539.00	16,164.93	37,718.19	23%	Salary, Insurance, Retirement, Cell Phone, Car Allowance, W/H invoiced by City of Henderson,	
49	7002		Insurance Life - Adm. Asst.	1,200.00						Life Insurance - Office Manager Karen Smith	
50	7003		Insurance Health - Adm. Asst.	5,044.00	4,176.14				#DIV/0!	Medical Insurance - Office Manager Karen Smith	
51	7004		Insurance Worker's Comp - Adm. Asst.	396.00	381.52			(45.00)	#DIV/0!	Hartford Ins. - Office Manager Karen Smith	
52	7007		Retirement -Adm. Asst.	4,000.00	3,957.98				#DIV/0!	Kansas City Life - Office Manager Karen Smith	
53	7008		Salary - Adm. Asst.	49,850.00	45,549.63				#DIV/0!	Salary - Office Manager Karen Smith	
54	7009		Payroll Taxes - Adm Asst.	4,950.00	4,200.63				#DIV/0!	Payroll Taxes - Office Manager Karen Smith	
55	7010		Contract Labor - Dir. of Marketing/Business Dev.	108,280.00	67,510.14	89,500.00	11,830.80	27,605.19	31%	Salary, Insurance, Retirement, Cell Phone, Car Allowance, W/H invoiced by City of Henderson. Director of Marketing	
56	7011		Insurance Health - Dir. of Marketing	3,940.00	3,937.14	5,250.00	404.00	1,212.00	23%	Health Insurance - Director of Marketing	
57			Contract Labor - Administrative Assistant		722.77	70,500.00	7,767.58	16,916.53			
58	7020		Contract Labor - Admin Asst Part Time			30,000.00				Contract labor - Projected	
59	7022		Contract Labor - Attorney								
60			Subtotal - Personnel Expenses	339,199.00	268,989.03	356,789.00	36,167.31	83,406.91	23%		
61											

HEDCO - APPROVED BUDGET 2022-2023

	A	B	C	D	E	F	G	H	I	J	K
6				Approved	Final	APPROVED		Y-T-D			
7				Budget	Budget	BUDGET	1-Month Ended	2023-2024	% Of		
8	Acct.#		Description	2022-2023	2022-2023	2023-2024	12/31/2023	9/30/2024	Budget		Notes
62	Program Expenses										
63	7201		Website Annual License Fees	9,400.00	3,074.00	3,074.00		4,050.00		132%	Annual License Fee to ED Suite. Invoiced Nov 31 annually.
64	7202		Website Development, Maintenance, Upgrades, etc.	12,094.00	13,095.00	5,000.00		5,000.00			Website CMS technology update (back end), new photo gallery, better mapping, new business park pages, updated property search tool, incentives tool - Website design updates by EDSuite
65	7203		Advertising and Marketing	70,100.00	43,705.23	70,000.00	7,096.06	12,032.51		17%	Print ads, Direct mail or email, Marketing travel, Trade shows, Sponsorships, Printed flyers & brochures, Marketing signage, Videos, Billboard, Public Notices, + Business Park Coming Soon Signs
66	7204		Meetings and Entertainment	14,500.00	10,650.26	12,000.00	77.25	242.13		2%	Meeting refreshments, BREP meals, Prospect Hosting, Industry Appreciation Luncheon
67	7205		Dues, Memberships & Subscriptions	17,250.00	6,648.32	10,000.00	771.91	970.91		10%	Chamber of Commerce, TEDC, Rotary, Team Texas, ICSC, NETEDR, Adobe AcrobatDC (2), Place Marketing, also Computer Programs & Subscriptions
68	7206		Training & Travel - Non-Marketing Conferences, Webinars, Seminars and Training (Including Travel), Admin. Asst. Mileage, Misc Consulting Fees	25,000.00	8,684.17	12,000.00		11.88		0%	TEDC Conferences, Training Workshops, Webinars, PFIA Training, Software Technical Assistance, Rusk County Days Austin Trip, Admin Assistant Mileage.
69	7207		Non Engineering Studies	2,000.00							Previous year -ETCOG Broadband Study Match
70	7208		Special Projects								
71	7209		BREP Matching Grant Program (Type B Program) (Placeholder)								Business Retention - Matching grants for current or new businesses in current industrial parks.
72	Subtotal - Program Expenses			150,344.00	85,856.98	112,074.00	7,945.22	22,307.43		20%	
73											

HEDCO - APPROVED BUDGET 2022-2023

	A	B	C	D	E	F	G	H	I	J	K
6			Approved	Final	APPROVED		Y-T-D				
7			Budget	Budget	BUDGET	1-Month Ended	2023-2024	% Of			
8	Acct.#		Description	2022-2023	2022-2023	2023-2024	12/31/2023	9/30/2024	Budget		Notes
74	Repairs and Maintenance (Non-Capital Expenses)										
75	7302		Property Maintenance - Frisco Street Parcel (29 acres)	4,000.00	3,565.00	2,500.00	900.00	900.00	36%	Maintenance (Mowing, Clearing, Trimming, water detention, etc)	
76	7303		Property Maintenance - Taylor Street/Greenbelt	600.00	500.00	500.00			0%	Greenbelt Maintenance	
77	7304		Property Maintenance - Old Industrial Park	40,000.00	34,513.75		25,000.00	25,000.00			
78	7305		Property Maintenance - East Texas Regional Business Park	35,000.00	51,100.00	75,000.00		10,800.00	14%	Mowing, trimming, repairs & maintenance	
79	7306		Monument and Wayfinding Sign - Industrial Park							Sign at CR 203 & Loop 571 (TXDOT Won't Allow)	
80			Property Maintenance, Jim Allen Estate			400,000.00				Clearing & pipeline moving	
81	7307		Railroad Preventative Maintenance (Ties)							To facilitate NETRMA Grant for RR ties. \$240,000 reimbursement (Completed)	
82	7308		Remodel CAC Bldg & Furnishings							Previous years	
83	7309		Property Maintenance - Old City Hall Complex		1,947.79	10,000.00		5,274.83		Maintenance items not covered by Provalus agreement	
84	Subtotal - Repairs and Maintenance (Non-Capital)			79,600.00	91,626.54	488,000.00	25,900.00	41,974.83	9%		
85											
86	TOTAL EXPENSES			1,389,843.00	777,070.26	2,822,229.00	114,750.96	215,329.21	8%		
87											

HEDCO - APPROVED BUDGET 2022-2023

	A	B	C	D	E	F	G	H	I	J	K
6				Approved	Final	APPROVED			Y-T-D		
7				Budget	Budget	BUDGET	1-Month Ended	2023-2024	% Of		
8	Acct.#		Description	2022-2023	2022-2023	2023-2024	12/31/2023	9/30/2024	Budget		Notes
88	CAPITAL OUTLAY										
89	7501		Purchase of Property for New Business Park	400,000.00	345,654.03	234,000.00					2019-20 Alford Parcel \$1,044,000, 2020-21 Richardson Parcel \$327,621.95. 2020-21 9.786 Acres \$39,144. 2022-23 Jim Allen Estate \$345,444, 2023-24 Colley Property \$230,000 + \$4,000 for
90	7502		East Texas Reg. Business Park - Capital Expenditures - Utilities & Street Improvements, Land Clearing, Sidewalks, Pond improvements	3,800,000.00	2,897,119.01	1,037,933.50	223,256.71	767,761.08		74%	John Wright Construction, Few Land & Timber & Other Contractors
91	7503		Grant Match for TCF Grant - Morris Street								Previous Year - TCF Program was Shelved by TX Ag Commission
92	7504		Speculative Building - Design and Construction								Engineer, design and construct a 20,000 sq ft building. On HOLD
93			CR203 Industrial Drive Improvements			2,000,000.00					Project estimated at \$4 million. Need participation by City and County
94	Total Capital Outlay			4,200,000.00	3,242,773.04	3,271,933.50	223,256.71	767,761.08		23%	
95											
96	TOTAL EXPENDITURES (Expenses + Capital Outlay)			5,589,843.00	4,019,843.30	6,094,162.50	338,007.67	983,090.29		16%	
97	Totals										
98	Total Revenues			2,167,009.73	2,350,530.55	2,109,000.00	203,463.49	619,915.58		29%	
99	(Less) Total Expenditures			5,589,843.00	4,019,843.30	6,094,162.50	338,007.67	983,090.29		16%	
100	Net Increase/Decrease In Unrestricted Net Assets			(3,422,833.27)	(1,669,312.75)	(3,985,162.50)	(134,544.18)	(363,174.71)		9%	
101	Receivable for Loan - Rusk County Rural Rail District				-				-		Agreement to defer for 15 years until the year 2037.
102	Total Available to Contribute to Fund Balance			(3,422,833.27)	(1,669,312.75)	(3,985,162.50)	(134,544.18)	(363,174.71)		9%	Operating income less operating expenses
103											
104	Potential Transfer From Fund Balance										Projected Expenditures In Excess of Annual Income
105											
106	FINAL BALANCE			-3,422,833.27	-1,669,312.75	-3,985,162.50	-134,544.18	-363,174.71			



City Council

Agenda Item # 4.

SUBJECT: Consideration and possible action on confirmation of the appointment of a Fire Chief for the City of Henderson. (Abercrombie)

MEETING DATE: February 20, 2024

DEPARTMENT: City Manager

CONTACT: Jay Abercrombie, City Manager

RECOMMENDED CITY COUNCIL ACTION: City Manager, Jay Abercrombie, recommends approval and appointment of Sonny Ybarra as the City of Henderson Fire Chief effective March, 2024.

ITEM SUMMARY: After over 32 years of service to the City of Henderson and the Fire Department within, Chief Rusty Chote is retiring. Chief Chote has been in his position as Chief for 15 years. Chief Chote has also served the City in the capacity of Interim City Manager twice. His service to the citizens, business owners, visitors etc. has been exemplary and always done with a gracious heart. Rusty will be missed by all the staff as he has been the solid rock for many during many changes over the years. Good luck in your retirement, Rusty Chote and don't be a stranger!

This news offered the difficult task of choosing the replacement as Fire Chief. Deputy Chief Sonny Ybarra will have served the City of Henderson's Fire Department for 20 years next month. He has served the last 4 and a half years as Deputy Chief. As we knew the retirement date for Chief Chote might be coming soon, Deputy Chief Ybarra stepped up and answered every question and challenge in front of him. I'm so encouraged that the most qualified candidate to fill the position as Fire Chief comes from within the department.

BACKGROUND INFORMATION:

SPECIAL CONSIDERATIONS:

SUPPORTING MATERIALS: None



City Council

Agenda Item # 5.

SUBJECT: Consideration and possible action authorizing the City Attorney and City Manager to enter into an agreement with MD Health Pathways (MDHP) presentation by the founder of MDHP Dr. Dirk Perritt. This will be allowing citizens to have access to low-cost healthcare for a small fee and allowing this fee to be billed through the Henderson Utility Billing system.

MEETING DATE: February 20, 2024

DEPARTMENT: City Manager

CONTACT: Jay Abercrombie, City Manager

RECOMMENDED CITY COUNCIL ACTION: Authorize the City Attorney and City Manager to enter into an agreement with MDHP.

ITEM SUMMARY: We all know the huge need for affordable and accessible healthcare for everyone in our community. I was first introduced to this service idea about a year ago when I attended a City Manager Luncheon and Dr. Dirk Perritt was the program speaker. He played out this new opportunity of text-based healthcare that was easy and seamless. I thought there must be some catch, so I have continued dialogue with Dr. Perritt and Parker Dahl over the last 12 months or so.

After many educational meetings and reviews from City Managers that are using the program, I believe this is something that we should consider in the City of Henderson. The role of the City is to simply allow the \$5 monthly fee to be added as a line item on our monthly utility bill. No other need or financial backing is requested of the City.

If Council agrees, this will allow myself and our City Attorney to negotiate and work out the agreement and partnership that will be brought back to Council for

approval in a future meeting.

BACKGROUND INFORMATION:

SPECIAL CONSIDERATIONS:

SUPPORTING MATERIALS: None



City Council

Agenda Item # 6.

SUBJECT: Consideration and possible action upon Resolution 2024-02-01 setting two public hearing dates for the application for the annexation of Bradshaw State Jail Facility located on the corner of Loop 571 and Industrial Park Drive, also known as County Road 203 and/ or Morris Street. (Jimerson)

MEETING DATE: February 20, 2024

DEPARTMENT: City Secretary

CONTACT: Cheryl Jimerson

RECOMMENDED CITY COUNCIL ACTION: Approve a resolution setting two public hearing dates upon the annexation application for Brashaw State Jail Facility.

ITEM SUMMARY: The city has been working for over a year with Bradshaw State Jail on an application submitted for annexation of the property at the corner of Loop 571 and County Road 203. They had some delays due to getting the property records in order to be able to make this happen. They have submitted all the required documents and are ready to move forward. The annexation time line process is attached.

BACKGROUND INFORMATION:

SPECIAL CONSIDERATIONS: None.

SUPPORTING MATERIALS:

1. 2024-02-01 Resolution-Annexation Public Hearings
2. Checklist for Petition to Annex into the City of Henderson

RESOLUTION 2024-02-01

RESOLUTION SETTING PUBLIC HEARINGS ON A PROPOSED ANNEXATION

WHEREAS, application has been submitted by Texas Department of Criminal Justice, (also known as Bradshaw State Jail) which is attached as **Exhibit A**, requesting voluntary annexation; and is granted by the City Council of the City of Henderson.

WHEREAS, public hearings are required by 43.028 of the Texas Local Government Code to hear arguments for and against the annexation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Henderson, Texas, that:

- 1) The governing body of the city must conduct two public hearings on any proposed annexation. The hearings must be held not more than 40 days nor less than 20 days prior to adoption of the ordinance annexing an area.
- 2) The Secretary of the City of Henderson, Texas is hereby authorized and directed to cause notice of such public hearing to be published once in a newspaper having general circulation in the city and in the above-described territory not more than twenty days nor less than ten days prior to the date of such public hearing, in accordance with the Municipal Annexation Act.
- 3) Public hearings are scheduled for March day of 19th, 2024 at 6:00 p.m. and April day of 2nd, 2024 at 6:00 p.m. in the City Council Chambers at 300 West Main Street, Henderson, Texas as the time and place the City Council will hear arguments for and against the annexation.
- 4) The City Manager is directed to prepare a Service Plan to provide for extension of full municipal services of the area to be annexed, publish appropriate notices and perform other activities necessary for the initiation of annexation proceedings for the aforementioned areas.
- 5) The annexation shall become effective immediately upon adoption and publication as required by law.

PASSED AND APPROVED this the February day of 20th, 2024.

J.W. (Buzz) Fullen, Mayor

ATTEST:

Cheryl Jimerson, City Secretary

Petition to Annex into the City of Henderson Checklist

- Send the petitioner the procedure and application form, Service Plan and Development Agreement.
 - Need survey and field notes.
 - Date forms were sent _____
- Received application and forms.
 - Date received _____
- Send information to the City Attorney to create an ordinance.
- Place on Council Agenda
- Council members set two public hearing dates by Resolution.
 - 1st public hearing _____
 - 2nd public hearing _____
- Send written notice to School District or other entity that provides services including ROW that may be incorporated (TXDOT, Railroad, County)
- Publish in paper 20th to 11th day before public hearing.
 - Public Notice must be on Website.
 - Date of first publication _____
 - Date of second publication _____
 - Date filed at Court House _____



City Council

Agenda Item # 7.

SUBJECT: Consideration and possible action upon scheduling a Special Council Meeting on April 2nd, 2024. (Jimerson)

MEETING DATE: February 20, 2024

DEPARTMENT: City Secretary

CONTACT: Cheryl Jimerson

RECOMMENDED CITY COUNCIL ACTION: Approval of a Special Council Meeting on April 2nd at 6 p.m. to have the second public hearing for the Bradshaw State Jail Facility and first reading of the annexation ordinance.

ITEM SUMMARY: In accordance with the timeline on the required public hearings for voluntary annexations, there must be a special meeting scheduled.

BACKGROUND INFORMATION:

SPECIAL CONSIDERATIONS:

SUPPORTING MATERIALS: None



City Council

Agenda Item # 8.

SUBJECT: Consider and possible action upon Resolution 2024-02-02 for 2023-2024 Budget Amendment #1. (Arnall)

MEETING DATE: February 20, 2024

DEPARTMENT: Finance

CONTACT: Karen Arnall, Finance Director

RECOMMENDED CITY COUNCIL ACTION: Staff recommends Council to approve the item as presented.

ITEM SUMMARY: This is to amend the 2023-2024 budget for items ordered but not yet received or projects started but not yet completed in 2023. These items or projects will be received and most likely completed in 2024. An exception could be the Eastside Sewer Main Project. The budget amendment recommended to Council addresses needed changes to the 2023-2024 budget affecting the following funds: General Fund, Equipment Replacement, and 2018 Bond Series.

BACKGROUND INFORMATION: The total budget amendment request is \$1,608,141.55.

SPECIAL CONSIDERATIONS:

SUPPORTING MATERIALS:

1. Budget Amendment #1 2023-2024
2. 2024-02-02 Resolution-Budget Amendment 1 FY2023-2024

2023-2024 Budget Amendment #1

REVENUES			EXPENSES		
Account	DESCRIPTION	Amend	Account	Description	Amount to Amend
General Fund					
Administration Department					
01-5999	Beginning Balance	\$ 14,500.00	01-6349-10	Administrative Services	\$ 14,500.00
	TOTAL Administration	<u>\$ 14,500.00</u>			<u>\$ 14,500.00</u>
Fire Department					
01-5999	Beginning Balance	\$ 73,890.00	01-6750-15	Capital	\$ 73,890.00
	TOTAL Fire Department	<u>\$ 73,890.00</u>			<u>\$ 73,890.00</u>
Police Department					
01-5999	Beginning Balance	\$ 36,838.30	01-6701-16	TX Eastern 911 Grant	\$ 26,338.30
			01-6748-16	PD Shooting Range-Donations	\$ 10,500.00
	TOTAL Police Department	<u>\$ 36,838.30</u>			<u>\$ 36,838.30</u>
Animal Center					
01-5999	Beginning Balance	\$ 8,000.00	01-6450-20	Buildings & Grounds	\$ 8,000.00
	TOTAL Animal Center	<u>\$ 8,000.00</u>			<u>\$ 8,000.00</u>
Miscellaneous Department					
01-5999	Beginning Balance	\$ 10,000.00	01-6710-25	Comprehensive Plan	\$ 10,000.00
01-5999	Beginning Balance	\$ 608,191.25	01-6920-25	American Rescue Plan	\$ 608,191.25
	TOTAL Miscellaneous	<u>\$ 618,191.25</u>			<u>\$ 618,191.25</u>
	TOTAL General Fund	<u>\$ 751,419.55</u>			<u>\$ 751,419.55</u>
Equipment Replacement Fund					
09-5999	Beginning Balance	\$ 82,923.00	09-6849	Animal Center Truck	\$ 82,923.00
	TOTAL Equipment Replacement	<u>\$ 82,923.00</u>			<u>\$ 82,923.00</u>
2018 Bond Series					
33-5999	Beginning Balance	\$ 90,234.00	33-6784	Eastside Sewer Main Proj-Engineer	\$ 90,234.00
33-5999	Beginning Balance	\$ 683,565.00	33-6785	Eastside Sewer Main Proj-Const	\$ 683,565.00
	TOTAL 2018 Bond Series	<u>\$ 773,799.00</u>			<u>\$ 773,799.00</u>
	TOTAL REVENUES	\$ 1,608,141.55			TOTAL EXPENDITURES \$ 1,608,141.55

8-Jan-24

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HENDERSON, TEXAS, AUTHORIZING THE 2023-2024 BUDGET AMENDMENTS, AMENDMENT #1.

WHEREAS, the City Council of the City of Henderson, Texas, on the 12th day of September 2023, adopted the Fiscal Budget of the City of Henderson, for the period beginning October 1, 2023, and ending September 30, 2024, all such proceedings being in accordance with Local Government Code Sections 102.005-102.008; and

WHEREAS, Article VI, Section 7, of the Charter of the City of Henderson provides that the City Council, for good cause shown, may pass resolutions transferring appropriations made from one department to another department, but that in no event shall the total appropriations made for all the departments of the City exceed the reasonable and anticipated revenues of the City in excess of fixed charges for that year. The City Council hereby finds good cause to transfer appropriations previously made in the original budget for this Fiscal Year between departments.

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

SECTION 1.

That certain of the appropriations made in the Fiscal Budget for 2023-2024 are hereby transferred between departments in the following funds as more fully set out in the City of Henderson 2023-2024 Budget Amendments, **Amendment #1 (Attachment A)**, on file in the office of the City Secretary:

- (1) General Fund *
 - Administration Department
 - Fire Department
 - Police Department
 - Animal Center Department
 - Miscellaneous Department
- (2) Equipment Replacement Fund
- (3) 2018 Bond Series

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HENDERSON, TEXAS, this 16th day of January 2024.

John (Buzz) Fullen, Mayor

ATTEST:

Cheryl Jimerson, City Secretary



City Council

Agenda Item # 9.

SUBJECT: Consideration and possible action upon the second reading of Ordinance 2023-12-01, regarding a request to re-zone a property from R1 to I1. (Hughes/McElfresh)

MEETING DATE: February 20, 2024

DEPARTMENT: Community Development

CONTACT: Billy Hughes, P & Z Coordinator

RECOMMENDED CITY COUNCIL ACTION: Staff recommends the City Council consider and approve the second reading of Ordinance # 2023-12-01 that will amend the Zoning Map for the City of Henderson changing the zone designation of a property that is currently zoned Low Density Single Family Residential (R1) to Low Intensity Industrial (I1) zoned district.

This property is located at 511 Millville Dr. in Council District 1.

ITEM SUMMARY: The Planning and Zoning Commission and our staff recommends that council consider an amendment to the Official Zoning Map that will change the current zoning of the property from R1 to I1. The property is described as:

All Lot 14 Blk 658

TT Gammage Survey

Henderson, Texas

BACKGROUND INFORMATION: LSG Partners recently purchased this property that adjoins their property at 502 Kilgore Drive. The property had an old sub-standard structure on it that was torn down and the lot cleared. Mr. Sam Jones, owner of LSG Partners, is requesting that this property be re-zoned to I1 so that he may fence it in and include this property as a part of his existing lay

down yard.

SPECIAL CONSIDERATIONS: None

SUPPORTING MATERIALS:

1. Ordinance for rezone R1 to I1

**AN ORDINANCE REZONING A CERTAIN PORTION OF A
LOT ABOUT THE 500 BLOCK OF MILLVILLE DRIVE
FROM A R1 LOW DENSITY RESIDENTIAL
DISTRICT TO A I1 LOW INTENSITY INDUSTRIAL
DISTRICT; PROVIDING A REPEALER;
PROVIDING FOR SEVERABILITY; AND
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, a certain lot located in the 500 block of Millville Drive, approximately 0.604 acres is now zoned R1 Low Density Residential District; and

WHEREAS, certain owners of said lot have requested that 0.604 acres be rezoned from R1 Low Density Residential District to I1 Low Intensity Industrial District in order to add it to their adjoining commercial property; and

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

SECTION 1: The Zoning Ordinance of the City of Henderson, Texas, and the Zoning Map of the City of Henderson, Texas, are hereby amended as required by Section 7.12 of the Henderson Zoning Ordinance in order to remove the following lot, as described and shown on the abstract of the City of Henderson, Texas tax roll and The City of Henderson, Texas official zoning map, from the R1 Low Density Residential Zoning and rezoned said 0.604 acres to I1 Low Intensity Industrial District Zoning. The property is located in the 500 block of Millville Drive as also depicted on the attached Zoning Map marked Exhibit "A" and description as Exhibit "B" and described as:

**ALL LOT 14 BLK 658
T.T. GAMMAGE SURVEY
Parcel ID 66**

SECTION 2: Repealer.

All ordinance or parts of ordinances inconsistent with the terms of this Ordinance are hereby repealed, provided, however, that such repeal shall be only to the extent of such inconsistency and, in all other respects, the subject matter covered by this Ordinance shall continue to be in full form and effect.

SECTION 3: Severability.

If any provision, exception, section, subsection, paragraph, sentence, clause or phrase of this Ordinance or the application of same to any person or set of circumstances shall for any reason be held unconstitutional, void or invalid, such invalidity shall not affect the validity of the remaining provisions of the Ordinance or their application to other persons or sets of circumstances and, to this end, all provisions of the Ordinance are declared to severable.

SECTION 4: Open Meeting.

It is hereby found that this Ordinance was adopted at an Open Meeting as required by law.

SECTION 5: Effective Date.

That this Ordinance shall take full effect and force upon the passage by the City Council of the City of Henderson, Texas and publication as required by law.

CONSIDERATION OF the first reading of this ordinance on the _____ day of _____, 2023.

PASSED, APPROVED AND ADOPTED upon the second reading of this ordinance on the _____ day of _____, 2023

Mayor John Fullen

ATTEST:

Cheryl Jimerson: City Secretary



City Council

Agenda Item # 10.

SUBJECT: Consideration and possible action upon the second reading of Ordinance 2023-12-02, regarding a request to re-zone a property from R3 to M2. (Hughes/McElfresh)

MEETING DATE: February 20, 2024

DEPARTMENT: Community Development

CONTACT: Billy Hughes, P & Z Coordinator

RECOMMENDED CITY COUNCIL ACTION: Staff recommends the City Council consider approving the second reading of Ordinance 2023-12-02 amending the Zoning Map for the City of Henderson, changing the zoning designation of a property that is currently zoned High Density Single Family Residential (R3) to Multi-Family 2 (M2) zoned district.

This property is located on North Evenside and North Whippoorwill Ave. in Council District 3.

ITEM SUMMARY: The Planning and Zoning Commission and our staff recommends that council approve the second reading of an ordinance that will amend to the Official Zoning Map. Final approval of this ordinance will change the current zoning of a property from R3 to M2. The property is described as:

Lot 1 9.611 Acres

BIH Addition

F N Brooks Survey

Henderson, Texas

BACKGROUND INFORMATION: Bane Investment Holdings LLC purchased this property approximately a year ago and had it cleared of the timber and brush. The owner is now planning to develop this property for multi-family use,

consisting of 34 duplexes, if the request to rezone the property is approved.

SPECIAL CONSIDERATIONS: . If approved, this multi-family development would give the city some much needed housing options..

SUPPORTING MATERIALS:

1. BIH Addition Ordinance 2023-12-02

ORDINANCE No. 2023-12-02

AN ORDINANCE TO AMEND THE ZONING MAP FOR THE CITY OF HENDERSON, TEXAS; TO CHANGE ZONING TO PROPERTY LOCATED ON NORTH EVENSIDE AVENUE AND NORTH WHIPPOORWILL AVENUE FROM A HIGH DENSITY SINGLE FAMILY RESIDENTIAL (R3) TO (M2) MULTI -FAMILY DESIGNATION ; TO PROVIDE A REPEALER; PROVIDE FOR SEVERABILITY; AND PROVIDE AN EFFECTIVE DATE.

WHEREAS, a certain lot located on North Evenside Ave. and North Whippoorwill Ave. more fully described herein below, is now zoned High Density Single Family Residential (R3) ; and

WHEREAS, certain owners of said property have requested that their property be rezoned from High Density Single Family Residential (R3) to Multi-family (M2) in order to facilitate development of multi-family only facilities; and

WHEREAS, certain lots located in the subject area, once more fully developed and occupied for the intended purpose of multi-family utilization will enhance the neighboring area of other multi-family facilities which is critical to economic and social growth and prosperity.

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

SECTION 1: Zoning Change.

The Zoning Ordinance of the City of Henderson, Texas, and the Zoning Map of the City of Henderson, Texas, are amended to remove the following lot, as described and shown on the abstract of the City of Henderson, Texas, tax roll and The City of Henderson, Texas, official zoning map, from High Density Single Family Residential (R3) and to be replaced and rezoned as Multi-family (M2) . The property herein is more fully described in the legal description below:

**Lot 1 9.611 acres
BIH Addition
F N Brooks Survey A-101
City of Henderson
Rusk County, Texas**

SECTION 2: Repealer.

All ordinance or parts of ordinances inconsistent with the terms of the Ordinance are hereby repealed, provided, however, that such repeal shall be only to the extent of such inconsistency and, in all other respects, the subject matter covered by this Ordinance shall continue to be in effect.

SECTION 3: Severability.

If any provision, exception, section, subsection, paragraph, sentence, clause or phrase of this Ordinance or the application of same to any person or set of circumstances shall for any reason be held unconstitutional, void or invalid, such invalidity shall not affect the validity of the remaining provisions of the Ordinance or their application to other persons or sets of circumstances and, to this end, all provisions of the Ordinance are declared to severable.

SECTION 4: Open Meeting.

It is hereby found that this Ordinance was adopted at an Open Meeting as required by law.

SECTION 5: Effective Date.

That this Ordinance shall take full effect and force upon the passage by the City Council of the City of Henderson, Texas and publication as required by law.

CONSIDERATION OF the first reading of this ordinance on this the _____ day
of _____, 2023
PASSED, APPROVED AND ADOPTED on the second and final reading on this
the _____ day of _____ 2023.

John W. Fullen, Mayor
City of Henderson,
Texas

ATTEST:

Cheryl Jimerson, City Secretary
City of Henderson, Texas



City Council

Agenda Item # 11.

SUBJECT: Consideration of a recommendation from the Planning and Zoning Commission upon the first reading of ordinance 2024-01-01 regarding a request to create a new zoning district for Town Homes. (Hughes/McElfresh)

MEETING DATE: February 20, 2024

DEPARTMENT: Community Development

CONTACT: Billy Hughes, P & Z Coordinator

RECOMMENDED CITY COUNCIL ACTION: : The Planning and Zoning Commission and our staff recommend council consider approving ordinance #2024-01-01 adding the Town Home Dwelling District to Article 2 of the City of Henderson's Zoning Ordinances, including the proposed appropriate developmental standards for this district.

ITEM SUMMARY: This proposed amendment would create a new zoning district for Town Homes that can be placed within certain residentially zoned districts and adjacent to certain appropriate zoned districts.

BACKGROUND INFORMATION: Presently, the City of Henderson has no residential district that permits a zero lot line for single family attached dwelling units to be built and sold as such. If approved, the "Town Home Dwelling District" would have its own Developmental Standards, Permitted Uses and Special Exception Uses.

SPECIAL CONSIDERATIONS: Our staff has already been approached by several builders and property owners interested in building town homes. If approved, the creation of this new Town Home Dwelling District would be the first step toward the direction of residential developments suggested by the

newly adopted 2050 Comprehensive Plan.

SUPPORTING MATERIALS:

1. Town Home Ordinance
2. Developmental standards for Town Homes
3. Proposed 3 unit town home

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR A NEW SECTION OF THE ZONING ORDINANCE OF THE CITY OF HENDERSON, TEXAS, TO PROVIDE FOR THE CREATION OF A NEW ZONING DISTRICT TO BUILD TOWN HOMES IN CERTAIN RESIDENTIAL DISTRICTS; PROVIDING SETBACK REQUIREMENTS; REGULATING SIGNAGE; PROVIDING FOR COMPLIANCE WITH OTHER CODES; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON FINAL ADOPTION

WHEREAS, On February 19, 2024, the City Council of the City of Henderson, Texas, amended the Zoning Ordinance of the City of Henderson to establish a new zoning district to allow Town Homes to be built within the certain residential zoning districts; and

WHEREAS, owners of property located within the City of Henderson have requested the Planning and Zoning Commission to recommend to the City Council that a new zoning district be established specifically for Town Homes; and

WHEREAS, the Planning and Zoning Commission has recommended that the Zoning Ordinance be amended to provide for a Town Home District be allowed by amending the zoning map for the City of Henderson in certain Residential Districts within the City of Henderson; and

WHEREAS, the City Council of the City of Henderson, Texas, has determined that it would be in the best interest of the citizens to approve the recommendation of the Planning and Zoning Commission, thereby allowing certain properties in districts of the City of Henderson in order to promote growth;

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

Section 1: That there be created a new section to be added to Article 2 of the City Zoning Ordinance, to be designated as Section 2.37 of Article 2, which such new section shall read as follows:

"SECTION 2.37 Town Home Dwelling District"

Development Regulations:

District Intent

The Townhome Districts intent is to provide for development of single family-attached units on separate lots, platted with a zero foot (0') side yard setback on the interior units and built to accommodate five (5) to twelve (12) dwelling units per acre. The maximum number of units attached shall not exceed six (6). Corresponding future land use designations generally include Medium Density Residential and High Density Residential.

Application for District

New Development

Appropriate Adjacent Zoning Districts

AG, PR, and IS

Appropriate Within Zoning Districts

RE, R1, R2, R3, M1 and M2

a. **Permitted Uses**

Accessory Permitted Uses

Home business (Type 1)

Residential Permitted Uses

Dwelling single-family attached

b. **Special Exception Uses**

Accessory Special Exception Uses Home business (Type 2).

Residential Special Exception Uses Low Density Single Family Residential

Developmental Standards

Minimum Lot Area	6000sf
Minimum Lot Width	25'
Minimum Lot Depth	100'
Minimum separation between structures	15'
Maximum Lot Coverage	80%
Minimum Front Yard Setback	30'
Min Front Yard Setback for Corner Lot	30' from each street Front
Minimum side Yard setback	0' between attached units 7 1/2' on end units
Minimum rear yard setback	10'
Minimum Dwelling Size	800 sf
Maximum Height	35'

All structures shall meet all other applicable requirements of the adopted zoning ordinances.

All structures shall meet all applicable Building, Fire and Health codes.

c. Signs:

No signs shall be allowed identifying the Townhome structures other than address identification on building.

d. All structures shall meet all applicable Building, Fire and Health Codes."

Section 2: That the provisions of this Ordinance shall be severable. If any provision of this ordinance is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision of application.

Section 3: That all ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

Section 4: That this ordinance shall take full effect and force upon the passage by the City Council of the City of Henderson, Texas.

PASSED AND APPROVED upon the first reading on this the _____ day of _____, 2024.

PASSED, APPROVED, AND ADOPTED on the second and final reading on this the _____ day of _____, 2023.

J. W. FULLEN
Mayor

ATTEST:

Cheryl Jimerson
City Secretary

Town Home (TH) Dwelling District

District Intent	Permitted Uses	Special Exception Uses
<p>The Town Home Districts intent is to provide for development of single family-attached units on separate lots, built to accommodate five (5) to twelve (12) dwelling units per acre.</p> <p>The maximum number of units attached shall not exceed six (6).</p> <p>Corresponding future land use designations generally include Medium Density Residential and High Density Residential.</p>	<p>Accessory Permitted Uses Home business (Type 1)</p> <p>Residential Permitted Uses Dwelling single-family attached</p>	<p>Accessory Special Exception Uses Home business (Type 2)</p> <p>Residential Special Exception Uses Low Density Single Family Residential</p>
Application for District New Development		
Appropriate Adjacent Zoning Districts AG, PR, and IS		
Appropriate Within Zoning Districts RE, R1, R2, R3, M1 and M2		

Minimum Lot Area	6000 sf
Minimum Lot Width	25'
Minimum Lot Depth	100'
Maximum Lot Coverage	80%
Minimum Front Yard Setback	30'
Minimum Front Yard Setback for Corner Lot	30' from property line on both street fronts
Minimum Side Yard Setback	0' between attached units; 7 1/2' on end units
Minimum Rear Yard Setback	10'
Minimum Dwelling Size	800 sf
Maximum Stories	2.5
Minimum separation between structures	15'

All structures shall meet all other applicable requirements of the adopted zoning ordinances.

All structures shall meet all applicable Building, Fire and Health codes.





City Council

Agenda Item # 12.

SUBJECT: Consideration and possible action upon a recommendation from the Planning and Zoning Commission to rezone a property from R2 to TH upon the first reading of Ordinance #2024-02-02.

MEETING DATE: February 20, 2024

DEPARTMENT: Community Development

CONTACT: Billy Hughes, P & Z Coordinator

RECOMMENDED CITY COUNCIL ACTION: Staff recommends that the Council consider a recommendation from the Planning and Zoning Commission to amend the Zoning Map for the City of Henderson.

ITEM SUMMARY: The subject property is located at 501 S. Van Buren and is currently zoned Medium Density Single Family Residential (R2). Our staff recommends that this property be re-zoned to the Town Home Dwelling District (TH), pending final council approval of ordinance #2024-01-01.

BACKGROUND INFORMATION: At a meeting held February 16, 2024, the Planning and Zoning Commission recommended this change of zoning for a property located at 501 S. Van Buren. The owner of this property has requested that this property be rezoned to the Town Home (TH) district so that he may build a 3 unit Town Home on his lot.

SPECIAL CONSIDERATIONS: If approved, this will be the first town home built in the city in many years. The developer has told our staff that if successful, this will be the first of several he is considering building in Henderson.

SUPPORTING MATERIALS:

1. watertown (1)
2. 501 S Van Buren Ordinance
3. RCAD map



30151 - Watertown Data Sheet

1464
SQ FT

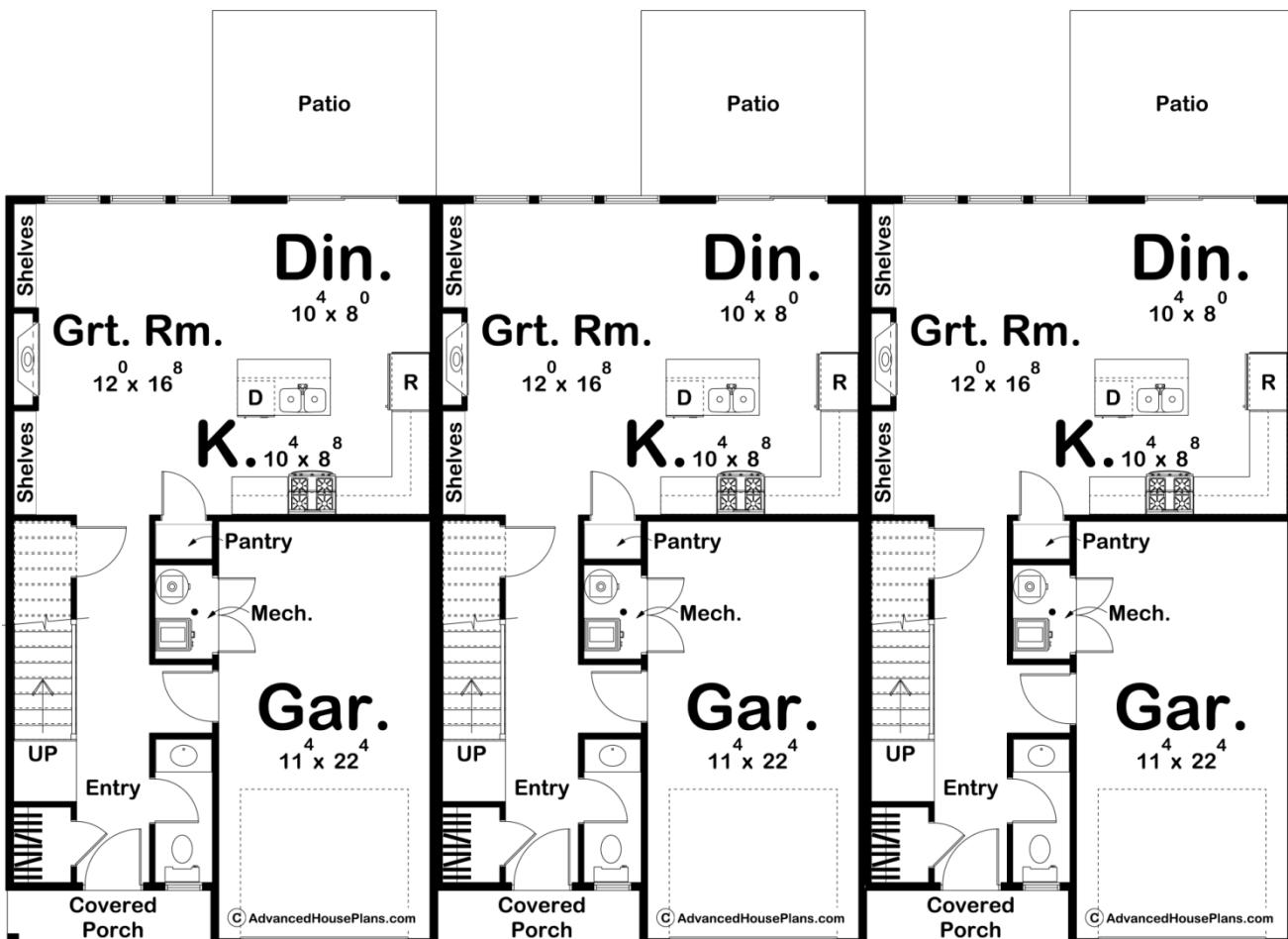
3
BEDS

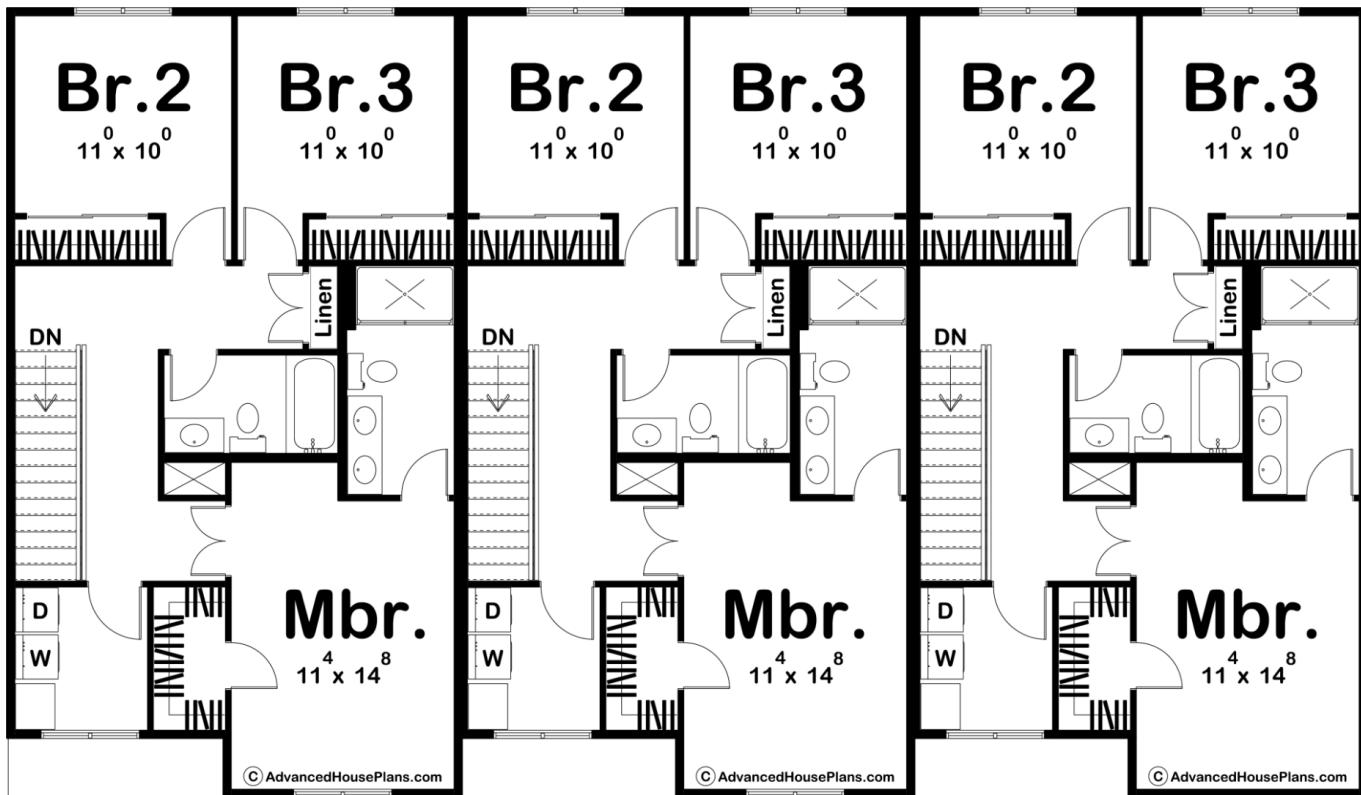
3
BATHS

1
BAYS

69' 0"
WIDE

40' 0"
DEEP





Construction Specs

Layout

Bedrooms	3
Bathrooms	3
Garage Bays	1

Square Footage

Main Level	622 Sq. Ft.
Second Level	842 Sq. Ft.
Covered Area	33 Sq. Ft.
Garage	264 Sq. Ft.
Total Finished Area	1464 Sq. Ft.

Exterior Dimensions

Width	69' 0"
Depth	40' 0"
Ridge Height <small>Calculated from main floor line</small>	30'

Default Construction Stats

Stats are unique to the individual plan.

Foundation Type	Slab
Exterior Wall Construction	2x4
Roof Pitches	6/12 Primary, 10/12 Secondary
Main Wall Height	9'
Second Wall Height	8'

Plan Description

The Watertown is the triplex version of our Tara Hills plan. It is an affordable 2-Story Modern Farmhouse style plan. The exterior features board and batten siding and a covered porch. The great room, kitchen, and dining room flow seamlessly in an open layout. The great room is warmed by a fireplace that is flanked by built-in bookshelves. The L-shaped kitchen includes an island and a reach-in pantry. A sliding glass door leads to the rear patio from the dining room. Upstairs, you'll find 3 bedrooms. The master suite includes a bathroom with dual vanities and a walk-in shower. Bedrooms 2 and 3 share a centrally located hall bathroom.

ORDINANCE NO. 2024-02-02

AN ORDINANCE PROVIDING FOR THE REZONING OF A PORTION OF THE MEDIUM DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT (R-2) ZONE OF THE CITY OF HENDERSON TO A TOWN HOME DWELLING DISTRICT (TH) ZONE; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON FINAL ADOPTION.

WHEREAS, on JUNE 13, 2017, the City of Henderson enacted the Zoning Ordinance of the City of Henderson designating the different zoning areas for the city, and

WHEREAS, the City Council finds that it is in the best interest of the citizens of the City that said portion of the City be rezoned to Single Family Attached Town Home Dwelling District (TH).

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

SECTION 1: That the Henderson Zoning Ordinance is hereby amended to change the zoning of W PT LT 3, BLK 68, J SMITH SUR, from a Medium Density Residential District (R-2) to a Single Family Attached Town Home (TH) District.

SECTION 2: That the provisions of this Ordinance shall be severable. If any provision of this Ordinance is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application.

SECTION 3: That all ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

SECTION 4: That this Ordinance shall take full effect and force upon the passage by the City Council of the City of Henderson, Texas.

PASSED AND APPROVED upon the first reading on this the _____ day of _____, 2024.

PASSED, APPROVED, AND ADOPTED upon the final reading on this the _____ day of _____, 2024.

JOHN W. FULLEN, MAYOR

ATTEST:

CHERYL JIMERSON, CITY SECRETARY

Rusk CAD Web App

by Richardson & Abbott, Inc.

[Home & Property Search](#) [Need Data?](#)

Rusk CAD Web App

4928

Show search results for 4928

X 

8751

28714

South Main
Church of
Christ

US 79 Bus

4928

28687

4927

7791

48470

32385

Map data © OpenStreetMap contributors, Microsoft, Facebook, Inc. and its affiliates.

th Van Buren Street

South Van Buren Street

100ft



City Council

Agenda Item # 13.

SUBJECT: Consideration and possible action upon a recommendation from the Planning and Zoning Commission to rezone a property from R1 to TH upon the first reading of Ordinance # 2024-02-02.

MEETING DATE: February 20, 2024

DEPARTMENT: Community Development

CONTACT: Billy Hughes, P & Z Coordinator

RECOMMENDED CITY COUNCIL ACTION: : Staff recommends that the Council consider a recommendation from the Planning and Zoning Commission to amend the Zoning Map for the City of Henderson.

ITEM SUMMARY: The subject property is located at 103 S. Frisco and is currently zoned Low Density Single Family Residential (R1). Our staff recommends that this property be re-zoned to the Town Home Dwelling District (TH), pending final council approval of ordinance #2024-01-01.

BACKGROUND INFORMATION: : At a meeting held February 16, 2024, the Planning and Zoning Commission recommended this change of zoning for a property located at 103 S. Frisco. The owner of this property has requested that this property be rezoned to the Town Home (TH) district so that he may build a 2 unit Town Home on his lot.

SPECIAL CONSIDERATIONS: The developmental standards that are proposed for the Town Home district require that any application to rezone a property in the R1 district must go before the Board of Adjustments for a Special Exception Use variance before the application to rezone the property can be considered. The BOA approved the Special Exception Use application and the Planning and

Zoning Commission voted to make the recommendation to council to consider and approve the request to rezone the property to the Town Home District.

SUPPORTING MATERIALS:

1. zoning ordinance R1 to TH

ORDINANCE NO. 2024-02-03

AN ORDINANCE PROVIDING FOR THE REZONING OF A PORTION OF THE LOW DENSITY SINGLE FAMILY RESIDENTIAL (R1) ZONE OF THE CITY OF HENDERSON TO A TOWN HOME DWELLING (TH) ZONE; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON FINAL ADOPTION.

WHEREAS, on JUNE 13, 2017, the City of Henderson enacted the Zoning Ordinance of the City of Henderson designating the different zoning areas for the City; and

WHEREAS, the City Council finds that it is in the best interest of the citizens of the City that said portion of the City be rezoned to Single Family Attached, Town Home Dwelling District (TH).

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

SECTION 1: That the Henderson Zoning Ordinance is hereby amended to change the zoning of Lot 2, Block 908, Meadow Acres, from a Low Density Single Family Residential District (R-1) to a Single Family Attached, Town Home Dwelling District (TH).

SECTION 2: That the provisions of this Ordinance shall be severable. If any provision of this Ordinance is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application.

SECTION 3: That all ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

SECTION 4: That this Ordinance shall take full effect and force upon the passage by the City Council of the City of Henderson, Texas.

PASSED AND APPROVED upon the first reading on this the _____ day of _____, 2024.

PASSED, APPROVED, AND ADOPTED upon the final reading on this the _____ day of _____, 2024.

JOHN W. FULLEN, MAYOR

ATTEST:

Cheryl Jimerson, CITY SECRETARY



HENDERSON FIRE DEPARTMENT

401 West Main St.
Henderson, Texas 75654
903-657-6551

Rusty Chote, Fire Chief
Sonny Ybarra, Deputy Fire Chief

YEARLY REPORT FOR 2023

<u>TYPE OF CALL</u>	<u>CITY</u>	<u>COUNTY</u>
<i>OTHER FIRES (Industrial/other)</i>	6	3
<i>STRUCTURE FIRES</i>	13	6
<i>VEHICLE FIRES</i>	12	10
<i>GRASS FIRES</i>	27	38
<i>ELECTRICAL FIRES</i>	12	0
<i>COOKING FIRES (KITCHEN)</i>	6	0
<i>POWER LINES</i>	22	2
<i>SMOKE CHECKS</i>	11	3
<i>ACCIDENTS (JAWS)</i>	7	6
<i>MVC'S (No Extrication)</i>	60	45
<i>AIRCRAFT STAND-BY</i>	4	4
<i>FUEL SPILLS/GAS LEAKS</i>	40	9
<i>RESCUE</i>	3	0
<i>MEDICAL CALLS</i>	270	78
<i>ALARM MALFUNCTIONS</i>	32	1
<i>FALSE ALARMS</i>	78	7
<i>DISPATCHED AND CANCELED ENROUTE</i>	60	33
<i>UNAUTHORIZED BURNING</i>	31	8
<i>tony</i>	2	9
<i>ASSIST OTHER DEPARTMENTS</i>	1	11
<i>MISCELLANEOUS CALLS/PUBLIC SERVICE</i>	44	25
TOTAL	741	298
MILEAGE	1915	2649
MANHOURS	1339	727
TOTAL CALLS		1039
TOTAL MILEAGE		4565
TOTAL MANHOURS		2254
TRAINING		1222
INSPECTIONS		387
FIRE PREVENTION PROGRAMS		1
PUBLIC RELATIONS EVENTS	30	
HYDRANT MAINTENANCE		831
WATER USAGE	44000	

HENDERSON FIRE DEPARTMENT



Administration

Every January, each of the three shifts at the Henderson Fire Department rotate the area of the City of Henderson that they are responsible for regarding fire inspections and fire hydrant maintenance. The Henderson Fire Department firefighters are divided into three shifts, A-shift, B-shift and C-shift, that work a 24 hour on duty and 48 hours off duty shift. Each shift captain and lieutenant are certified fire inspectors along with Chief Chote and Chief Ybarra. The city is divided into thirds with each shift covering a predetermined area. The shifts conduct fire inspections at each business within their area. These inspections are mandated by ISO and also assist the business owners in protecting their businesses regarding fire safety. These fire inspections also assist firefighters with knowing the floorplan of the businesses and the contents of the buildings. Each shift is also responsible to make sure each fire hydrant in the assigned area operates correctly, painted and caps greased and vegetation cleared around hydrant so it can be seen during an emergency if needed. These areas are rotated every

January 2024

Call Log

- Fire Calls: 77
- Medical Calls: 32
- Total Calls: 109
- Inspections: 2
- Hydrants: 0

January so firefighters get the opportunity to inspect every business and view every fire hydrant inside the City of Henderson every three years. In January, if weather permits, concentration will be on fire inspections. As spring arrives, the firefighters will be out clearing around and checking fire hydrants.



January 12th, 2024, A-shift got to show the Henderson Life Skills Class around the station and show them the firetrucks. We had a good time and was able to answer some good questions from the group.

January 12th to 14th, Firefighter Kaleb Horne attended the ICS 300 class in Glimer, TX. Training is a big part of the Henderson Fire Department. We are proud of Kaleb completing this course.

Firefighter Patrick Kelly, Captain Marc Marsh and Deputy Chief Ybarra attended the Chamber of Commerce banquet on January 23, 2024. Firefighter Kelly was awarded the Firefighter of the Year for going over and beyond in his duties. Firefighter Kelly has been with the Henderson Fire Department for a little over 3 years.



On January 30th, 2024, Texas Commission on Fire Protection "TCFP" Compliance Officer Jeff Aycock conducted the Henderson Fire Departments biennial inspection for 2022 & 2023. The TCFP inspects every municipal paid fire department in Texas every two years. The compliance inspection includes the HFD Standard Operating Procedure Guidelines, inspection records of PPE advanced cleaning and inspection, PPE tracking records, breathing air test records, SCBA daily inspection records, continuing education records and several more items that must be documented. The inspection also includes a hands-on inspection of PPE by Jeff Aycock. Every HFD firefighter on shift had to demonstrate the SCBA assigned to them that day passed a full function test. The Henderson Fire Department passed the Compliance Inspection with NO Violations Found acknowledgment and a follow-up close out letter from Mr. Aycock. The compliance inspection results came from everyone working at HFD from documenting daily inspection checks, to the yearly advanced cleaning and inspection of PPE, to proper filing the documents.



HENDERSON FIRE DEPARTMENT

401 West Main St.
Henderson, Texas 75654
903-657-6551

Rusty Chote, Fire Chief
Sonny Ybarra, Deputy Fire Chief

MONTHLY REPORT FOR JANUARY 2024

<u>TYPE OF CALL</u>	<u>CITY</u>	<u>COUNTY</u>
<i>OTHER FIRES (Industrial/other)</i>	2	0
<i>STRUCTURE FIRES</i>	1	1
<i>VEHICLE FIRES</i>	0	0
<i>GRASS FIRES</i>	0	0
<i>ELECTRICAL FIRES</i>	0	0
<i>COOKING FIRES (KITCHEN)</i>	0	0
<i>POWER LINES</i>	1	1
<i>SMOKE CHECKS</i>	4	0
<i>ACCIDENTS (JAWS)</i>	0	1
<i>MVC'S (No Extrication)</i>	7	8
<i>AIRCRAFT STAND-BY</i>	0	1
<i>FUEL SPILLS/GAS LEAKS</i>	4	0
<i>RESCUE</i>	0	0
<i>MEDICAL CALLS</i>	22	10
<i>ALARM MALFUNCTIONS</i>	3	0
<i>FALSE ALARMS</i>	13	1
<i>DISPATCHED AND CANCELED ENROUTE</i>	10	6
<i>UNAUTHORIZED BURNING</i>	1	0
<i>CONTROL BURN (COUNTY ONLY)</i>	0	0
<i>ASSIST OTHER DEPARTMENTS</i>	0	1
<i>MISCELLANEOUS CALLS/PUBLIC SERVICE</i>	8	3
TOTAL	76	33
MILEAGE	218.32	282.2
MANHOURS	201	31

TOTAL CALLS	109
TOTAL MILEAGE	500.5
TOTAL MANHOURS	232

TRAINING	Paid 72 Vol 14	Total	109
INSPECTIONS			2
FIRE PREVENTION PROGRAMS			0
PUBLIC RELATIONS EVENTS			1
HYDRANT MAINTENANCE			0
WATER USAGE			21,250



TEXAS COMMISSION ON FIRE PROTECTION

JEFF AYCOCK, COMPLIANCE OFFICER
PHONE: (512) 825-9640
P.O. Box 2286, AUSTIN, TEXAS 78768-2286
AUSTIN HQ PHONE: (512) 936-3838

January 30, 2024

R. Chote, Fire Chief
Henderson Fire Department
401 W. Main
Henderson, Texas 75652

Chief Chote:

It was a pleasure meeting you and your staff. I appreciate you and your staff's assistance in the inspection process.

I will note that your department has met the biennial compliance requirements for this cycle and will close the inspection.

Once again, thank you for your kind cooperation I received during the compliance inspection process. I also extend my personal thanks to you, for your continued dedication and support toward the mission of the fire service in Texas, and the regulations that enhance the safety of Texas firefighters.

Please contact me at jeff.aycock@tcfp.texas.gov or 512-825-9640 if you have any questions or comments regarding the Texas Commission on Fire Protection.

Sincerely,

A handwritten signature in black ink that reads "Jeff Aycoc".

Jeff Aycoc, Compliance Officer
Texas Commission on Fire Protection
Region 4 Field Office



UTHealth

East Texas

City of Henderson

January 2024 Emergency Calls Compliance

<u>Compliance</u>	<u>Calls</u>	<u>Late</u>
95.2%	124	5

Run# - 2082 – Priority 1 – Seizure

Total Response Time – 10 minutes 38 seconds

Multiple calls same area

Run# - 2240 – Priority 1 – Breathing Problem

Total Response Time – 11 minutes 49 seconds

Delay due to long out of chute time.

Run# - 7421 – Priority 1 – Cardiac Arrest

Total Response Time – 12 minutes 0 seconds

Unit was enroute to post when call dropped.

Run# - 8843 – Priority 1 – Chest Pain

Total Response Time – 10 minutes 46 seconds

Delay due to long out of chute time.

Run# - 7039 – Priority 2 – Chest Pain

Total Response Time – 17 minutes 21 seconds

Unit was enroute to post when call dropped.

	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April
	2022																
CALLS FOR SERVICE	802	738	671	753	878	1176	1160	1139	988	1001	1037	1030	975	991	970	1092	1047
OFFICER INITIATED CFS	86	66	53	105	209	486	484	414	388	289	362	295	321	299	371	364	331
DISPATCHED CFS	716	672	618	648	669	690	676	725	600	712	675	735	654	692	599	728	716
TRAFFIC CITATIONS	71	87	59	124	90	59	53	58	71	51	58	48	25	42	53	94	29
WRITTEN WARNINGS	327	338	275	490	425	286	274	182	234	168	240	152	185	187	231	241	134
ARREST	59	42	47	62	33	23	31	35	21	31	38	35	25	30	31	31	28
ACCIDENTS	22	23	14	24	17	21	28	29	21	37	19	44	35	50	35	39	41
DWI ARREST	0	1	3	1	1	4	3	0	2	1	2	3	2	3	1	1	1
(included above)																	
INCIDENT REPORTS																	
SENT TO CID	290	265	256	258	191	226	230	181	204	231	229	249	212	247	179	240	204
ASSIGNED	216	240	228	201	191	226	230	181	204	231	229	249	212	247	179	240	204
SUSPENDED	98	143	118	105	70	75	86	98	78	53	126	90	71	86	59	120	141
CLEARED	96	63	85	95	112	95	109	56	145	135	121	112	80	84	55	111	102
BURGLARY	15	10	12	4	1	5	5	2	19	15	7	14	17	14	3	7	10
ROBBERY	1	2	1	0	1	1	4	0	0	0	0	1	3	0	0	2	1
ASSAULT	40	27	26	23	12	10	31	22	19	32	28	27	31	26	15	41	29
POCS / POM*	12	5	9	6	2	3	3	4	2	0	3	0	1	2	3	2	2
SEXUAL ASSAULT	1	1	2	1	2	1	1	0	0	0	4	0	0	2	0	3	

* Includes marijuana, cocaine, etc.

May	June	July	Aug		Oct	Nov	Dec	Jan	2024
1077	1102	1133	1150	1180	1057	1019	1218	1033	
304	362	424	432	514	460	454	591	393	
773	740	709	718	666	597	565	627	640	
74	64	73	117	96	133	152	104	80	
185	170	225	224	285	178	182	324	244	
27	38	23	37	38	31	22	42	19	
39	46	37	28	30	35	21	35	45	
0	1	2	1	2	0	2	5	2	
233	280	212	206	191	202	148	197	176	
233	280	212	206	191	202	148	197	176	
59	141	117	174	110	72	90	91	85	
89	70	127	107	105	95	77	103	102	
23	15	13	6	13	12	10	6	1	
1	0	1	2	1	2	2	0	0	
32	28	21	31	27	26	18	26	29	
1	2	1	6	8	4	5	2	2	
2	3	1	1	1	0	1	0	0	

**Compatibility Report for Copy of Jan 2022 Monthly Report -
.xls
Run on 02/02/2022 16:35**

If the workbook is saved in an earlier file format or opened in an earlier version of Microsoft Excel, the listed features will not be available.

Minor loss of fidelity	# of occurrences	Version
Some cells or styles in this workbook contain formatting that is not supported by the selected file format. These formats will be converted to the closest format available.	17	Excel 97-2003



Memo

To: Jay Abercrombie, City Manager

From: Chad Taylor, Chief of Police

cc: Cheryl Jimerson, City Secretary

Date: February 5, 2024

Re: Henderson Police Department Monthly Report



Attached to this memo please find the monthly activity report from the Police Department for January.

The Henderson Police Department had a routine month for January. We got to interact and visit with our citizens during Mid-Morning coffee at Gabriel Jordan. Personnel participated in a local blood drive at one of the local nursing homes and we also able to celebrate and honor some of our best employees who do an outstanding job helping our city and community at the Chamber of Commerce Banquet.

- Open records continue to increase keeping our records clerk extremely busy.
- Two positions in dispatch are in the process of being filled.
- We have one cadet in the East Texas Police Academy, and two officer positions currently unfilled.

January 11, 2024– Chief Taylor, Lt. Bathke, Sgt. Charles Helton and several officers at the Carter Blood Drive.



January 11, 2024 – Chief Taylor and several Officers at Mid-Morning Coffee hosted by Gabriel Jordan.



January 24, 2024 – Chief Taylor and Sgt. Helton with the recognized Henderson Police Department employees at the Annual Chamber Event.





January 26, 2024 –Detective Dooley at the Pre-K Rhyming Parade fun.





Henderson Police Department

800 Lake Forest Parkway
Henderson, Texas 75652
Phone: 903-657-3512 Fax: 903-657-3345

Integrity ◦ Respect ◦ Accountability ◦ Courage ◦ Professionalism ◦ Dedication ◦ Service

02/01/2024

To: City Council
From: Chad Taylor, Chief
Ref: Training Report

Training report for the month of January

Total number of officers with license certification **3**

Total number of officers moved from basic to intermediate – **0**

Total number of officers moved to advanced – **0**

Total number of officers moved to master- **0**

Total number of officers in the cadet program- **1**

Total number of Telecommunicators with a temporary license – **1**

Total number of Telecommunicators moved from temporary license to basic-**0**

Total number of Telecommunicators moved from basic to intermediate-**0**

Total number of Telecommunicators moved from advance to master-**0**

Total Proficiency level moves - **0**

Approximate hours of training hours for the month of January-**431.05**

Information provided by Sgt. Charles Helton – Training/Community Outreach Coordinator



Henderson Police Department

800 Lake Forest Parkway

Henderson, Texas 75652

Phone: 903-657-3512 Fax: 903-657-3345

Integrity ◦ Respect ◦ Accountability ◦ Courage ◦ Professionalism ◦ Dedication ◦ Service

January 2024 Open Record Report

Request	ORR Received	ORR Completed	ORR Open
OAG Rulings	1	0	1
ORR US Gov.	13	13	0
ORR State Gov.	3	3	0
ORR Local Gov.	4	4	0
ORR Subpoena	0	0	0
ORR Civilian	17	17	0
ORR Attorney	24	24	0
CR-3 Crash Reports	57	57	0
Total Requests	119	118	1

Information provided by Stacey Strong – Records Administrator

Open Records Report

1/1/2024 to 1/31/2024

DATE(S)	Record Requestor	TIME IN	TIME OUT	HOURS	Charges
1/2/24	Civilian ORR H2311784	9:15 AM	9:47 AM	0.53	Complete
1/2/24	CR-3 Crash H2311639	9:15 AM	9:18 AM	0.05	Complete
1/2/24	CR-3 Crash H2312304	11:00 AM	11:20 AM	0.33	Complete
1/2/24	OAG Request H2309779 Complete	1:04 PM	1:18 PM	0.23	Complete
1/2/24	Lexis Nexis No. 6639 Voucher ES121681	1:18 PM	1:27 PM	0.15	15.00
1/2/24	CR-3 Crash H2311639	1:28 PM	1:32 PM	0.07	5.00
1/2/24	CR-3 Crash H2311676	1:32 PM	2:12 PM	0.67	5.00
1/2/24	Judge McWilliams /Benn Aubrean	2:00 PM	3:33 PM	1.55	No Charge
1/2/24	Takisha Woods/Wrong Jurisdiction	2:30 PM	2:43 PM	0.22	No Charge
1/2/24	Linda Rhomer / Questions	2:43 PM	2:53 PM	0.17	No Charge
1/2/24	Detective Rinell H2312126/H2312119	3:35 PM	3:43 PM	0.13	Complete
1/2/24	Glaze Garrett PLLC / H23052018/Wrong Jurisdiction	3:43 PM	4:15 PM	0.53	Complete
1/2/24	Parker Firm OAG ruling question	4:25 PM	4:34 PM	0.15	No Charge
1/2/24	Monsour Law H2303161 Complete	4:34 PM	5:13 PM	0.65	Paid
1/2/24	CR-3 Crash H2311639 Billed	5:13 PM	5:30 PM	0.28	Pending

DATE(S)	Record Requestor	TIME IN	TIME OUT	HOURS	Charges
1/3/24	FBI ORR Brewer, Jonathan	7:45 AM	9:41 AM	1.93	Complete
1/3/24	CR-3 Crash H2311673 No. 6642	9:54 AM	9:59 AM	0.08	5.00
1/3/24	Parker Firm PC H2304706	10:43 AM	12:06 PM	1.38	Paid
1/3/24	Lobby Call Regarding H2309398	12:07 PM	12:45 PM	0.63	Complete
1/3/24	ICE H2309398 M. Davis	12:45 PM	1:07 PM	0.37	Complete
1/3/24	Parker Law Firm PC H2304706	1:08 PM	5:00 PM	3.87	Paid
1/3/24	IceH2308167 Joshua S Levy	4:00 PM	4:26 PM	0.43	Complete
1/4/24	Parker Law Firm PC H2304706	8:21 AM	9:30 AM	1.15	Paid
1/4/24	CR-3 Report H2312182 No. 6643	9:54 AM	10:17 AM	0.38	6.00
1/4/24	Monsour Law Refund h2204707	10:18 AM	10:40 AM	0.37	Refund
1/4/24	DFPS D. Strimpel Wrong Jurisdiction	10:40 AM	10:59 AM	0.32	Complete
1/4/24	OAG Request H2309779	11:30 AM	11:50 AM	0.33	complete
1/4/24	Monsour Law H2205026 Old ORR	1:29 PM	3:50 PM	2.35	Paid
1/4/24	J Chad Parker H2312182 NO. 6669 CK# 2856	3:50 PM	4:23 PM	0.55	6.00
1/4/24	ORR Monsour Law H2205026 Old ORR	4:23 PM	5:00 PM	0.62	Paid
1/4/24	OAG J Chad Parker H2312182 OAG Ruling	9:30 AM	12:18 PM	2.80	OAG
1/5/24	ORR Julie Boren Strube Law/Ruth Babel No. 6679	12:58 PM	1:25 PM	0.45	36.00
1/5/24	ORR Monsour Law Old 8/19/2022 ORR	2:24 PM	4:00 PM	1.60	Paid
1/5/24	CR-3 Crash H2312304 No. 6644 Cash	3:00 PM	3:11 PM	0.18	6.00
1/5/24	ORR Monsour Law Old H2301463 2/17/23	4:00 PM	5:00 PM	1.00	Paid
1/8/24	ORR Monsour Law all cases	7:30 AM	10:30 AM	3.00	Paid
1/8/24	CR-3 AEP/Swepco H2301382	11:10 AM	11:45 AM	0.58	Complete
1/8/24	CR-3 112311012 No.6645 CK	11:46 AM	12:20 PM	0.57	5.00
1/8/24	CR-3 H2311260 No. 6646 CK	12:26 PM	12:35 PM	0.15	5.00
1/8/24	CR-3 H2311244 No. 6647 CK	12:36 PM	12:46 PM	0.17	5.00
1/8/24	CR-3 H2311012 No. 6648 CK	12:47 PM	12:57 PM	0.17	5.00

DATE(S)	Record Requestor	TIME IN	TIME OUT	HOURS	Charges
1/8/24	CR-3 H2310426 No. 6649 CK	12:58 PM	1:10 PM	0.20	5.00
1/8/24	CR-3 H2311114 No. 6650 CK	1:11 PM	1:21 PM	0.17	5.00
1/8/24	CR-3 H2311396 No. 6651 CK	1:22 PM	1:45 PM	0.38	5.00
1/8/24	OAG Brown Law OAG Ruling JCP Law	1:45 PM	2:55 PM	1.17	OAG
1/8/24	CR-3 202202461	2:55 PM	3:30 PM	0.58	Complete
1/8/24	ORR City of Tigard PD Oregon	3:30 PM	4:00 PM	0.50	Complete
1/8/24	DA Adult Sex Assau SART 2021 and 2022 Complete list	4:00 PM	5:00 PM	1.00	complete
1/9/24	ORR Vergara Miller Law 2307303 2003 case	7:30 AM	8:40 AM	1.17	Completed
1/9/24	DA Adult Sex Assau SART 2021 and 2022 Complete list	10:00 AM	2:00 PM	4.00	Complete
1/9/24	ORR A. Chandler	2:00 PM	2:15 PM	0.25	Completed
1/9/24	CR-3 H2312304 Lexis Nexis No. 6652	2:15 PM	5:30 PM	3.25	5.00
1/9/24	CR-3 H2312347 Lexis Nexis No. 6653	2:15 PM	5:30 PM	3.25	5.00
1/9/24	CR-3 H2311169 Lexis Nexis No. 6654	2:15 PM	5:30 PM	3.25	5.00
1/9/24	CR-3 H2311331 Lexis Nexis No. 6655	2:15 PM	5:30 PM	3.25	5.00
1/9/24	CR-3 H2311783 Lexis Nexis No. 6656	2:15 PM	5:30 PM	3.25	5.00
1/9/24	CR-3 H2311924 Lexis Nexis No. 6657	2:15 PM	5:30 PM	3.25	5.00
1/9/24	CR-3 2023420945 Lexis Nexis No. 6658	2:15 PM	5:30 PM	3.25	5.00
1/9/24	CR-3 H2311997 Lexis Nexis No. 6659	2:15 PM	5:30 PM	3.25	5.00
1/9/24	CR-3 Richard Starr Lexis Nexis No. 6660	2:15 PM	5:30 PM	3.25	5.00
1/9/24	CR-3 H2312182 Lexis Nexis No. 6661	2:15 PM	5:30 PM	3.25	5.00
1/10/24	ORR Peraton Sean Walker Clark ORR -No Record	7:30 AM	9:30 AM	2.00	Complete
1/10/24	CR-3 Fish and Still H2312071 ORR	9:00 AM	9:33 AM	0.55	Complete
1/10/24	ORR Parker Firm PC H2304706	10:45 AM	2:20 PM	3.58	Complete
1/10/24	ORR Jorge Mendoza Rodriguez ORR Cruz-Garcia	3:50 PM	4:31 PM	0.68	No Record
1/10/24	ORR DFPS E. Bennett H2400176 ORR	4:31 PM	4:47 PM	0.27	Complete
1/10/24	ORR A.Chandler M. Anthony / No.6664 MO	4:47 PM	5:05 PM	0.30	Completed

DATE(S)	Record Requestor	TIME IN	TIME OUT	HOURS	Charges
1/11/24	ORR A.Chandler M. Anthony/ No. 6664 MO	6:15 AM	8:33 AM	2.30	46.70
1/11/24	CR-3 Report H2400263 Not Ready	9:00 AM	9:15 PM	12.25	Completed
1/11/24	CR-3 Not Ready gave media page	9:30 AM	10:00 AM	0.50	Completed
1/12/24	Civilian ORR 2015 cases x4 S. Oleary 214-885-9940	7:39:50:00	9:15 AM	0.00	Billed
1/12/24	CR-3 H2400222 No.6662	9:18 AM	9:30 AM	0.20	6.00
1/12/24	ORR Verbara Miller Law 2307303 2003 case No. 6668	9:35 AM	10:35 AM	1.00	36.40
1/12/24	ORR Monsour Law dropped off old cases Longview	12:30 PM	01:10:00 PM	0.00	Complete
1/12/24	Civilian ORR E Tovar 10/23/1996 No Record	2:00 PM	3:00 PM	1.00	No Record
1/12/24	ORR Black and Skaggs H2304535	3:05 PM	5:00 PM	1.92	212.20
1/12/24	CR-3 H2400263	5:00 PM	5:15 PM	0.25	Complete
1/17/24	ORR CACI International /Woleslagle 8.29.97 No Record	9:00 AM	9:30 AM	0.50	Complete
1/17/24	CR-3 H2400263 Cris down for maint	9:50 AM	9:55 AM	0.08	Complete
1/17/24	ORR FBINCS Brewer, Jonathan - No AR Report	10:41 AM	11:15 AM	0.57	Completed
1/17/24	ORR Peraton: Sean Walker NO RECORD	11:20 AM	11:22 AM	0.03	Complete
1/17/24	ORR FBINCS Wriggle Daniel Wayne	11:22 AM	12:17 PM	0.92	Complete
1/17/24	CR-3 Lexis Nexis H2312304 NO>6665	1:51 PM	1:57 PM	0.10	5.00
1/17/24	CR-3 Lexis Nexis NO.6666 No Record	2:00 PM	2:17 PM	0.28	5.00
1/17/24	ORR C.Reese	3:51 PM	4:15 PM	0.40	Pending
1/18/24	CR-3 H2400263 NO> 6667	10:50 AM	11:10 AM	0.33	6.00
1/18/24	ORR Biggs & Greenslade H2208873 Old request	1:15 PM	3:20 PM	2.08	Paid
1/18/24	ORR US District Court 77 page History	3:59 PM	5:00 PM	1.02	Complete
1/18/24	ORR Henderson Housing	5:00 PM	5:30 PM	0.50	Pending
1/19/24	ORR Aperture LLC H2300600 Fatality	1:13 PM	2:58 PM	1.75	Paid
1/19/24	ORR H2311784	2:58 PM	3:30 PM	0.53	Complete
1/19/24	CR-3 Crash Lexis Nexis No Record No.6670 CK	4:40 PM	5:00 PM	0.33	5.00
1/24/24	CR-3 Crash H2400371 No. 6671 cash	10:11 AM	10:29 AM	6.00	

DATE(S)	Record Requestor	TIME IN	TIME OUT	HOURS	Charges
1/24/24	CR-3 Crash H2312304	9:00 AM	9:12 AM	0.20	complete
1/24/24	CR-3 Crash H2400263 No. 6672 cash	12:00 PM	12:27 PM	0.45	6.00
1/24/24	ORR Civilian Isabel Multiple cases	12:10 PM	2:00 PM	1.83	No Charge
1/24/24	CR-3 Crash H2400609 Not Ready	2:15 PM	2:45 PM	0.50	No Charge
1/24/24	ORR Housing Authority	2:45 PM	4:00 PM	1.25	
1/25/24	ORR 1803 Elm St #504 and 508	7:40 AM	8:17 AM	0.62	billed
1/25/24	ORR FBI Wriggle x7 cases Emailed	11:00 AM	12:00 PM	1.00	Complete
1/25/24	CR-3 Crash 2023546194 No. 6673 CK	12:00 PM	12:34 PM	0.57	5.00
1/25/24	CR-3 Crash H2400424 No. 6674 CK	1:05 PM	1:16 PM	0.18	5.00
1/25/24	CR-3 Crash H2400400 No. 6675	1:40 PM	2:00 PM	0.33	5.00
1/25/24	ORR Aperture LLC H2300600 Fatality	2:00 PM	5:00 PM	3.00	Paid
1/25/24	ORR US Probation - No Record	2:30 PM	3:00 PM	0.50	Complete
1/25/24	Civilian ORR H2311784	3:50 PM	4:03 PM	0.22	Complete
1/25/24	Ken Paxton OAG -wrong Jurisdiction	4:45 PM	5:03 PM	0.30	Complete
1/26/24	CR-3 Crash H2311868 No. 6676	7:45 AM	8:53 AM	1.13	5.00
1/26/24	ORR Aperture LLC H2300600 Fatality	9:19 AM	11:10 AM	1.85	Paid
1/26/24	CR-3 Crash H2400519 No. 6677 Cash	11:10 AM	11:22 AM	0.20	6.00
1/26/24	CR-3 Crash H2400685 No. 6678 Cash	11:30 AM	11:55 AM	0.42	6.00
1/26/24	ORR Aperture LLC H2300600 Fatality	11:55 AM	12:25 PM	0.50	Paid
1/26/24	ORR H2310685 Media Page only	12:00 PM	12:20 PM	0.33	No Charge
1/26/24	ORR Henderson County. Wrong Juris	1:40 PM	2:00 PM	0.33	Complete
1/26/24	ORR H2400226 -Media Page	2:20 PM	2:29 PM	0.15	Complete
1/26/24	ORR Aperture LLC H2300600 Fatality	2:00 PM	5:10 PM	3.17	Paid
1/26/24	CR-3 H2400684 Phenix and Crump	2:40 PM	2:56 PM	0.27	Complete
1/29/24	ORR Aperture LLC H2300600 Fatality	8:03 AM	9:37 AM	1.57	Completed
1/29/24	ORR - Henderson County	10:35 AM	11:00 AM	0.42	Complete

DATE(S)	Record Requestor	TIME IN	TIME OUT	HOURS	Charges
1/29/24	ORR - Henderson Nevada	1:00 PM	1:15 PM	0.25	Complete
1/29/24	Parker Firm 202200120	11:30 AM	3:09 PM	3.65	Billed
1/29/24	ORR ICE J Levy 2009 case# 290782	4:40 PM	5:15 PM	0.58	Complete
1/30/24	Lexis Nexis ES124119 No. 6681	9:00 AM	9:05 AM	0.08	15.00
1/30/24	CR3 Lexis Nexis No. 6680	9:06 AM	10:00 AM	0.90	5.00
1/30/24	CR3 H2312225 No. 6682	10:20 AM	10:40 AM	0.33	5.00
1/30/24	CR3 Lexis Nexis No. 6683	10:00 AM	10:10 AM	0.17	5.00
1/30/24	CR3 H23400684	2:30 PM	2:54 PM	0.40	Complete
1/30/24	Civilian ORR - No Records	4:38 PM	4:40 PM	0.03	Complete
1/31/24	Civilian ORR H2400013 Media Page	4:40 PM	5:05 PM	0.42	Complete
1/31/24	ORR Sloan Firm H2304535	7:30 AM	8:30 AM	1.00	Billed
1/31/24	ORR Monsour Law H2303959	10:30 AM	11:00 AM	0.50	Paid
1/31/24	CR3 H2400741 - Went through CRIS	11:40 AM	11:50 AM	0.17	Complete
1/31/24	CR3 H2400581 - Went through CRIS	12:20 PM	12:38 PM	0.30	Complete
1/31/24	ORR Sloan Firm H2304020	1:00 PM	2:00 PM	1.00	Billed
1/31/24	CR3 H2400685 -Went through CRIS	12:40 PM	12:50 PM	0.17	Complete
1/31/24	McLane Law CR3 Question	12:51 PM	1:00 PM	0.15	Complete
				0.00	
				0.00	

Denotes old cases not answered by Previous Records Clerk

Balance Sheet

Henderson PD Records

Jan-24

Balance summary	
No. 6637 CK 2368860713 (From Dec 2023)	\$5.00
No. 6638 Cash (From Dec 2023)	\$5.00
No. 6639 Ck# 01831784 Lexis Nexis	\$15.00
No. 6640 Ck# 2393765663 Lexis Nexis H2311639	\$5.00
No. 6641 Ck# 2398059012 Lexis Nexis Dusty Peeler	\$5.00
No. 6642 CK# 2399291112 LN H2311673	\$5.00
No. 6643 Cash H2312182	\$6.00
No. 6644 Cash H2312304	\$6.00
No. 6645 Crash 112311012 CK# 2372906562	\$5.00
No. 6646 Crash H2311260 Ck# 2381495962	\$5.00
No. 6647 Crash H2311244 Ck# 2382808462	\$5.00
No. 6648 Crash H2311012 Ck# 2385436312	\$5.00
No. 6649 Crash 82310426 CK# 2386917162	\$5.00
No. 6650 Crash H2311114 CK# 2387220612	\$5.00
No. 6651 Crash H23011396 CK# 2388059512	\$5.00
No. 6652 Crash H2312304 CK# 2417281261	\$5.00
No. 6653 CRASH H2312347 CK 2414358361	\$5.00
No. 6654 CRASH H2311169 KC 2415683561	\$5.00
No. 6655 CRASH H2311331 CK 2388494812	\$5.00
No. 6656 CRASH H2311783 2400679212	\$5.00
NO. 6657 CRASH H231924 2402359312	\$5.00
NO. 6658 CRASH 2023420945 CK# 2403885562	\$5.00
NO. 6659 CRASH H2311997 CK# 2404821812	\$5.00

NO. 6660 RICHARD STARR CK# 2409643261	\$5.00
NO. 6661 CRASH H2312182 CK# 2410595511	\$5.00
Turned in to Sara January 9, 2024	\$137.00
No. 6662 Cash H2400222	\$6.00
No. 6663 Black and Skaggs CK# 10325 H2304535	\$212.20
No. 6664 Alexis Chadler Money Order H2308959 & Others	\$46.70
No. 6665 Lexis Nexis CK# 2424340561 H2312304	\$5.00
No. 6666 Crash Lexis Nexis CK# 2411298261 Cash Jones	\$5.00
Turned in to Sara January 18, 2024	\$274.90
No. 6667 Crash H2400263 Cash	\$6.00
No. 6668 2307303 Ck# 2307303	\$36.40
No. 6669 H2312182 Ck# 2856	\$6.00
No. 6670 Crash report No record Check	\$5.00
No. 6671 Crash H2400371 Cash	\$6.00
No. 6672 Crash H2400263 Cash	\$6.00
No. 6673 Crash Lexis Nexis CK 2434476212	\$5.00
No. 6674 Crash H2400424 Ck 2428587461	\$5.00
No. 6675 Crash H2400400 ck 2431494061	\$5.00
Turned in to Sara January 25, 2024	\$80.40
No. 6676 Crash H2311868 Ck 2426163311	\$5.00
No. 6677 CR3 H2400519 Cash	\$6.00
No. 6678 CR3 H2400685 Cash	\$6.00
No. 6679 Julie Boren Law CK 1117	\$36.00
No. 6680 CR3 Lexis Nexis Ck. 2438096962	\$5.00
No. 6681 Lexis Nexis ES124119 Ck. 01834878	\$15.00
No. 6682 CR3 H2312225 Ck. 2417702515	\$5.00
No. 6683 CR3 Lexis Nexis Ck. 2440996762	\$5.00
Turned in to Sara January 30, 2024	\$83.00
No. 6684	
No. 6685	
Balance	\$575.30



Henderson Police Department

800 Lake Forest Parkway

Henderson, Texas 75652

Phone: 903-657-3512 Fax: 903-657-3345

Integrity ◦ Respect ◦ Accountability ◦ Courage ◦ Professionalism ◦ Dedication ◦ Service

January 2024 ORR Revenue

Description	Qty	Unit price	Discount	Total
Crash Reports	32	\$5.00		\$160.00
Crash Reports	9	\$6.00		\$54.00
ORR Attorney	3	212.20/36.40 36.00		\$284.60
ORR Civilian	1	46.70		\$46.70
LexisNexis	2	\$15.00		\$30.00
Total				\$ 575.30

Information provided by Stacey Strong – Records Administrator

REV 2023/SJS

HENDERSON POLICE DEPARTMENT



2023 RACIAL PROFILING REPORT

DCC | DEL CARMEN
Consulting®
LAW ENFORCEMENT EXPERTS

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

-Quote by Geneva Reed (Mother of Sandra Bland)

January 24, 2024

Henderson City Council
800 Lake Forest Parkway
Henderson, TX 75652

Dear Distinguished Members of the City Council,

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

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

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

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

Sincerely,

Alex del Carmen, Ph.D.

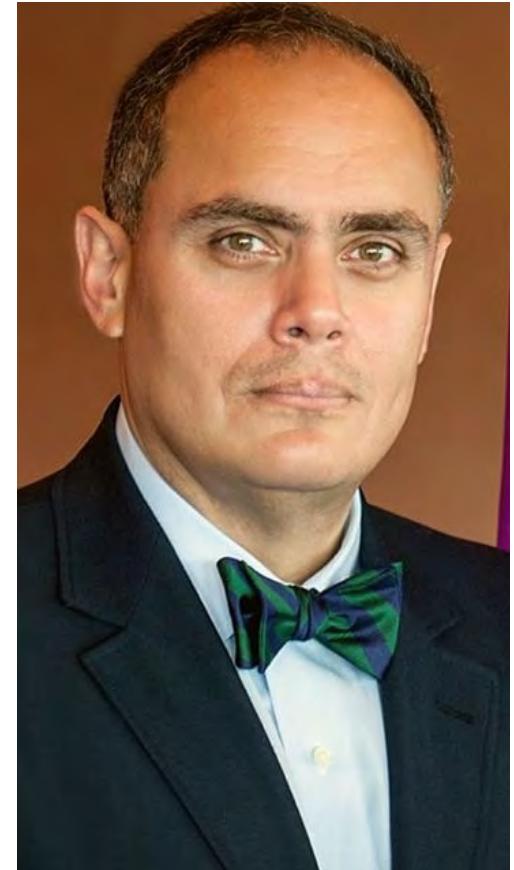


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Public Education on Responding to Compliments and Complaints

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

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

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

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

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

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

Racial Profiling Course 3256

Texas Commission on Law Enforcement

September 2001

Racial Profiling 3256

Instructor's Note:

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

Abstract

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

Target Population: Licensed law enforcement personnel in Texas

Prerequisites: Experience as a law enforcement officer

Length of Course: A suggested instructional time of 4 hours

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

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

Evaluation Process and Procedures

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

Reference Materials

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

Racial Profiling 3256

1.0 RACIAL PROFILING AND THE LAW

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

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

Racial Profiling Requirements:

Racial profiling CCP 3.05

Racial profiling prohibited CCP 2.131

Law enforcement policy on racial profiling CCP 2.132

Reports required for traffic and pedestrian stops CCP 2.133

Liability CCP 2.136

Racial profiling education for police chiefs Education Code 96.641

Training program Occupations Code 1701.253

Training required for intermediate certificate Occupations Code 1701.402

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

A. Written departmental policies

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

B. Not prima facie evidence

C. Feasibility of use of video equipment

D. Data does not identify officer

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

F. Vehicle stop report

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

G. Compilation and analysis of data

H. Exemption from reporting – audio/video equipment

I. Officer non-liability

J. Funding

K. Required training in racial profiling

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



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

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

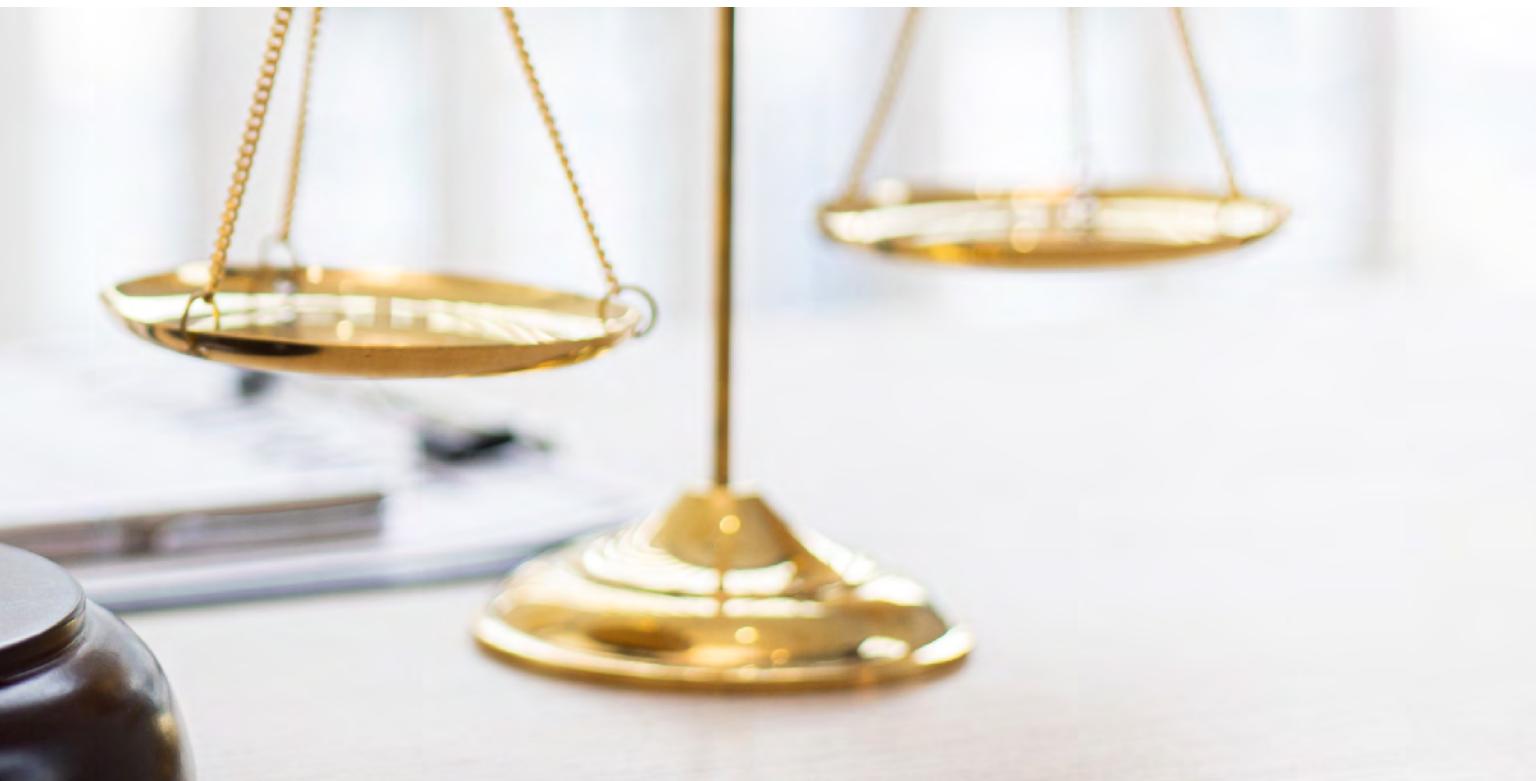
1. Motor vehicle search exemption
2. Traffic violation acceptable as pretext for further investigation
3. Selective enforcement can be challenged

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

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

C. Other cases

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



2.0 RACIAL PROFILING AND THE COMMUNITY

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

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

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

3.0 RACIAL PROFILING VERSUS REASONABLE SUSPICION

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

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

- A. Most race-based complaints come from vehicle stops, often since race is used as an inappropriate substitute for drug courier profile elements
- B. "DWB" – "Driving While Black" – a nickname for the public perception that a Black person may be stopped solely because of their race (especially with the suspicion that they are a drug courier), often extended to other minority groups or activities as well ("Driving While Brown," "Flying While Black," etc.)
- C. A typical traffic stop resulting from racial profiling
 - 1. The vehicle is stopped on the basis of a minor or contrived traffic violation which is used as a pretext for closer inspection of the vehicle, driver, and passengers
 - 2. The driver and passengers are questioned about things that do not relate to the traffic violation
 - 3. The driver and passengers are ordered out of the vehicle
 - 4. The officers visually check all observable parts of the vehicle
 - 5. The officers proceed on the assumption that drug courier work is involved by detaining the driver and passengers by the roadside
 - 6. The driver is asked to consent to a vehicle search – if the driver refuses, the officers use other procedures (waiting on a canine unit, criminal record checks, license-plate checks, etc.), and intimidate the driver (with the threat of detaining him/her, obtaining a warrant, etc.)



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

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

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

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

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

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

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

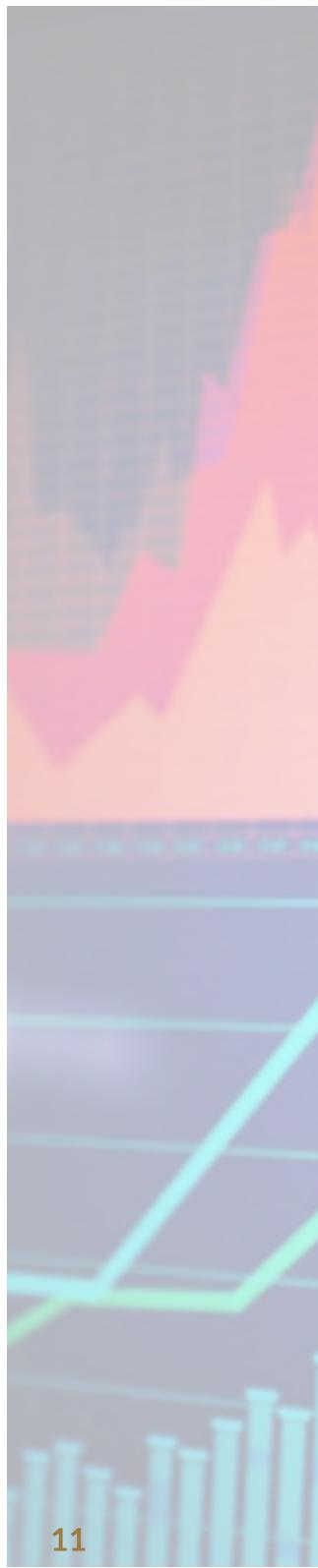
- D. Vehicle interior
 - 1. Rear seat or interior panels have been opened, there are tools or spare tire, etc.
 - 2. Inconsistent items (anti-theft club with a rental, unexpected luggage, etc.)

Resources

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

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

Report on Compliments and Racial Profiling Complaints



Report on Complaints

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



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

Complaints Filed for Possible Violations of The Texas Racial Profiling Law

Complaint Number	Alleged Violation	Disposition of the Case

Additional Comments:
-

Tables Illustrating Motor Vehicle-Related Contacts

TIER 2 DATA

TOTAL STOPS: 3,893

STREET ADDRESS OR APPROXIMATE LOCATION OF STOP.

City Street	1,400
US Highway	2,121
State Highway	363
County Road	4
Private Property	5

WAS RACE OR ETHNICITY KNOWN PRIOR TO STOP?

Yes	29
No	3,864

RACE OR ETHNICITY

Alaska Native/American Indian	27
Asian/Pacific Islander	70
Black	944
White	2,019
Hispanic/Latino	833

GENDER

Female Total: 1,534

Alaska Native/American Indian	11
Asian/Pacific Islander	23
Black	394
White	831
Hispanic/Latino	275

Male Total: 2,359

Alaska Native/American Indian	16
Asian/Pacific Islander	47
Black	550
White	1,188
Hispanic/Latino	558

REASON FOR STOP?

Violation of Law Total: 220

Alaska Native/American Indian	3
Asian/Pacific Islander	0
Black	64
White	92
Hispanic/Latino	61

Pre-existing Knowledge Total: 8

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

Moving Traffic Violation Total: 2,671

Alaska Native/American Indian	20
Asian/Pacific Islander	57
Black	609
White	1,418
Hispanic/Latino	567

Vehicle Traffic Violation Total: 994

Alaska Native/American Indian	4
Asian/Pacific Islander	13
Black	269
White	504
Hispanic/Latino	204

Contraband (in plain view) Total: 1

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

WAS SEARCH CONDUCTED?

	YES	NO
Alaska Native/American Indian	2	25
Asian/Pacific Islander	0	70
Black	52	892
White	61	1,958
Hispanic/Latino	25	808
TOTAL	140	3,753

Probable Cause Total: 98

Alaska Native/American Indian	2
Asian/Pacific Islander	0
Black	44
White	41
Hispanic/Latino	11

Inventory Total: 4

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

Incident to Arrest Total: 8

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	2
White	2
Hispanic/Latino	4

TIER 2 DATA

WAS CONTRABAND DISCOVERED?

	YES	NO
Alaska Native/American Indian	2	0
Asian/Pacific Islander	0	0
Black	30	22
White	37	24
Hispanic/Latino	9	16
TOTAL	78	62

DESCRIPTION OF CONTRABAND

Drugs Total: 67

Alaska Native/American Indian	2
Asian/Pacific Islander	0
Black	27
White	32
Hispanic/Latino	6

Currency Total: 0

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

Weapons 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	0
Black	1
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: 12

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	4
White	6
Hispanic/Latino	2

RESULT OF THE STOP**Verbal Warning Total: 0**

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

Written Warning Total: 2,954

Alaska Native/American Indian	4
Asian/Pacific Islander	58
Black	700
White	1,608
Hispanic/Latino	584

Citation Total: 896

Alaska Native/American Indian	22
Asian/Pacific Islander	12
Black	227
White	397
Hispanic/Latino	238

Written Warning and Arrest Total: 20

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	7
White	6
Hispanic/Latino	7

Citation and Arrest Total: 23

Alaska Native/American Indian	1
Asian/Pacific Islander	0
Black	10
White	8
Hispanic/Latino	4

Arrest Total: 0

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

TIER 2 DATA

ARREST BASED ON Violation of Penal Code Total: 25

Alaska Native/American Indian	1
Asian/Pacific Islander	0
Black	8
White	8
Hispanic/Latino	8

Violation of Traffic Law Total: 6

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

Violation of City Ordinance Total: 0

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

Outstanding Warrant Total: 12

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	6
White	4
Hispanic/Latino	2

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

	YES	NO
Alaska Native/American Indian	0	27
Asian/Pacific Islander	0	70
Black	0	944
White	0	2,019
Hispanic/Latino	0	833
TOTAL	0	3,893

Tables Illustrating Motor Vehicle Related Contact Data

Table 1. Citations and Warnings

Race/ Ethnicity	All Contacts	Citations	Verbal Warning	Written Warning	Contact Percent	Citation Percent	Verbal Percent	Written Percent
Alaska Native/ American Indian	27	23	0	4	1%	3%	0%	0%
Asian/ Pacific Islander	70	12	0	58	2%	1%	0%	2%
Black	944	237	0	700	24%	26%	0%	24%
White	2,019	405	0	1,608	52%	44%	0%	54%
Hispanic/ Latino	833	242	0	584	21%	26%	0%	20%
TOTAL	3,893	919	0	2,954	100%	100%	0%	100%



Table 2. Motor Vehicle Contacts and Fair Roads Standard Comparison

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

Race/Ethnicity	Contact Percentage	Households with Vehicle Access
Alaska Native/American Indian	1%	0%
Asian/Pacific Islander	2%	1%
Black	24%	6%
White	52%	77%
Hispanic/Latino	21%	14%
TOTAL	100%	98%

Table 3. Motor Vehicle Searches and Arrests.

Race/Ethnicity	Searches	Consent Searches	Arrests
Alaska Native/American Indian	2	0	1
Asian/Pacific Islander	0	0	0
Black	52	6	17
White	61	14	14
Hispanic/Latino	25	9	11
TOTAL	140	29	43

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

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

Table 5. Search Data

Race/Ethnicity	Searches	Contraband Found Yes	Contraband Found No	Arrests	Percent Searches	Percent Contraband Found	Percent No Contraband	Percent Arrest
Alaska Native/American Indian	2	2	0	1	1%	3%	0%	2%
Asian/Pacific Islander	0	0	0	0	0%	0%	0%	0%
Black	52	30	22	17	37%	38%	35%	40%
White	61	37	24	14	44%	47%	39%	33%
Hispanic/Latino	25	9	16	11	18%	12%	26%	26%
TOTAL	140	78	62	43	100%	100%	100%	100%

Table 6. Report on Audits.

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

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

ADDITIONAL COMMENTS:**Table 7. Instance Where Force Resulted in Bodily Injury.**

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

Table 8. Reason for Arrests from Vehicle Contact

Race/ Ethnicity	Violation of Penal Code	Violation of Traffic Law	Violation of City Ordinance	Outstanding Warrant	Percent Penal Code	Percent Traffic Law	Percent City Ordinance	Percent Warrant
Alaska Native/ American Indian	1	0	0	0	4%	0%	0%	0%
Asian/ Pacific Islander	0	0	0	0	0%	0%	0%	0%
Black	8	3	0	6	32%	50%	0%	50%
White	8	2	0	4	32%	33%	0%	33%
Hispanic/ Latino	8	1	0	2	32%	17%	0%	17%
TOTAL	25	6	0	12	100%	100%	0%	100%

Table 9. Contraband Hit Rate

Race/ Ethnicity	Searches	Contraband Found Yes	Contraband Hit Rate	Search Percent	Contraband Percent
Alaska Native/ American Indian	2	2	100%	1%	3%
Asian/ Pacific Islander	0	0	0%	0%	0%
Black	52	30	58%	37%	38%
White	61	37	61%	44%	47%
Hispanic/Latino	25	9	36%	18%	12%

Analysis and Interpretation of Data

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

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

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

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

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

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

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

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

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

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

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

Tier 2 (2023) Motor Vehicle-Related Contact Analysis

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

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

Comparative Analysis

A comprehensive analysis of the motor vehicle contacts made in 2023 to the census data relevant to the number of "households" in Henderson who indicated in the 2020 census that they had access to vehicles, produced interesting findings. Specifically, the percentage of Whites who came in contact with police was the same or lower than the percentage of White households in Henderson that claimed in the last census to have access to vehicles. The opposite was true of Blacks, Hispanics, Asians, and American Indians. That is, a higher percentage of Blacks, Hispanics, Asians, and American Indians came in contact with police than the percentage of Black, Hispanic, Asian, and American Indian households in Henderson that claimed in the last census to have access to vehicles. It should be noted that the percentage difference among Asian and American Indian contacts with households is of less than 3%; thus, deemed by some as statistically insignificant..

The comprehensive analysis of the searches resulting in contraband shows that the most significant contraband hit rate is of American Indians. This was followed by Whites and Blacks. This means that among all searches performed in 2023, the most significant percentage of these that resulted in contraband was among American Indians. The lowest contraband hit rate was among Hispanics.

Summary of Findings

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

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

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

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

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

Checklist

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

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



Legislative & Administrative Addendum

TCOLE GUIDELINES

Guidelines for Compiling and Reporting Data under Senate Bill 1074

Background

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

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

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

Standard 1

Each law enforcement agency has a detailed written directive that:

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

Commentary

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

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

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

Standard 2

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

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

Commentary

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

Standard 3

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

Commentary

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

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

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

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

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

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

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

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

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

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

Standard 4

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

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

Commentary

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

Standard 5

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

Commentary

None

Standard 6

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

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

Commentary

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

Standard 7

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

Commentary

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

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

The Texas Law on Racial Profiling

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

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

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

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

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

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

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

(1) clearly define acts constituting racial profiling;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) the person's gender; and

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

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

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

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

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

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

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

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

Art. 2.134. COMPILED AND ANALYSIS OF INFORMATION COLLECTED.

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

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

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

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

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

(A) determine the prevalence of racial profiling by peace officers employed by the agency; and
(B) examine the disposition of traffic and pedestrian stops made by officers employed by the agency, including searches resulting from the stops; and

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

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

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

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

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

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

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

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

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

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

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

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

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT.

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

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

(2) smaller jurisdictions; and

(3) municipal and county law enforcement agencies.

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

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

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

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

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

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

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

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

- (1) monitoring peace officers' compliance with laws and internal agency policies relating to racial profiling;
- (2) implementing laws and internal agency policies relating to preventing racial profiling;
and
- (3) analyzing and reporting collected information.

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

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

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

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

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

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

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

- (1) the name, address, physical description, including race or ethnicity, date of birth, and driver's license number of the person charged;
- (2) the registration number of the vehicle involved;
- (3) whether the vehicle was a commercial motor vehicle as defined by Chapter 522 or was involved in transporting hazardous materials;
- (4) the person's social security number, if the person was operating a commercial motor vehicle or was the holder of a commercial driver's license or commercial driver learner's permit;
- (5) the date and nature of the offense, including whether the offense was a serious traffic violation as defined by Chapter 522;

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

- (7) the plea, the judgment, and whether bail was forfeited;
- (8) [7] the date of conviction; and
- (9) [8] the amount of the fine or forfeiture.

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

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

SECTION 9. Not later than January 1, 2002:

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

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

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

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

SECTION 12. This Act takes effect September 1, 2001

President of the Senate

Speaker of the House

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

Secretary of the Senate

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

Chief Clerk of the House

Approved:

Date

Governor

Modifications to the Original Law

(H.B. 3389)

Amend CSHB 3389 (Senate committee report) as follows:

(1) Strike the following SECTIONS of the bill:

- (A) SECTION 8, adding Section 1701.164, Occupations Code (page 4, lines 61-66);
- (B) SECTION 24, amending Article 2.132(b), Code of Criminal Procedure (page 8, lines 19-53);
- (C) SECTION 25, amending Article 2.134(b), Code of Criminal Procedure (page 8, lines 54-64);
- (D) SECTION 28, providing transition language for the amendments to Articles 2.132(b) and 2.134(b), Code of Criminal Procedure (page 9, lines 40-47).

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

(a) In this article:

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

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

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

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

- (1) clearly define acts constituting racial profiling;
- (2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;
- (3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;

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

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

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

- (A) the race or ethnicity of the individual detained; and
- (B) whether a search was conducted and, if so, whether the individual [~~person~~] detained consented to the search; and

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

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

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

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

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

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

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

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

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

- [{1} "Race] or ethnicity" has the meaning assigned by Article 2.132(a).
- [{2} "Pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.]

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

- (1) a physical description of any [each] person operating the motor vehicle who is detained as a result of the stop, including:
 - (A) the person's gender; and
 - (B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;
- (2) the initial reason for the stop [traffic law or ordinance alleged to have been violated or the suspected offense];
- (3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;
- (4) whether any contraband or other evidence was discovered in the course of the search and a description [the type] of the contraband or evidence [discovered];
- (5) the reason for the search, including whether:
 - (A) any contraband or other evidence was in plain view;
 - (B) any probable cause or reasonable suspicion existed to perform the search; or

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

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

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

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

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

(a) In this article:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) a sentence is imposed on the person;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (2) a fee for withdrawing request for jury less than 24 hours before time of trial (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (3) a jury fee for two or more defendants tried jointly (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of \$3;

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

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

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

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

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

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

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

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

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

- (1) this chapter;

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

(3) a commission rule.

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

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

Racial and Ethnic Designations (H.B. 3051)

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

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

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

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

- (A) Alaska native or American Indian;
- (B) [of a particular descent, including Caucasian, African, Hispanic,] Asian or Pacific Islander;
- (C) black;
- (D) white; and
- (E) Hispanic or Latino [, Native American, or Middle Eastern descent].

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

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

- (1) Alaska native or American Indian;
- (2) [of a particular descent, including Caucasian, African, Hispanic,] Asian or Pacific Islander;
- (3) black;
- (4) white; and
- (5) Hispanic or Latino [, or Native American descent].

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

President of the Senate

Speaker of the House

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

Chief Clerk of the House

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

Secretary of the Senate

APPROVED: _____

Date

Governor

The Sandra Bland Act

(S.B. 1849)

S.B. No. 1849

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

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

ARTICLE 1. SHORT TITLE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) recommended treatment.

(c) After the trial court receives the applicable expert's written assessment relating to the defendant under Subsection (b)

or elects to use the results of a previous determination as described by Subsection (a)(2), the trial court may, as applicable:

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

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

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

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

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

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

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

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

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

(2) it is reasonable to divert the person;

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

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

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

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

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

(1) establishing [a] new collaboratives; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

otherwise if the:

- (1) defendant is not charged with and has not been previously convicted of a violent offense;
- (2) defendant is examined by the local mental health or intellectual and developmental disability [mental retardation] authority or another mental health expert under Article 16.22 [of this code];
- (3) applicable expert, in a written assessment submitted to the magistrate under Article 16.22:
 - (A) concludes that the defendant has a mental illness or is a person with an intellectual disability [mental retardation] and is nonetheless competent to stand trial; and
 - (B) recommends mental health treatment or intellectual disability treatment for the defendant, as applicable; and
- (4) magistrate determines, in consultation with the local mental health or intellectual and developmental disability [mental retardation] authority, that appropriate community-based mental health or intellectual disability [mental retardation] services for the defendant are available through the [Texas] Department of State [Mental] Health Services [and Mental Retardation] under Section 534.053, Health and Safety Code, or through another mental health or intellectual disability [mental retardation] services provider.

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

- (1) mental illness or intellectual disability [mental retardation] is chronic in nature; or
- (2) ability to function independently will continue to deteriorate if the defendant is not treated.

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

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

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

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

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

(a) The commission shall:

(1) adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails;

(2) adopt reasonable rules and procedures establishing minimum standards for the custody, care, and treatment of prisoners;

(3) adopt reasonable rules establishing minimum standards for the number of jail supervisory personnel and for programs and services to meet the needs of prisoners;

(4) adopt reasonable rules and procedures establishing minimum requirements for programs of rehabilitation, education, and recreation in county jails;

(5) revise, amend, or change rules and procedures if necessary;

(6) provide to local government officials consultation on and technical assistance for county jails;

(7) review and comment on plans for the construction and major modification or renovation of county jails;

(8) require that the sheriff and commissioners of each county submit to the commission, on a form prescribed by the commission, an annual report on the conditions in each county jail within their jurisdiction, including all information necessary to determine compliance with state law, commission orders, and the rules adopted under this chapter;

(9) review the reports submitted under Subdivision (8) and require commission employees to inspect county jails regularly to ensure compliance with state law, commission orders, and rules

and procedures adopted under this chapter;

(10) adopt a classification system to assist sheriffs and judges in determining which defendants are low-risk and consequently suitable participants in a county jail work release program under Article 42.034, Code of Criminal Procedure;

(11) adopt rules relating to requirements for segregation of classes of inmates and to capacities for county jails;

(12) require that the chief jailer of each municipal lockup submit to the commission, on a form prescribed by the commission, an annual report of persons under 17 years of age securely detained in the lockup, including all information necessary to determine compliance with state law concerning secure confinement of children in municipal lockups;

(13) at least annually determine whether each county jail is in compliance with the rules and procedures adopted under this chapter;

(14) require that the sheriff and commissioners court of each county submit to the commission, on a form prescribed by the commission, an annual report of persons under 17 years of age securely detained in the county jail, including all information necessary to determine compliance with state law concerning secure confinement of children in county jails;

(15) schedule announced and unannounced inspections of jails under the commission's jurisdiction using the risk assessment plan established under Section 511.0085 to guide the inspections process;

(16) adopt a policy for gathering and distributing to jails under the commission's jurisdiction information regarding:

(A) common issues concerning jail administration;

(B) examples of successful strategies for maintaining compliance with state law and the rules,

standards, and procedures of the commission; and

(C) solutions to operational challenges for jails;

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

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

(A) determine if a prisoner is pregnant; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

as follows:

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

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

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

(b) The prisoner safety fund consists of:

(1) appropriations of money to the fund by the legislature; and

(2) gifts, grants, including grants from the federal government, and other donations received for the fund.

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

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

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

(1) a suicide;

(2) an attempted suicide;

(3) a death;

(4) a serious bodily injury, as that term is defined by

Section 1.07, Penal Code;

(5) an assault;

(6) an escape;

(7) a sexual assault; and

(8) any use of force resulting in bodily injury, as that term is defined by Section 1.07, Penal Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE 4. PEACE OFFICER AND COUNTY JAILER TRAINING

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

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

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

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

section.

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

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

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

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

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

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

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

(1) topics selected by the agency; and

(2) for an officer holding only a basic proficiency certificate, not more than 20 hours of education and training that contain curricula incorporating the learning objectives developed by the commission regarding:

(A) civil rights, racial sensitivity, and cultural diversity;

(B) de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments; [and]

(C) de-escalation techniques to facilitate interaction with members of the public, including techniques for limiting the use of force resulting in bodily injury; and

(D) unless determined by the agency head to be inconsistent with the officer's assigned duties:

(i) the recognition and documentation of cases that involve child abuse or neglect, family violence, and sexual assault; and

(ii) issues concerning sex offender characteristics.

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

as follows:

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

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

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

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

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

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

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

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

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

(1) clearly define acts constituting racial profiling;

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

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

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

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

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

relating to:

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

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

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

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

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

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

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

- (1) a physical description of any person operating the motor vehicle who is detained as a result of the stop, including:
 - (A) the person's gender; and
 - (B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;
- (2) the initial reason for the stop;
- (3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;
- (4) whether any contraband or other evidence was discovered in the course of the search

and a description of the contraband or evidence;

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

- (A) any contraband or other evidence was in plain view;
- (B) any probable cause or reasonable suspicion existed to perform the search; or
- (C) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) smaller jurisdictions; and

(3) municipal and county law enforcement agencies.

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

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

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

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

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

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

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

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

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

(2) make accessible online:

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

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

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:
Yea 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:
Yea 137, Nays 0, one present not voting.

ARTICLE 6. EFFECTIVE DATE

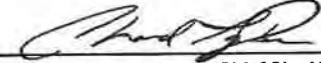
SECTION 6.01. Except as otherwise provided by this Act,
Approved:

Date

Governor

Chief Clerk of the House

**HENDERSON
POLICE DEPARTMENT
RACIAL PROFILING POLICY**

 <p><i>"Blessed are the peacemakers, for they shall be called the children of God."</i> Matthew 5:9</p>	HENDERSON POLICE DEPARTMENT	
	Policy 2.2 Bias Based Policing	
	Effective Date: 01.23.2015	Replaces: 3.17
	Approved:  Chief Chad Taylor	
	Reference: TBP 2.01	

I. POLICY

We are committed to a respect for constitutional rights in the performance of our duties. Our success is based on the respect we give to our communities, and the respect members of the community observe toward law enforcement. To this end, we shall exercise our sworn duties, responsibilities, and obligations in a manner that does not discriminate on the basis of race, sex, gender, national origin, ethnicity, age, or religion. All people carry biases: in law enforcement, however, the failure to control our biases can lead to illegal arrests, searches, and detentions, thus thwarting the mission of our department. Most importantly, actions guided by bias destroy the trust and respect essential for our mission to succeed. We live and work in communities very diverse in population: respect for diversity and equitable enforcement of the law are essential to our mission.

All enforcement actions, particularly stops of individuals (for traffic and other purposes), investigative detentions, arrests, searches and seizures of persons or property, shall be based on the standards of reasonable suspicion or probable cause as required by the Fourth Amendment to the U. S. Constitution and statutory authority. In all enforcement decisions, officers shall be able to articulate specific facts, circumstances, and conclusions which support probable cause or reasonable suspicion for arrests, searches, seizures, and stops of individuals. Officers shall not stop, detain, arrest, search, or attempt to search anyone based solely upon the person's race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group. Officers shall base all such actions on a reasonable suspicion that the person or an occupant of a vehicle committed an offense.

All departmental orders are informed and guided by this directive. Nothing in this order limits non-enforcement contacts between officers and the public.

II. PURPOSE

The purpose of this order is to provide general guidance on reducing the presence of bias in law enforcement actions, to identify key contexts in which bias may influence these actions and emphasize the importance of the constitutional guidelines within which we operate.

III. DEFINITIONS

Most of the following terms appear in this order. In any case, these terms appear in the larger public discourse about alleged biased enforcement behavior and in other orders. These definitions are intended to facilitate on-going discussion and analysis of our enforcement practices.

- A. Bias: Prejudice or partiality which may be based on preconceived ideas, a person's upbringing, culture, experience, or education.
- B. Biased policing: Stopping, detaining, searching, or attempting to search, or using force against a person based upon his or her race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group. Biased policing encompasses racial profiling which is specifically defined within this section.
- C. Ethnicity: A cluster of characteristics which may include race but also cultural characteristics or traits which are shared by a group with a common experience or history.
- D. Gender: Unlike sex, a psychological classification based on cultural characteristics or traits.
- E. Probable cause: Facts or apparent facts and circumstances within an officer's knowledge and of which the officer had reasonable, trustworthy information to lead a reasonable person to believe that an offense has been or is being committed, and that the suspect has committed it.
- F. Race: A category of people of a particular descent, including White, Black, Hispanic or Latino, Asian or Pacific Islander, or Alaska Native or American Indian descent. As distinct from ethnicity, race only refers to physical characteristics sufficiently distinctive to group people under a classification.
- G. Racial profiling: A law-enforcement initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.
- H. Reasonable suspicion: Articulable, objective facts which lead an experienced officer to suspect that a person has committed, is committing, or may be about to commit a crime. A well-founded suspicion is based on the totality of the circumstances and

does not exist unless it can be articulated. Reasonable suspicion supports a stop of a person. Courts require that stops based on reasonable suspicion be "objectively reasonable."

- I. Sex: A biological classification, male or female, based on physical and genetic characteristics.
- J. Stop: The detention of a subject for a brief period of time, based on reasonable suspicion. A stop is an investigative detention.

IV. PROCEDURES

A. General responsibilities

1. Officers are prohibited from engaging in bias-based profiling or stopping, detaining, searching, arresting, or taking any enforcement action including seizure or forfeiture activities, against any person based solely on the person's race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group. These characteristics, however, may form part of reasonable suspicion or probable cause when officers are seeking a suspect with one or more of these attributes. (TBP: 2.01)
2. Reasonable suspicion or probable cause shall form the basis for any enforcement actions or decisions. Individuals shall only be subjected to stops, seizures, or detention upon reasonable suspicion that they have committed, are committing, or are about to commit an offense. Officers shall document the elements of reasonable suspicion and probable cause in appropriate reports.
3. Officers shall observe all constitutional safeguards and shall respect the constitutional rights of all persons.
 - a. As traffic stops furnish a primary source of bias-related complaints, officers shall have a firm understanding of the warrantless searches allowed by law, particularly the use of consent. How the officer disengages from a traffic stop may be crucial to a person's perception of fairness or discrimination.
 - b. Officers shall not use the refusal or lack of cooperation to justify a search of the person or vehicle or a prolonged detention once reasonable suspicion has been dispelled.
4. All personnel shall treat everyone with the same courtesy and respect that they would have others observe to department personnel. To this end, personnel are reminded that the exercise of courtesy and respect engenders a future willingness to cooperate with law enforcement.

- a. Personnel shall facilitate an individual's access to other governmental services whenever possible and shall actively provide referrals to other appropriate agencies.
- b. All personnel will be familiar with Policy 2.4 which provides specific guidelines on the Department's complaint process.
- c. All personnel shall courteously accept, document, and forward to the Chief of Police any complaints made by an individual against the department. Further, officers shall provide information on the complaints process when appropriate.
5. When feasible, personnel shall offer explanations of the reasons for enforcement actions or other decisions that bear on individual's well-being unless the explanation would undermine an investigation or jeopardize an officer's safety. When concluding an encounter, personnel shall thank him or her for cooperating.
6. When feasible, all personnel shall identify themselves by name. When a person requests the information, personnel shall give their departmental identification number, name of the immediate supervisor, or any other reasonable information.
7. All personnel are accountable for their actions. Personnel shall justify their actions when required.

B. Supervisory responsibilities

1. Supervisors shall be held accountable for the observance of constitutional safeguards during the performance of their duties. Supervisors shall identify and correct instances of bias in the work of their subordinates.
2. Supervisors shall use the disciplinary mechanisms of the department to ensure compliance with this order and the constitutional requirements of law enforcement.
3. Supervisors shall be mindful that in accounting for the actions and performance of subordinates, supervisors are key to maintaining community trust in law enforcement. Supervisors shall continually reinforce the ethic of impartial enforcement of the laws, and shall ensure that personnel, by their actions, maintain the community's trust in law enforcement.
4. Supervisors are reminded that biased enforcement of the laws engenders not only mistrust of law enforcement but increases safety risks to personnel. Lack of control over bias also exposes the department to liability consequences.

Supervisors shall be held accountable for repeated instances of biased enforcement of their subordinates.

5. Supervisors shall ensure that all enforcement actions are duly documented per departmental policy. Supervisors shall ensure that all reports show adequate documentation of reasonable suspicion and probable cause, if applicable.
6. Supervisors shall facilitate the filing of any complaints about law enforcement service.
7. Police Supervisors or persons designated by the Chief of Police shall review video and audio recordings of traffic stops to ensure proper policies, procedures and conduct are being followed. Also, to ensure correct information regarding racial profiling is being collected. This review is part of monthly line inspections found in Policy 1.4 Inspections and Audits. Any improvements the Department could make in its practices or policies over all, and specifically regarding motor vehicle stops, will be forwarded to the Chief of Police via the chain of command for further review.

C. Disciplinary consequences

Actions prohibited by this order shall be cause for disciplinary action, up to and including dismissal.

D. Training (TBP:2.01)

1. Officers shall complete all training required by state law regarding bias-based profiling.

V. COMPLAINTS

- A. The department shall publish the procedures for making a compliant and make them available at all Police facilities throughout the city. The department's complaint process and its bias-based profiling policy will be posted on the department's website. Whenever possible, the media will be used to inform the public of the department's policy and complaint process.
- B. Complaints alleging incidents of bias-based profiling will be fully investigated as described under Policy 2.4.
- C. Complainants will be notified of the results of the investigations when such investigation is completed.

VI. RECORD KEEPING

- A. The department will maintain all required records on traffic stops where a citation or warning is issued or where an arrest is made subsequent to a traffic stop pursuant to state law. Information will include the following:
 - 1. The race or ethnicity of the individual detained.
 - 2. Whether a search was conducted and, if so, whether the individual detained consented to the search.
 - 3. Whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual.
 - 4. 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.
 - 5. The location of the stop.
 - 6. The reason for the stop.
- B. The Chief of Police shall ensure the information collected above will be reported annually to the city council and TCOLE in the required format.

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

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Henderson Police Department

800 Lake Forest Parkway
Henderson, Texas 75652
Phone: 903-657-3512 Fax: 903-657-3345

Integrity ◦ Respect ◦ Accountability ◦ Courage ◦ Professionalism ◦ Dedication ◦ Service

01/03/2024

To: City Council
From: Chad Taylor, Chief
Ref: Training Report

Training report for the month of December

Total number of officers with license certification **3**

Total number of officers moved from basic to intermediate – **0**

Total number of officers moved to advanced – **0**

Total number of officers moved to master- **0**

Total number of officers in the cadet program- **1**

Total number of Telecommunicators with a temporary license – **2**

Total number of Telecommunicators moved from temporary license to basic-**0**

Total number of Telecommunicators moved from basic to intermediate-**0**

Total number of Telecommunicators moved from advance to master-**0**

Total Proficiency level moves - **0**

Approximate hours of training hours for the month of December-**82**

Information provided by Sgt. Charles Helton – Training/Community Outreach Coordinator



Henderson Police Department

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Henderson, Texas 75652

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Integrity ◦ Respect ◦ Accountability ◦ Courage ◦ Professionalism ◦ Dedication ◦ Service

Current Cycle Training Cycle: 09/01/2021-08/31/2023

Member total number of training hours in a two-year period: 10,333

Master Peace Officers: 16

Advance Peace Officers: 4

Intermediate Peace Officers: 5

Basic Peace Officers: 7

Master Telecommunicators: 3

Advance Telecommunicators: 2

Intermediate Telecommunicators: 1

Basic Telecommunicators: 0

Temporary Telecommunicators: 2

License break- down

License Peace officers: 36

License Telecommunicators: 8

Temporary Telecommunicator: 1

Dual Certifications Peace officer/ Telecommunicator: 4

Total number of licensed employees: 45

Total number of licensed paid employees: 42

Total Number of paid employees: 43

Information provided by Sgt. Charles Helton – Training/Community Outreach Coordinator

Revised:01/03/24



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Approx. training hours for 2023: 2,576.85

Total number of officers moved from peace officer license to basic: 3

Total number of officers moved from basic to intermediate: 2

Total number of officers mover from intermediate to advance: 0

Total number of officers moved from advance to master: 0

Total number of telecommunicators moved from basic to Intermediate: 1

Total number of telecommunicators moved from Intermediate to advance: 1

Total proficiency moves: 7

Information provided by Sgt. Charles Helton – Training/Community Outreach Coordinator



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Integrity ° Respect ° Accountability ° Courage ° Professionalism ° Dedication ° Service

December 2023 Open Record Report

Request	ORR Received	ORR Completed	ORR Open
Wrong Jurisdiction	4	4	0
ORR US Gov.	4	4	0
ORR State Gov.	6	6	0
ORR Local Gov.	6	6	0
ORR Subpoena	2	2	0
ORR Civilian	15	15	0
ORR Attorney	13	10	3
CRASH Reports	35	35	0
Total Requests	85	82	3

Information provided by Stacey Strong – Records Administrator



Henderson Police Department

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Henderson, Texas 75652

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Integrity • Respect • Accountability • Courage • Professionalism • Dedication • Service

December 2023 ORR Revenue

Description	Qty	Unit price	Discount	Total
Crash Reports	12	\$5.00		\$60.00
Crash Reports	6	\$6.00		\$36.00
ORR Attorney	1	73.20		\$73.20
ORR Civilian	0			
LexisNexis	1	20.00		\$20.00
Total				\$ 189.20

Information provided by Stacey Strong – Records Administrator

REV 3/23/SJS

Balance Sheet

Henderson PD Records

Dec-23

Balance summary	
No. 6619 Cash	\$6.00
No. 6620 CK 01829036	\$20.00
No. 6621 CK 2364586362	\$5.00
No. 6622 CK 2368860712	\$5.00
No. 6623 CK 2345973962	\$5.00
No. 6624 CK 2352643212	\$5.00
No. 6625 CK 2365301962	\$5.00
No. 6626 CK 2368104212	\$5.00
No. 6627 Cash	\$6.00
No. 6628 Cash	\$6.00
No. 6629 CK 2365139412	\$5.00
No. 6630 CK 2368914562	\$5.00
No. 6631 CK 2379110563	\$5.00
No. 6632 CK 12270	\$73.20
No. 6633 CK 2388494811	\$5.00
No. 6634 Cash	\$6.00
No. 6635 Cash	\$6.00
No. 6636 Cash Turned in 12/19/2023	\$6.00
No. 6637 CK 2368860713	\$5.00
No. 6638 Cash	\$5.00
Balance	\$189.20

Information Provided by Stacey Strong - Records Administrator

Open Records Report

12/1/2023 to 12/31/2023

DATE(S)	Record Requestor	TIME IN	TIME OUT	HOURS	Charges
12/1/23	Parker Firm 202109321 Pending	10:00 AM	12:30 PM	2.50	Paid
12/1/23	Crash Report H2310712 /NO.6619	12:55 PM	1:00 PM	0.08	6.00
12/1/23	Parker Law Firm 202109321 case law	1:20 PM	1:54 PM	0.57	Paid
12/1/23	Parker Law Firm 202109321 case law	2:09 PM	2:10 PM	0.02	Paid
12/1/23	Parker Law Firm 202109321 case law	2:45 PM	2:48 PM	0.05	Paid
12/1/23	Charlo Law Firm Skylar Loveall/maggie Alkofer	2:49 PM	3:35 PM	0.77	Subpoena
12/1/23	Home state Co Mutual /H2309026	9:34 AM	9:52 AM	0.30	No Charge
12/1/23	Crash Report H2310712 /NO.6619	12:55 PM	1:00 PM	0.08	Paid
12/1/23	Crash Report No Record 236886071/NO 6622	8:15 AM	8:20 AM	0.08	5.00
12/1/23	Crash Report H2310223 / NO. 6623	8:08 AM	8:14 AM	0.10	5.00
12/1/23	Lexis Nexis H2310254 Blue Form/NO 6624	4:30 PM	4:35 PM	0.08	Paid
12/4/23	Lexis Nexis H2310254 Blue Form/NO 6624	7:45 AM	8:07 AM	0.37	5.00
12/4/23	Crash Report H2310223/ NO. 6623	8:08 AM	8:14 AM	0.10	Paid
12/4/23	Lexis Nexis Blue Form NO 6625	8:15 AM	8:20 AM	0.08	5.00
12/4/23	Lexis Nexis H2305591 Corrected 9951/NO 6621	8:21 AM	8:35 AM	0.23	5.00

DATE(S)	Record Requestor	TIME IN	TIME OUT	HOURS	Charges
12/4/23	Lexis Nexis No Record 11/18/2023/ NO 6626	8:47 AM	9:17 AM	0.50	5.00
12/4/23	Lexis Nexis H2310712 / NO 6625	9:18 AM	9:53 AM	0.58	Paid
12/4/23	CPS Jay Lybrand H2208468 & H2205581	11:45 AM	12:06 PM	0.35	No Charge
12/4/23	Crash Report H2311114	1:22 PM	1:45 PM	0.38	No Charge
12/4/23	Crash Report H2311169 / NO. 6627	2:48 PM	2:59 PM	0.18	6.00
12/4/23	Crash Report H23111244 / NO. 6628	4:15 PM	4:20 PM	0.08	6.00
12/5/23	Crash Report H23111285	11:55 AM	12:13 PM	0.30	No Charge
12/5/23	Crash Report H2310702 Redacted/ No. 6629	3:00 PM	3:12 PM	0.20	5.00
12/5/23	Crash Report No Records/ Citation 121445 / No 6630	3:00 PM	3:20 PM	0.33	5.00
12/5/23	Crash Report H2310836 Redacted/ No 6631	3:00 PM	3:30 PM	0.50	5.00
12/6/23	US DISTRICT COURT Tanya Atkins/ Fillingim, Simone	7:48 AM	8:34 AM	0.77	No Charge
12/6/23	Crash Report H2311395 /Not Ready	8:32 AM	8:35 AM	0.05	Paid
12/6/23	Crash Report J.Jimlonsky Gainesville Ins / Wrong Jurisdiction	9:00 AM	9:20 AM	0.33	No Charge
12/6/23	Crash Report H2311396 /Not Ready	10:45 AM	11:03 AM	0.30	Paid
12/6/23	Crash Report H2311203	11:10 AM	11:14 AM	0.07	No Charge
12/6/23	Civilian ORR H2311384	12:05 PM	12:10 PM	0.08	No Charge
12/6/23	Civilian ORR H2311384	12:23 PM	12:59 PM	0.60	No Charge
12/6/23	Civilian ORR No Record /Tasha Davis 3/25/2023	12:11 PM	12:23 PM	0.20	No Charge
12/6/23	US DISTRICT COURT Tanya Atkins/ Fillingim, Simone	2:00 PM	2:43 PM	0.72	No Charge
12/7/23	District Court Zamacena Testimony/Subpoena	8:00 AM	10:00 AM	2.00	No Charge
12/7/23	Phenix Law Firm / Crash Report H2311012	10:30 AM	10:56 AM	0.43	No Charge
12/7/23	Ellis Co. Community Supervision Kinabrew,J	11:10 AM	11:19 AM	0.15	No Charge
12/7/23	Civilian ORR H2311388	12:30 PM	1:00 PM	0.50	No Charge
12/7/23	Civilian ORR H2310867	12:26 PM	1:35 PM	1.15	No Charge
12/7/23	H2203216 Questions	4:00 PM	4:15 PM	0.25	No Charge
12/7/23	Carson 903-445-8659 Left msg	1:10 PM	1:12 PM	0.03	No Charge

DATE(S)	Record Requestor	TIME IN	TIME OUT	HOURS	Charges
12/7/23	Dallas County DA Isabell cases 911 calls	2:00 PM	7:00 PM	5.00	No charge
12/8/23	Dallas County DA Isabell cases 911 calls	8:00 AM	11:00 AM	3.00	No Charge
12/8/23	Jason Griggs Allstate H2311331	8:30 AM	8:45 AM	0.25	No Charge
12/8/23	Rogers Law Firm/Chase Allen May	8:50 AM	9:00 AM	0.17	Pending
12/8/23	Charlo Law Firm Skylar Loveall/maggie Alkofer	11:00 AM	2:30 PM	3.50	Subpoena
12/11/23	Roketha Isabell Questions	10:10 AM	10:20 AM	0.17	No Charge
12/11/23	Rogers Law Firm/Chase Allen May	12:30 PM	1:20 PM	0.83	Pending
12/11/23	DPFS Hayes, William cases	1:21 PM	2:04 PM	0.72	No Charge
12/11/23	Rogers Law Firm/Chase Allen May	2:04 PM	2:35 PM	0.52	Pending
12/11/23	DPFS Thompson Harper 703 N Mill st	3:15 PM	4:30 PM	1.25	No Charge
12/11/23	DPFS Shameka Pitts - Caine 703 N Mills Thompson	3:15 PM	4:32 PM	1.28	No Charge
12/11/23	Justin Shields FSK Food Mart	3:21 PM	4:26 PM	1.08	No Charge
12/12/23	Arlington PD W#2110058CR /called RCSO	10:30 AM	10:56 AM	0.43	No Charge
12/12/23	Inesia Isabell question of open cases	11:00 AM	11:30 AM	0.50	No Charge
12/12/23	Vineash Patel Law Firm NO RECORD	11:23 AM	12:05 PM	0.70	No Charge
12/12/23	Civilian ORR / Kevin Rodriguez	10:30 AM	1:40 PM	3.17	No Charge
12/12/23	Sadler and Sadler / Linda Lary	1:57 PM	2:46 PM	0.82	No Charge
12/12/23	Crash Report / Candy wrong jurisdiction	4:20 PM	4:35 PM	0.25	No Charge
12/12/23	RC Community Supervision H2310134	4:45 PM	5:00 PM	0.25	No Charge
12/13/23	RC Community Supervision H2310134	10:50 AM	11:01 AM	0.18	No Charge
12/13/23	Lexis Nexis Frontier Request 10-3 to 10-20-23	7:18 AM	8:30 AM	1.20	Paid
12/13/23	Monsour Law / H2309026 CR-3	9:40 AM	9:50 AM	0.17	No Charge
12/13/23	DA Denton County /202109096 & 202109189	9:45 AM	10:20 AM	0.58	No Charge
12/13/23	Lexis Nexis Frontier Request 10-3 to 10-20-23	12:00 PM	2:48 PM	2.80	No Charge
12/13/23	Parker Firm PC OAG Ruling request	1:00 PM	1:51 PM	0.85	No Charge
12/13/23	Civilian ORR / H2311342	3:00 PM	3:10 PM	0.17	No Charge

DATE(S)	Record Requestor	TIME IN	TIME OUT	HOURS	Charges
12/13/23	McKay Law Firm -Jacob Out of Jurisdiction	3:10 PM	3:15 PM	0.08	No Charge
12/13/23	Parker Firm PC OAG Ruling request/ No. 6632	4:00 PM	5:00 PM	1.00	73.20
12/18/23	Crash Report H2309343	1:30 PM	1:41 PM	0.18	No Charge
12/18/23	Vinesh Patel Law Firm 202-005242 Certified	8:50 AM	11:00 AM	2.17	No Charge
12/18/23	Lexis Nexis Active Case H2311331/ NO 6633	3:00 PM	3:12 PM	0.20	5.00
12/18/23	Crash Report H2311673 Not Ready	9:18 AM	9:45 AM	0.45	No Charge
12/18/23	Arlington PD W#2110058CR /called RCSO/DA	10:30 AM	10:56 AM	0.43	No Charge
12/18/23	Crash Report H2309124	9:00 AM	4:04 PM	7.07	Complete
12/18/23	Crash Report H2311535	4:05 PM	4:16 PM	0.18	Complete
12/19/23	Henderson Housing Authority H2311770	8:26 AM	8:45 AM	0.32	No Charge
12/19/23	Arlington PD W#2110058CR /called RCSO/DA	9:00 AM	9:49 AM	0.82	No Charge
12/19/23	Crash Report H2309124/ No 6634	1:50 PM	2:30 PM	0.67	6.00
12/19/23	Crash Report H2307227/ No 6635	2:30 PM	2:40 PM	0.17	6.00
12/19/23	Lexis Nexis Frontier Request 10-3 to 10-20-23	2:40 PM	9:18 AM	18.63	No Charge
12/19/23	Crash Report H2307227/ No 6636	3:00 PM	3:17 PM	0.28	6.00
12/19/23	Crash Report H2311673 Not Ready	3:18 PM	3:20 PM	0.03	No Charge
12/19/23	FBI No Record	12:59 PM	1:45 PM	0.77	No Charge
12/19/23	Lexis Nexis Frontier Request 10-3 to 10-20-23	2:40 PM	4:45 PM	2.08	No Charge
12/20/23	Sadler and Sadler /OAG Ruling review	8:50 AM	9:10 AM	0.33	No Charge
12/20/23	Lexis Nexis Frontier Request 10-3 to 10-20-23 NO 6637	10:18 AM	11:18 AM	1.00	5.00
12/20/23	Monsour Law / H2310980 /BWC Dash Cam	11:30 AM	1:30 PM	2.00	No Charge
12/20/23	Monsour Law / H2310980 /BWC Dash Cam	2:30 PM	4:30 PM	2.00	No Charge
12/21/23	Crash Report H2311169/Not Ready	7:45 AM	9:00 AM	1.25	No Charge
12/21/23	Monsour Law / H2303343 Old Request May 2023	9:18 AM	9:21 AM	0.05	No Charge
12/21/23	Monsour Law / H2310980 /BWC Dash Cam	10:00 AM	2:30 PM	4.50	Paid
12/21/23	Monsour Law / H2310980 /BWC Dash Cam	2:25 PM	4:30 PM	2.08	No Charge

DATE(S)	Record Requestor	TIME IN	TIME OUT	HOURS	Charges
12/27/23	Crash Report H231169	9:00 AM	9:12 AM	0.20	No Charge
12/27/23	US District Court Lorrene Dudley/ No Record	9:30 AM	9:50 AM	0.33	No Charge
12/27/23	Crash Report H2311639 / Not Ready	9:59 AM	10:10 AM	0.18	No Charge
12/27/23	Crash Report H2311260 / No report/ Advice Given	10:11 AM	10:29 AM	0.30	No Charge
12/27/23	Crash Report H2311673	11:00 AM	11:11 AM	0.18	No Charge
12/27/23	Monsour Law / H2310980 / BWC Dash Cam	11:46 AM	1:00 PM	1.23	No Charge
12/27/23	H2311950 ORR	12:00 PM	12:27 PM	0.45	No Charge
12/27/23	Monsour Law / H2310980 / BWC Dash Cam	1:40 PM	3:31 PM	1.85	No Charge
12/27/23	Crash Report H2311997/ Receipt No. 6638	2:05 PM	2:16 PM	0.18	5.00
12/27/23	Crash Report H2311673	1:40 PM	2:40 PM	1.00	No Charge
12/27/23	Monsour Law / H2309026 Sept 25, 2023	7:05 PM	9:01 PM	1.93	Paid

INFORMATION PROVIDED BY STACEY STRONG - RECORDS ADMINISTRATOR

REV2023/5/5

Henderson Police Department

END OF YEAR REPORT

Employee name	Stacey Strong		
Department	Records	Manager	Charles Helton
Report start date	Sept 19, 2023	Report end date	Dec 31, 2023

Requester	Received	Status
OAG Rulings	2	Completed
US Government	10	Completed
State Government	14	Completed
Local Government	14	Completed
Civilian	44	Completed
Attorney	23	Completed
Crash Reports	106	Completed
Subpoena	2	Completed
Total of All Requests	215	Completed
Revenue Collected	\$850.80	

Goals	Due date	Progress
Redaction Software	March 2024	In Progress
Records Room Organized	July 2024	In Progress
Monthly Retention Schedule	December 2024	In Progress
Destruction Record Yearly	December 2024	In Progress



Memo

To: Jay Abercrombie, City Manager

From: Chad Taylor, Chief of Police

cc: Cheryl Jimerson, City Secretary

Date: January 8, 2024

Re: Henderson Police Department Monthly Report



Attached to this memo please find the monthly activity report from the Police Department for December.

The Henderson Police Department had an eventful month for December. We had several interactions with the community this month that everyone enjoyed especially with it being centered around Christmas. We were involved in several Holiday festivities and celebrations where we were able to interact with our citizens. We had Ribbon Cuttings and Mid-Morning Coffee for businesses. The Police Department also swore in another employee who graduated from the Academy.

December 1, 2023 – Chief Taylor, Lt. Sullivan and Lt. Bathke at our Employee Appreciation Dinner.



December 6, 2023 – Sergeant Charles Helton at the Ribbon Cutting for Henderson RV park.



December 6, 2023 – Officers at the Henderson Christmas Parade



December 7, 2023 – Cadet Levi Morrill graduating from the Longview Police Academy with Chief Taylor.



December 8, 2023 – Brookdale bringing the employees at the PD Christmas Stockings.



December 13, 2023 – Det. Pamela Randolph participating in the Gingerbread House event at Brookdale Assisted Living (1st Place recipient).



December 14, 2023 – Officers at Midmorning Coffee hosted by PB&J Services.



December 18, 2023 –New Officer Levi Morrill being Sworn In.



December 19, 2023 – Officers participating in the Wylie Christmas Parade.



December 20, 2023 – Detective Pamela Randolph in the Best 40 under 40 competition representing East Texas.

LAW ENFORCEMENT & MILITARY Top 3 Nominees



Bianca Smedley



Blake Dickerson



Pamela Randolph

ETX VIEW
YOUR VIEW OF EAST TEXAS



	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April
	2022																
CALLS FOR SERVICE	802	738	671	753	878	1176	1160	1139	988	1001	1037	1030	975	991	970	1092	1047
OFFICER INITIATED CFS	86	66	53	105	209	486	484	414	388	289	362	295	321	299	371	364	331
DISPATCHED CFS	716	672	618	648	669	690	676	725	600	712	675	735	654	692	599	728	716
TRAFFIC CITATIONS	71	87	59	124	90	59	53	58	71	51	58	48	25	42	53	94	29
WRITTEN WARNINGS	327	338	275	490	425	286	274	182	234	168	240	152	185	187	231	241	134
ARREST	59	42	47	62	33	23	31	35	21	31	38	35	25	30	31	31	28
ACCIDENTS	22	23	14	24	17	21	28	29	21	37	19	44	35	50	35	39	41
DWI ARREST	0	1	3	1	1	4	3	0	2	1	2	3	2	3	1	1	1
(included above)																	
INCIDENT REPORTS																	
SENT TO CID	290	265	256	258	191	226	230	181	204	231	229	249	212	247	179	240	204
ASSIGNED	216	240	228	201	191	226	230	181	204	231	229	249	212	247	179	240	204
SUSPENDED	98	143	118	105	70	75	86	98	78	53	126	90	71	86	59	120	141
CLEARED	96	63	85	95	112	95	109	56	145	135	121	112	80	84	55	111	102
BURGLARY	15	10	12	4	1	5	5	2	19	15	7	14	17	14	3	7	10
ROBBERY	1	2	1	0	1	1	4	0	0	0	0	1	3	0	0	2	1
ASSAULT	40	27	26	23	12	10	31	22	19	32	28	27	31	26	15	41	29
POCS / POM*	12	5	9	6	2	3	3	4	2	0	3	0	1	2	3	2	2
SEXUAL ASSAULT	1	1	2	1	2	1	1	0	0	0	4	0	0	2	0	3	

* Includes marijuana, cocaine, etc.

May	June	July	Aug		Oct	Nov	Dec
1077	1102	1133	1150	1180	1057	1019	1218
304	362	424	432	514	460	454	591
773	740	709	718	666	597	565	627
74	64	73	117	96	133	152	104
185	170	225	224	285	178	182	324
27	38	23	37	38	31	22	42
39	46	37	28	30	35	21	35
0	1	2	1	2	0	2	5
233	280	212	206	191	202	148	197
233	280	212	206	191	202	148	197
59	141	117	174	110	72	90	91
89	70	127	107	105	95	77	103
23	15	13	6	13	12	10	6
1	0	1	2	1	2	2	0
32	28	21	31	27	26	18	26
1	2	1	6	8	4	5	2
2	3	1	1	1	0	1	0

**Compatibility Report for Copy of Jan 2022 Monthly Report -
.xls
Run on 02/02/2022 16:35**

If the workbook is saved in an earlier file format or opened in an earlier version of Microsoft Excel, the listed features will not be available.

Minor loss of fidelity	# of occurrences	Version
Some cells or styles in this workbook contain formatting that is not supported by the selected file format. These formats will be converted to the closest format available.	17	Excel 97-2003



City of Henderson
Animal Center
And Protection

Memo

To: Jay Abercrombie, City Manager

From: Charissa Pool, Animal Center and Animal Protection Director

cc: Cheryl Jimerson, City Secretary

Date: January 16, 2024

Re: Henderson Animal Center and Protection Monthly Report

Attached to this memo, please find the monthly activity report from Henderson Animal Center and Protection for December 2023.



Henderson Animal Center and Protection

December 2023



‘Tis the season for adoptions and furry companionship as we tried to find all of our animals homes in time for the holidays!

Lots of time went into taking festive photos of the dogs to increase their adoptability!













We received lots of great items for the animals this holiday season!



We rang the Salvation Army bell at Walmart:



We challenged the public to donate to the animals for Taylor Swift's birthday!

#TAYLORSWIFTCHALLENGE



Taylor is a huge supporter of animal shelters. On her birthday--Dec. 13-- what if everyone donates \$13 to their local animal shelter in Taylor's name?

DONATE \$13 ON DEC. 13

This can make a huge difference for shelters like us, who have had a particularly hard year.

Monetary donations continue to help the animals with medical needs that come through our doors!



There have been an increase in dumped animals, including at our doors.
These are just a few:





We are chipping away at feral cat colony populations by setting traps:



Our officers have stayed busy responding to stray dog calls:



Here are a few happy outcomes for the month!









Henderson Animal Center and Protection

Monthly Report

Month of: December

Year: 2023

Inside City Limits

Number of Dogs:	16	Year to Date:	27
Number of Cats:	10	Year to Date:	30
Number of Others:	0	Year to Date:	0
TOTAL Number of Animals:	26	Year to Date:	57

ACOPU

Number of Dogs:	15	Year to Date:	34
Number of Cats:	5	Year to Date:	23
Number of Others:	1	Year to Date:	7
TOTAL Number of Animals:	21	Year to Date:	64

Outside City Limits

Number of Dogs:	8	Year to Date:	18
Number of Cats:	1	Year to Date:	8
Number of Others:	0	Year to Date:	2
TOTAL Number of Animals:	9	Year to Date:	28

Rusk County Sheriff's Department

Number of Dogs:	0	Year to Date:	0
Number of Cats:	0	Year to Date:	0
Number of Others:	0	Year to Date:	0
TOTAL Number of Animals:	0	Year to Date:	0

City of Overton

Number of Dogs:	0	Year to Date:	0
Number of Cats:	0	Year to Date:	0
Number of Others:	0	Year to Date:	0
TOTAL Number of Animals:	0	Year to Date:	0

City of Tatum

Number of Dogs:	0	Year to Date:	0
Number of Cats:	0	Year to Date:	0
Number of Others:	0	Year to Date:	0
TOTAL Number of Animals:	0	Year to Date:	0

City of New London

Number of Dogs:	0	Year to Date:	0
Number of Cats:	0	Year to Date:	0
Number of Others:	0	Year to Date:	0
TOTAL Number of Animals:	0	Year to Date:	0

TOTAL of Animals Received

Number of Dogs:	39	Year to Date:	79
Number of Cats:	16	Year to Date:	61
Number of Others:	1	Year to Date:	9
TOTAL this Month:	56	Year to Date:	149

Animals Reclaimed

Number of Dogs:	5	Year to Date:	12
Number of Cats:	1	Year to Date:	2
Number of Others:	0	Year to Date:	0
TOTAL this Month:	6	Year to Date:	14

Animals Adopted

Number of Dogs:	26	Year to Date:	57
Number of Cats:	22	Year to Date:	78
Number of Others:	0	Year to Date:	2
TOTAL this Month:	48	Year to Date:	137

<i>Monthly Adoption Breakdown:</i>	<i>Dogs Adopted:</i>	13	<i>Dogs Rescued:</i>	13
	<i>Cats Adopted:</i>	8	<i>Cats Rescued:</i>	14
	<i>Others Adopted:</i>	0	<i>Others Rescued:</i>	0

Animals Euthanized

Number of Dogs:	1	Year to Date:	7
Number of Cats:	0	Year to Date:	0
Number of Others:	0	Year to Date:	0
TOTAL this Month:	1	Year to Date:	7

<i>Monthly Euthanasia Breakdown</i>	<i>Sick:</i>	<i>Injured:</i>	<i>Aggressive:</i>
	<i>Dogs:</i>	0	1
	<i>Cats:</i>	0	0
	<i>Other: (Non-Wildlife)</i>	0	0

<u>Animals Held for Rabies Quarantine:</u>	6	Year to Date:	11
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<u>Animals Tested for Rabies:</u>	0	Year to Date:	3
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<u>Animal Complaints Received:</u>	534+	Year to Date:	1,711+
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<u>Deceased on Arrival (disposal):</u>	1	Year to Date:	11
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<u>Died in Care:</u>	0	Year to Date:	2
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Animal Protection Activity

<u>Warnings Issued:</u>	9	Year to Date:	34
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<u>Citations:</u>	0	Year to Date:	10
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<u>Calls for Service during hours:</u>	40	Year to Date:	150
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<u>Calls for Service after hours:</u>	2	Year to Date:	6
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<u>Seizures:</u>	0	Year to Date:	0
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<u>Wildlife Euthanasia (sick or injured):</u>	0	Year to Date:	1
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<u>Wildlife Release:</u>	1	Year to Date:	3
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<u>Traps Set:</u>	3	Year to Date:	30
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CITY WAITING LIST:

<u>TOTAL ADDED this Month:</u>	6	Total to Date:	430
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COUNTY WAITING LIST:

<u>TOTAL ADDED this Month:</u>	62	Total to Date:	3,267
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TOTAL ANIMALS ADDED TO WAITING LIST:

<u>TOTAL ADDED this Month:</u>	68	Total added to list to Date:	3,697
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<u>Found rescues for this Month:</u>	5		
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City of Henderson
Animal Center
And Protection

Memo

To: Jay Abercrombie, City Manager

From: Charissa Pool, Animal Center and Animal Protection Director

cc: Cheryl Jimerson, City Secretary

Date: February 20, 2024

Re: Henderson Animal Center and Protection Monthly Report

Attached to this memo, please find the monthly activity report from Henderson Animal Center and Protection for January 2024.



Henderson Animal Center and Protection

January 2024



We started off the New Year focusing on pet owner education, training, and tactics to help keep pets out of the center.

A poster titled "Cold Weather Reminders for Pet Owners". The title is in large blue letters at the top. Below it, a sub-section says "If you are cold, they are cold!" with a thermometer and snowflake icon. Two dogs wearing red winter coats are shown in the bottom left. The poster is filled with text and icons related to pet care in cold weather, including a list of reminders and a warning against tethering.

Cold Weather Reminders for Pet Owners

If you are cold, they are cold!

1) Bring pets inside if you are able.
If they are not used to being inside, a crate is a great solution. Let them out as needed for bathroom breaks.

2) Outdoor pets need to have:
Adequate shelter from the cold

- Dog house or similar shelter or structure providing a break from the wind
- Bedding, straw, and/or added heat source for warmth such as a heater or lamp

Access to water and extra food

- Make sure the animal has access to thawed water. If water freezes, make sure you have thawed water frequently available for them.
- Provide extra food as cold animals burn more calories than usual to try and stay warm.

3) Reminder: Tethering is prohibited in the city limits without direct supervision of animal by owner!

DO NOT LEAVE ANIMALS TIED AND UNATTENDED OUTSIDE UNDER ANY CIRCUMSTANCES!

Leave it to beaver! We had an unusual call to start the year. This beaver ended up trapped in a man-hole so our officers went to rescue and relocate him to safety.



Our officers have been busy setting traps to thin down some local cat colonies:



Chewy was found completely matted, and Doggy Darlings graciously offered a pro bono trim.



Volunteers came to help out give baths to quite a few of our dogs:



We had many strays come through our doors this month:



Our office closed in observation of Martin Luther King Jr. Day:



Here are a few of our happy outcomes for the month:





Henderson Animal Center and Protection

Monthly Report

Month of: January

Year: 2024

Inside City Limits

Number of Dogs:	3	Year to Date:	30
Number of Cats:	4	Year to Date:	34
Number of Others:	0	Year to Date:	0
TOTAL Number of Animals:	7	Year to Date:	64

ACOPU

Number of Dogs:	10	Year to Date:	44
Number of Cats:	16	Year to Date:	39
Number of Others:	3	Year to Date:	10
TOTAL Number of Animals:	29	Year to Date:	93

Outside City Limits

Number of Dogs:	1	Year to Date:	19
Number of Cats:	2	Year to Date:	10
Number of Others:	0	Year to Date:	2
TOTAL Number of Animals:	3	Year to Date:	31

Rusk County Sheriff's Department

Number of Dogs:	0	Year to Date:	0
Number of Cats:	0	Year to Date:	0
Number of Others:	0	Year to Date:	0
TOTAL Number of Animals:	0	Year to Date:	0

City of Overton

Number of Dogs:	0	Year to Date:	0
Number of Cats:	0	Year to Date:	0
Number of Others:	0	Year to Date:	0
TOTAL Number of Animals:	0	Year to Date:	0

City of Tatum

Number of Dogs:	0	Year to Date:	0
Number of Cats:	0	Year to Date:	0
Number of Others:	0	Year to Date:	0
TOTAL Number of Animals:	0	Year to Date:	0

City of New London

Number of Dogs:	0	Year to Date:	0
Number of Cats:	0	Year to Date:	0
Number of Others:	0	Year to Date:	0
TOTAL Number of Animals:	0	Year to Date:	0

TOTAL of Animals Received

Number of Dogs:	14	Year to Date:	93
Number of Cats:	22	Year to Date:	83
Number of Others:	3	Year to Date:	12
TOTAL this Month:	39	Year to Date:	188

Animals Reclaimed

Number of Dogs:	4	Year to Date:	16
Number of Cats:	1	Year to Date:	3
Number of Others:	0	Year to Date:	0
TOTAL this Month:	5	Year to Date:	19

Animals Adopted

Number of Dogs:	11	Year to Date:	68
Number of Cats:	21	Year to Date:	99
Number of Others:	0	Year to Date:	2
TOTAL this Month:	32	Year to Date:	169

<i>Monthly Adoption Breakdown:</i>	<i>Dogs Adopted:</i>	7	<i>Dogs Rescued:</i>	4
	<i>Cats Adopted:</i>	6	<i>Cats Rescued:</i>	15
	<i>Others Adopted:</i>	0	<i>Others Rescued:</i>	0

Animals Euthanized

Number of Dogs:	2	Year to Date:	9
Number of Cats:	1	Year to Date:	1
Number of Others:	0	Year to Date:	0
TOTAL this Month:	3	Year to Date:	10

<i>Monthly Euthanasia Breakdown</i>	<i>Sick:</i>	<i>Injured:</i>	<i>Aggressive:</i>
	<i>Dogs:</i>	0	2
	<i>Cats:</i>	0	0
	<i>Other: (Non-Wildlife)</i>	0	0

<u>Animals Held for Rabies Quarantine:</u>	2	Year to Date:	13
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<u>Animals Tested for Rabies:</u>	0	Year to Date:	3
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<u>Animal Complaints Received:</u>	547+	Year to Date:	2,258+
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<u>Deceased on Arrival (disposal):</u>	2	Year to Date:	13
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<u>Died in Care:</u>	0	Year to Date:	2
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Animal Protection Activity

<u>Warnings Issued:</u>	30	Year to Date:	64
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<u>Citations:</u>	3	Year to Date:	13
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<u>Calls for Service during hours:</u>	77	Year to Date:	227
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<u>Calls for Service after hours:</u>	0	Year to Date:	6
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<u>Seizures:</u>	1	Year to Date:	1
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<u>Wildlife Euthanasia (sick or injured):</u>	0	Year to Date:	1
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<u>Wildlife Release:</u>	2	Year to Date:	5
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<u>Traps Set:</u>	35	Year to Date:	65
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CITY WAITING LIST:

<u>TOTAL ADDED this Month:</u>	6	Total to Date:	436
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COUNTY WAITING LIST:

<u>TOTAL ADDED this Month:</u>	112	Total to Date:	3,379
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TOTAL ANIMALS ADDED TO WAITING LIST:

<u>TOTAL ADDED this Month:</u>	118	Total added to list to Date:	3,815
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Community Development Department
300 West Main Street
Henderson, Tx 75652
Phone: 903-392-0786

Monthly Report

To: Mayor and City Council Members
From: Cliff McElfresh/Billy Hughes
RE: Summary for the Month of December 2023

MONTHLY TOTALS BUILDING CONSTRUCTION VALUE:	December, 2023	\$1,460,609.00
MONTHLY TOTALS BUILDING CONSTRUCTION VALUE:	December, 2022	\$837,945.00
ANNUAL TOTAL BUILDING CONSTRUCTION VALUE:	TO DATE 2023	\$31,843,347.40
ANNUAL TOTAL BUILDING CONSTRUCTION VALUE:	Thru December, 2022	\$7,257,299.49

BUILDING INSPECTORS REPORT

CODE ENFORCEMENT REPORT

Building Inspections	11	Food Establishment Inspections	9
Electrical Inspections	23	Food Truck/Trailer Permits	1
Plumbing Inspections	24	High Grass & Weeds	1
Mechanical Inspections	7	Junk Vehicles	1
Stop Work Orders	0	Illegal Signs	0
Other-Driveway, slab, etc.	6	Sub-Standard Structure Inspections/Notifications	0
Residential Plan Review	1	Illegal Dumping /Road debris/Illegal storage	0
Commercial Plan Review	3	Restaurant Grease Trap Inspection	0
Sign Permits Review	4	Abatements	0
Certificate of Occupancy	10	Other	0

Commercial Building Permits Issued	2
Residential Building Permits Issued	5
Residential Demo Permits Issued	0
Residential Roof Permits Issued	4
Commercial Roof Permits issued	3
Residential Fence Permit Issued	1

Planning & Zoning: The Planning & Zoning Commission met on December 12, 2023 to consider an application to re-zone a property from R3 to M2. The property is located on North Evenside. The board voted to make a recommendation to council to consider and approve this request to re-zone this parcel.

Board of Adjustments: The Board of Adjustments did not meet this month.

Items of interest: Two new businesses opened their doors in the month of December, Cherokee Motors and Marine and AC Storage on Hwy 64. West Fraser is still working on the Wellons Dry Kiln at this time.

Submitted by: Cliff McElfresh, Community Development Mgr.

Date: 1/3/2024

Billy Hughes, Planning and Zoning Administrator



Community Development Department
300 West Main Street
Henderson, Tx 75652
Phone: 903-392-0786

Monthly Report

To: Mayor and City Council Members
From: Cliff McElfresh/Billy Hughes
RE: Summary for the Month of January 2024

MONTHLY TOTALS BUILDING CONSTRUCTION VALUE:	January, 2024	\$270,906.00
MONTHLY TOTALS BUILDING CONSTRUCTION VALUE:	January, 2023	\$244,945.00
ANNUAL TOTAL BUILDING CONSTRUCTION VALUE:	TO DATE 2024	\$270,906.00
ANNUAL TOTAL BUILDING CONSTRUCTION VALUE:	Thru January, 2023	\$244,945.00

BUILDING INSPECTORS REPORT

CODE ENFORCEMENT REPORT

Building Inspections	12	Food Establishment Inspections	2
Electrical Inspections	27	Food Truck/Trailer Permits	1
Plumbing Inspections	24	High Grass & Weeds	0
Mechanical Inspections	5	Junk Vehicles	1
Stop Work Orders	0	Illegal Signs	0
Other-Driveway, slab, etc.	12	Sub-Standard Structure Inspections/Notifications	1
Residential Plan Review	1	Illegal Dumping /Road debris/Illegal storage	0
Commercial Plan Review	2	Restaurant Grease Trap Inspection	0
Sign Permits Review	4	Abatements	1
Certificate of Occupancy	1	Other	0

Commercial Building Permits Issued	0
Residential Building Permits Issued	5
Residential Demo Permits Issued	1
Residential Roof Permits Issued	4
Commercial Roof Permits issued	1
Residential Fence Permit Issued	0

Planning & Zoning: The Planning and Zoning Commission met on January 9, 2024 to consider the creation of a new zoning district for Town Homes. The board voted unanimously to make a recommendation to approve this new residential district along with its own specific developmental standards.

Board of Adjustments: The Board of Adjustments did not meet this month.

Items of interest: West Fraser continues to move forward with the construction of the new sawmill.

Billy Hughes will be retiring at the end of February after serving the city for 5 years as Planning and Zoning Administrator and we will have Dennis Williams stepping into this position after retiring from the City of Longview's inspection department.

Submitted by: Cliff McElfresh, Community Development Mgr.

Date: 2/7/2024

Billy Hughes, Planning and Zoning Administrator



To: Jay Abercrombie, City Manager
From: Kirk Kimbrell, Director of Public Services

January 2024 Public Services Monthly Report



- Frontier & Sparklight fiber optic is currently being installed throughout the city. Public Services has a crew dedicated to locating the City's utilities during the installation to protect City water, sewer, and storm sewer infrastructure.
- New water meters are being installed throughout the city by Performance Services.
- Keep Henderson Beautiful won their 4th Governor's Community Achievement Award and are currently in the planning phase of beautification work on the traffic star and along HWY 79.
- Continually updating GIS mapping throughout the city.
- Assisting City of Overton with utilities distribution and sewer collection system maintenance.
- Public Services supervisors attended Leadership Training provided by Express Pros Personnel.
- Clearing property on the West side of Lake Forest Park for development.

Maintenance Work:

January 1st – 6th, 2024

- Street & Utility crews – Utility locates for fiber optic installation throughout town, remodel lady's restroom at City Hall, asphalt repairs on McMurray St and Jalapeno Tree parking lot, repaired storm drain on Lone Oak, set up for Christmas Parade, concrete repair in Jalapeno Tree Parking Lot, clean Public Services Warehouse.
- Parks and Recreation – Mow parks, cemeteries, and city-owned properties, spray selective and non-selective herbicide, trimmed low hanging limbs at Lakewood Cemetery, leveled graves and headstones at Lakewood Cemetery, clean, service, and repairs on vehicles, worked Christmas Parade, poured concrete slabs at Lakewood Cemetery for new trash cans.
- Buildings and Grounds Maintenance – Repaired electrical outlet at the Community Center, inspect and repair Downtown electrical in preparation for Christmas decorations, installed a toolbox on custodian truck, assist with Civic Center setups, wire, and program Heritage Square Christmas Tree Downtown, met with contractor about replacing a furnace at the Community Center.

January 7th – 13th, 2024

- Street & Utility Crews – Utility locates for fiber optic installation throughout town, remodel lady's restroom at City Hall, organize and Sports Complex shop building for special events material storage, camera inspection of sewer line on West Elk, drainage work on Industrial @ Morris St, cleared west side of Lake Forest Park, asphalt repairs on Ruby @ Rogers, Yates parking lot, and High St.
- Parks and Recreation - Mow parks, cemeteries, and city-owned properties, spray selective and non-selective herbicide, update/convert cemetery records to GIS, poured concrete slabs for new trash cans.
- Buildings and Ground Maintenance – Picked up lights and lenses for Fire Station #1 remodel, met with City of Longview about GIS/Cityworks, installed new controller on Heritage Square Clock, cleared washing machine drain line at Fire Station #1, fixed running toilet at Fire Station #1, installed signs socket on S. Marshall @ Ragley, assist with Civic Center setups.

January 14th – 2th, 2024

- Street & Utility Crews – Utility locates for fiber optic installation throughout town, remodel lady's restroom at City Hall, patched potholes throughout town, cleared west side of Lake Forest Park, asphalt repairs on Shawnee, Cleaver, and S. High, graded drainage ditch on Mockingbird, poured concrete around stop sign on Marshall @ Ragley.
- Parks and Recreation - Mow parks, cemeteries, and city-owned properties, sprayed selective and non-selective herbicides on City maintained properties, update/convert cemetery records to GIS, cleaned equipment to be in Wylie School Christmas Parade, striped the parking lot at the Civic Center.
- Buildings and Grounds Maintenance – Repaired Christmas Tree programming and wiring, assist with Civic Center setups, installed new signs on Alabama @ Cherokee Trl, S. Marshall @ Ragley, and N. High @ Van Sickle, repaired Heritage Square Clock.

January 22st – 31st, 2024

- Street & Utility Crews – Utility locates for fiber optic installation throughout town, remodel lady's restroom at City Hall, cleared property on the West side of Lake Forest Park for park expansion, patched potholes throughout town, assisted utility crews with a water leak on Jacksonville Dr.
- Parks and Recreation - Mow parks, cemeteries, and city-owned properties, spray selective and non-selective herbicide, update/convert cemetery records to GIS, pick up fallen tree limbs at Lakewood Cemetery, striped Yates Park Parking Lot, poured slabs for new trash cans at Lakewood Cemetery.
- Buildings and Grounds Maintenance – Repaired air conditioner at the Animal Center, replaced an electrical receptacle at the Activity Center, upgraded Sports Complex shop building with new LED fixtures, repaired broken toilet at the Police Department, turned off school zone lights for Christmas break, serviced Activity Center air conditioners, winterized park water fountains and splash pads.



To: City of Henderson Council Members
Jay Abercrombie, City Manager

From: Karen Arnall, Finance Director

Subject: Monthly Report

Date: January 11, 2024

- Investment Report for Nov 2023-see attached report
- Hotel-Motel Occupancy Tax for Nov 2023-see attached report

Water/Sewer/Garbage Billing Recap Month Ending 11/30/2023

Type of service	Amount Billed	Consumption Billed	Count	
Garbage	\$ 171,998.40	-	5,417	-
Sales tax on garbage	\$ 12,868.46	-		-
Sewer Charges	\$ 224,286.31	41,977,720	4,439	-
Water Charges	\$ 293,352.10	68,143,120	4,779	
Sprinkler	\$ 16,321.68	3,156,400	364	-
Penalty	\$ 11,215.68	-	919	
Water Taps	-	-	-	-
Sewer Taps	-	-	-	-
Service Chg/Back Flow	\$ 2,177.00	-	5	
Total Billing	\$ 732,219.01	113,277,240	15,923	

INVESTMENT SUMMARY REPORT
OCTOBER 1, 2023-NOVEMBER 30, 2023

FUND	AMOUNT			INT		
	INVESTED OCT 1,2023	Oct Change	Nov Change	TOTAL INVESTED	RECEIVED IN NOV	Y-T-D INTEREST
GENERAL FUND	752,144	-457,808.00	12,844.00	307,180	4,755	12,328
GF-RESTRICTED	66,498	0.00	0.00	66,498		
GF-MIN. RESERVE	1,200,000	0.00	0.00	1,200,000		
GF-MISC A/R	210,000	0.00	0.00	210,000		
GENERAL -DEBT	401,293	4,296.00	-141,439.00	264,150	996	2,033
GENERAL CONSTR.	81,846	-13,207.00	25,186.00	93,825	119	222
EQUIPMENT REPL	521,017	1,029.00	-267,290.00	254,756	950	1,979
STREET & DRAINAGE	6,442	2,060,915.00	-8,248.00	2,059,109	8,814	14,657
CEMETERY FUND	71,017	436.00	235.00	71,688	46	94
ANIMAL SHELTER	45,555	114.00	486.00	46,155	19	38
W/S FUND	139,143	-62,397.00	105,742.00	182,488	2,613	5,361
W/S MIN. RESERVE	800,000	0.00	0.00	800,000		
W/S- DEBT SERVICE	21,774	12.00	12.00	21,798		
W/S-RESTRICTED	106,592	0.00	0.00	106,592		
W/S CONSTR.	78,737	-33,058.00	32.00	45,711	32	77
MAIN STREET	12,966	-1,255.00	-308.00	11,403	4	9
TOURISM	229,928	896.00	-12,126.00	218,698	94	189
CIVIC CENTER	83	0.00	0.00	83	1	1
INSURANCE RESERVE	11,471	4.00	4.00	11,479	4	8
2018 BOND SERIES	832,011	2,423.00	-118,628.00	715,806	2,361	4,784
TOTALS	5,588,517	1,502,400.00	-403,498.00	6,687,419.00	20,811	41,780

This report is in compliance with our investment strategies as approved by council and the Public Investment Act.

Director of Finance, Karen Arnall

City Manager, Jay Abercrombie

Hotel-Motel Occupancy Tax
Monthly Reporting for
November 2023

DATE RECEIVED	TAX FOR MONTH	HOTEL NAME	TAXABLE MONTHLY RECEIPTS	7% TAX	1% RETAINER	AMOUNT PAID
12/5/2023	Nov	Baymont Inn	78,444.25	5,491.10	54.91	5,436.19
12/2/2023	Nov	Budget Inn (Sawan LLC)	16,024.47	1,121.71	11.22	1,110.49
12/27/2023	Nov	Economy Inn	2,601.82	182.13	-	182.13
12/3/2023	Nov	Holiday inn Express(Jayani Investments)	128,567.00	8,999.69	90.00	8,909.69
12/3/2023	Nov	Woodlawn Hills (Patel & Sons LTD)	16,710.00	1,169.70	11.70	1,158.00
12/11/2023	Nov	Motel 6	62,806.56	4,396.46	43.96	4,352.50
		Totals	305,154.10	21,360.79	211.79	21,149.00



To: City of Henderson Council Members
Jay Abercrombie, City Manager

From: Karen Arnall, Finance Director

Subject: Monthly Report

Date: February 15, 2024

- Investment Report for Dec 2023-see attached report
- Hotel-Motel Occupancy Tax for Dec 2023-see attached report

**Water/Sewer/Garbage Billing Recap
Month Ending 12/31/2023**

Type of service	Amount Billed	Consumption Billed	Count	
Garbage	\$ 171,491.94	-	5,408	-
Sales tax on garbage	\$ 12,857.97	-		-
Sewer Charges	\$ 191,311.22	33,722,502	4,437	-
Water Charges	\$ 261,318.43	62,152,702	4,776	
Sprinkler	\$ 12,039.56	2,453,200	364	-
Penalty	\$ 11,618.89	-	927	
Water Taps	-	-	-	-
Sewer Taps	-	-	-	-
Service Chg/Back Flow	\$ 2,271.50	-	5	
Total Billing	\$ 662,909.51	98,328,404	14,990	



Monthly Report

To: Mayor and City Council Members

From: Cheryl Jimerson, City Secretary

Date: December 19, 2023

Re: November 2023 Monthly Report

City Hall

- City Secretary
 - Took 6 hours vacation and 4 hours sick time.
 - Attended E Records class in Austin (2 days)
 - Attended TMCCP Conference in Frisco (2 days).
 - Registered with the Texas Municipal Clerks Association to get my certification.
 - Completed and passed Course 1 certification program.
 - Completed homework for Course 2 Modules 1,2, & 3.
 - Working to become a Certified Retention Schedule Manager.
 - Received, responded, or corresponded to open records requests.
 - Attended Management Meetings.
 - Attended Council Meeting.
 - Worked with Interim City Attorney office on ordinances and resolutions.
 - Approved and/or entered requisitions and other day to day operations.
 - Answered incoming calls and/or returned calls and met with citizens about various reasons throughout the month.
 - Working to bring Bradshaw State Jail in with a voluntary annexation proposal.
 - Corresponded with Joshua Whitney with the Texas Land and Mineral Department he is working on the Bradshaw voluntary annexation application (last correspondence was November 20).
 - HEDCO annexation application for the East Texas Business Park process will start as soon as the Bradshaw State Jail has been annexed.

- Front Desk Executive

- Updating the calendar for the shared conference room and Council Chambers at City Hall.
- Organized the Fun Food Day menu that is scheduled on the 3rd Friday of each month.
- Organizing City Hall records.
- Answered and transferred calls that come in for each department.
- Scan records for electronic storage.
- Made sure all incoming mail was sent to the appropriate departments.
- Place postage on all out-going mail.
- Entered purchase orders.
- Enter timesheets.
- Searched for records pertaining to ordinances and/or resolutions for the City Secretary.
- Folding and stuffing second notices for water department twice a month



City of Henderson

Monthly Report

To: Mayor and City Council Members

From: Cheryl Jimerson, City Secretary

Date: February 20, 2024

Re: January 2024 Monthly Report

City Hall

- City Secretary
 - Took 6 hours vacation and 4 hours sick time.
 - Attended election Law Seminar (2 days)
 - Registered with the Texas Municipal Clerks Association to get my certification.
 - Completed and passed Course 1 certification program.
 - Completed homework for Course 2 Modules 1,2, & 3.
 - Received, responded, or corresponded to open records requests.
 - Attended Management Meetings.
 - Attended Council Meeting.
 - Worked with City Attorney office on ordinances and resolutions.
 - Approved and/or entered requisitions and other day to day operations.
 - Answered incoming calls and/or returned calls and met with citizens about various reasons throughout the month.
 - Working to bring Bradshaw State Jail in with a voluntary annexation proposal.
 - Received all documentation from the Bradshaw State Jail to begin annexation process.
 - After the Jail annexation is completed, we have the documentation ready to annex Loop 571 and the East Texas Business Park.

- Front Desk Executive

- Printed and put together about 30 comprehensive plan notebooks.
- Helped City Secretary work on the decorating of the entrance and lobby area of City Hall.
- Updating the calendar for the shared conference room and Council Chambers at City Hall.
- Organized the Fun Food Day menu that is scheduled on the 3rd Friday of each month.
- Organizing City Hall records.
- Answered and transferred calls that come in for each department.
- Scan records for electronic storage.
- Made sure all incoming mail was sent to the appropriate departments.
- Keeping City Hall supplies ordered and stocked.
- Place postage on all out-going mail.
- Entered purchase orders.
- Enter timesheets.
- Searched for records pertaining to ordinances and/or resolutions for the City Secretary.
- Folding and stuffing second notices for water department twice a month

HEDCO SALES TAX RECEIPTS HISTORY

Check									
Sales Month	Received Month	1992-1993	1993-1994	1994-1995	1995-1996	1996-1997	1997-1998	1998-1999	1999-2000
AUGUST	OCTOBER		38,548	36,197	37,403	43,615	43,743	45,133	43,378
SEPTEMBER	NOVEMBER		58,170	59,062	53,862	54,472	61,268	67,745	60,108
OCTOBER	DECEMBER	26,898	34,289	33,121	31,637	45,934	44,271	46,166	55,469
NOVEMBER	JANUARY	34,466	40,048	50,644	35,998	36,900	39,058	40,237	44,788
DECEMBER	FEBRUARY	66,400	65,598	63,055	57,486	67,599	72,385	79,705	65,828
JANUARY	MARCH	32,279	31,172	33,161	35,558	42,066	37,413	38,909	47,912
FEBRUARY	APRIL	30,617	34,455	33,221	45,104	40,731	40,610	45,303	46,995
MARCH	MAY	55,433	52,448	53,933	54,102	57,676	61,795	66,026	65,237
APRIL	JUNE	35,656	36,285	35,147	40,376	42,114	50,487	48,953	46,288
MAY	JULY	35,704	35,612	37,804	38,755	42,613	44,454	48,043	50,643
JUNE	AUGUST	56,455	60,479	57,700	61,328	60,099	68,203	60,864	65,906
JULY	SEPTEMBER	35,503	33,121	36,831	49,029	49,767	48,094	45,344	49,843
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TOTAL		409,411	520,225	529,876	540,638	583,586	611,781	632,428	642,395
Average Monthly Sales Tax:		40,941	43,352	44,156	45,053	48,632	50,982	52,702	53,533
Annual % Change Over the Previous Year			27.07%	1.86%	2.03%	7.94%	4.83%	3.37%	1.58%

Check									
Sales Month	Received Month	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008
AUGUST	OCTOBER	49,572	58,284	48,837	56,577	54,801	82,519	85,356	87,078
SEPTEMBER	NOVEMBER	59,757	73,834	64,109	70,315	72,264	80,573	100,384	121,188
OCTOBER	DECEMBER	57,388	55,476	48,859	48,045	54,868	66,909	75,575	83,539
NOVEMBER	JANUARY	47,961	48,417	46,007	48,377	55,768	75,685	72,105	88,099
DECEMBER	FEBRUARY	73,487	81,480	64,590	76,014	81,875	102,065	111,520	141,454
JANUARY	MARCH	48,080	42,784	44,274	51,551	51,428	67,088	71,346	57,698
FEBRUARY	APRIL	46,582	46,678	44,678	50,425	62,545	77,568	77,833	84,927
MARCH	MAY	66,004	65,071	63,256	70,803	80,858	91,113	112,557	113,913
APRIL	JUNE	54,487	50,901	51,519	54,893	60,060	79,527	94,809	92,131
MAY	JULY	54,980	49,222	49,936	51,277	61,354	82,635	90,307	110,175
JUNE	AUGUST	71,779	71,920	67,805	73,543	88,459	98,619	118,741	124,099
JULY	SEPTEMBER	53,936	51,693	58,630	52,730	63,193	72,496	81,438	105,559
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TOTAL		684,013	695,760	652,500	\$ 704,550	787,473	976,797	1,091,971	1,209,860
Average Monthly Sales Tax:		57,001	57,980	54,375	\$ 58,713	65,623	81,400	90,998	100,822
Annual % Change Over the Previous Year		6.48%	1.72%	-6.22%	7.98%	11.77%	24.04%	11.79%	10.80%

HEDCO SALES TAX RECEIPTS HISTORY

Sales Month	Check Received Month	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016
AUGUST	OCTOBER	111,268	76,298	87,499	\$ 84,071	92,147	114,011	116,949	121,718
SEPTEMBER	NOVEMBER	134,059	97,160	106,938	\$ 106,441	114,084	119,394	148,033	149,725
OCTOBER	DECEMBER	128,139	74,526	85,724	\$ 85,001	93,729	99,139	119,562	120,511
NOVEMBER	JANUARY	118,278	75,375	80,897	\$ 86,133	91,079	92,381	109,862	108,103
DECEMBER	FEBRUARY	146,434	96,298	120,034	\$ 120,338	121,444	133,265	147,853	145,156
JANUARY	MARCH	101,087	72,740	73,132	\$ 83,391	83,926	93,906	106,330	101,430
FEBRUARY	APRIL	101,860	72,550	72,002	\$ 90,348	94,535	96,345	113,852	112,599
MARCH	MAY	120,755	106,538	111,326	\$ 126,183	118,964	135,024	140,828	142,354
APRIL	JUNE	96,023	83,877	82,698	\$ 95,591	100,456	113,739	116,123	104,961
MAY	JULY	94,426	78,745	79,889	\$ 101,797	103,080	129,549	110,049	101,897
JUNE	AUGUST	113,557	110,237	116,504	\$ 120,043	122,602	141,380	140,858	132,394
JULY	SEPTEMBER	75,248	79,339	85,237	\$ 88,084	98,996	114,067	125,934	101,024
<hr/>		<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
TOTAL		1,341,134	1,023,683	1,101,880	\$ 1,187,421	1,235,042	1,382,200	1,496,233	1,441,872
Average Monthly Sales Tax:		111,761	85,307	91,823	\$ 98,952	102,920	115,183	124,686	120,156
Annual % Change Over the Previous Year		0.11	-23.67%	7.64%	7.76%	4.01%	11.92%	8.25%	-3.63%
Sales Month	Check Received Month	2016-2017	2017-2018	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024
AUGUST	OCTOBER	108,069	99,446	113,001	\$ 94,789	119,769	136,754	163,729	172,110
SEPTEMBER	NOVEMBER	132,067	124,141	138,028	\$ 142,246	141,434	177,944	208,295	210,169
OCTOBER	DECEMBER	100,965	95,324	114,866	\$ 113,405	113,333	143,064	167,491	
NOVEMBER	JANUARY	96,254	100,353	110,701	\$ 110,843	112,738	145,911	168,489	
DECEMBER	FEBRUARY	123,378	147,969	139,736	\$ 141,342	161,211	185,516	227,918	
JANUARY	MARCH	101,565	97,139	105,806	\$ 113,262	116,200	140,154	138,614	
FEBRUARY	APRIL	97,772	102,039	102,197	\$ 106,063	99,301	127,489	169,500	
MARCH	MAY	151,778	148,855	141,682	\$ 147,519	168,499	230,335	229,210	
APRIL	JUNE	99,509	128,332	111,569	\$ 130,329	143,875	157,730	180,538	
MAY	JULY	98,978	111,018	118,162	\$ 150,050	147,755	155,829	206,674	
JUNE	AUGUST	111,408	141,389	135,709	\$ 169,353	168,612	192,135	235,730	
JULY	SEPTEMBER	93,383	114,001	124,498	\$ 115,717	139,587	161,760	178,760	
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TOTAL		1,315,126	1,410,006	1,455,955	\$ 1,534,918	1,632,314	1,954,621	2,274,948	382,279
Average Monthly Sales Tax:		109,594	117,501	121,330	\$ 127,910	136,026	162,885	189,579	191,140
Annual % Change Over the Previous Year		-0.09	7.21%	3.26%	5.42%	6.35%	19.75%	16.39%	-83.20%

HEDCO SALES TAX RECEIPTS HISTORY

Check									
Sales Month	Received Month	1992-1993	1993-1994	1994-1995	1995-1996	1996-1997	1997-1998	1998-1999	1999-2000
AUGUST	OCTOBER		38,548	36,197	37,403	43,615	43,743	45,133	43,378
SEPTEMBER	NOVEMBER		58,170	59,062	53,862	54,472	61,268	67,745	60,108
OCTOBER	DECEMBER	26,898	34,289	33,121	31,637	45,934	44,271	46,166	55,469
NOVEMBER	JANUARY	34,466	40,048	50,644	35,998	36,900	39,058	40,237	44,788
DECEMBER	FEBRUARY	66,400	65,598	63,055	57,486	67,599	72,385	79,705	65,828
JANUARY	MARCH	32,279	31,172	33,161	35,558	42,066	37,413	38,909	47,912
FEBRUARY	APRIL	30,617	34,455	33,221	45,104	40,731	40,610	45,303	46,995
MARCH	MAY	55,433	52,448	53,933	54,102	57,676	61,795	66,026	65,237
APRIL	JUNE	35,656	36,285	35,147	40,376	42,114	50,487	48,953	46,288
MAY	JULY	35,704	35,612	37,804	38,755	42,613	44,454	48,043	50,643
JUNE	AUGUST	56,455	60,479	57,700	61,328	60,099	68,203	60,864	65,906
JULY	SEPTEMBER	35,503	33,121	36,831	49,029	49,767	48,094	45,344	49,843
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TOTAL		409,411	520,225	529,876	540,638	583,586	611,781	632,428	642,395
Average Monthly Sales Tax:		40,941	43,352	44,156	45,053	48,632	50,982	52,702	53,533
Annual % Change Over the Previous Year			27.07%	1.86%	2.03%	7.94%	4.83%	3.37%	1.58%

Check									
Sales Month	Received Month	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008
AUGUST	OCTOBER	49,572	58,284	48,837	56,577	54,801	82,519	85,356	87,078
SEPTEMBER	NOVEMBER	59,757	73,834	64,109	70,315	72,264	80,573	100,384	121,188
OCTOBER	DECEMBER	57,388	55,476	48,859	48,045	54,868	66,909	75,575	83,539
NOVEMBER	JANUARY	47,961	48,417	46,007	48,377	55,768	75,685	72,105	88,099
DECEMBER	FEBRUARY	73,487	81,480	64,590	76,014	81,875	102,065	111,520	141,454
JANUARY	MARCH	48,080	42,784	44,274	51,551	51,428	67,088	71,346	57,698
FEBRUARY	APRIL	46,582	46,678	44,678	50,425	62,545	77,568	77,833	84,927
MARCH	MAY	66,004	65,071	63,256	70,803	80,858	91,113	112,557	113,913
APRIL	JUNE	54,487	50,901	51,519	54,893	60,060	79,527	94,809	92,131
MAY	JULY	54,980	49,222	49,936	51,277	61,354	82,635	90,307	110,175
JUNE	AUGUST	71,779	71,920	67,805	73,543	88,459	98,619	118,741	124,099
JULY	SEPTEMBER	53,936	51,693	58,630	52,730	63,193	72,496	81,438	105,559
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TOTAL		684,013	695,760	652,500	\$ 704,550	787,473	976,797	1,091,971	1,209,860
Average Monthly Sales Tax:		57,001	57,980	54,375	\$ 58,713	65,623	81,400	90,998	100,822
Annual % Change Over the Previous Year		6.48%	1.72%	-6.22%	7.98%	11.77%	24.04%	11.79%	10.80%

HEDCO SALES TAX RECEIPTS HISTORY

Sales Month	Check Received Month	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016
AUGUST	OCTOBER	111,268	76,298	87,499	\$ 84,071	92,147	114,011	116,949	121,718
SEPTEMBER	NOVEMBER	134,059	97,160	106,938	\$ 106,441	114,084	119,394	148,033	149,725
OCTOBER	DECEMBER	128,139	74,526	85,724	\$ 85,001	93,729	99,139	119,562	120,511
NOVEMBER	JANUARY	118,278	75,375	80,897	\$ 86,133	91,079	92,381	109,862	108,103
DECEMBER	FEBRUARY	146,434	96,298	120,034	\$ 120,338	121,444	133,265	147,853	145,156
JANUARY	MARCH	101,087	72,740	73,132	\$ 83,391	83,926	93,906	106,330	101,430
FEBRUARY	APRIL	101,860	72,550	72,002	\$ 90,348	94,535	96,345	113,852	112,599
MARCH	MAY	120,755	106,538	111,326	\$ 126,183	118,964	135,024	140,828	142,354
APRIL	JUNE	96,023	83,877	82,698	\$ 95,591	100,456	113,739	116,123	104,961
MAY	JULY	94,426	78,745	79,889	\$ 101,797	103,080	129,549	110,049	101,897
JUNE	AUGUST	113,557	110,237	116,504	\$ 120,043	122,602	141,380	140,858	132,394
JULY	SEPTEMBER	75,248	79,339	85,237	\$ 88,084	98,996	114,067	125,934	101,024
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TOTAL		1,341,134	1,023,683	1,101,880	\$ 1,187,421	1,235,042	1,382,200	1,496,233	1,441,872
Average Monthly Sales Tax:		111,761	85,307	91,823	\$ 98,952	102,920	115,183	124,686	120,156
Annual % Change Over the Previous Year		0.11	-23.67%	7.64%	7.76%	4.01%	11.92%	8.25%	-3.63%
Sales Month	Check Received Month	2016-2017	2017-2018	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024
AUGUST	OCTOBER	108,069	99,446	113,001	\$ 94,789	119,769	136,754	163,729	172,110
SEPTEMBER	NOVEMBER	132,067	124,141	138,028	\$ 142,246	141,434	177,944	208,295	210,169
OCTOBER	DECEMBER	100,965	95,324	114,866	\$ 113,405	113,333	143,064	167,491	189,000
NOVEMBER	JANUARY	96,254	100,353	110,701	\$ 110,843	112,738	145,911	168,489	204,304
DECEMBER	FEBRUARY	123,378	147,969	139,736	\$ 141,342	161,211	185,516	227,918	
JANUARY	MARCH	101,565	97,139	105,806	\$ 113,262	116,200	140,154	138,614	
FEBRUARY	APRIL	97,772	102,039	102,197	\$ 106,063	99,301	127,489	169,500	
MARCH	MAY	151,778	148,855	141,682	\$ 147,519	168,499	230,335	229,210	
APRIL	JUNE	99,509	128,332	111,569	\$ 130,329	143,875	157,730	180,538	
MAY	JULY	98,978	111,018	118,162	\$ 150,050	147,755	155,829	206,674	
JUNE	AUGUST	111,408	141,389	135,709	\$ 169,353	168,612	192,135	235,730	
JULY	SEPTEMBER	93,383	114,001	124,498	\$ 115,717	139,587	161,760	178,760	
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TOTAL		1,315,126	1,410,006	1,455,955	\$ 1,534,918	1,632,314	1,954,621	2,274,948	775,583
Average Monthly Sales Tax:		109,594	117,501	121,330	\$ 127,910	136,026	162,885	189,579	193,896
Annual % Change Over the Previous Year		-0.09	7.21%	3.26%	5.42%	6.35%	19.75%	16.39%	-65.91%

CIVIC CENTER/PAVILION MONTHLY REPORT

DECEMBER

2023

CIVIC CENTER

Rental

Entire Hall	6	City EAB, Ramirez Wedding, Church on Purpose, Brooks Wedding, HISD Band Banquet, Manning 75th Party
1/3 Hall	3	Provalus Christmas Party, DeeLee Smith, McDaniels Party
2/3 Hall	6	New Life (x5), Production Serv Christmas Party, Provalus (x15), Ramirez Wedding, Brooks Wedding, S
Reception Room	21	Kierce, Rent Buy Christmas Party, R martin, C Gossett
Board Room	10	New Life (x5), Body Shop Wellness (x2), Ramirez Wedding, Brooks Wedding, Syrup Festival Post-mortem
TOTAL	46	

FUN FACT: 42 out of 52 Saturdays are already booked for 2024

PAVILIONS

Rental

Yates Park	0
Fair Park	0
Lake Forest-Lion	0
Lake Forest-Mann	0
Lake Forest-Azalea	0
Lake Forest-Gazebo	0
Lake Forest-Plaza	1
TOTAL	1



CIVIC CENTER/PAVILION MONTHLY REPORT

JANUARY

2024

CIVIC CENTER

Rental

Entire Hall	5	UT Health Leadership Conf., 4-H Youth Food Show, Saldana Graduation Party, Chamber Banquet, Mardi Gras
1/3 Hall	1	GoTrips
2/3 Hall	3	New Life (x3) Provalus (x10), Griffith Party, Main St Board, 7Waters
Reception Room	15	Retirement Lunch, Saldana, Utzman
Board Room	8	New Life (x3), Body Shop Wellness (x2), Tourism Meeting, CC Inc Meeting, C Gossett
TOTAL	32	

FUN FACT: 50 out of 52 Saturdays are already booked for 2024

PAVILIONS

Rental

Yates Park	0	
Fair Park	0	
Lake Forest-Lion	2	Holland, Osteen
Lake Forest-Mann	0	
Lake Forest-Azalea	0	
Lake Forest-Gazebo	0	
Lake Forest-Plaza	0	
TOTAL	2	





MONTHLY REPORT

January 2024

January was extremely busy, with our annual self-assessment and report due and the annual Mardi Gras Gumbo Cook-Off just a week later.

ANNUAL REPORTING

I discovered the reason our Main Street moved from accredited to affiliated in 2023 was because our annual report was submitted late last January. Kaitlin, the Main Street Coordinator, was out on maternity leave at the time. There is no significant difference between being accredited and being affiliated, other than being accredited means the organization has met all the goals and guidelines while being affiliated means the organization is making satisfactory progress toward meeting the goals and guidelines. We will probably not meet accreditation this year, as several new requirements were instituted last year that our organization did not meet in 2023. Board President Leon Harris and I have met several times and are developing a plan to meet each requirement in 2024 so that we will be accredited for 2025.

MARKETING MAIN STREET

I had a Teams meeting with Maximilian Hall with the Texas Historical Commission and HEDCO Director John Clary on Jan. 30 about updating Henderson's page on Downtowntx.org, a tool provided for all Texas Main Street cities to market vacant space in downtown. As part of that process, I will be compiling a survey of all downtown buildings, whether occupied or vacant, and will be requesting assistance from all property owners to ensure our webpage is thorough and accurate. Once completed, we could apply to be a part of the THC's 2025 Imagine the Possibilities Tour, where the agency organizes visits for investors to downtowns with space available for lease or purchase. More information about the website and tour are available at <https://www.thc.texas.gov/preserve/tourism-and-economic-development/downtowntx>.

MARDI GRAS GUMBO COOK-OFF

We held our 10th annual gumbo cook-off and Mardi Gras party on Jan. 27. Initially conceived as a fun way to draw people downtown, the event moved to the civic center a few years ago to escape a cold front and has stayed indoors since. It appears to have been very well received by participants and actually made a little money this year. We had seven teams competing and received excellent television coverage on CBS19 and KETK. Expenses for the event totaled approximately \$5,500 and revenues totaled approximately \$6,700. The Main Street Board will discuss the future of the event at their February board meeting.

TOURISM

Stephanie and I attended the Northeast Texas Tourism Council meeting in Lindale on Jan. 11. The focus of that meeting was preparing for upcoming travel shows. I will be working at the Houston Home and Garden Show with a team from NETTC the weekend of Feb. 2 and the Dallas Adventure Show the weekend of March 23.

MONTHLY OVERVIEW

January 3 – Visioning and planning meeting – Stephanie Kimbrell and Jay Abercrombie
4 – Event planning and workflow meeting – Phedra Johnson
8 – New Main Street Managers training series – online
9 – Main Street America Transformation Strategy workshop – online
10 – KWRD morning show
10 – Main Street America Accreditation Platform training – online
11 – NETTC meeting – Lindale
17 – Imagine the Possibilities network call – online
17 – 2050 Comprehensive Plan workshop – City staff, Keep Henderson Beautiful
23 – CBS19 Early Morning Show – 6 a.m. in Tyler
24 – KWRD morning show
26 – Mardi Gras decorating
27 – Mardi Gras event
29 – Rusk County Historical Commission meeting – Depot Museum
30 – DowntownTX.org navigation meeting – online



MONTHLY REPORT

December 2023

The holiday season is always a race to get everything done before the end of the year, and 2023 was no exception.

CHRISTMAS PARADE

The annual Downtown Christmas Parade was originally scheduled for Thursday, Nov. 30 but, due to the weather forecast, had to be postponed until Dec. 5. We had more than 80 entries this year and all reports seem to indicate it was a well-received event. Next year, we will schedule the tree lighting for 5:45 p.m. and the parade at 6 p.m. to ensure a timely start.

MAIN STREET AND PRESERVATION

The Main Street and Preservation boards met December 12 at the civic center. Brooke Dover's board application was reviewed and approved for submission to Council for approval. Committees continue to meet and planning is underway for the annual Mardi Gras celebration. We have been working on the quarterly and annual reports for Main Street.

MONTHLY OVERVIEW

Dec. 1 – City employee appreciation party

Dec. 5 – Christmas parade

Dec. 7 – Laneville pre-K students spent the morning with Santa in his village on the Square

Dec. 7 – Heritage Syrup Festival post-mortem meeting with city staff and vendors

Dec. 8 – Zoom demonstration of Placer.ai geofencing. *Data indicates approximately 30,000 people attended the Syrup Festival this year.*

Dec. 12 – Main Street/Preservation board meetings

Dec. 19 – Volunteered for First Responders Luncheon at the Jimerson's home.

Dec. 22-Dec. 25 – Office closed





City of Henderson

Monthly Report

To: Mayor and City Council Members

From: Cristina Soriano, Juvenile Case Manager

Date: January 8, 2024

Re: December 2023 Monthly Report

MUNICIPAL COURT

Fines collected for 2022-2023 year – \$206,229.60 from 8010 transactions

Fines collected for 2021-2022 year- 232,468.44 from 8411 transactions

Fines Collected December 2023 - \$13,647.30 from 532 transactions

Fines Collected December 2022 – \$13,019.20 from 479 transactions

Virtual open Court Cases Scheduled 32 Appeared 12 by virtual and including walk-ins



City of Henderson

Monthly Report

To: Mayor and City Council Members

From: Cristina Soriano, Juvenile Case Manager

Date: February 7, 2024

Re: January 2024 Monthly Report

MUNICIPAL COURT

Fines collected for 2023-2024 year – \$57,574.20 from 2211 transactions

Fines collected for 2022-2023 year- 48,596.60 from 1901 transactions

Fines Collected January 2024 - \$14,593.80 from 564 transactions

Fines Collected January 2023 – \$11,116.40 from 431 transactions

Virtual open Court Cases Scheduled 46 Appeared 20 by virtual and including walk-ins

The Planning and Zoning Board met on the above date at 9:00 a.m. Members present: Chairman Johnny Walker, Gary Wilson, Chad Boatwright, and Scott Drodgy. Members unable to attend William Garmon.

Marlen Villanueva acted as secretary for the board.

Chairman Walker opened the meeting with a prayer.

Chairman Walker called the meeting to order at 9:00 a.m.

No citizens comment.

Agenda 3

Chairman Walker asked for a motion regarding the minutes from the meeting held on December 12, 2023. Scott Drodgy made a motion to approve the minutes. The motion was duly seconded by Gary Wilson and with a unanimous vote of the Board, the minutes were approved.

Agenda 4

Chairman Walker opened a public hearing to consider a request to amend Article 2 of the City of Henderson's Zoning Ordinances by adding a new zoning district that will be known as the Town Home Dwelling District and the developmental standards that are appropriate for this district.

Chairman Johnny Walker turned the meeting over to Billy Hughes, the proposed amendment would create a new zoning district for Town Homes and/or Condominiums, allowing certain residential properties to be rezoned to this new district.

Our staff has already been approached by several builders and property owners interested in building townhomes. If approved, the creation of this new "Town Home" Dwelling District would be the first step toward the direction of residential developments suggested by the newly adopted 2050 Comprehensive Plan. By adding these new multifamily structures to lots that are currently vacant the school district, county and city would see an increase in property taxes as well as the city would receive revenue from utility building.

Each case will come to the Planning and zoning board for approval and recommendation to Council to rezone the property.

Chairman Walker asked if there were any questions or comments from the Board or citizens.

Chairman Walker closed the public hearing.

Gary Wilson made a motion to recommend that the Council approves the adding to the new zoning district; duly seconded by Scott Drodgy. The vote was unanimous.

The meeting was adjured at 9:32 a.m.

Chairman Johnny Walker

**City of Henderson
Main Street Department
1500 Lake Forest Parkway
Henderson, Texas 75652**



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MINUTES

HENDERSON MAIN STREET ADVISORY BOARD MEETING

Tuesday, January 9, 2024—12:15pm, Henderson Civic Center Rec. Rm.
1500 Lake Forest Parkway, Henderson, Texas 75652

Board Members Attending:

Brant Bane
Michael Loosier
Bonnie Geddie
Leon Harris

Brooke Dover
Kelly Bumgardner
Misty Evans

Ex-Officio Members Attending:

Alexa Duke, Tourism/Main St. Coord.
Billy Hughes, Community Development

Stephanie Kimbrell, Civic Center Manager
Dennis Williams, Community Development

Called to order by President Leon Harris at 12:15 p.m.

1. Citizen Presentation -- none
2. Downtown Association Report -- none
3. Consider and act upon: November 28 and December 12, 2023 Minutes – Loosier moved and Bumgardner seconded to approved as presented. Motion carried.
4. Consider and act upon: November and December 2023 Financials – November financials were tabled. December financials were considered but the motion to approve and vote were inadvertently omitted. Both months' financials will be presented at the February meeting.
5. Consider and act upon: 113 S. Main sign grant application – tabled due to lack of full documentation.
6. Workshop: annual self-assessment –Harris pointed out this year's assessment is much more in-depth than previous years and that the requirements to achieve accreditation are much more involved than anything the Main Street Board has had to do in the past. Members reviewed some of the assessment questions and the grading scale. After considerable discussion about Main Street's online presence, Alexa will meet with the City's marketing manager to clarify how and where we can amplify our presence on the internet and try to set up a meeting with her and the promotion committee. In order to be considerate of everyone's time, Harris suggested that each board member review each of the questions and consider specific actions to be taken to meet accreditation requirements next year and that he and Duke meet to complete the 2024 self-assessment to ensure timely submission. Each board meeting in future will include discussion and action on a section of the self-assessment.
7. Committee Reports:
 - a. Organization – Committee has been gathering information from other cities but no report has been compiled.

- b. Economic Restructuring – Bumgardner requested copies of sign and façade applications for the owners of the old pawn shop on South Main. She also asked how to pursue repairs on buildings with broken windows and other derelict conditions. Hughes replied that letters could be sent, but there's not a lot the board could do.
- c. Promotion & Design – Will meet after the board meeting to discuss the upcoming Mardi Gras event. Bane reported he has met with someone about replacing the lights on the buildings downtown. Lights designed for year-round use are much more costly than regular light strings similar to what we have, so Bane is working toward getting bids for color-changing programmable lights installed in phases and synced to one controller. He would like to have numbers in place to present to Council as part of the annual budgeting process.

8. Main St. Coordinator Report – Sponsors are needed for Mardi Gras. There was some discussion about either moving the event back downtown or changing it to more of a fundraiser. We had a request from a politician who wanted to pay the registration fee for a booth but not cook, just use the booth for promotion. General consensus was not to allow that, that booths must have cooking teams. Several members will work on securing sponsors and prizes for King Cupcakes.
9. President's Report – He has been meeting fairly regularly with Duke.
10. Adjourn – Geddie made the motion, Bane seconded, to adjourn. Carried unanimously.

Submitted by:



Alexa Duke, Tourism & Main Street Coordinator

MINUTES
HENDERSON MAIN STREET ADVISORY BOARD
Tuesday, December 12, 2023 at 12:30 pm
Henderson Civic Center
1500 Lake Forest Parkway
Henderson, Texas 75652

Committee Members Present:

Leon Harris, President	Kelly Bumgardner, Vice President
Misty Evans	Bonnie Geddie
Michael Loosier	

Committee Members Absent:

Brant Bane

Ex-Officio Members Present:

Alexa Duke, Main Street Coordinator	Stephanie Kimbrell, Civic Center Manager
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Others in Attendance:

None

Ex-Officio Members Absent:

Jay Abercrombie, City Manager	Cheryl Jimerson, City Secretary
John Fullen, City Mayor	Kirk Kimbrell, Public Services Director
Billy Hughes, Planning and Zoning Coordinator	Cliff McElfresh, Community Development
Downtown Representative	

1. Called to order by Leon Harris
2. Citizen presentation – none
3. Board Application from Brooke Dover was reviewed and, upon a motion from Bonnie Geddie and second from Kelly Bumgardner, was unanimously approved for presentation to Council.
4. Committee Reports:
 - a. Organization – No report
 - b. Economic Revitalization -- Better Half Antiques has moved forward with awning replacement and removal of broken wood on the facade. The committee will present paint options to Rusty Phenix for his extension office and will provide him with façade and sign grant applications to be completed.
 - c. Promotion & Design – Committee has added moving forward with the mural project to their goals list and will look into additional Christmas lighting and decoration elements over Alley on Main and Heritage Square.
5. Upon a motion from Bonnie Geddie, seconded by Kelly Bumgardner, and unanimously approved, the meeting was adjourned.

Submitted by: Alexa Duke, Main Street Coordinator



MINUTES – REGULAR MEETING

HENDERSON HISTORIC LANDMARK PRESERVATION COMMITTEE
Tuesday, January 9, 2024 at 12:00pm
Henderson Civic Center Reception Room
1500 Lake Forest Parkway
Henderson, Texas 75652

Committee Members Attending:

Brant Bane
Kelly Bumgardner
Brooke Dover
Misty Evans
Bonnie Geddie
Leon Harris
Michael Loosier

Ex-Officio Members Attending:

Alexa Duke, Main Street Coordinator
Stephanie Kimbrell, Civic Center Manager

1. Called to Order by President Leon Harris at noon.
2. Citizen Presentation -- none
3. Consider and act upon October 24, 2023 Minutes – Tabled due to an error on the agenda (the wrong date was used. The meeting was held Oct. 10). No changes or corrections to be made.
4. Consider and act upon: Façade/Sign Modification Application – 126 W. Main St. – The application specified three signs, which Kelly Bumgardner pointed out that is against the current ordinance. After some discussion, it was decided Brooke Arrington, owner, will apply for a variance from the Board of Adjustments to include the third sign. Geddie made a motion to approve the request as written pending approval from the Board of Adjustments for a third sign, as well as adding an address to the curb structure. Should the variance not be granted, two signs facing Van Buren and West Main streets are approved. The motion was seconded by Bane and carried unanimously.
5. Geddie moved and Bane seconded to adjourn. Motion carried unanimously.

Submitted by



Alexa Duke

Tourism & Main Street Coordinator