

1. Agenda

Documents:

[AGENDA-CC-FEB-16-23 REG MTG PAK.PDF](#)
[AGENDA-CC-FEB-16-23 REG MTG.PDF](#)

Mayor
Ed Tidwell

Mayor Pro-Tem
Paul Prince



Council Members
Gage Hunt
Kevin Sullivan
Rob Durbin
Chelanie Marion
Paul Roberts

**AGENDA
CITY COUNCIL
REGULAR SESSION**

NOTICE IS HEREBY GIVEN that the Lago Vista City Council will hold a regular session on Thursday, February 16, 2023, beginning at 5:30 PM with Executive Session, in City Council Chambers 5803 Thunderbird Lago Vista, TX, as prescribed by Government Code Section §551.041 to consider the following agenda items.

THIS MEETING WILL BE HELD IN CITY COUNCIL CHAMBERS AT 5803 THUNDERBIRD, LAGO VISTA TEXAS AND UTILIZING THE GOTOMEETING VIDEOCONFERENCING TOOL.

JOIN MEETING VIA VIDEO CONFERENCE

Please join my meeting from your computer, tablet or smartphone.

<https://meet.goto.com/495214933>

You can also dial in using your phone.

(For supported devices, tap a one-touch number below to join instantly.)

United States: +1 (872) 240-3212

- One-touch: <tel:+18722403212,,495214933#>

Access Code: 495-214-933

CALL TO ORDER, CALL OF ROLL

EXECUTIVE SESSION

Convene into a closed Executive Session pursuant to:

A. Consultation with Legal Counsel concerning all regular meeting agenda items requiring confidential, attorney/client advice (as needed). (Government Code Section 551.071).

B. Consultation with Legal Counsel regarding the Water Treatment Plant 3 property. (Government Code Section 551.071 Advice of Counsel and Government Code Section 551.072 Real Property).

ACTION ON EXECUTIVE SESSION ITEMS (action and/or vote may be taken on the following agenda items):

PO Box 4727, Lago Vista, TX 78645 • 512.267.1155 • www.lagovistatexas.org

Reconvene from Executive Session into open session to act as deemed appropriate in City Council's discretion regarding:

A. Consultation with Legal Counsel concerning all regular meeting agenda items requiring confidential, attorney/client advice (as needed). (Government Code Section 551.071).

B. Consultation with Legal Counsel regarding the Water Treatment Plant 3 property. (Government Code Section 551.071 Advice of Counsel and Government Code Section 551.072 Real Property).

PLEDGE OF ALLEGIANCE, PLEDGE TO TEXAS FLAG

CITIZEN COMMENTS

In accordance with the Open Meetings Act, Council is prohibited from acting or discussing (other than factual responses to specific questions) any items not on the agenda.

To participate in the citizen comments portion of the meeting, you must submit a completed form. If you are attending the meeting in the City Council Chambers you must complete the form available at that location and provide it to the Mayor prior to the start of the meeting. If you will be participating using the online videoconferencing tool, you must complete the form and submit it by email in accordance with the instructions included within the form. It is found on the City's website at the link below. The Council will reconvene from executive session at or around 6:30 p.m.

[Citizen Participation Registration Form](#)

ITEMS OF COMMUNITY INTEREST

Pursuant to Texas Government Code Section 551.0415, the City Council may report on any of the following items:

- a. Expression of thanks, gratitude, and condolences.
- b. Information regarding holiday schedules.
- c. Recognition of individuals, i.e. Proclamations.
- d. Reminders regarding City Council events.
- e. Reminders regarding community events.
- f. Health and safety announcements.

STAFF AND COUNCIL LIAISON REPORTS

1. Routine Reports from City staff.
2. Annual Police Department Racial Profiling Report.
3. Report of First Quarter of Fiscal Year 2022-2023 (October 1, 2022 - December 31, 2022) Financials.
4. Routine Reports from City Council Board/Commission/Committee Liaisons.

APPROVAL OF THE MINUTES

This heading will only be used when there are no other items listed on a consent agenda.
(Rules of Procedure, Section 4.11)

5. Consider approval of the January 19, 2023, meeting minutes.

ACTION ITEMS

6. Discussion, consideration, and possible action on Resolution 23-1989; A Resolution ratifying and continuing the Disaster Declaration signed by the Mayor on February 6, 2023, and establishing an effective date.
7. Discussion, consideration and possible action regarding the concession services agreement for the Bunker Bar and Grille at the Lago Vista Golf Course.

ADJOURNMENT

IT IS HEREBY CERTIFIED that the above Notice was posted on the Bulletin Board located at all times in City Hall in said City at 5:41 p.m. on the 9th day of February 2023.

Lucy Aldrich

Lucy Aldrich, City Secretary

THIS MEETING SHALL BE CONDUCTED PURSUANT TO THE TEXAS GOVERNMENT CODE SECTION 551.001 ET SEQ. AT ANY TIME DURING THE MEETING THE COUNCIL RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION ON ANY OF THE ABOVE POSTED AGENDA ITEMS IN ACCORDANCE WITH THE SECTIONS 551.071, 551.072, 551.073, 551.074, 551.075 OR 551.076.

THE CITY OF LAGO VISTA IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT. REASONABLE MODIFICATIONS AND EQUAL ACCESS TO COMMUNICATIONS WILL BE PROVIDED UPON REQUEST.

AT THIS MEETING AT THE STATED LOCATION, A QUORUM OF THE CITY COUNCIL WILL BE PHYSICALLY PRESENT, AND THIS NOTICE SPECIFIES THE INTENT TO HAVE A QUORUM PRESENT THERE, AND THE MEMBER OF THE CITY COUNCIL PRESIDING OVER THE MEETING WILL BE PHYSICALLY PRESENT AT THAT LOCATION. ONE OR MORE MEMBERS OF THE CITY COUNCIL MAY PARTICIPATE IN THIS MEETING REMOTELY, AND IF SO, VIDEOCONFERENCE EQUIPMENT PROVIDING TWO-WAY AUDIO AND VIDEO DISPLAY AND COMMUNICATION WITH EACH MEMBER WHO IS PARTICIPATING BY VIDEOCONFERENCE CALL WILL BE MADE AVAILABLE.

MEETING DATE: February 16, 2023

CALL TO ORDER:

**AGENDA ITEM: CALL TO ORDER, CALL OF ROLL, PLEDGE OF ALLEGIANCE,
INVOCATION**

Comments:

ADJOURN:

TURN RECORDER OFF

Motion by: _____

Seconded by: _____

Content of Motion: _____

Vote: Hunt _____; Sullivan _____; Durbin _____; Marion _____;

Tidwell _____; Roberts _____; Prince _____

Motion Carried: Yes _____; No _____

MEETING DATE: February 16, 2023

AGENDA ITEM: EXECUTIVE SESSION

Comments:

A. Consultation with Legal Counsel concerning all regular meeting agenda items requiring confidential, attorney/client advice (as needed). (Government Code Section 551.071).

B. Consultation with Legal Counsel regarding the Water Treatment Plant 3 property. (Government Code Section 551.071 Advice of Counsel and Government Code Section 551.072 Real Property).

MEETING DATE: February 16, 2023

AGENDA ITEM: RECONVENE FROM EXECUTIVE SESSION

A. Consultation with Legal Counsel concerning all regular meeting agenda items requiring confidential, attorney/client advice (as needed). (Government Code Section 551.071).

B. Consultation with Legal Counsel regarding the Water Treatment Plant 3 property. (Government Code Section 551.071 Advice of Counsel and Government Code Section 551.072 Real Property).



AGENDA ITEM
City of Lago Vista

To: Mayor & City Council

Council Meeting: February 16, 2023

From: Citizens

Subject: Citizen Comments

Request: Other

Legal Document: Other

Legal Review: ☐

EXECUTIVE SUMMARY:

In accordance with the Open Meetings Act, Council is prohibited from acting or discussing (other than factual responses to specific questions) any items not on the agenda.

Impact if Approved:

N/A

Impact if Denied:

N/A

Is Funding Required? ☐ Yes ☒ No If Yes, Is it Budgeted? ☐ Yes ☐ No ☐ N/A

Indicate Funding Source:**Suggested Motion/Recommendation/Action**

Motion to - -

Motion to - -

Motion to - -

Known as:

Citizen Comments

Agenda Item Approved by City Manager

Tracie Hlavinka

 Digitally signed by Tracie Hlavinka
Date: 2023.02.09 09:51:31 -06'00'



AGENDA ITEM
City of Lago Vista

To: Mayor & City Council

Council Meeting: February 16, 2023

From: Mayor Tidwell/Council

Subject: Items of Community Interest

Request: Other

Legal Document: Other

Legal Review: ☐

EXECUTIVE SUMMARY:

For this agenda, we have included the items that can be communicated under this section. Those items are:

- a. Expressions of thanks, gratitude, and condolences
- b. Information regarding holiday schedules
- c. Recognition of individuals, including Proclamations
- d. Reminders regarding City Council events
- e. Reminders regarding community events
- f. Health and safety announcements

No action is required for these items.

Impact if Approved:

N/A

Impact if Denied:

N/A

Is Funding Required? ☐ Yes ☒ No If Yes, Is it Budgeted? ☐ Yes ☐ No ☐ N/A

Indicate Funding Source:**Suggested Motion/Recommendation/Action**

Motion to - -

Motion to - -

Motion to - -

Known as:

Items of Community Interest

Agenda Item Approved by City Manager

Tracie Hlavinka

 Digitally signed by Tracie Hlavinka
Date: 2023.02.09 09:51:56 -06'00'



AGENDA ITEM
City of Lago Vista

To: Mayor & City Council

Council Meeting: February 16, 2023

From: Mayor

Subject: Routine Reports from City Staff.

Request: Other

Legal Document: Other

Legal Review: ☐

EXECUTIVE SUMMARY:

This section is used for routine reports provided by staff regarding their respective departments to the Council and discussion of staff reports previously distributed to council. No discussion or action may be taken on an item without the specific item first being listed on the agenda and noticed to the public.

Impact if Approved:

N/A

Impact if Denied:

N/A

Is Funding Required? ☐ Yes ☒ No If Yes, Is it Budgeted? ☐ Yes ☐ No ☐ N/A

Indicate Funding Source:**Suggested Motion/Recommendation/Action**

Motion to - -

Motion to - -

Motion to - -

Known as:

Routine Reports from City Staff.

Agenda Item Approved by City Manager



AGENDA ITEM
City of Lago Vista

To: Mayor & City Council

Council Meeting: February 16, 2023

From: Gary Boshears, Chief of Police

Subject: Annual Police Department Racial Profiling Report

Request: Report



Legal Document: Other

Legal Review: ☐

EXECUTIVE SUMMARY:

State law requires law enforcement agencies to produce an Annual Racial Profiling report and submit that report to the governing body of the municipality. Our City contracts with Del Carmen Consulting for analysis and preparation of the report. The annual report for 2022 is presented to the City Council this evening. This does not require any action from the City Council however, Chief Boshears will be available to answer any questions.

Impact if Approved:

No Action Needed.

Impact if Denied:

No Action Needed.

Is Funding Required? ☐ Yes ☒ No If Yes, Is it Budgeted? ☒ Yes ☐ No ☒ N/A

Indicate Funding Source:**Suggested Motion/Recommendation/Action**

Motion to - -

Motion to - -

Motion to - -

Known as:**Agenda Item Approved by City Manager**

Tracie Hlavinka

 Digitally signed by Tracie Hlavinka
Date: 2023.02.08 17:58:16 -06'00'

2022 Racial Profiling Report

Lago Vista Police Department



"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)



February 1, 2023

Lago Vista City Council
5901 Municipal Complex Way
Lago Vista, TX 78645

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 Lago Vista 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 Lago Vista Police Department and are included in this report.

This report consists of three sections with information on motor vehicle-related contacts. In addition, when appropriate, documentation is included which demonstrates the manner in which the Lago Vista 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 Lago Vista 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 1/1/22 and 12/31/22. 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.

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

It is important to recognize that the Chief of the Lago Vista 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 Lago Vista 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)

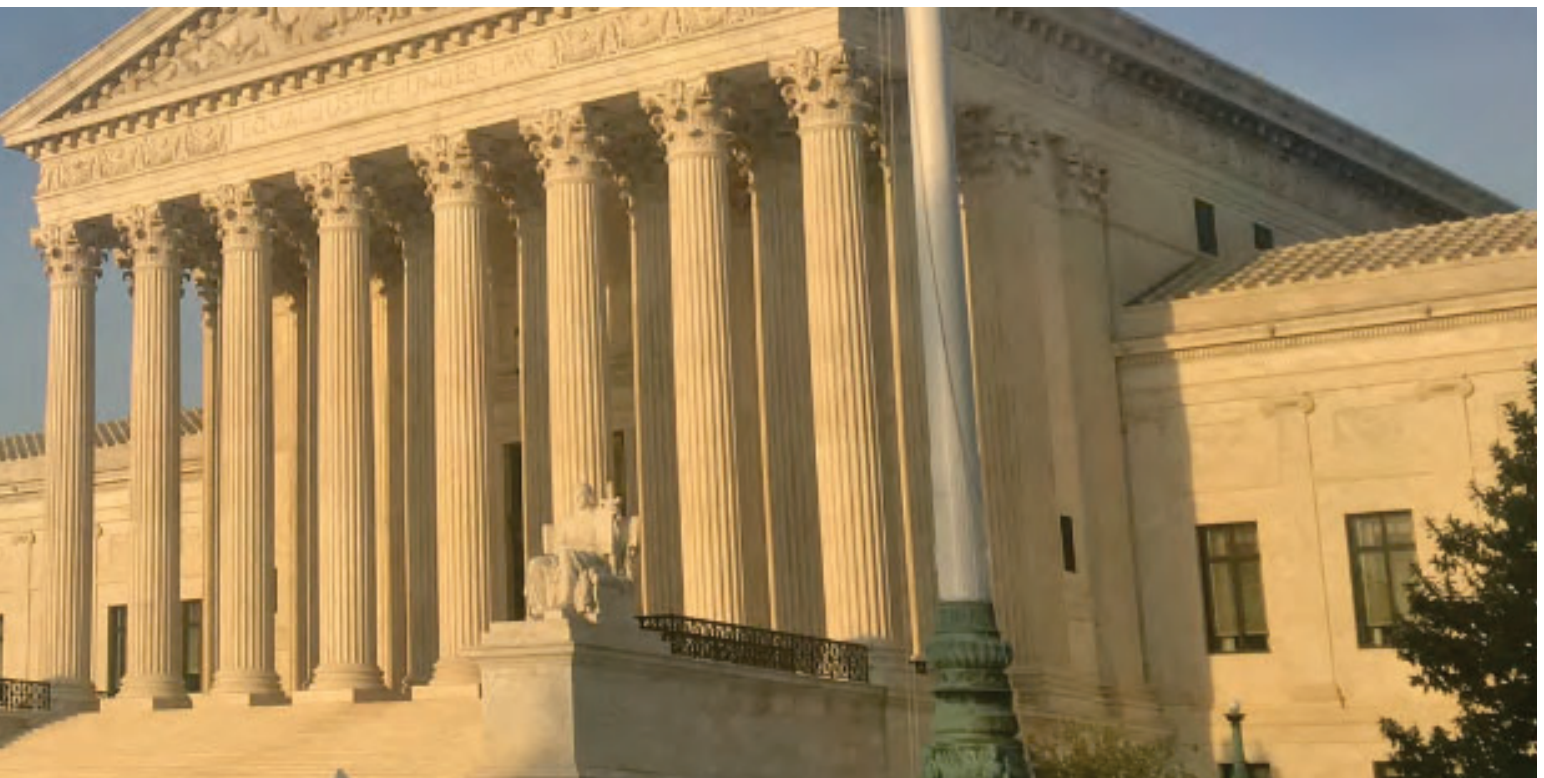


2.0 RACIAL PROFILING AND THE COMMUNITY

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 1/1/22-12/31/22 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 Lago Vista 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 1/1/22-12/31/22.

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: 1,073

STREET ADDRESS OR APPROXIMATE LOCATION OF STOP.

City Street	897
US Highway	0
State Highway	143
County Road	1
Private Property	32

WAS RACE OR ETHNICITY KNOWN PRIOR TO STOP?

Yes	11
No	1,062

RACE OR ETHNICITY

Alaska Native/American Indian	4
Asian/Pacific Islander	37
Black	44
White	824
Hispanic/Latino	164

GENDER

Female Total: 422

Alaska Native/American Indian	1
Asian/Pacific Islander	14
Black	13
White	345
Hispanic/Latino	49

Male Total: 651

Alaska Native/American Indian	3
Asian/Pacific Islander	23
Black	31
White	479
Hispanic/Latino	115

REASON FOR STOP?

Violation of Law Total: 156

Alaska Native/American Indian	0
Asian/Pacific Islander	4
Black	1
White	121
Hispanic/Latino	30

Pre-existing Knowledge Total: 4

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

Moving Traffic Violation Total: 837

Alaska Native/American Indian	4
Asian/Pacific Islander	31
Black	41
White	634
Hispanic/Latino	127

TIER 2 DATA

Vehicle Traffic Violation Total: 76

Alaska Native/American Indian	0
Asian/Pacific Islander	2
Black	2
White	66
Hispanic/Latino	6

Contraband (in plain view) Total: 2

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

WAS SEARCH CONDUCTED?

	YES	NO
Alaska Native/American Indian	0	4
Asian/Pacific Islander	0	37
Black	0	44
White	10	814
Hispanic/Latino	1	163
TOTAL	11	1,062

Probable Cause Total: 4

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

Inventory Total: 0

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

REASON FOR SEARCH?

Consent Total: 2

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

Incident to Arrest Total: 3

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

TIER 2 DATA

WAS CONTRABAND DISCOVERED?

	YES	NO
Alaska Native/American Indian	0	0
Asian/Pacific Islander	0	0
Black	0	0
White	6	0
Hispanic/Latino	0	0
TOTAL	6	0

Did the finding result in arrest?

	YES	NO
Alaska Native/American Indian	0	0
Asian/Pacific Islander	0	0
Black	0	0
White	6	0
Hispanic/Latino	0	0
TOTAL	6	0

DESCRIPTION OF CONTRABAND

Drugs Total: 6

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

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: 0

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

Stolen Property Total: 0

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

Other Total: 0

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

RESULT OF THE STOP

Verbal Warning Total: 14

Alaska Native/American Indian	0
Asian/Pacific Islander	2
Black	1
White	9
Hispanic/Latino	2

Written Warning Total: 389

Alaska Native/American Indian	3
Asian/Pacific Islander	11
Black	18
White	331
Hispanic/Latino	26

Citation Total: 650

Alaska Native/American Indian	1
Asian/Pacific Islander	24
Black	25
White	467
Hispanic/Latino	133

Written Warning and Arrest Total: 0

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

Citation and Arrest Total: 6

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

Arrest Total: 14

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	14
Hispanic/Latino	0

TIER 2 DATA

ARREST BASED ON

Violation of Penal Code Total: 19

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	16
Hispanic/Latino	3

Violation of Traffic Law Total: 0

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

Violation of City Ordinance Total: 1

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

Outstanding Warrant Total: 0

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

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

	YES	NO
Alaska Native/American Indian	0	4
Asian/Pacific Islander	0	37
Black	0	44
White	0	824
Hispanic/Latino	0	164
TOTAL	0	1,073

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	4	1	0	3	0%	0%	0%	1%
Asian/ Pacific Islander	37	24	2	11	3%	4%	14%	3%
Black	44	25	1	18	4%	4%	7%	5%
White	824	470	9	331	77%	72%	64%	85%
Hispanic/ Latino	164	136	2	26	15%	21%	14%	7%
TOTAL	1,073	656	14	389	100%	100%	100%	100%

Table 2. Motor Vehicle Contacts and Fair Roads Standard Comparison

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

Race/Ethnicity	Contact Percentage	Households with Vehicle Access
Alaska Native/American Indian	0%	0%
Asian/Pacific Islander	3%	0%
Black	4%	2%
White	77%	91%
Hispanic/Latino	15%	8%
TOTAL	100%	100%

Table 3. Motor Vehicle Searches and Arrests.

Race/Ethnicity	Searches	Consent Searches	Arrests
Alaska Native/American Indian	0	0	0
Asian/Pacific Islander	0	0	0
Black	0	0	0
White	10	2	17
Hispanic/Latino	1	0	3
TOTAL	11	2	20

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

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

Table 5. Search Data

Race/ Ethnicity	Searches	Contraband Found Yes	Contraband Found No	Arrests	Percent Searches	Percent Contraband Found	Percent No Contraband	Percent Arrest
Alaska Native/ American Indian	0	0	0	0	0%	0%	0%	0%
Asian/ Pacific Islander	0	0	0	0	0%	0%	0%	0%
Black	0	0	0	0	0%	0%	0%	0%
White	10	6	4	17	91%	100%	80%	85%
Hispanic/ Latino	1	0	1	3	9%	0%	20%	15%
TOTAL	11	6	5	20	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 1/1/22-12/31/22.

Number of Data Audits Completed	Date of Completion	Outcome of Audit
1	03/01/22	Data was valid and reliable
2	06/01/22	Data was valid and reliable
3	09/01/22	Data was valid and reliable
4	12/01/22	Data was valid and reliable

ADDITIONAL COMMENTS:

Table 7. Instance Where Force Resulted in Bodily Injury.

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

Table 8. Reason for Arrests from Vehicle Contact

Race/ Ethnicity	Violation of Penal Code	Violation of Traffic Law	Violation of City Ordinance	Outstanding Warrant	Percent Penal Code	Percent Traffic Law	Percent City Ordinance	Percent Warrant
Alaska Native/ American Indian	0	0	0	0	0%	0%	0%	0%
Asian/ Pacific Islander	0	0	0	0	0%	0%	0%	0%
Black	0	0	0	0	0%	0%	0%	0%
White	16	0	1	0	84%	0%	100%	0%
Hispanic/ Latino	3	0	0	0	16%	0%	0%	0%
TOTAL	19	0	1	0	100%	0%	100%	0%

Table 9. Contraband Hit Rate

Race/ Ethnicity	Searches	Contraband Found Yes	Contraband Hit Rate	Search Percent	Contraband Percent
Alaska Native/ American Indian	0	0	0%	0%	0%
Asian/ Pacific Islander	0	0	0%	0%	0%
Black	0	0	0%	0%	0%
White	10	6	60%	91%	100%
Hispanic/Latino	1	0	0%	9%	0%

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.

More recently, 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 Lago Vista Police Department commissioned the analysis of its 2022 contact data. Hence, two different types of data analyses were performed. The first of these involved a careful evaluation of the 2022 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 additional data analysis performed was based on a comparison of the 2022 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 Lago Vista 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 Lago Vista Police Department in 2022 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 Lago Vista 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 Lago Vista.

Tier 2 (2022) Motor Vehicle-Related Contact Analysis

When examining the enhanced and more detailed Tier 2 data collected in 2022, it was evident that most motor vehicle-related contacts were made with Whites, followed by Hispanics. 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 Hispanics.

On searches and arrests, the data showed that most searches took place among Whites. When considering all searches, all were consented by Whites, while most custody arrests were also of Whites. Overall, most searches resulted in contraband; of those that produced contraband, all were of Whites. Of the searches that did not produce contraband, most were of Whites. Most arrests were made of Whites. Most of the arrests that originated from a violation of the penal code involved Whites. 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 to the census data relevant to the number of “households” in Lago Vista who indicated in the 2020 census that they had access to vehicles, produced interesting findings. Specifically, the percentage of Whites and American Indians who came in contact with police was the same or lower than the percentage of White and American Indian households in Lago Vista that claimed in the 2020 census to have access to vehicles. The opposite was true of Blacks, Hispanics, and Asians. That is, a higher percentage of Blacks, Hispanics, and Asians came in contact with police than the percentage of Black, Hispanic, and Asian households in Lago Vista that claimed in the 2020 census to have access to vehicles. It should be noted that the percentage difference among Black and Asian contacts with households is of 3% or less; 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 Whites. This means that among all searches performed in 2022, the most significant percentage of these that resulted in contraband was among Whites.

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 Lago Vista 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 Lago Vista 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 Lago Vista Police Department should continue to:

- 1) Perform an independent analysis on contact and search data in the upcoming year.
- 2) Commission data audits in 2023 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 included in this report serves as evidence that the Lago Vista 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 Lago Vista 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 Lago Vista Police Department from engaging in racial profiling.
- ✓ Implement a process by which an individual may file a complaint regarding racial profiling violations.
- ✓ Provide public education related to the complaint and complaint process.
- ✓ Implement disciplinary guidelines for officers found in violation of the Texas Racial Profiling Law.
- ✓ Collect, report and analyze motor vehicle data (Tier 2).
- ✓ Commission Data Audits and a Search Analysis.
- ✓ Indicate total number of officers who knew and did not know, the race/ethnicity of individuals before being detained.
- ✓ Produce an annual report on police contacts (Tier 2) and present this to the local governing body and TCOLE by March 1, 2023.
- ✓ 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 an analysis of the information collected by peace officer employed by the agency. The report is provided to the governing body of the municipality or county no later than March 1 of each year and covers the previous calendar year.

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

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

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

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

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

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

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

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

Standard 4

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

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

Commentary

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

Standard 5

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

Commentary

None

Standard 6

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

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

Commentary

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

Standard 7

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

Commentary

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

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

The Texas Law on Racial Profiling

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

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

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

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

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

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

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

(1) clearly define acts constituting racial profiling;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) the person's gender; and

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

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

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

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

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

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

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

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

Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT.

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

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

(2) smaller jurisdictions; and

(3) municipal and county law enforcement agencies.

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

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

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

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

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

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

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

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

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

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

(3) analyzing and reporting collected information.

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

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

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

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

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

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

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

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

(2) the registration number of the vehicle involved;

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

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

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

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

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

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

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

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

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

SECTION 9. Not later than January 1, 2002:

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

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

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

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

SECTION 12. This Act takes effect September 1, 2001

President of the Senate

Speaker of the House

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

Secretary of the Senate

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

Chief Clerk of the House

Approved:

Date

Governor

Modifications to the Original Law

(H.B. 3389)

Amend CSHB 3389 (Senate committee report) as follows:

(1) Strike the following SECTIONS of the bill:

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

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

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

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

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

(a) In this article:

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

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

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

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

(1) clearly define acts constituting racial profiling;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) the person's gender; and

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

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

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

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

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

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

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

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

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

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

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

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

(a) In this article:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) a sentence is imposed on the person;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) this chapter;

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

(3) a commission rule.

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

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

Racial and Ethnic Designations (H.B. 3051)

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

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

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

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

(A) Alaska native or American Indian;

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

(C) black;

(D) white; and

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

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

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

(1) Alaska native or American Indian;

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

(3) black;

(4) white; and

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

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

President of the Senate

Speaker of the House

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

Chief Clerk of the House

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

Secretary of the Senate

APPROVED: _____

Date

Governor

The Sandra Bland Act

(S.B. 1849)

S.B. No. 1849

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

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

ARTICLE 1. SHORT TITLE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) recommended treatment.

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

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

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

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

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

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

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

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

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

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

(2) it is reasonable to divert the person;

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

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

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

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

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

(1) establishing [a] new collaboratives; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

otherwise if the:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

standards, and procedures of the commission; and

(C) solutions to operational challenges for jails;

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

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

(A) determine if a prisoner is pregnant; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

as follows:

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

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

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

(b) The prisoner safety fund consists of:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE 4. PEACE OFFICER AND COUNTY JAILER TRAINING

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

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

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

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

section.

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

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

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

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

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

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

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

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

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

as follows:

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

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

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

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

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

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

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

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

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

(1) clearly define acts constituting racial profiling;

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

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

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

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

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

relating to:

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

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

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

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

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

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

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

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

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

(2) the initial reason for the stop;

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

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

and a description of the contraband or evidence;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) smaller jurisdictions; and

(3) municipal and county law enforcement agencies.

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

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

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

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

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

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

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

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

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

(2) make accessible online:

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

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

Senate Speaker of the House

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

Secretary of the Senate

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

ARTICLE 6. EFFECTIVE DATE

SECTION 6.01. Except as otherwise provided by this Act,

Approved:

Date

Governor

Chief Clerk of the House

**LAGO VISTA
POLICE DEPARTMENT
RACIAL PROFILING POLICY**

	LAGO VISTA POLICE DEPARTMENT	
	Policy 2.2 Bias Based Policing	
	Effective Date: 05/23/2022	Replaces: New
	Approved: <u>Rob Sherwin</u> Chief of Police	
	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, sexual orientation, national origin, ethnicity, age, or religion. Respect for diversity and equitable enforcement of the law are essential to our mission.

All enforcement actions shall be based on the standards of reasonable suspicion or probable cause as required by the Fourth Amendment to the U. S. Constitution and by statutory authority. In all enforcement decisions, officers shall be able to articulate specific facts, circumstances, and conclusions that 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.

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

II. PURPOSE

The purpose of this order is to inform officers that bias-based policing is prohibited by the department. Additionally, this order will assist officers in identifying 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 policy statement. 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 based on preconceived ideas, a person's upbringing, culture, experience, or education.
- B. Biased-based 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.
- C. Ethnicity: A cluster of characteristics that may include race but also cultural characteristics or traits that 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: Specific facts and circumstances within an officer's knowledge that would lead a reasonable officer to believe that a specific offense has been or is being committed, and that the suspect has committed it. Probable cause will be determined by the courts reviewing the totality of the circumstances surrounding the arrest or search from an objective point of view.
- F. Race: A category of people of a particular decent, including Caucasian, African, Hispanic, Asian, Middle Eastern, or Native American descent. As distinct from ethnicity, race refers only 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: Specific facts and circumstances that would lead a reasonable officer to believe criminal activity is afoot and the person to be detained is somehow involved. Reasonable suspicion will be determined by the courts reviewing the totality of the circumstances surrounding the detention from an objective point of view.
- I. Sex: A biological classification, male or female, based on physical and genetic characteristics.
- J. Stop: An investigative detention of a person for a brief period of time, based on reasonable suspicion.

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. Investigative detentions, traffic stops, arrests, searches, and property seizures by officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the U.S. Constitution. Officers must be able to articulate specific facts and circumstances that support reasonable suspicion or probable cause for investigative detentions, traffic stops, subject stops, arrests, nonconsensual searches, and property seizures. Except as provided in number 3 below, officers shall not consider race/ethnicity in establishing either reasonable suspicion or probable cause. Similarly, except as provided below, officers shall not consider race/ethnicity in deciding to initiate even those nonconsensual encounters that do not amount to legal detentions or to request consent to search.
3. Officers may take into account the reported race or ethnicity of a specific suspect or suspects based on trustworthy, locally relevant information that links a person or persons of a specific race/ethnicity to a particular unlawful incident(s). Race/ethnicity can never be used as the sole basis for probable cause or reasonable suspicion. Except as provided above, reasonable suspicion or probable cause shall form the basis for any enforcement actions or decisions. Individuals shall be subjected to stops, seizures, or detentions only 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.
4. 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.
2. 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 shall courteously accept, document, and forward to the Chief of Police any complaints made by an individual against the department.
3. When feasible, personnel shall offer explanations of the reasons for enforcement actions or other decisions that bear on the individual's well-being unless the explanation would undermine an investigation or jeopardize an officer's safety.
4. When concluding an encounter, personnel shall thank him or her for cooperating.
5. 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.
6. 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 and those of their subordinates. 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 critical 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 law engenders not only mistrust of law enforcement, but increases safety risks to personnel as well as exposing the employee(s) and department to liability.
5. Supervisors shall be held accountable for repeated instances of biased enforcement of their subordinates if the supervisor knew, or should have known, of the subordinate's actions.
6. 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. Any enforcement action that begins as a consensual encounter will also have the circumstances of the initial encounter documented.
7. Supervisors shall facilitate the filing of any complaints about law-enforcement service.
8. Supervisors will randomly review at least three video tapes per officer (either body camera and/or in-car camera video) per quarter. For this policy a

“quarter” is defined as a 3-month period of time. Supervisors are not required to watch each incident of an entire shift; however, reviewing the footage in a manner intended to gain an understanding of that officer’s performance and adherence to policy and law is required. Supervisors will document the random review of the video in their daily activity logs and any violations of policy or law will be addressed through the use of existing internal affairs policy. (TBP: 2.01)

9. Section 8 above applies only to first-line uniformed officers and their immediate supervisors. In the absence of a first-line supervisor this responsibility will move to the lieutenant.

C. Disciplinary consequences

Actions prohibited by this order shall be cause for disciplinary action, up to and including dismissal.

D. Training (TBP: 2.01)

Officers shall complete all training required by state law regarding bias- based profiling.

II. COMPLAINTS

- A. Complaints alleging incidents of bias-based profiling will be fully investigated as described under Policy 2.4.
- B. Complainants will be notified of the results of the investigations when the investigation is completed.

III. 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.
- B. The information collected above will be reported to the city council as required by law.
- C. The information will also be reported to TCOLE in the required format.



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

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817.681.7840
www.texasracialprofiling.com
www.delcarmenconsulting.com

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AGENDA ITEM
City of Lago Vista

To: Mayor & City Council

Council Meeting: February 16, 2023

From: Starr Lockwood, Finance

Subject: Report of First Quarter of Fiscal Year 2022-2023 (October 1, 2022 - December 31, 2022) Financials.

Request: Report

Legal Document: Other

Legal Review: ☐

EXECUTIVE SUMMARY:

Overall General Fund Revenues is up \$227,454. That amount includes several different revenue streams. Of note: General Fund Ad Valorem Taxes are up \$150,031 and Sales Tax is up \$29,573. But also note-worthy is an apparent trend with development slowing down during the 1st Fiscal Quarter. Overall Development Services' revenue is down \$182,200.

Overall Aviation Fund Revenue is down \$33,227. Decreased fuel sales account for \$26,421 of that amount. Part of the reason for the decrease in fuel sales is due to someone tampering with the Fuel Farm, breaking a panel in the process. The Fuel Farm was out of commission until that part could be replaced.

Overall Golf Course Revenue is down \$106,769. Decreases in revenue applied to every revenue line item in the Golf Course revenue stream. Sales for the 1st Fiscal Quarter of 2022-2023 are the lowest they have been for any previous 1st Quarter since the City purchased the course in 2008.

Overall Utility Fund Revenue is down \$102,507. Of that, billing for water services is up \$94,796 and sewer services is up \$54,973 but water taps and extensions are down \$235,655 and sewer taps and extensions are down \$198,949. Reduced tap/extension revenue lends additional support in showing a slowing in development in our area.

Overall Water Impact Fee Revenue is down \$110,028 and Sewer Impact Fee Revenue is down \$83,325. Reduced Impact Fee Revenue along with the reduced tap/extension revenue and reduced development services revenue further supports at least a short term trend in growth beginning to slow down.

Expenses for all Departmental Budgets are in line or have acceptable variances based on PO's issued for vehicles/equipment. The only exception to that variance is in the City Council's budget. Legal expenses that were specifically related to the CapMetro discussion prior to and following the November election Were included in Council's expenditures.

Impact if Approved:

N/A

Impact if Denied:

N/A

Is Funding Required? ☐ Yes ☒ No If Yes, Is it Budgeted? ☐ Yes ☐ No ☐ N/A

Indicate Funding Source:**Suggested Motion/Recommendation/Action**

Motion to - -

Motion to - -

Motion to - -

Known as:

1st Fiscal Quarter of 2022-2023 (October 1, 2022 - December 31, 2022) Financials.

Agenda Item Approved by City Manager**Tracie Hlavinka**

 Digitally signed by Tracie Hlavinka
Date: 2023.02.09 09:51:03 -06'00'

CITY OF LAGO VISTA
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: DECEMBER 31ST, 2022

10 -GENERAL FUND

FINANCIAL SUMMARY

% OF YEAR COMPLETED: 25.00

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>REVENUE SUMMARY</u>						
10-ADMINISTRATION	12,329,690	3,462,879.28	4,335,391.59	0.00	7,994,298.41	35.16
11-NON DEPARTMENTAL	24,692	0.00	0.00	0.00	24,692.00	0.00
12-DEVELOPMENT SERVICES	2,700,680	100,071.68	379,545.64	0.00	2,321,134.36	14.05
15-MUNICIPAL COURT	127,170	7,240.12	26,376.83	0.00	100,793.17	20.74
20-POLICE DEPARTMENT	23,937	2,239.68	5,359.45	0.00	18,577.55	22.39
30-PUBLIC WORKS/BUILDING	1,167	0.00	13,825.00	0.00	(12,658.00)	1,184.66
31-SOLID WASTE	1,308,257	108,347.40	326,505.75	0.00	981,751.25	24.96
34-PARKS & RECREATION	1,979	0.00	100.00	0.00	1,879.00	5.05
35-AQUATICS	15,750	0.00	0.00	0.00	15,750.00	0.00
45-LIBRARY DEPARTMENT	<u>6,291</u>	<u>386.01</u>	<u>1,366.73</u>	<u>0.00</u>	<u>4,924.27</u>	<u>21.73</u>
TOTAL REVENUES	16,539,613	3,681,164.17	5,088,470.99	0.00	11,451,142.01	30.77

EXPENDITURE SUMMARY10-ADMINISTRATION

PERSONNEL SERVICES	854,796	34,918.96	84,344.46	0.00	770,451.54	9.87
OPERATIONS & MAINTENANCE	58,534	724.10	22,509.44	1,188.96	34,835.60	40.49
SUPPLIES	9,000	434.60	2,353.21	0.00	6,646.79	26.15
SERVICES	<u>99,000</u>	<u>94,394.93</u>	<u>96,221.93</u>	<u>0.00</u>	<u>2,778.07</u>	<u>97.19</u>
TOTAL 10-ADMINISTRATION	1,021,330	130,472.59	205,429.04	1,188.96	814,712.00	20.23

11-NON DEPARTMENTAL

PERSONNEL SERVICES	3,240	0.00	0.00	0.00	3,240.00	0.00
OPERATIONS & MAINTENANCE	110,500	1,929.74	49,608.10	0.00	60,891.90	44.89
SERVICES	394,500	1,500.00	15,107.50	665.00	378,727.50	4.00
FIXED ASSETS	<u>2,515,553</u>	<u>0.00</u>	<u>0.00</u>	<u>75,075.00</u>	<u>2,440,478.00</u>	<u>2.98</u>
TOTAL 11-NON DEPARTMENTAL	3,023,793	3,429.74	64,715.60	75,740.00	2,883,337.40	4.65

12-DEVELOPMENT SERVICES

PERSONNEL SERVICES	821,351	80,458.31	201,320.86	0.00	620,030.14	24.51
OPERATIONS & MAINTENANCE	109,306	18,027.65	36,786.90	0.00	72,519.10	33.65
SUPPLIES	13,600	1,048.77	2,794.01	0.00	10,805.99	20.54
SERVICES	<u>340,000</u>	<u>7,432.08</u>	<u>27,417.32</u>	<u>0.00</u>	<u>312,582.68</u>	<u>8.06</u>
TOTAL 12-DEVELOPMENT SERVICES	1,284,257	106,966.81	268,319.09	0.00	1,015,937.91	20.89

13-FINANCE

PERSONNEL SERVICES	457,977	39,030.65	91,137.88	0.00	366,839.12	19.90
OPERATIONS & MAINTENANCE	13,910	150.00	150.02	0.00	13,759.98	1.08
SUPPLIES	3,500	119.11	236.16	0.00	3,263.84	6.75
SERVICES	<u>104,000</u>	<u>37,128.44</u>	<u>37,128.44</u>	<u>0.00</u>	<u>66,871.56</u>	<u>35.70</u>
TOTAL 13-FINANCE	579,387	76,428.20	128,652.50	0.00	450,734.50	22.20

CITY OF LAGO VISTA
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: DECEMBER 31ST, 2022

10 -GENERAL FUND

FINANCIAL SUMMARY

% OF YEAR COMPLETED: 25.00

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>14-HUMAN RESOURCES</u>						
PERSONNEL SERVICES	107,671	14,986.42	36,880.91	0.00	70,790.09	34.25
OPERATIONS & MAINTENANCE	24,650	2,760.27	3,210.27	0.00	21,439.73	13.02
SUPPLIES	7,200	1,288.31	1,367.63	0.00	5,832.37	18.99
SERVICES	<u>40,700</u>	<u>1,754.75</u>	<u>4,435.75</u>	<u>0.00</u>	<u>36,264.25</u>	<u>10.90</u>
TOTAL 14-HUMAN RESOURCES	180,221	20,789.75	45,894.56	0.00	134,326.44	25.47
<u>15-MUNICIPAL COURT</u>						
PERSONNEL SERVICES	143,332	17,324.53	43,864.58	0.00	99,467.42	30.60
OPERATIONS & MAINTENANCE	43,255	520.52	11,930.04	15,694.00	15,630.96	63.86
SUPPLIES	1,600	0.00	35.48	0.00	1,564.52	2.22
SERVICES	<u>41,600</u>	<u>2,561.58</u>	<u>5,398.24</u>	<u>0.00</u>	<u>36,201.76</u>	<u>12.98</u>
TOTAL 15-MUNICIPAL COURT	229,787	20,406.63	61,228.34	15,694.00	152,864.66	33.48
<u>16-CITY SECRETARY</u>						
PERSONNEL SERVICES	95,482	11,550.45	28,103.27	0.00	67,378.73	29.43
OPERATIONS & MAINTENANCE	34,400	189.00	6,959.80	1,273.36	26,166.84	23.93
SUPPLIES	1,700	0.00	30.73	0.00	1,669.27	1.81
SERVICES	<u>20,700</u>	<u>0.00</u>	<u>5,000.00</u>	<u>0.00</u>	<u>15,700.00</u>	<u>24.15</u>
TOTAL 16-CITY SECRETARY	152,282	11,739.45	40,093.80	1,273.36	110,914.84	27.16
<u>17-ECONOMIC DEVELOPMENT</u>						
PERSONNEL SERVICES	212,830	26,457.50	65,145.36	0.00	147,684.64	30.61
OPERATIONS & MAINTENANCE	56,994	321.84	1,029.33	0.00	55,964.67	1.81
SUPPLIES	4,000	45.00	45.00	0.00	3,955.00	1.13
SERVICES	<u>35,000</u>	<u>0.00</u>	<u>601.00</u>	<u>0.00</u>	<u>34,399.00</u>	<u>1.72</u>
TOTAL 17-ECONOMIC DEVELOPMENT	308,824	26,824.34	66,820.69	0.00	242,003.31	21.64
<u>18-LEGAL</u>						
PERSONNEL SERVICES	261,384	(703.64)	57,956.73	0.00	203,427.27	22.17
OPERATIONS & MAINTENANCE	20,650	0.00	719.49	0.00	19,930.51	3.48
SUPPLIES	5,000	0.00	0.00	0.00	5,000.00	0.00
SERVICES	<u>116,500</u>	<u>28,752.81</u>	<u>40,750.88</u>	<u>0.00</u>	<u>75,749.12</u>	<u>34.98</u>
TOTAL 18-LEGAL	403,534	28,049.17	99,427.10	0.00	304,106.90	24.64
<u>20-POLICE DEPARTMENT</u>						
PERSONNEL SERVICES	2,144,732	220,047.01	529,783.30	0.00	1,614,948.70	24.70
OPERATIONS & MAINTENANCE	238,673	8,452.36	84,596.13	0.00	154,076.87	35.44
SUPPLIES	116,200	6,674.57	50,492.25	9,118.78	56,588.97	51.30
SERVICES	92,522	1,578.46	25,054.77	0.00	67,467.23	27.08
FIXED ASSETS	<u>261,545</u>	<u>0.00</u>	<u>11,993.00</u>	<u>287,315.20</u>	<u>(37,763.20)</u>	<u>114.44</u>
TOTAL 20-POLICE DEPARTMENT	2,853,672	236,752.40	701,919.45	296,433.98	1,855,318.57	34.98

CITY OF LAGO VISTA
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: DECEMBER 31ST, 2022

10 -GENERAL FUND

FINANCIAL SUMMARY

% OF YEAR COMPLETED: 25.00

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>25-DISPATCHING</u>						
PERSONNEL SERVICES	470,641	44,633.00	112,049.60	0.00	358,591.40	23.81
OPERATIONS & MAINTENANCE	14,696	600.00	600.00	0.00	14,096.00	4.08
SUPPLIES	3,850	160.95	1,346.73	0.00	2,503.27	34.98
SERVICES	<u>33,460</u>	<u>0.00</u>	<u>10,275.00</u>	<u>0.00</u>	<u>23,185.00</u>	<u>30.71</u>
TOTAL 25-DISPATCHING	522,647	45,393.95	124,271.33	0.00	398,375.67	23.78
<u>30-PUBLIC WORKS STREETS</u>						
PERSONNEL SERVICES	759,654	75,337.13	193,160.72	0.00	566,493.28	25.43
OPERATIONS & MAINTENANCE	177,550	10,037.94	47,820.75	0.00	129,729.25	26.93
SUPPLIES	303,250	1,866.77	21,439.33	0.00	281,810.67	7.07
SERVICES	330,400	0.00	212.76	0.00	330,187.24	0.06
FIXED ASSETS	<u>2,551,317</u>	<u>0.00</u>	<u>0.00</u>	<u>52,189.33</u>	<u>2,499,127.67</u>	<u>2.05</u>
TOTAL 30-PUBLIC WORKS STREETS	4,122,171	87,241.84	262,633.56	52,189.33	3,807,348.11	7.64
<u>31-SOLID WASTE</u>						
OPERATIONS & MAINTENANCE	6,684	76.08	1,153.83	0.00	5,530.17	17.26
SUPPLIES	3,300	0.00	199.82	0.00	3,100.18	6.06
SERVICES	1,331,754	87,725.87	180,421.11	0.00	1,151,332.89	13.55
FIXED ASSETS	<u>90,000</u>	<u>78,000.00</u>	<u>78,000.00</u>	<u>4,425.00</u>	<u>7,575.00</u>	<u>91.58</u>
TOTAL 31-SOLID WASTE	1,431,738	165,801.95	259,774.76	4,425.00	1,167,538.24	18.45
<u>32-BUILDING MAINTENANCE</u>						
OPERATIONS & MAINTENANCE	24,600	1,609.17	6,993.12	0.00	17,606.88	28.43
SUPPLIES	2,000	0.00	0.00	0.00	2,000.00	0.00
SERVICES	<u>29,500</u>	<u>984.40</u>	<u>3,322.26</u>	<u>0.00</u>	<u>26,177.74</u>	<u>11.26</u>
TOTAL 32-BUILDING MAINTENANCE	56,100	2,593.57	10,315.38	0.00	45,784.62	18.39
<u>34-PARK & RECREATION</u>						
PERSONNEL SERVICES	262,686	28,907.40	75,493.27	0.00	187,192.73	28.74
OPERATIONS & MAINTENANCE	71,040	1,944.05	19,733.00	0.00	51,307.00	27.78
SUPPLIES	19,500	313.44	1,496.68	0.00	18,003.32	7.68
SERVICES	3,000	0.00	600.00	0.00	2,400.00	20.00
FIXED ASSETS	<u>50,500</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>50,500.00</u>	<u>0.00</u>
TOTAL 34-PARK & RECREATION	406,726	31,164.89	97,322.95	0.00	309,403.05	23.93
<u>35-AQUATICS</u>						
OPERATIONS & MAINTENANCE	55,746	290.57	2,277.65	0.00	53,468.35	4.09
SUPPLIES	6,000	0.00	0.00	0.00	6,000.00	0.00
SERVICES	<u>53,000</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>53,000.00</u>	<u>0.00</u>
TOTAL 35-AQUATICS	114,746	290.57	2,277.65	0.00	112,468.35	1.98

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10 -GENERAL FUND

FINANCIAL SUMMARY

% OF YEAR COMPLETED: 25.00

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>45-LIBRARY DEPARTMENT</u>						
PERSONNEL SERVICES	199,787	28,627.43	67,985.70	0.00	131,801.30	34.03
OPERATIONS & MAINTENANCE	31,202	1,142.38	3,494.24	0.00	27,707.76	11.20
SUPPLIES	24,380	685.94	2,270.76	0.00	22,109.24	9.31
SERVICES	<u>10,900</u>	<u>168.21</u>	<u>1,974.61</u>	<u>0.00</u>	<u>8,925.39</u>	<u>18.12</u>
TOTAL 45-LIBRARY DEPARTMENT	266,269	30,623.96	75,725.31	0.00	190,543.69	28.44
<u>50-CITY COUNCIL MEMBERS</u>						
OPERATIONS & MAINTENANCE	21,000	211.95	5,056.29	0.00	15,943.71	24.08
SUPPLIES	2,000	82.75	82.75	0.00	1,917.25	4.14
SERVICES	<u>13,500</u>	<u>0.00</u>	<u>21,817.90</u>	<u>0.00</u>	<u>(8,317.90)</u>	<u>161.61</u>
TOTAL 50-CITY COUNCIL MEMBERS	36,500	294.70	26,956.94	0.00	9,543.06	73.85
<u>58-GENERAL FUND INFO TECH</u>						
PERSONNEL SERVICES	286,912	36,565.97	73,581.15	0.00	213,330.85	25.65
OPERATIONS & MAINTENANCE	216,748	6,459.78	79,388.07	0.00	137,359.93	36.63
SUPPLIES	1,800	60.00	369.90	0.00	1,430.10	20.55
SERVICES	172,050	1,151.85	2,621.87	0.00	169,428.13	1.52
FIXED ASSETS	<u>47,995</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>47,995.00</u>	<u>0.00</u>
TOTAL 58-GENERAL FUND INFO TECH	725,505	44,237.60	155,960.99	0.00	569,544.01	21.50
<u>85-DEBT SERVICE</u>						
<u>86-GENERAL FUND TRANSFERS</u>						
FIXED ASSETS	<u>1,921,926</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>1,921,926.00</u>	<u>0.00</u>
TOTAL 86-GENERAL FUND TRANSFERS	1,921,926	0.00	0.00	0.00	1,921,926.00	0.00
TOTAL EXPENDITURES	19,641,415	1,069,502.11	2,697,739.04	446,944.63	16,496,731.33	16.01
REVENUE OVER/ (UNDER) EXPENDITURES	(3,101,802)	2,611,662.06	2,390,731.95	(446,944.63)	(5,045,589.32)	62.67-

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11 -HOTEL FUND

FINANCIAL SUMMARY

% OF YEAR COMPLETED: 25.00

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>REVENUE SUMMARY</u>						
11-HOTEL	<u>309,446</u>	<u>3,350.34</u>	<u>83,418.22</u>	<u>0.00</u>	<u>226,027.78</u>	<u>26.96</u>
TOTAL REVENUES	309,446	3,350.34	83,418.22	0.00	226,027.78	26.96
<u>EXPENDITURE SUMMARY</u>						
<u>11-HOTEL</u>						
Hotel Fund Expenses	<u>178,000</u>	<u>0.00</u>	<u>6,000.00</u>	<u>0.00</u>	<u>172,000.00</u>	<u>3.37</u>
TOTAL 11-HOTEL	178,000	0.00	6,000.00	0.00	172,000.00	3.37
TOTAL EXPENDITURES	178,000	0.00	6,000.00	0.00	172,000.00	3.37
REVENUE OVER/(UNDER) EXPENDITURES	131,446	3,350.34	77,418.22	0.00	54,027.78	58.90

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14 -AVIATION FUND

FINANCIAL SUMMARY

% OF YEAR COMPLETED: 25.00

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>REVENUE SUMMARY</u>						
40-AVIATION DEPARTMENT	<u>465,689</u>	<u>15,330.63</u>	<u>67,682.58</u>	<u>0.00</u>	<u>398,006.42</u>	<u>14.53</u>
TOTAL REVENUES	465,689	15,330.63	67,682.58	0.00	398,006.42	14.53
<u>EXPENDITURE SUMMARY</u>						
<u>40-AVIATION DEPARTMENT</u>						
PERSONNEL SERVICES	16,675	1,530.27	4,344.15	0.00	12,330.85	26.05
OPERATIONS & MAINTENANCE	37,440	1,643.25	8,493.89	0.00	28,946.11	22.69
SUPPLIES	402,000	32,939.11	33,579.41	0.00	368,420.59	8.35
SERVICES	<u>41,000</u>	<u>3,810.00</u>	<u>9,790.52</u>	<u>0.00</u>	<u>31,209.48</u>	<u>23.88</u>
TOTAL 40-AVIATION DEPARTMENT	497,115	39,922.63	56,207.97	0.00	440,907.03	11.31
TOTAL EXPENDITURES	497,115	39,922.63	56,207.97	0.00	440,907.03	11.31
REVENUE OVER/(UNDER) EXPENDITURES	(31,426)	(24,592.00)	11,474.61	0.00	(42,900.61)	36.51-

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15 -MUNICIPAL GOLF COURSE

FINANCIAL SUMMARY

% OF YEAR COMPLETED: 25.00

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>REVENUE SUMMARY</u>						
10 - LVGC PRO SHOP	1,719,726	28,368.01	101,260.50	0.00	1,618,465.50	5.89
20 - LVGC SNACK BAR	<u>34,200</u>	<u>2,850.00</u>	<u>8,600.00</u>	<u>0.00</u>	<u>25,600.00</u>	<u>25.15</u>
TOTAL REVENUES	1,753,926	31,218.01	109,860.50	0.00	1,644,065.50	6.26
<u>EXPENDITURE SUMMARY</u>						
<u>LVGC PRO SHOP/SNACK BAR</u>						
PERSONNEL SERVICES	378,902	22,663.69	57,830.99	0.00	321,071.01	15.26
OPERATIONS & MAINTENANCE	157,638	4,492.25	29,022.43	0.00	128,615.57	18.41
SUPPLIES	67,650	2,985.24	9,959.91	0.00	57,690.09	14.72
SERVICES	63,440	754.36	7,670.29	0.00	55,769.71	12.09
FIXED ASSETS	<u>5,500</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>5,500.00</u>	<u>0.00</u>
TOTAL LVGC PRO SHOP/SNACK BAR	673,130	30,895.54	104,483.62	0.00	568,646.38	15.52
<u>HIGC PRO SHOP/SNACK BAR</u>						
<u>LVGC MAINTENANCE</u>						
PERSONNEL SERVICES	501,858	33,718.71	76,453.64	0.00	425,404.36	15.23
OPERATIONS & MAINTENANCE	195,488	12,467.60	52,681.03	37.16	142,769.81	26.97
SUPPLIES	124,750	0.00	7,555.39	0.00	117,194.61	6.06
SERVICES	166,800	93.00	10,981.90	0.00	155,818.10	6.58
FIXED ASSETS	<u>16,900</u>	<u>0.00</u>	<u>0.00</u>	<u>16,479.75</u>	<u>420.25</u>	<u>97.51</u>
TOTAL LVGC MAINTENANCE	1,005,796	46,279.31	147,671.96	16,516.91	841,607.13	16.32
<u>TRANSFER TO DEBT SERVIE</u>						
<u>DEPRECIATION</u>						
TOTAL EXPENDITURES	1,678,926	77,174.85	252,155.58	16,516.91	1,410,253.51	16.00
REVENUE OVER/ (UNDER) EXPENDITURES	75,000 (45,956.84) (142,295.08) (16,516.91)	233,811.99	211.75-

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30 -UTILITY FUND

FINANCIAL SUMMARY

% OF YEAR COMPLETED: 25.00

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>REVENUE SUMMARY</u>						
50-GENERAL OPERATION	187,556	57,846.25	201,565.00	0.00 (	14,009.00)	107.47
60-WATER SERVICES	6,746,603	357,912.48	1,380,403.66	0.00	5,366,199.34	20.46
70-SEWER SERVICES	<u>4,895,197</u>	<u>315,885.88</u>	<u>960,848.70</u>	<u>0.00</u>	<u>3,934,348.30</u>	<u>19.63</u>
TOTAL REVENUES	11,829,356	731,644.61	2,542,817.36	0.00	9,286,538.64	21.50
<u>EXPENDITURE SUMMARY</u>						
<u>55-UTILITIES ADMINISTRATI</u>						
PERSONNEL SERVICES	370,930	21,515.31	50,719.43	0.00	320,210.57	13.67
OPERATIONS & MAINTENANCE	90,720	9,091.57	28,394.77	0.00	62,325.23	31.30
SUPPLIES	35,000	194.56	8,780.99	0.00	26,219.01	25.09
SERVICES	<u>83,000</u>	<u>7,991.37</u>	<u>11,840.00</u>	<u>0.00</u>	<u>71,160.00</u>	<u>14.27</u>
TOTAL 55-UTILITIES ADMINISTRATI	579,650	38,792.81	99,735.19	0.00	479,914.81	17.21
<u>56-GENERAL FUND TRANSFER</u>						
FIXED ASSETS	<u>2,059,643</u>	<u>171,636.92</u>	<u>514,910.76</u>	<u>0.00</u>	<u>1,544,732.24</u>	<u>25.00</u>
TOTAL 56-GENERAL FUND TRANSFER	2,059,643	171,636.92	514,910.76	0.00	1,544,732.24	25.00
<u>57-DEBT SRVCE FUND TRNSF</u>						
<u>58-UTILITY FUND INFO TECH</u>						
PERSONNEL SERVICES	0	0.00	14,222.46	0.00 (	14,222.46)	0.00
OPERATIONS & MAINTENANCE	63,418	542.92	14,626.17	0.00	48,791.83	23.06
SUPPLIES	500	0.00	0.00	0.00	500.00	0.00
SERVICES	<u>32,350</u>	<u>155.25</u>	<u>1,645.27</u>	<u>0.00</u>	<u>30,704.73</u>	<u>5.09</u>
TOTAL 58-UTILITY FUND INFO TECH	96,268	698.17	30,493.90	0.00	65,774.10	31.68
<u>59-PUBLIC WORKS ADMIN</u>						
PERSONNEL SERVICES	412,798	24,478.17	60,777.39	0.00	352,020.61	14.72
OPERATIONS & MAINTENANCE	38,647	67.12	17,024.55	0.00	21,622.45	44.05
SUPPLIES	6,850	787.52	1,590.79	0.00	5,259.21	23.22
SERVICES	<u>87,000</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>87,000.00</u>	<u>0.00</u>
TOTAL 59-PUBLIC WORKS ADMIN	545,295	25,332.81	79,392.73	0.00	465,902.27	14.56
<u>60-WATER SERVICES</u>						
PERSONNEL SERVICES	792,248	85,932.61	200,663.87	0.00	591,584.13	25.33
OPERATIONS & MAINTENANCE	1,201,615	40,306.31	171,689.13	5,322.35	1,024,603.52	14.73
SUPPLIES	144,500	3,854.36	10,572.27	0.00	133,927.73	7.32
SERVICES	128,150	426.48	1,834.39	0.00	126,315.61	1.43
FIXED ASSETS	<u>786,345</u>	<u>0.00</u>	<u>38,605.00</u>	<u>0.00</u>	<u>747,740.00</u>	<u>4.91</u>
TOTAL 60-WATER SERVICES	3,052,858	130,519.76	423,364.66	5,322.35	2,624,170.99	14.04

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30 -UTILITY FUND

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	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>65-WATER PLANT ONE</u>						
PERSONNEL SERVICES	181,156	10,284.20	25,747.27	0.00	155,408.73	14.21
OPERATIONS & MAINTENANCE	92,974	4,091.31	35,633.14	0.00	57,340.86	38.33
SUPPLIES	60,000	3,276.97	10,379.44	1,325.00	48,295.56	19.51
SERVICES	136,480	7,350.67	35,122.03	0.00	101,357.97	25.73
FIXED ASSETS	<u>285,000</u>	<u>0.00</u>	<u>0.00</u>	<u>27,914.00</u>	<u>257,086.00</u>	<u>9.79</u>
TOTAL 65-WATER PLANT ONE	755,610	25,003.15	106,881.88	29,239.00	619,489.12	18.01
<u>67-WATER PLANT TWO</u>						
<u>69-WATER PLANT THREE</u>						
PERSONNEL SERVICES	89,703	12,385.41	27,836.77	0.00	61,866.23	31.03
OPERATIONS & MAINTENANCE	157,694	6,759.47	39,938.39	(475.00)	118,230.61	25.03
SUPPLIES	66,500	15,699.59	30,850.67	3,278.60	32,370.73	51.32
SERVICES	<u>168,300</u>	<u>9,547.80</u>	<u>37,776.35</u>	<u>17,729.48</u>	<u>112,794.17</u>	<u>32.98</u>
TOTAL 69-WATER PLANT THREE	482,197	44,392.27	136,402.18	20,533.08	325,261.74	32.55
<u>70-SEWER SERVICES</u>						
PERSONNEL SERVICES	274,198	35,028.20	85,640.83	0.00	188,557.17	31.23
OPERATIONS & MAINTENANCE	781,196	14,874.68	95,766.87	0.00	685,429.13	12.26
SUPPLIES	32,000	1,119.27	4,261.85	0.00	27,738.15	13.32
SERVICES	10,100	172.90	172.90	0.00	9,927.10	1.71
FIXED ASSETS	<u>7,000</u>	<u>0.00</u>	<u>0.00</u>	<u>6,945.00</u>	<u>55.00</u>	<u>99.21</u>
TOTAL 70-SEWER SERVICES	1,104,494	51,195.05	185,842.45	6,945.00	911,706.55	17.45
<u>75-SEWER PLANT</u>						
PERSONNEL SERVICES	261,265	25,343.11	60,600.04	0.00	200,664.96	23.19
OPERATIONS & MAINTENANCE	115,654	7,820.89	29,784.35	0.00	85,869.65	25.75
SUPPLIES	47,500	3,389.04	8,886.25	0.00	38,613.75	18.71
SERVICES	<u>56,740</u>	<u>5,434.45</u>	<u>15,734.66</u>	<u>0.00</u>	<u>41,005.34</u>	<u>27.73</u>
TOTAL 75-SEWER PLANT	481,159	41,987.49	115,005.30	0.00	366,153.70	23.90
<u>77-EFFLUENT DISPOSAL</u>						
PERSONNEL SERVICES	200,739	23,981.98	58,391.43	0.00	142,347.57	29.09
OPERATIONS & MAINTENANCE	72,949	3,305.39	11,141.82	0.00	61,807.18	15.27
SUPPLIES	29,300	668.97	2,386.25	0.00	26,913.75	8.14
SERVICES	<u>12,000</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>12,000.00</u>	<u>0.00</u>
TOTAL 77-EFFLUENT DISPOSAL	314,988	27,956.34	71,919.50	0.00	243,068.50	22.83
<u>79-UTILITY FUND TRANSFER</u>						

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30 -UTILITY FUND

FINANCIAL SUMMARY

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	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>82-BOOSTER PUMP STATIONS</u>						
PERSONNEL SERVICES	32,995	2,476.79	7,367.39	0.00	25,627.61	22.33
OPERATIONS & MAINTENANCE	139,450	3,807.89	14,491.23	0.00	124,958.77	10.39
SUPPLIES	6,300	20.00	69.57	0.00	6,230.43	1.10
SERVICES	5,000	0.00	0.00	0.00	5,000.00	0.00
FIXED ASSETS	<u>45,000</u>	<u>0.00</u>	<u>44,470.00</u>	<u>0.00</u>	<u>530.00</u>	<u>98.82</u>
TOTAL 82-BOOSTER PUMP STATIONS	228,745	6,304.68	66,398.19	0.00	162,346.81	29.03
<u>84-LIFT STATIONS</u>						
PERSONNEL SERVICES	32,995	2,396.68	6,972.38	0.00	26,022.62	21.13
OPERATIONS & MAINTENANCE	160,778	5,403.14	56,112.52	0.00	104,665.48	34.90
SUPPLIES	14,950	0.00	3,394.30	0.00	11,555.70	22.70
SERVICES	<u>47,000</u>	<u>0.00</u>	<u>3,321.40</u>	<u>0.00</u>	<u>43,678.60</u>	<u>7.07</u>
TOTAL 84-LIFT STATIONS	255,723	7,799.82	69,800.60	0.00	185,922.40	27.30
<u>85-DEBT SERVICE</u>						
<u>86-UTILITY FUND TRANSFERS</u>						
TOTAL EXPENDITURES	9,956,630	571,619.27	1,900,147.34	62,039.43	7,994,443.23	19.71
REVENUE OVER/ (UNDER) EXPENDITURES	1,872,726	160,025.34	642,670.02 (	62,039.43)	1,292,095.41	31.00

CITY OF LAGO VISTA
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: DECEMBER 31ST, 2022

40 -CAP IMPROVEMENT PROJECTS

FINANCIAL SUMMARY

% OF YEAR COMPLETED: 25.00

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
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REVENUE SUMMARY

80-CAPITAL IMPROVEMENT	<u>948,000</u>	<u>6,326.01</u>	<u>16,501.39</u>	<u>0.00</u>	<u>931,498.61</u>	<u>1.74</u>
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TOTAL REVENUES	948,000	6,326.01	16,501.39	0.00	931,498.61	1.74
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EXPENDITURE SUMMARY

80-CAPITAL IMPROVEMENT

CIP PROJECTS	<u>1,216,000</u>	<u>41,153.30</u>	<u>74,221.34</u>	<u>0.00</u>	<u>1,141,778.66</u>	<u>6.10</u>
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TOTAL 80-CAPITAL IMPROVEMENT	1,216,000	41,153.30	74,221.34	0.00	1,141,778.66	6.10
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TOTAL EXPENDITURES	1,216,000	41,153.30	74,221.34	0.00	1,141,778.66	6.10
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REVENUE OVER/(UNDER) EXPENDITURES	(268,000)	(34,827.29)	(57,719.95)	0.00	(210,280.05)	21.54
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CITY OF LAGO VISTA
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: DECEMBER 31ST, 2022

42 -IMPACT FEE FUND

FINANCIAL SUMMARY

% OF YEAR COMPLETED: 25.00

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>REVENUE SUMMARY</u>						
50- INVESTMENT INTEREST	55,000	26,807.28	68,486.76	0.00	(13,486.76)	124.52
60-WATER IMPACT REVENUE	1,507,391	54,486.00	162,972.00	0.00	1,344,419.00	10.81
70-SEWER IMPACT REVENUE	<u>1,117,937</u>	<u>38,585.00</u>	<u>123,945.00</u>	<u>0.00</u>	<u>993,992.00</u>	<u>11.09</u>
TOTAL REVENUES	2,680,328	119,878.28	355,403.76	0.00	2,324,924.24	13.26
<u>EXPENDITURE SUMMARY</u>						
<u>10-IMPACT FEE ADMIN</u>	_____	_____	_____	_____	_____	_____
<u>60-IMPACT FEE WATER</u>						
OPERATIONS & MAINTENANCE	<u>80,000</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>80,000.00</u>	<u>0.00</u>
TOTAL 60-IMPACT FEE WATER	80,000	0.00	0.00	0.00	80,000.00	0.00
<u>70-IMPACT FEE SEWER</u>	_____	_____	_____	_____	_____	_____
TOTAL EXPENDITURES	80,000	0.00	0.00	0.00	80,000.00	0.00
REVENUE OVER/ (UNDER) EXPENDITURES	2,600,328	119,878.28	355,403.76	0.00	2,244,924.24	13.67

CITY OF LAGO VISTA
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: DECEMBER 31ST, 2022

43 -PARKLAND FEE FUND

FINANCIAL SUMMARY

% OF YEAR COMPLETED: 25.00

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
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<u>REVENUE SUMMARY</u>						
43 PARK FUND	<u>2,243</u>	<u>2,434.68</u>	<u>6,304.58</u>	<u>0.00</u>	(<u>4,061.58</u>)	<u>281.08</u>
TOTAL REVENUES	2,243	2,434.68	6,304.58	0.00	(4,061.58)	281.08
 <u>EXPENDITURE SUMMARY</u>						
<u>43 PARK FUND</u>						
OPERATIONS & MAINTENANCE	<u>0</u>	<u>3,150.00</u>	<u>3,150.00</u>	<u>0.00</u>	(<u>3,150.00</u>)	<u>0.00</u>
TOTAL 43 PARK FUND	0	3,150.00	3,150.00	0.00	(3,150.00)	0.00
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TOTAL EXPENDITURES	0	3,150.00	3,150.00	0.00	(3,150.00)	0.00
REVENUE OVER/(UNDER) EXPENDITURES	2,243	(715.32)	3,154.58	0.00	(911.58)	140.64

CITY OF LAGO VISTA
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: DECEMBER 31ST, 2022

50 -DEBT SERVICE

FINANCIAL SUMMARY

% OF YEAR COMPLETED: 25.00

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>REVENUE SUMMARY</u>						
80-ACCUMULATED INTEREST	0	1,879.05	4,582.74	0.00 (	4,582.74)	0.00
85-AD VALOREM & OTHER	<u>2,687,358</u>	<u>1,425,294.01</u>	<u>1,484,754.04</u>	<u>0.00</u>	<u>1,202,603.96</u>	<u>55.25</u>
TOTAL REVENUES	2,687,358	1,427,173.06	1,489,336.78	0.00	1,198,021.22	55.42
<u>EXPENDITURE SUMMARY</u>						
80-ACCUMULATED INTEREST						
85-AD VALOREM & OTHER						
OPERATIONS & MAINTENANCE	8,000	1,500.00	1,500.00	0.00	6,500.00	18.75
FIXED ASSETS	<u>2,679,359</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>2,679,359.00</u>	<u>0.00</u>
TOTAL 85-AD VALOREM & OTHER	2,687,359	1,500.00	1,500.00	0.00	2,685,859.00	0.06
TOTAL EXPENDITURES	2,687,359	1,500.00	1,500.00	0.00	2,685,859.00	0.06
REVENUE OVER/(UNDER) EXPENDITURES	(1)	1,425,673.06	1,487,836.78	0.00 (	1,487,837.78)	3,678.00-

CITY OF LAGO VISTA
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: DECEMBER 31ST, 2021

10 -GENERAL FUND

FINANCIAL SUMMARY

% OF YEAR COMPLETED: 25.00

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>REVENUE SUMMARY</u>						
10-ADMINISTRATION	8,864,721	2,998,441.20	3,953,250.64	0.00	4,911,470.36	44.60
11-NON DEPARTMENTAL	40,000	0.00	0.00	0.00	40,000.00	0.00
12-DEVELOPMENT SERVICES	1,823,198	168,197.72	561,745.47	0.00	1,261,452.53	30.81
15-MUNICIPAL COURT	139,047	13,604.64	34,843.83	0.00	104,203.17	25.06
20-POLICE DEPARTMENT	21,333	1,992.02	4,944.80	0.00	16,388.20	23.18
30-PUBLIC WORKS/BUILDING	43,756	0.00	0.00	0.00	43,756.00	0.00
31-SOLID WASTE	1,144,249	101,389.67	304,900.63	0.00	839,348.37	26.65
34-PARKS & RECREATION	0	120.00	440.00	0.00	(440.00)	0.00
35-AQUATICS	8,075	0.00	0.00	0.00	8,075.00	0.00
45-LIBRARY DEPARTMENT	<u>1,100</u>	<u>203.50</u>	<u>891.70</u>	<u>0.00</u>	<u>208.30</u>	<u>81.06</u>
TOTAL REVENUES	12,085,479	3,283,948.75	4,861,017.07	0.00	7,224,461.93	40.22

EXPENDITURE SUMMARY10-ADMINISTRATION

PERSONNEL SERVICES	217,751	23,958.28	56,610.33	0.00	161,140.67	26.00
OPERATIONS & MAINTENANCE	56,138	840.09	22,139.36	0.00	33,998.64	39.44
SUPPLIES	6,500	247.73	2,036.55	0.00	4,463.45	31.33
SERVICES	<u>99,000</u>	<u>8,229.34</u>	<u>12,479.34</u>	<u>0.00</u>	<u>86,520.66</u>	<u>12.61</u>
TOTAL 10-ADMINISTRATION	379,389	33,275.44	93,265.58	0.00	286,123.42	24.58

11-NON DEPARTMENTAL

OPERATIONS & MAINTENANCE	87,200	1,848.54	16,977.34	0.00	70,222.66	19.47
SERVICES	44,500	1,500.00	25,100.00	0.00	19,400.00	56.40
FIXED ASSETS	<u>1,000,000</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>1,000,000.00</u>	<u>0.00</u>
TOTAL 11-NON DEPARTMENTAL	1,131,700	3,348.54	42,077.34	0.00	1,089,622.66	3.72

12-DEVELOPMENT SERVICES

PERSONNEL SERVICES	686,853	66,561.62	159,021.30	0.00	527,831.70	23.15
OPERATIONS & MAINTENANCE	152,659	5,131.05	16,950.83	0.00	135,708.17	11.10
SUPPLIES	8,300	1,259.91	1,926.09	0.00	6,373.91	23.21
SERVICES	45,000	3,725.00	18,682.01	0.00	26,317.99	41.52
FIXED ASSETS	<u>63,410</u>	<u>28,920.00</u>	<u>28,920.00</u>	<u>34,450.90</u>	<u>39.10</u>	<u>99.94</u>
TOTAL 12-DEVELOPMENT SERVICES	956,222	105,597.58	225,500.23	34,450.90	696,270.87	27.19

13-FINANCE

PERSONNEL SERVICES	253,622	29,944.63	68,929.24	0.00	184,692.76	27.18
OPERATIONS & MAINTENANCE	4,610	812.37	812.37	0.00	3,797.63	17.62
SUPPLIES	4,500	0.00	50.98	0.00	4,449.02	1.13
SERVICES	78,000	8,384.04	32,581.84	0.00	45,418.16	41.77
FIXED ASSETS	<u>500</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>500.00</u>	<u>0.00</u>
TOTAL 13-FINANCE	341,232	39,141.04	102,374.43	0.00	238,857.57	30.00

CITY OF LAGO VISTA
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: DECEMBER 31ST, 2021

10 -GENERAL FUND

FINANCIAL SUMMARY

% OF YEAR COMPLETED: 25.00

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>14-HUMAN RESOURCES</u>						
PERSONNEL SERVICES	107,302	12,054.84	28,530.12	0.00	78,771.88	26.59
OPERATIONS & MAINTENANCE	11,960	7,914.01	7,927.26	0.00	4,032.74	66.28
SUPPLIES	700	0.00	46.71	0.00	653.29	6.67
SERVICES	<u>68,200</u>	<u>1,534.32</u>	<u>4,958.78</u>	<u>0.00</u>	<u>63,241.22</u>	<u>7.27</u>
TOTAL 14-HUMAN RESOURCES	188,162	21,503.17	41,462.87	0.00	146,699.13	22.04
<u>15-MUNICIPAL COURT</u>						
PERSONNEL SERVICES	151,267	15,788.17	37,280.19	0.00	113,986.81	24.65
OPERATIONS & MAINTENANCE	19,050	507.68	2,752.07	0.00	16,297.93	14.45
SUPPLIES	3,300	0.00	287.27	0.00	3,012.73	8.71
SERVICES	<u>42,250</u>	<u>1,208.33</u>	<u>3,624.99</u>	<u>0.00</u>	<u>38,625.01</u>	<u>8.58</u>
TOTAL 15-MUNICIPAL COURT	215,867	17,504.18	43,944.52	0.00	171,922.48	20.36
<u>16-CITY SECRETARY</u>						
PERSONNEL SERVICES	103,712	12,179.51	28,064.74	0.00	75,647.26	27.06
OPERATIONS & MAINTENANCE	23,900	340.50	7,896.92	0.00	16,003.08	33.04
SUPPLIES	1,700	0.00	0.00	0.00	1,700.00	0.00
SERVICES	<u>15,000</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>15,000.00</u>	<u>0.00</u>
TOTAL 16-CITY SECRETARY	144,312	12,520.01	35,961.66	0.00	108,350.34	24.92
<u>17-ECONOMIC DEVELOPMENT</u>						
PERSONNEL SERVICES	212,352	24,404.57	57,140.59	0.00	155,211.41	26.91
OPERATIONS & MAINTENANCE	53,994	40.00	266.37	0.00	53,727.89	0.49
SUPPLIES	2,000	72.53	72.53	0.00	1,927.47	3.63
SERVICES	45,000	0.00	998.00	0.00	44,002.00	2.22
FIXED ASSETS	<u>2,000</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>2,000.00</u>	<u>0.00</u>
TOTAL 17-ECONOMIC DEVELOPMENT	315,346	24,517.10	58,477.49	0.00	256,868.77	18.54
<u>18-LEGAL</u>						
PERSONNEL SERVICES	170,961	19,720.43	45,821.32	0.00	125,139.68	26.80
OPERATIONS & MAINTENANCE	11,400	426.88	429.88	0.00	10,970.12	3.77
SUPPLIES	7,500	0.00	266.71	0.00	7,233.29	3.56
SERVICES	<u>65,500</u>	<u>1,019.19</u>	<u>5,768.56</u>	<u>0.00</u>	<u>59,731.44</u>	<u>8.81</u>
TOTAL 18-LEGAL	255,361	21,166.50	52,286.47	0.00	203,074.53	20.48
<u>20-POLICE DEPARTMENT</u>						
PERSONNEL SERVICES	2,106,030	217,965.70	520,138.78	0.00	1,585,891.22	24.70
OPERATIONS & MAINTENANCE	182,354	2,633.16	37,030.09	0.00	145,323.91	20.31
SUPPLIES	73,648	3,474.28	19,129.89	0.00	54,518.11	25.97
SERVICES	41,414	1,744.23	5,393.16	612.70	35,408.14	14.50
FIXED ASSETS	<u>105,133</u>	<u>0.00</u>	<u>53,245.80</u>	<u>52,945.80</u>	<u>(1,058.60)</u>	<u>101.01</u>
TOTAL 20-POLICE DEPARTMENT	2,508,579	225,817.37	634,937.72	53,558.50	1,820,082.78	27.45

CITY OF LAGO VISTA
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: DECEMBER 31ST, 2021

10 -GENERAL FUND

FINANCIAL SUMMARY

% OF YEAR COMPLETED: 25.00

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>25-DISPATCHING</u>						
PERSONNEL SERVICES	486,308	36,099.94	78,657.37	0.00	407,650.63	16.17
OPERATIONS & MAINTENANCE	7,448	282.24	423.36	0.00	7,024.64	5.68
SUPPLIES	3,620	0.00	0.00	0.00	3,620.00	0.00
SERVICES	52,404	125.00	19,113.82	0.00	33,290.18	36.47
FIXED ASSETS	<u>12,400</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>12,400.00</u>	<u>0.00</u>
TOTAL 25-DISPATCHING	562,180	36,507.18	98,194.55	0.00	463,985.45	17.47
<u>30-PUBLIC WORKS STREETS</u>						
PERSONNEL SERVICES	747,822	79,151.46	204,396.36	0.00	543,425.64	27.33
OPERATIONS & MAINTENANCE	171,391	8,392.75	48,854.46	0.00	122,536.54	28.50
SUPPLIES	357,200	15,254.69	45,083.68	270.28	311,846.04	12.70
SERVICES	69,400	4,765.20	59,898.80	12,984.00 (	3,482.80)	105.02
FIXED ASSETS	<u>2,838,154</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>2,838,154.00</u>	<u>0.00</u>
TOTAL 30-PUBLIC WORKS STREETS	4,183,967	107,564.10	358,233.30	13,254.28	3,812,479.42	8.88
<u>31-SOLID WASTE</u>						
OPERATIONS & MAINTENANCE	5,223	77.77	845.48	0.00	4,377.52	16.19
SUPPLIES	4,300	0.00	35.28	0.00	4,264.72	0.82
SERVICES	<u>1,095,088</u>	<u>86,493.84</u>	<u>170,741.20</u>	<u>0.00</u>	<u>924,346.80</u>	<u>15.59</u>
TOTAL 31-SOLID WASTE	1,104,611	86,571.61	171,621.96	0.00	932,989.04	15.54
<u>32-BUILDING MAINTENANCE</u>						
OPERATIONS & MAINTENANCE	24,100	1,085.51	3,247.19	0.00	20,852.81	13.47
SUPPLIES	2,000	0.00	0.00	0.00	2,000.00	0.00
SERVICES	<u>29,500</u>	<u>1,063.40</u>	<u>3,919.72</u>	<u>0.00</u>	<u>25,580.28</u>	<u>13.29</u>
TOTAL 32-BUILDING MAINTENANCE	55,600	2,148.91	7,166.91	0.00	48,433.09	12.89
<u>34-PARK & RECREATION</u>						
PERSONNEL SERVICES	271,332	29,586.74	70,834.18	0.00	200,497.82	26.11
OPERATIONS & MAINTENANCE	89,379	770.53	8,654.44	0.00	80,724.56	9.68
SUPPLIES	20,000	1,938.13	4,920.44	0.00	15,079.56	24.60
SERVICES	2,000	0.00	962.50	2,000.00 (	962.50)	148.13
FIXED ASSETS	<u>30,000</u>	<u>3,134.05</u>	<u>26,638.05</u>	<u>0.00</u>	<u>3,361.95</u>	<u>88.79</u>
TOTAL 34-PARK & RECREATION	412,711	35,429.45	112,009.61	2,000.00	298,701.39	27.62
<u>35-AQUATICS</u>						
OPERATIONS & MAINTENANCE	55,723	335.03	6,346.62	0.00	49,376.38	11.39
SUPPLIES	16,000	969.27	1,115.99	0.00	14,884.01	6.97
SERVICES	58,000	3,900.00	3,900.00	0.00	54,100.00	6.72
FIXED ASSETS	<u>27,000</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>27,000.00</u>	<u>0.00</u>
TOTAL 35-AQUATICS	156,723	5,204.30	11,362.61	0.00	145,360.39	7.25

CITY OF LAGO VISTA
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: DECEMBER 31ST, 2021

10 -GENERAL FUND

FINANCIAL SUMMARY

% OF YEAR COMPLETED: 25.00

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>45-LIBRARY DEPARTMENT</u>						
PERSONNEL SERVICES	198,573	22,890.04	52,564.15	0.00	146,008.85	26.47
OPERATIONS & MAINTENANCE	31,169	1,346.10	2,966.74	0.00	28,202.26	9.52
SUPPLIES	25,450	599.58	4,198.56	0.00	21,251.44	16.50
SERVICES	<u>9,910</u>	<u>166.47</u>	<u>1,281.63</u>	<u>0.00</u>	<u>8,628.37</u>	<u>12.93</u>
TOTAL 45-LIBRARY DEPARTMENT	265,102	25,002.19	61,011.08	0.00	204,090.92	23.01
<u>50-CITY COUNCIL MEMBERS</u>						
OPERATIONS & MAINTENANCE	21,500	1,185.00	7,111.92	0.00	14,388.08	33.08
SUPPLIES	2,000	0.00	26.54	0.00	1,973.46	1.33
SERVICES	<u>8,319</u>	<u>0.00</u>	<u>753.00</u>	<u>0.00</u>	<u>7,566.00</u>	<u>9.05</u>
TOTAL 50-CITY COUNCIL MEMBERS	31,819	1,185.00	7,891.46	0.00	23,927.54	24.80
<u>58-GENERAL FUND INFO TECH</u>						
<u>85-DEBT SERVICE</u>						
<u>86-GENERAL FUND TRANSFERS</u>						
FIXED ASSETS	<u>1,081,429</u>	<u>35,805.00</u>	<u>138,300.00</u>	<u>0.00</u>	<u>943,129.00</u>	<u>12.79</u>
TOTAL 86-GENERAL FUND TRANSFERS	1,081,429	35,805.00	138,300.00	0.00	943,129.00	12.79
TOTAL EXPENDITURES	14,290,312	839,808.67	2,296,079.79	103,263.68	11,890,968.79	16.79
REVENUE OVER/ (UNDER) EXPENDITURES	(2,204,833)	2,444,140.08	2,564,937.28	(103,263.68)	(4,666,506.86)	111.65-

CITY OF LAGO VISTA
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: DECEMBER 31ST, 2021

11 -HOTEL FUND

FINANCIAL SUMMARY

% OF YEAR COMPLETED: 25.00

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>REVENUE SUMMARY</u>						
11-HOTEL	<u>200,600</u>	<u>46.57</u>	<u>77,407.35</u>	<u>0.00</u>	<u>123,192.65</u>	<u>38.59</u>
TOTAL REVENUES	200,600	46.57	77,407.35	0.00	123,192.65	38.59
<u>EXPENDITURE SUMMARY</u>						
<u>11-HOTEL</u>						
Hotel Fund Expenses	<u>148,500</u>	<u>0.00</u>	<u>13,440.00</u>	<u>0.00</u>	<u>135,060.00</u>	<u>9.05</u>
TOTAL 11-HOTEL	148,500	0.00	13,440.00	0.00	135,060.00	9.05
TOTAL EXPENDITURES	148,500	0.00	13,440.00	0.00	135,060.00	9.05
REVENUE OVER/(UNDER) EXPENDITURES	52,100	46.57	63,967.35	0.00 (	11,867.35)	122.78

CITY OF LAGO VISTA
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: DECEMBER 31ST, 2021

14 -AVIATION FUND

FINANCIAL SUMMARY

% OF YEAR COMPLETED: 25.00

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>REVENUE SUMMARY</u>						
40-AVIATION DEPARTMENT	<u>377,071</u>	<u>27,453.03</u>	<u>100,909.22</u>	<u>0.00</u>	<u>276,161.78</u>	<u>26.76</u>
TOTAL REVENUES	377,071	27,453.03	100,909.22	0.00	276,161.78	26.76
<u>EXPENDITURE SUMMARY</u>						
<u>40-AVIATION DEPARTMENT</u>						
PERSONNEL SERVICES	19,068	2,207.84	4,408.86	0.00	14,659.14	23.12
OPERATIONS & MAINTENANCE	38,250	1,399.37	13,868.96	0.00	24,381.04	36.26
SUPPLIES	348,500	54.62	87,748.32	0.00	260,751.68	25.18
SERVICES	<u>36,000</u>	<u>5,690.00</u>	<u>6,140.00</u>	<u>0.00</u>	<u>29,860.00</u>	<u>17.06</u>
TOTAL 40-AVIATION DEPARTMENT	441,818	9,351.83	112,166.14	0.00	329,651.86	25.39
TOTAL EXPENDITURES	441,818	9,351.83	112,166.14	0.00	329,651.86	25.39
REVENUE OVER/(UNDER) EXPENDITURES	(64,747)	18,101.20	(11,256.92)	0.00	(53,490.08)	17.39

CITY OF LAGO VISTA
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: DECEMBER 31ST, 2021

15 -MUNICIPAL GOLF COURSE

FINANCIAL SUMMARY

% OF YEAR COMPLETED: 25.00

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>REVENUE SUMMARY</u>						
10 - LVGC PRO SHOP	1,308,194	61,614.41	208,079.71	0.00	1,100,114.29	15.91
20 - LVGC SNACK BAR	<u>34,200</u>	<u>2,850.00</u>	<u>8,550.00</u>	<u>0.00</u>	<u>25,650.00</u>	<u>25.00</u>
TOTAL REVENUES	1,342,394	64,464.41	216,629.71	0.00	1,125,764.29	16.14
<u>EXPENDITURE SUMMARY</u>						
<u>LVGC PRO SHOP/SNACK BAR</u>						
PERSONNEL SERVICES	292,030	30,068.40	78,272.17	0.00	213,757.83	26.80
OPERATIONS & MAINTENANCE	129,565	7,557.02	28,002.64	0.00	101,562.36	21.61
SUPPLIES	78,150	5,088.73	20,758.94	0.00	57,391.06	26.56
SERVICES	56,640	4,166.25	11,623.85	0.00	45,016.15	20.52
FIXED ASSETS	<u>13,589</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>13,589.00</u>	<u>0.00</u>
TOTAL LVGC PRO SHOP/SNACK BAR	569,974	46,880.40	138,657.60	0.00	431,316.40	24.33
<u>HIGC PRO SHOP/SNACK BAR</u>						
<u>LVGC MAINTENANCE</u>						
PERSONNEL SERVICES	512,189	22,431.66	99,529.86	0.00	412,659.14	19.43
OPERATIONS & MAINTENANCE	168,320	5,766.96	43,430.80	0.00	124,889.20	25.80
SUPPLIES	<u>128,500</u>	<u>1,580.26</u>	<u>4,985.94</u>	<u>0.00</u>	<u>123,514.06</u>	<u>3.88</u>
TOTAL LVGC MAINTENANCE	809,009	29,778.88	147,946.60	0.00	661,062.40	18.29
<u>TRANSFER TO DEBT SERVIE</u>						
<u>DEPRECIATION</u>						
TOTAL EXPENDITURES	1,378,983	76,659.28	286,604.20	0.00	1,092,378.80	20.78
REVENUE OVER/ (UNDER) EXPENDITURES	(36,589)	(12,194.87)	(69,974.49)	0.00	33,385.49	191.24

CITY OF LAGO VISTA
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: DECEMBER 31ST, 2021

30 -UTILITY FUND

FINANCIAL SUMMARY

% OF YEAR COMPLETED: 25.00

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>REVENUE SUMMARY</u>						
50-GENERAL OPERATION	232,072	12,518.61	29,708.63	0.00	202,363.37	12.80
60-WATER SERVICES	5,213,049	414,115.59	1,510,790.79	0.00	3,702,258.21	28.98
70-SEWER SERVICES	4,424,576	328,084.32	1,104,825.41	0.00	3,319,750.59	24.97
80-CAPITAL IMPROVEMENT	<u>1,677,000</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>1,677,000.00</u>	<u>0.00</u>
TOTAL REVENUES	11,546,697	754,718.52	2,645,324.83	0.00	8,901,372.17	22.91
<u>EXPENDITURE SUMMARY</u>						
<u>55-UTILITIES ADMINISTRATI</u>						
PERSONNEL SERVICES	187,074	14,129.40	32,141.53	0.00	154,932.47	17.18
OPERATIONS & MAINTENANCE	76,355	6,966.22	19,452.16	0.00	56,902.84	25.48
SUPPLIES	31,000	2,344.37	9,922.99	0.00	21,077.01	32.01
SERVICES	<u>70,500</u>	<u>7,675.49</u>	<u>14,818.36</u>	<u>0.00</u>	<u>55,681.64</u>	<u>21.02</u>
TOTAL 55-UTILITIES ADMINISTRATI	364,929	31,115.48	76,335.04	0.00	288,593.96	20.92
<u>56-GENERAL FUND TRANSFER</u>						
FIXED ASSETS	<u>1,600,000</u>	<u>133,333.33</u>	<u>399,999.99</u>	<u>0.00</u>	<u>1,200,000.01</u>	<u>25.00</u>
TOTAL 56-GENERAL FUND TRANSFER	1,600,000	133,333.33	399,999.99	0.00	1,200,000.01	25.00
<u>57-DEBT SRVCE FUND TRNSF</u>						
<u>58-UTILITY FUND INFO TECH</u>						
PERSONNEL SERVICES	263,875	31,158.09	71,690.64	0.00	192,184.36	27.17
OPERATIONS & MAINTENANCE	206,305	4,974.02	48,075.28	0.00	158,229.72	23.30
SUPPLIES	2,300	0.00	68.99	0.00	2,231.01	3.00
SERVICES	183,233	1,776.46	12,405.94	0.00	170,827.06	6.77
FIXED ASSETS	<u>82,995</u>	<u>0.00</u>	<u>25,000.00</u>	<u>0.00</u>	<u>57,995.00</u>	<u>30.12</u>
TOTAL 58-UTILITY FUND INFO TECH	738,708	37,908.57	157,240.85	0.00	581,467.15	21.29
<u>59-PUBLIC WORKS ADMIN</u>						
PERSONNEL SERVICES	388,202	42,796.71	104,163.85	0.00	284,038.15	26.83
OPERATIONS & MAINTENANCE	69,800	1,039.66	23,423.29	0.00	46,376.71	33.56
SUPPLIES	10,100	614.31	2,813.89	0.00	7,286.11	27.86
SERVICES	<u>75,000</u>	<u>396.87</u>	<u>806.87</u>	<u>0.00</u>	<u>74,193.13</u>	<u>1.08</u>
TOTAL 59-PUBLIC WORKS ADMIN	543,102	44,847.55	131,207.90	0.00	411,894.10	24.16
<u>60-WATER SERVICES</u>						
PERSONNEL SERVICES	805,723	82,728.89	190,520.29	0.00	615,202.71	23.65
OPERATIONS & MAINTENANCE	827,752	102,532.89	327,659.21	0.00	500,092.79	39.58
SUPPLIES	304,500	39,424.13	111,672.47	1,400.00	191,427.53	37.13
SERVICES	53,150	171.00	3,189.45	0.00	49,960.55	6.00
FIXED ASSETS	<u>947,514</u>	<u>8,500.00</u>	<u>8,500.00</u>	<u>(8,500.00)</u>	<u>947,514.00</u>	<u>0.00</u>
TOTAL 60-WATER SERVICES	2,938,639	233,356.91	641,541.42	(7,100.00)	2,304,197.58	21.59

CITY OF LAGO VISTA
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: DECEMBER 31ST, 2021

30 -UTILITY FUND

FINANCIAL SUMMARY

% OF YEAR COMPLETED: 25.00

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>65-WATER PLANT ONE</u>						
PERSONNEL SERVICES	114,609	18,043.56	30,541.83	0.00	84,067.17	26.65
OPERATIONS & MAINTENANCE	104,500	4,149.08	25,122.46	9,259.94	70,117.60	32.90
SUPPLIES	54,000	5,329.27	12,698.85	1,467.77	39,833.38	26.23
SERVICES	128,480	9,646.04	40,036.13	0.00	88,443.87	31.16
FIXED ASSETS	<u>805,000</u>	<u>0.00</u>	<u>40,011.38</u>	<u>0.00</u>	<u>764,988.62</u>	<u>4.97</u>
TOTAL 65-WATER PLANT ONE	1,206,589	37,167.95	148,410.65	10,727.71	1,047,450.64	13.19
<u>67-WATER PLANT TWO</u>						
<u>69-WATER PLANT THREE</u>						
PERSONNEL SERVICES	89,606	10,172.03	24,154.62	0.00	65,451.38	26.96
OPERATIONS & MAINTENANCE	167,690	6,014.53	35,068.23	0.00	132,621.77	20.91
SUPPLIES	44,900	4,795.11	10,432.94	0.00	34,467.06	23.24
SERVICES	<u>208,240</u>	<u>10,131.54</u>	<u>39,125.91</u>	<u>0.00</u>	<u>169,114.09</u>	<u>18.79</u>
TOTAL 69-WATER PLANT THREE	510,436	31,113.21	108,781.70	0.00	401,654.30	21.31
<u>70-SEWER SERVICES</u>						
PERSONNEL SERVICES	273,836	32,464.01	77,749.50	0.00	196,086.50	28.39
OPERATIONS & MAINTENANCE	787,548	160,284.90	317,872.34 (	2,040.76)	471,716.42	40.10
SUPPLIES	29,000	2,797.97	6,226.02	0.00	22,773.98	21.47
SERVICES	15,600	0.00	660.00	0.00	14,940.00	4.23
FIXED ASSETS	<u>241,165</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>241,165.00</u>	<u>0.00</u>
TOTAL 70-SEWER SERVICES	1,347,149	195,546.88	402,507.86 (	2,040.76)	946,681.90	29.73
<u>75-SEWER PLANT</u>						
PERSONNEL SERVICES	193,787	22,705.17	54,156.70	0.00	139,630.30	27.95
OPERATIONS & MAINTENANCE	134,840	7,908.71	27,448.98	1,959.94	105,431.08	21.81
SUPPLIES	36,300	5,505.18	11,611.03	0.00	24,688.97	31.99
SERVICES	59,240	2,822.71	11,079.89	0.00	48,160.11	18.70
FIXED ASSETS	<u>42,000</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>42,000.00</u>	<u>0.00</u>
TOTAL 75-SEWER PLANT	466,167	38,941.77	104,296.60	1,959.94	359,910.46	22.79
<u>77-EFFLUENT DISPOSAL</u>						
PERSONNEL SERVICES	194,402	22,725.13	52,931.83	0.00	141,470.17	27.23
OPERATIONS & MAINTENANCE	85,530	3,342.81	14,444.24	0.00	71,085.76	16.89
SUPPLIES	17,000	1,761.73	10,557.82	0.00	6,442.18	62.10
SERVICES	<u>11,000</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>11,000.00</u>	<u>0.00</u>
TOTAL 77-EFFLUENT DISPOSAL	307,932	27,829.67	77,933.89	0.00	229,998.11	25.31
<u>79-UTILITY FUND TRANSFER</u>						

CITY OF LAGO VISTA
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AS OF: DECEMBER 31ST, 2021

30 -UTILITY FUND

FINANCIAL SUMMARY

% OF YEAR COMPLETED: 25.00

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>82-BOOSTER PUMP STATIONS</u>						
PERSONNEL SERVICES	28,035	3,658.78	7,261.37	0.00	20,773.63	25.90
OPERATIONS & MAINTENANCE	103,950	2,189.63	16,575.65	0.00	87,374.35	15.95
SUPPLIES	4,550	1,017.61	1,387.83	0.00	3,162.17	30.50
SERVICES	<u>5,000</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>5,000.00</u>	<u>0.00</u>
TOTAL 82-BOOSTER PUMP STATIONS	141,535	6,866.02	25,224.85	0.00	116,310.15	17.82
<u>84-LIFT STATIONS</u>						
PERSONNEL SERVICES	28,035	3,552.07	7,154.65	0.00	20,880.35	25.52
OPERATIONS & MAINTENANCE	165,390	2,680.08	59,207.06	1,343.41	104,839.53	36.61
SUPPLIES	18,450	1,321.25	2,204.33	0.00	16,245.67	11.95
SERVICES	<u>117,000</u>	<u>1,099.64</u>	<u>1,099.64</u>	<u>0.00</u>	<u>115,900.36</u>	<u>0.94</u>
TOTAL 84-LIFT STATIONS	328,875	8,653.04	69,665.68	1,343.41	257,865.91	21.59
<u>85-DEBT SERVICE</u>						
<u>86-UTILITY FUND TRANSFERS</u>						
FIXED ASSETS	<u>312,000</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>312,000.00</u>	<u>0.00</u>
TOTAL 86-UTILITY FUND TRANSFERS	312,000	0.00	0.00	0.00	312,000.00	0.00
TOTAL EXPENDITURES	10,806,061	826,680.38	2,343,146.43	4,890.30	8,458,024.27	21.73
REVENUE OVER/ (UNDER) EXPENDITURES	740,636 (	71,961.86)	302,178.40 (	4,890.30)	443,347.90	40.14

CITY OF LAGO VISTA
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: DECEMBER 31ST, 2021

40 -CAP IMPROVEMENT PROJECTS

FINANCIAL SUMMARY

% OF YEAR COMPLETED: 25.00

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>REVENUE SUMMARY</u>						
80-CAPITAL IMPROVEMENT	<u>7,827,852</u>	<u>1,713,119.31</u>	<u>1,834,914.68</u>	<u>0.00</u>	<u>5,992,937.32</u>	<u>23.44</u>
TOTAL REVENUES	7,827,852	1,713,119.31	1,834,914.68	0.00	5,992,937.32	23.44
<u>EXPENDITURE SUMMARY</u>						
<u>80-CAPITAL IMPROVEMENT</u>						
CIP PROJECTS	<u>3,377,819</u>	<u>637,673.38</u>	<u>1,089,853.52</u>	<u>1,269,838.60</u>	<u>1,018,126.88</u>	<u>69.86</u>
TOTAL 80-CAPITAL IMPROVEMENT	3,377,819	637,673.38	1,089,853.52	1,269,838.60	1,018,126.88	69.86
TOTAL EXPENDITURES	3,377,819	637,673.38	1,089,853.52	1,269,838.60	1,018,126.88	69.86
REVENUE OVER/(UNDER) EXPENDITURES	4,450,033	1,075,445.93	745,061.16 (	1,269,838.60)	4,974,810.44	11.79-

CITY OF LAGO VISTA
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: DECEMBER 31ST, 2021

42 -IMPACT FEE FUND

FINANCIAL SUMMARY

% OF YEAR COMPLETED: 25.00

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>REVENUE SUMMARY</u>						
50- INVESTMENT INTEREST	6,000	445.05	918.48	0.00	5,081.52	15.31
60-WATER IMPACT REVENUE	1,000,000	87,000.00	273,000.00	0.00	727,000.00	27.30
70-SEWER IMPACT REVENUE	<u>800,000</u>	<u>61,335.00</u>	<u>207,270.00</u>	<u>0.00</u>	<u>592,730.00</u>	<u>25.91</u>
TOTAL REVENUES	1,806,000	148,780.05	481,188.48	0.00	1,324,811.52	26.64
<u>EXPENDITURE SUMMARY</u>						
<u>10-IMPACT FEE ADMIN</u>						
<u>60-IMPACT FEE WATER</u>						
OPERATIONS & MAINTENANCE	80,000	0.00	80,000.00	0.00	0.00	100.00
SUPPLIES	1,686,500	1,677,000.00	1,686,500.00	0.00	0.00	100.00
SERVICES	<u>531,663</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>531,662.75</u>	<u>0.00</u>
TOTAL 60-IMPACT FEE WATER	2,298,163	1,677,000.00	1,766,500.00	0.00	531,662.75	76.87
<u>70-IMPACT FEE SEWER</u>						
SUPPLIES	9,500	0.00	9,500.00	0.00	0.00	100.00
SERVICES	<u>568,158</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>568,157.50</u>	<u>0.00</u>
TOTAL 70-IMPACT FEE SEWER	577,658	0.00	9,500.00	0.00	568,157.50	1.64
TOTAL EXPENDITURES	2,875,820	1,677,000.00	1,776,000.00	0.00	1,099,820.25	61.76
REVENUE OVER/(UNDER) EXPENDITURES	(1,069,820)	(1,528,219.95)	(1,294,811.52)	0.00	224,991.27	121.03

CITY OF LAGO VISTA
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: DECEMBER 31ST, 2021

43 -PARKLAND FEE FUND

FINANCIAL SUMMARY

% OF YEAR COMPLETED: 25.00

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>REVENUE SUMMARY</u>						
43 PARK FUND	<u>500</u>	<u>40.85</u>	<u>81.70</u>	<u>0.00</u>	<u>418.30</u>	<u>16.34</u>
TOTAL REVENUES	500	40.85	81.70	0.00	418.30	16.34
<u>EXPENDITURE SUMMARY</u>						
<u>43 PARK FUND</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
REVENUE OVER/ (UNDER) EXPENDITURES	500	40.85	81.70	0.00	418.30	16.34

CITY OF LAGO VISTA
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: DECEMBER 31ST, 2021

50 -DEBT SERVICE

FINANCIAL SUMMARY

% OF YEAR COMPLETED: 25.00

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>REVENUE SUMMARY</u>						
80-ACCUMULATED INTEREST	8,162	38.62	66.65	0.00	8,095.35	0.82
85-AD VALOREM & OTHER	<u>2,676,469</u>	<u>1,460,491.52</u>	<u>1,663,103.21</u>	<u>0.00</u>	<u>1,013,365.79</u>	<u>62.14</u>
TOTAL REVENUES	2,684,631	1,460,530.14	1,663,169.86	0.00	1,021,461.14	61.95
<u>EXPENDITURE SUMMARY</u>						
80-ACCUMULATED INTEREST						
85-AD VALOREM & OTHER						
OPERATIONS & MAINTENANCE	8,000	1,300.00	1,300.00	0.00	6,700.00	16.25
FIXED ASSETS	<u>2,676,632</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>2,676,632.00</u>	<u>0.00</u>
TOTAL 85-AD VALOREM & OTHER	2,684,632	1,300.00	1,300.00	0.00	2,683,332.00	0.05
TOTAL EXPENDITURES	2,684,632	1,300.00	1,300.00	0.00	2,683,332.00	0.05
REVENUE OVER/(UNDER) EXPENDITURES	(1)	1,459,230.14	1,661,869.86	0.00	(1,661,870.86)	6,986.00-

Fiscal Year - Lago Vista Golf Course Sales History

	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023	
October - LVGC		\$ 75,182	\$ 65,534	\$ 61,014	\$ 73,291	\$ 55,882	\$ 56,207	\$ 78,072	\$ 56,070	\$ 58,153	\$ 49,404	\$ 39,665	\$ 48,811	\$ 104,172	\$ 78,199	\$ 43,171	October - LVGC
October - HLCG				\$ 29,767	\$ 26,850	\$ 22,354	\$ 17,358	\$ 11,255	\$ 17,314	\$ 24,722	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	October - HLCG
October - American Girl Grill						\$ 4,633	\$ 5,090	\$ 6,266	\$ 6,534	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	October - American Girl Grill
October - LVGC Snackbar										\$ 19,222	\$ 20,370	\$ -	\$ -	\$ -	\$ -	\$ -	October - LVGC Snackbar
November - LVGC		\$ 57,720	\$ 60,640	\$ 44,530	\$ 56,351	\$ 61,110	\$ 41,581	\$ 70,375	\$ 33,806	\$ 34,646	\$ 48,147	\$ 39,713	\$ 40,528	\$ 99,633	\$ 73,966	\$ 35,466	November - LVGC
November - HLCG				\$ 15,568	\$ 22,187	\$ 22,839	\$ 14,724	\$ -	\$ 16,285	\$ 11,342	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	November - HLCG
November - American Girl Grill						\$ 4,166	\$ 3,872	\$ 4,076	\$ 4,921	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	November - American Girl Grill
November - LVGC Snackbar										\$ 14,396	\$ 18,642	\$ -	\$ -	\$ -	\$ -	\$ -	November - LVGC Snackbar
December - LVGC		\$ 50,374	\$ 36,426	\$ 54,817	\$ 58,023	\$ 47,081	\$ 40,860	\$ 51,074	\$ 34,115	\$ 28,133	\$ 41,024	\$ 35,551	\$ 38,842	\$ 80,636	\$ 64,456	\$ 31,214	December - LVGC
December - HLCG				\$ 16,734	\$ 12,208	\$ 15,975	\$ 9,673	\$ -	\$ 15,611	\$ 9,397	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	December - HLCG
December - American Girl Grill						\$ 3,271	\$ 3,174	\$ 3,209	\$ 4,858	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	December - American Girl Grill
December - LVGC Snackbar										\$ 11,922	\$ 13,939	\$ -	\$ -	\$ -	\$ -	\$ -	December - LVGC Snackbar
January - LVGC		\$ 57,360	\$ 39,341	\$ 42,080	\$ 55,755	\$ 47,966	\$ 47,872	\$ 37,543	\$ 38,660	\$ 25,901	\$ 31,237	\$ 42,689	\$ 48,130	\$ 86,124	\$ 65,756	\$ -	January - LVGC
January - HLCG				\$ 11,585	\$ 19,150	\$ 15,490	\$ 13,676	\$ 10,883	\$ 19,314	\$ 12,132	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	January - HLCG
January - American Girl Grill					\$ 458	\$ 3,606	\$ 3,743	\$ 4,142	\$ 5,014	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	January - American Girl Grill
January - LVGC Snackbar										\$ 14,862	\$ 13,234	\$ -	\$ -	\$ -	\$ -	\$ -	January - LVGC Snackbar
February - LVGC		\$ 58,840	\$ 51,354	\$ 53,485	\$ 61,998	\$ 73,495	\$ 55,750	\$ 53,070	\$ 59,682	\$ 33,900	\$ 29,992	\$ 54,786	\$ 46,595	\$ 44,504	\$ 51,328	\$ -	February - LVGC
February - HLCG				\$ 20,858	\$ 18,429	\$ 21,094	\$ 19,542	\$ 15,857	\$ 21,146	\$ 14,391	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	February - HLCG
February - American Girl Grill					\$ 5,267	\$ 5,435	\$ 4,333	\$ 4,143	\$ 3,902	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	February - American Girl Grill
February - LVGC Snackbar									\$ 2,471	\$ 15,357	\$ 9,446	\$ -	\$ -	\$ -	\$ -	\$ -	February - LVGC Snackbar
March - LVGC		\$ 82,646	\$ 80,322	\$ 88,707	\$ 79,587	\$ 87,435	\$ 88,277	\$ 74,459	\$ 59,291	\$ 49,847	\$ 53,679	\$ 54,730	\$ 50,033	\$ 82,545	\$ 70,131	\$ -	March - LVGC
March - HLCG				\$ 26,966	\$ 27,581	\$ 34,159	\$ 20,968	\$ 22,830	\$ 25,759	\$ 25,147	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	March - HLCG
March - American Girl Grill					\$ 9,161	\$ 10,534	\$ 8,380	\$ 8,931	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	March - American Girl Grill
March - LVGC Snackbar									\$ 21,959	\$ 31,280	\$ 9,396	\$ -	\$ -	\$ -	\$ -	\$ -	March - LVGC Snackbar
April - LVGC		\$ 80,131	\$ 82,690	\$ 93,438	\$ 87,507	\$ 71,700	\$ 69,570	\$ 73,645	\$ 73,867	\$ 44,288	\$ 49,075	\$ 79,318	\$ 40,965	\$ 84,675	\$ 79,796	\$ -	April - LVGC
April - HLCG				\$ 33,282	\$ 34,837	\$ 32,243	\$ 19,878	\$ 31,624	\$ 29,267	\$ 21,825	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	April - HLCG
April - American Girl Grill					\$ 7,244	\$ 6,323	\$ 6,444	\$ 6,619	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	April - American Girl Grill
April - LVGC Snackbar									\$ 20,933	\$ 22,550	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	April - LVGC Snackbar
May - LVGC		\$ 90,953	\$ 91,132	\$ 88,898	\$ 75,228	\$ 80,268	\$ 82,951	\$ 62,245	\$ 50,572	\$ 42,377	\$ 56,434	\$ 48,831	\$ 82,573	\$ 79,946	\$ 71,117	\$ -	May - LVGC
May - HLCG				\$ 26,545	\$ 22,587	\$ 27,998	\$ 27,051	\$ 25,303	\$ 25,290	\$ 16,079	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	May - HLCG
May - American Girl Grill					\$ 7,266	\$ 7,610	\$ 5,869	\$ 6,410	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	May - American Girl Grill
May - LVGC Snackbar									\$ 16,830	\$ 22,241	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	May - LVGC Snackbar
June - LVGC		\$ 76,487	\$ 78,045	\$ 69,315	\$ 68,444	\$ 76,252	\$ 83,566	\$ 87,189	\$ 64,988	\$ 39,520	\$ 59,749	\$ 48,568	\$ 90,631	\$ 85,261	\$ 68,652	\$ -	June - LVGC
June - HLCG				\$ 26,269	\$ 27,704	\$ 35,889	\$ 24,873	\$ 28,687	\$ 27,991	\$ 21,499	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	June - HLCG
June - American Girl Grill					\$ 6,579	\$ 6,991	\$ 5,574	\$ 7,845	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	June - American Girl Grill
June - LVGC Snackbar									\$ 17,213	\$ 24,050	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	June - LVGC Snackbar
July - City - LVGC	\$ 35,828	\$ 78,723	\$ 94,292	\$ 97,111	\$ 78,576	\$ 69,193	\$ 65,387	\$ 75,638	\$ 60,603	\$ 39,495	\$ 54,824	\$ 49,522	\$ 99,704	\$ 70,680	\$ 53,044	\$ -	July - City - LVGC
July - HLCG			\$ 1,263	\$ 28,290	\$ 32,031	\$ 34,020	\$ 24,944	\$ 32,104	\$ 28,059	\$ 18,244	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	July - HLCG
July - American Girl Grill					\$ 6,246	\$ 5,555	\$ 5,312	\$ 7,698	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	July - American Girl Grill
July - LVGC Snackbar									\$ 18,918	\$ 22,091	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	July - LVGC Snackbar
August - LVGC	\$157,377	\$152,306	\$108,563	\$ 100,568	\$ 95,897	\$ 99,959	\$ 92,562	\$ 88,064	\$ 57,062	\$ 27,029	\$ 66,932	\$ 43,468	\$ 92,360	\$ 54,518	\$ 40,825	\$ -	August - LVGC
August - HLCG			\$ 22,377	\$ 18,293	\$ 24,097	\$ 24,254	\$ 24,461	\$ 27,441	\$ 14,491	\$ 14,186	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	August - HLCG
August - American Girl Grill					\$ 5,369	\$ 5,431	\$ 5,365	\$ 6,494	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	August - American Girl Grill
August - LVGC Snackbar									\$ 12,436	\$ 18,887	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	August - LVGC Snackbar
September - LVGC	\$ 76,121	\$ 70,176	\$ 73,234	\$ 81,150	\$ 90,841	\$ 86,519	\$ 66,417	\$ 73,962	\$ 54,700	\$ 39,175	\$ 44,475	\$ 47,550	\$ 92,386	\$ 57,319	\$ 46,253	\$ -	September - LVGC
September - HLCG			\$ 22,783	\$ 28,119	\$ 28,796	\$ 23,149	\$ 16,896	\$ 24,942	\$ 20,392	\$ 16,272	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	September - HLCG
September - American Girl Grill					\$ 5,342	\$ 5,524	\$ 5,014	\$ 6,665	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	September - American Girl Grill
September - LVGC Snackbar									\$ 13,181	\$ 18,760	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	September - LVGC Snackbar
Totals	\$269,326	\$930,898	\$907,996	\$1,157,389	\$1,230,907	\$ 1,235,403	\$ 1,087,014	\$ 1,128,760	\$ 1,053,504	\$ 903,319	\$ 669,998	\$ 584,391	\$ 771,558	\$ 930,013	\$ 763,523	\$ 109,851	Totals



AGENDA ITEM
City of Lago Vista

To: Mayor & City Council

Council Meeting: February 16, 2023

From: Mayor

Subject: Routine Reports from City Council Board/Committee/Commission Liaisons.

Request: Other

Legal Document: Other

Legal Review: ☐

EXECUTIVE SUMMARY:

This section is used for Council Liaisons to report on activity taking place within their assigned boards, committees, and commissions. Council Liaisons may also bring forward items from their assigned boards, committees, and commissions for City Council consideration for future discussion and action if needed. No discussion or action may be taken on an item without the specific item first being listed on the agenda and noticed to the public.

Impact if Approved:

N/A

Impact if Denied:

N/A

Is Funding Required? ☐ Yes ☒ No If Yes, Is it Budgeted? ☐ Yes ☐ No ☐ N/A

Indicate Funding Source:**Suggested Motion/Recommendation/Action**

Motion to - -

Motion to - -

Motion to - -

Known as:

Routine Reports from City Council Board/Committee/Commission Liaisons.

Agenda Item Approved by City Manager



AGENDA ITEM
City of Lago Vista

To: Mayor & City Council

Council Meeting: February 16, 2023

From: Lucy Aldrich, City Secretary

Subject: Approval of the January 19, 2023 Meeting Minutes.

Request: Other

Legal Document: Other

Legal Review: ☐

EXECUTIVE SUMMARY:

The January 19, 2023 meeting minutes are attached for City Council consideration.

*Per Rules of Procedure section 4.11 Approval of the Minutes, this heading will only be used when there are no other items listed on a consent agenda. The February 16, 2023 meeting does not have any other items listed on a consent agenda.

Impact if Approved:

N/A

Impact if Denied:

N/A

Is Funding Required? ☐ Yes ☒ No If Yes, Is it Budgeted? ☐ Yes ☐ No ☐ N/A

Indicate Funding Source:**Suggested Motion/Recommendation/Action**

Motion to - -

Motion to - -

Motion to - -

Known as:

Approval of the January 19, 2023 Meeting Minutes.

Agenda Item Approved by City Manager

Tracie Hlavinka

 Digitally signed by Tracie Hlavinka
Date: 2023.02.09 09:52:51 -06'00'

**OFFICIAL MINUTES OF THE CITY COUNCIL
REGULAR MEETING
THURSDAY, JANUARY 19, 2023**

BE IT REMEMBERED that on the 19th day of January A.D., 2023, the City Council held a regular meeting at 5:30 p.m. in City Council Chambers, and via videoconference, there being present and acting the following:

Ed Tidwell	Mayor	Chelaine Marion	Council Member
Gage Hunt	Council Member	Paul Roberts	Council Member
Kevin Sullivan	Council Member	Paul Prince	Council Member
Rob Durbin	Council Member		

CALL TO ORDER, CALL OF ROLL

Mayor Tidwell called the meeting to order at 5:30 p.m. and announced that all Councilmembers are present with Mayor Pro Tem Prince and Councilor Durbin attending via videoconference.

EXECUTIVE SESSION

1. At 5:31 p.m., Council convened into a closed Executive Session pursuant to;
 - A. Consultation with Legal Counsel concerning all regular meeting agenda item requiring confidential, attorney/client advice (as needed). (Government Code Section 551.071).
 - B. Consultation with Legal Counsel regarding an amendment to the existing Planned Development District for the property located at 1900 American Drive and known as “The Peninsula” and the notifications sent to the surrounding property owners (Government Code Section 551.071 Advice of Counsel).

ACTION ITEMS (action and/or a vote may be taken on the following agenda items):

2. At 6:34 p.m., Council reconvened from Executive Session into open session to act as deemed appropriate in City Council’s discretion regarding:
 - A. Consultation with Legal Counsel concerning all regular meeting agenda item requiring confidential, attorney/client advice (as needed). (Government Code Section 551.071).
No action taken.
 - B. Consultation with Legal Counsel regarding an amendment to the existing Planned Development District for the property located at 1900 American Drive and known as “The Peninsula” and the notifications sent to the surrounding property owners (Government Code Section 551.071 Advice of Counsel).
Ms. Lynda Aird thanked City Council for looking into the concern of improper notification and making the necessary corrections.
On a motion by Councilor Roberts, seconded by Councilor Marion, City Council voted unanimously approving a resolution of the City Council of the City of Lago Vista finding insufficient notice for Planning and Zoning Commission hearing held on August 11, 2022,

related to the property known as “The Peninsula”, ordering that proper notification be given, and ordering those necessary hearings be re-held and subsequent actions be considered. Motion carried.

PLEDGE OF ALLEGIANCE, PLEDGE TO TEXAS FLAG

Mayor Tidwell led the Pledge of Allegiance and Pledge to Texas Flag.

10:30 – 15:11

CITIZEN COMMENTS: In accordance with the Open Meetings Act, Council is prohibited from acting or discussing (other than factual responses to specific questions) any items not on the agenda.

Mr. Bernd Schmalz spoke about concerns he has with a recent amendment to the Code of Ordinances.

Mr. Stephen Liebel withdrew his request to speak.

15:14 – 23:25

ITEMS OF COMMUNITY INTEREST: Pursuant to Texas Government Code Section 551.0415, the City Council may report on any of the following items:

- a. Expressions of thanks, gratitude, and condolences.

Thanked the artists of the new City Flag and thanked the citizens for participating in the survey and helping to choose the new design.

Thanked City employee Diego Rios, Utility Crew Leader, who retired this week after 20 years of service to the City.

- b. Information regarding holiday schedules.
None

- c. Recognition of individuals, i.e., Proclamations.

Lago Vista High School cheerleaders are 3 times State champions. This is the first year in 4A.

Lago Vista High School volleyball players Brook Evert and Amelia Robinson named first ever Texas High School Coaches Association Class 4A super elite team for volleyball.

- d. Reminders regarding City Council events.
None

- e. Reminders regarding community events.

The annual Lago Fest is scheduled for April 22, 2023.

Dinner with Chief Boshears is scheduled for February 8, 2023, from 6:00 p.m. to 8:30 p.m. at the Lago Vista High School cafeteria.

State of the City will be held February 15, 2023, at K-Oaks during the Chamber’s monthly luncheon.

The Chamber’s annual Casino Night is scheduled for February 25, 2023.

The Public Works Department has posted public notices of upcoming water outages on the City’s website.

Lion’s Club Chili Feast is scheduled for February 11, 2023.

Lion’s Club Blood Drive is scheduled for February 18, 2023.

- f. Health and safety announcements.

Lake Travis continues to be below normal levels.

Mayor Tidwell announced that Agenda Item #10 would be next on the agenda.

ACTION ITEMS

24:00 – 35:13

10. Discussion, consideration and possible action regarding a request by the owner of 9313 Rolling Hills Trail to waive the requirement to connect to the municipal wastewater system until an adequate connection to the municipal water system is also available.
On a motion by Councilor Sullivan, seconded by Councilor Hunt, City Council voted unanimously to approve the temporary waiver requested by the owner of 9313 Rolling Hills Trail and instructed staff to follow-up with owner when he is within 300 feet of water and sewer both. Motion carried.

35:38 – 1:25:52

11. Discussion, consideration and possible action regarding an archery range proposal at Sunset Park from David Snyder.
Mr. Snyder addressed City Council with his proposal for an archery range.
Mr. Dave Stewart spoke on his concerns of placing an archery range at Sunset Park.
On a motion by Councilor Hunt, seconded by Councilor Roberts, City Council voted 5 to 2 with Mayor Pro-Tem Prince and Councilor Durbin in opposition authorizing the City Manager and staff to begin negotiations on contractual language for what a lease would look like as well as go deeper into the due diligence investigatory process of what would be the issues involved in the establishment of this type of facility. Motion carried.

Mayor Tidwell announced that Agenda Item #15 would be next on the agenda.

1:26:25 – 1:51:28

15. Discussion, consideration, and possible action allowing for the submission of a City facility naming application for Ann Murrow.
Ms. Anna Johndrow spoke on her support for the submission of the application.
On a motion by Councilor Roberts, seconded by Councilor Sullivan, City Council voted unanimously to allow for the submission of a City facility naming application for Ann Murrow to the City Manager. Motion carried.

Mayor Tidwell announced that Agenda Item #12 would be next on the agenda.

1:52:19 – 1:59:29

12. Discussion, consideration, and possible action regarding the selection of a new website design and hosting service for the City of Lago Vista website.
On a motion by Councilor Sullivan, seconded by Councilor Marion, City Council voted unanimously to allow the City Manager to move forward with the contract from Civic Engagement. Motion carried.

Mayor Tidwell announced that Agenda Item #3 would be next on the agenda.

WORK SESSION

2:00:03 – 2:20:15

3. Review and discuss City's Ethics Policy.
No action taken.

CONSENT AGENDA

All matters listed under Consent Agenda, are to be considered routine by the City Council and will be enacted by one motion. There will not be separate discussion on these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately.

2:20:19 – 2:21:46

4. Consideration the procurement of a CX26 Mini Excavator for the utilities division from Associated Supply Company through the BuyBoard Cooperative in the amount of \$74,934.
5. Consider Resolution 23-1981, A Resolution by the City Council of the City of Lago Vista, Texas receiving a list of properties owned by the City of Lago Vista and the associated uses or planned uses of such properties.
6. Consider an amendment to the Bunker Bar & Grille concession services agreement at the Lago Vista Golf Course.

On a motion by Councilor Sullivan, seconded by Councilor Hunt, City Council voted unanimously to approve the Consent Agenda. Motion carried.

PUBLIC HEARINGS

2:21:51 – 2:26:45

7. The Lago Vista City Council will hold a public hearing and consider an Ordinance of the City Council of Lago Vista, Texas amending the official zoning map by changing the zoning district for the approximately 1.026-acre tract known as Abstract 2152, Survey 35 of the H & O.B. Railroad Company, commonly referred to as being located at 21504 Boggy Ford Road from the C-1C (“professional, Business Office, Low Density Retail”) district to P-1B (“Development Park District, Active”).

Mayor Tidwell opened the public hearing at 8:54 p.m.

Mr. Roy Jambor, Development Services Director was available to answer questions and provide additional information.

No citizens spoke during the public hearing.

Mayor Tidwell closed the public hearing at 8:58 p.m.

On a motion by Councilor Sullivan, seconded by Councilor Marion, City Council voted unanimously to adopt Ordinance 23-01-19-01. Motion carried.

2:26:57 – 2:55:21

8. The Lago Vista City Council will hold a public hearing and consider an Ordinance of the City Council of Lago Vista, Texas amending Sections 11.60 and 13.40 of Chapter 14 of the Lago Vista Code of Ordinances regarding the procedures for special exception approvals for additional height, including property within the 100-year floodplain; and providing for related matters.

Mayor Tidwell re-opened the public hearing from January 5, 2023, at 8:59 p.m.

Mr. Roy Jambor, Development Services Director was available to answer questions and provide additional information.

No citizens spoke during the public hearing.

Mayor Tidwell closed the public hearing at 9:25 p.m.

On a motion by Councilor Sullivan, seconded by Councilor Marion, City Council voted unanimously to accept the blue and green changes as presented in the council packet, accept the proposed change in Section 11:60, (b), (4) from one year each to six months each, accept the proposed change in Section 13.40 (a), (1) (A) amending 10 days to 15 days, and within the

same section, accept the changes presented by Councilor Roberts with one modification instead of referring to “municipal tax roll” the language should refer to “in accordance with state law”. Motion carried.

Mayor Tidwell called for a meeting recess at 9:27 p.m.

Mayor Tidwell reconvened the meeting at 9:40 p.m.

2:55:52 – 3:51:30

9. The Lago Vista City Council will hold a public hearing and consider an Ordinance of the City Council of Lago Vista, Texas amending Sections 13.20(d) of Chapter 14 of the Lago Vista Code of Ordinances adding procedural and substantive requirements to amend the Future Land Use Map or other components of the adopted Comprehensive Plan for any reason, including accommodation of a subsequent zoning change request; and providing for related matters.

Mayor Tidwell announced the continuation of the public hearing that was opened on January 3, 2023.

Mr. Roy Jambor, Development Services Director was available to answer questions and provide additional information.

Mr. Bernd Schmalz spoke during the public hearing.

Ms. Racheal Rich requested clarification on one of the proposed changes that was discussed during the public hearing.

Mayor Tidwell closed the public hearing at 10:34 p.m.

On a motion by Councilor Hunt, seconded by Councilor Sullivan, City Council voted 4 to 3 with Councilor Durbin, Councilor Marion, and Councilor Roberts in opposition, to approve the language of the change presented in the packet and adding the definition of “Disinvestment”.

Mayor Tidwell announced that Agenda Item #13 would be next on the agenda.

ACTION ITEMS

3:52:02 – 4:25:25

13. Discussion, consideration, and possible action regarding a legislative bill concerning Capital Metro Transportation Authority and the Texas Transportation Code.

Mr. Shane Saum spoke on this item. He also was available to provide additional information and answer questions.

On a motion by Councilor Durbin, seconded by Councilor Roberts, City Council unanimously voted to approve the legislative bill language as presented and with the recommendations changing October 1st to July 1st in Section 451.611 (g), changing the second year anniversary to first year anniversary in 451.603 (c) and to anointing the City Manager and Mayor Tidwell as the City’s two main contacts with the Legislative staff and any other cities that may get involved. Motion carried.

4:25:28 – 4:27:12

14. Discussion, consideration, and possible action on Resolution 23-1986, A Resolution of the City Council of the City of Lago Vista authorizing support for Legislative changes relating to the authority of the Capital Metropolitan Transportation Authority.

On a motion by Councilor Sullivan, seconded by Councilor Marion, City Council unanimously voted to approve Resolution 23-1986. Motion carried.

4:27:35 – 4:29:49

16. Discussion, consideration, and possible action on Resolution 23-1983, A Resolution of the City Council of the City of Lago Vista, Texas appointing an individual to fill an unexpired vacant term as a member of the Airport Advisory Board.

On a motion by Councilor Durbin, seconded by Councilor Roberts, City Council unanimously voted to approve Resolution 23-1983 appointing Don Loeschner to serve an unexpired term expiring December 31, 2023. Motion carried.

4:30:19 – 4:31:41

17. Discussion, consideration, and possible action on Resolution 23-1984, A Resolution of the City Council of the City of Lago Vista, Texas appointing an individual to fill an unexpired vacant term as a member of the Board of Adjustment.

On a motion by Councilor Marion, seconded by Councilor Sullivan, City Council unanimously voted to approve Resolution 23-1984 appointing Shad Pellizzari to serve an unexpired term expiring December 31, 2024. Motion carried.

4:31:49 – 4:33:42

18. Discussion, consideration, and possible action on Resolution 23-1985, A Resolution of the City Council of the City of Lago Vista, Texas appointing an individual to fill an unexpired vacant term as a member of the Golf Course Advisory Committee.

On a motion by Councilor Hunt, seconded by Councilor Marion, City Council unanimously voted to approve Resolution 23-1985 appointing Gary Tupa to serve an unexpired term expiring December 31, 2023. Motion carried.

4:33:48 – 4:38:18

19. Discussion, consideration, and possible action on an Interlocal Agreement with Travis County Emergency Services District 1 (ESD 1).

On a motion by Mayor Tidwell, seconded by Councilor Sullivan, City Council unanimously voted to approve the Interlocal Agreement with Travis County Emergency Services District 1 (ESD 1). Motion carried.

ADJOURNMENT

Mayor Tidwell adjourned the meeting at 11:22 p.m.

Respectfully submitted,

Ed Tidwell, Mayor

ATTEST:

Lucy Aldrich, City Secretary

On a motion by Councilor _____, seconded by Councilor _____, the above and foregoing instrument was passed and approved this 16th day of February 2023.



AGENDA ITEM
City of Lago Vista

To: Mayor & City Council

Council Meeting: February 16, 2023

From: Mayor Ed Tidwell

Subject: Discussion, consideration, and possible action on Resolution 23-1989; A Resolution ratifying and continuing the Disaster Declaration signed by the Mayor on February 6, 2023, and establishing an effective date.

Request: Business Item

Legal Document: Resolution

Legal Review: ☐

EXECUTIVE SUMMARY:

This Resolution is prepared for consideration in accordance with Government Code Section 551.045 in response to the urgent public necessity to continue the issued disaster declaration activating the recovery and rehabilitation aspects of all applicable local or interjurisdictional emergency management plans and authorizes the furnishing of aid and assistance.

Impact if Approved:

N/A

Impact if Denied:

N/A

Is Funding Required? ☐ Yes ☒ No If Yes, Is it Budgeted? ☐ Yes ☐ No ☐ N/A

Indicate Funding Source:**Suggested Motion/Recommendation/Action**

Motion to - -

Motion to - -

Motion to - -

Known as:

Discussion, consideration, and possible action on Resolution 23-1989; A Resolution ratifying and continuing the Disaster Declaration signed by the Mayor on February 6, 2023, and establishing an effective date.

Agenda Item Approved by City Manager**Tracie Hlavinka**

 Digitally signed by Tracie Hlavinka
Date: 2023.02.08 17:59:07 -06'00'

RESOLUTION No. 23-1989

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, RATIFYING THE DISASTER DECLARATION SIGNED BY THE MAYOR ON FEBRUARY 6, 2023 AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the Texas Disaster Act of 1975 (Chapter 418 of the Texas Government Code) authorizes the declaration of a state of disaster if a threat of disaster is imminent;

WHEREAS, on February 6, 2023, Mayor Tidwell issued a disaster declaration for the City of Lago Vista pursuant to Chapter 418 of the Texas Government Code, due to severe winter weather conditions resulting in imminent threat of widespread and severe damage, injury, and/or loss of life and property;

WHEREAS, Section 418.108(b) of the Texas Government Code provides that such declaration of disaster may not be continued for a period of more than seven (7) days from the date of issuance except with the consent of the governing body of the political subdivision;

WHEREAS, Pursuant to Section 418.108(d) of the Government Code, the Declaration of a Local State of Disaster activates the recovery and rehabilitation aspects of all applicable local or interjurisdictional emergency management plans and authorizes the furnishing of aid and assistance;

WHEREAS, severe weather conditions persisted for over several days, damaging roadways, water and wastewater infrastructure, and buildings, creating the continuing need for emergency management measures by the City to assist with relief and recovery for the City and its residents;

WHEREAS, the widespread nature of the storm and the magnitude of the damage from the storm created shortages in manpower and supplies necessary for recovery by the City and local residents, continuing the urgency of the need for assistance and constituting an ongoing threat of disaster; and

WHEREAS, the City Council supports the disaster declaration signed by Mayor Tidwell on February 6, 2023, and consents to its continuation.

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

SECTION 1. That the findings and recitations set out in the preamble to this Resolution are found and declared to be true and correct and are incorporated by reference and expressly made a part thereof, as if copied verbatim.

SECTION 2. The City Council hereby ratifies the disaster declaration signed by Mayor Tidwell on February 6, 2023 and consents to its continuation until such time as it is further continued by the City Council or terminated by the Mayor, provided that the Mayor give the City Council seventy-two hours' notice of the proposed termination.

SECTION 3. This Resolution Continuing the Local State of Disaster shall be given prompt and general publicity and shall be filed promptly with the City Secretary.

SECTION 4. This Resolution shall take effect immediately, upon execution by the Mayor.

PASSED AND APPROVED this the 16th day of February 2023.

CITY OF LAGO VISTA:

Ed Tidwell, Mayor

ATTEST

Lucy Aldrich, City Secretary
City of Lago Vista

On a motion by Councilmember _____, seconded by Councilmember _____, the above and foregoing Resolution was passed and approved.

Mayor
Ed Tidwell

Mayor Pro-Tem
Paul Prince



Council Members
Gage Hunt
Kevin Sullivan
Rob Durbin
Chelaine Marion
Paul Roberts

February 2023 Disaster Declaration

WHEREAS, the City of Lago Vista on the 3rd of February 2023, has suffered widespread or severe damage, injury, or loss of life or property resulting from the ice storm that began on the 31st of January 2023, and

WHEREAS, the Mayor of the City of Lago Vista has determined that extraordinary measures must be taken to alleviate the suffering of people and to protect or rehabilitate property,

NOW, THEREFORE, BE IT PROCLAIMED BY THE MAYOR OF LAGO VISTA:

1. That a local state of disaster is hereby declared for the City of Lago Vista pursuant to §418.108(a) of the Texas Government Code.
2. Pursuant to §418.018(b) of the Texas Government Code, the state of disaster shall continue for a period of not more than seven days from the date of this declaration unless continued or renewed by the City Council of the City of Lago Vista.
3. Pursuant to §418.018(c) of the Texas Government Code, this declaration of a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the City Secretary.
4. Pursuant to §418.018(d) of the Texas Government Code, this declaration of a local state of disaster activates the City emergency management plan.
5. That this proclamation shall take effect immediately from and after its issuance.

ORDERED this 6th of February 2023.



A handwritten signature in black ink, reading "Ed Tidwell", positioned above a horizontal line.

Ed Tidwell, Mayor

I, **Lucy Aldrich**, City Secretary of the City of Lago Vista, do hereby certify that the foregoing is a true and correct copy of the Declaration of local state of disaster ordered by the Mayor of the City of Lago Vista on this the 6th day of February 2023, as the same appears in records of this office.

IN TESTIMONY WHEREOF, I subscribe my name hereto officially under the corporate seal of the City of Lago Vista this the 6th day of February 2023.

A handwritten signature in blue ink, reading "Lucy Aldrich", positioned above a horizontal line.

Lucy Aldrich, City Secretary



AGENDA ITEM
City of Lago Vista

To: Mayor & City Council

Council Meeting: February 16, 2023

From: Tracie Hlavinka, City Manager

Subject: Discussion, consideration and possible action regarding the concession services agreement for the Bunker Bar and Grille at the Lago Vista Golf Course.

Request: Business Item

Legal Document: Contract

Legal Review: ☒

EXECUTIVE SUMMARY:

On January 5, 2023, City Council approved amendment #3 to the Bunker and Grill at the Lago Vista Golf Course. Unfortunately, Mr. Dustin Martin with the Dugout Group, LLC. experienced technical difficulties during the time of the meeting when City Council discussed and considered the draft agreement.

Mr. Martin has requested that he have an opportunity to have the agreement considered again. He is asking for the hours of operation start time be amended from 7:00 a.m. to 9:00 a.m.

Impact if Approved:

N/A

Impact if Denied:

N/A

Is Funding Required? ☐ Yes ☒ No If Yes, Is it Budgeted? ☐ Yes ☐ No ☐ N/A

Indicate Funding Source:**Suggested Motion/Recommendation/Action**

Motion to - -

Motion to - -

Motion to - -

Known as:

Discussion, consideration and possible action regarding the concession services agreement for the Bunker Bar and Grille at the Lago Vista Golf Course.

Agenda Item Approved by City Manager**Tracie Hlavinka**

 Digitally signed by Tracie Hlavinka
Date: 2023.02.08 17:57:08 -06'00'

**THIRD AMENDED CONCESSION SERVICES CONTRACT AND LICENSE TO USE
CITY FACILITIES AT LAGO VISTA MUNICIPAL GOLF COURSE**

This Third Amended Concession Services Contract (the "Agreement") is made and entered into on this 19th day of January, 2023, by the City of Lago Vista, Texas (hereafter referred to as the "City") and Dustin and Chelsea Martin, owners of The Dugout Group LLC, doing business as The Bunker Bar and Grille (hereafter referred to as the "Company").

Whereas, the City of Lago Vista is the owner of the Lago Vista Municipal Golf Course ("Golf Course") located at 4616 Rimrock Drive, Lago Vista, Texas; and

Whereas, Company has provided kitchen concession, restaurant, bar lounge and associated catering/dining facility maintenance services at the Golf Course and Club House; and

Whereas, the City of Lago Vista and Company entered into a Concession Services Agreement in November 2020 for an initial one-year term set to expire on November 6, 2021 (the "Original Agreement"); and

Whereas, on November 4, 2021, the City Council agreed to amend the agreement to extend the term for thirty (30) days (the "First Amended Agreement") to allow for additional contract negotiations; and

Whereas, the City and the Company entered into a Second Amended Agreement on or around the 6th of December, 2021 making certain changes to the First Amended Agreement (the "Second Amended Agreement"); and

Whereas the parties desire to revise the terms of the Second Amended Agreement for continuation of Concession Services at the Golf Course, to address certain live events held at the Golf Course Premises by the concessionaire and to make the other changes contained herein; and

Whereas the parties intend that this Agreement shall supersede the prior agreements and shall constitute a services agreement with regard to the Company continuing to provide Concession Services, the Company's continued use of City property, equipment, and facilities and continuation of the license to enter and use certain city facilities located at the Golf Course, on the terms and conditions set forth in this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, the parties hereto agree as follows:

1. **SERVICES TO BE PROVIDED.** Company agrees to provide the Concession Services as further described in Sections 7 and 8 of this Agreement at the Golf Course and Club House (collectively "Golf Course Premises") which shall include access to and use of the kitchen, restaurant, and club house, bar lounge, and associated catering/dining facility areas for the Golf Course Premises.
2. **TERM.** The term of this Agreement shall be for the three (3) year period commencing on 6 December 2021 and ending 6 December 2024. Provided that the Company is not in default

under this Agreement ninety (90) days prior to the expiration date herein. Subject to approval by City Council, the parties may extend by mutual written agreement for two (2) additional one (1) year terms. Either party shall notify the other in writing of its intent to not renew this Agreement at least sixty (60) days prior to the expiration of this Agreement. If the term is extended, the parties may consider increasing the amount of Compensation by the Consumer Price Index for urban areas, CPI-U, beginning on the anniversary date of this Agreement and if the cost of utilities under Section 14 increases more than twenty percent, (20%), then the Monthly Payment could be adjusted to cover such utility costs. The parties may consider additional terms for the extension of the Agreement by mutual agreement.

3. CONSIDERATION. Compensation during the term of this Agreement shall be in the form of monthly payments ("Monthly Payment").

- a. The Monthly Payment due to the City under this Agreement shall be \$2,850 per month. Monthly Payments are due on the first (1st) day of each month. A \$50.00 late fee shall be assessed upon each Monthly Payment not received by the City by the tenth (10th) day of the month.

4. FINANCES AND REPORTING. All revenue derived from the sale of food, beverage, on-site catering and other Concession Services by the Company as further described in Sections 7 and 8 of this Agreement shall belong exclusively to the Company.

- a. The City shall not be responsible whatsoever for any of the revenues of the Company derived from the services provided under this Agreement.
- b. Company agrees to keep records of monthly Net Sales and remit Reports thereof to the City on or before the last day of the month, detailing the total Net Sales for the month prior. The first report is due on or before January 31, 2021, for the period beginning on the effective date of the Second Amended Agreement and ending on December 31, 2021.
- c. **"Gross Sales"** means the actual sales or price of all food, liquor, dining services, private events, catering, carry-out food service, food delivery services, goods, wares, and merchandise sold, leased, rented, licensed, or delivered, and the actual charges for all food and liquor sold and services performed by Company in, at, from, or arising out of the use of the Premises, whether cash, credit, exchange, or otherwise. Gross Sales shall include, without limitation, sales, rentals, and services: (i) when the order for any of the foregoing originates in, at, from, or arising out of the use of the Premises, whether delivery or performance is made from the Premises or from some other place; (ii) made or performed by mail, telephone, telegraph, electronic mail, text, app, video, internet, electronic video, computer orders, and/or future technological means; (iii) made or performed by mechanical or other vending devices in the Premises; and/or (iv) that Company in the normal and customary course of its business would credit or attribute to its operations in any part of the Premises. Any deposit that is not refunded shall be included in Gross Sales. Gross Sales shall not be reduced by any franchise, occupancy, capital stock, income, or similar tax based on income or profits.

d. The definition of "Gross Sales" shall **exclude** the following:

1. tips or gratuities;
2. municipal, city, county, State, or federal sales, use, gross receipts, liquor, restaurant, or excise taxes on sales or services rendered from the Premises where such taxes are added to the price, are stated separately in the bill, and are paid by Company directly to the applicable governmental agency;
3. any exchange of food stocks, inventory, produce, ingredients, raw stocks, produce, fresh or frozen fruits and vegetables, dry groceries, meat, poultry, seafood, goods, and/or merchandise between the restaurants of Company where such exchange of the foregoing is made solely for the convenient operation of the business of Company and not for the purpose of consummating a sale which has theretofore been made in, on, or from the Premises, or for the purpose of depriving Landlord of the benefit of a sale which otherwise would be made in, at, from, or arising out of the use of the Premises;
4. the amount of returns to shippers, vendors, suppliers, and/or manufacturers;
5. receipts from vending machines installed for the use of Company's employees;
6. gift certificates or vouchers until the time that the foregoing have been redeemed;
7. insurance proceeds or credits received for the settlement of damage, accident, loss, or destruction to Company's Personal Property, food stocks, inventory, produce, ingredients, raw stocks, produce, fresh or frozen fruits and vegetables, dry groceries, meat, poultry, seafood, goods, and/or merchandise;
8. condemnation proceeds;
9. bulk sales not in the ordinary course of Tenant's business;
10. sales at a discount or non-cash donations to non-profit, charitable, or religious organizations, but any profit that Tenant receives from the foregoing shall be included in Gross Sales;
11. any promotional sales to third parties;
12. the amount of any cash or credit refund made upon any sale or service;
13. sales by Company of machinery, furniture, equipment, Personal Property, fixed assets, and/or trade fixtures;

14. discounts to employees for employee meals;
15. the amount of any cash or credit refund made upon any sale in, at, from, or arising out of the Premises previously included in Gross Sales hereunder, not to exceed the sum so previously included, where the meal or merchandise sold is thereafter returned by the customer or refunded to the customer and accepted by Company;
16. all sums received by Company for lost, spoiled, and damaged products, including but not limited to food stocks, inventory, produce, liquor, ingredients, raw stocks, fresh or frozen fruits and vegetables, dry groceries, meat, poultry, seafood, goods, and/or merchandise;
17. withholding taxes collected from employees;
18. appreciation of Company's property;
19. loans received by Company;
20. the sale, transfer, or exchange of the business of Company;
21. bad debts of Company;
22. off-site operations or catering revenues for food that is not prepared and provided to customers at the Premises;
23. complimentary meals or samples offered for promotional purposes;
24. rent or fees paid to Tenant by a subtenant, licensee, or concessionaire;
25. shipping and delivery charges;
26. fees and/or charges paid directly to credit card issuers;
27. fees paid by Company to banks in connection with the acceptance of customers' ATM or debit cards;
28. the net amount of any discounts or rewards allowed to any organization or to any customer pursuant to any customary and reasonable policy adopted by Tenant; and
29. discounts for children's meals.

"Net Sales" means Gross Sales minus customer discounts, minus customer refunds.

5. **FACILITIES/LICENSE TO ENTER.** Concession Services under this Agreement shall be provided at the facilities shown in Exhibit A, and located at the Golf Course and Club House located at 4616 Rimrock Drive, Lago Vista, Texas (the "Concession Facilities"). For purposes of this Agreement, the "Concession Facilities" shall include non-exclusive access to (1) the bathrooms adjacent to the restaurant area shown in Exhibit A, and (2) the concrete patio area adjacent to the Golf Course and Club House (the "Back Patio Area"). The Company's maintenance obligations shall apply to the Concession Facilities, but

patrons of the golf course who are not customers of the Company may access and use these areas at all times on a non-exclusive basis, and the City may, upon reasonable prior notice to the Company, restrict the use of the Back Patio Area to accommodate golf tournaments or other events held at the golf course. The Company agrees that the Concession Facilities reflected in Exhibit A attached hereto and as further described herein are provided for the Company's use under this Agreement in 'as is' condition and no improvements shall be made to such facilities by either City or Company unless agreed to in writing by the Company and the City Manager. Any improvements to such facilities shall be performed at the sole cost of the Company. In addition to all other obligations in this Agreement, the Company agrees to build any soundproofing between the Concession Facilities and other parts of the Golf Course and Golf Course Premises that the City reasonably determines to be necessary or advisable. To this end, and in addition to any other improvements that the City may reasonably deem necessary, the Company agrees to construct soundproofing improvements to the wall between the Concession Facilities and the adjacent pro shop promptly following the Effective Date of this Agreement.

Subject to the terms of the prior paragraph, the Concession Facilities reflected in Exhibit A shall be made available for Company's use for its exclusive occupation, management and operation under this Agreement and includes the area reflected in Exhibit A and as further described below:

- a. Restaurant area, club house bar, lounge, kitchen, and storage areas, together with all equipment, fixtures, and furniture therein.
- b. Kitchen cooking, preparation and utensil area
- c. Kitchen food service, presentation, and beverage service counters
- d. Kitchen concession sales receipts and customer service area
- e. Kitchen dry goods, frozen goods, shelving and refrigerator storage area
- f. Related dining areas

In addition, the Company shall have non-exclusive access to the entire Golf Course Premises, including the Back Patio Area, for the purpose of selling food, snacks, sandwiches, soft drinks, alcoholic and non-alcoholic beverages, and to all common areas, including driveways, parking, delivery areas and restrooms under the management and control of the City in each case as allowed by State law. Except as specified in Section 9 below, the City hereby grants an exclusive license to Company to access, enter, use, occupy, manage, maintain and operate in the Golf Course Premises for the Concession Services as further defined in Sections 7 and 8 of this Agreement. The area consisting of and including the Pro Shop and Pro Shop Office are expressly excluded from the Golf Course Premises that Company may use and not covered under or be a part of this Agreement.

6. FACILITIES 'AS-IS' ONLY, NO WARRANTIES. THE CITY OF LAGO VISTA EXPRESSLY DISCLAIMS ANY EXPRESS OR IMPLIED WARRANTIES WITH

RESPECT TO THE FACILITIES, INCLUDING BUT NOT LIMITED TO, THE FACILITIES' CONDITION, MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, OR ANY IMPLIED WARRANTY ARISING FROM COUSE OF PERFORMANCE, COURSE OF DEALING, OR USAGE OF TRADE. THIS WAIVER INCLUDES, BUT IS NOT LIMITED TO, ANY CONDITION CAUSED BY THE NEGLIGENCE OF THE CITY.

- 7. SCOPE OF SERVICES TO BE PROVIDED UNDER THIS AGREEMENT.** The scope of Concession Services provided by the Company shall, at a minimum, include and provide for the following:
- a. Healthy culinary products, meals, and beverages for the restaurant, bar, lounge, and onsite catering service for the golfing community and the general public at a reasonable price and in sufficient quantity.
 - b. A system of product and service delivery and associated sanitary disposal that meets or exceeds customer expectations.
 - c. An atmosphere of product and service delivery, and related sanitary disposal that meets or exceeds customer expectations.
 - d. A clean, sanitary, and healthy system of physical plant maintenance and operations which conforms to all City, County, State, and Federal building, food service, restaurant operations, malt beverage/liquor dispensing regulations and health codes.
 - e. A food, beverage, and concession service level which services the patronage of the golfing community and general public including continued marketing efforts to increase patronage.
 - f. Experienced and professional management staff who can perform all required Concession Services, including, but not limited to, order, purchase, dispense, inventory, track, control, and handle waste stream of all products, materials, and supplies in the Golf Course Premises and perform the related maintenance functions. The Company shall designate an on-site manager to be the point of contact for daily operations of the Concession Services provided under this Agreement.
 - g. An operation which maximizes revenues to both the Company and the City of Lago Vista.

The Company may, in addition to those Concession Services required to be provided hereunder, conduct weekly events from the Concession Facilities (but not from the Back Patio Area nor anywhere outside of the Concession Facilities) including (i) karaoke, and, (ii) if properly licensed by the Texas Lottery Commission and only in accordance with such license, bingo activities. Company shall conduct all such events strictly in accordance with state law and local ordinances, and Company shall take all necessary precautions to prevent any excessive noise or other nuisance caused by such events. If the City Manager determines, in her sole discretion, that unreasonable noise, smells, or other nuisances are caused by such events, the City Manager may prohibit any further events until the City Council reviews the nature of such nuisance, and after a hearing, decides whether to continue allowing all or any

of such events. If the City Council determines, after such hearing, that one or more of the events causes a nuisance that is unlikely to be mitigated by future actions of the Company, the City Council may prohibit all or any of such future events.

8. **SALE OF ALCOHOLIC BEVERAGES.** The Company shall maintain its own Beer and Wine or Mixed Beverage License through the Texas Alcoholic Beverage Commission for the duration of the Agreement. All alcohol purchases, taxes, reports, and accountability shall be under the control of and the sole responsibility of the Company.
9. **EXCLUSIVE CONCESSION RIGHTS.** Except as otherwise provided for in this Agreement, Company shall have the exclusive right to use the Concession Facilities as specified in this Agreement for the purpose of providing food and beverage concession services at the Golf Course Premises. The Company agrees that Special Event Permit holders shall use the back-patio area (as shown in Exhibit A) as allowed by the Special Event Permit and may use outside caterers for the event.
10. **CITY-OWNED PROPERTY AND FACILITIES.** Unless otherwise provided in this Agreement, the City maintains ownership of the Concession Facilities and equipment as described in Exhibit B attached hereto. The Company shall have no ownership, claim, or interest in the Concession Facilities at any time or any insurance proceeds received by the City from damage, destruction, theft or loss of any Facilities due to any cause.
 - a. The Company shall provide all equipment, supplies, personnel and other goods and services necessary to provide the Concession Services and standard concession operations at its sole expense as required by this Agreement, except as otherwise explicitly provided in this Agreement. The signs and advertising used by the Company shall be approved by the City, at their reasonable discretion, prior to the installation or distribution.
 - b. The City shall provide the Concession Facilities in an 'as is' condition unless otherwise specified, along with all existing equipment and fixtures, including, but not limited to, kitchen fixtures and furnishings, cooking utensils, cooking space, serving utensils, service space, office space, dry good storage space, frozen food storage space, dining tables, dining seats, and dining chairs. Existing food and beverage inventory, if any, may be purchased from the City at cost if the Company is able to use such inventory in its planned menu offering.
 - c. The Company shall use City-owned property and concession equipment only for providing authorized services as set forth in this Agreement.
 - d. The major repair or replacement of any City-owned concession equipment, fixtures, facilities or personal or real property at the Golf Course Premises, and the Concession Facilities, shall be done at the City's discretion and at City's cost. Notwithstanding the foregoing, the Company shall not suffer, allow, or permit the concession equipment or City-owned property to be damaged and shall promptly pay the City for repair or replacement costs of all damage to City-owned concession equipment and property resulting from the Company's use of such concession equipment and property, except for reasonable wear and tear, upon written notice by the City. Further notwithstanding

the foregoing, Company agrees to build any soundproofing between the Concession Facilities and other parts of the Golf Course and Golf Course Premises that the City reasonably determines to be necessary or advisable.

- e. The Company shall maintain and perform minor repairs to all Concession Facilities and equipment, fixtures, facilities or other personal property located at the Concession Facilities at its sole cost in a clean, sanitary, and orderly condition, free of debris, litter, filth, and offensive material, and in strict compliance with applicable laws, ordinances, and rules and the regulations of any health authority. Should the company fail to maintain or perform minor repairs as stated above, the City, may in its sole discretion, perform such maintenance or repair and, within thirty days after written demand, the Company shall pay to the City all costs incurred by the City in the performance thereof.
- f. All City-owned property shall remain City-owned and any and all equipment or property purchased by the Company shall remain Company owned unless otherwise specified herein or by separate agreement executed by the parties.

11. QUALITY OF SERVICE. The Company agrees that the concession services rendered shall be in compliance with this Agreement. All food, drinks, confectionery and the like sold or kept for sale shall be wholesome and pure and shall conform in all respects to the federal, state, and municipal food and other laws and regulations, including all applicable food handling and service safety regulations and requirements. No imitation, adulterated or misbranded item shall be sold or kept for sale. All merchandise kept for sale shall be stored and handled with due regard for condition and sanitation.

12. MAINTENANCE OF FACILITIES. Company shall clean and maintain the Concession Facilities as reflected in Exhibit A attached hereto, and including the attached restrooms and Back Patio Area at Company's sole expense. Company shall adopt and maintain a maintenance and cleaning schedule for such facilities.

13. PERSONNEL.

- a. The Company shall provide an adequate number of trained personnel to staff and operate the Concession Facilities and to provide the services as set forth under this Agreement at all times the Concession Facilities are open. Company's failure to provide adequate staffing as the parties have agreed, or in the absence of an agreement, in the City's reasonable discretion and trained personnel as required herein shall constitute a default of this Agreement.
- b. Company shall ensure that all employees, personnel, or contractors under Company's control are adequately trained in food safety and handling procedures. All personnel shall have a valid Texas Food Handler Card and TABC Certification, and shall otherwise comply with state and federal law. Company shall also ensure that its employees do not use or possesses any alcoholic beverages or other intoxicating beverages, illegal drugs, or controlled substances at the Concession Facilities.
- c. Personnel shall treat all patrons, City representatives and all other persons in a

respectful and professional manner.

- d. All Company employees, personnel, or contractors under Company's control shall be professional in appearance, dressed in neat and clean clothing, free of holes, tears or other signs of wear. Attire should include displaying the Company logo or insignia on a shirt or name tag and slacks, khakis, jeans or hemmed shorts.
- e. Company shall comply with all federal, state, and local laws, including but not limited to, federal and state wage and hour laws requirements and obligations, such as working hours and conditions, leave time, overtime, payment of all applicable taxes, unemployment and workers compensation coverage, compliance with immigration documentation, and deductions from employee pay.

14. UTILITIES. The City shall provide the Concession Facilities with water, electricity, garbage pickup, and sewer service. These utilities shall only be used in the provision of Concession Services, or as otherwise explicitly allowed under this Agreement. The Company shall take all action necessary to ensure that these utilities are being used at the most cost-effective means possible, and that no waste occurs. In the event, the cost of these utility services increases more than twenty percent (20%), the parties shall agree to meet to consider an adjustment in the Monthly Payment for the utility increase. Company shall be responsible for and shall pay for any necessary natural or propane service or supplies, as well as all telephone and internet services and any other utilities for the Concession Facilities not expressly paid by the City in this Agreement.

15. HOURS OF OPERATION. At a minimum the Company shall ensure that the Concession Facilities are open for business and are available to customers seven (7) days a week as follows:

Monday- Wednesday: 9:00 a.m. to 4:00 p.m.

Thursday - Sunday: 7:30 a.m. to 4:00 p.m.

Holidays: 7:30 a.m. to 4:00 p.m.

Notwithstanding the foregoing, Concession Facilities are not required to be open on any Monday that the Golf Course is closed. Any change in hours shall be coordinated with the Golf Course Director and shall be clearly posted on the clubhouse doors for patrons to see. Company's failure to observe and maintain the minimum agreed upon operating hours and conditions shall constitute a default of this Agreement.

16. COMPLIANCE WITH LOCAL, STATE, AND FEDERAL RULES AND REGULATIONS. Company and its officers, agents and employees shall at all times comply with all local, state, and federal rules, regulations, and requirements, codes, and laws. Company must obtain and maintain all required operational permits, licenses, fees, and taxes. Payment of any required governmental fees, licenses, and taxes shall be the obligation and

responsibility of the Company.

17. **NONDISCRIMINATION.** The Company **and its officers, agents and employees** shall not discriminate against any person because of race, sex, age, creed, color, religion, or national origin or any other person in a federally protected class.
18. **INSURANCE.** The Company shall maintain insurance in the following amounts:

General Liability Insurance	\$500,000 per claim or occurrence	\$1,000,000 for all claims arising out of a single transaction or per occurrence
Property Damage Insurance	\$250,000 per occurrence	
Workers Compensation Insurance	In the amounts that meet the requirements as set forth by State law	

Company also agrees to furnish comprehensive general liability coverage providing bodily injury, personal injury, property damages including products liability and complete operation coverage against any and all claims and losses arising out of any operations of the Company, including occupancy of the premises, sale, gift, serving, handling, or dispensing of any product.

Company shall provide the City with certificates evidencing such insurance coverage and the City shall be listed as an additional insured. Such certificate shall provide the City with thirty (30) days advance notice of any cancellation, material change, reduction of coverage, or nonrenewal. The City shall be provided with a copy of the appropriate riders evidencing that the City is included as an additional insured to the above required policies.

19. **TERMINATION.**

- a. *Termination for Cause.* This Agreement may be terminated if the Company fails to provide the compensation and other consideration to the City as provided in Section 3 of this Agreement.
- b. *Defaults with Opportunity for Cure.* Should Company default in the performance of this Agreement in a manner stated below, City shall deliver written notice of said default specifying such matter(s) in default.
 1. In the event of an act of default due to a failure to provide adequate personnel to operate the Concession Facilities as required under Section 13, or due to a failure to maintain agreed hours of operation as required under Section 15, Company shall have no more than five (5) business days to cure such default.
 2. For all other acts of default, Company shall have ten (10) business days after

receipt of the written notice, in accordance with Section 23.

3. If Company fails to cure the default within the specified cure period, City shall have the right, without further notice, to terminate this Agreement in whole or in part as City deems appropriate, and to contract with another Company to complete the work required in this Agreement.

c. *Termination By Law.* If any state or federal law or regulation is enacted or promulgated which prohibits the performance of any of the duties herein, or, if any law is interpreted to prohibit such performance, this Agreement shall automatically terminate as of the effective date of such prohibition.

d. *Termination not sole remedy.* In no event shall City's action of terminating this Agreement, whether for cause or otherwise, be deemed an election of City's remedies, nor shall such termination limit, in any way, at law or at equity, City's right to seek damages from or otherwise pursue Company for any default hereunder or other action.

20. INDEMNITY. The Company agrees, to the fullest extent permitted by law, to indemnify and hold harmless the City and its past, present and future officers, directors, agents, employees, and representatives (the "City Parties") from and against all liability for any and all claims, suits, demands, and/or actions arising from or based upon the acts or omissions on the part of the Company, its officers, directors, agents, representatives, employees, members, visitors, invitees, contractors and subcontractors which may arise out of or result from the Company's occupancy or use of the facilities, concession equipment, and City-owned property and/or activities conducted in connection with or incidental to this Agreement. The Company shall also indemnify the City Parties against any and all mechanic's and materialmen's liens or any other types of liens imposed upon City-owned property arising as a result of the Company's conduct or activity. This indemnity provision shall apply regardless of the nature of the injury or harm alleged, whether for injury or death to persons or damage to property, or whether such claims are alleged as common law, statutory or constitutional claims, or otherwise. This indemnity provision shall apply whether the basis for claims, suit, demand, and/or action may be attributable in whole or in part to the Company, or to any of its agents, representatives, employees, members, visitors, contractors, and subcontractors, or to anyone directly or indirectly employed by any of them. THE INDEMNITY INCLUDED IN THIS AGREEMENT SHALL APPLY REGARDLESS OF WHETHER THE BASIS FOR CLAIM, SUIT, DEMAND, AND/OR ACTION MAY BE ATTRIBUTABLE IN WHOLE OR IN PART TO THE SIMPLE NEGLIGENCE OF THE CITY PARTIES.

21. GOVERNMENTAL IMMUNITY. Nothing in this agreement shall be deemed to waive, modify, or amend any legal defense available at law or in equity to either the City or its employees, nor to create any legal rights or claims on behalf of any third party. Neither the City, nor its employees waive, modify, or alter to any extent whatsoever the availability of the defense of governmental immunity under the laws of the State of Texas.

22. INDEPENDENT CONTRACTOR. The Company expressly agrees that during the term of this Agreement, neither the Company nor any of its employees, personnel, or any of its contractors, is nor shall ever be considered an employee of the City; the Company is an independent contractor, and in this regard the Company, its employees, personnel, or any

contractors will not be within the protection of the coverage of the City's Workers Compensation coverage or other Insurance.

- 23. NOTICES.** Any notice required or desired to be given under this Agreement shall be in writing with copies directed as indicated and shall be personally delivered or given by mail. Any notice given shall be deemed to have been given when hand delivered or, if mailed, as of seventy-two (72) hours from the time when notice was deposited in the United States mails (certified or registered, return receipt requested, postage prepaid), addressed to the party to be served with a copy as indicated herein. Either party may change its address for purposes of notice by giving notice of such change of address to the other part in accordance with the provisions of this section.

POINT OF CONTACT FOR CITY

City Manager
5803 Thunderbird
Lago Vista, TX 78645
tracie.hlavinka@lagovistatexas.gov
512-267-1170

POINT OF CONTACT FOR COMPANY

The Dugout Group LLC
Dustin Martin, Owner
20602 Hoover Cove
Lago Vista, TX 78645
Dustinm61@gmail.com
512-673-9940

ON-SITE MANAGER/DAILY OPERATIONS POINT OF CONTACT

Dustin Martin
Owner
Dustinm61@gmail.com
512-673-9940

Any changes to the On-site Manager/Daily Operations Point of Contact must be sent to the City Manager in writing within 48 hours of the change.

- 24. AMENDMENTS AND CHANGES.** No alteration, addition, or amendment to the terms of this Agreement shall be made except by a formal written amendment hereto, executed by both the Company and the City.
- 25. WAIVERS.** No waiver of any provision hereof shall be implied from the conduct of the parties. Failure of the City to enforce any and all violations of ordinances or this Agreement shall not constitute a continuing waiver of such breach or of a subsequent breach or the same or a different provision or ordinance. Any such waiver must be in writing and must be signed by the party against which such waiver is sought to be enforced. The consent by the

City to any matter or event requiring such consent shall not constitute a waiver of the necessity for such consent to any subsequent matter or event.

26. **ORAL AND WRITTEN AGREEMENTS.** Any and all agreements heretofore made, if any, between the parties regarding the subject matter of this Agreement have been reduced to writing and are contained herein. This Agreement states the sole and exclusive terms of agreement between the parties regarding the subject matter of this Agreement, and any and all prior agreements, regarding such subject matter, not set forth herein are null and void.
27. **TEXAS LAW GOVERNS.** This Agreement shall be governed by and construed in accordance with the laws of the State of Texas. Venue shall lie exclusively in Travis County, Texas.
28. **TRANSFERABILITY OF AGREEMENT.** No assignment of this Agreement or any right occurring under this Agreement shall be made in whole or in part by the Company without express written consent of the City.
29. **SEVERABILITY.** In case any one or more of the provisions contained herein shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision of this Agreement, but this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had not been contained herein.
30. **THIRD PARTY BENEFICIARIES.** Nothing in this Agreement shall be deemed to waive, modify, or amend any legal defense available at law or in equity to the City nor to create any legal rights or claims, contractual or otherwise, on behalf of any third party.
31. **JOINT VENTURE.** This Agreement shall not be construed to establish a partnership, joint venture, agency, or joint enterprise, express or implied, nor any employer-employee or borrowed servant relationship by and among the parties hereto. Nor shall this agreement be construed to create or grant rights, contractual or otherwise, to any other person or entity not a party to this Agreement. Each party shall remain solely responsible for the proper direction of its employees and an employee of one shall not be deemed an employee or borrowed servant of the other for any reason.
32. **EFFECTIVE DATE.** This Contract shall be effective upon execution of this Agreement.
33. **WAIVER OF CITY LIABILITY.** City shall not be liable to the Company for any loss, damage or injury of any kind or character to any person or property (a) arising from any use and/or condition and extent of the property, or any part thereof including, without limitation, environmental contamination, (b) caused by any defect in the equipment, Golf Course Premises, or Concession Facilities located therein, (c) caused by or arising from any act or omission of Company, or any of its agents, employees, licensees or invitees, (d) arising from or in connection with the conduct of any Concession Services or any other conduct by Company performed on the Golf Course Premises or Concession Facilities, (e) arising from any accident on the Golf Course Premises or any fire or casualty thereon, (f) occasioned by the failure of Company to maintain the Concession Facilities in a safe condition, or (g) arising from any other cause whatsoever, except as occasioned by the gross negligence, intentional misconduct or violation of this Lease by the City Parties

occurring after the date of this Agreement. Company, as a material part of the consideration of this Agreement, hereby waives, on its behalf, all claims and damages against City for any such loss, damage or injury to Company, INCLUDING BUT NOT LIMITED TO THOSE CAUSED BY THE SIMPLE NEGLIGENCE OF ONE OR MORE CITY PARTIES.

IN WITNESS WHEREOF, the parties have executed and attested this Agreement by their officers thereunto duly authorized as of the date herein first written.

(Signature Pages to Follow)

CITY OF LAGO VISTA_____

By: _____

Tracie Hlavinka, City Manager

Date: _____

COMPANY: The Bunker Bar & Grille

By: _____

Printed Name: Dustin Martin

Title: Owner

Date: _____

Exhibit A

CONCESSION FACILITIES

Concession Facilities

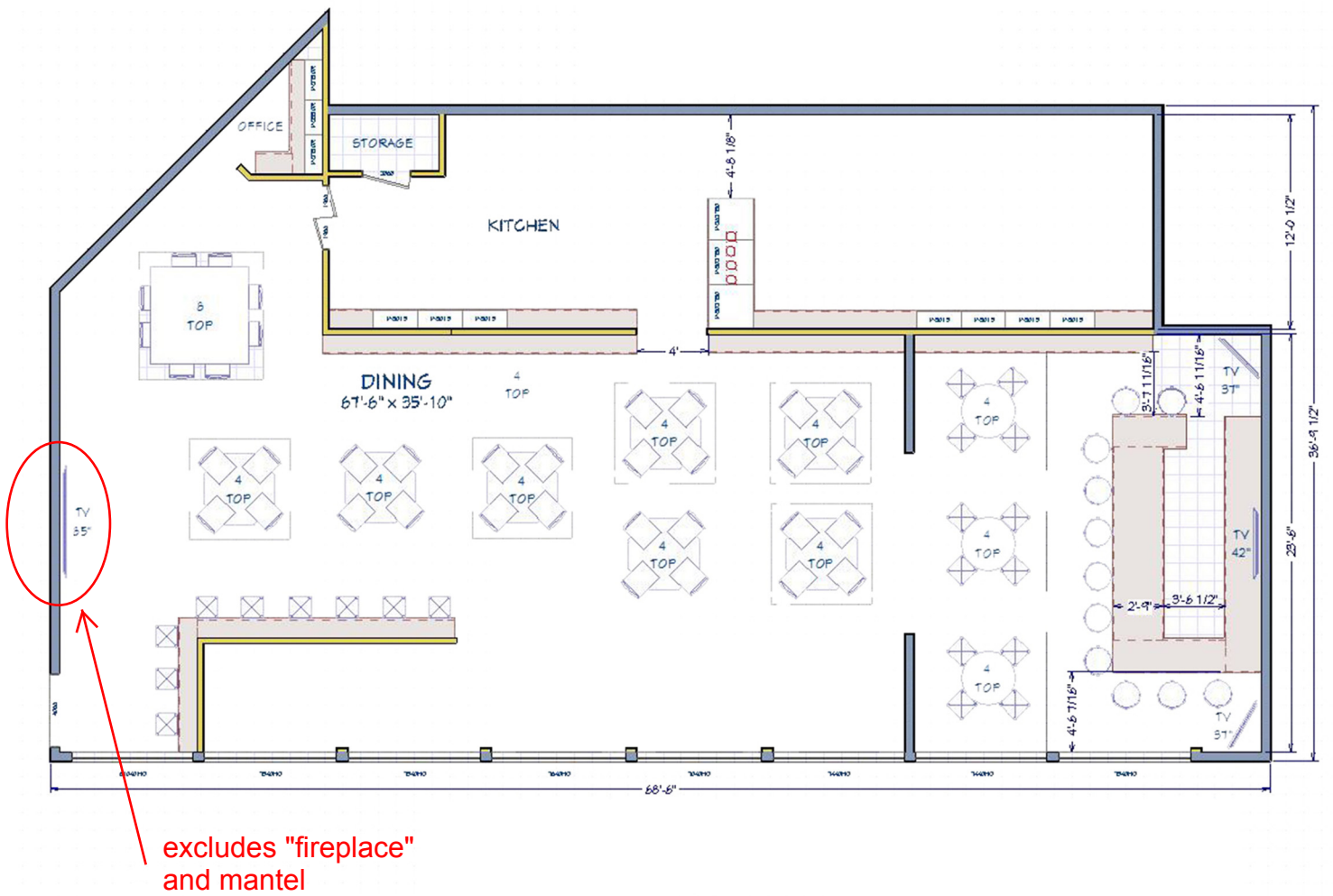


Exhibit B

2021 INVENTORY OF CITY-OWNED EQUIPMENT AND GOODS

LAGO VISTA GC GRILL INVENTORY 2021

<u>TY</u>	<u>COLOR</u>	<u>DESCRIPTION</u>	<u>MFG.</u>
	stainless	Beer keg cooler, 3 taps, 2 doors, true	BEVERAGE AIR
	red	Beverage cooler, 1 door	Coke Cola
	stainless	chaffing dish-stainless pan holders	various types
	stainless	Coffee/tea maker, missing decanter	BLOOMFIELD
	gray	Folding chairs	
	stainless	Fountain Drink Dispenser-Property of	Coke Cola
	stainless	Fryer single	VULCAN
	wood	High Chair for child	
	stainless	Ice tea maker/dispenser	BUNN
	Black	Microwave	Panasonic
	stainless	Pot, bean - heavy duty with lid	
	stainless	Prep table, 2 shelves	
	stainless	Prep table, 2 shelves	
<u>TY</u>	<u>COLOR</u>	<u>DESCRIPTION</u>	<u>MFG.</u>
	stainless	Prep tables, 2 shelves	
	white	Rack, wire, 3 shelves used for chips	
	green	Rack, storage, 3 shelves	
	stainless	Racks, storage, 4 shelves	
	stainless	Rack, storage, 4 shelves inside walk-in	
	stainless	Rack, storage, 4 shelves inside walk-in	
	stainless	Rack, storage, 3 shelves	
	stainless	Rack, storage, 5 shelves	
	stainless	Refrigerator, 2 door w lock	TRUE
	stainless	Refrigerated Prep table 2 doors	Maxx Cold
	stainless	refrigerator, for glasses/pitchers	TRUE
	stainless	Refrigerator/freezer, walk-in	KOOLCO
	stainless	Rotisserie, electric for hotdogs	SEAL-MAX
	stainless	shelf hanging on wall over dishwasher	
	wood	Shelves, hanging over counter	
	stainless	Stove-oven (6 eye, double oven	
	White / plastic	Tables, folding	
	stainless	Tray jacks	
	black	TV's, flat screen	Emerson

Trumann Tufted Club Chair	Brown Leather	Charlton Home
Bruno Coffee Table	Wood	Foundry Select
Table and Seating - Bar height	Mahogany	Lancaster
Table and Seating -	Mahogany Finish	Lancaster
Laminate Table Top	Mahogany/Black	Attco
Metal Table base	metal	Ace Mart
Metal Table base	metal	Ace Mart
30" Round Table Top	Mahogany/Black	Ace Mart
Coctail Table Base Column	metal	Ace Mart
Metal Table base	METAL	Ace Mart
Hydraulic table glides		Ace Mart
80 piece felt furnitute pads	felt	Wayfair
Flat Grill	Metal	Ace Mart
Grill Table	Metal	Ace Mart
Plates (Large)	Black	IKEA
Plates (Small)	Black	IKEA
Sandwich Prep Table	Stainless	
Ice maker commerical	Stainless	
Beer cooler behind bar	Black	

Mayor
Ed Tidwell

Mayor Pro-Tem
Paul Prince



Council Members
Gage Hunt
Kevin Sullivan
Rob Durbin
Chelanie Marion
Paul Roberts

**AGENDA
CITY COUNCIL
REGULAR SESSION**

NOTICE IS HEREBY GIVEN that the Lago Vista City Council will hold a regular session on Thursday, February 16, 2023, beginning at 5:30 PM with Executive Session, in City Council Chambers 5803 Thunderbird Lago Vista, TX, as prescribed by Government Code Section §551.041 to consider the following agenda items.

THIS MEETING WILL BE HELD IN CITY COUNCIL CHAMBERS AT 5803 THUNDERBIRD, LAGO VISTA TEXAS AND UTILIZING THE GOTOMEETING VIDEOCONFERENCING TOOL.

JOIN MEETING VIA VIDEO CONFERENCE

Please join my meeting from your computer, tablet or smartphone.

<https://meet.goto.com/495214933>

You can also dial in using your phone.

(For supported devices, tap a one-touch number below to join instantly.)

United States: +1 (872) 240-3212

- One-touch: <tel:+18722403212,,495214933#>

Access Code: 495-214-933

CALL TO ORDER, CALL OF ROLL

EXECUTIVE SESSION

Convene into a closed Executive Session pursuant to:

A. Consultation with Legal Counsel concerning all regular meeting agenda items requiring confidential, attorney/client advice (as needed). (Government Code Section 551.071).

B. Consultation with Legal Counsel regarding the Water Treatment Plant 3 property. (Government Code Section 551.071 Advice of Counsel and Government Code Section 551.072 Real Property).

ACTION ON EXECUTIVE SESSION ITEMS (action and/or vote may be taken on the following agenda items):

PO Box 4727, Lago Vista, TX 78645 • 512.267.1155 • www.lagovistatexas.org

Reconvene from Executive Session into open session to act as deemed appropriate in City Council's discretion regarding:

A. Consultation with Legal Counsel concerning all regular meeting agenda items requiring confidential, attorney/client advice (as needed). (Government Code Section 551.071).

B. Consultation with Legal Counsel regarding the Water Treatment Plant 3 property. (Government Code Section 551.071 Advice of Counsel and Government Code Section 551.072 Real Property).

PLEDGE OF ALLEGIANCE, PLEDGE TO TEXAS FLAG

CITIZEN COMMENTS

In accordance with the Open Meetings Act, Council is prohibited from acting or discussing (other than factual responses to specific questions) any items not on the agenda.

To participate in the citizen comments portion of the meeting, you must submit a completed form. If you are attending the meeting in the City Council Chambers you must complete the form available at that location and provide it to the Mayor prior to the start of the meeting. If you will be participating using the online videoconferencing tool, you must complete the form and submit it by email in accordance with the instructions included within the form. It is found on the City's website at the link below. The Council will reconvene from executive session at or around 6:30 p.m.

[Citizen Participation Registration Form](#)

ITEMS OF COMMUNITY INTEREST

Pursuant to Texas Government Code Section 551.0415, the City Council may report on any of the following items:

- a. Expression of thanks, gratitude, and condolences.
- b. Information regarding holiday schedules.
- c. Recognition of individuals, i.e. Proclamations.
- d. Reminders regarding City Council events.
- e. Reminders regarding community events.
- f. Health and safety announcements.

STAFF AND COUNCIL LIAISON REPORTS

1. Routine Reports from City staff.
2. Annual Police Department Racial Profiling Report.
3. Report of First Quarter of Fiscal Year 2022-2023 (October 1, 2022 - December 31, 2022) Financials.
4. Routine Reports from City Council Board/Commission/Committee Liaisons.

APPROVAL OF THE MINUTES

This heading will only be used when there are no other items listed on a consent agenda.
(Rules of Procedure, Section 4.11)


5. Consider approval of the January 19, 2023, meeting minutes.

ACTION ITEMS

6. Discussion, consideration, and possible action on Resolution 23-1989; A Resolution ratifying and continuing the Disaster Declaration signed by the Mayor on February 6, 2023, and establishing an effective date.
7. Discussion, consideration and possible action regarding the concession services agreement for the Bunker Bar and Grille at the Lago Vista Golf Course.

ADJOURNMENT

IT IS HEREBY CERTIFIED that the above Notice was posted on the Bulletin Board located at all times in City Hall in said City at 5:41 p.m. on the 9th day of February 2023.



Lucy Aldrich, City Secretary

THIS MEETING SHALL BE CONDUCTED PURSUANT TO THE TEXAS GOVERNMENT CODE SECTION 551.001 ET SEQ. AT ANY TIME DURING THE MEETING THE COUNCIL RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION ON ANY OF THE ABOVE POSTED AGENDA ITEMS IN ACCORDANCE WITH THE SECTIONS 551.071, 551.072, 551.073, 551.074, 551.075 OR 551.076.

THE CITY OF LAGO VISTA IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT. REASONABLE MODIFICATIONS AND EQUAL ACCESS TO COMMUNICATIONS WILL BE PROVIDED UPON REQUEST.

AT THIS MEETING AT THE STATED LOCATION, A QUORUM OF THE CITY COUNCIL WILL BE PHYSICALLY PRESENT, AND THIS NOTICE SPECIFIES THE INTENT TO HAVE A QUORUM PRESENT THERE, AND THE MEMBER OF THE CITY COUNCIL PRESIDING OVER THE MEETING WILL BE PHYSICALLY PRESENT AT THAT LOCATION. ONE OR MORE MEMBERS OF THE CITY COUNCIL MAY PARTICIPATE IN THIS MEETING REMOTELY, AND IF SO, VIDEOCONFERENCE EQUIPMENT PROVIDING TWO-WAY AUDIO AND VIDEO DISPLAY AND COMMUNICATION WITH EACH MEMBER WHO IS PARTICIPATING BY VIDEOCONFERENCE CALL WILL BE MADE AVAILABLE.