



Post Office Box 9010 Addison, Texas  
75001-9010  
5300 Belt Line Road  
(972) 450-7000 Fax: (972) 450-7043

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## AGENDA

### REGULAR MEETING OF THE CITY COUNCIL

AND / OR

### WORK SESSION OF THE CITY COUNCIL

5:30 PM

FEBRUARY 22, 2011

TOWN HALL

**ADDISON TOWN HALL, 5300 BELT LINE, DALLAS, TX 75254**

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### WORK SESSION

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Item  
#WS1 - Recognition and presentation of certificates to the 2010  
Citizen Academy graduates.

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Item  
#WS2- Discussion of a proposal to enter into a joint-use  
agreement with Addison Arbor (formerly Office in the Park)  
to allow Addison residents use of the existing tennis courts,  
restroom and storage facility and proposed putting green in  
the office park site (generally located along the west side of  
Midway Road approximately one-fourth of a mile south of  
the intersection of Midway Road and Beltway Drive).

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## REGULAR MEETING

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### **Pledge of Allegiance**

Item #R1- Consideration of Old Business

Introduction of Employees

Discussion of Events/Meetings

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Item #R2- Consent Agenda.

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#2a- Approval of 2/7/2011 Special Meeting and Work Session minutes and 2/8/2011 Regular minutes

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#2b- Approval of a resolution approving an amendment to the Tri-Cities Police Consortium Law Enforcement Mutual Aid Interlocal Agreement to provide for the addition of the City of Coppell as a member.

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#2c- Approval of an ordinance ordering a general election to be held on May 14, 2011 for the purpose of electing one (1) Mayor for a two (2) year term and three (3) Councilmembers for two (2) year terms each. (Aprobación de una ordenanza que requiere una Elección Municipal General de uno (1) alcalde por dos (2) años y tres (3) miembros del Consejo por dos (2) años cada.).

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#2d- Approval of a joint election agreement and an election services contract in an amount not to exceed \$25,000 with Dallas County to conduct Addison's Municipal Election on May 14,2011.(Aprobación de una resolución para entrar en un acuerdo de elección conjunta por una cantidad a no excederse \$25,000 con el Condado de Dallas para llevar a cabo las elecciones municipales de Addison el 14 de Mayo

de 2011.)

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#2e- Approval of award of bid to Members Building Maintenance LTD., for custodial services at the Athletic Club in the amount of \$22,200.

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#2f- Approval of award of bid to ABS Janitorial Services, for custodial services at Town Hall, Finance, Service Center, Police & Police sub-station and Central Fire facilities in the amount of \$64,740.00.

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#2g- Approval of award of bid to Texas Trees and Turf totaling \$32,221.65 for landscape renovation and tree replacement planting in various parts of the Town.

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#2h- Approval of award of bid to Gylan Building Services Inc., for custodial services at the Conference and Theatre Centre and Visit Addison Centre in the amount of \$46,617.96.

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Item #R3- Presentation by Mr. Amir Omar, Council Member, City of Richardson, and discussion regarding the Regional Tree Initiative program.

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Item #R4 - Presentation of the Planning and Zoning Commission's 2010 Annual Report by Ralph Doherty, Commission Chairman

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Item #R5 - Presentation and discussion of the Town of Addison's involvement with Super Bowl XLV.

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Item #R6 Kathy Farrer has requested to speak to Council regarding the re-instatement of the Personal Property Tax on leased automobiles and the condition of Addison Road.

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Attachment(s):

1. Kathy Farrer's letter

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Item #R7 **Public hearing.** Presentation, discussion and consideration of approval of an ordinance amending the Town's Code of Ordinances by adding thereto a new Section 54-33 making it an offense (A) to establish a permanent or temporary residence within 1,000 feet of premises where children commonly gather by (1) a person whose information is contained in a sex offender database maintained by the Department of Public Safety because of a violation involving a child younger than 17, or (2) a person who has been civilly committed as sexually violent predator under State law and who is subject to compliance with a child safety zone requirement, and (B) to knowingly rent, lease or make available a permanent or temporary residence to such a person; providing for definitions, evidentiary matters, affirmative defenses, and other related matters.

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Attachment(s):

1. Sex offender ordinance
2. Sex offender map
3. USDJ Study
4. FAQ information

Recommendation:

Recommend approval.

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Item #R8 - Presentation to Council of the Addison Police Department's annual Traffic Contact Report, which satisfies the requirements of the State racial profiling law.

Attachment(s):

1. Annual Traffic Contact Report
- 

Item #R9 - Presentation, discussion and consideration of authorizing the City Manager to execute a contract with Landmark Structures Management Inc. in the amount of \$5,704,900 with a contract duration of 540 calendar days for the proposed 1.5 million gallon elevated storage tank.

Attachment(s):

1. Bid tabulation

Recommendation:

Staff recommends approval.

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Item #R10 - Presentation of and discussion regarding the Quarterly Financial Report for the period ending December 31, 2010.

Attachment(s):

1. 1 Quarter report
- 

Item #R11 - Presentation, discussion and consideration of a joint resolution of the North Texas Tollway Authority and the Regional Transportation Council supporting the delivery of IH 35E, SH183, and the North Tarrant Express by the Texas Department of Transportation through public-private partnerships.

Attachment(s):

1. Joint resolution I-35

Recommendation:

Recommend approval.

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Adjourn Meeting

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Posted:

02/18/2011, 5PM, Lea Dunn-City Secretary

**THE TOWN OF ADDISON IS ACCESSIBLE TO PERSONS  
WITH DISABILITIES. PLEASE CALL (972) 450-2819 AT LEAST  
48 HOURS IN ADVANCE IF YOU NEED ASSISTANCE.**

## Council Agenda Item: #WS1

**AGENDA CAPTION:**

Recognition and presentation of certificates to the 2010 Citizen Academy graduates.

**FINANCIAL IMPACT:**

NA

**BACKGROUND:**

NA

**RECOMMENDATION:**

**COUNCIL GOALS:**

N/A

**ATTACHMENTS:**

Description:

Type:

No Attachments Available

## Council Agenda Item: #R 2a

**AGENDA CAPTION:**

Approval of 2/7/2011 Special Meeting and Work Session minutes and 2/8/2011 Regular minutes

**FINANCIAL IMPACT:**

NA

**BACKGROUND:**

NA

**RECOMMENDATION:**

**COUNCIL GOALS:**

N/A

**ATTACHMENTS:**

Description:

- [Minutes](#)
- [2-8-2011 Minutes](#)

Type:

- Cover Memo
- Cover Memo



**OFFICIAL ACTIONS OF THE ADDISON CITY  
COUNCIL  
SPECIAL MEETING AND WORK SESSION**

February 7, 2011

7:00 PM - Town Hall

Addison Town Hall, 5300 Belt Line, Dallas, TX 75254

Posted: 2/3/2011, 5:00 PM Lea Dunn, City Secretary

Council Members Present:

Chow, Clemens, Lay, Mellow, Noble, Resnik

Absent:

None

Item #S1 - Discussion and consideration of approval of appointment of a person to fill a vacancy in the office of Council Member of the Addison City Council.

Mayor Chow moved to appoint Bruce Arfsten to fill a vacancy in the position of City Council Member of the Town of Addison until the May 14, 2011, general Town election. Council Member Lay seconded.

A motion to Approve was made by Mayor Joe Chow.

The motion was seconded by Councilmember Kimberly Lay.

The motion result was: Passed

Voting Aye: Chow, Clemens, Lay, Mellow, Noble, Resnik

Voting Nay: None

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Mayor-Joe Chow

Attest:

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City Secretary-Lea Dunn

**OFFICIAL ACTIONS OF THE ADDISON CITY  
COUNCIL  
REGULAR MEETING**

February 8, 2011

7:30 PM - Town Hall

Addison Town Hall, 5300 Belt Line, Dallas, TX 75254

Posted: 2/3/2011, 5:00 P.M. Lea Dunn, City Secretary

Council Members Present:

Arfsten, Chow, Clemens, Lay, Mellow, Noble, Resnik

Absent:

None

**REGULAR MEETING**

Item #R1 - Consideration of Old Business

The following employee was introduced:

Stacy Love, with the Human Resources Department

There was no action taken.

Mayor Chow administered the oath of office to Bruce Arfsten.

There was no action taken.

Item #R2 - Consent Agenda

#2a - Minutes for: 12/30/2011 Special Meeting and Work Session  
01/25/2011 Regular Meeting and Work Session

Approval of Minutes for: 12/30/2010 Special Meeting and Work  
Session and 01/25/2011 Regular Meeting and Work Session

A motion to Approve was made by Councilmember Blake Clemens.  
The motion was seconded by Councilmember Kimberly Lay.  
The motion result was: Passed  
Voting Aye: Arfsten, Chow, Clemens, Lay, Mellow, Noble, Resnik  
Voting Nay: None

#2b - Approval of an agreement with the CDWG for the purchase of 17 laptops in the amount of \$34,133.

This item was pulled for clarification regarding the brand of laptops that were being purchased. The brand is Lenovo.

A motion to Approve was made by Councilmember Blake Clemens.  
The motion was seconded by Councilmember Kimberly Lay.  
The motion result was: Passed  
Voting Aye: Arfsten, Chow, Clemens, Lay, Mellow, Noble, Resnik  
Voting Nay: None

#2c - Discussion and consideration of approval of an Interlocal Agreement between the City of North Richland Hills and the Town of Addison for the purchase of goods and services by the Town of Addison from vendors selected through the competitive bidding process.

A motion to Approve was made by Councilmember Blake Clemens.  
The motion was seconded by Councilmember Kimberly Lay.  
The motion result was: Passed  
Voting Aye: Arfsten, Chow, Clemens, Lay, Mellow, Noble, Resnik  
Voting Nay: None

#2d - Discussion and consideration of approval of a contract with McCoy Floorcovering in the amount of \$29, 970 for the replacement of the flooring in the Administration and Operations areas of Fire Station One.

A motion to Approve was made by Councilmember Blake Clemens.

The motion was seconded by Councilmember Kimberly Lay.

The motion result was: Passed

Voting Aye: Arfsten, Chow, Clemens, Lay, Mellow, Noble, Resnik

Voting Nay: None

#2e - Discussion and consideration of approval of an Interlocal Agreement for Cooperative Purchasing between the City of Plano and the Town of Addison. This will enable the Town to purchase Uninterruptible Power Supply Systems on the City of Plano's competitively bid contract with Paradigm Traffic Systems Inc.

A motion to Approve was made by Councilmember Blake Clemens.

The motion was seconded by Councilmember Kimberly Lay.

The motion result was: Passed

Voting Aye: Arfsten, Chow, Clemens, Lay, Mellow, Noble, Resnik

Voting Nay: None

#2f - Discussion and consideration of approval to purchase Uninterruptible Power Supply Systems for all nine Belt line Road signalized intersections utilizing the price established in a contract between the City of Plano, Texas and Paradigm Traffic Systems, Inc.

A motion to Approve was made by Councilmember Blake Clemens.

The motion was seconded by Councilmember Kimberly Lay.

The motion result was: Passed

Voting Aye: Arfsten, Chow, Clemens, Lay, Mellow, Noble, Resnik

Voting Nay: None

Item #R3 - Discussion and consideration of approval of the appointment of Mayor Pro Tempore and Deputy Mayor Pro Tempore.

Mayor Chow moved to appoint Blake Clemens as Mayor Pro Tempore and Kimberly Lay as Deputy Mayor Pro Tempore.

A motion to Approve was made by Mayor Joe Chow.

The motion was seconded by Councilmember Neil Resnik.

The motion result was: Passed

Voting Aye: Arfsten, Chow, Clemens, Lay, Mellow, Noble, Resnik

Voting Nay: None

Item #R4 - PUBLIC HEARING Case 1618-SUP/Race Trac Petroleum. Public hearing, presentation, discussion and consideration of approval of an ordinance approving a change of zoning from Industrial-1 (I-1) to Local Retail (LR), and approving a Special Use Permit for the sale of beer and wine for off-premises consumption only, for property generally located at 15196 Marsh Lane, on application from Race Trac Petroleum, represented by Ms. Karen Mitchell of the Mitchell Planning Group, LLC. COMMISSION FINDINGS: The Addison Planning and Zoning Commission, meeting in regular session on January 27, 2011, voted to recommend approval of a Special Use Permit for the sale of beer and wine for off-premises consumption only, subject to no conditions. Voting Aye: Arfsten, DeFrancisco, Doherty, Hewitt, Oliver, Wheeler, Wood Voting Nay: none Absent: none

Ordinance 011-009 was approved.

A motion to Approve was made by Councilmember Neil Resnik.

The motion was seconded by Councilmember Kimberly Lay.

The motion result was: Passed

Voting Aye: Arfsten, Chow, Clemens, Lay, Mellow, Noble, Resnik

Voting Nay: None

Item #R5 - PUBLIC HEARING Case 1619-SUP/Kroger Food Stores. Public hearing, discussion and consideration of approval of an ordinance approving a change to an existing planned development zoning district, being Planned Development District 093-018 that zoned the property generally located at 3770 Belt Line Road, in order to allow the sale of beer and wine for off-premises consumption, and approving a Special Use Permit for the sale of beer and wine for off-

premises consumption only for the said property, on application from Kroger Food Stores, represented by Mr. Gerald Franklin of the Gerald Franklin Agency. COMMISSION FINDINGS: The Addison Planning and Zoning Commission, meeting in regular session on January 27, 2011, voted to recommend approval of a Special Use Permit for the sale of beer and wine for off-premises consumption only, subject to no conditions. Voting Aye: Arfsten, DeFrancisco, Doherty, Hewitt, Oliver, Wheeler, Wood Voting Nay: none Absent: none

The following persons spoke: Bernard Shaw with Cencor Realty; Gary Huddleston, Director of Consumer Affairs for Kroger Food Stores and Steve Brown, 16951 Addison Road.

Ordinance 011-0010 was approved subject to the submission of the landscape plan and the installation of the trees.

A motion to Approve w/ Conditions was made by Councilmember Roger Mellow.

The motion was seconded by Councilmember Kimberly Lay.

The motion result was: Passed

Voting Aye: Arfsten, Chow, Clemens, Lay, Mellow, Noble, Resnik

Voting Nay: None

Item #R6 - PUBLIC HEARING Case 1620-SUP/7-Eleven Convenience Store #19358. Public hearing, discussion and consideration of approval of an ordinance approving a Special Use Permit for the sale of beer and wine for off-premises consumption only, for that property located in a Local Retail zoning district at 14400 Marsh Lane, on application from 7-Eleven Convenience Stores, represented by Ms. Christina Tanner of Gardere and Wynne. COMMISSION FINDINGS: The Addison Planning and Zoning Commission, meeting in regular session on January 27, 2011, voted to recommend approval of a Special Use Permit for the sale of beer and wine for off-premises consumption only, subject to no conditions. Voting Aye: Arfsten, DeFrancisco, Doherty, Hewitt, Oliver, Wheeler,

Wood Voting Nay: none Absent: none

Ordinance 011-011 was approved.

A motion to Approve was made by Councilmember Roger Mellow.  
The motion was seconded by Bruce Arfsten.

The motion result was: Passed

Voting Aye: Arfsten, Chow, Clemens, Lay, Mellow, Noble, Resnik

Voting Nay: None

Item #R7 - PUBLIC HEARING Case 1621-SUP/C-Store # 104. Public hearing, discussion and consideration of approval of an ordinance approving a change to an existing planned development zoning district, being Planned Development District 083-043 that zoned the property generally located at 16601 Addison Road, in order to allow the sale of beer and wine for off-premises consumption, and approving a Special Use Permit for the sale of beer and wine for off-premises consumption only for that said property, located in a Planned Development District located at 16601 Addison Road, on application from C-Store #104, represented by Mr. Bruce Assadi of Headline Construction. COMMISSION FINDINGS: The Addison Planning and Zoning Commission, meeting in regular session on January 27, 2011, voted to recommend approval of a Special Use Permit for the sale of beer and wine for off-premises consumption only, subject to the following conditions.-the existing landscaping on the site be renovated with the installation of new shrubs to replace those that are dead or missing prior to the issuance of a Certificate of Occupancy.-the irrigation system shall be updated to comply with the current irrigation regulations, which include the installation of an ET (evapo-transpiration) based controller and freeze and rain sensors, prior to the issuance of a Certificate of Occupancy. Voting Aye: Arfsten, DeFrancisco, Doherty, Hewitt, Oliver, Wheeler, Wood Voting Nay: none Absent: none

Ordinance 011-012 was approved subject to conditions.



A motion to Approve w/ Conditions was made by Councilmember Roger Mellow.

The motion was seconded by Councilmember Bianca Noble.

The motion result was: Passed

Voting Aye: Arfsten, Chow, Clemens, Lay, Mellow, Noble, Resnik

Voting Nay: None

Item #R8 - PUBLIC HEARING Case 1622-SUP/Addison Market.

Public hearing, discussion and consideration of approval of an ordinance approving a Special Use Permit for the sale of beer and wine for off-premises consumption only, for that property located in an Urban Center zoning district at 5049 Addison Circle, on application from Mr. Yasmeen Panjwani. COMMISSION FINDINGS: The Addison Planning and Zoning Commission, meeting in regular session on January 27, 2011, voted to recommend approval of a Special Use Permit for the sale of beer and wine for off-premises consumption only, subject to no conditions. Voting Aye: Arfsten, DeFrancisco, Doherty, Hewitt, Oliver, Wheeler, Wood Voting Nay: none Absent: none

Ordinance 011-013 was approved.

A motion to Approve was made by Bruce Arfsten.

The motion was seconded by Councilmember Neil Resnik.

The motion result was: Passed

Voting Aye: Arfsten, Chow, Clemens, Lay, Mellow, Noble, Resnik

Voting Nay: None

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Mayor-Joe Chow

Attest:

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City Secretary-Lea Dunn

## Council Agenda Item: #R 2b

**AGENDA CAPTION:**

Approval of a resolution approving an amendment to the Tri-Cities Police Consortium Law Enforcement Mutual Aid Interlocal Agreement to provide for the addition of the City of Coppell as a member.

**FINANCIAL IMPACT:**

None

**BACKGROUND:**

Resolution approves the addition of the City of Coppell, Texas, as a member of the Agreement.

**RECOMMENDATION:**

Recommend approval

**COUNCIL GOALS:**

Provide Superior Public Safety, Customer Service, Social and Health Services to the Community

**ATTACHMENTS:**

Description:

- [Resolution Amending Tri-Cities Police Consortium Agreement](#)
- [Tri Cities agreement amendment](#)

Type:

- Cover Memo
- Cover Memo

**TOWN OF ADDISON, TEXAS**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS APPROVING A FIRST AMENDMENT TO AN INTERLOCAL AGREEMENT BETWEEN THE TOWN, THE CITY OF CARROLLTON, TEXAS AND THE CITY OF FARMERS BRANCH, TEXAS REGARDING THE PROVISION OF LAW ENFORCEMENT AND RELATED SERVICES; AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAID FIRST AMENDMENT; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Addison, Texas (the "City"), the City of Carrollton, Texas ("Carrollton") and the City of Farmers Branch, Texas ("Farmers Branch") are neighboring municipalities and, pursuant to and in accordance with law (including, without limitation, the Interlocal Cooperation Act (Texas Government Code Section 791.001, et. seq.) and Sections 362.002 and 362.003 of the Texas Local Government Code), previously entered into an agreement regarding the provision of law enforcement and related services entitled "Tri-Cities Police Consortium Law Enforcement Mutual Aid Interlocal Agreement" (the "Agreement"), a true and correct copy of which is on file in the office of the City Secretary; and

**WHEREAS**, the City, Carrollton and Farmers Branch desire to amend the Agreement by adding the City of Coppell, Texas as a party thereto and by making certain other changes as set forth in that First Amendment to Tri-Cities Police Consortium Law Enforcement Mutual Aid Interlocal Agreement, a true and correct copy of which is attached hereto as Exhibit A and incorporated herein.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:**

Section 1. The above and foregoing recitals to this Resolution is true and correct and are incorporated into and made a part of this Resolution for all purposes.

Section 2. The City Council approves the First Amendment to Tri-Cities Police Consortium Law Enforcement Mutual Aid Interlocal Agreement attached hereto as Exhibit A. The City Manager is authorized to execute the said agreement on behalf of the City.

Section 3. This Resolution shall take effect upon its passage and approval.

**PASSED AND APPROVED** by the City Council of the Town of Addison, Texas this the \_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Mayor Joe Chow

ATTEST:

By: \_\_\_\_\_  
Lea Dunn, City Secretary

APPROVED AS TO FORM:

By: \_\_\_\_\_  
John Hill, City Attorney

**EXHIBIT A**

**FIRST AMENDMENT  
TO TRI-CITIES POLICE CONSORTIUM  
LAW ENFORCEMENT MUTUAL AID INTERLOCAL AGREEMENT**

This First Amendment to Tri-Cities Police Consortium Law Enforcement Mutual Aid Interlocal Agreement (“First Amendment”) is made this \_\_\_\_ day of \_\_\_\_\_, 2011 (“Effective Date”) by and between the City of Carrollton, Texas (“Carrollton”), the City of Farmers Branch, Texas (“Farmers Branch”), and the Town of Addison, Texas (“Addison”) (Carrollton, Farmers Branch, and Addison are sometimes referred to herein together as the “Cities” and individually as a “City”).

Recitals:

1. The Cities previously entered into that agreement entitled Tri-Cities Police Consortium Law Enforcement Mutual Aid Interlocal Agreement (the “Agreement”) regarding the formation of a law enforcement mutual aid consortium to allow the Cities to perform and provide certain governmental functions and services for one another as set forth herein, including assisting and cooperating with one another in connection with criminal investigations and law enforcement.

2. The Agreement describes the Cities as “Members” (and so called herein), and describes, among other things, a Member’s request for assistance, response to a request for assistance, and matters related thereto.

3. Section 23 of the Agreement provides that the Agreement may be amended by the mutual agreement of the Members in writing, and that, subject to certain conditions, the appendices to the Agreement may be amended by the mutual agreement of the Chief of Police (or the Chief’s designee) of a Member’s Police Department.

4. The Members desire to amend the Agreement by adding the City of Coppel, Texas (“Coppel”) as a Member to the Agreement.

**NOW, THEREFORE**, for and in consideration of the above and foregoing Recitals, the benefits flowing to each of the Cities, and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the City of Carrollton, Texas, the City of Farmers Branch, Texas, and the Town of Addison, Texas do hereby agree as follows:

Section 1. Amendment to Agreement. The Law Enforcement Mutual Aid Interlocal Agreement is amended as follows:

A. Addition of the City of Coppel, Texas as Member. Section 4, Definitions, of the Agreement is hereby amended by amending subsection A. so that it shall hereafter read as follows:

A. “Members” means Addison, Carrollton, Farmers Branch, and Coppel.

Accordingly, in accordance with the said amendment, the City of Coppel, Texas is added as a Member of and to the Agreement. Coppel shall, from and after the Effective Date, be subject to

all of the terms and conditions, comply with all of the duties, responsibilities and obligations, and be entitled to all of the rights, of and under the Agreement as a Member. Coppell's acceptance of the Agreement, as amended by this First Amendment, shall be evidenced by the adoption of a resolution of the City Council of Coppell approving the Agreement, as amended, and authorizing the City Manager of Coppell to execute this Amendment in the space provided below. In accordance with Section 22 of the Agreement, a copy of the said resolution of Coppell shall be attached to the Agreement and made a part thereof.

B. **Change of Reference to Tri-Cities Police Consortium.** The reference in the Agreement to the "Tri-Cities Police Consortium" is hereby changed to "Metrocrest Cities Police Consortium."

Section 2. **No Other Amendments.** Except for the amendment to the Agreement stated herein, all other terms, provisions and representations of the Agreement shall remain unchanged and in full force and effect.

Section 3. **First Amendment Void.** Notwithstanding any other provision of this First Amendment, in the event this First Amendment is not approved by resolution of the governing body and executed by the authorized representative of each of the Cities and of Coppell on or before April 15, 2011, this First Amendment shall be void and have no force or effect.

Section 4. **Attachment to Agreement.** In accordance with Section 23 of the Agreement, this First Amendment shall be attached to and is incorporated into the Agreement.

Section 5. **Counterparts.** This First Amendment may be executed in counterparts. Each of the counterparts shall be deemed an original instrument, but all of the counterparts shall constitute one and the same instrument.

Section 6. **No Third Party Beneficiaries.** This Amendment is solely for the benefit of the Cities and Coppell and is not intended to create or grant any rights, contractual or otherwise, to any third person or entity.

Section 7. **Incorporation of Recitals.** The above and foregoing Recitals to this First Amendment are true and correct and are incorporated into this First Amendment and made a part hereof for all purposes.

Section 8. **Authority to Execute.** The undersigned officers and/or agents of the Cities and of Coppell are the properly authorized officials and have the necessary authority to execute this First Amendment on behalf of each of them, and each of the Cities and Coppell hereby certify one to the other that any necessary resolutions or other act extending such authority have been duly passed and are now in full force and effect.

**EXECUTED** to be effective as of the Effective Date first written above.

**CITY OF CARROLLTON, TEXAS**

**CITY OF FARMERS BRANCH, TEXAS**

By: \_\_\_\_\_  
Leonard Martin, City Manager

By: \_\_\_\_\_  
Gary D. Greer, City Manager



**ATTEST:**

By: \_\_\_\_\_  
Ashley Mitchell, City Secretary

**ATTEST:**

By: \_\_\_\_\_  
Cindee Peters, City Secretary

**TOWN OF ADDISON, TEXAS**

By: \_\_\_\_\_  
Ron Whitehead, City Manager

**ATTEST:**

By: \_\_\_\_\_  
Lea Dunn, City Secretary

**ACCEPTED AND APPROVED:**

**CITY OF COPPELL, TEXAS**

By: \_\_\_\_\_  
Clay Phillips, City Manager

**ATTEST:**

By: \_\_\_\_\_  
Christel Pettinos, City Secretary

## Council Agenda Item: #R 2c

**AGENDA CAPTION:**

Approval of an ordinance ordering a general election to be held on May 14, 2011 for the purpose of electing one (1) Mayor for a two (2) year term and three (3) Councilmembers for two (2) year terms each. (Aprobación de una ordenanza que requiere una Elección Municipal General de uno (1) alcalde por dos (2) años y tres (3) miembros del Consejo por dos (2) años cada.).

**FINANCIAL IMPACT:**

Included in current budget.

**BACKGROUND:**

NA

**RECOMMENDATION:**

Recommend approval.

**COUNCIL GOALS:**

Conduct the Business of the Town in a Fiscally Responsible Manner

**ATTACHMENTS:**

Description:

[2011 Election ordinance](#)

Type:

Cover Memo

**TOWN OF ADDISON, TEXAS**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS ORDERING A GENERAL ELECTION TO BE HELD ON MAY 14, 2011, FOR THE PURPOSE OF ELECTING ONE (1) MAYOR FOR A TWO (2) YEAR TERM AND THREE (3) COUNCIL MEMBERS FOR TWO (2) YEAR TERMS EACH; DESIGNATING POLLING PLACES WITHIN THE TOWN; ESTABLISHING OTHER PROCEDURES FOR THE CONDUCT OF THE ELECTION, INCLUDING PROVIDING THAT THE ELECTION IS TO BE HELD AS A JOINT ELECTION IN CONJUNCTION WITH DALLAS COUNTY; ESTABLISHING A DATE FOR CANVASSING RETURNS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Section 41.001 of the Texas Election Code, as amended (the "Code"), specifies that the second Saturday in May shall be a uniform election date and that a general election may be held on such day; and

**WHEREAS**, the City Council of the Town of Addison, Texas (the "City") has determined that the City shall conduct its general municipal election, in conjunction with Dallas County, on the second Saturday in May, 2011; and

**WHEREAS**, Section 8.04 of the City Charter provides that in each odd-numbered year three (3) council members and a mayor shall be elected; and

**WHEREAS**, the City Council desires to and hereby calls a general election for the purpose of electing one (1) Mayor for a two (2) year term and three (3) council members for two (2) year terms each.

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

Section 1. Incorporation of Preamble. All of the above premises are true and correct and are incorporated into the body of this Ordinance as if copied herein in their entirety.

Section 2. Election Date; Purpose of Election; Officers and Terms of Office. A general election shall be held in and throughout the City on Saturday, May 11, 2011 for the purpose of electing the following officers:

One (1) Mayor for a two (2) year term, and three (3) Council Members for two (2) year terms each.

Section 3. Eligibility for Candidacy. In accordance with the City's Charter, no person shall be eligible for the office of Mayor or for the office of Council Member unless that person is a qualified voter of the City, shall have resided in the City for at least one year prior to the election, and shall never have been convicted of a felony offense involving moral turpitude.

Section 4. Application for a Place on the Ballot. In accordance with Section 143.007 of the Code, any eligible and qualified person may have that person's name printed upon the official ballot as a candidate for the offices hereinbefore set forth by filing the person's sworn application with the City Secretary not earlier than February 12, 2011 and not later than 5:00 p.m. on March 14, 2011. Each such application shall be on a form as prescribed by Section 141.031 of the Code. The order in which the names of the candidates are to be printed on the ballot shall be determined by a drawing of the City Secretary as provided by Section 52.094 of the Code. Notice of the time and place for such drawing shall be given in accordance with the Code.

Section 5. Runoff Election. If two or more candidates for a particular office tie for the number of votes required to be elected, there shall be a runoff election held in accordance with law.

Section 6. Election Precinct; Polling Place; Election Hours. The presently existing boundaries and territory of the Dallas County election precincts that are wholly or partly within the corporate limits of the City (there being four (4) such election precincts) shall constitute the election precincts for the election. The precinct numbers for the same shall be the corresponding Dallas County precinct numbers. The polling places for the general election shall be the Country Place Elementary School (2115 Raintree, Carrollton, Texas 75006) (for Precinct \_\_\_\_\_), Addison Fire Department building (4798 Airport Parkway, Addison, Texas 75001) (for Precinct \_\_\_\_\_), and Addison Fire Station II (3950 Beltway Drive, Addison, Texas 75001) (for Precinct \_\_\_\_\_) In accordance with and pursuant to the requirements of the Code, said polling places shall be open from 7:00 a.m. to 7:00 p.m. on the date of the election.

Section 7. Joint Election; Appointment of a Presiding Election Judge and Alternate Presiding Election Judge; Qualifications to Serve as Election Judge; Confirmation of Appointments; Notice of Appointments. The election shall be held as a joint election with Dallas County and other municipalities and school districts pursuant to that Joint Election Agreement for the conduct of a joint election to be held on May 9, 2009 (the "Joint Election Agreement", a copy of which is on file in the Office of the City Secretary), and the County shall be responsible for appointing all election judges and clerks, and shall be responsible for their compensation.

Section 8. Method of Voting. Pursuant to the Joint Election Agreement, Dallas County shall be responsible for a direct record and optical scan voting system. Dallas County shall be responsible for the preparation of the official ballots for the election, and they shall conform to the requirements of the Code, and in so doing shall permit the voter to vote for one (1) Mayor for a two year term, and for three (3) Council Members

for two (2) year terms each. No voter shall vote for more than one (1) Mayor for a two (2) year term or for more than three (3) Council Members for two (2) years terms each.

Section 9. Governing Law; Qualified Voters. The election shall be held in accordance with the Constitution of the State of Texas, the Code, and all resident, qualified voters of the City shall be eligible to vote at the election. In addition, the election materials enumerated in the Code shall be printed in both English and Spanish as required by law, including for use at the polling place and for early voting for the election.

Section 10. Publication and Posting of Notice. Notice of the election shall be given by posting a notice of election in both English and Spanish at Town Hall, 5300 Belt Line Road, Dallas, Texas 75254 on the bulletin board or other location used for posting notices of the meetings of the City Council not less than twenty-one (21) days prior to the date upon which the election is to be held, and by publication of said notice at least once in a newspaper published in the City or if none, then in a newspaper of general circulation within the City, the date of said publication to be not less than ten (10) days nor more than thirty (30) days prior to the date set for the election.

In addition thereto, a copy of the notice shall also be filed with the City Secretary at least twenty-one (21) days before the election. Upon publication of the election notice, the City Secretary shall secure a publisher's affidavit, which complies with the requirements of the Election Code.

Section 11. Early Voting. Early voting by personal appearance shall be conducted in accordance with Section 271.006 of the Texas Election Code. Antoinette "Toni" Pippins-Poole, Dallas County Elections Administrator ("Administrator"), is hereby appointed as the Early Voting Clerk. Early voting by personal appearance will be conducted beginning Monday, May 2, 2011 and continue through Tuesday, May 10, 2011, in accordance with the Joint Election Agreement and law. Any qualified voter for the Joint Election may also vote early by personal appearance at the main early voting location:

DALLAS COUNTY RECORDS BUILDING  
509 Main Street  
Dallas, TX 75202

; and at Addison Fire Station No. 1, 4798 Airport Parkway, Addison, Texas 75001; and at any of the branch locations set forth in the Joint Election Agreement (such locations being subject to change in accordance with law).

Dates and times of early voting by personal appearance are as follows (subject to change by the Administrator in accordance with law):

Monday, May 2, 2011 through Friday, May 6, 2011 8:00 a.m. to 5:00 p.m.

Saturday, May 7, 2011 8:00 a.m. to 5:00 p.m.

Sunday, May 8, 2011

1:00 p.m. to 6:00 p.m.

Monday, May 9, 2011 through Tuesday, May 10, 2011

7:00 a.m. to 7:00 p.m.

Applications for ballot for early voting by mail shall be requested from and mailed to the Dallas County Elections Department, 2377 N. Stemmons Fwy., Suite 820, Dallas, Texas 75207, and such applications must be received by a date and time in accordance with the Code. All requests for early voting ballots by mail that are received by participating authorities will be transported by runner on the day of receipt to the Dallas County Elections Department, 8<sup>th</sup> Floor, Health and Human Service Building, 2377 N. Stemmons Frwy, Dallas, Texas 75207 for processing. Persons voting by mail will send their voted ballots to the Dallas County Elections Department.

All early voting ballots will be prepared for counting by an Early Voting Ballot Board appointed in accordance with Section 87.001 of the Code. Addison hereby waives its right under the Joint Election Agreement to appoint a member to the Board, and will have Dallas County appoint a member for the Town. The participating authorities agree to appoint other deputy early voting judges/clerks.

A signature verification committee will be appointed in accordance with Section 87.027 of the Code. A list of the members of the signature verification committee will be furnished to each participating authority.

Section 12. Delivery of Returns; Preservation of Election Records. A general custodian of the voted ballots and all records of the joint Election as authorized by Section 271.010 of the Texas Election Code shall be appointed.

Access to the election records will be available to each participating authority as well as to the public in accordance with the Texas Public Information Act, Chapter 552, Government Code, at the Elections Department, 2377 N. Stemmons Freeway, Dallas, Texas, at any time during normal business hours. The Election Administrator shall ensure that the records are maintained in an orderly manner, so that records are clearly identifiable and retrievable per records storage container.

Records of the election will be retained and disposed of in accordance with the City's records retention schedules, and in accordance with the provisions of Title 6, Subtitle C, Chapters 201 through 205 Texas Local Government Code, including the minimum retention requirements established by the Texas State Library and Archives Commission.

Section 13. Canvassing of Returns. In accordance with the Code, the City Council of the City shall convene on Tuesday, May 24 2009, at 7:30 o'clock p.m. to canvass the returns of the election.

Section 14. Necessary Actions. The Mayor, City Manager and the City Secretary of the City, in consultation with the City Attorney, are hereby authorized and directed to

take any and all actions necessary to comply with the provisions of the Code in carrying out and conducting the election, whether or not expressly authorized herein.

Section 15. Effective Date. This Ordinance shall be in full force and effect from and after its passage.

**DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS**, the 22nd day of February, 2011.

\_\_\_\_\_  
Joe Chow, Mayor

**ATTEST:**

By: \_\_\_\_\_  
Lea Dunn, City Secretary

## Council Agenda Item: #R 2d

**AGENDA CAPTION:**

Approval of a joint election agreement and an election services contract in an amount not to exceed \$25,000 with Dallas County to conduct Addison's Municipal Election on May 14,2011.(Aprobación de una resolución para entrar en un acuerdo de elección conjunta por una cantidad a no excederse \$25,000 con el Condado de Dallas para llevar a cabo las elecciones municipales de Addison el 14 de Mayo de 2011.)

**FINANCIAL IMPACT:**

Included in current budget.

**BACKGROUND:**

NA

**RECOMMENDATION:**

Recommend approval.

**COUNCIL GOALS:**

Conduct the Business of the Town in a Fiscally Responsible Manner

**ATTACHMENTS:**

Description:

[Joint election agreement](#)

Type:

Cover Memo



JOINT ELECTION AGREEMENT  
AND  
ELECTION SERVICES CONTRACT  
BETWEEN  
THE DALLAS COUNTY ELECTIONS ADMINISTRATOR  
AND

TOWN OF ADDISON (TOA)  
CITY OF BALCH SPRINGS (COBS)  
CITY OF CARROLLTON (COC)  
CITY OF CEDAR HILL (COCdH)  
CITY OF COCKRELL HILL (COCKH)  
CITY OF COPPELL (COCp)  
CITY OF DALLAS (COD)  
CITY OF DESOTO (CODe)  
CITY OF DUNCANVILLE (CODu)  
CITY OF FARMERS BRANCH (COFB)  
CITY OF GARLAND (COG)  
CITY OF GRAND PRAIRIE (COGP)  
CITY OF HUTCHINS (COH)  
CITY OF IRVING (COI)  
CITY OF LANCASTER (COL)  
CITY OF MESQUITE (COM)  
CITY OF RICHARDSON (COR)  
CITY OF ROWLETT (CORW)  
CITY OF SACHSE (COS)  
CITY OF SEAGOVILLE (COSe)  
TOWN OF SUNNYVALE (TOS)  
CITY OF WILMER (COW)  
DALLAS COUNTY SCHOOL BOARD (DCSB)  
CARROLLTON-FARMERS BRANCH INDEPENDENT SCHOOL DISTRICT (CFBISD)  
CEDAR HILL INDEPENDENT SCHOOL DISTRICT (CHISD)  
COPPELL INDEPENDENT SCHOOL DISTRICT (CPISD)  
DALLAS INDEPENDENT SCHOOL DISTRICT (DISD)  
DESOTO INDEPENDENT SCHOOL DISTRICT (DeISD)  
DUNCANVILLE INDEPENDENT SCHOOL DISTRICT (DuISD)  
GARLAND INDEPENDENT SCHOOL DISTRICT (GISD)  
GRAND PRAIRIE INDEPENDENT SCHOOL DISTRICT (GPISD)  
HIGHLAND PARK ISD (HPISD)  
IRVING INDEPENDENT SCHOOL DISTRICT (IISD)  
LANCASTER INDEPENDENT SCHOOL DISTRICT (LISD)  
MESQUITE INDEPENDENT SCHOOL DISTRICT (MISD)  
RICHARDSON INDEPENDENT SCHOOL DISTRICT (RISD)  
SUNNYVALE INDEPENDENT SCHOOL DISTRICT (SUISD)

FOR THE CONDUCT OF A JOINT ELECTION  
TO BE HELD SATURDAY, MAY 14, 2011

TO BE ADMINISTERED BY THE DALLAS COUNTY ELECTIONS DEPARTMENT (DCED)

1. JURISDICTION AND PARTICIPATING POLITICAL SUBDIVISIONS

- 1.1 The Town of Addison (TOA) plans to hold a General Municipal Election May 14, 2011 for 3 City Council Members at-large and a Mayoral position in 4 Dallas County voting precincts. The City of Balch Springs (COBS) plans to hold a Special Charter Amendment Election and a General Municipal Election on May 14, 2011 for City Councilmember Places 3, 5, 7, and a Mayoral position in 12 Dallas County voting precincts. The City of Carrollton (COC) plans to hold a General Municipal Election for City Councilmember Places 2, 4, 6 and a Mayoral position in 12 Dallas County voting precincts and 17 Denton County voting precincts. The City of Cedar Hill (COCdH) plans to hold a General Municipal Election for City Councilmember Places 2 and 6 on May 14, 2011 in 11 Dallas County voting precincts and 1 Ellis County voting precinct. The City of Cockrell Hill (COCKH) plans to hold a General Municipal Election on May 14, 2011 for Alderman Places 3, 4, and 5 in 1 Dallas County voting precinct. The City of Coppel plans to

hold a General Municipal Election on May 14, 2011 for City Councilmember Places 1, 3, 5, and 7 in 11 Dallas County voting precincts and 1 Denton County voting precinct. The City of Dallas plans to hold a General Municipal Election on May 14, 2011 for City Councilmember Places 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14 and a Mayoral position in 398 Dallas County voting precincts, 9 Collin County voting precincts and 8 Denton County voting precincts. The City of DeSoto (CODE) plans to hold a General Municipal Election on May 14, 2011 for City Councilmember Places 2 and 4 in 21 Dallas County voting precincts. The City of Duncanville (CODu) plans to hold a General Municipal Election on May 14, 2011 for City Councilmember Districts 1, 3, 5 and a Councilmember position at-large in 14 Dallas County voting precincts. The City of Farmers Branch (COFB) plans to hold a Special Election for [?] Proposition [?], a Special Charter Amendment Election, and a General Municipal Election on May 14, 2011 for City Councilmember Place 2 and a Mayoral position in 13 Dallas County voting precincts. The City of Garland (COG) plans to hold a General Municipal Election for City Councilmember Districts 3, 6, 7, 8 and a Mayoral position in 64 Dallas County voting precincts and 2 Collin County voting precincts. The City of Grand Prairie (COGP) plans to hold a General Municipal Election on May 14, 2011 for City Councilmember Districts 1 and 3 and Place 7, at-large in 29 Dallas County voting precincts and 1 Ellis County voting precinct. The City of Hutchins (COH) plans to hold a General Municipal Election on May 14, 2011 for three (3) City Council Members at-large and a Mayoral position in 3 Dallas County voting precincts. The City of Irving (COI) plans to hold a General Municipal Election on May 14, 2011 for City Councilmember Places 3, 5, and a Mayoral Position in 53 Dallas County voting precincts. The City of Lancaster (COL) plans to hold a General Municipal Election on May 14, 2011 for City Councilmember Districts 2, 4, and 6 in 11 Dallas County voting precincts. The City of Mesquite (COM) plans to hold a General Municipal Election on May 14, 2011 for City Councilmember Places 1, 2, 6 and a Mayoral position in 36 Dallas County voting precincts and 2 Kaufman County voting precincts. The City of Richardson (COR) plans to hold a General Municipal Election on May 14, 2011 for City Councilmember Places 1, 2, 3, 4, 5, 6, and 7 in 23 Dallas County voting precincts, and 6 Collin County voting precincts. The City of Rowlett (CORW) plans to hold a General Municipal Election on May 14, 2011 for City Councilmember Places 1, 3, and 5 in 10 Dallas county voting precincts and 2 Rockwall County voting precincts. The City of Sachse (COS) plans to hold a General Election on May 14, 2011 for City Councilmember Places 3 and 4 in 5 Dallas County voting precincts and 3 Collin County voting precincts. The City of Seagoville (COSe) plans to hold a General Municipal Election on May 14, 2011 for City Councilmember Places 2, 4, and a Mayoral position in 3 Dallas County voting precincts and 1 Kaufman County voting precinct. The Town of Sunnyvale (TOS) plans to hold a General Election on May 14, 2011 for two (2) Council Members at-large and a Mayoral position in 1 Dallas County voting precinct. The City of Wilmer (COW) plans to hold a General Municipal Election on May 14, 2011 for three (3) City Council Members at-large in 1 Dallas County voting precinct.

- 1.2 The Dallas County School Board (DCSB) plans to hold on May 14, 2011 a Board of Trustee's Election for Board of Trustee Districts 1 and 4 in 694 Dallas County voting precincts located wholly or partially within the District and Dallas County.
- 1.3 The Carrollton Farmers Branch Independent School District (CFBISD) plans to hold a Board of Education Trustee Election on May 14, 2011 for Places 1 and 2 in 38 Dallas County voting precincts and 10 Denton County voting precincts located wholly or partially within the District. The Cedar Hill Independent School District (CHISD) plans to hold a Board of Education Trustee Election on May 14, 2011 for Places 3, 4, and 5 in 22 Dallas County voting precincts located wholly or partially within the District. The Coppell Independent School District (CpISD) plans to hold a Board of Education Trustee Election on May 14, 2011 for Places 4 and 5 in 22 Dallas County voting precincts located wholly or partially within the District. The Dallas Independent School District (DISD) plans to hold a Board of Trustee Election on May 14, 2011 for Places 2, 6, and 8 in 117 Dallas County voting precincts located wholly or partially within the District. The DeSoto Independent School District (DeISD) plans to hold a Board of Education Trustee Election on May 14, 2011 for Places 3, 4, and 5 for one year to complete the last term in 23 Dallas County voting precincts located wholly or partially within the District. The Duncanville Independent School District (DuISD) plans to hold a Board of Education Trustee Election on May 14, 2011 for Places 4 and 5 in 32 Dallas County voting precincts located wholly or partially within the District. The Garland Independent School District (GISD) plans to hold a Board of Education Trustee Election on May 14, 2011 for Places 4 and 5 in 67 Dallas County voting precincts located wholly or partially within the District. The Grand Prairie Independent School District (GPISD) plans to hold a Board of Education Trustee Election for Places 3 and 4 on May 14, 2011 in 41 Dallas County voting precincts located wholly within the District. The Highland Park Independent School District (HPISD) plans to hold a Board of Education Trustee Election on May 14, 2011 for Districts 6 and 7 in 18 Dallas County voting precincts located wholly or partially within the District. The Irving Independent School District (IISD) plans to hold a Board of Education Trustee Election on May 14, 2011 for Places 1 and 2 in 47 Dallas County voting precincts located wholly or partially within the District. The Lancaster Independent School District (LISD) plans to hold a Board of Education Trustee Election on May 14, 2011 for Districts 4, 5, and 7 in 11 Dallas County voting precincts located wholly or partially within the District. The Mesquite Independent School District (MISD) plans to hold a Board of Trustee Election on May 14, 2011 for Places 3, 4, and 5 in 47 Dallas County voting precincts located wholly or partially within the District. The Richardson Independent School District (RISD) plans to hold a Special Bond Election and a Board of Education Trustee Election on May 14, 2011 for Places 6 and 7 in 74 Dallas County voting precincts located wholly or partially within the District. The Sunnyvale Independent School District (SuISD) plans to hold a Special Bond Election and a Board of Education Trustee Election on May 14, 2011 for Places 1 and 2 in 1 Dallas County voting precinct located wholly or partially within

the District.

- 1.4 A list of each election precinct or partial election precinct (each precinct unit) involved in the Joint Election, together with the name of the participating political subdivision holding an election in that precinct unit, and the number of registered voters in that precinct unit, is shown in Attachment "E". DCED will forward an updated and amended version of Attachment "E" to each participating political subdivision showing registered voters as of the deadline for registering to vote in the elections listed in Section 1 of this Election Services Contract and Joint Election Agreement.

## 2. ADMINISTRATION AND STATUTORY AUTHORITY

- 2.1 Antoinette "Toni" Pippins-Poole (hereafter referred to as Toni Pippins-Poole) is the duly appointed County Elections Administrator of Dallas County, Texas and the Department Head of the Dallas County Elections Department (DCED). As such, Mrs. Pippins-Poole is the County Election Officer of Dallas County, Texas and is thereby authorized by Subchapter D of Chapter 31 of Title 3 of the Texas Election Code to enter into this joint election agreement and election services contract with the contracting authorities of the participating political subdivisions listed in Section 1 of this contract.

- 2.2 The contracting authorities of the political subdivisions listed in Section 1 of this joint election agreement and election services contract are hereby participating in the joint election to be held in Dallas County, Texas on May 14, 2011 pursuant to Chapter 271 of Title 16 of the Texas Election Code and are hereby contracting with the Elections Administrator of Dallas County, Texas to perform the election services set forth herein pursuant to Subchapter D of Chapter 31 of Title 3 of the Texas Election Code.

- 2.3 DCED agrees to coordinate, supervise and handle all aspects of administering the Joint Election in accordance with the provisions of the Texas Election Code and as outlined in this agreement. Each contracting authority of each participating political subdivision agrees to pay DCED for equipment, supplies, services and administrative costs as outlined in this agreement. DCED will serve as administrator for the election; however, each participating political subdivision remains responsible for the lawful conduct of their respective election.

## 3. LEGAL DOCUMENTS

- 3.1 Each participating political subdivision will be responsible for preparation, adoption and publication of all required election orders, resolutions, notices and any other pertinent documents required by their respective governing bodies.

- 3.2 DCED will be responsible for making the submission required by the Federal Voting Rights Act of 1965, as amended, with regard to administration of the Joint Election. A copy of the submission will be furnished to each participating political subdivision. Any other changes which require preclearance by the U.S. Department of Justice will be the responsibility of each participating political subdivision. Preparation of necessary bilingual materials for notices and preparation of the text for the official ballot will also be the responsibility of each participating political subdivision. Each



participating political subdivision will provide a copy of their respective election notices and justice submission to DCED.

4. DIRECT RECORD VOTING SYSTEM/OPTICAL SCAN

4.1 Each participating political subdivision agrees that voting at the Joint Election will be by use of a direct record and optical scan voting system approved by the Secretary of State in accordance with the Texas Election Code. DCED will be responsible for the preparation of programs and the testing of the direct record system and optical scan system used for tabulating the ballots. Testing of the direct record equipment will be conducted at the Elections Department, 2377 N. Stemmons Frwy, Suite 820, Dallas beginning Thursday, April 28, 2011 at 10:00 am and testing of the optical scan equipment will be conducted at the Election Equipment Warehouse, 1506 East Langdon Road, Hutchins beginning Thursday, May 12, 2011 at 10:00 am, and before ballots are tabulated at the scheduled polling locations listed in Section 13 of this contract and Attachment "B" by the presiding judges. DCED agrees to establish ten (10) regional sites and a central counting station to receive and tabulate the voted ballots and provisional ballots as outlined in Section 9 of this agreement.

4.2 DCED agrees to provide direct record tabulators, precinct tabulators, and voting booths for the Joint Election. The Gemini voting booth allocation will be based on providing one (1) Gemini for each 300 registered voters in each election precinct unit, not to exceed six (6) Gemini voting booths in any given precinct unit, one (1) Americans with Disabilities Act (ADA) Terminal per location, one (1) precinct tabulator in any given precinct unit, and not to exceed at any given time eight (8) iVotronics and two (2) Master PEB's per early voting location.

4.3 It is estimated that 1,274 geminis, 308 precinct tabulators, 252 iVotronics, 350 ADA Terminals, and 350 Master PEB's will be needed to conduct the May 14, 2011 Joint Election. The cost of the direct record voting system for the election will be determined by multiplying the total number of iVotronics by \$250.00 each, ADA Terminals by \$300.00 each, and Master PEB's at no cost each. The cost for the use of the gemini voting booths will be \$35.00 each. The cost for the use of the precinct tabulators will be \$468.00 each (See Attachment "A"). It is agreed by all of the participating political subdivisions that ADA voting terminals will be used during the Joint Election in accordance with the Help America Vote Act of 2002 (HAVA), and that the said terminals will be part of the Joint Election Agreement.

5. VOTING LOCATIONS

5.1 DCED will select and arrange for the use of and payment for all voting locations, subject to the approval of each participating political subdivision. Voting locations will be, whenever possible, the usual voting locations for the precincts. Voting precincts may be combined by mutual agreement between the participating authorities. The proposed voting locations are listed in Attachment "B" of this agreement. In the event a voting location is not available, DCED will arrange for use of an alternate location with the approval of each participating political subdivision affected by the change. DCED will be responsible for submitting any polling location changes to the Department of Justice for pre-clearance. DCED will notify each

participating political subdivision of any changes from the locations listed in Attachment "B".

5.2 DCED will send each participating political subdivision a final version of Attachment "B", as amended which reflects the actual locations to be used on the day of the election.

6. ELECTION JUDGES, CLERKS AND OTHER ELECTION PERSONNEL

6.1 DCED will be responsible for the appointment of the presiding judge and alternate for each polling location subject to the approval of each participating political subdivision. DCED shall arrange for the training and compensation of all presiding judges and clerks. The proposed election judges are listed in Attachment "C" of this agreement. If a person is unable or unwilling to serve, DCED will name a judge for the precinct and notify each participating political subdivision affected by the change.

6.2 In compliance with the Federal Voting Rights Act of 1965, as amended, precincts containing more than 5% Hispanic population, according to the 2000 census statistics, are required to have interpreter assistance. If a presiding judge of such a precinct is not bilingual and is unable to hire a bilingual clerk, DCED may recommend an individual to provide interpreter assistance. If DCED is unable to recommend an individual to provide interpreter assistance for such a precinct, DCED shall notify the participating political subdivision which shall then be responsible for recommending an individual to provide interpreter assistance for such a precinct. In the event that a bilingual clerk is hired by DCED for a precinct required to have interpreter assistance, the bilingual clerk shall be paid according to a rate set by DCED. DCED shall then charge that expense to the funds deposited with the Dallas County Treasurer for the conduct of the elections listed in Section 1 of this joint election agreement and election services contract. A participating political subdivision may pay a greater amount of money to a bilingual clerk than the rate set by DCED, however that expense shall be borne by that participating political subdivision individually and that expense shall not be charged to the funds deposited with the Dallas County Treasurer for the conduct of the elections listed in Section 1 of this agreement.

6.3 DCED is responsible for notifying all election judges of the eligibility requirements of Subchapter C of Chapter 32 of Title 3 the Texas Election Code and Section 271.005 of Chapter 271 of Title 16 of the Texas Election Code, and will take the necessary steps to insure that all election judges appointed for the Joint Election are eligible and qualified to serve. The presiding judge, with assistance from DCED, will be responsible for insuring the eligibility of each appointed clerk including an interpreter hired to assist the judge in the conduct of the election.

6.4 If a participating political subdivision recommends a person not listed in Attachment "C", and that recommendation conflicts with the recommendation from any of the other entities involved in the election in that precinct, DCED will conduct a drawing by lot from the recommendations to determine the election judge. Once a person has been notified of his/her selection as election judge, no changes may be made by any of the participating authorities.

- 6.5 DCED will send each of the joint participating political subdivisions an updated version of Attachment "C" which reflects the names of judges who were sent the letter requesting service for this election. A final version for Attachment "C" which reflects the name of the judges who actually presided on the day of the election will be sent to each participating political subdivision.
- 6.6 DCED will hold two (2) public schools of instruction on the use of optical scan card voting equipment, ADA terminals and election laws on Saturday, May 7, 2011 from 10am - 12pm, and Thursday, May 12, 2011, from 7pm -9pm in the Central Jury Room, Frank Crowley Courthouse, 133 N. Industrial Blvd, Dallas, Texas 75207. No election judge will be appointed unless he/she has attended an election judge training session taught by DCED in the past eighteen (18) months and on the optical scan and direct record systems. However, participating entities have requested that judges appointed for the Joint Election should attend one of the two scheduled training sessions.
- 6.7 The election judges are responsible for picking up election supplies at the time and place determined by DCED (which will be set forth in the election judge letter requesting service for this election). Each election judge will receive \$9.00 per hour and each clerk will receive \$8.00 per hour (for a maximum of 14 hours). The election judge will receive an additional \$25.00 for picking up the election supplies prior to Election Day and for delivering election returns and supplies to their designated regional drop off site.
- 6.8 DCED will employ other personnel necessary for the proper administration of the election, including such part-time help as is necessary to prepare for the election, to ensure the timely delivery of supplies and equipment assistance during the period of early voting and on election day, and for the efficient tabulation of ballots at the central counting station and regional sites. Part-time personnel will be paid an amount agreed to by the participating authorities as outlined in Attachment "A". Part-time personnel working in support of the central counting station and regional sites on election night will receive pay for at least four hours, minimum call for service, regardless of the actual hours worked. (Attachment F)

## 7. SUPPLIES AND PRINTING

- 7.1 DCED will arrange for all election supplies and election printing, including, but not limited to, all forms, signs and other materials used by the election judges at the voting locations.
- 7.2 DCED will provide maps, if necessary, instructions and other information needed to enable the election judges to conduct a proper election.
- 7.3 Each participating political subdivision shall furnish to DCED a list of candidates and/or propositions showing the order and the exact manner in which their candidate names and/or proposition(s) in both English and Spanish as they are to appear on the official ballot. The list will be delivered to DCED as soon as possible after ballot positions have been determined by each of the participating authorities. Each participating political subdivision will be

responsible for proofreading and approving the ballot in so far as it pertains to that authority's candidates and/or propositions.

8. OPTICAL SCAN CARD BALLOTS

8.1 The ballot allocation for this election is based on providing enough ballots in every reporting precinct to handle the same turnout as in comparable elections plus thirty-five percent 35% of that number, for an original allocation of no less than 25% of the registered voters.

8.2 Ballot allocation for the Local Option Election will be done in accordance with Chapter 501.104 of the Texas Election Code.

8.3 Approximately 5,000 additional ballots will be available for Early Voting by Mail and for use on Election Day to respond to any precinct requesting additional ballots.

9. RETURNS OF ELECTIONS

9.1 DCED will be responsible for establishing and operating the central counting station to receive and tabulate the voted ballots in accordance with the provisions of the Texas Election Code and of this agreement.

9.2 The participating authorities hereby, in accordance with Section 127.002, 127.003 and 127.005 of the Texas Election Code, appoint the following central counting station officials:

Manager - Toni Pippins-Poole  
Dallas County  
Elections Administrator

Tabulating Supervisor - [?]  
Central Counting Station

Presiding Judge - \_\_\_\_\_, COD  
Joint Election Rep.

9.3 The manager or her representative will deliver timely cumulative reports of the election results as precincts are tabulated. The manager will be responsible for releasing cumulative totals and precinct returns from the election to the joint participating political subdivisions, candidates, press, and general public by distribution of hard copies or electronic transmittals (where accessible). DCED will operate an election result center to release election results in the Health and Human Services Building, 2377 N. Stemmons Frwy, Suite 820, Dallas, Texas. Any participating political subdivision, upon request, may require release of returns be given only at a specified location other than from the result center. Any participating entity that would like the DCED web-site linked to their web-site, must provide their web-site address to the Central Counting Station Manager.

9.4 DCED will prepare the unofficial canvass report after all precincts have been counted, and will deliver a copy of the unofficial canvass to each participating political subdivision as soon as possible after all returns, provisional ballots, and late overseas ballots have been tabulated, but in no event no later than 10:00 A.M. Friday, May 20, 2011. All participating authorities will be responsible for the



official canvass of their respective elections.

9.5 DCED will be responsible for conducting the post election manual recount, unless a waiver is given from the Secretary of State in accordance with Section 127.201 of the Texas Election Code. Notification and copies of the recount, if waiver is denied, will be provided to each participating political subdivision and the Secretary of State's Office. Each political subdivision must notify DCED if such a waiver has been granted or denied twenty (20) days before the election.

#### 10. ELECTION EXPENSES

10.1 The participating authorities agree to share the costs of administering the May 14, 2011 Joint Election. A general supervisory fee not to exceed 10% of the total cost of the election shall be assessed as authorized by the Texas Election Code, Sec. 31.100. Allocation of costs, unless specifically stated otherwise, is mutually agreed to be shared according to a formula which is based on average cost per polling place (unit cost) as determined by adding together the overall expenses and dividing expenses equally among the total number of polling places. Any participating political subdivisions requesting a combination of polling places which exceeds the average cost (Unit Cost), shall be billed directly for any excess expenditures (supplies, equipment, personnel, etc.). **The cost of any special request from a participating political subdivision, which is not agreed upon by all participating political subdivisions, shall be borne by the participating political subdivision making the special request.** Each participating political subdivision agrees that no participating political subdivision shall be billed less than the minimum of one full unit cost. Each stand alone precinct shall be billed to the requesting entity at no less than twenty-five percent of the cost of a full unit (twenty-five percent of \$5,033.01 being \$ 1,258.25 only if being combined with an established polling place. A stand alone precinct is created when two or more entities are located within a precinct and the participating entities are unable to agree upon a common polling place. See Attachment "A".

10.2 The expenses for early voting by mail and personal appearance will be paid equally by each participating political subdivision, unless otherwise agreed by the participating authorities and the Dallas County Elections Department.

10.3 Final election expenses will be determined within 120 days after the election. DCED will provide each participating political subdivision with a final accounting in writing of all funds deposited into the Joint Election account and an accounting of all payments from the Joint Election account.

10.4 If additional funds are needed, DCED will bill each participating political subdivision in accordance with the expense formula enumerated herein. Any amount remaining will be refunded accordingly to each participating political subdivision.

11. DEPOSIT OF FUNDS

11.1 Each participating political subdivision agrees to deposit with the Dallas County Treasurer's Office, by no later than Friday, March 18, 2011 a sum equal to 50% of the total estimated cost of election expenses to be paid to Dallas County as administrator of the Joint Election, and the remaining 50% is due by April 8, 2011; however, any participating entity may pay the total sum on or before April 8, 2011. Entities being billed for a minimum full unit cost are required to deposit the total sum due no later than Friday, March 18, 2011. Such funds will be placed in a joint election account to be used by the County for paying expenses as outlined in this agreement. No funds will be expended by Dallas County except for supplies and services outlined in this agreement, or except as may be agreed to, in writing, by each participating political subdivision. No adjustments will be made to deposits for partial withdrawals after contract has been signed by all participating authorities.

11.2 The amounts to be deposited are as follows (calculated on the basis of a cost of \$5,033.01 (per polling place):

	<u>March 18</u>	<u>April 8</u>
TOA	\$	
COBS	\$	
COC	\$	
COCH	\$	
COCKH	\$	
COCp	\$	
COD	\$	
CODe	\$	
CODu	\$	
COFB	\$	
COG	\$	
COGP	\$	
COH	\$	
COI	\$	
COL	\$	
COM	\$	
COR	\$	
CORw	\$	
COS	\$	
COSe	\$	
TOS	\$	
COW	\$	
DCSB	\$	
CFBISD	\$	
CHISD	\$	
CPISD	\$	
DeISD	\$	
DISD	\$	
DUISD	\$	
GISD	\$	
GPISD	\$	

HPISD	\$	
IISD	\$	
		<u>March 18</u>
LISD	\$	<u>April 8</u>
MISD	\$	
RISD	\$	
SuISD	\$	
Total deposit	\$	

Deposits should be delivered within the mandatory time frame to:

Joe Wells  
Dallas County Treasurer  
303 Records Building  
509 Main Street  
Dallas, Texas 75202

12. RECORDS OF THE ELECTION

12.1 Toni Pippins-Poole, County Elections Administrator, is hereby appointed general custodian of the voted ballots and all records of the Joint Election as authorized by Section 271.010 of the Texas Election Code.

12.2 Access to the election records will be available to each participating political subdivision as well as to the public in accordance with the Texas Public Information Act, Chapter 552, Government Code, at the Elections Department, 2377 N. Stemmons Frwy, Suite 820, Dallas, Texas, at any time during normal business hours. DCED shall ensure that the records are maintained in an orderly manner, so that records are clearly identifiable and retrievable per records storage container. However, access to election records that contain confidential information that must be redacted pursuant to federal or state law may be provided at the offices of the Civil Division of the Criminal District Attorney's Office of Dallas County, Texas at 411 Elm Street, 5<sup>th</sup> Floor, Dallas, Texas.

12.3 Pursuant to Section 66.058 of the Texas Election Code, DCED will retain the election records for 60 days after the date of the election. 60 days after the date of the election, DCED will make arrangements to deliver the Joint Election records to Dallas County Record Storage. The Joint Election records will then become the responsibility of Dallas County Record Storage for the remainder of the 22 month preservation period. Dallas County Record Storage will be responsible for the destruction of the Joint Election records after the preservation period.

13. EARLY VOTING

13.1 Toni Pippins-Poole, County Elections Administrator, is appointed the early voting clerk for all of the participating political subdivisions in compliance with Sections 271.006 of the Texas Election Code. Other deputy early voting judges/clerks will be appointed, subject to the approval of the contracting authorities of the participating political subdivisions, as needed to process early voting mail and to conduct

early voting at the main location and branch locations. If a participating political subdivision recommends a person not listed in Attachment "D", and that recommendation conflicts with the recommendation from any of the other entities involved in the election in that precinct, DCED will conduct a drawing by lot from the recommendations to determine the deputy early voting judge/clerk. Once a person has been notified of his/her selection as deputy early voting judge/clerk, no changes may be made by any of the participating authorities. The recommended deputy early voting judges/clerks for the main and branch early voting locations are listed in Attachment "D".

- 13.2 Early voting by personal appearance will be conducted at the main and branch locations on weekdays beginning Monday, May 2, 2011 and continuing through Friday, May 6, 2011 between 8:00 A.M. and 5:00 P.M.; Saturday, May 7, 2011 between 8:00 A.M. and 5:00 P.M.; Sunday, May 8, 2011, between 1:00 P.M. and 6:00 P.M.; Monday, May 9, 2011 and continuing through Tuesday, May 10, 2011 between 7:00 A.M. and 7:00 P.M.

Any qualified voter for the Joint Election may vote early by personal appearance at either the main early voting location, branch locations, or temporary branch locations.

**MAIN EARLY VOTING POLLING PLACE:**

DALLAS COUNTY RECORDS BUILDING  
509 Main Street  
Dallas 75202

**BRANCH EARLY VOTING POLLING PLACES:**

ADDISON FIRE STATION  
4798 AIRPORT PKWY  
ADDISON, TEXAS 75240

BALCH SPRINGS CITY HALL  
3117 HICKORY TREE RD  
BALCH SPRINGS, TEXAS 75180

CARROLLTON-FARMERS BRANCH ISD Admin. Bldg.  
1445 N. PERRY  
CARROLLTON, TEXAS 75006

COCKRELL HILL CITY HALL  
4125 W. CLARENDON  
DALLAS, TEXAS 75211

DALLAS COUNTY WCID #6  
13503 ALEXANDER RD.  
BALCH SPRINGS, TEXAS 75181

DESOTO TOWN CENTER LIBRARY  
211 E PLEASANT RUN RD  
DESOTO, TEXAS 75115

FARMERS BRANCH CITY HALL  
13000 WILLIAM DODSON  
FARMERS BRANCH, TEXAS 75234

GISD STUDENT SERVICE CENTER  
720 STADIUM DR  
GARLAND, TEXAS 75040

GLENN HEIGHTS CITY HALL  
1938 S. HAMPTON RD  
GLENN HEIGHTS, TEXAS 75154

HUTCHINS CITY HALL  
321 N. MAIN ST.  
HUTCHINS, TEXAS 75141

AUDELIA ROAD LIBRARY  
10045 AUDELIA ROAD  
DALLAS, TEXAS 75238

CROSSWINDS HIGH SCHOOL  
1100 N CARRIER PKWY  
GRAND PRAIRIE, TEXAS 75050

CEDAR HILL GOVT. CENTER  
285 UPTOWN BLVD  
CEDAR HILL, TEXAS 75104

COPELL TOWN CENTER  
255 W. PARKWAY BLVD.  
COPELL, TEXAS 75019

DALLAS ISD ADMINISTRATION BLDG  
3700 ROSS AVE.  
DALLAS, TEXAS 75204

DUNCANVILLE LIBRARY  
201 JAMES COLLINS  
DUNCANVILLE, TEXAS 75137

GARLAND CITY HALL  
200 N. FIFTH ST.  
GARLAND, TEXAS 75040

GARNER ELEMENTARY  
145 POLO ROAD  
GRAND PRAIRIE, TEXAS 75052

HARRY STONE RECREATION CENTER  
2403 MILLMAR DR.  
DALLAS, TEXAS 75228

IRVING ARTS CENTER  
3333 N. MACARTHUR BLVD.  
IRVING, TEXAS 75062

IRVING CITY HALL  
825 W. IRVING BLVD.  
IRVING, TEXAS 75060

JOSEY RANCH LIBRARY  
1700 KELLER SPRINGS  
CARROLLTON, TEXAS 75006

**BRANCH EARLY VOTING POLLING PLACES CONTINUED:**

LAKESIDE ACTIVITY CENTER  
101 HOLLEY PARK DRIVE  
MESQUITE, TEXAS 75149

MARSH LANE BAPTIST CHURCH  
10716 MARSH LANE  
DALLAS, TEXAS 75229

OUR REDEEMER LUTHERAN CHURCH  
7611 PARK LANE  
DALLAS, TEXAS 75225

RICHARDSON CIVIC CENTER  
411 W ARAPAHO  
RICHARDSON, TEXAS 75080

SACHSE CITY HALL  
5560 HWY 78  
SACHSE, TEXAS 75048

SUNNYVALE TOWN HALL  
127 N COLLINS RD  
SUNNYVALE, TEXAS 75182

VETERANS MEDICAL CENTER (MAIN LOBBY)  
4500 S LANCASTER  
DALLAS, TEXAS 75216

WILMER COMMUNITY CENTER  
101 DAVIDSON PLAZA  
WILMER, TEXAS 75172

LANCASTER LIBRARY  
1600 VETERANS MEMORIAL PKWY  
LANCASTER, TEXAS 75134

OAK CLIFF SUBCOURTHOUSE  
410 S. BECKLEY AVE.  
DALLAS, TEXAS 75203

PLEASANT OAKS REC CENTER  
8701 GREENMOUND  
DALLAS, TEXAS 75227

ROWLETT LIBRARY  
3900 MAIN STREET  
ROWLETT, TEXAS 75088

SEAGOVILLE CITY HALL  
702 N HWY 175  
SEAGOVILLE, TEXAS 75159

VALLEY RANCH LIBRARY  
401 CIMMARON TRAIL  
IRVING, TEXAS 75063

WEST DALLAS MULTIPURPOSE CENTER  
2828 FISHTRAP  
DALLAS, TEXAS 75212

13.3 All requests for early voting ballots by mail that are received by participating authorities will be transported by runner on the day of receipt to the Dallas County Elections Department, 8th Floor, Health and Human Service Building, 2377 N. Stemmons Frwy, Dallas, Texas 75207 for processing. Persons voting by mail will send their voted ballots to the Dallas County Elections Department.

13.4 All early voting ballots will be prepared for counting by an Early Voting Ballot Board appointed in accordance with Subchapter A of Chapter 87 of the Texas Election Code. Each participating political subdivision will appoint one member to the board/committee and will notify DCED of the person's name, telephone number and address no later than March 25, 2011. The participating political subdivisions agree to appoint TBD as presiding judge and TBD as alternate judge of the early voting ballot board.

13.5 A signature verification committee will be appointed in accordance with Section 87.027 of the Texas Election Code. A list of the members of the signature verification committee will be furnished to each participating political subdivision.

14. ELECTION REPORTS

14.1 DCED will be responsible for ensuring the delivery of the reports titled Early Voting Daily Vote Totals and Daily Early Voter Listing (Alphabetical by precinct) to each participating political subdivision each day of Early Voting for the previous day's voting activity. On the day after the conclusion of Early Voting, a Daily Early Voter Listing by precinct report inclusive of all days of Early Voting is to be delivered to each participating political subdivision. When



possible, the Early Voters' reports will be delivered by electronic means via e-mail, facsimile, or website.

15. RUNOFF ELECTION

15.1 In the event a runoff is necessary, the agreement will automatically be extended to cover the runoff, unless a participating political subdivision states in writing before Monday, May 16, 2011 that it does not wish to participate in a joint runoff. DCED will provide each participating political subdivision in the Joint Runoff Election with an estimate of funds to be deposited in a special joint runoff election account. The funds must be deposited no later than five (5) days after the runoff estimate figures are received from DCED.

16. CONTRACT WITHDRAWAL

16.1 Any contracting authority of any participating political subdivision that certifies their election in accordance with Section 2.051, 2.052 and 2.053 of the Texas Election Code, may withdraw from the Joint Election contract. Any expenditure incurred prior to withdrawal shall be billed separately and that participating political subdivision shall be removed from the contract. An addendum to the contract shall be provided to the remaining participating political subdivisions no later than five (5) days after notification of all intents to withdraw have been received in writing by DCED.

17. NOTICE

17.1 Whenever this agreement requires any consent, approval notice, request or demand, it must be in writing to be effective and shall be delivered to the party intended to receive it as shown below:

Address for notice to DCED:

Toni Pippins-Poole  
Dallas County Elections Administrator  
Elections Department - Eighth Floor  
Health and Human Service Building - 2377 N. Stemmons Frwy  
Dallas, Texas 75207  
(214)819-6300

Addresses for notice to the participating political subdivisions:

**Lea Dunn, (TOA)**  
Town Secretary  
5300 Beltline Road  
Addison, Texas 75240  
(972) 450-7017

**Cindy Gross, (COBS)**  
City Secretary  
3117 Hickory Tree Rd.  
Balch Springs, Texas 75180  
(972)557-6066

**Ashley Mitchell, (COC)**  
City Secretary  
1945 N. Jackson St.  
Carrollton, Texas 75006  
(972) 466-3021

**Lyn Hill, (COCdH)**  
City Secretary  
285 Uptown Blvd. Bldg. 100 4th  
Cedar Hill, Texas 75104  
(972) 291-5100 ext. 1018

**Brett Haney, (COckH)**  
Chief Operating Officer  
4125 W. Clarendon Dr.  
Dallas, Texas 75211  
(214) 330-6333

**Christel Pettinos, (COCp)**  
City Secretary  
255 Parkway Blvd  
Coppell, Texas 75019  
(972) 304-3670

**Deborah Watkins, (COD)**  
City Secretary  
1500 Marilla St., 5 DS  
Dallas, Texas 75202  
(214) 670-5657

**Laura Hallmark, (CODE)**  
City Secretary  
211 E. Pleasant Run Rd, Ste A  
DeSoto, Texas 75115  
(972) 230-9664

**Dara Crabtree, (CODU)**  
City Secretary  
203 E. Wheatland Road  
Duncanville, Texas 75116  
(972) 780-5017

**Cindee Peters, (COFB)**  
City Secretary  
13000 William Dodson Pkwy

**Mary Kayser, (COG)**  
City Secretary  
200 N. Fifth St.

**Cathy DiMaggio (COGP)**  
City Secretary  
317 W. College

Farmers Branch, Texas 75234  
(972) 919-2503  
**Janis Daniels, (COH)**  
City Secretary  
321 N. Main Street  
Hutchins, Texas 75141  
(972) 225-6121

**Sonja Land, (COM)**  
City Secretary  
1515 N. Galloway  
Mesquite, Texas 75149  
(972) 216-6401

**Terry Smith, (COS)**  
City Secretary  
5560 Hwy 78  
Sachse, Texas 75048  
(972) 495-1212 ext. 23

**Alice Holloway, (COW)**  
City Secretary  
128 N. Dallas Ave  
Wilmer, Texas 75172  
(972) 441-6373

**Kim Lewis, (CHISD)**  
Chief Operating Officer  
285 Uptown Blvd. Bldg. 300  
Cedar Hill, Texas 75104  
(972) 291-1581 ext. 4023

**Ron Cagle, (DeISD)**  
Assistant Superintendent  
For Community Engagements  
200 E. Beltline Road  
DeSoto, Texas 75115  
(972) 223-6666 ext.214

**Mike, Wallace, (GPISD)**  
Director of Purchasing  
2602 S. Beltline Rd  
Grand Prairie, Texas 75052  
(972) 237-5592

**Fran Allen, (LISD)**  
Asst. to Superintendent  
422 S. Centre Ave  
Lancaster, Texas 75146  
(972) 218-1400

**Doug Williams, (SISD)**  
Supt. of Schools  
417 E. Tripp Rd  
Sunnyvale, Texas 75182  
(972) 226-5974

Garland, Texas 75040  
(972) 205-2404  
**Shanae Jennings, (COI)**  
Acting City Secretary  
825 W. Irving Blvd  
Irving, Texas 75060  
(972) 721-2605

**Pamela Schmidt, (COR)**  
City Secretary  
411 Arapaho  
Richardson, Texas 75080  
(972) 744-4290

**Sheila Martin, (COSe)**  
City Secretary  
702 N. Hwy 175  
Seagoville, Texas 75159  
(972) 287-2050 ext. 123

**Olga Esparza, (DCSB)**  
Secretary to Superintendent  
612 N. Zang  
Dallas, Texas 75208  
(214) 944-4525

**Kay Ryon, (CpISD)**  
Secretary to Superintendent  
200 S. Denton Tap Road  
Coppell, Texas 75019  
(214) 496-8002

**Jennifer Wilson, (DUISD)**  
Chief Financial Officer  
802 S. Main  
Duncanville, Texas 75137  
(972) 708-2029

**Nora Gonzales, (IISD)**  
Secretary to Special Asst.  
to Superintendent  
2621 West Airport Frwy  
Irving, Texas 75062-6020  
(972) 600-5005

**Michael Coffey, (MISD)**  
Assistant Superintendent  
Administrative Services  
405 East Davis  
Mesquite, Texas 75149  
(972) 882-7313

Grand Prairie, Texas 75050  
(972) 237-8039  
**Dolle Downe, (COL)**  
City Secretary  
211 N. Henry St.  
Lancaster, Texas 75134  
(972) 721-2605

**Susie Quinn, (CORw)**  
City Secretary  
4000 Main Street  
Rowlett, Texas 75088  
(972) 412-6109

**Kathryn Dewey, (TOS)**  
City Secretary  
127 Collins Road  
Sunnyvale, Texas 75182  
(972) 226-7177

**Mark Hyatt, (CFBISD)**  
Asst. Supt. of Support Svcs  
1445 N. Perry Rd  
Carrollton, Texas 75006  
(972) 968-6104

**Deno Harris, (DISD)**  
Director of Board Services  
3700 Ross Ave., Box 1  
Dallas, Texas 75204  
(972) 925-3720

**Dr. Rene Barajas, (GISD)**  
Assistant Superintendent  
for Business Operations  
501 S. Jupiter  
Garland, Texas 75042  
(972) 487-3101

**Patricia Gonzales, (HPISD)**  
Admin. Asst./Elections  
Coordinator  
7015 Westchester Drive  
Dallas, Texas 75205  
(214) 780-3016

**Judy Whitenton, (RISD)**  
Exec Asst. to Asst. Supt  
Of Finance  
400 S. Greenville Ave.  
Richardson, Texas 75080  
(469) 593-0331

18. LIABILITY FOR NEGLIGENCE.

All parties agree to be responsible, in accordance with applicable state or federal law, each for their own negligent acts or omissions, or other tortious conduct in the course of performance of this Contract without waiving any sovereign immunity, governmental immunity, statutory immunity, or other defenses available to the parties under federal or State law.

**NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED TO CREATE OR GRANT ANY RIGHTS, CONTRACTUAL OR OTHERWISE, IN OR TO ANY THIRD PERSONS OR ENTITIES.**

All parties agree that any such liability or damages occurring during the performance of this Contract caused by the joint or comparative negligence of the parties, or their employees, agents or officers shall be determined in accordance with comparative responsibility laws of Texas, but only to the extent such laws are applicable to the party.

19. VENUE

Venue for any cause of action, injunction, or petition for extraordinary relief arising out of the performance of this contract shall lie exclusively in Dallas County, Texas.

20. SEVERABILITY

If any provision of this joint election contract and election services agreement is construed to be illegal or invalid, this will not affect the legality or validity of any of the other provisions. The illegal or invalid provision will be deemed stricken and deleted, but all other provisions shall continue and be given effect as if the illegal or invalid provisions had never been incorporated.

21. ENTIRE CONTRACT

This joint election contract and election services agreement, including all Exhibits and attachments, constitutes the entire Contract between the parties and supersedes any other Contract concerning the subject matter of this transaction, whether oral or written.

22. ORDER OF PRECEDENCE

In the event of any inconsistency between the provisions of this joint election contract and election services agreement and any incorporated documents as described herein, all parties agree that the provisions of this Contract shall take precedence.



23. SIGNATORY WARRANTY

The County Elections Administrator of Dallas County, Texas and all of the contracting authorities of all of the participating political subdivisions listed in Section 1 of this joint election contract and election services agreement represent that each has the full right, power and authority to enter and perform this Contract in accordance with all of the terms and conditions, and that the execution and delivery of this Contract has been made by authorized representatives of the parties to validly and legally bind the parties to all terms, performances and provisions set forth in this Contract.

24. COUNTERPARTS.

This joint election contract and election services agreement may be executed in any number of counterparts with the same effect as if all signatory parties had signed the same document. All counterparts will be construed together and will constitute one and the same instrument.

APPROVED AS TO FORM\*

\_\_\_\_\_  
TONI PIPPINS-POOLE  
COUNTY ELECTIONS ADMINISTRATOR  
DALLAS COUNTY, TEXAS

\_\_\_\_\_  
BEN STOOL  
ASSISTANT CRIMINAL  
DISTRICT ATTORNEY  
CIVIL DIVISION  
DALLAS COUNTY, TEXAS

\*By law, the Criminal District Attorneys Office may only advise or approve contracts or legal documents on behalf of its clients. It may not advise or approve a contract or legal document on behalf of other parties. Our review of this document was conducted solely from the legal perspective of our client. Our approval of this document was offered solely for the benefit of our client. Other parties should not rely on this approval, and should seek review and approval by their own respective attorney(s).

ACCEPTED AND AGREED TO BY THE TOWN OF ADDISON:

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
RON WHITEHEAD,  
CITY MANAGER

\_\_\_\_\_  
LEA DUNN,  
TOWN SECRETARY/DEPUTY CITY MANAGER

**ATTACHMENT “A”  
Election Cost Audit**

**IS UNAVAILABLE AT THIS TIME  
AND WILL BE FORWARDED  
UPON CONFIRMATION OF  
POLLING LOCATIONS AND  
COMBINATIONS.**

## **Council Agenda Item: #R 2e**

### **AGENDA CAPTION:**

Approval of award of bid to Members Building Maintenance LTD., for custodial services at the Athletic Club in the amount of \$22,200.

### **FINANCIAL IMPACT:**

Cost: \$22,200.00 (\$1,850.00 per month)

Funds are budgeted and available in the department's operating budget.

### **BACKGROUND:**

The Town contracts with outside vendors for custodial cleaning services for Town Hall, Finance, Service Center, Police & Police sub-stations, Central Fire, Athletic Club, Conference & Theatre (including Stone Cottage & Pavilion) and the new Visit Addison facilities. This item is for services at the Athletic Club only. Typically, the Conference & Theatre Centre, Athletic Club and now Visit Addison Centre are bid separately and apart from the other facilities as the managers of each of those facilities supervise those contractors directly due to the operations of these facilities. At this time, contracts for the Conference and Theatre Centre and Athletic Club have expired simultaneously, so staff had the opportunity to bid both contracts together with the option for bidders to bid the individual facilities or all of the facilities combined at a discounted price. This bid resulted in Members Building Maintenance LTD., being the lowest responsible bidder for the Athletic Club, but not for the Conference, Theatre and Visit Addison Centre's. The lowest responsible bidder for the Conference, Theatre and Visit Addison Centre's is being presented to Council in a subsequent agenda item.

The Purchasing division sent 1,688 notifications to contractors through Bidsync with 37 contractors obtaining specifications and 30 attending the pre-bid conference and facilities tour. We received 12 bids. 6 bids were disqualified. Staff received positive references for Members Building Maintenance LTD.

### **RECOMMENDATION:**

Staff recommends approval.

**COUNCIL GOALS:**

Conduct the Business of the Town in a Fiscally Responsible Manner

**ATTACHMENTS:**

Description:

[Bid Tab](#)

[AAC & ACTC Recommendations](#)

Type:

Backup Material

Backup Material

**Custodial Services**

**BID NO 11-06**

**DUE: December 20, 2010**

**2:00 PM**

	Signed	Bid Bond	Option 1 (Monthly Total)	Option 2 (Monthly Total)	Individually Priced Athletic Club	Individually Priced ACTC & Visit Addison
<b>BIDDER</b>						
Servicemaster Quality Cleaning Services	Y	Y	\$ 8,960.00	\$ 8,698.00	\$ 3,395.00	\$ 5,565.00
American Facility Services	Y	Y	\$ 5,500.00	\$ 5,000.00		
Jani-King	Y	Y	\$ 7,769.00	\$ 7,341.00	\$ 2,144.00	\$ 5,625.00
Sonlight Cleaning Service	N	*	\$ 11,138.72	\$ 10,126.11		
D&A Building Services	Y	Y	\$ 8,105.77	\$ 8,105.77	\$ 2,911.25	\$ 5,194.52
James Enterprise	Y	Y	\$ 6,000.00	\$ 5,825.00		
Promise Building Service	Y	Y	\$ 7,561.70	\$ 7,201.61	\$ 2,701.42	\$ 4,860.28
Gylan Building Services	Y	Y	\$ 6,476.43	\$ 6,126.90	\$ 2,591.60	\$ 3,884.83
Member's Building Maintenance	Y	Y	\$ 6,540.00	\$ 6,520.00	\$ 1,850.00	\$ 4,690.00
Open Works	N	N	\$ 9,453.00	\$ 8,890.00		
Speedy Janitorial Services	Y	Y	\$ 8,502.47	\$ 8,030.00		
Coverall	Y	N	\$ 13,169.00	\$ 12,774.00		

Yellow Highlight = Disqualified Bid

\* Bid bond is a copy, not original

Green Highlight = Selected Vendors

*Matthew McCombs*

---

Matt McCombs, Management Analyst

*John Godley*

---

Witness

John/Mark,

I am recommending that the Athletic Club be cleaned by Member's Building Maintenance. They are the lowest qualified bidder for the Athletic Club and their reference checks were all very positive. Plus, they have cleaned our building in the past and they did a good job.

Thank you,

**Randy Rogers**  
**Recreation Manager**  
**Town of Addison**  
**P.O. Box 9010**  
**Addison, TX 75001-9010**  
**972-450-7048**  
[www.addisonathleticclub.com](http://www.addisonathleticclub.com)



Please consider the environment before printing this email.

**From:** Rob Bourestom  
**Sent:** Thursday, January 27, 2011 3:07 PM  
**To:** Mark Acevedo; John Godley Jr  
**Cc:** Randy Rogers; Angie Turner  
**Subject:** Janitorial Services recommendation

Gentlemen:

It is my recommendation that the ACTC buildings and the Village on the Parkway spaces be cleaned by Gyland Building Services. They appear to be the lowest responsible bidder for these facilities. I have also checked several references all of which were very positive.

Let me know if there is anything else you need from me to move forward on this.

Thanks

**Rob Bourestom**, Manager  
Addison Conference Centre and Addison Theatre Centre  
Office: 972-450-6203  
Mobile: 214-325-5760  
[www.actonline.com](http://www.actonline.com)  
[www.watertowertheatre.org](http://www.watertowertheatre.org)

## **Council Agenda Item: #R 2f**

### **AGENDA CAPTION:**

Approval of award of bid to ABS Janitorial Services, for custodial services at Town Hall, Finance, Service Center, Police & Police sub-station and Central Fire facilities in the amount of \$64,740.00.

### **FINANCIAL IMPACT:**

Cost: \$64,740.00 (\$5,395.00 per mo.)

Funds are budgeted and available in each department's operating budget.

### **BACKGROUND:**

The Town contracts with outside vendors for custodial cleaning services for Town Hall, Finance, Service Center, Police & Police sub-stations, Central Fire, Athletic Club, Conference & Theatre (Incl. Stone Cottage & Pavilion) and the new Visit Addison facilities.

This item is for services at Town Hall, Finance, Service Center, Police & Police sub-station and Central Fire only. Typically, the Conference & Theatre Centre, Athletic Club and now Visit Addison Centre are bid separately and apart from the other facilities as the managers of each of those facilities supervise those contractors directly due to the operations of these facilities.

Staff issued a Request for Proposals (RFP) for custodial services and received 10 proposals. Proposal costs ranged from \$3,552 per month to \$7,390 per month. Proposals were evaluated and scored based on the following criteria:

- § Proposer's reputation based on reference checks and examination of reference properties
- § Experience in performance of comparable engagements
- § Conformance with the terms of this Request for Proposal
- § Proposed cleaning procedures



§ Reasonableness of costs

ABS's proposal met all of the evaluation criteria and scored the highest of all the proposals received.

All of ABS's employees that will be working in the Town's facilities will be processed through the Police Departments security check. Staff has received favorable references.

**RECOMMENDATION:**

Staff recommends approval.

**COUNCIL GOALS:**

Conduct the Business of the Town in a Fiscally Responsible Manner

**ATTACHMENTS:**

Description:

Type:

No Attachments Available

## **Council Agenda Item: #R 2g**

### **AGENDA CAPTION:**

Approval of award of bid to Texas Trees and Turf totaling \$32,221.65 for landscape renovation and tree replacement planting in various parts of the Town.

### **FINANCIAL IMPACT:**

Funds Available: \$52,000.00

Bid Amount: \$32,321.65

Project Manager: Ron Lee, Parks Operations Manager

This is a budgeted item in the parks department operations budget.

### **BACKGROUND:**

The parks department budgets each year to refurbish older landscaped areas and to replace dead or declining trees. The following is a summary of the scope of work under this contract:

Addison Circle District – Replace diseased and dead pear trees with a more suitable tree. Staff plans to eventually have all pears in the Addison Circle District phased out. The pear trees are dying due to cotton root rot, a soil born disease that is prevalent in this area. The replacements are 'Highrise' Live Oaks, which have proven to be ideal street trees that have an upright and tighter canopy to avoid interference with vehicles and buildings.

Central Fire Station – Install St. Augustine grass under the mature trees along the east side of the building to replace the Bermuda grass that has died out due to heavy shading from the mature trees. Also, install some accent plantings just west of the front entry.

Fire Station #2 – Install St. Augustine grass under the mature trees along the east side of the building to replace the Bermuda grass that has died out due to heavy shading from the mature trees. Also, replace tired and overgrown plantings around the building proper to revitalize the landscaping.

Les Lacs Lake – Install St. Augustine grass under the mature trees around the lake to replace the Bermuda grass that died out due to

heavy shading from the mature trees and install Midiron Bermuda grass, a type of grass that stands up to heavy traffic, in areas made void of grass cover by waterfowl activity. Grassing will prevent erosion onto the walking trails and siltation into the lake.

Town Hall - Replace selective tired and overgrown plantings around the building proper to revitalize the landscaping. Plantings that flower are to be installed and provide increased color to this high visibility location.

Montfort Rd. R.O.W. – Establish new ornamental grass plantings at the base of the stone wall just south of the Montfort Rd. entry into the Oaks North subdivision. The plantings will soften the harshness of the wall and will be an aesthetic addition to the entrance.

Les Lacs Ave. R.O.W . – Establish new plantings on each side of the Chatham Ct. entry into the subdivision. The EarthKind roses to be planted will provide season long color to the barren entry.

Proton R.O.W. - Refurbish landscaping at the northeast corner of Proton Rd. and Beltway Dr. The old and overgrown photinias were removed and the goal is to replace them with EarthKind roses to provide season long color to this portal entry. Within this project are also requirements to replace the decaying railroad tie retaining wall with a paver stack wall.

**RECOMMENDATION:**

The Town has not used Texas Trees and Turf before, but a check of provided references, including other municipalities, came with high recommendations. They were the low bidder and are providing the Town with a good value for the landscape renovation projects. Staff recommends approval.

**COUNCIL GOALS:**

Continue to Attract Visitors, Take actions to make Addison a leader in sustainable development and operations that protect and enhance the Town's quality of life

**ATTACHMENTS:**

Description:

[Bid Tabulation Form](#)

Type:

Backup Material



Misc. Landscape Projects

BID NO 11-08

DUE: January 24, 2011  
10:00 AM

BIDDER	Signed	Bid Bond	Base Bid + Fire #2 Alternate
Texas Tree and Turf Co.	Y	Y	\$ 32,221.65
Somerset Landscape	Y	Y	\$ 36,532.00
Greener Pastures	Y	Y	\$ 40,968.83
American Landscape Systems	Y	Y	\$ 46,504.20
Yellow Rose	Y	Y	\$ 51,552.07
Grey Construction	Y	*	\$ 56,282.50
Palm, Inc	Y	Y	\$ 58,862.00
C. Green Scaping	Y	Y	\$ 63,679.10

\* Bid bond a copy. Per 9.0 of specs, bid is irregular

*Matthew McCombs*

\_\_\_\_\_  
Matt McCombs, Management Analyst

*Ron Lee*

\_\_\_\_\_  
Witness

## **Council Agenda Item: #R 2h**

### **AGENDA CAPTION:**

Approval of award of bid to Gylan Building Services Inc., for custodial services at the Conference and Theatre Centre and Visit Addison Centre in the amount of \$46,617.96.

### **FINANCIAL IMPACT:**

Cost: \$46,617.96 (\$3,884.83 per mo.)

Funds are budgeted and available in the department's operating budget.

### **BACKGROUND:**

The Town contracts with outside vendors for custodial cleaning services for Town Hall, Finance, Service Center, Police & Police sub-stations, Central Fire, Athletic Club, Conference & Theatre (Incl. Stone Cottage & Pavilion) and the new Visit Addison facilities.

This item is for services at the Conference and Theatre Centre (including the Stone Cottage & Pavilion) and Visit Addison Centre only. Typically, the Conference & Theatre Centre, Athletic Club and now Visit Addison Centre are bid separately and apart from the other facilities as the managers of each of those facilities supervise those contractors directly due to the operations of these facilities.

At this time, contracts for the Conference and Theatre Centre and Athletic Club have expired simultaneously so staff had the opportunity to bid both contracts together with the option for bidders to bid the individual facilities or all of the facilities combined at a discounted price. This bid resulted in Gylan Building Services being the lowest responsible bidder for the Conference and Theatre Centre and Visit Addison Centre, but not for the Athletic Club. The lowest responsible bidder for the Athletic Club is being presented to Council in a subsequent agenda item.

The Purchasing division sent 1,688 notifications to contractors

through Bidsync with 37 contractors obtaining specifications and 30 attending the pre-bid conference and facilities tour. We received 12 bids. 6 bids were disqualified. Staff received positive references for Gylan Building Service, Inc.

**RECOMMENDATION:**

Staff recommends approval.

**COUNCIL GOALS:**

Conduct the Business of the Town in a Fiscally Responsible Manner

**ATTACHMENTS:**

Description:

[Bid Tab](#)

[ACTC Recommendation](#)

Type:

Backup Material

Backup Material

**Custodial Services**

**BID NO 11-06**

**DUE: December 20, 2010**

**2:00 PM**

	Signed	Bid Bond	Option 1 (Monthly Total)	Option 2 (Monthly Total)	Individually Priced Athletic Club	Individually Priced ACTC & Visit Addison
<b>BIDDER</b>						
Servicemaster Quality Cleaning Services	Y	Y	\$ 8,960.00	\$ 8,698.00	\$ 3,395.00	\$ 5,565.00
American Facility Services	Y	Y	\$ 5,500.00	\$ 5,000.00		
Jani-King	Y	Y	\$ 7,769.00	\$ 7,341.00	\$ 2,144.00	\$ 5,625.00
Sonlight Cleaning Service	N	*	\$ 11,138.72	\$ 10,126.11		
D&A Building Services	Y	Y	\$ 8,105.77	\$ 8,105.77	\$ 2,911.25	\$ 5,194.52
James Enterprise	Y	Y	\$ 6,000.00	\$ 5,825.00		
Promise Building Service	Y	Y	\$ 7,561.70	\$ 7,201.61	\$ 2,701.42	\$ 4,860.28
Gylan Building Services	Y	Y	\$ 6,476.43	\$ 6,126.90	\$ 2,591.60	\$ 3,884.83
Member's Building Maintenance	Y	Y	\$ 6,540.00	\$ 6,520.00	\$ 1,850.00	\$ 4,690.00
Open Works	N	N	\$ 9,453.00	\$ 8,890.00		
Speedy Janitorial Services	Y	Y	\$ 8,502.47	\$ 8,030.00		
Coverall	Y	N	\$ 13,169.00	\$ 12,774.00		

Yellow Highlight = Disqualified Bid

\* Bid bond is a copy, not original

Green Highlight = Selected Vendors



*Matthew McCombs*

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Matt McCombs, Management Analyst

*John Godley*

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Witness

John/Mark,

I am recommending that the Athletic Club be cleaned by Member's Building Maintenance. They are the lowest qualified bidder for the Athletic Club and their reference checks were all very positive. Plus, they have cleaned our building in the past and they did a good job.

Thank you,

**Randy Rogers**  
**Recreation Manager**  
**Town of Addison**  
**P.O. Box 9010**  
**Addison, TX 75001-9010**  
**972-450-7048**  
[www.addisonathleticclub.com](http://www.addisonathleticclub.com)



Please consider the environment before printing this email.

**From:** Rob Bourestom  
**Sent:** Thursday, January 27, 2011 3:07 PM  
**To:** Mark Acevedo; John Godley Jr  
**Cc:** Randy Rogers; Angie Turner  
**Subject:** Janitorial Services recommendation

Gentlemen:

It is my recommendation that the ACTC buildings and the Village on the Parkway spaces be cleaned by Gyland Building Services. They appear to be the lowest responsible bidder for these facilities. I have also checked several references all of which were very positive.

Let me know if there is anything else you need from me to move forward on this.

Thanks

**Rob Bourestom**, Manager  
Addison Conference Centre and Addison Theatre Centre  
Office: 972-450-6203  
Mobile: 214-325-5760  
[www.actonline.com](http://www.actonline.com)  
[www.watertowertheatre.org](http://www.watertowertheatre.org)

## **Council Agenda Item: #R4**

**AGENDA CAPTION:**

Presentation of the Planning and Zoning Commission's 2010 Annual Report by Ralph Doherty, Commission Chairman

**FINANCIAL IMPACT:**

NA

**BACKGROUND:**

Chairman Doherty will distribute a copy of the report at the meeting.

**RECOMMENDATION:**

**COUNCIL GOALS:**

N/A

**ATTACHMENTS:**

Description:

Type:

No Attachments Available

## **Council Agenda Item: #R5**

**AGENDA CAPTION:**

Presentation and discussion of the Town of Addison's involvement with Super Bowl XLV.

**FINANCIAL IMPACT:**

The Town paid a total of \$60,000 over four years to be one of the 12 host communities for Super Bowl XLV.

**BACKGROUND:**

The Town of Addison was one of the 12 host communities for Super Bowl XLV and we assisted the region's efforts to bring the game to Arlington. Staff will present our efforts and the preliminary impact on the community.

**RECOMMENDATION:**

**COUNCIL GOALS:**

Continue to Attract Visitors

**ATTACHMENTS:**

Description:

Type:

No Attachments Available

## Council Agenda Item: #R6

**AGENDA CAPTION:**

Kathy Farrer has requested to speak to Council regarding the reinstatement of the Personal Property Tax on leased automobiles and the condition of Addison Road.

**FINANCIAL IMPACT:**

NA

**BACKGROUND:**

NA

**RECOMMENDATION:**

**COUNCIL GOALS:**

N/A

**ATTACHMENTS:**

Description:

[Kathy Farrer's letter](#)

Type:

Cover Memo

January 18, 2011

Mayor, Joe Chow; City Manager, Ron Whitehead; Addison City Council members:

I have two items I am very unhappy about to present to you all.

- 1) The re-instatement of the Personal Property Tax on my leased automobile;
- 2) The badly deteriorating condition of Addison Road.

1) I discovered, near the end of 2010, only when I received a Personal Property Tax (PPT) bill for my leased, *personal-use* automobile, that the Addison City Council voted in 2007 to re-instate this tax. Not having this tax assessed on my leased vehicle *used to be* an additional “perk” for living in Addison (versus when I lived in Dallas). This seems quite “retro” of Addison to do this. As a resident of Addison, aren’t I already paying a PPT? If so, it seems that I am being “double-taxed”!

2) Addison Road, north of the railroad tracks, and *ESPECIALLY* north of Keller Springs Road, is in *horribly* deteriorated condition. The curb lanes, going north or south bound, are *REALLY* bad. In some places, you are driving almost in “ruts”, there are “weak” spots that are sinking, or the asphalt is disintegrating. The only thing *WORSE* than the rough ride all this damage creates, is how *AWFUL* the road *looks!* With the “sealing” stuff used on the *hundreds* of cracks in the asphalt, *PLUS* the few large patches that were done on the *WORST of the worst* areas in the northbound curb lane, north of Keller Springs, Addison Rd. looks like a *BADLY* neglected road from some other, near-by city. It is *embarrassing* to have a street in this condition in Addison! It is far below the usual level of quality to which I am accustomed, after living in Addison for 17 years!

I understand the Town’s budget has been severely strained in the last couple of years. But Addison Rd. has been deteriorating for at least the last three years. And it was around *five* years ago that Dallas County sold the heavy equipment they let us use when Addison Rd. used to be completely re-surfaced, about every three years. It seems to me the “ball was dropped” by the leadership of the Town to not have *any* money in the budget, *all these years*, to repair the road, much less re-surface it!

Addison Rd. is one of only two or three main, north-south thoroughfares through the Town. What an *awful* impression this road must give about Addison, for the *thousands* of drivers, like me, who use this road frequently, and who have watched it disintegrate over such an extended time.

My desires are that you *immediately*: 1) *REPEAL* the Personal Property Tax on leased automobiles for *personal* use, and 2) focus on finding *FUNDS* to resurface Addison Rd.

I sincerely appreciate your time and consideration.

Kathy Farrer



## **Council Agenda Item: #R7**

### **AGENDA CAPTION:**

**Public hearing.** Presentation, discussion and consideration of approval of an ordinance amending the Town's Code of Ordinances by adding thereto a new Section 54-33 making it an offense (A) to establish a permanent or temporary residence within 1,000 feet of premises where children commonly gather by (1) a person whose information is contained in a sex offender database maintained by the Department of Public Safety because of a violation involving a child younger than 17, or (2) a person who has been civilly committed as sexually violent predator under State law and who is subject to compliance with a child safety zone requirement, and (B) to knowingly rent, lease or make available a permanent or temporary residence to such a person; providing for definitions, evidentiary matters, affirmative defenses, and other related matters.

### **FINANCIAL IMPACT:**

NA

### **BACKGROUND:**

Council approval is requested of an ordinance to prohibit sexual offenders or predators whose victims were under the age of 17 years old from residing within 1,000 feet of any premises where children commonly gather within the Town of Addison.

Attached is a proposed ordinance regarding sex offenders and where they are prohibited from residing within the Town. The ordinance makes it an offense for (i) a person about whom information is contained in the sex offender database maintained by the Texas Department of Public Safety because of a violation involving a minor (a child under the age of 17), and (ii) a person that has been civilly committed as a sexually violent predator under Texas law and is subject to outpatient treatment and supervision (including a requirement established by a judge that the person comply with a child safety zone), to establish a permanent or temporary residence that is located within 1,000 feet of any premises where children commonly gather. Such premises are defined to include a school, playground, day care facility, public or private youth center, public swimming pool, public athletic



facilities, and public park (including recreation trails).

The ordinance also makes it an offense for a person or business entity to rent or provide a residence to a person who is restricted from establishing a permanent or temporary residence as described above. The offense described in the first paragraph above is representative of what a number of Texas cities have adopted (including Richardson, Carrollton, Farmers Branch, and Plano). The offense described in the second paragraph has been adopted by some cities in the State (including Universal City, Hewitt, and Balch Springs). The ordinance cites a 2003 study issued by the U.S. Department of Justice, Bureau of Justice Statistics, that concluded that released sex offenders were four times more likely than non-sex offenders to be rearrested for a sexually related crime, and released child molesters were more likely than non-sex offenders to be rearrested for another sexually related crime against a child. A copy of a portion of that study is attached.

The ordinance also references a map being maintained by the Town that shows the areas where those to whom it applies cannot reside. A copy of that map is attached.

Texas law currently includes the following provisions regarding sex offenders:

- a person who has a “reportable conviction or adjudication” (e.g., indecency with a child, sexual assault, etc.) or who is required to register as a condition of parole, release to mandatory supervision, or community supervision, must register as a sex offender. The Texas Department of Public Safety maintains a database of such persons. Chapter 62, Texas Code of Criminal Procedure. A copy of frequently asked questions regarding sex offender registration published by the DPS is attached.
- a person charged with any of certain sexually related offenses may be placed on community supervision, and if the judge determines that the victim of the offense was younger than 17 years of age, the judge must establish a child safety zone and require that the person not go in, on, or within 1,000 feet of certain premises where children commonly gather, including a school, day-care facility, playground, public or private youth

center, public swimming pool, or video arcade facility. Article 42.12, Sections 5, 13B, Texas Code of Criminal Procedure.

- a person convicted of any of various sexually related crimes that is released on parole must be restricted by the parole panel from going in, on, or within a distance specified by the parole panel of certain premises where children commonly gather, including a school, day-care facility, playground, public or private youth center, public swimming pool, or video arcade facility. Section 508.107, Texas Government Code.

In 2007, the Texas Attorney General, in Opinion No. GA-0526 concluded that State law does not preempt a home rule city's ordinance that prohibits a registered sex offender from living within a specified distance from locations where children typically congregate. This ordinance is representative of what a number of cities in North Texas have adopted to ensure the safety, healthy, and well-being of children from sexually oriented crimes.

**RECOMMENDATION:**

Recommend approval.

**COUNCIL GOALS:**

Provide Superior Public Safety, Customer Service, Social and Health Services to the Community

**ATTACHMENTS:**

Description:

[Sex offender ordinance](#)

[Sex offender map](#)

[USDJ Study](#)

[FAQ information](#)

Type:

Cover Memo

Cover Memo

Cover Memo

Cover Memo

**TOWN OF ADDISON, TEXAS**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING THE TOWN'S CODE OF ORDINANCES BY AMENDING CHAPTER 54 (OFFENSES AND MISCELLANEOUS PROVISIONS), ARTICLE II (OFFENSES INVOLVING PUBLIC SAFETY) THEREOF BY ADDING A NEW SECTION 54-33 (I) MAKING IT AN OFFENSE TO RESIDE WITHIN 1,000 FEET OF PREMISES WHERE CHILDREN COMMONLY GATHER BY (A) A PERSON WHOSE INFORMATION IS CONTAINED IN THE SEX OFFENDER DATABASE MAINTAINED BY THE TEXAS DEPARTMENT OF PUBLIC SAFETY PURSUANT TO STATE LAW BECAUSE OF A VIOLATION INVOLVING A CHILD YOUNGER THAN 17 YEARS OF AGE, AND (B) A PERSON WHO HAS BEEN CIVILLY COMMITTED AS A SEXUALLY VIOLENT PREDATOR UNDER STATE LAW AND IS SUBJECT TO COMPLIANCE WITH A CHILD SAFETY ZONE REQUIREMENT, AND (II) MAKING IT AN OFFENSE TO RENT, LEASE OR MAKE AVAILABLE A RESIDENCE TO A PERSON WITH THE KNOWLEDGE THAT IT WILL BE USED AS A PERMANENT OR TEMPORARY RESIDENCE BY A PERSON PROHIBITED FROM ESTABLISHING SUCH RESIDENCE UNDER THIS ORDINANCE IF SUCH RESIDENCE IS WITHIN 1,000 FEET OF PREMISES WHERE CHILDREN COMMONLY GATHER; PROVIDING DEFINITIONS; PROVIDING FOR CERTAIN EVIDENTIARY MATTERS (INCLUDING A PROVISION THAT A CULPABLE MENTAL STATE IS NOT REQUIRED FOR THE OFFENSE OF RESIDING WITHIN 1,000 FEET OF PREMISES WHEE CHILDEN COMMONLY GATHER) AND A MEASUREMENT OF DISTANCE PROVISION; PROVIDING FOR CERTAIN AFFIRMATIVE DEFFENSES; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF FIVE HUNDRED AND NO/100 DOLLARS (\$500.00) FOR EACH OFFENSE AND A SEPARATE VIOLATION SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Addison, Texas is a home rule municipality operating pursuant to and under the authority of Article 11, Section 5 of the Texas Constitution and its Home Rule Charter; and

**WHEREAS**, certain State laws place restrictions on sex offenders, and in particular on sex offenders where the victim of a crime is a person younger than 17 years of age, including:

- Chapter 62, Texas Code of Criminal Procedure, that requires that a person with a conviction or adjudication of any of certain sexually-related crimes to register as a sex offender;

- Article 42.12, Section 13B, Texas Code of Criminal Procedure, that provides that a person charged with any of certain sexually related offenses may be placed on community supervision, and if the judge determines that the victim of the offense was a younger than 17 years of age, the judge must establish a child safety zone and require that the person not go in, on, or within 1,000 feet of certain premises where children commonly gather, including a school, day-care facility, playground, public or private youth center, public swimming pool, or video arcade facility;
- Section 508.107, Texas Government Code, that provides that a person convicted of any of various sexually related crimes that is released on parole must be restricted by the parole panel from going in, on, or within a distance specified by the parole panel of certain premises where children commonly gather, including a school, day-care facility, playground, public or private youth center, public swimming pool, or video arcade facility;

and

**WHEREAS**, a 2003 report issued by the U.S. Department of Justice, Bureau of Justice Statistics, concluded that released sex offenders were four times more likely than non-sex offenders to be rearrested for a sexually related crime, and released child molesters were more likely than non-sex offenders to be rearrested for another sexually related crime against a child; and

**WHEREAS**, the State of Texas, other States, and a number of Texas cities have adopted regulations that restrict the location where persons who are required to register as a sex offender may reside, by establishing a prohibition on such persons from residing within a certain distance of locations where children commonly gather; and

**WHEREAS**, in upholding an Iowa law that restricted sex offenders from residing within a certain distance of a school or child care facility, in *Doe v. Miller*, 405 F.3d 700 (8th Cir. 2005) the federal Court of Appeals for the 8<sup>th</sup> Circuit cited an expert's opinion "that it is just 'common sense' that limiting the frequency of contact between sex offenders and areas where children are located is likely to reduce the risk of an offense"; and

**WHEREAS**, establishing the restrictions set forth herein promotes the health, safety and welfare of the public and provides protection for children from sex offenders who are required by law to register as a sex offender, and from sexually violent predators who are subject to outpatient treatment and supervision requirements under Chapter 841, Texas Health and Safety Code, including a requirement that the person comply with a child safety zone.

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

Section 1. Incorporation of Premises. The above and foregoing premises are recitals are true and correct and are incorporated herein and made a part of this Ordinance for all purposes.

Section 2. Amendment. The Code of Ordinances (“Code”) of the Town of Addison, Texas (“City”) is hereby amended in the following particulars, and all other chapters, articles, sections, subsections, paragraphs, phrases and words are not amended hereby but are ratified and confirmed

A. Chapter 54 (Offenses and Miscellaneous Provisions), Article II (Offenses Involving Public Safety) of the Code is amended by adding a new Section 54-33, Regulation of Sex Offender Residency, to read as follows:

**Section 54-33. Regulation of Sex Offender Residency.**

(a) *Definitions*. For purposes of this Section, the following terms, words, and the derivations thereof shall have the meanings set forth below:

- (1) *City* means the Town of Addison, Texas.
- (2) *Minor* means a person younger than seventeen (17) years of age.
- (3) *Database* means the computerized central database maintained by the Texas Department of Public Safety that contains the information required for registration as a sex offender pursuant to Chapter 62, Texas Code of Criminal Procedure.
- (4) *Day-care center* means a child-care facility that provides care at a location other than the residence of the director, owner, or operator of the child-care facility for seven or more children under 14 years of age for less than 24 hours a day, but at least two hours a day, three or more days a week.
- (5) *Permanent residence* means a place where a person abides, lodges, or resides for 14 or more consecutive days.
- (6) *Playground* means any outdoor facility that is not on the premises of a school and that: (i) is intended for recreation, (ii) is open to the public, and (iii) contains three or more play stations intended for the recreation of children, such as slides, swing sets, and teeterboards.
- (7) *Premises* means real property and all buildings and appurtenances pertaining to the real property.
- (8) *Premises where children commonly gather* means premises where children commonly gather, including, without limitation, a school, playground, school, day care facility, public or private youth center, public swimming pool, public athletic facilities, and public park (including, without limitation, recreation trails, but excluding planted street medians).
- (9) *School* means a private (except in-home) or public elementary or secondary school or a day-care center.

(10) *Temporary residence* means a place where a person abides, lodges, or resides for a period of 14 or more days in the aggregate during any calendar year and which is not the person's permanent address, or a place where a person routinely abides, resides, or lodges for a period of four (4) or more consecutive or nonconsecutive days in any month and which is not the person's permanent residence.

(11) *Youth center* means any recreational facility or gymnasium that: (i) is intended primarily for use by persons who are 17 years of age or younger, and (ii) regularly provides athletic, civic, or cultural activities.

(b) *Offenses.*

(1) It is unlawful for a person to establish a permanent or temporary residence within 1,000 feet of any premises where children commonly gather if (i) because of a violation involving a minor, information about the person that is required for registration under Chapter 62, Texas Code of Criminal Procedure, is contained in the database, or (ii) the person has been civilly committed as a sexually violent predator under Chapter 841, Texas Health and Safety Code, and is subject to outpatient treatment and supervision requirements under that Chapter, including a requirement established by a judge that the person comply with a child safety zone in the same manner as a child safety zone is established by a judge under Section 13B, Article, 42.12, Texas Code of Criminal Procedure.

(2) It is unlawful for a person, corporation, partnership, limited liability company, or other business entity, to lease, rent, or otherwise provide any residence, dwelling, place, structure or part thereof, with the knowledge that it will be used as a permanent residence or temporary residence by a person prohibited from establishing such permanent residence or temporary residence pursuant to the terms of this Section, if such residence, dwelling, place, structure or part thereof is located within 1,000 feet of any premises where children commonly gather.

(c) *Evidentiary Matters; Measurement; Map.*

(1) It shall be prima facie evidence that this Section applies to a person if that person's record appears on the database and the database indicates that the victim was less than 17 years of age.

(2) For the purpose of determining the minimum distance separation, the distance shall be (a) measured by following a straight line from the property line of the permanent or temporary residence that is closest to the premises where children commonly gather, to the property line of the premises where children commonly gather that is closest to the property line of the permanent or temporary residence, (b) or, in the case of multiple residences located on the same tract of land, measured by following a straight line from the wall of the building or structure occupied as the permanent or temporary residence, or the parking area or driveway that is used for or accessible to such residence, that is closest to the

premises where children commonly gather, to the property line of the premises where children commonly gather that is closest to such wall, parking area or driveway.

(3) A map depicting the prohibited areas of residence shall be maintained by the city. The city shall review the map at least annually for changes. The map will be available to the public at the city's police department.

(d) *Culpable mental state not required.* Neither allegation nor evidence of a culpable mental state is required for the proof of an offense described in subsection (b)(1) of this Section.

(e) *Affirmative defenses.* It is an affirmative defense to prosecution under this Section that any of the following conditions apply:

(1) The person whose information is contained in the database established the permanent or temporary residence, and has complied with all of the sex offender registration laws of the State of Texas, prior to the date of the adoption of this Section.

(2) The person whose information is contained in the database was a minor when the person committed the offense requiring registration under Chapter 62, Texas Code of Criminal Procedure, and was not convicted as an adult.

(3) The person whose information is contained in the database is a minor.

(4) The premises where children commonly gather that is located within 1,000 feet of the permanent or temporary residence of the person whose information is contained in the database was opened after the person established the permanent or temporary residence and complied with all sex offender registration laws of the State of Texas.

(5) The information contained in the database regarding the person is incorrect, and, if corrected, this Section would not apply to the person who was erroneously listed in the database.

(6) The person was at the time of the violation of this Section subject to community supervision pursuant to Section 13B of Article 42.12, Texas Code of Criminal Procedure, and the court reduced or waived the 1,000 foot restriction for a child safety zone under Section 13B(a)(1)(B) of Article 42.12, Texas Code of Criminal Procedure, as it applies to the person's residence.

(f) *Penalty.* A person who violates any of the provisions of this Section be guilty of a misdemeanor and, upon conviction, shall be fined a sum not to exceed \$500.00 for each offense and each and every violation or day such violation shall continue or exist shall be deemed a separate offense. The penal provisions imposed under this Section shall not preclude the city from filing suit to enjoin a violation of this Section. The city retains all legal rights and remedies available to it pursuant to local, state and federal law.

Section 3. Savings; Repealer. This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance. Provided, however, that the repeal of such ordinances or parts of such ordinances, and the amendments and changes made by this Ordinance, shall not affect any right, property or claim which was or is vested in the City, or any act done, or right accruing or accrued, or established, or any suit, action or proceeding had or commenced before the time when this Ordinance shall take effect; nor shall said repeals, amendments or changes affect any offense committed, or any penalty or forfeiture incurred, or any suit or prosecution pending at the time when this Ordinance shall take effect under any of the ordinances or sections thereof so repealed, amended or changed; and to that extent and for that purpose the provisions of such ordinances or parts of such ordinances shall be deemed to remain and continue in full force and effect.

Section 4. Severability. The provisions of this Ordinance are severable, and if any section or provision of this Ordinance or the application of any section or provision to any person, firm, corporation, entity, situation or circumstance is for any reason adjudged invalid or held unconstitutional by a court of competent jurisdiction, the same shall not affect the validity of any other section or provision of this Ordinance or the application of any other section or provision to any other person, firm, corporation, entity, situation or circumstance, and the City Council declares that it would have adopted the valid portions of this Ordinance adopted herein without the invalid or unconstitutional parts and to this end the provisions of this Ordinance adopted herein shall remain in full force and effect.

Section 5. Effective Date. This Ordinance shall become effective from and after its passage and approval and its publication as may be required by law.

**PASSED AND APPROVED** by the City Council of the Town of Addison, Texas this the \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Joe Chow, Mayor

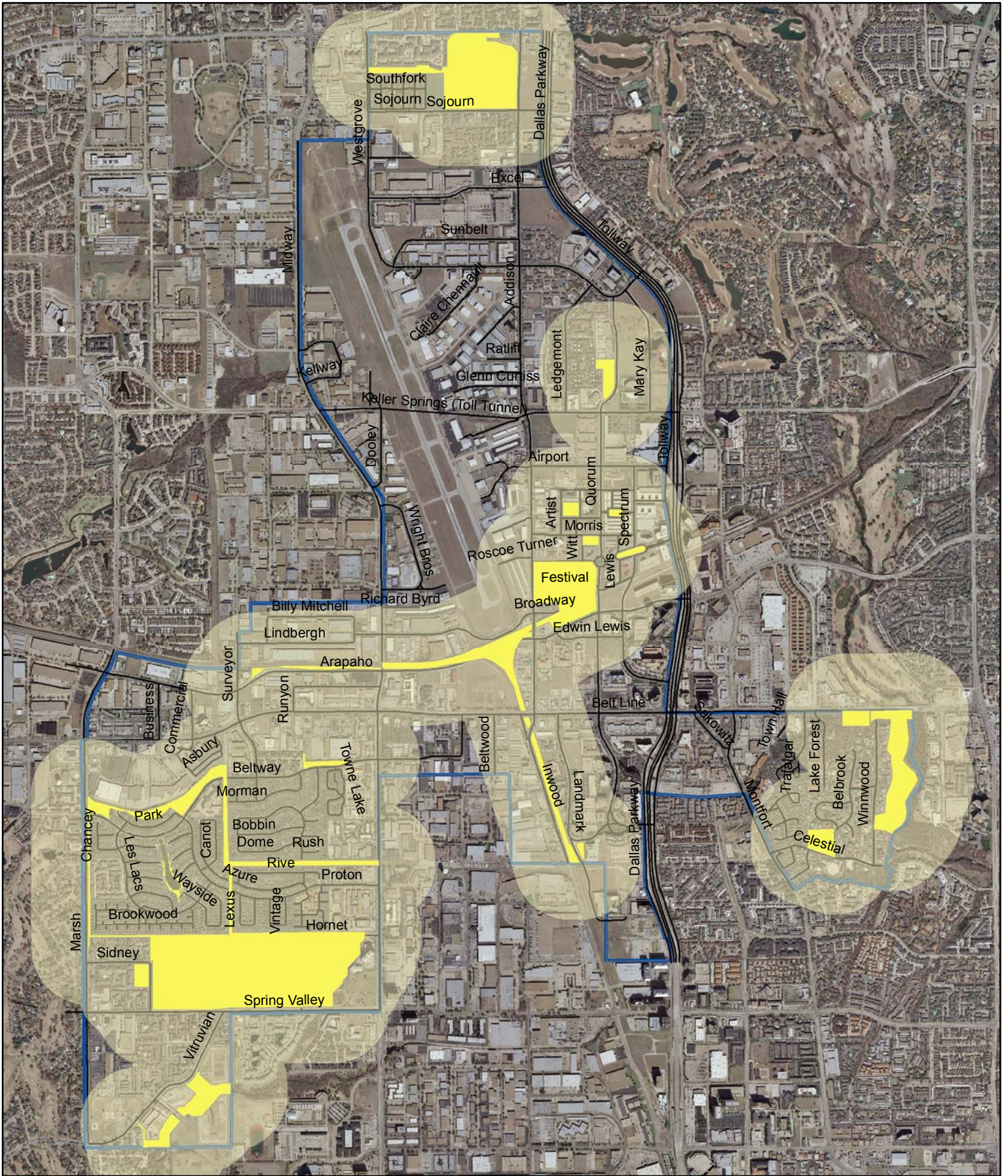
**ATTEST:**

By: \_\_\_\_\_  
Lea Dunn, City Secretary

**APPROVED AS TO FORM:**

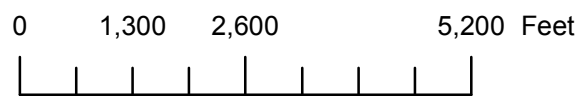
By: \_\_\_\_\_  
John Hill, City Attorney





# Sex Offender Ordinance Map

Created February 09, 2011







**Bureau of Justice Statistics**

# **Recidivism of Sex Offenders Released from Prison in 1994**

**Offender characteristics**

**Sentences and criminal records**

**Comparisons to other offenders**

**Rearrests and reconvictions**

**Rearrests for sex crimes against children**

**U.S. Department of Justice  
Office of Justice Programs  
810 Seventh Street, N.W.  
Washington, D.C. 20531**

**John Ashcroft  
Attorney General**

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**Office of Justice Programs**

**Deborah J. Daniels  
Assistant Attorney General**

**World Wide Web site:  
<http://www.ojp.usdoj.gov>**

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**Bureau of Justice Statistics**

**Lawrence A. Greenfeld  
Director**

**World Wide Web site:  
<http://www.ojp.usdoj.gov/bjs>**

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**For information contact:  
National Criminal Justice Reference Service  
1-800-851-3420**



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# Recidivism of Sex Offenders Released from Prison in 1994

By Patrick A. Langan, Ph.D.  
Erica L. Schmitt  
and Matthew R. Durose

*Statisticians, Bureau of Justice Statistics*

November 2003, NCJ 198281

## Introduction and highlights

### Introduction

In 1994, prisons in 15 States released 9,691 male sex offenders. The 9,691 men are two-thirds of all the male sex offenders released from State prisons in the United States in 1994. This report summarizes findings from a survey that tracked the 9,691 for 3 full years after their release. The report documents their "recidivism," as measured by rates of rearrest, reconviction, and reimprisonment during the 3-year followup period.

This report gives recidivism rates for the 9,691 combined total. It also separates the 9,691 into four overlapping categories and gives recidivism rates for each category:

- 3,115 released rapists
- 6,576 released sexual assaulters
- 4,295 released child molesters
- 443 released statutory rapists.

The 9,691 sex offenders were released from State prisons in these 15 States: Arizona, Maryland, North Carolina, California, Michigan, Ohio, Delaware, Minnesota, Oregon, Florida, New Jersey, Texas, Illinois, New York, and Virginia.

### Highlights

The 15 States in the study released 272,111 prisoners altogether in 1994. Among the 272,111 were 9,691 men whose crime was a sex offense (3.6% of releases).

On average the 9,691 sex offenders served 3½ years of their 8-year sentence (45% of the prison sentence) before being released in 1994.

#### *Rearrest for a new sex crime*

Compared to non-sex offenders released from State prisons, released sex offenders were 4 times more likely to be rearrested for a sex crime. Within the first 3 years following their release from prison in 1994, 5.3% (517 of the 9,691) of released sex offenders were rearrested for a sex crime. The rate for the 262,420 released non-sex offenders was lower, 1.3% (3,328 of 262,420).

The first 12 months following their release from a State prison was the period when 40% of sex crimes were allegedly committed by the released sex offenders.

Recidivism studies typically find that, the older the prisoner when released, the lower the rate of recidivism. Results reported here on released sex offenders did not follow the familiar pattern. While the lowest rate of rearrest for a sex crime (3.3%) did belong to the oldest sex offenders (those age 45 or older), other comparisons between older and younger prisoners did not consistently show older prisoners' having the lower rearrest rate.

The study compared recidivism rates among prisoners who served different lengths of time before being released from prison in 1994. No clear association was found between how long they were in prison and their recidivism rate.

Before being released from prison in 1994, most of the sex offenders had been arrested several times for different types of crimes. The more prior arrests they had, the greater their likelihood of being rearrested for another sex crime after leaving prison. Released sex offenders with 1 prior arrest (the arrest for the sex crime for which they were imprisoned) had the lowest rearrest rate for a sex crime, about 3%; those with 2 or 3 prior arrests for some type of crime, 4%; 4 to 6 prior arrests, 6%; 7 to 10 prior arrests, 7%; and 11 to 15 prior arrests, 8%.

#### *Rearrest for a sex crime against a child*

The 9,691 released sex offenders included 4,295 men who were in prison for child molesting.

Of the children these 4,295 men were imprisoned for molesting, 60% were age 13 or younger.

Half of the 4,295 child molesters were 20 or more years older than the child they were imprisoned for molesting.

On average, the 4,295 child molesters were released after serving about 3 years of their 7-year sentence (43% of the prison sentence).

Compared to the 9,691 sex offenders and to the 262,420 non-sex offenders, released child molesters were more likely to be rearrested for child molesting. Within the first 3 years following release from prison in 1994, 3.3% (141 of 4,295) of released child molesters were rearrested for another sex crime against a child. The rate for all 9,691 sex offenders (a category that includes the 4,295 child molesters) was 2.2% (209 of 9,691). The rate for all 262,420 non-sex offenders was less than half of 1% (1,042 of the 262,420).

Of the approximately 141 children allegedly molested by the child molesters after their release from prison in 1994, 79% were age 13 or younger.

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Released child molesters with more than 1 prior arrest for child molesting were more likely to be rearrested for child molesting (7.3%) than released child molesters with no more than 1 such prior arrest (2.4%).

*Rearrest for any type of crime*

Compared to non-sex offenders released from State prison, sex offenders had a lower overall rearrest rate. When rearrests for any type of crime (not just sex crimes) were counted, the study found that 43% (4,163 of 9,691) of the 9,691 released sex offenders were rearrested. The overall rearrest rate for the 262,420 released non-sex offenders was higher, 68% (179,391 of 262,420).

The rearrest offense was a felony for about 75% of the 4,163 rearrested sex offenders. By comparison, 84% of the 179,391 rearrested non-sex offenders were charged by police with a felony.

*Reconviction for a new sex crime*

Of the 9,691 released sex offenders, 3.5% (339 of the 9,691) were reconvicted for a sex crime within the 3-year followup period.

*Reconviction for any type of crime*

Of the 9,691 released sex offenders, 24% (2,326 of the 9,691) were reconvicted for a new offense. The reconviction offense included all types of crimes.

*Returned to prison for any reason*

Within 3 years following their release, 38.6% (3,741) of the 9,691 released sex offenders were returned to prison. They were returned either because they received another prison sentence for a new crime, or because of a technical violation of their parole, such as failing a drug test, missing an appointment with their parole officer, or being arrested for another crime.

### Texas Sex Offender Registration Program FAQ's

#### **30. Question: When did sex offender registration in Texas start?**

**Answer:** The first sex offender registration laws in Texas went into effect on September 1, 1991. These laws have been amended every legislative session since.

#### **31. Question: Who is required to register as a sex offender in Texas?**

**Answer:** Any person with a "reportable conviction or adjudication" must register as a sex offender. Prior to September 1, 1997, the sex offender registration laws were prospective in application. A person convicted of or adjudicated for a sex offense before the law required registration for the offense did not have to register. On September 1, 1997, the registration requirement was made retroactively applicable to any person whose "reportable conviction or adjudication" occurred on or after September 1, 1970 if the person was still in the Texas criminal justice system for that offense on or after September 1, 1997.

#### **32. Question: What is a "reportable conviction or adjudication?"**

**Answer:** Article 62.001(5) of the Code of Criminal Procedure defines "reportable conviction or adjudication" as follows:

Article 62.001. Definitions

(5) "Reportable conviction or adjudication" means a conviction or adjudication, including an adjudication of delinquent conduct or a deferred adjudication that, regardless of the pendency of an appeal, is a conviction for or an adjudication for or based on:

(A) a violation of Section 21.11 (Indecency with a child), 22.011 (Sexual assault), 22.021 (Aggravated sexual assault), or 25.02 (Prohibited sexual conduct), Penal Code;

(B) a violation of Section 43.05 (Compelling prostitution), 43.25 (Sexual performance by a child), or 43.26 (Possession or promotion of child pornography), Penal Code;

(C) a violation of Section 20.04(a)(4) (Aggravated kidnapping), Penal Code, if the defendant committed the offense with intent to violate or abuse the victim sexually;

(D) a violation of Section 30.02 (Burglary), Penal Code, if the offense or conduct is punishable under Subsection (d) of that section and the actor committed the offense or engaged in the conduct with intent to commit a felony listed in Paragraph (A) or (C);

(E) a violation of Section 20.02 (Unlawful restraint), 20.03 (Kidnapping), or 20.04 (Aggravated kidnapping), Penal Code, if, as applicable:

(i) the judgment in the case contains an affirmative finding under Article 42.015; or

(ii) the order in the hearing or the papers in the case contain an affirmative finding that the victim or intended victim was younger than 17 years of age.

(F) the second violation of Section 21.08 (Indecent exposure), Penal Code, but not if the second violation results in a deferred adjudication;

(G) an attempt, conspiracy, or solicitation, as defined by Chapter 15, Penal Code, to commit an offense or engage in conduct listed in Paragraph (A), (B), (C), (D), or (E);

(H) a violation of the laws of another state, federal law, the laws of a foreign country, or the Uniform Code of Military Justice for or based on the violation of an offense containing elements that are substantially similar to the elements of an offense listed under Paragraph (A), (B), (C), (D), (E), (G), but not if the violation results in a deferred adjudication;

(I) the second violation of the laws of another state, federal law, the laws of a foreign country, or the Uniform Code of Military Justice for or based on the violation of an offense containing elements that are substantially similar to the elements of the offense of indecent exposure, but not if the second violation results in a deferred adjudication.

The most recent offense added to the list of registerable offenses is Section 33.021 (Online solicitation of a minor), Penal Code. A conviction, deferred adjudication or adjudication of delinquent conduct for this offense requires registration. Further, a conviction under the laws of another state, federal law, the laws of a foreign country, or the Uniform Code of Military Justice for or based on the violation of an offense containing elements that are substantially similar to the elements of Online Solicitation of a Minor will require registration.



**33. Question: Do sex offenders from other states have to register as a sex offender in Texas?**

**Answer:** Yes, if the sex offender's conviction is a "reportable conviction or adjudication" and the offender resides, works or attends school in Texas. As stated above, "reportable conviction or adjudication" includes a conviction or adjudication of delinquent conduct (juveniles) under the laws of another state for an offense containing elements that are substantially similar to the elements of a Texas offense that requires registration.

The Texas Department of Public Safety determines whether an offense under the laws of another state contains elements that are substantially similar to the elements of a Texas offense that requires registration.

**34. Question: Do sex offenders convicted under federal law, military law or the laws of another country have to register as a sex offender in Texas?**

**Answer:** Yes, if the sex offender's conviction is a "reportable conviction or adjudication" and the offender resides, works or attends school in Texas. As stated above, "reportable conviction or adjudication" includes a conviction or adjudication of delinquent conduct (juveniles) under federal law, the Uniform Code of Military Justice or the laws of another country for an offense containing elements that are substantially similar to the elements of a Texas offense that requires registration.

The Texas Department of Public Safety determines whether an offense under federal law, the laws of a foreign country, or the Uniform Code of Military Justice contains elements that are substantially similar to the elements of a Texas offense that requires registration.

**35. Question: When does a nonresident sex offender have to register as a sex offender in Texas?**

**Answer:** A sex offender who resides outside of Texas must register as a sex offender in Texas if the offender has a "reportable conviction or adjudication" and works or attends school in Texas. Nonresident sex offenders register only for so long as they work or attend school in Texas.

**36. Question: Who does a sex offender register with?**

**Answer:** A sex offender registers with the local law enforcement authority of the municipality (chief of police) where the offender resides. If the offender does not reside in a municipality, the offender registers with the local law enforcement authority of the county (sheriff) where the offender resides. Registration must be completed not later than the later of the seventh day after the date the offender arrives in the municipality or county or the first date the local law enforcement authority of the municipality or county by policy allows the person to register. Once the offender registers with the local law enforcement authority of the municipality or county where the offender resides, that

local law enforcement authority becomes the offender's primary registration authority.

If a sex offender resides outside of Texas and works or attends school in Texas, the offender registers with the local law enforcement authority of the municipality or county where the offender works or attends school.

**37. Question: What information does a sex offender provide the local law enforcement authority?**

**Answer:** The Texas Sex Offender Registration Program requires a local law enforcement authority to obtain the following information from the sex offender:

1. the person's full name, each alias, date of birth, sex, race, height, weight, eye color, hair color, social security number, driver's license number, shoe size, and home address;
2. a recent color photograph or, if possible, an electronic digital image of the person and a complete set of the person's fingerprints;
3. the type of offense the person was convicted of, the age of the victim, the date of conviction, and the punishment received;
4. an indication as to whether the person is discharged, paroled, or released on juvenile probation, community supervision, or mandatory supervision;
5. an indication of each business, occupational, or professional license, certificate, permit, or other authorization issued by a licensing authority that is held or sought by the person;
6. an indication as to whether the person is or will be employed, carrying on a vocation, or a student at a particular public or private institution of higher education in this state or another state, and the name and address of that institution; and
7. any other information required by the Texas Department of Public Safety.

**38. Question: What does the local law enforcement authority do with the information provided by a registered sex offender?**

**Answer:** The local law enforcement authority will maintain the registration locally, provide notification to schools, if required, and submit all sex offender registration information to the Texas Department of Public Safety for inclusion on the DPS Sex Offender Database.

**39. Question: Does the public have the right to access sex offender registration information maintained by a local law enforcement authority and the Texas Department of Public Safety?**

**Answer:** The Texas Sex Offender Registration Program specifically classifies sex offender registration information as public information with a few exceptions. The only information not available to the public is a sex offender's social security number, driver's license number, and telephone number, any additional information required by the Texas Department of Public Safety for law enforcement purposes, information that would identify the victim of the offense, and juvenile sex offender registration information ordered nonpublic by a juvenile court.

Sex offender registration information may be obtained from the Texas Department of Public Safety at any time via the Department's website located at [https://records.txdps.state.tx.us/DPS\\_WEB/SorNew/index.aspx](https://records.txdps.state.tx.us/DPS_WEB/SorNew/index.aspx)

#### **40. Question: What is a numeric risk level?**

**Answer:** The numeric risk level indicates the level of risk a sex offender poses to the community. A numeric risk level is assigned to each sex offender when the offender is released from a penal institution or placed on community supervision or juvenile probation. It is determined by using the sex offender screening tool adopted by the Risk Assessment Review Committee. There are three different risk levels:

Level one (low): indicates that the person poses a low danger to the community and will not likely engage in criminal sexual conduct.

Level two (moderate): indicates that the person poses a moderate danger to the community and may continue to engage in criminal sexual conduct.

Level three (high): indicates that the person poses a serious danger to the community and will continue to engage in criminal sexual conduct.

#### **41. Question: How long does a sex offender have to register?**

**Answer:** Adult sex offenders register either for life or ten years following discharge from state supervision (i.e. incarceration, parole, or community supervision).

Lifetime registration is required for the following offenses:

##### **1. Sexually Violent Offense.**

Indecency with a Child by Contact (Section 21.11(a)(1), Penal Code);

Sexual Assault (Section 22.011, Penal Code);

Aggravated Sexual Assault (Section 22.021, Penal Code);

Sexual Performance by a Child (Section 43.25, Penal Code);

Aggravated Kidnapping, if committed with the intent to violate or abuse the victim sexually (Section 20.04(a)(4), Penal Code);

Burglary (Section 30.02, Penal Code) if the premises burglarized was a habitation and the offense was committed with the intent to commit indecency with a child, sexual assault, aggravated sexual assault, prohibited sexual conduct, or aggravated kidnapping with sexual intent; and

an offense under the laws of another state, federal law, the laws of a foreign country, or the Uniform Code of Military Justice if the offense contains elements that are substantially similar to the elements of one of the above Texas offenses.

2. Prohibited Sexual Conduct (Incest) (Section 25.02, Penal Code);
3. Compelling Prostitution of a Minor (Section 43.05(a)(2), Penal Code);
4. Possession or Promotion of Child Pornography (Section 43.26, Penal Code);
5. Indecency with a Child by Exposure (Section 21.11(a)(2), Penal Code), if before or after being convicted or adjudicated for this offense, the person receives or has received another reportable conviction or adjudication, other than an adjudication of delinquent conduct, for an offense or conduct that requires registration; and
6. Unlawful Restraint (Section 20.02, Penal Code), Kidnapping (Section 20.03, Penal Code), or Aggravated Kidnapping (Section 20.04, Penal Code) or an attempt, conspiracy, or solicitation to commit one of these offenses if the judgment in the case contains an affirmative finding that the victim or intended victim was younger than 17 years of age and, if before or after the person is convicted or adjudicated for one of these offenses, the person receives or has received another reportable conviction or adjudication, other than an adjudication of delinquent conduct, for an offense or conduct that requires registration.

Adult sex offenders will register for 10 years following discharge from state supervision for any offense that does not require lifetime registration (i.e. attempted sexual assault and second indecent exposure).

Juvenile sex offenders, those who register on the basis of an adjudication of delinquent conduct, register until the 10th anniversary of the date on which the disposition in their case was made or the juvenile completes the terms of the disposition, whichever date is later.

#### **42. Question: What is a sex offender required to do after the sex offender registers with the local law enforcement authority?**

**Answer:** Registered sex offenders are required to maintain the accuracy of their registration information. Sex offenders accomplish this by periodically verifying their registration information and reporting changes in the information to the offender's primary registration authority.

##### Verification of Registration Information

All registered sex offenders must periodically report to the offender's primary registration authority to verify the offender's registration information. Offenders civilly committed as a sexually violent predator must verify their registration information once in each thirty-day period. Sex offenders who for a sexually violent offense have been convicted

two or more times, received an order of deferred adjudication two or more times, or been convicted and received an order of deferred adjudication must verify their registration information quarterly (every 90 days). All other sex offenders verify their registration information annually.

#### Changes of Address

Registered offenders must report all changes in address to the proper local law enforcement authorities. First, not later than the seventh day before an intended change in address, a registered sex offender must report in person to the offender's primary registration authority to report the intended change in address. Second, when a sex offender arrives at a new address in Texas, the sex offender has seven days to report in person to the local law enforcement authority of the municipality or county in which the person's new residence is located and provide that authority with proof of identity and proof of residence. This local law enforcement authority will become the offender's new primary registration authority. If sex offender moves to another state, the sex offender has 10 days after arrival in the other state to register with the law enforcement agency that is identified by the Texas Department of Public Safety as the agency designated by that state to receive registration information.

#### Reporting Changes in Status

In addition to providing notification of all address changes, registered offenders have seven days to notify the offender's primary registration authority of changes in certain statuses. This includes changes in the offender's name, physical health, job status, and educational status.

#### Employment or Enrollment at Institutions of Higher Education

All registered sex offenders who either work at or enroll in a public or private institution of higher education (university, college, community college, or technical or trade institution) must provide notice of that fact to two different entities. First, the offender must notify the authority for campus security (i.e. campus police department) for the institution of higher education that the offender has begun to work or attend school at the institution. Second, the offender must notify the offender's primary registration authority of the offender's work or enrollment at the institution of higher education. These notifications must be provided not later than the seventh day after the date the offender begins work or enrollment at the institution of higher education. The offender must also notify the authority for campus security and primary registration authority when the offender terminates work or enrollment at the institution of higher education. This notification must be provided not later than the seventh day after the date the offender terminates work or enrollment at the institution.

**43. Question: What does a registered sex offender have to do if he or she regularly visits a municipality or county other than the municipality or county he or she is registered in?**

**Answer:** A registered sex offender who on at least three occasions during any month spends more than 48 consecutive hours in a municipality or county, other than the municipality or county in which the offender is registered, must report that fact to the local law enforcement authority of the municipality or county in which the offender is visiting. In reporting this fact to the proper local law enforcement authority, the sex offender must provide all the information that is required for sex offender registration, the address of any location in the municipality or county at which the offender was lodged during the month, and a statement as to whether the offender intends to return to the municipality or county during the succeeding month.

**44. Question: Can sex offenders obtain an exemption from registration?**

**Answer:** Any juvenile sex offender may seek either a court order exempting the juvenile from registration or, alternatively, a court order classifying registration information as nonpublic. The exemption of adult offenders is very limited. Generally, an adult offender may ask a court for an exemption only if, at the time of the offense, the offender was under 19 years of age and the victim was at least 13 years of age, and the offense involved consensual conduct. Additionally, adult sex offenders may ask a court for an early termination of registration in cases where Texas law requires registration for a period of time that exceeds the minimum required registration period under the federal Jacob Wetterling Act.

**45. Question: What happens if a person required to register fails to comply with any requirement in the Texas Sex Offender Registration Program?**

**Answer:** It is a felony offense if a person required to register fails to comply with any requirement under the Texas Sex Offender Registration Program.

**46. Question: How is the public notified of registered sex offenders living in their community?**

**Answer:** Community notification of sex offenders is provided in several different ways.

**Governmental Immunity**

Certain governmental bodies are given immunity for releasing public information. The Texas Department of Public Safety, a penal institution, a local law enforcement authority, or an authority for campus security may release to the public information regarding a person required to register only if the information is public information.

**The DPS Sex Offender Database**

Local law enforcement authorities submit all sex offender registration information to the Texas Department of Public Safety. The Texas

Department of Public Safety puts this information in the DPS Sex Offender Database. The public may obtain information contained in this database at any time via the Texas Department of Public Safety website. The DPS Sex Offender Database can be accessed at [https://records.txdps.state.tx.us/DPS\\_WEB/SorNew/index.aspx](https://records.txdps.state.tx.us/DPS_WEB/SorNew/index.aspx)

#### Postcard Notification of Civilly Committed and High-Risk Offenders

When the Texas Department of Public Safety receives notice that a sex offender either civilly committed as a sexually violent predator or assigned a high-risk level is due to be released into a community or intends to move to a new address, the Texas Department of Public Safety will provide written notice in English and Spanish to the immediate community where the sex offender intends to reside. This written notice will be in the form of a postcard mailed or delivered to at least each address (excluding post office boxes) within a one-mile radius, in an area that has not been subdivided, or a three-block area, in an area that has been subdivided, of the place where the civilly committed or high-risk sex offender intends to reside.

#### Newspaper Publication

Local law enforcement authorities are permitted to publish all high-risk sex offenders in any newspaper, periodical or circular in the area where the offender intends to reside. For low and moderate-risk offenders, local law enforcement authorities are permitted to publish the offender in a newspaper, periodical or circular in the area where the offender resides unless the offender is registering on the basis of one or more adjudications of delinquent conduct (juveniles).

#### School Notification

In some cases, a local law enforcement authority must notify the superintendent of a public school district and administrator of a private primary or secondary school located in the school district that a registered sex offender is residing within the school district. Sex offenders subject to school notification are offenders whose victim was either younger than 17 years of age or a student enrolled in a public or private secondary school, offenders enrolled in a public or private secondary school and offenders who register for Sexual Performance by a Child or Possession or Promotion of Child Pornography. Prohibited Sexual Conduct (Incest) offenders are specifically excluded from this school notification requirement.

#### **47. Question: Are registered sex offenders allowed to live or go near places frequented by children such as schools and playgrounds?**

**Answer:** The Texas Sex Offender Registration Program itself does not prohibit registered sex offenders from living or going near places frequented by children. However, Texas probation and parole law requires the imposition of a "child safety zone" on a sex offender placed on community supervision (probation) or released on parole or mandatory supervision if the offender's victim was a child. A "child safety zone" prohibits sex offenders on community supervision, parole, or mandatory supervision from supervising or participating in any



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program that includes as participants or recipients persons 17 years of age or younger and that regularly provides athletic, civic, or cultural activities or going in, on, or within a specified distance of a premises where children commonly gather (i.e. schools, day care facilities, or playgrounds). A violation of the "child safety zone" can result in the revocation of a sex offender's probation or parole and, consequently, incarceration. This "child safety zone" lasts for as long as the sex offender is on community supervision, parole, or mandatory supervision.

**48. Question: Are registered sex offenders prohibited from working in certain trades, occupations or professions?**

**Answer:** The Texas Sex Offender Registration Program itself does not prohibit registered sex offenders from working in certain trades, occupations or professions. However, state law that regulates a particular trade, occupation or profession may bar sex offenders from working in the trade, profession or occupation. To determine if a registered sex offender is prohibited from working in a particular trade, occupation or profession, the law that regulates the trade, occupation or profession must be reviewed.

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## Council Agenda Item: #R8

**AGENDA CAPTION:**

Presentation to Council of the Addison Police Department's annual Traffic Contact Report, which satisfies the requirements of the State racial profiling law.

**FINANCIAL IMPACT:**

**BACKGROUND:**

Presentation to Council of the Addison Police Department's annual Traffic Contact Report, which satisfies the requirements of the State's racial profiling law.

**RECOMMENDATION:**

**COUNCIL GOALS:**

Provide Superior Public Safety, Customer Service, Social and Health Services to the Community

**ATTACHMENTS:**

Description:

[Annual Traffic Contact Report](#)

Type:

Cover Memo

# The Addison Police Department Annual Traffic Contact Report (2010)



**DEL CARMEN  
CONSULTING, LLC**

# **(I) Introduction**

# Opening Statement

January 13, 2011

Addison City Council  
Addison, Texas 75001

Dear Distinguished Members of the City Council,

In 2001, the Texas legislature, in an attempt to address the issue of racial profiling in policing, enacted the Texas Racial Profiling Law. Since 2001, the Addison Police Department, in accordance with the law, has collected and reported traffic-related contact data for the purpose of identifying and addressing (if necessary) areas of concern regarding racial profiling practices. During the past legislative session, the Racial Profiling Law was modified and new requirements are now in place. These new requirements have been met and are being addressed in this report.

In this particular report, you will find three sections that contain information on traffic related and more recently, motor vehicle-related contact data. In addition, when appropriate, documentation is also a component of this report, aiming at demonstrating the manner in which the Addison Police Department has complied with the Texas Racial Profiling Law. In section 1, you will find the table of contents in addition to the Texas Senate Bill (SB1074) which later became the Texas Racial Profiling Law. In addition, you will find the Texas HB 3389 which recently introduced new requirements relevant to racial profiling. Also, in this section, a list of requirements relevant to the Racial Profiling Law as established by TCLEOSE (Texas Commission on Law Enforcement Officer Standards and Education) is included. In addition, you will find, in sections 2 and 3, documentation which demonstrates compliance by the Addison Police Department relevant to the requirements as established in the Texas Racial Profiling Law. That is, documents relevant to the implementation of an institutional policy banning racial profiling, the incorporation of a racial profiling complaint process and the training administered to all law enforcement personnel, are included.

The last section of this report provides statistical data relevant to contacts, made during the course of motor vehicle stops, between 1/1/10 and 12/31/10. This information has been analyzed and compared to data derived from the U.S. Census Bureau's Fair Roads Standard and to traffic-based contact data collected between 2002 and 2009. The final analysis and recommendations are also included in this report.

The findings in this report serve as evidence of the Addison Police Department's commitment to comply with the Texas Racial Profiling Law.

Sincerely,

Alex del Carmen, Ph.D.  
Del Carmen Consulting, LLC

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# **TCLEOSE GUIDELINES**



## Guidelines for Compiling and Reporting Data under Senate Bill 1074

### Background

Senate Bill 1074 of the 77<sup>th</sup> 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 77<sup>th</sup> 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**

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.

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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.

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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.

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Chief Clerk of the House

Approved:

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Date

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Governor

# **New Legal Requirements (H.B. 3389)**

Amend CSHB 3389 (Senate committee report) as follows:

(1) Strike the following SECTIONS of the bill:

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

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

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

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

(2) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_ . Article 2.132, Code of Criminal Procedure, is amended by amending Subsections (a), (b), (d), and (e) and adding Subsection (g) to read as follows:

(a) In this article:

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

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

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

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

(1) clearly define acts constituting racial profiling;

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

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

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

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

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

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

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

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

(7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit [to the governing body of each county or municipality served by the agency] an annual report of the information collected under Subdivision (6) to:

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

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

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

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

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

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

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

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

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

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

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

(A) the person's gender; and

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

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

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

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

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

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

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

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

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

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

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

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

(a) In this article:

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

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

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

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

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

(A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are

not recognized as racial or ethnic minorities [~~determine the prevalence of racial profiling by peace officers employed by the agency~~]; and

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

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

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

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

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

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

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

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

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

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

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

purpose.

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

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

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

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

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

(b) From money appropriated to the agency for the administration of the agency, the executive director of a state law enforcement agency that intentionally fails to submit the incident-based data as required by Article 2.134 shall remit to the comptroller the amount of \$1,000 for each violation.

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

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

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

(1) involves the operation of a motor vehicle; and  
(2) is classified as a moving violation by the Department of Public Safety under Section 708.052, Transportation Code.

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

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

(1) a sentence is imposed on the person;  
(2) the person receives community supervision, including deferred adjudication; or  
(3) the court defers final disposition of the person's case.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (2) a fee for withdrawing request for jury less than 24 hours before time of trial (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (3) a jury fee for two or more defendants tried jointly (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of \$3;
- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$4;
- (5) a fee for technology fund on a misdemeanor offense (Art. 102.0173, Code of Criminal Procedure) . . . \$4;
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5;
- (7) a fee on conviction of certain offenses involving issuing or passing a subsequently dishonored check (Art. 102.0071, Code of Criminal Procedure) . . . not to exceed \$30; [~~and~~]
- (8) a court cost on conviction of a Class C misdemeanor in a county with a population of 3.3 million or more, if authorized by the county commissioners court (Art. 102.009, Code of Criminal Procedure) . . . not to exceed \$7; and
- (9) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

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

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

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

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

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

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

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

- (1) this chapter;
- (2) the reporting requirements provided by Articles 2.132 and 2.134, Code of Criminal Procedure; or
- (3) a commission rule.

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

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

section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

## **(II) Responding to the Law**

# **Institutional Policy on Racial Profiling**

**--Insert Policy Here--**

# **Complaint Process: Informing the Public and Addressing Allegations of Racial Profiling Practices**

## **Informing the Public on the Process of Filing a Racial Profiling Complaint with the Addison Police Department**

The Texas Racial Profiling Law requires that police agencies provide information to the public regarding the manner in which to file a racial profiling complaint. In an effort to comply with this particular component, the Addison 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, information relevant to filing a complaint on a racial profiling violation by a Addison Police officer. It is believed that through these efforts, the community has been properly informed of the new policies and the complaint processes relevant to racial profiling.



# **Racial Profiling Training**

## **Racial Profiling Training**

Since 2002, all Addison Police officers have been instructed, as specified in the Texas Racial Profiling Law, to adhere to all Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements. To date, all sworn officers of the Addison Police Department have completed the TCLEOSE basic training on racial profiling. The main outline used to train the officers of Addison has been included in this report.

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

**Racial Profiling  
Course Number 3256  
Texas Commission on Law Enforcement  
September 2001**

**Racial Profiling 3256**

**Instructor's Note:**

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

**Abstract**

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

**Target Population:** Licensed law enforcement personnel in Texas

**Prerequisites:** Experience as a law enforcement officer

**Length of Course:** A suggested instructional time of 4 hours

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

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

**Evaluation Process and Procedures**

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

**Reference Materials**

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

# **Racial Profiling 3256**

## **1.0 RACIAL PROFILING AND THE LAW**

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

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

### **Racial Profiling Requirements:**

Racial profiling CCP 3.05

Racial profiling prohibited CCP 2.131

Law enforcement policy on racial profiling CCP 2.132

Reports required for traffic and pedestrian stops CCP 2.133

Liability CCP 2.136

Racial profiling education for police chiefs Education Code 96.641

Training program Occupations Code 1701.253

Training required for intermediate certificate Occupations Code 1701.402

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

#### **A. Written departmental policies**

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

#### **B. Not prima facie evidence**

#### **C. Feasibility of use of video equipment**

#### **D. Data does not identify officer**

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

#### **F. Vehicle stop report**

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

G. Compilation and analysis of data

H. Exemption from reporting – audio/video equipment

I. Officer non-liability

J. Funding

K. Required training in racial profiling

1. Police chiefs

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

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

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

1. Motor vehicle search exemption

2. Traffic violation acceptable as pretext for further investigation

3. Selective enforcement can be challenged

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

1. Stop & Frisk doctrine

2. Stopping and briefly detaining a person

3. Frisk and pat down

C. Other cases

1. Pennsylvania v. Mimms, 434 U.S. 106, 98 S.Ct. 330 (1977)

2. Maryland v. Wilson, 117 S.Ct. 882 (1997)

3. Graham v. State, 119 MdApp 444, 705 A.2d 82 (1998)

4. Pryor v. State, 122 Md.App. 671 (1997) cert. denied 352 Md. 312, 721 A.2d 990 (1998)

5. Ferris v. State, 355 Md. 356, 735 A.2d 491 (1999)

6. New York v. Belton, 453 U.S. 454 (1981)

## **2.0 RACIAL PROFILING AND THE COMMUNITY**

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

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

A. There are appropriate reasons for unusual traffic stops (suspicious behavior, the officer's intuition, MOs, etc.), but police work must stop short of cultural stereotyping and racism

B. Racial profiling would result in criminal arrests, but only because it would target all members of a race randomly – the minor benefits would be far outweighed by the distrust and anger towards law enforcement by minorities and the public as a whole

C. Racial profiling is self-fulfilling bad logic: if you believed that minorities committed more crimes, then you might look for more minority criminals, and find them in disproportionate numbers

D. Inappropriate traffic stops generate suspicion and antagonism towards officers and make future stops more volatile – a racially-based stop today can throw suspicion on tomorrow's legitimate stop

E. By focusing on race, you would not only be harassing innocent citizens, but overlooking criminals of all races and backgrounds – it is a waste of law enforcement resources

**3.0 RACIAL PROFILING VERSUS REASONABLE SUSPICION**

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

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

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

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

C. A typical traffic stop resulting from racial profiling

1. The vehicle is stopped on the basis of a minor or contrived traffic violation which is used as a pretext for closer inspection of the vehicle, driver, and passengers

2. The driver and passengers are questioned about things that do not relate to the traffic violation

3. The driver and passengers are ordered out of the vehicle
4. The officers visually check all observable parts of the vehicle
5. The officers proceed on the assumption that drug courier work is involved by detaining the driver and passengers by the roadside
6. The driver is asked to consent to a vehicle search – if the driver refuses, the officers use other procedures (waiting on a canine unit, criminal record checks, license-plate checks, etc.), and intimidate the driver (with the threat of detaining him/her, obtaining a warrant, etc.)

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

- A. Drug courier profile (adapted from a profile developed by the DEA)
1. Driver is nervous or anxious beyond the ordinary anxiety and cultural communication styles
  2. Signs of long-term driving (driver is unshaven, has empty food containers, etc.)
  3. Vehicle is rented
  4. Driver is a young male, 20-35
  5. No visible luggage, even though driver is traveling
  6. Driver was over-reckless or over-cautious in driving and responding to signals
  7. Use of air fresheners
- B. Drug courier activity indicators by themselves are usually not sufficient to justify a stop

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

- A. Thinking about the totality of circumstances in a vehicle stop
- B. Vehicle exterior
1. Non-standard repainting (esp. on a new vehicle)
  2. Signs of hidden cargo (heavy weight in trunk, windows do not roll down, etc.)
  3. Unusual license plate suggesting a switch (dirty plate, bugs on back plate, etc.)
  4. Unusual circumstances (pulling a camper at night, kids' bikes with no kids, etc.)
- C. Pre-stop indicators
1. Not consistent with traffic flow
  2. Driver is overly cautious, or driver/passengers repeatedly look at police car
  3. Driver begins using a car- or cell-phone when signaled to stop
  4. Unusual pull-over behavior (ignores signals, hesitates, pulls onto new street, moves objects in car, etc.)

D. Vehicle interior

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

**Resources**

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

Web address for legislation 77R-SB1074:

<http://tlo2.tlc.state.tx.us/tlo/77r/billtext/SB01074F.htm>



# **Report on Complaints**

**Report on Complaints**

The following table contains data regarding officers that have been the subject of a complaint, during the time period of 1/1/10---12/31/10, 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 Addison Police Department has not received any complaints, on any members of its police force, for having violated the Texas Racial Profiling Law during the time period of 1/1/10 ---- 12/31/10.

Complaints Filed for Possible Violations of The Texas Racial Profiling Law

<b>Complaint No.</b>	<b>Alleged Violation</b>			<b>Disposition of the Case</b>

**Additional Comments:**

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# **Tables Illustrating Traffic and Motor Vehicle-Related Contacts**

## **Tier 1 Data**

## **(I) Tier 1 Data**

### Motor Vehicle-Related Contact Information (1/1/10—12/31/10)

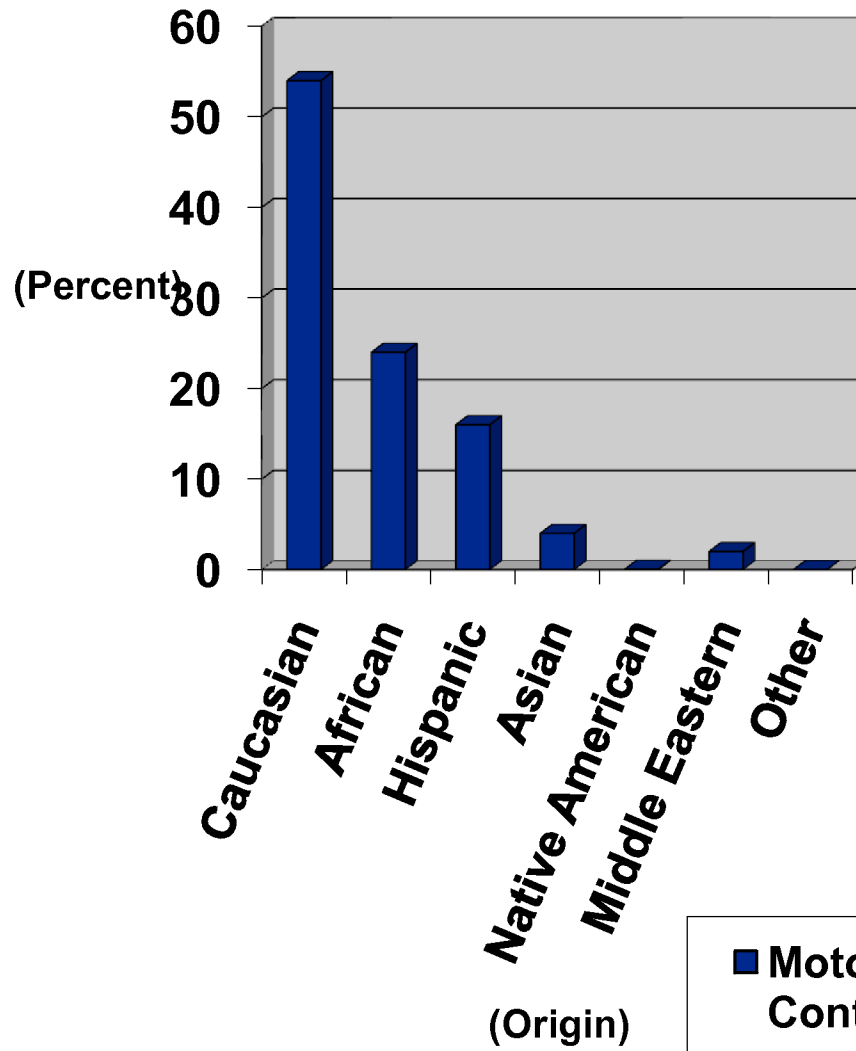
Race/Ethnicity*	Contacts		Searches		Consensual Searches		PC Searches		Custody Arrests	
	N	%	N	%	N	%	N	%	N	%
<b>Caucasian</b>	3,688	54	456	41	18	62	438	41	435	41
<b>African</b>	1,610	24	390	35	7	24	383	36	379	35
<b>Hispanic</b>	1,096	16	229	21	4	14	225	21	224	21
<b>Asian</b>	240	4	23	2	0	0	23	2	23	2
<b>Native American</b>	3	.04	1	.10	0	0	1	.10	10	.10
<b>Middle Eastern</b>	145	2	4	.40	0	0	4	.40	4	.40
<b>Other</b>	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	6,782	100	1,103	100	29	100	1,074	100	1,075	100**

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

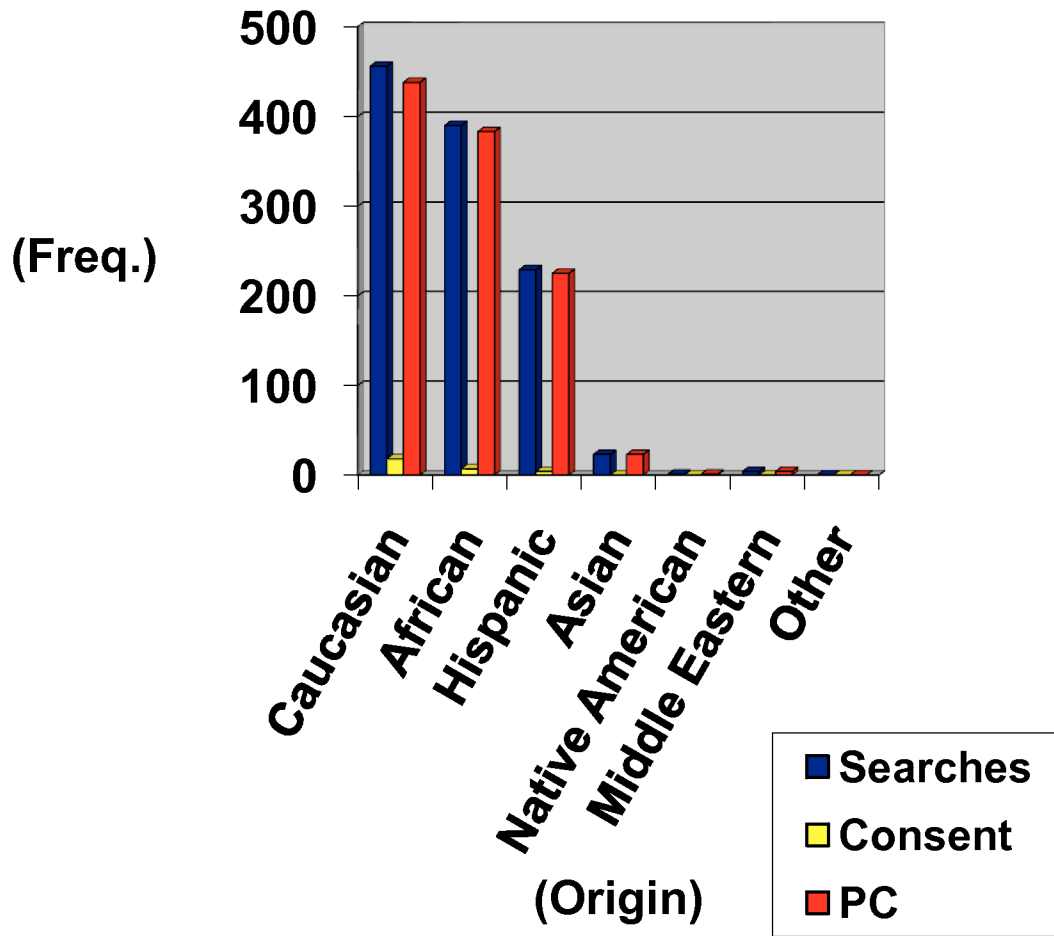
\* Race/Ethnicity is defined by Senate Bill 1074 as being of a "particular descent, including Caucasian, African, Hispanic, Asian, Native American or Middle Eastern".

\*\*Figure has been rounded

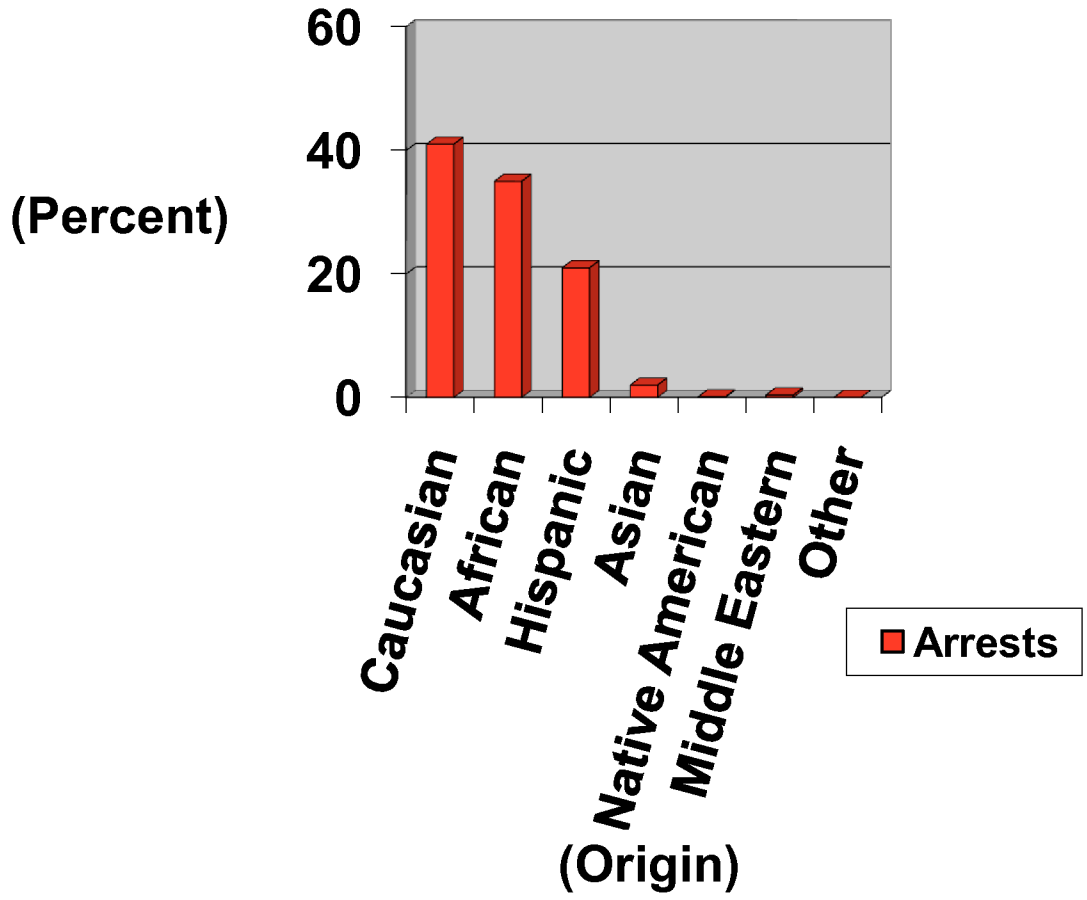
## Tier 1 Data (Motor Vehicle Contacts)



### Tier 1 Data (Searches)



### Tier 1 Data (Arrests)

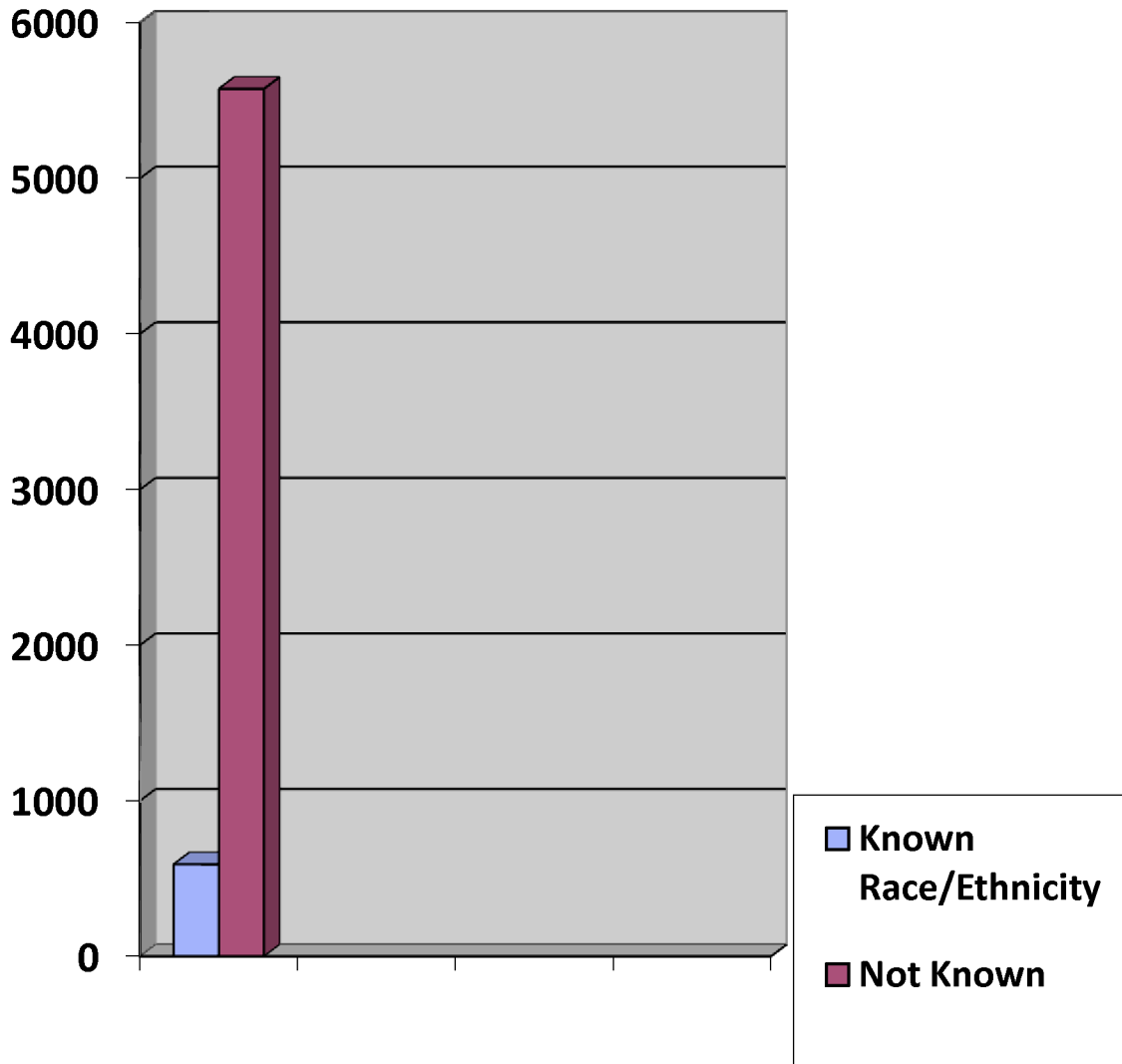




Total Number of Individuals Whose Race or Ethnicity was Known/Not Known Prior to Being Detained (1/1/10--12/31/10)

<b>Total Number of individuals Whose Race or Ethnicity was <u>Known</u> Prior to Being Detained</b>	<b>Total Number of individuals Whose Race or Ethnicity was <u>Not Known</u> Prior to Being Detained</b>
591	5,575

# Known/Not Known Race/Ethnicity (Frequencies)



**Tier 1 Baseline Comparison  
(Fair Roads Standard)**

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

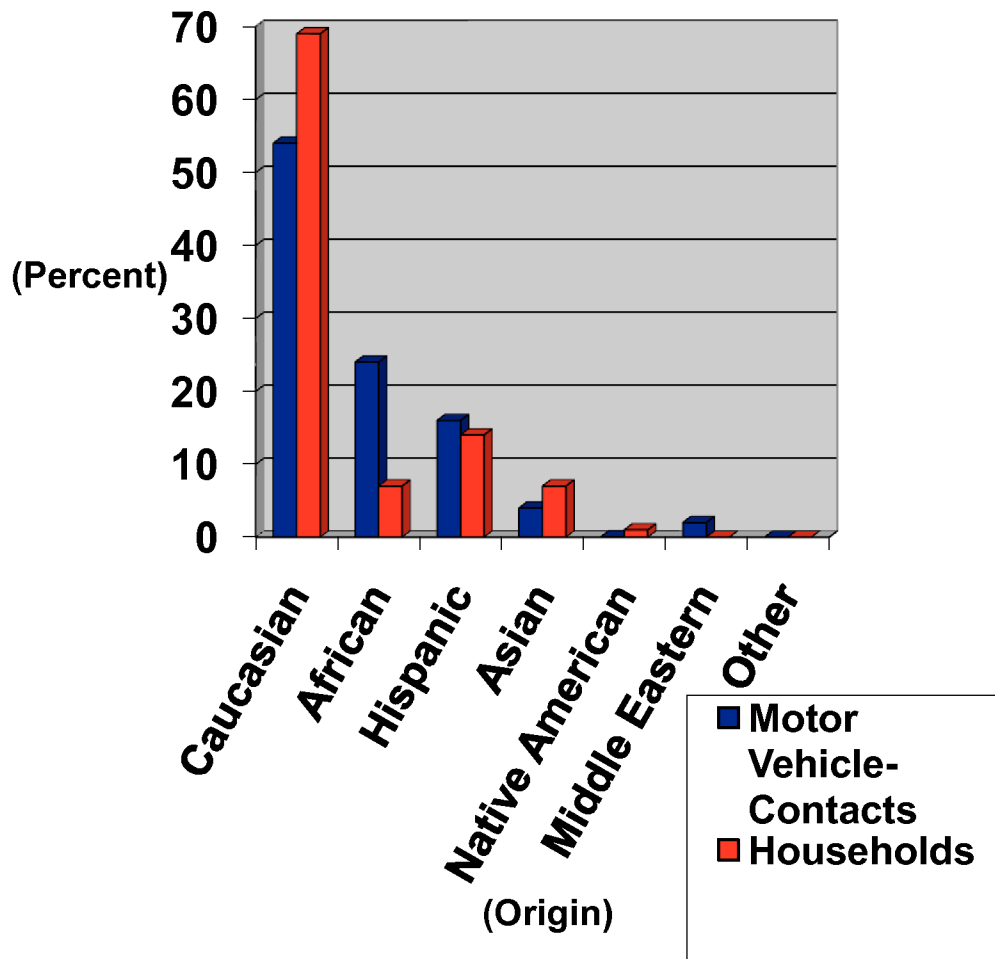
Comparison of motor vehicle-related contacts with households in Addison that have vehicle access (in percentages). (1/1/10—12/31/10)

<b>Race/Ethnicity*</b>	<b>Contacts (in percentages)</b>	<b>Households with vehicle access (in percentages)</b>
<b>Caucasian</b>	54	69
<b>African</b>	24	7
<b>Hispanic</b>	16	14
<b>Asian</b>	4	7
<b>Native American</b>	.04	1
<b>Middle Eastern</b>	2	N/A
<b>Other</b>	0	N/A
<b>Total</b>	100**	100**

\* Race/Ethnicity are defined by Senate Bill 1074 as being of a “particular descent, including Caucasian, African, Hispanic, Asian, Native American and Middle Eastern”.

\*\*Represents rounded figure

# Tier 1 (Motor Vehicle-Contacts and Households/10)



**Tier 1 Data  
(Eight-Year Comparative Analysis)  
(2002—2009)  
and 2010 Analysis**

### **(III) Nine-Year Tier 1 Data Comparison**

**Comparison of Nine-Year Traffic and Motor Vehicle-Related Contact Information  
(1/1/02---12/31/10)**

Race/Ethnicity*	Traffic-Related Contacts (in percentages)							
	(02)	(03)	(04)	(05)	(06)	(07)	(08)	(09)
<b>Caucasian</b>	78	74	78	72	70	61	66	65
<b>African</b>	12	14	14	16	15	17	19	19
<b>Hispanic</b>	8	8	5	9	11	18	10	10
<b>Asian</b>	2	3	3	3	4	4	5	5
<b>Native American</b>	.04	.09	.02	.03	.03	.04	.01	.1
<b>Other</b>	0	.05	0	0	0	0	0	0
<b>Total</b>	100	100**	100**	100**	100**	100	100	100**

\* Race/Ethnicity is defined by Texas Senate Bill 1074 as being of a “particular descent, including Caucasian, African, Hispanic, Asian, or Native American”.

\*\* Figure has been rounded.

**Comparison of Nine-Year Traffic and Motor Vehicle-Related Contact Information  
(1/1/02---12/31/10)**

Race/Ethnicity*	Motor Vehicle-Related Contacts (in percentages)
	(10)
<b>Caucasian</b>	54
<b>African</b>	24
<b>Hispanic</b>	16
<b>Asian</b>	4
<b>Native American</b>	.04
<b>Middle Eastern</b>	2
<b>Other</b>	0
<b>Total</b>	100**

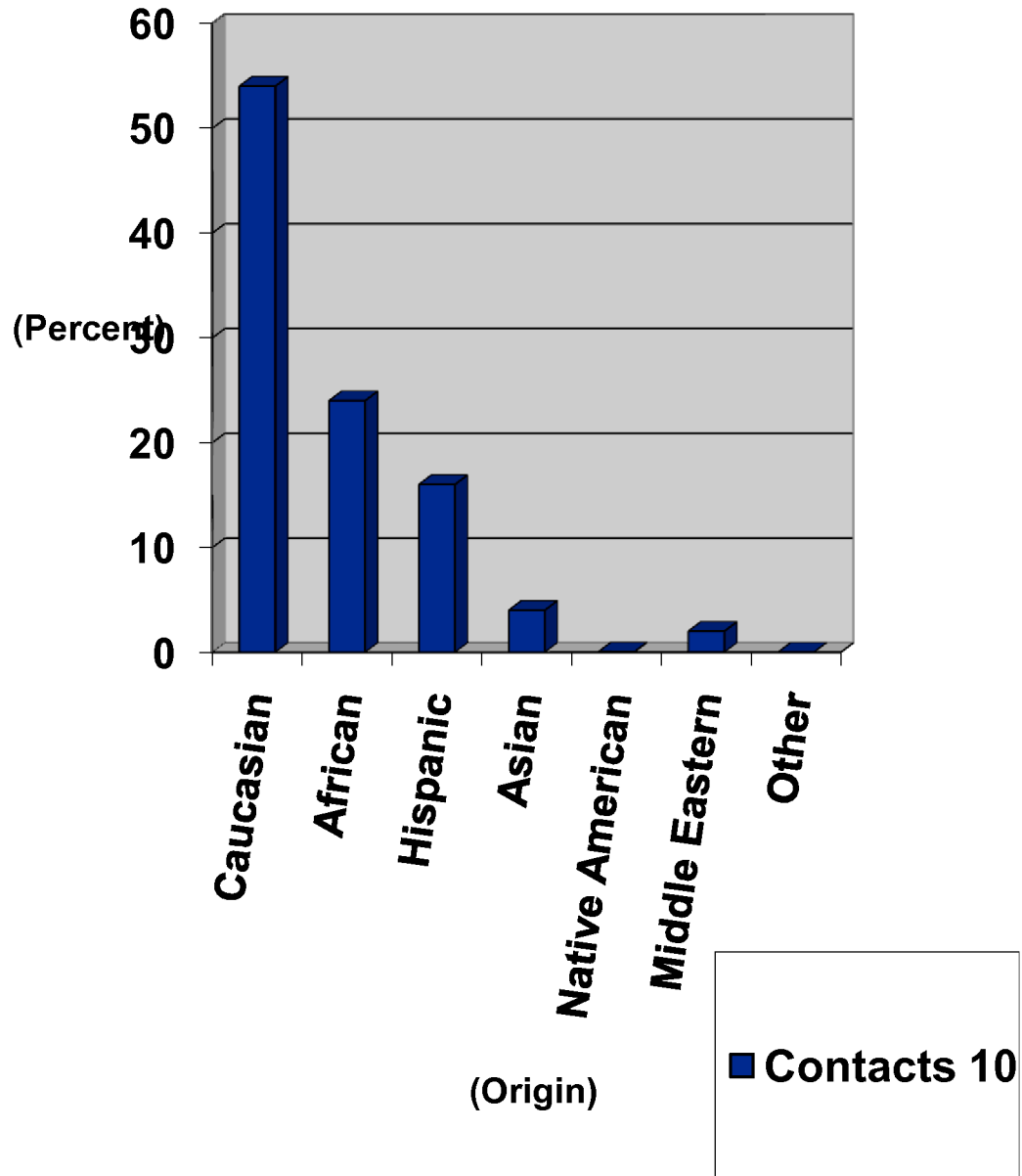
\* Race/Ethnicity is defined by Texas Senate Bill 1074 as being of a “particular descent, including Caucasian, African, Hispanic, Asian, Native American and Middle Eastern”.

\*\* Figure has been rounded.





## Tier 1 Data (Motor Vehicle-Contacts 2010)



**Comparison of Nine-Year Traffic and Motor-Vehicle Related Search Information  
(1/1/02---12/31/10)**

Race/Ethnicity*	Search-Related Contacts (in percentages)							
	(02)	(03)	(04)	(05)	(06)	(07)	(08)	(09)
<b>Caucasian</b>	75	61	61	52	52	42	44	47
<b>African</b>	18	18	22	24	23	27	33	34
<b>Hispanic</b>	7	18	15	22	23	29	19	16
<b>Asian</b>	.42	2	2	1	2	2	3	3
<b>Native American</b>	0	.26	.09	0	0	0	.2	0
<b>Other</b>	0	.17	0	0	0	0	0	0
<b>Total</b>	100	100	100	100	100	100	100	100

\* Race/Ethnicity is defined by Texas Senate Bill 1074 as being of a “particular descent, including Caucasian, African, Hispanic, Asian, or Native American”.

\*\* Figure has been rounded.

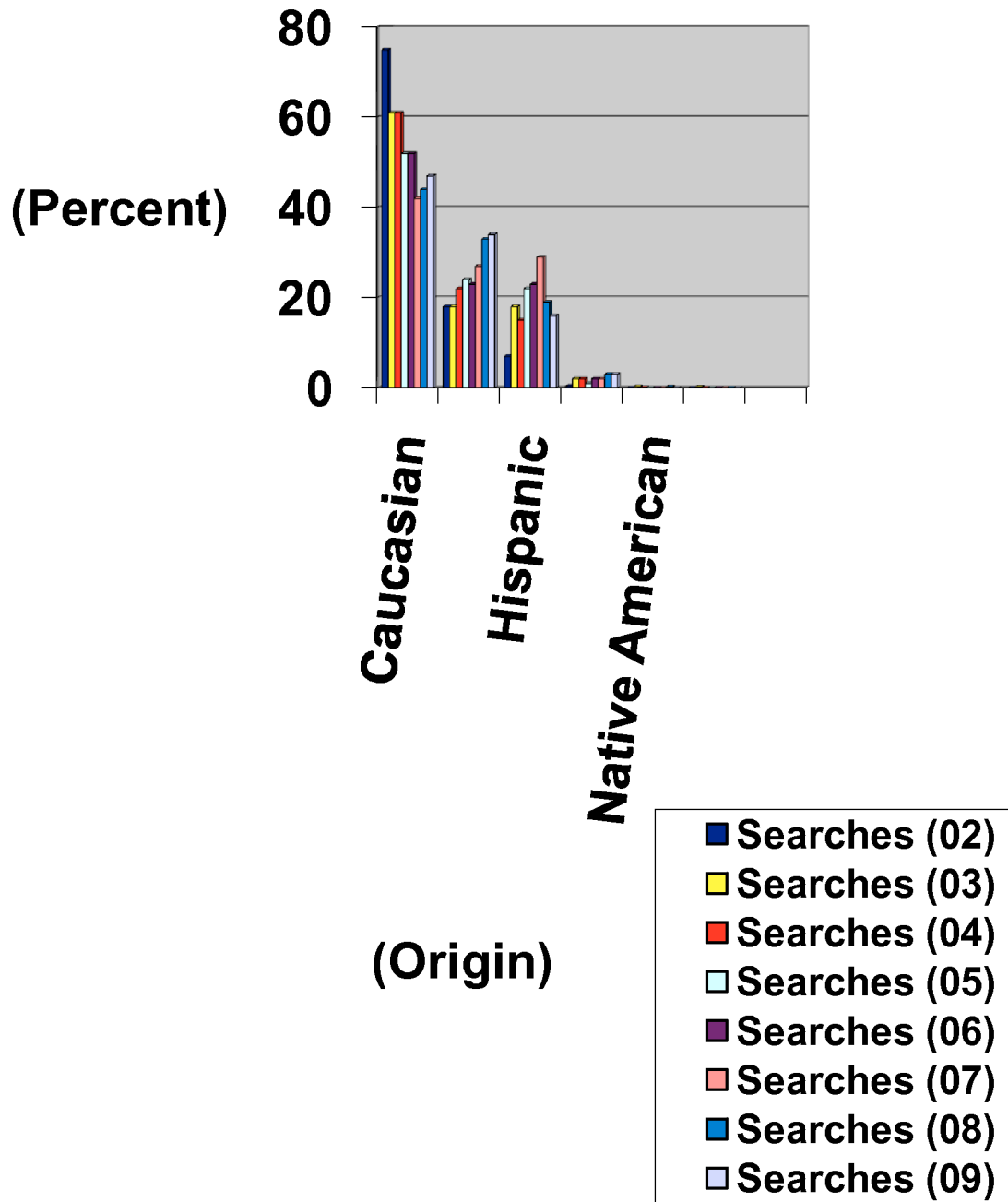
**Comparison of Nine-Year Traffic and Motor Vehicle-Related Search Information  
(1/1/02---12/31/10)**

Race/Ethnicity*	Motor Vehicle-Related Searches (in percentages)
	<b>(10)</b>
<b>Caucasian</b>	41
<b>African</b>	35
<b>Hispanic</b>	21
<b>Asian</b>	2
<b>Native American</b>	.10
<b>Middle Eastern</b>	.40
<b>Other</b>	0
<b>Total</b>	100**

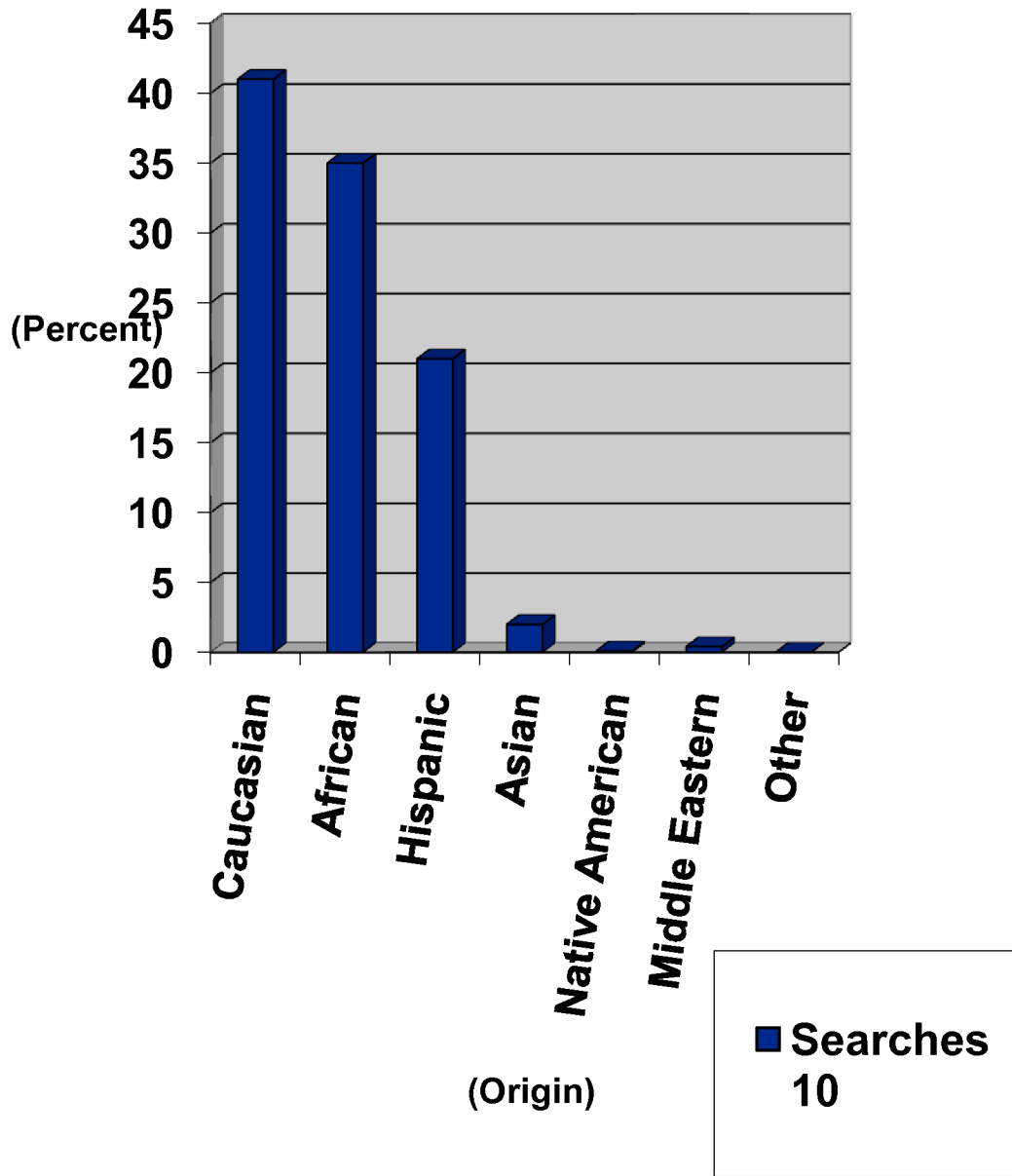
\* Race/Ethnicity is defined by Texas Senate Bill 1074 as being of a “particular descent, including Caucasian, African, Hispanic, Asian, Native American and Middle Eastern”.

\*\* Figure has been rounded.

# Tier 1 Data (Searches 02-09)



## Tier 1 Data (Searches 2010)



**Comparison of Nine-Year Traffic and Motor Vehicle-Related Arrest Information (1/1/02---12/31/10)**

Race/Ethnicity*	Arrest-Related Contacts (in percentages)							
	(02)	(03)	(04)	(05)	(06)	(07)	(08)	(09)
<b>Caucasian</b>	50	58	61	51	50	54	42	47
<b>African</b>	22	19	22	25	25	17	35	33
<b>Hispanic</b>	27	21	15	23	23	28	20	17
<b>Asian</b>	1	2	2	1	2	1	3	3
<b>Native American</b>	0	.10	.1	0	0	0	.3	0
<b>Other</b>	0	.10	0	0	0	0	0	0
<b>Total</b>	100	100	100	100	100	100**	100**	100

\* Race/Ethnicity is defined by Texas Senate Bill 1074 as being of a “particular descent, including Caucasian, African, Hispanic, Asian, or Native American”.

\*\* Figure has been rounded.

**Comparison of Nine-Year Traffic and Motor Vehicle-Related Arrest Information  
(1/1/02---12/31/10)**

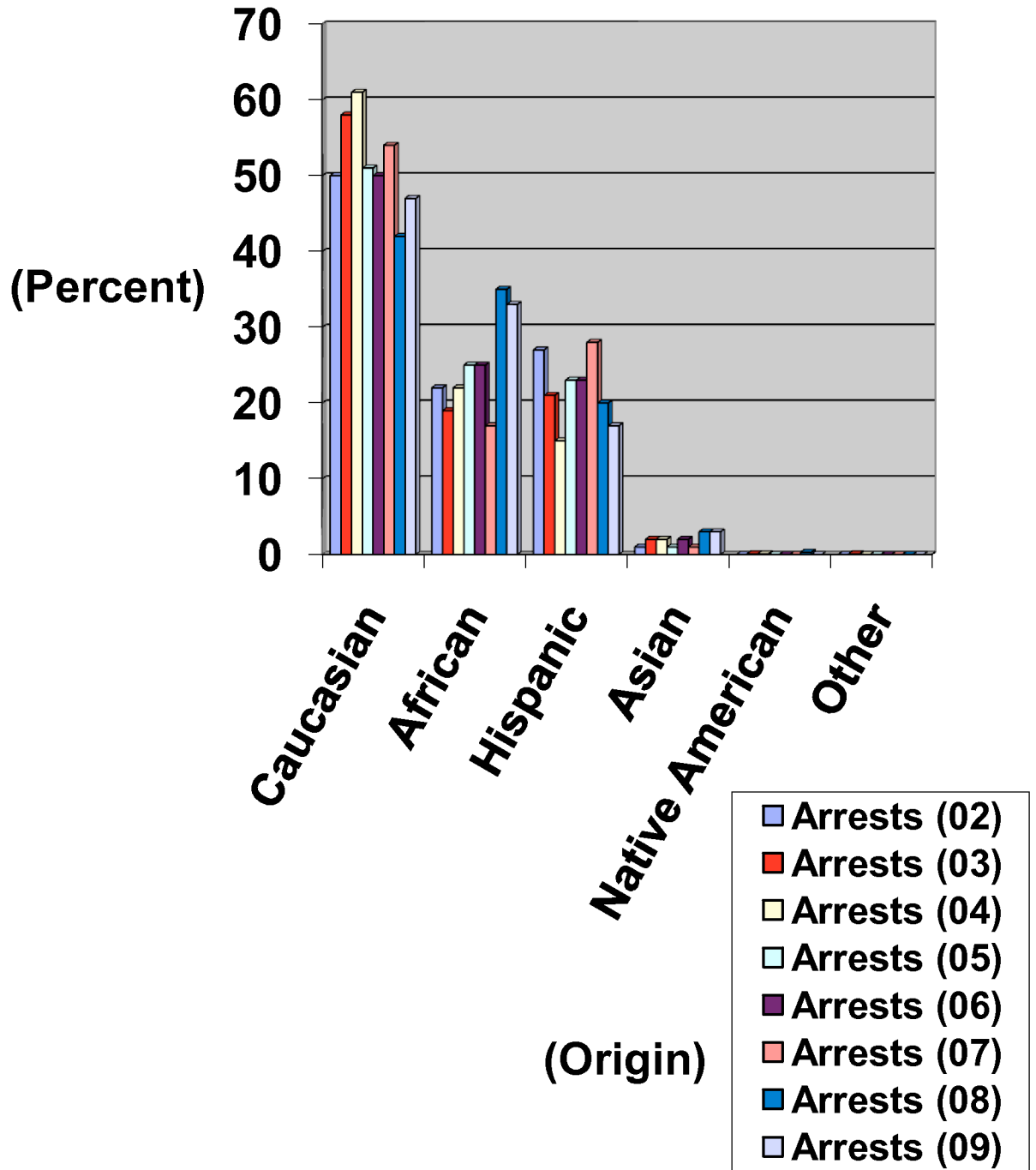
Race/Ethnicity*	Motor Vehicle-Related Arrests (in percentages)
	(10)
<b>Caucasian</b>	41
<b>African</b>	35
<b>Hispanic</b>	21
<b>Asian</b>	2
<b>Native American</b>	.10
<b>Middle Eastern</b>	.40
<b>Other</b>	0
<b>Total</b>	100**

\* Race/Ethnicity is defined by Texas Senate Bill 1074 as being of a “particular descent, including Caucasian, African, Hispanic, Asian, Native American and Middle Eastern”.

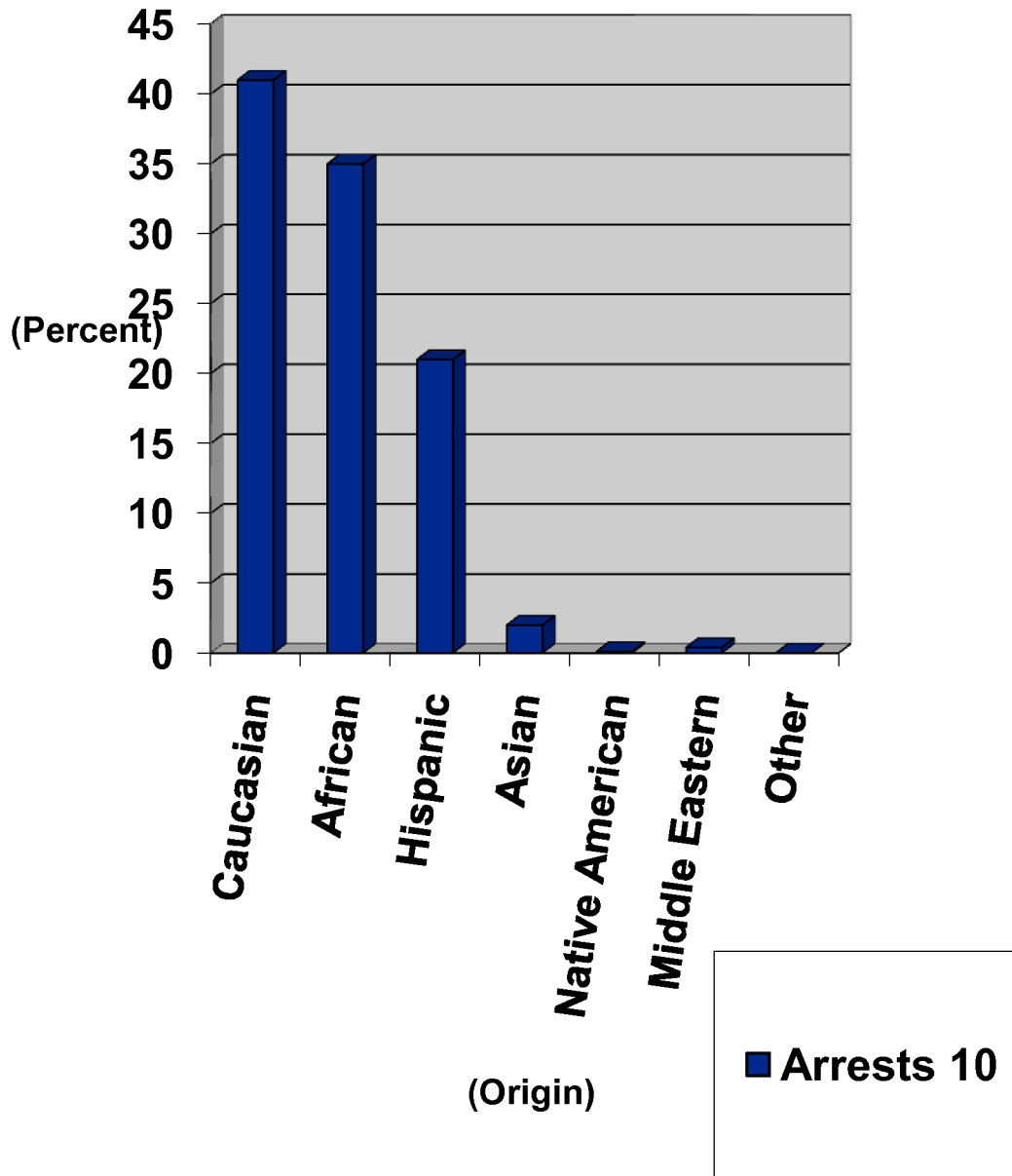
\*\* Figure has been rounded.



# Tier 1 Data (Arrests 02-09)



### Tier 1 Data (Arrests 2010)



# **Analysis and Interpretation of Data**

## **Analysis**

In 2001, the Texas Legislature passed Senate Bill 1074 which later became the Texas Racial Profiling Law. The law came into effect on January 1, 2002 and required

that all police departments in Texas collect traffic-related data and report this information to their local governing authority by March 1<sup>st</sup> of each year. Recently, this was changed to all motor vehicle related contacts where a citation was issued or arrest made. In addition, the law requires that all police officers indicate whether or not they knew the race or ethnicity of the individual before detaining them. Further, the new law requires that agencies report motor vehicle related data to their local governing authority and the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) by March 1st of each year. The purpose in collecting and presenting this information is to determine if police officers in a particular municipality are engaging in the practice of profiling minority motorists.

In addition, the Texas Racial Profiling Law requires police departments to interpret motor vehicle-related data. Even though most researchers would probably agree with the fact that it is within the confines of good practice for police departments to be accountable to the citizenry while carrying a transparent image before the community, it is very difficult to determine if police departments are engaging in racial profiling, from a review or analysis of aggregate 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.

During the past legislative session, the Texas Legislature passed House Bill 3389 which modified the existing Racial Profiling Law by adding new requirements; this took effect on January 1st, 2010. These new changes include, but are not exclusive of, the re-definition of a contact to include motor vehicles where a citation was issued or an arrest made. In addition, it requires police officers to indicate if they knew the race or ethnicity of the individual before detaining them. Also, the new law requires adding "middle eastern" to the racial and ethnic category and submitting the annual traffic data report to TCLEOSE before March 1st of each year, starting this year. I am pleased to inform you that these new requirements have been addressed by the Addison Police Department as it is demonstrated throughout this report.

The Addison Police Department, in an effort to comply with The Texas Racial Profiling Law, commissioned the analysis of its 2010 traffic contact data. Thus, three different types of data analyses were performed. The first of these involved a careful evaluation of the 2010 motor vehicle-related data. This particular analysis measured, as required by the law, the number and percentage of Caucasians, African Americans, Hispanics, Asians, Native Americans, Middle Easterners and individuals belonging to the “other” category, that came in contact with the police in the course of a motor vehicle related stop, and were either issued a citation or arrested. Further, the analysis included information relevant to the number and percentage of searches (table 1) while indicating the type of search performed (i.e., consensual or probable cause). Also, the data analysis included the number and percentage of individuals who, after they came in contact with the police for a traffic-related reason, were arrested.

The additional data analysis performed was based on a comparison of the 2010 traffic-contact data with a specific baseline. When reviewing this particular analysis, it

should be noted that there is disagreement, in the literature, regarding the appropriate baseline to be used when analyzing traffic-related contact information. Of the baseline measures available, the Addison Police Department opted to adopt, as a baseline measure, the Fair Roads Standard. This particular baseline is based on data obtained through the U.S. Census Bureau (2000) relevant to the number of households that have access to vehicles while controlling for the race and ethnicity of the heads of households.

It is clear that census data presents challenges to any effort made at establishing a fair and accurate racial profiling analysis. That is, census data contains information on all residents of a particular community, regardless of the fact they may or may not be among the driving population. Further, census data, when used as a baseline of comparison, presents the challenge that it captures information related to city residents only. Thus, excluding individuals who may have come in contact with the Addison Police Department in 2010 but live outside city limits. In some cases, the percentage of the population that comes in contact with the police but lives outside city limits represents a substantial volume of all motor vehicle-related contacts made in a given year.

Throughout the years, several civil rights groups in Texas have expressed their desire and made recommendations to the effect that all police departments should rely, in their data analysis, on the Fair Roads Standard. This source contains census data specific to the number of “households” that have access to vehicles. Thus, proposing to compare “households” (which may have multiple residents and only a few vehicles) with “contacts” (an individual-based count). This, in essence, constitutes a comparison that may result in ecological fallacy. Despite this, the Addison Police Department made a decision that it would use this form of comparison (i.e., census data relevant to households with vehicles) in an attempt to demonstrate its “good will” and “transparency” before the community. Thus, the Fair Roads Standard data obtained and used in this study is specifically relevant to Addison. Unfortunately, the data being used for comparative purposes is from the previous census as the most recent census data was not available. It is expected that the new and more recent census data will be used in future reports.

The final analysis was conducted while using the 2002--2009 traffic contact data and the 2010 motor-vehicle related data. Specifically, all traffic-related contacts made in 2009 were compared to similar figures reported in 2002, 2003, 2004, 2005, 2006, 2007 and 2008. However, these were not compared to the 2010 motor vehicle contacts as these differ in nature, from those collected in previous years. Although some researchers may not support the notion that in eight years, a “significant” and “permanent” trend can take effect, when considering this analysis, it was determined that comparing eight years of traffic contact data may highlight possible areas of consistency with regards to traffic-related contacts. That is, the eight-year comparison has the potential of revealing indicators that a possible trend of traffic-based contacts with regards to members of a specific minority group, may in fact, develop.

#### Tier 1 (2010) Motor Vehicle-Related Contact Analysis

When analyzing the Tier 1 data collected in 2010, it was evident that most motor vehicle-related contacts were made with Caucasian drivers. This was followed by African American and Hispanic drivers. With respect to searches, most of them were performed on Caucasian drivers. This was also followed by African Americans and Hispanics. It is important to note that the arrest data revealed that Caucasian drivers were arrested the most in motor vehicle-related contacts; this was followed by African Americans and Hispanics.

#### Fair Roads Standard Analysis

The data analysis of motor vehicle contacts to the census data relevant to the number of “households” in Addison who indicated, in the 2000 census, that they had access to vehicles, produced interesting findings. Specifically, the percentage of individuals of African American and Hispanic descent that came in contact with the police was higher than the percentage of African American and Hispanic households in Addison that claimed, in the 2000 census, to have access to vehicles. With respect to Caucasians, Asians and Native Americans, a lower percentage of contacts were detected. That is, the percentage of Caucasian, Asian and Native American drivers that came in contact with the police in 2010 was lower than the percentage of Caucasian, Asian and Native American households in Addison with access to vehicles.

#### Eight-Year Comparison

The eight-year comparison (02-09) of traffic-contact data showed some similarities. As illustrated in table 3, the percentage of drivers (from different racial/ethnic groups) that came in contact with the Addison Police in 2009 was similar to the percentage of drivers, from the same racial/ethnic groups that came in contact with the Addison Police Department in 2008, 2007, 2006, 2005, 2004, 2003 and 2002. However, a few differences were noted. When comparing 2009 to the previous years, there was a decrease in percentage among Caucasians.

It is clear that commonalities in the data existed, when analyzing the search-related contacts for all eight years. An increase in percentage was detected among Caucasians and African Americans while a percentage decrease was noted among Hispanics. When considering the arrests made, the data revealed that the percentage of arrests increased among Caucasians while a decrease in percentage was evident among African Americans and Hispanics. It is expected that the 2010 contact data collected will be compared to the motor vehicle related data collected in the near future. The rationale here is that comparing traffic related data collected in previous years with motor vehicle related data collected in 2010, would not be statistically sound as these originate from different circumstances.

#### Summary of Findings

The comparison of motor vehicle contacts showed that the Addison Police Department came in contact (in motor vehicle-related incidents) with a smaller

percentage of Caucasian, Asian and Native American drivers than the percentage that resided in Addison and had access to vehicles. Further, the data suggested that the percentage of African American and Hispanic drivers that came in contact with the police in 2010 was higher than the percentage of African American and Hispanic households in Addison with access to vehicles. In addition, the data showed that the race or ethnicity of a large number of individuals who were detained was not known to the police prior to their detention; when compared to those whose race or ethnicity was known before being detained.

A careful examination of the eight-year traffic-related contact data suggested that the Addison Police Department has been, for the most part, consistent in the racial/ethnic composition of motorists it comes in contact with during a given year. The consistency of contacts for the past 8 years is in place despite the fact the city demographics may have changed, thus, increasing the number of subjects likely to come in contact with the police.

While considering the findings made in this analysis, it is recommended that the Addison Police Department should continue to collect and evaluate additional information on motor vehicle contact data (i.e., reason for probable cause searches, contraband detected) which may prove to be useful when determining the nature of the contacts police officers are making with all individuals; particularly with African Americans and Hispanics. Although this additional data may not be required by state law, it is likely to provide insights regarding the nature and outcome of all motor vehicle contacts made with the public. As part of this effort, the Addison Police Department is also encouraged to:

- 1) Perform an independent search analysis on the search data collected in the first quarter of 2011.
- 2) Commission at least one data audit in 2011 in order to assess data integrity; that is, to ensure that the data collected is consistent with the data being reported.

The information and analysis provided in this report serves as evidence that the Addison Police Department has, once again, complied with the Texas Racial Profiling Law.

# **(III) Summary**



# Checklist

## Checklist

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

- Clearly defined act or actions that constitute racial profiling
- Statement indicating prohibition of any peace officer employed by the Addison Police Department from engaging in racial profiling
- Implement a process by which an individual may file a complaint regarding racial profiling violations
- Provide public education related to the complaint process
- Implement disciplinary guidelines for officer found in violation of the Texas Racial Profiling Law
- Collect data (Tier 1) that includes information on
  - a) Race and ethnicity of individual detained
  - b) Whether a search was conducted
  - c) If there was a search, whether it was a consent search or a probable cause search
  - d) Whether a custody arrest took place
- Indicate total number of officers who knew and did not know, the race/ethnicity of individuals before being detained.
- Produce an annual report on police contacts (Tier 1) and present this to local governing body and TCLEOSE by March 1, 2011.
- Adopt a policy, if video/audio equipment is installed, on standards for reviewing video and audio documentation

# Contact Information

## **Contact Information**

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

Del Carmen Consulting, LLC  
817.681.7840  
[www.texasracialprofiling.com](http://www.texasracialprofiling.com)  
[www.delcarmenconsulting.com](http://www.delcarmenconsulting.com)

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## **Council Agenda Item: #R9**

### **AGENDA CAPTION:**

Presentation, discussion and consideration of authorizing the City Manager to execute a contract with Landmark Structures Management Inc. in the amount of \$5,704,900 with a contract duration of 540 calendar days for the proposed 1.5 million gallon elevated storage tank.

### **FINANCIAL IMPACT:**

The bid document for the Elevated Storage Tank included several additive alternates including the wind turbines and the learning center. The award of these options costs \$5,705,000, and less the SECO grant of \$472,000, brings the amount to be supported by the Town to \$5,233,000. From the original \$5 million that had been included in the 2008 issuance of certificates of obligation (CO) for the water tower, approximately \$4,330,000 remains after engineering and design fees. It is recommended that the \$902,900 difference be funded from the 2008 CO proceeds that were allocated for right-of-way and street improvements which has an uncommitted balance of \$2,354,000. With the shifting of funds, the Utility fund would pick up the debt service of the additional \$903,000 that is currently supported from the G.O. Debt service fund. The annual debt service associated with this reallocation of CO proceeds would be about \$67,000 a year for the life of the bonds (maturing in 2033). Because the water tower was included in the language of the bond covenants, and because the bond ordinance did not detail how much of the \$34.5 million would be used for the different purposes, the Town has the flexibility to reallocate the funding.

### **BACKGROUND:**

This item is to authorize the City Manager to execute a construction contract with Landmark Structures Management, Inc.

in the amount of \$5,704,900 (Base Bid plus Additive Alternates 58-65) with a contract duration of 540 calendar days for the proposed 1.5 Million Gallon Elevated Storage Tank.

The Texas Commission in Environmental Quality (TCEQ) has recommended that the Town pursue construction of additional elevated storage in order to provide 100 gallons of elevated storage per connection. A recent review by TCEQ indicates the Town of Addison has reached 98 percent of its elevated storage capacity. Freese and Nichols, Inc. performed a Water Distribution Study in 2006 that determined an additional 1.5 Million Gallons of elevated storage was needed. With the high visibility of the proposed location of the new tower (Surveyor and Belt Line) and its proximity to the planned Arapaho Rd. trail extension to the utility easement, the new water tower offered an opportunity to provide an iconic statement for the community. Preliminary design included a hemisphere painted carbon steel bowl on a 46 ft diameter concrete pedestal, a stainless steel veneer at bottom of pedestal, 11 solar wind turbines mounted on top of the tank bowl, and ground floor storage with roll-up door. Additional professional service contracts that include the design of the learning center have revised the total contract to \$593,055.00. The learning center will include a technology center which will enable guests to view energy production and wind measurement data, a PowerPoint presentation on the elevated tank, and other videos / presentations as desired.

Town staff advertised the Elevated Storage Tank project in January and opened bids on February 11<sup>th</sup>. Two bids were received but one indicated a No Bid due to lack of time. The elevated storage tank construction field is a specialty niche where two contractors are generally the only bidders, Landmark Structures Management, Inc. and Chicago Bridge & Iron. The Town's bid schedule was structured to allow the construction to begin at the first of March in order to complete the wind turbines before the end of February 2011 so they could meet SECO's completion deadline of February 2012. SECO has reviewed the bid and we expect to receive a contract for execution of an agreement for the \$472,000 before Council action is taken.

**RECOMMENDATION:**

Staff recommends approval.

**COUNCIL GOALS:**

Provide Superior Public Safety, Customer Service, Social and Health Services to the Community, Take actions to make Addison a leader in sustainable development and operations that protect and enhance the Town's quality of life

**ATTACHMENTS:**

Description:

[Bid tabulation](#)

Type:

Cover Memo

Client: Town of Addison Project: Surveyor 2.5 MG EST Bid Date: February 11, 2011 Project No: ADD08459				Landmark 1665 Harmon Road Ft. Worth, TX 76177	
Item No.		Quantity	Unit	Unit Price	Bid Amount
<b>Base Bid</b>					
1	Mobilization	1	LS	\$200,000.00	\$200,000.00
2	1.5 MG composite elevated storage tank	1	LS	\$3,200,000.00	\$3,200,000.00
3	6" Lime Treated Subgrade for the driveway and parking	14,500	SF	\$1.50	\$21,750.00
4	Driveway entrance	2	EA	\$4,500.00	\$9,000.00
5	Reinforced concrete driveway and parking, including all curbs	13,500	SF	\$5.40	\$72,900.00
6	Reinforced concrete sidewalks	4,600	SF	\$5.00	\$23,000.00
7	Pavers pavement, including any required concrete edge strips	1,000	SF	\$10.00	\$10,000.00
8	Exterior circular landscape wall	25	CY	\$1,000.00	\$25,000.00
9	Type A ADA Ramps	4	EA	\$500.00	\$2,000.00
10	Handicap pavement marking	1	EA	\$100.00	\$100.00
11	Handicap sign	1	EA	\$300.00	\$300.00
12	4" white parking stall striping	80	LF	\$1.00	\$80.00
13	6" white van accessible and ADA crosswalk striping	340	LF	\$2.00	\$680.00
14	24" white stop bar striping	48	LF	\$5.00	\$240.00
15	4" double yellow solid line striping	50	LF	\$2.00	\$100.00
16	Concrete wheel stops for parking stalls	2	EA	\$100.00	\$200.00
17	24" Ductile Iron Pipe Waterline	390	LF	\$180.00	\$70,200.00
18	16" Ductile Iron Pipe Waterline	71	LF	\$140.00	\$9,940.00
19	24" Butterfly Valves and vaults	4	EA	\$25,000.00	\$100,000.00
20	16" Gate Valves	3	EA	\$3,000.00	\$9,000.00
21	Ductile Iron Fittings	6	TONS	\$3,000.00	\$18,000.00
22	Fire Hydrant Assembly	1	EA	\$4,500.00	\$4,500.00
23	16" control valve and vault	1	EA	\$60,000.00	\$60,000.00
24	Connection to existing 24" waterline	2	EA	\$25,000.00	\$50,000.00
25	1-1/2" domestic water service meter and box	1	EA	\$3,000.00	\$3,000.00
26	1-1/2" irrigation water service meter and box, including backflow prevention device	1	EA	\$2,500.00	\$2,500.00
27	Irrigation electrical, instrumentation, controls, valves, and equipment	1	LS	\$8,000.00	\$8,000.00
28	Irrigation water lines	4,000	LF	\$4.00	\$16,000.00
29	Irrigation sprinkler head	180	EA	\$40.00	\$7,200.00
30	Exterior water service line to pedestal	65	LF	\$20.00	\$1,300.00
31	Water service line, including backflow preventer, to exterior drinking water fountain, including backflow prevention device	120	LF	\$20.00	\$2,400.00
32	Automatic Flush valve for service line for drinking water fountain	1	EA	\$3,000.00	\$3,000.00
33	Exterior drinking water fountain	1	EA	\$7,000.00	\$7,000.00
34	Exterior 6" waterline for fire sprinkler connection	30	LF	\$50.00	\$1,500.00
35	4" sanitary sewer service connection at existing cleanout	1	EA	\$1,000.00	\$1,000.00
36	Exterior 4" sanitary sewer service line, SDR-26 PR 160, including double cleanout	70	LF	\$30.00	\$2,100.00
37	4' x 4' storm drain y-inlet	1	EA	\$3,000.00	\$3,000.00
38	18" RCP storm drain	100	LF	\$50.00	\$5,000.00
39	Connect to existing storm drain curb inlet	1	EA	\$1,000.00	\$1,000.00
40	8' tall ornamental perimeter fence	285	LF	\$100.00	\$28,500.00
41	8' Tall x 24' wide ornamental swing gate, including motor, operator, and access control	2	EA	\$9,000.00	\$18,000.00
42	Light poles for lighting bowl including Type F and Type H lights	2	EA	\$5,000.00	\$10,000.00
43	Type N exterior lights	10	EA	\$500.00	\$5,000.00
44	Street lights on site, including installation of Town-provided poles	2	EA	\$2,500.00	\$5,000.00
45	Electrical, instrumentation, SCADA and controls	1	LS	\$173,590.00	\$173,590.00
46	Site grading	1,500	CY	\$20.00	\$30,000.00
47	SWPPP preparation, implementation, and maintenance	1	LS	\$1,000.00	\$1,000.00
48	Install and maintain silt fence in accordance with the SWPPP and erosion control plan	415	LF	\$3.00	\$1,245.00
49	Install and maintain stabilized construction entrance in accordance with the SWPPP and erosion control plan	2	EA	\$2,500.00	\$5,000.00
50	Install and maintain inlet protection in accordance with the SWPPP and erosion control plan	3	EA	\$100.00	\$300.00
51	Hydromulch grass seeding of disturbed area	5,000	SY	\$1.00	\$5,000.00
52	Sod grassing of berm	1,900	SF	\$1.00	\$1,900.00
53	Trench Safety	700	LF	\$1.00	\$700.00
54	Install and maintain project signs	2	EA	\$350.00	\$700.00
55	Rough-in for Chlorine Analyzer	1	LS	\$500.00	\$500.00
56	Decomposed granite, including soil sterilant, flexible base and filter fabric	315	SF	\$5.00	\$1,575.00
57	Security/Alarm system	1	LS	\$1,000.00	\$1,000.00
<b>Alternate Bid</b>					
58	Chlorine Analyzer	1	LS	\$5,000.00	\$5,000.00
<b>Alternate Bid</b>					
59	Aluminum cladding of lower tank pedestal	4,300	SF	\$25.00	\$107,500.00
<b>Alternate Bid</b>					
60	Upgrading to pavers pavement	740	SF	\$10.00	\$7,400.00
<b>Alternate Bid</b>					
61	Upgrading the tank bowl and all associated appurtenances to stainless steel	1	LS	NO BID	\$0.00
<b>Alternate Bid</b>					
62	Wind turbines atop tank and associated appurtenances, electrical, instrumentation, SCADA and controls	10	EA	\$64,500.00	\$645,000.00
<b>Alternate Bid</b>					
63	Wind measurement system atop tank and associated appurtenances, electrical, instrumentation, SCADA and controls	1	LS	\$100,000.00	\$100,000.00
<b>Alternate Bid</b>					
64	Wind turbine display unit and associated appurtenances, electrical, instrumentation, SCADA and controls	1	EA	\$100,000.00	\$100,000.00
<b>Alternate Bid</b>					
65	Pedestal learning center	1	LS	\$500,000.00	\$500,000.00
<b>BID SUMMARY</b>					
<b>TOTAL BASE BID SECTION A - BASE BID ITEMS (Sum of Items 1 through 57)</b>					<b>\$4,240,000.00</b>
<b>TOTAL ALTERNATE BID SECTION A - ALTERNATE BID ITEMS (Sum of Items 58 through 65)</b>					<b>\$1,464,900.00</b>
					<b>Low Bidder</b>



## Council Agenda Item: #R10

**AGENDA CAPTION:**

Presentation of and discussion regarding the Quarterly Financial Report for the period ending December 31, 2010.

**FINANCIAL IMPACT:**

N/A

**BACKGROUND:**

N/A

**RECOMMENDATION:**

**COUNCIL GOALS:**

Conduct the Business of the Town in a Fiscally Responsible Manner

**ATTACHMENTS:**

Description:

[1 Quarter report](#)

Type:

Cover Memo

Department of Financial & Strategic Services  
*Quarterly Review*

*For the Period Ended December 31, 2010*

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*Town of Addison  
February 2011*

# *Quarter Ended 12/31/10*

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First Southwest Portfolio Report and Statement of Compliance .....	Attached

# Executive Dashboard – 1st Quarter, 2011 Fiscal Year

## Financial Indicators

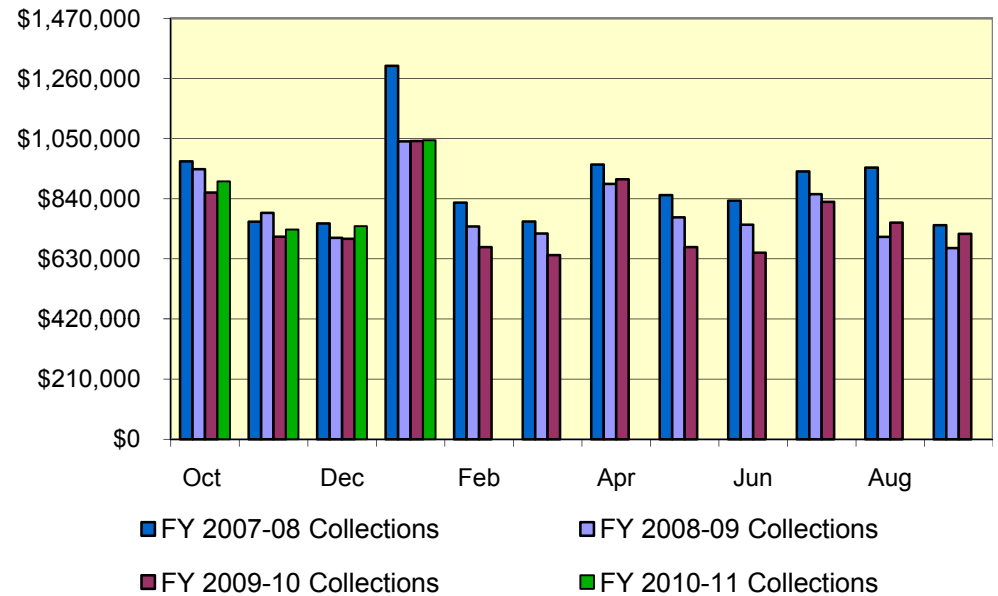
### Key Revenue Sources:

	FY11 Budget	FY11 Projection*	Variance (Unfavorable)
Ad Valorem Taxes	\$10,386,590	\$10,386,590	\$-0-
Sales Taxes	\$9,377,780	\$9,893,900	\$516,120
Franchise Fees	\$2,607,960	\$2,607,960	\$-0-
Licenses and Permits	\$621,080	\$621,080	\$-0-
Court Fines	\$1,225,000	\$1,100,000	(\$125,000)
Hotel Tax	\$3,550,000	\$3,550,000	\$-0-
Fuel Flowage Fees	\$846,000	\$846,000	\$-0-
Water and Sewer Charges	\$10,165,000	\$10,165,000	-0-

### Key Expenditures:

	FY11 Budget	FY11 Projection*	Variance
General Fund	\$27,727,970	\$27,727,970	\$-0-
Hotel Fund	\$6,914,180	\$8,609,580	(\$1,695,400)
Airport Operations	\$3,482,660	\$3,482,660	\$-0-
Utility Dept.	\$2,644,680	\$2,644,680	\$-0-

### Addison Sales Tax Collections



General Fund



Airport Fund



Hotel Fund



Utility Fund




\*Using data through December 31, 2010

# Executive Dashboard – 1st Quarter, 2011 Fiscal Year

## Economic Indicators

### Occupancy Indicators:

Office Occupancy  Up from 74.7% to 78.6%

Retail Occupancy  Up from 87.4% to 88.7%

Source: CoStar Report Q1 2010 vs. Q1 2011

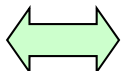
### Hotel Indicators:


Hotel Occupancy  2010 down 5.7% from 2009

RevPAR  2010 down \$5.4 from 2009

Source: STR Report – December 2009 vs. December 2010

### Area Economic Indicators:

Area Employment  2010 even with 2009

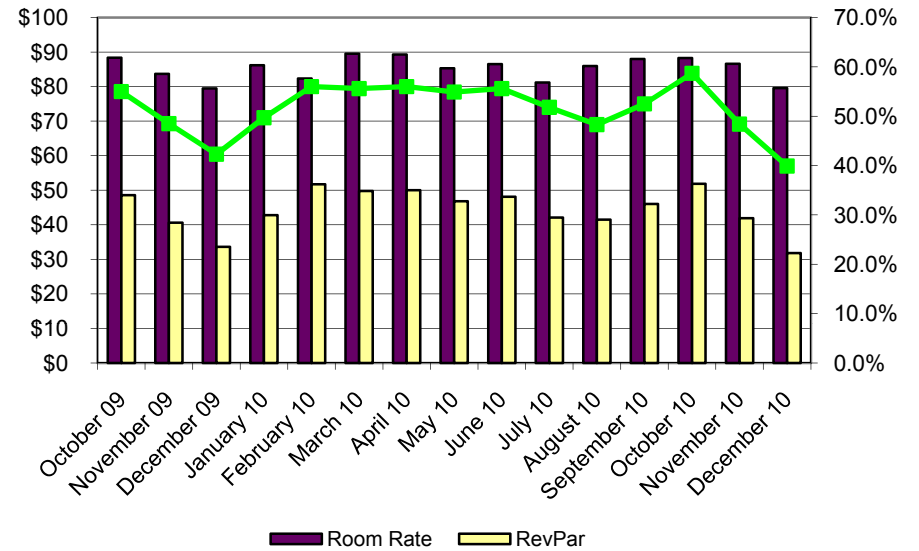
Texas Leading Indicators Index  2010 up 4.97% from 2009

Source: Dallas Federal Reserve

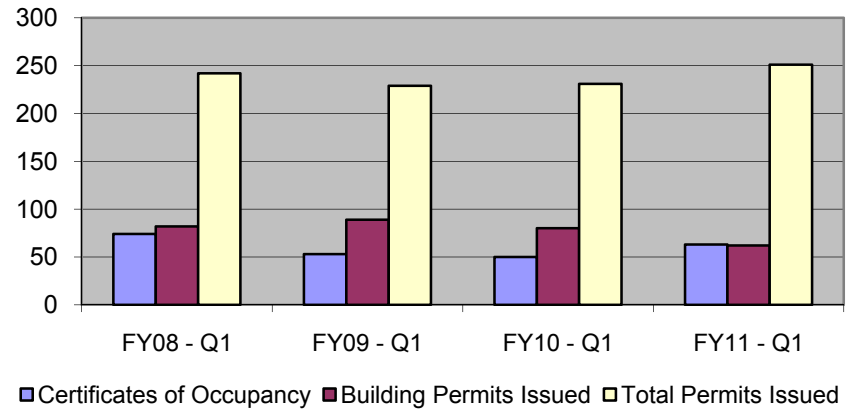
### Building Permit Activity:

	FY 2010 (thru December 31st)	FY 2011 (thru December 31st)
Certificates of Occupancy	50	63
Building Permits Issued	80	62
Total Permits Issued	230	254
Total Valuation	\$44,576,998	\$10,888,682

### Hotel Industry Statistics



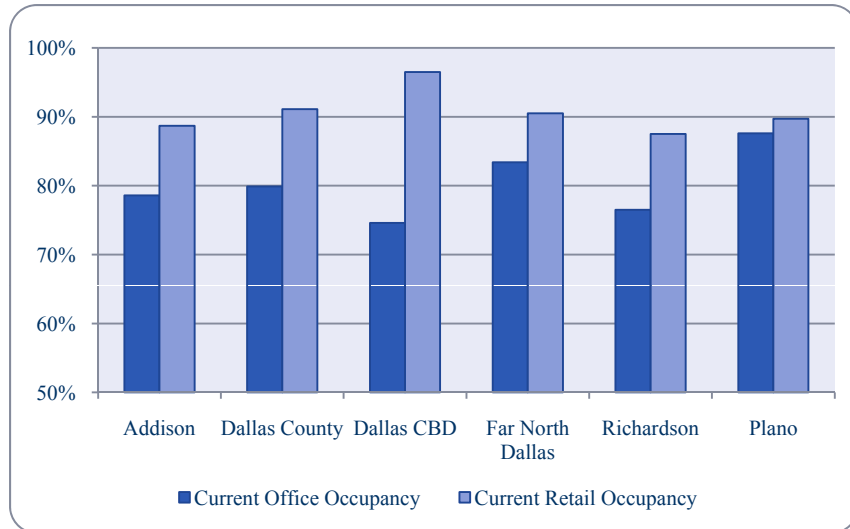
### Comparison of Permit Activity



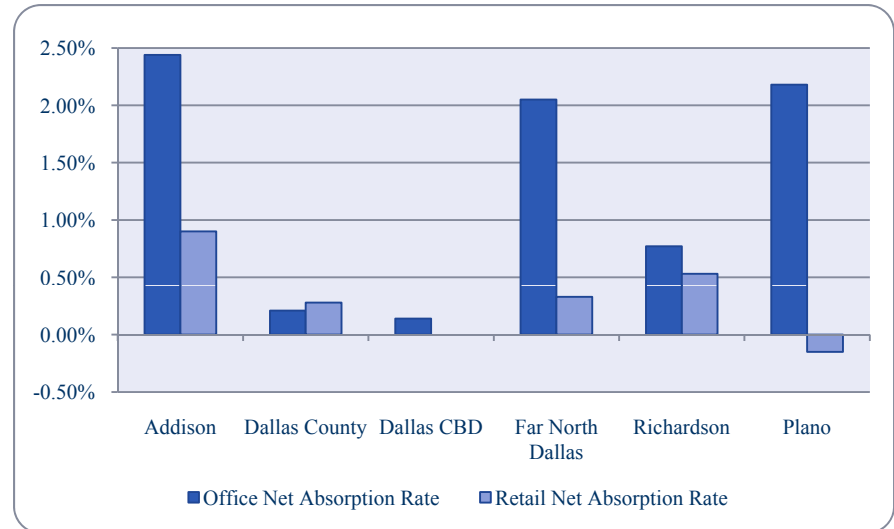
# Executive Dashboard – 1<sup>st</sup> Quarter 2011 Fiscal Year

## Office and Retail Occupancy Summary

### Occupancy as of December 31, 2010 :



### Net Absorption Rate\* FY10 YTD Average:



### Office Indicators as of December 31, 2010 :

Measure	FY10 Q1	FY11 Q1	% Change
Office Occupancy Rate	74.7%	78.6%	5.2%
Average Rental Rate**	\$20.63	\$20.05	-2.8%

### Retail Indicators as of December 31, 2010 :

Measure	FY10 Q1	FY11 Q1	% Change
Retail Occupancy Rate	87.4%	88.7%	1.5%
Average Rental Rate*	\$18.32	\$15.98	-12.7%

\*Net absorption in the net change in occupied space.










\*\*Rate is the annual cost per square foot. For office the amount is the direct gross rent. For retail the amount is the triple net rent.

Source: CoStar.

# Executive Dashboard - 1st Quarter, 2011 Fiscal Year

## Bid Equipment / Projects Status Report

Projects FY 2010-2011	Budget	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
1 Parks Landscape Projects	\$52,000				■	■	■	■	■	■	■	■	■
<i>Parks</i>													
2 Parks Painting Projects	\$27,700			■	■	■	■	■	■	■	■	■	■
<i>Parks</i>													
3 Parks Lighting Projects	\$65,000					■	■	■	■	■	■	■	■
<i>Parks</i>													
4 Crack and Joint Sealing	\$50,000			■	■	■	■	■	■	■	■	■	■
<i>Streets</i>													
5 Miscellaneous Pavement Projects	\$100,000						■	■	■	■	■	■	■
<i>Streets</i>													
6 Pavement Markings	\$60,000							■	■	■	■	■	■
<i>Streets</i>													
7 Railroad Crossings	\$100,000								■	■	■	■	■
<i>Streets</i>													
8 Arapaho Road Pavers	\$20,000							■	■	■	■	■	■
<i>Streets</i>													
9 Video Surveillance at Service Center	\$20,000									■	■	■	■
<i>IT</i>													
10 In-Car Video and Computer Upgrade	\$230,000						■	■	■	■	■	■	■
<i>IT</i>													
11 Heating/AC Maintenance	\$100,000					■	■	■	■	■	■	■	■
<i>General Services</i>													
11 Police Department Exterior Painting	\$45,000								■	■	■	■	■
<i>General Services</i>													
12 Custodial Services	\$217,000			■	■	■	■	■	■	■	■	■	■
<i>General Services</i>													
13 Elevated Storage Tank Construction	\$5,000,000	■	■	■	■	■	■	■	■	■	■	■	■
<i>Public Works</i>													
14 Vitruvian Park Phase 2 (Bella Lane)	\$1,200,000	■	■	■	■	■	■	■	■	■	■	■	■
<i>Public Works</i>													
15 Spring Valley Road Widening	\$4,000,000	■	■	■	■	■	■	■	■	■	■	■	■
<i>Public Works</i>													

-  Portion of the project from design through the procurement process
-  Portion of the project from award of contract until closing of construction or implementation.
-  Denotes a Streets Department Project
-  Denotes a Parks Department Project
-  Denotes an IT Department Project
-  Denotes a General Services Project
-  Denotes a Public Works Department Project
-  Project has been suspended/deferred
-  Project has been completed



# MEMO

**To:** Ron Whitehead, City Manager  
**From:** Randy Moravec, CFO  
**Re:** First Quarter Financial Review  
**Date:** February 16, 2011

This report is the first for the 2010-11 fiscal year. The report's format has been modified from last year's quarterly report to present to council a more comprehensive presentation of the Town's finances. The report is intended to provide the city council the information they require regarding the Town's financial condition. However, should council members desire additional information, or want the information presented in a different manner, we will be happy to accommodate those requests.

## **GENERAL FUND**

- Revenues for the first quarter ended December 31, 2010 totaled \$5.8 million, which is \$312k or 4.8% more than received this time last year. Property tax collections are up \$464k, reflecting a higher collection rate than experienced last year and may be an indicator of an improving economy. Sales tax collections total \$2.4 million, a 4.8% increase over the previous year. The only revenue item that is significantly down this year is court fines, which is off 19.1% from last year. The decline is a result of officers not being able to work traffic enforcement because of workers compensation injuries and wet weather that hampered the use of motorcycle officers for enforcement. Chief Davis anticipates that with the return of officers from their injuries, traffic enforcement activities will resume to normal levels.
- First quarter expenditures totaled \$6.5 million, which is 23.4% of budget and \$308k more than spent this time last year. The increase is primarily due to the resumption of General fund contributions to the internal replacement funds.

## **HOTEL FUND**

- For the first three months, revenues totaled \$1.1 million, a decline of only \$20k from this time last year. Hotel occupancy tax (HOT) collections have continued to post modest gains and the first quarter's collections are 4% greater than the same quarter last fiscal year. Proceeds from special events were up slightly over last year while Conference Centre rentals are off 34.1%. Although rentals have recently improved, it is unlikely the annual budgeted amount of \$500k will be reached this year.



- Hotel fund expenditures amounted to \$1.8 million or 26.1% of budget, \$225k more than a year ago. The increased expenditures are due to the make-ready of the Visitor Center and the Visit Addison facilities at Village on the Parkway. Total costs for the facilities have been estimated at \$1.7 million, which will be recognized with budget amendments later in the fiscal year once all costs have been recognized.

### **AIRPORT FUND**

- Operating revenue for the quarter totaled \$378k, significantly less than the previous year, but only because the quarterly report reflects just one month's income. The quarterly reports are usually only one month delayed in reporting revenue and the first quarter's report should have included two months' receipts. However, because of the new operating arrangement with URS and SAMI, the monthly financial reports were delayed.
- First quarter operating expenses amounted to \$525k, resulting in a net loss of \$175k. As anticipated in the budget, the fund submitted the Town's local match to TXDOT for the runway improvement project, bringing fund working capital down from \$2.1 million to \$717k.

### **UTILITY FUND**

- For the quarter, the fund recorded \$1.8 million in operating revenues, a \$434k increase from the year before. The increased revenue is attributed to the new utility rate structure, as well as a 31.3% increase in the volume of water sold the first quarter.
- Operating expenses totaled \$1.5 million, bringing net income to \$178k. Working capital declined \$498k due to debt service payments and capital project expenses.

### **CASH AND INVESTMENT REPORT**

- Cash for all funds as of December 31, 2010 totaled \$50.1 million, a net decline of \$4.8 million from the previous quarter. The decline is partially attributed to the General fund where expenditures typically exceed revenues for this time of the year as well as payments made from the Town's capital project funds, particularly the 2008 bond fund related to the Vitruvian Park development infrastructure. Declines were also experienced in the Hotel fund, due to expenditures, particularly the make-ready of the Visitor Center and Visit Addison facilities, exceeding revenues. The Airport cash balance declined due to the payment of the Town's local match for the runway improvement project.
- The Town's average investment yield to maturity at the end of December increased for the second consecutive quarter, up slightly from the 0.53% the end of September to 0.62%. This yield is higher than the TexPool benchmark of 0.17%. The average weighted maturity increased from 130 days to 205 days.
- We concur with First Southwest Asset Management's recommendation of keeping our cash balances low and invest as much as possible in interest bearing accounts and instruments. However, just as we did the past quarter, we will explore allocating a portion of the Town's portfolio in longer maturity items if the yield curve justifies these investments.

## TOWN OF ADDISON

### EXECUTIVE SUMMARY OF MAJOR OPERATING FUNDS FOR THE QUARTER ENDED DECEMBER 31, 2010 UNAUDITED ACTUAL AMOUNTS COMPARED TO THE 2011 ADOPTED BUDGET AND PREVIOUS YEAR ACTUAL FOR SAME PERIOD

*All Amounts Expressed in Thousands of Dollars*

	General Fund			Hotel Fund			Airport Fund			Utility Fund			Total Major Operating Funds*		
	Budget	Actual	PY Actual	Budget	Actual	PY Actual	Budget	Actual	PY Actual	Budget	Actual	PY Actual	Budget	Actual	PY Actual
<b>RESOURCES</b>															
Ad Valorem Tax	\$ 10,387	\$ 1,994	\$ 1,530	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 10,387	\$ 1,994	\$ 1,530
Non-Property Tax	10,338	2,377	2,269	3,550	839	805	-	-	-	-	-	-	13,888	3,216	3,074
Franchise Fees	2,608	667	633	-	-	-	-	-	-	-	-	-	2,608	667	633
Service/Permitting/License Fees	3,193	665	959	1,681	104	97	884	70	138	10,258	1,773	1,339	16,015	2,611	2,533
Rental, Interest and Other Income	291	80	81	817	138	199	3,543	311	667	7	8	14	4,658	537	961
Transfers and Other Sources	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total Resources</b>	<b>26,816</b>	<b>5,783</b>	<b>5,471</b>	<b>6,048</b>	<b>1,081</b>	<b>1,101</b>	<b>4,427</b>	<b>381</b>	<b>805</b>	<b>10,264</b>	<b>1,781</b>	<b>1,353</b>	<b>47,555</b>	<b>9,025</b>	<b>8,730</b>
<b>APPLICATION OF RESOURCES</b>															
Personal Services	18,906	4,690	4,649	1,538	306	313	254	59	57	1,362	333	314	22,060	5,388	5,334
Supplies and Materials	1,227	250	233	152	84	40	22	3	1	134	24	21	1,534	362	295
Maintenance	1,914	250	285	539	232	92	2,399	193	157	410	40	61	5,262	715	595
Contractual Services	4,501	999	1,000	3,959	990	955	807	269	328	5,403	1,068	527	14,670	3,327	2,810
Capital Equipment Amortization	1,073	269	1	57	16	-	-	-	-	24	7	-	1,154	292	1
Capital Equipment/Projects	107	19	-	-	9	12	1,302	1,166	2	3,785	20	147	5,194	1,215	161
Transfers and Other Uses**	700	175	-	670	167	167	390	98	96	3,147	787	780	4,908	1,226	1,043
<b>Total Application of Resources</b>	<b>28,428</b>	<b>6,652</b>	<b>6,169</b>	<b>6,914</b>	<b>1,805</b>	<b>1,580</b>	<b>5,175</b>	<b>1,788</b>	<b>641</b>	<b>14,265</b>	<b>2,279</b>	<b>1,850</b>	<b>54,782</b>	<b>12,524</b>	<b>10,239</b>
<b>Net Change in Fund Balances</b>	<b>\$ (1,612)</b>	<b>\$ (869)</b>	<b>(698)</b>	<b>\$ (866)</b>	<b>\$ (724)</b>	<b>\$ (479)</b>	<b>\$ (748)</b>	<b>\$ (1,408)</b>	<b>\$ 164</b>	<b>\$ (4,001)</b>	<b>\$ (498)</b>	<b>(497)</b>	<b>\$ (7,227)</b>	<b>\$ (3,499)</b>	<b>(1,509)</b>

**Notes:**

\* Totals may not exactly match due to rounding.

\*\* Transfers and other uses includes interfund transfers and and retirement of debt in the Airport and Utility funds.

# TOWN OF ADDISON

## GENERAL FUND

### FY 2011 QUARTERLY STATEMENT OF REVENUES COMPARED TO BUDGET

*With Comparative Information from Prior Fiscal Year*

Category	2010-11 FY				2009-10 FY	
	Budget	1st Quarter	Year-to-Date	YTD as % of Budget	Year-to-Date	YTD as % of Budget
Ad Valorem taxes:						
Current taxes	\$ 10,375,430	\$ 1,980,427	\$ 1,980,427	19.1%	\$ 1,526,785	14.3%
Delinquent taxes	9,850	9,248	9,248	93.9%	(1,410)	-41.6%
Penalty & interest	1,310	4,759	4,759	363.3%	4,443	18.7%
Non-property taxes:						
Sales tax	9,377,780	2,377,039	2,377,039	25.3%	2,268,686	23.7%
Alcoholic beverage tax	960,000	-	-	0.0%	-	0.0%
Franchise / right-of-way use fees:						
Electric franchise	1,500,000	434,851	434,851	29.0%	415,170	27.7%
Gas franchise	250,000	-	-	0.0%	-	0.0%
Telecommunication access fees	650,000	169,238	169,238	26.0%	162,068	28.9%
Cable franchise	200,000	59,231	59,231	29.6%	53,110	40.9%
Street rental fees	7,960	3,250	3,250	40.8%	2,250	32.1%
Licenses and permits:						
Business licenses and permits	167,340	34,613	34,613	20.7%	83,736	52.3%
Building and construction permits	453,740	118,834	118,834	26.2%	234,372	117.2%
Service fees:						
General government	650	28	28	4.4%	22	3.7%
Public safety	757,080	143,106	143,106	18.9%	224,562	31.0%
Urban development	5,300	300	300	5.7%	740	14.8%
Streets and sanitation	319,870	73,434	73,434	23.0%	65,707	18.8%
Recreation	79,400	12,884	12,884	16.2%	12,225	15.3%
Interfund	184,300	46,075	46,075	25.0%	46,075	25.0%
Court fines	1,225,000	235,766	235,766	19.2%	291,609	24.3%
Interest earnings	80,000	3,667	3,667	4.6%	23,032	13.0%
Rental income	153,000	23,333	23,333	15.3%	42,633	27.2%
Other	57,990	53,096	53,096	91.6%	15,432	20.6%
<b>Total Revenues</b>	<b>\$ 26,816,000</b>	<b>\$ 5,783,181</b>	<b>\$ 5,783,181</b>	<b>21.6%</b>	<b>\$ 5,471,247</b>	<b>20.1%</b>

**TOWN OF ADDISON****GENERAL FUND****FY 2011 QUARTERLY STATEMENT OF EXPENDITURES COMPARED TO BUDGET***With Comparative Information from Prior Fiscal Year*

Category	2010-11 FY				2009-10 FY	
	Budget	1st Quarter	Year-to-Date	YTD as % of Budget	Year-to-Date	YTD as % of Budget
General Government:						
City manager	\$ 1,527,890	\$ 380,366	\$ 380,366	24.9%	\$ 303,292	23.4%
Financial & strategic services	839,820	193,071	193,071	23.0%	212,048	24.1%
General services	826,270	195,563	195,563	23.7%	191,571	24.1%
Municipal court	509,580	109,268	109,268	21.4%	115,801	22.3%
Human resources	519,630	96,434	96,434	18.6%	123,988	21.2%
Information technology	1,325,600	245,430	245,430	18.5%	232,244	18.8%
Combined services	602,680	208,084	208,084	34.5%	216,293	31.1%
Council projects	297,650	183,857	183,857	61.8%	143,760	31.1%
Public safety:						
Police	7,630,580	1,891,046	1,891,046	24.8%	1,709,521	23.1%
Emergency communications	1,156,290	238,513	238,513	20.6%	319,010	28.1%
Fire	5,780,280	1,406,254	1,406,254	24.3%	1,267,385	22.2%
Development services	898,680	225,814	225,814	25.1%	214,170	22.4%
Streets	1,794,880	279,669	279,669	15.6%	353,569	21.1%
Parks and Recreation:						
Parks	2,535,480	520,487	520,487	20.5%	480,698	19.0%
Recreation	1,482,660	303,342	303,342	20.5%	285,659	20.4%
<b>Total Expenditures</b>	<b>\$ 27,727,970</b>	<b>\$ 6,477,198</b>	<b>\$ 6,477,198</b>	<b>23.4%</b>	<b>\$ 6,169,009</b>	<b>22.6%</b>

# TOWN OF ADDISON

## HOTEL FUND

### FY 2011 QUARTERLY STATEMENT OF REVENUES AND EXPENDITURES COMPARED TO BUDGET

*With Comparative Information from Prior Fiscal Year*

Category	2010-11 FY				2009-10 FY	
	Budget	1st Quarter	Year-to-Date	YTD as % of Budget	Year-to-Date	YTD as % of Budget
<b>Revenues:</b>						
Hotel/Motel occupancy taxes	\$ 3,550,000	\$ 838,837	\$ 838,837	23.6%	\$ 805,153	18.9%
Proceeds from special events	1,680,500	104,007	104,007	6.2%	96,517	7.2%
Conference centre rental	500,000	107,907	107,907	21.6%	163,938	32.8%
Theatre centre rental	303,540	20,758	20,758	6.8%	21,868	31.2%
Interest and miscellaneous	13,800	9,083	9,083	65.8%	13,468	13.5%
<b>Total Revenues</b>	<b>6,047,840</b>	<b>1,080,592</b>	<b>1,080,592</b>	<b>17.9%</b>	<b>1,100,944</b>	<b>17.6%</b>
<b>Expenditures and other uses:</b>						
Visitor services	1,098,570	382,970	382,970	34.9%	190,479	21.6%
Visit Addison	440,110	122,749	122,749	27.9%	-	0.0%
Marketing	731,460	218,661	218,661	29.9%	194,837	24.2%
Special events	2,392,720	397,307	397,307	16.6%	441,076	16.3%
Conference centre	1,028,370	228,401	228,401	22.2%	229,358	15.8%
Performing arts	552,950	287,825	287,825	52.1%	356,951	63.1%
Capital projects	-	-	-	0.0%	-	0.0%
Other financing uses:						
Transfer to debt service fund	670,000	167,500	167,500	25.0%	167,500	25.0%
<b>Total Expenditures and Other Uses</b>	<b>\$ 6,914,180</b>	<b>\$ 1,805,413</b>	<b>\$ 1,805,413</b>	<b>26.1%</b>	<b>\$ 1,580,201</b>	<b>18.8%</b>
<b>NOTES:</b>						
1) Amounts spent by special project:						
Public Relations	\$ 314,250	\$ 63,001	\$ 63,001	20.0%	\$ 77,383	19.1%
Oktoberfest	563,880	4,886	4,886	0.9%	13,264	2.2%
Kaboom Town	245,920	339	339	0.1%	170	0.1%
Calendar	50,000	31,449	31,449	62.9%	19,989	40.0%
Hotel Support Program	260,000	15,731	15,731	6.1%	21,277	8.2%
Taste Addison	599,050	-	-	0.0%	1,507	0.2%
Shakespeare Festival	46,500	32,592	32,592	70.1%	32,058	68.9%
Summer Jazz Festival	44,560	97	97	0.2%	127	0.3%
WorldFest	215,110	212,613	212,613	98.8%	247,991	82.1%
Book Fair	2,920	2,032	2,032	69.6%	2,824	111.2%
Weekend to Wipe Out Cancer	13,000	69	69	0.5%	85	0.6%
<b>TOTAL</b>	<b>\$ 2,355,190</b>	<b>\$ 362,809</b>	<b>\$ 362,809</b>	<b>15.4%</b>	<b>\$ 416,675</b>	<b>15.1%</b>

**TOWN OF ADDISON**  
**ECONOMIC DEVELOPMENT FUND**  
**FY 2011 QUARTERLY STATEMENT OF REVENUES AND EXPENDITURES COMPARED TO BUDGET**  
*With Comparative Information from Prior Fiscal Year*

Category	2010-11 FY				2009-10 FY	
	Budget	1st Quarter	Year-to-Date	YTD as % of Budget	Year-to-Date	YTD as % of Budget
<b>Revenues:</b>						
Interest income and other	\$ -	\$ 37	\$ 37	0.0%	\$ -	0.0%
Transfer from General Fund	700,000	175,000	175,000	25.0%	-	0.0%
<b>Total Revenues &amp; Other Uses</b>	<b>700,000</b>	<b>175,037</b>	<b>175,037</b>	<b>25.0%</b>	<b>-</b>	<b>0.0%</b>
<b>Expenditures:</b>						
Contractual Services	700,000	12,000	12,000	1.7%	-	0.0%
<b>Total Expenditures</b>	<b>\$ 700,000</b>	<b>\$ 12,000</b>	<b>\$ 12,000</b>	<b>1.7%</b>	<b>\$ -</b>	<b>0.0%</b>

**NOTES:**

- 1) Fund did not exist in Q1 2010

**TOWN OF ADDISON**  
**ADVANCED FUNDING GRANT FUND**  
**FY 2011 QUARTERLY STATEMENT OF REVENUES AND EXPENDITURES COMPARED TO BUDGET**  
*With Comparative Information from Prior Fiscal Year*

Category	2010-11 FY				2009-10 FY	
	Budget	1st Quarter	Year-to-Date	YTD as % of Budget	Year-to-Date	YTD as % of Budget
<b>Revenues:</b>						
Intergovernmental	\$ 2,500,000	\$ -	\$ -	0.0%	\$ -	0.0%
Interest earnings and other	70	21	21	29.6%	-	0.0%
<b>Total Revenues</b>	<b>2,500,070</b>	<b>21</b>	<b>21</b>	<b>0.0%</b>	<b>-</b>	<b>0.0%</b>
<b>Expenditures:</b>						
Contractual services	160,000	-	-	0.0%	-	0.0%
Construction and equipment	2,340,000	-	-	0.0%	-	0.0%
<b>Total Expenditures</b>	<b>\$ 2,500,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>0.0%</b>	<b>\$ -</b>	<b>0.0%</b>

**NOTES:**

- 1) Fund did not exist in Q1 2010

**TOWN OF ADDISON**  
**REIMBURSEMENT GRANT FUND**  
**FY 2011 QUARTERLY STATEMENT OF REVENUES AND EXPENDITURES COMPARED TO BUDGET**  
*With Comparative Information from Prior Fiscal Year*

Category	2010-11 FY				2009-10 FY	
	Budget	1st Quarter	Year-to-Date	YTD as % of Budget	Year-to-Date	YTD as % of Budget
<b>Revenues:</b>						
Intergovernmental	\$ 70,000	\$ 491,450	\$ 491,450	702.1%	\$ -	0.0%
<b>Total Revenues</b>	<b>70,000</b>	<b>491,450</b>	<b>491,450</b>	<b>702.1%</b>	<b>-</b>	<b>0.0%</b>
<b>Expenditures:</b>						
Personal services	19,200	-	-	0.0%	-	0.0%
Supplies	800	-	-	0.0%	-	0.0%
Contractual services	50,000	66,126	66,126	132.3%	-	0.0%
Construction and equipment	-	500,000	500,000	0.0%	-	0.0%
<b>Total Expenditures</b>	<b>\$ 70,000</b>	<b>\$ 566,126</b>	<b>\$ 566,126</b>	<b>808.8%</b>	<b>\$ -</b>	<b>0.0%</b>

**NOTES:**

- 1) Fund did not exist in Q1 2010

**TOWN OF ADDISON**  
**AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) GRANT FUND**  
**FY 2011 QUARTERLY STATEMENT OF REVENUES AND EXPENDITURES COMPARED TO BUDGET**  
*With Comparative Information from Prior Fiscal Year*

Category	2010-11 FY				2009-10 FY	
	Budget	1st Quarter	Year-to-Date	YTD as % of Budget	Year-to-Date	YTD as % of Budget
<b>Revenues:</b>						
Intergovernmental	\$ 140,000	\$ -	\$ -	0.0%	\$ -	0.0%
<b>Total Revenues</b>	<b>140,000</b>	<b>-</b>	<b>-</b>	<b>0.0%</b>	<b>-</b>	<b>0.0%</b>
<b>Expenditures:</b>						
Personal services	140,000	-	-	0.0%	-	0.0%
<b>Total Expenditures</b>	<b>\$ 140,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>0.0%</b>	<b>\$ -</b>	<b>0.0%</b>

**NOTES:**

- 1) Fund did not exist in Q1 2010

**TOWN OF ADDISON**  
**STREET CAPITAL PROJECT FUND**  
**FY 2011 QUARTERLY STATEMENT OF REVENUES AND EXPENDITURES COMPARED TO BUDGET**  
*With Comparative Information from Prior Fiscal Year*

Category	2010-11 FY				2009-10 FY	
	Budget	1st Quarter	Year-to-Date	YTD as % of Budget	Year-to-Date	YTD as % of Budget
<b>Revenues:</b>						
Interest income and other	\$ 9,100	\$ 1,692	\$ 1,692	18.6%	\$ 4,014	8.0%
Total Revenues	<u>9,100</u>	<u>1,692</u>	<u>1,692</u>	18.6%	<u>4,014</u>	0.4%
<b>Expenditures:</b>						
Engineering and contractual services	-	-	-	0.0%	19,580	89.0%
Construction and equipment	1,007,440	-	-	0.0%	360,115	23.3%
Total Expenditures	<u>\$ 1,007,440</u>	<u>\$ -</u>	<u>\$ -</u>	0.0%	<u>\$ 379,695</u>	24.2%

**TOWN OF ADDISON**  
**PARKS CAPITAL PROJECT FUND**  
**FY 2011 QUARTERLY STATEMENT OF REVENUES AND EXPENDITURES COMPARED TO BUDGET**  
*With Comparative Information from Prior Fiscal Year*

Category	2010-11 FY				2009-10 FY	
	Budget	1st Quarter	Year-to-Date	YTD as % of Budget	Year-to-Date	YTD as % of Budget
<b>Revenues:</b>						
Interest income and other	\$ 3,070	\$ 451	\$ 451	14.7%	\$ 1,349	13.5%
Total Revenues	<u>3,070</u>	<u>451</u>	<u>451</u>	14.7%	<u>1,349</u>	13.5%
<b>Expenditures:</b>						
Engineering and contractual services	9,700	5,551	5,551	57.2%	4,256	5.0%
Construction and equipment:	260,510	-	-	0.0%	-	0.0%
Total Expenditures	<u>\$ 270,210</u>	<u>\$ 5,551</u>	<u>\$ 5,551</u>	2.1%	<u>\$ 4,256</u>	0.0%



**TOWN OF ADDISON**  
**2002 CAPITAL PROJECT FUND**  
**FY 2011 QUARTERLY STATEMENT OF REVENUES AND EXPENDITURES COMPARED TO BUDGET**  
*With Comparative Information from Prior Fiscal Year*

Category	2010-11 FY				2009-10 FY	
	Budget	1st Quarter	Year-to-Date	YTD as % of Budget	Year-to-Date	YTD as % of Budget
<b>Revenues:</b>						
Interest earnings and other	\$ 14,390	\$ 2,027	\$ 2,027	14.1%	\$ 5,648	16.1%
<b>Total Revenues</b>	<b>14,390</b>	<b>2,027</b>	<b>2,027</b>	<b>14.1%</b>	<b>5,648</b>	<b>16.1%</b>
<b>Expenditures:</b>						
Design and engineering	100,000	79,175	79,175	79.2%	38,440	38.4%
Construction and equipment	400,000	-	-	0.0%	5,102	1.3%
<b>Total Expenditures</b>	<b>\$ 500,000</b>	<b>\$ 79,175</b>	<b>\$ 79,175</b>	<b>15.8%</b>	<b>\$ 43,542</b>	<b>8.7%</b>

**TOWN OF ADDISON**  
**2004 CAPITAL PROJECT FUND**  
**FY 2011 QUARTERLY STATEMENT OF REVENUES AND EXPENDITURES COMPARED TO BUDGET**  
*With Comparative Information from Prior Fiscal Year*

Category	2010-11 FY				2009-10 FY	
	Budget	1st Quarter	Year-to-Date	YTD as % of Budget	Year-to-Date	YTD as % of Budget
<b>Revenues:</b>						
Interest earnings and other	\$ 5,050	\$ 593	\$ 593	11.7%	\$ 1,418	18.9%
<b>Total Revenues</b>	<b>5,050</b>	<b>593</b>	<b>593</b>	<b>11.7%</b>	<b>1,418</b>	<b>18.9%</b>
<b>Expenditures:</b>						
Construction and equipment	-	-	-	0.0%	-	0.0%
<b>Total Expenditures</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>0.0%</b>	<b>\$ -</b>	<b>0.0%</b>

**TOWN OF ADDISON**  
**2006 CAPITAL PROJECT FUND**  
**FY 2011 QUARTERLY STATEMENT OF REVENUES AND EXPENDITURES COMPARED TO BUDGET**  
*With Comparative Information from Prior Fiscal Year*

Category	2010-11 FY				2009-10 FY	
	Budget	1st Quarter	Year-to-Date	YTD as % of Budget	Year-to-Date	YTD as % of Budget
<b>Revenues:</b>						
Interest earnings and other	\$ 4,060	\$ 477	\$ 477	11.8%	\$ 1,140	22.8%
<b>Total Revenues</b>	<b>4,060</b>	<b>477</b>	<b>477</b>	<b>11.8%</b>	<b>1,140</b>	<b>22.8%</b>
<b>Expenditures:</b>						
Engineering and contractual services	180,000	-	-	0.0%	-	0.0%
<b>Total Expenditures</b>	<b>180,000</b>	<b>-</b>	<b>-</b>	<b>0.0%</b>	<b>-</b>	<b>0.0%</b>

**TOWN OF ADDISON**  
**2008 CAPITAL PROJECT FUND**  
**FY 2011 QUARTERLY STATEMENT OF REVENUES AND EXPENDITURES COMPARED TO BUDGET**  
*With Comparative Information from Prior Fiscal Year*

Category	2010-11 FY				2009-10 FY	
	Budget	1st Quarter	Year-to-Date	YTD as % of Budget	Year-to-Date	YTD as % of Budget
<b>Revenues:</b>						
Interest earnings and other	\$ 210,420	\$ 183,665	\$ 183,665	87.3%	\$ 81,442	18.1%
<b>Total Revenues</b>	<b>210,420</b>	<b>183,665</b>	<b>183,665</b>	<b>87.3%</b>	<b>81,442</b>	<b>18.1%</b>
<b>Expenditures:</b>						
Design and engineering	-	196,632	196,632	0.0%	-	0.0%
Construction and equipment	12,100,000	1,617,719	1,617,719	13.4%	424,638	2.2%
<b>Total Expenditures</b>	<b>12,100,000</b>	<b>1,814,351</b>	<b>1,814,351</b>	<b>15.0%</b>	<b>424,638</b>	<b>0.0%</b>

# AIRPORT FUND

## FY 2011 QUARTERLY STATEMENT OF REVENUES, EXPENDITURES AND CHANGES TO WORKING CAPITAL COMPARED TO BUDGET

*With Comparative Information from Prior Fiscal Year*

Category	2010-11 FY				2009-10 FY	
	Budget	1st Quarter	Year-to-Date	YTD as % of Budget	Year-to-Date	YTD as % of Budget
<b>Operating revenues:</b>						
Operating grants	\$ 50,000	\$ -	\$ -	0.0%	\$ 48,530	97.1%
Fuel flowage fees	846,000	66,129	66,129	7.8%	134,196	20.6%
Rental	3,467,030	283,947	283,947	8.2%	544,501	16.8%
User fees	38,400	3,733	3,733	9.7%	3,886	8.6%
Other income	10,300	24,238	24,238	235.3%	67,386	673.9%
<b>Total operating revenues</b>	<b>4,411,730</b>	<b>378,047</b>	<b>378,047</b>	<b>8.6%</b>	<b>798,499</b>	<b>20.0%</b>
<b>Operating expenses:</b>						
Town - Personal services	254,020	58,837	58,837	23.2%	57,245	19.4%
Town - Supplies	21,800	3,028	3,028	13.9%	1,005	2.1%
Town - Maintenance	29,300	7,036	7,036	24.0%	6,304	21.5%
Town - Contractual services	477,520	83,161	83,161	17.4%	132,456	27.6%
Grant - Maintenance	100,000	64,151	64,151	64.2%	1,470	1.5%
Operator operation & maintenance	2,270,090	122,229	122,229	5.4%	148,966	10.8%
Operator service contract	329,930	186,209	186,209	56.4%	195,257	23.6%
<b>Total operating expenses</b>	<b>3,482,660</b>	<b>524,651</b>	<b>524,651</b>	<b>15.1%</b>	<b>542,703</b>	<b>17.2%</b>
<b>Net operating income</b>	<b>929,070</b>	<b>(146,603)</b>	<b>(146,603)</b>	<b>-15.8%</b>	<b>255,796</b>	<b>30.7%</b>
<b>Non-Operating revenues (expenses):</b>						
Interest earnings and other	15,450	2,676	2,676	17.3%	6,145	17.6%
Interest on debt, fiscal fees & other	(125,420)	(31,355)	(31,355)	25.0%	(33,750)	25.0%
<b>Total non-operating revenues (expenses)</b>	<b>(109,970)</b>	<b>(28,679)</b>	<b>(28,679)</b>	<b>26.1%</b>	<b>(27,605)</b>	<b>-44.2%</b>
<b>Net income (loss) (excluding depreciation)</b>	<b>\$ 819,100</b>	<b>\$ (175,282)</b>	<b>\$ (175,282)</b>	<b>-21.4%</b>	<b>\$ 228,191</b>	<b>39.8%</b>
<b>CHANGES IN WORKING CAPITAL</b>						
<b>Net income (excluding depreciation)</b>	<b>\$ 819,100</b>	<b>\$ (175,282)</b>	<b>\$ (175,282)</b>	<b>-21.4%</b>	<b>228,191</b>	<b>39.8%</b>
<b>Sources (uses) of working capital:</b>						
Retirement of long-term debt	(265,000)	(66,250)	(66,250)	25.0%	(62,500)	24.5%
Net additions to fixed assets with grants	(1,245,000)	(1,166,003)	(1,166,003)	93.7%	(1,575)	0.1%
Other net additions to fixed assets	(57,000)	-	-	0.0%	-	0.0%
<b>Net sources (uses) of working capital</b>	<b>(1,567,000)</b>	<b>(1,232,253)</b>	<b>(1,232,253)</b>	<b>78.6%</b>	<b>(64,075)</b>	<b>4.0%</b>
<b>Net increase (decrease) in working capital</b>	<b>(747,900)</b>	<b>(1,407,535)</b>	<b>(1,407,535)</b>	<b>188.2%</b>	<b>164,116</b>	<b>15.1%</b>
<b>Beginning fund balance</b>	<b>1,741,240</b>	<b>2,124,403</b>	<b>2,124,403</b>	<b>122.0%</b>	<b>1,179,004</b>	<b>98.5%</b>
<b>Ending fund balance</b>	<b>\$ 993,340</b>	<b>\$ 716,868</b>	<b>\$ 716,868</b>	<b>72.2%</b>	<b>\$ 1,343,120</b>	<b>444.4%</b>

**NOTES:**

1) Operating revenues and operator expenses reflect only one month's data from airport operator due to reporting delay

## UTILITY FUND

### FY 2011 QUARTERLY STATEMENT OF REVENUES, EXPENDITURES AND CHANGES TO WORKING CAPITAL COMPARED TO BUDGET

*With Comparative Information from Prior Fiscal Year*

Category	2010-11 FY				2009-10 FY	
	Budget	1st Quarter	Year-to-Date	YTD as % of Budget	Year-to-Date	YTD as % of Budget
<b>Operating revenues:</b>						
Water sales	\$ 5,462,500	990,809	990,809	18.1%	\$ 675,028	13.3%
Sewer charges	4,702,500	761,161	761,161	16.2%	641,807	15.0%
Tap Fees	22,670	720	720	3.2%	1,800	18.0%
Penalties	70,000	19,814	19,814	28.3%	20,576	34.3%
<b>Total operating revenues</b>	<b>10,257,670</b>	<b>1,772,504</b>	<b>1,772,504</b>	<b>17.3%</b>	<b>1,339,211</b>	<b>14.2%</b>
<b>Operating expenses:</b>						
Water purchases	2,707,600	450,851	450,851	16.7%	199,932	7.5%
Wastewater treatment	1,980,100	473,747	473,747	23.9%	190,680	10.9%
Utility operations	2,644,680	547,348	547,348	20.7%	532,076	19.8%
<b>Total operating expenses</b>	<b>7,332,380</b>	<b>1,471,946</b>	<b>1,471,946</b>	<b>20.1%</b>	<b>922,688</b>	<b>13.0%</b>
<b>Net operating income</b>	<b>2,925,290</b>	<b>300,558</b>	<b>300,558</b>	<b>10.3%</b>	<b>416,523</b>	<b>18.0%</b>
<b>Non-Operating revenues (expenses):</b>						
Interest income and other	6,500	8,148	8,148	125.4%	13,824	7.9%
Interest on bonded debt and fiscal charges	(523,680)	(130,920)	(130,920)	25.0%	(157,098)	25.0%
<b>Total non-operating revenues (expenses)</b>	<b>(517,180)</b>	<b>(122,772)</b>	<b>(122,772)</b>	<b>23.7%</b>	<b>(143,274)</b>	<b>31.6%</b>
<b>Net income (excluding depreciation)</b>	<b>\$ 2,408,110</b>	<b>\$ 177,786</b>	<b>\$ 177,786</b>	<b>7.4%</b>	<b>\$ 273,249</b>	<b>14.7%</b>
<b>CHANGES IN WORKING CAPITAL</b>						
Net income (loss)	2,408,110	177,786	177,786	7.4%	273,249	12.1%
<b>Sources (uses) of working capital:</b>						
Retirement of long-term debt	(2,623,770)	(655,943)	(655,943)	25.0%	(622,820)	25.0%
Net additions to fixed assets	(3,785,000)	(20,227)	(20,227)	0.5%	(146,748)	6.2%
<b>Net sources (uses) of working capital</b>	<b>(6,408,770)</b>	<b>(676,169)</b>	<b>(676,169)</b>	<b>10.6%</b>	<b>(769,568)</b>	<b>15.9%</b>
<b>Net increase (decrease) in working capital</b>	<b>(4,000,660)</b>	<b>(498,383)</b>	<b>(498,383)</b>	<b>12.5%</b>	<b>(496,319)</b>	<b>16.6%</b>
<b>Beginning fund balance</b>	<b>5,026,680</b>	<b>5,851,222</b>	<b>5,851,222</b>	<b>116.4%</b>	<b>7,431,570</b>	<b>98.1%</b>
<b>Ending fund balance</b>	<b>\$ 1,026,020</b>	<b>\$ 5,352,839</b>	<b>\$ 5,352,839</b>	<b>521.7%</b>	<b>\$ 6,935,251</b>	<b>151.2%</b>

**NOTES:**

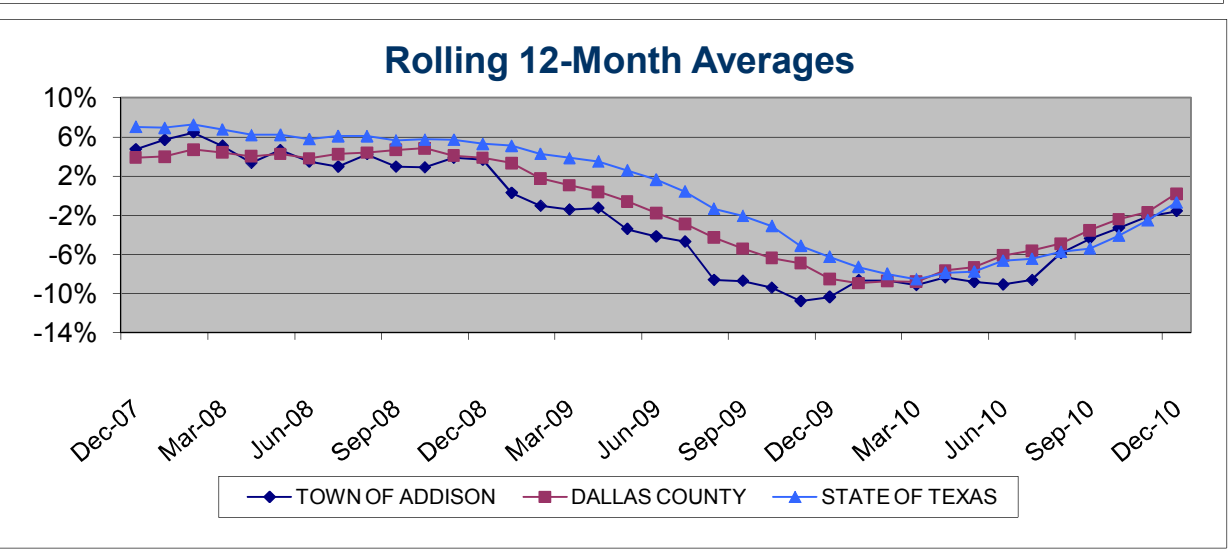
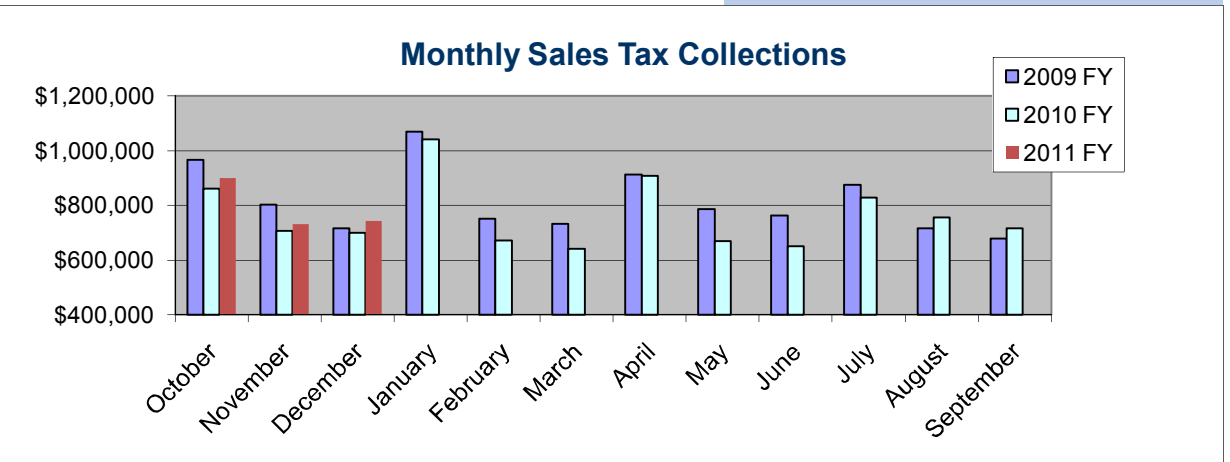
1) FY 2010 water and wastewater expenses reflect only one month's data. FY 2011 reflects two month's data

# TOWN OF ADDISON

## Schedule of Sales Tax Collections and Related Analyses

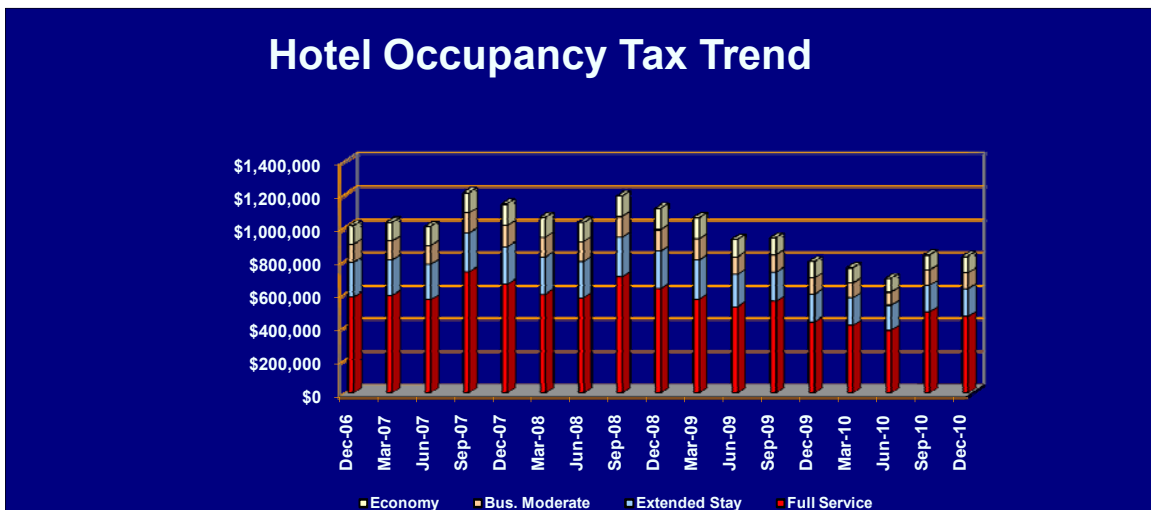
*For the fiscal year ending September 30, 2011*

	TOWN OF ADDISON				DALLAS COUNTY		STATE OF TEXAS	
	2010-11 Collections		% Change from Prior Year		% Change from Prior Year		% Change from Prior Year	
	Monthly	Cumulative	Monthly	Cumulative	Monthly	Cumulative	Monthly	Cumulative
October	\$ 900,409	\$ 900,409	4.5%	4.5%	3.9%	3.9%	7.2%	7.2%
November	\$ 732,667	\$ 1,633,076	3.6%	4.1%	0.9%	2.6%	4.0%	5.8%
December	\$ 743,963	\$ 2,377,039	6.2%	4.8%	7.6%	4.1%	10.3%	7.1%
January	\$ -							
February	\$ -							
March	\$ -							
April	\$ -							
May	\$ -							
June	\$ -							
July	\$ -							
August	\$ -							
September	\$ -							
Budget 10-11:	\$ 9,377,780							
Projected Year-End	\$ 9,893,900							



**TOWN OF ADDISON HOTEL OCCUPANCY TAX COLLECTION**  
**Hotels By Service Type for the Quarter and Year Ended September 30, 2011**  
**With Comparisons to Prior Year**

	Rooms		1st Quarter FY 11		10 to 09 % Diff.	YTD FY 11		10 to 09 % Diff.
	Number	Percentage	Amount	Percentage		Amount	Percentage	
<b>Full Service</b>								
Marriott Quorum	535	14%	\$ 161,107	19%	10%	\$ 161,107	19%	10%
Intercontinental	532	13%	133,874	16%	-1%	133,874	16%	-1%
Crowne Plaza	429	11%	91,881	11%	-6%	91,881	11%	-6%
	1,496	38%	386,862	46%	2%	386,862	46%	2%
<b>Extended Stay</b>								
Budget Suites	344	9%	2,781	0%	8%	2,781	0%	8%
Best Western	70	2%	10,657	1%	6%	10,657	1%	6%
Marriott Residence	150	4%	43,674	5%	20%	43,674	5%	20%
Summerfield Suites	132	3%	24,154	3%	-6%	24,154	3%	-6%
Homewood Suites	128	3%	40,859	5%	3%	40,859	5%	3%
Springhill Suites	159	4%	37,109	4%	4%	37,109	4%	4%
	983	25%	159,235	19%	6%	159,235	19%	6%
<b>Business Moderate</b>								
Marriott Courtyard Quorum	176	4%	50,011	6%	0%	50,011	6%	0%
LaQuinta Inn	152	4%	27,849	3%	2%	27,849	3%	2%
Marriott Courtyard Proton	145	4%	34,825	4%	17%	34,825	4%	17%
Holiday Inn Express	102	3%	28,237	3%	-3%	28,237	3%	-3%
Hilton Garden Inn	96	2%	37,569	4%	15%	37,569	4%	15%
Holiday Inn - Arapaho	101	3%	19,399	2%	0%	19,399	2%	0%
Comfort Inn	86	2%	5,320	1%	-20%	5,320	1%	-20%
	858	22%	203,210	24%	4%	203,210	24%	4%
<b>Economy</b>								
Motel 6	126	3%	15,434	2%	-1%	15,434	2%	-1%
Hampton Inn	159	4%	43,281	5%	18%	43,281	5%	18%
Quality Inn	115	3%	8,700	1%	6%	8,700	1%	6%
Comfort Suites	78	2%	12,549	1%	8%	12,549	1%	8%
Super 8	78	2%	6,283	1%	10%	6,283	1%	10%
Best Value	60	2%	3,283	0%	23%	3,283	0%	23%
	616	16%	89,531	11%	11%	89,531	11%	11%
<b>TOTAL</b>	<b>3,953</b>	<b>100%</b>	<b>\$ 838,837</b>	<b>100%</b>	<b>4%</b>	<b>\$ 838,837</b>	<b>100%</b>	<b>4%</b>



**TOWN OF ADDISON**  
**INTERIM STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS**  
For the Quarter Ending December 31, 2010

Fund	Balance 9/30/2010	Quarter Receipts	Quarter Disbursements	Balance 12/31/2010
<b>General Fund</b>	\$ 11,558,550	\$ 8,603,363	\$ 11,123,306	\$ 9,038,607
<b>Special Revenue Funds:</b>				
Hotel	4,095,544	1,388,361	2,048,206	3,435,699
Economic Development	-	175,037	12,000	163,037
Public Safety	33,612	109	8,591	25,130
Municipal Court	488,551	217,610	262,076	444,085
Advanced Funding Grant	15,304	45	24	15,325
Reimbursement Grant	400,754	509,015	1,615,183	(705,414)
ARRA Grant	(49,957)	33,880	24	(16,101)
<b>Debt Service Funds:</b>				
G. O. Bonds	1,186,409	2,102,348	1,102,966	2,185,791
Hotel Revenue Bonds	863,505	171,470	2,761	1,032,214
<b>Capital Projects Funds:</b>				
Streets	576,124	1,022,304	4,466	1,593,962
Parks	361,966	1,774	41,480	322,260
2002 G.O. Bonds	1,533,033	7,135	84,283	1,455,885
2004 G.O. Bonds	437,308	1,956	1,363	437,901
2006 G.O. Bonds	351,618	1,573	1,096	352,095
2008 C.O. Bonds	17,503,578	750,517	3,466,136	14,787,959
<b>Enterprise Funds:</b>				
Utility	7,799,006	2,873,076	1,931,834	8,740,248
Airport	2,459,817	774,365	2,026,261	1,207,921
<b>Internal Service Funds:</b>				
Capital Replacement	3,194,932	142,685	38,298	3,299,319
Information Technology	2,073,775	172,210	9,961	2,236,024
<b>TOTAL - ALL FUNDS</b>	<b>\$ 54,883,429</b>	<b>\$ 18,948,833</b>	<b>\$ 23,780,315</b>	<b>\$ 50,051,947</b>

Note: Cash inflows and outflows represent revenues, expenditures, and investment transactions.

**INVESTMENTS BY MATURITY AND TYPE**  
For the Quarter Ending December 31, 2010

Type	% of Portfolio	Yield to Maturity	Amount
Pools	7.27%	0.17%	\$ 3,696,741
Agencies	47.38%	0.71%	24,086,498
Bank CD's	21.75%	0.88%	11,056,152
Commercial Paper	23.60%	0.33%	11,995,780
<b>Total Investments</b>	<b>100.00%</b>	<b>0.62%</b>	<b>50,835,171</b>
Accrued Interest Earnings			139,693
Demand Deposits			(922,917)
<b>TOTAL</b>			<b>\$ 50,051,947</b>

## COLLATERAL SUMMARY

The first and most important objective for public funds investments is safety of assets. Therefore, all non-government security investments and bank accounts in excess of FDIC coverage must be secured by collateral. The bank balances and investments are monitored on a regular basis for appropriate coverage by marking the collateral to market. Collateral levels are adjusted to secure the varying levels of receipts throughout the fiscal year.

### Town of Addison Collateral Analysis Demand Deposit Cash December 31, 2010

Pledging Institution	Safekeeping Location	Account Title	Pledged Security Description	Security Par Value	Market Value	FDIC Insurance	Ending Bank Balance	Difference Over(Under)
Frost Bank	Federal Reserve	Operating	GNMA due 10/15/2037	\$ 1,504,570	\$ 1,626,938			
				<u>\$ 1,504,570</u>	<u>\$ 1,626,938</u>	<u>\$ 2,090,492</u>	<u>\$ 1,840,492</u>	<u>\$ 1,876,938</u>



**FirstSouthwest**

A PlainsCapital Company



## Investment Portfolio Summary

**Town of Addison**

*Addison!*

**For the Quarter Ended**

**December 31, 2010**

Prepared by  
FirstSouthwest Asset Management



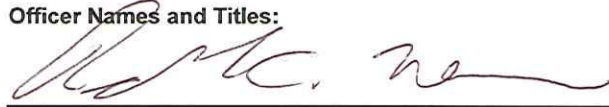

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For the Quarter Ended  
December 31, 2010

This report is prepared for the **Town of Addison** (the "Entity") in accordance with Chapter 2256 of the Texas Public Funds Investment Act ("PFIA"). Section 2256.023(a) of the PFIA states that: "Not less than quarterly, the investment officer shall prepare and submit to the governing body of the entity a written report of the investment transactions for all funds covered by this chapter for the preceding reporting period." This report is signed by the Entity's investment officers and includes the disclosures required in the PFIA. To the extent possible, market prices have been obtained from independent pricing sources.

The investment portfolio complied with the PFIA and the Entity's approved Investment Policy and Strategy throughout the period. All investment transactions made in the portfolio during this period were made on behalf of the Entity and were made in full compliance with the PFIA and the approved Investment Policy.

Officer Names and Titles:

 C.F.O.  
 Financial services manager

## **Fourth Quarter of Calendar Year 2010 Review**

The final quarter of 2011 brought a new round of concern over European sovereign debt, intense public debate over the latest round of quantitative easing, a newly elected GOP majority in the House, and the passage of a payroll tax cut along with an extension of the Bush tax cuts and long-term unemployment benefits. But probably the most encouraging thing about the quarter was the data. Fourth quarter economic data, although still far from prerecession levels, was generally better than expected. The housing sector was an exception though, as persistently high unemployment fanned a wave of personal bankruptcies and record foreclosures. National home prices turned downward, prompting the Wall Street Journal to run a front page article declaring "Housing Recovery Stalls." The labor market was another disappointment, unless you compare the meager gains of 2010 to the massive job losses experienced back in 2009.

It wasn't clear whether inflation was or wasn't a problem. Commodity prices soared, in some cases to record highs, and world food prices followed. Gold hit a new high at year-end and crude oil crept back above \$90 per barrel. But, if you listened to Bernanke and the Fed, deflation was the bigger concern. In fact, as many experts have subsequently pointed out, one of the primary objectives of the Fed's QE2 program was to increase inflation expectations. This, they did accomplish. The 10-year Treasury yield jumped 100 basis points as investors factored in the long-term impact of monetary policy. Freddie Mac reported the average 30-year fixed rate mortgage had climbed from a record low of 4.17% to 4.93%, a factor that could further depress home sales in coming months.

The 2010 Tax Relief Act was signed into law by the President in the week before Christmas. The effect was to ease investor concerns and provide a short-term boost to economic growth, but the long-term challenges are still firmly entrenched. The \$1.4 trillion deficit has not been addressed. The Federal debt ceiling is expected to be reached in early April. After that time, monthly shortfalls cannot be covered by issuing new debt. At the moment, discretionary spending is being conducted on a continuing resolution, meaning that spending is held steady at the same level as last fiscal year. If Congress cannot reach an agreement by spring, the government will effectively shut down. With the rapidly rising deficit topping the list of public concerns, and November elections focusing on the need for austerity measures, this grim prospect is very real.

### **MAJOR EVENTS**

The latest floundering European country to dominate the financial headlines was Ireland. Once deemed the "Celtic Tiger" for transforming itself, in a single generation, from one of the poorest countries in Western Europe to one that rivaled the United States in terms of per capita GDP, Ireland faced collapse under the weight of its failing banking institutions until the European Union (EU) and International Monetary Fund (IMF) provided a €67.5 billion (\$90 billion) line of credit in addition to €17.5 billion (\$23 billion) of Ireland's own cash and pension reserves. Global equity markets rallied in relief.

By contrast, the Greek debt problems that dominated second quarter headlines were due to excessive government spending. Although the Greek bailout was bigger in dollar terms, the Irish bailout represented a much larger percentage of GDP. Ireland will have the unenviable task of reducing its budget deficit to 3% of GDP within five years. In 2010, this ratio was a post war European record 32%. Fear of contagion was alive and well during the quarter as Portugal and Spain emerged as the next countries in line likely to face financial disgrace. Spain is particularly troubling because of its size. Spain has the fourth largest economy in the Euro-zone, and is bigger than Ireland, Greece and Portugal combined. Fortunately for U.S. banks, Ireland, Greece, Spain and Portugal make up less than 5% of balance sheet exposure. Unfortunately, the problems faced by EU member nations are far from over.

## **HOUSING**

New home sales rose 5.5% in November, but the solid percentage increase was deceptive as the 290k annualized sales pace fell just below the 47-year historical low established just four months earlier. The total number of new homes available for sale dropped to 197k, the lowest inventory number since 1968. At the current feeble sales pace, it would still take 8.2 months to clear out inventories, roughly twice the time it usually takes. As a result, new home construction is at a 40-year low. Things aren't much better on the existing home side. Although existing home sales rose 5.6% in November to a 4.68 million unit pace, they're still 36% below their 2005 peak. This anemic sales growth has crushed home prices. Through October 2010, the Case-Shiller Top 20 Metro Index showed overall home prices down 29.6% from the July 2006 high. CoreLogic recently reported that 22% of all mortgage borrowers owe more than their homes are worth. This has resulted in a wave of "strategic defaults" in which people who can still afford to pay their mortgages are choosing not to do so because they see it as a bad financial move. This practice has become much more acceptable as friends and neighbors stop making mortgage payments and redirect their spending while still comfortably living in their homes. RealtyTrac reported in December that 48% of people surveyed said they would consider walking away from an underwater loan. Six months ago, this number was 41%. Forbes.com reported in December that there were more than 5 million loans in some stage of delinquency 60 days or more past due, many of which will become foreclosure properties in 2011. The massive "shadow inventory" on bank balance sheets complicates the situation even further. Standard & Poor's estimated in early January 2011, that it will take 44 months to clear out the supply of distressed homes on the market, and as a result projects that home prices could drop another 7% to 10% in 2011, presumably leading to more defaults in a vicious cycle.

## **EMPLOYMENT**

The number of newly unemployed workers filing for first-time jobless benefits fell to 388k in the last full week of December, the lowest reading in more than 2½ years. Historically, a drop in initial claims signals improvement in the labor market. If improvement is the measure, then the fourth quarter was successful as 384k new jobs were added to company payrolls, compared to a loss of 81k jobs in the previous quarter. Unfortunately, according to the Job Openings and Labor Turnover Survey (JOLTS), there are still nearly five job seekers competing for every posted position, and according to the Labor Department, 15 million Americans are still unemployed. The unemployment rate fell from 9.8% to 9.4% in December, but the reason wasn't that Americans found jobs so much as they exited the workforce. The employment-to-population ratio now stands at 54.3%, the lowest in 25 years.

The news on the labor front has been bleak for a long time. It's hard to put an optimistic slant on the data. But the worst appears to finally be behind us. Companies are profitable and flush with dollars. According to the Wall Street Journal, at the end of the third quarter, U.S. nonfinancial companies in the U.S. held more than \$1.9 trillion in cash and other liquid assets. The 7.4% cash allocation was the highest in 50 years. A USA TODAY survey of 28 economists released in early January showed that U.S. companies are poised to add an average of 183k new jobs per month in 2011, double the average in 2010, while 45% of American CEOs at the Business Roundtable in December planned to increase hiring in 2011, up from 31% in the previous quarter. If hiring can establish some upward momentum, the rest of the economy should follow.

## **CONSUMER SPENDING**

November retail sales rose a solid 0.8%, while October sales were revised upward from 1.2% to 1.7%. Post Thanksgiving retail sales were encouraging. CBS News estimated a 6.5% year-over-year sales increase during the holiday weekend, due mainly to the fact that many desperate stores were open on Thanksgiving Day for the first time. Cyber Monday sales were up an estimated 20% Y-O-Y and many online retailers, including Wal-Mart, turned Cyber Monday into "Cyber Week" in an effort to wring more out of consumers' wallets. All signs pointed to the best Christmas shopping season since before the recession began, and that may ultimately be the case, but a severe holiday blizzard in the Northeast, striking over the holiday weekend, may have dampened overall sales numbers for the month.

Although December retail sales won't be announced until mid-January, it looks like shoppers may have provided an unexpected engine for fourth quarter growth. The surprisingly strong consumer spending suggests that GDP growth gained some momentum heading into the New Year. However, Bank of America pointed out that almost half of gains in core retail sales since the recession ended have been internet sales, which don't require a store front and presumably have

less overhead as a result. This also means the increase in spending hasn't created the number of jobs that past history would imply. Another sad reality is that a significant portion of the spending boom is thought to be a result of the dollars saved by persons no longer making payments on their mortgages. It all ties together.

### **INFLATION**

The core consumer price index is at the lowest level in 44 years, rising at an annual rate of only 0.8% in November. In October, the annual pace was an even slower 0.6%. The Department of Labor's benign numbers support the Fed's view that deflation is the bigger problem. This conveniently allows the FOMC to keep the fed funds rate at the current 0.0% to 0.25% target for the foreseeable future. The Fed has huge incentives to keep interest rates low, not only to sustain the market value on its \$2.4 trillion portfolio of mortgage-backed, Treasury and agency securities, but also to keep financing costs on the \$14 trillion national debt under control.

The odd thing about inflation being so benign in the eyes of the government is that it seems to be a significant problem for consumers in the real world. Nearly 40% of the CPI number is housing-related, but for many, housing is a sunk cost. Those who have been lucky enough to refinance will see mortgage payments drop, and property taxes have declined for most homeowners, but generally speaking it feels like prices on most things we buy daily are much higher. Gasoline prices topped \$3 per gallon by year-end for the first time in over two years, and commodities prices, although supposedly not yet filtering through to American grocery prices, are never-the-less alarmingly high. Coffee prices rose 77% in 2010, corn rose 52%, wheat 47%, soybeans 34% and sugar 19%.

The year-over-year U.S. CPI data surprisingly shows food prices up only 1.5% through November, although the United Nations Food and Agriculture Organization's monthly food price index rose for the sixth straight month to a new record high. And it isn't just food commodities that are on the rise, as gold rose 15%, copper 33% and silver a huge 84% in 2010.

### **THE FED**

The Federal Reserve's FOMC met twice during the quarter and as had been widely telegraphed announced a second round of quantitative easing. The so-called QE2 program will purchase \$600 billion of Treasury securities by the end of June 2011 in an attempt to "foster maximum employment and price stability." As we have said before, interest rates will remain low for a very long time. Many prominent economists don't expect any tightening of monetary policy until 2012.

#### Summary of FOMC Monetary Policy Actions:

- 1) November 3<sup>rd</sup> – Held the fed funds target in a range of 0% to 0.25%; QE2 announced
- 2) December 14<sup>th</sup> – Held the fed funds target in a range of 0% to 0.25%; QE2 maintained

### **STOCK MARKET MOVEMENT**

2010 was a volatile year for stocks. The DOW topped the 11,000 mark in April, before tumbling to the year's low point of 9,743 in early July. A steady climb began in August after Bernanke promised additional accommodation, and by market close on December 31st, the DOW was up a solid 11% on the year to its highest level since August 2008. Although still down 18% from the record 14,164 posted in October 2007, the DOW has climbed a staggering 76.8% from the 12-year low point on March 9, 2009. It's hard to completely reconcile the stock market rise with the shaky economy, but record corporate profits have certainly played a role.

	<b>DOW</b>	<b>S&amp;P 500</b>	<b>NASDAQ</b>
<b>12/31/09</b>	10,428	1,115	2,269
<b>9/30/10</b>	10,778	1,141	2,369
<b>12/31/10</b>	11,578	1,258	2,653
<b>% Change for Q4-2010</b>	+7.3%	+10.2%	+12.0%
<b>% Change for Year 2010</b>	+ 11.0%	+ 12.8%	+ 16.9%

## **INTEREST RATES**

		<b>Fed Funds</b>	<b>3 mo T-bill</b>	<b>6 mo T-bill</b>	<b>2 yr T-note</b>	<b>5 yr T-note</b>	<b>10 yr T-note</b>
<b>Last</b>	<b>9/30/10</b>	0.00%	0.16%	0.19%	0.43%	1.27%	2.51%
<b>High</b>		0.00%	0.17%	0.21%	0.75%	2.15%	3.53%
<b>Low</b>		0.00%	0.11%	0.15%	0.33%	1.03%	2.39%
<b>End</b>	<b>12/31/10</b>	0.00%	0.12%	0.18%	0.60%	2.01%	3.30%

## **PORTFOLIO ACTIVITY SINCE SEPTEMBER 30<sup>th</sup>**

- A total of \$18 million rolled off during the quarter – One agency note totaling \$3 million, two bank CD's totaling \$6 million, and three municipal commercial paper issues totaling \$9 million matured.
- The Town made several investments in municipal commercial paper totaling \$13 million, and purchased four separate agency callable issues totaling \$10 million. All in all, a total of \$23 million was invested with final maturities ranging from three to 27 months. The weighted average yield-to-worst on the purchases was 0.43%, easily topping the 0.19% average yield of the pools.

## **SUMMARY / OUTLOOK**

The U.S. recovery is now 18 months old and most expect that it will gain strength in 2011, although the pace of growth is expected to be quite moderate compared with prior rebounds. The housing market should continue to struggle mightily under massive inventory volume, higher mortgage rates and a lack of Federal support. Businesses are expected to begin hiring workers at a faster pace, but not enough to bring the unemployment rate below 9% in 2011. The wild card will be the impact that job growth and equity gains have on consumer confidence. The payroll tax cut, however ill-advised from a long-term perspective, should fuel consumer spending at a brisker pace, which could in turn lead to additional job gains.

Interest rates, at least on the short end, should level off. Although the economy is improving, there is still little reason to believe the Fed will be forced to raise rates in 2011. In fact, the latest Bloomberg economist survey shows only 13 of 73 economists believe the Fed will tighten monetary policy prior to 2012. Bank of America, FTN Financial and Goldman Sachs are among those not expecting any rate increase until late 2012 or beyond. Fed officials are expected to fully complete their planned purchase of \$600 billion of Treasury debt as part of QE2 by the end of June, but are unlikely to expand the program any further. Through this quantitative easing, the Fed will buy up virtually all of the new Treasury supply, keeping some downward pressure on rates and forcing investors to buy riskier alternative assets such as corporate and municipal securities.

## **PROJECTED STRATEGY FOR THE FIRST QUARTER 2011:**

The investing environment has not changed much in the last several quarters. The Fed remains committed to keeping rates low as it looks for employment growth. Short-term investment yields remain at or near record lows and we are faced with extending maturities as one of the only ways to increase yields. However, we must balance the desire for yield against the risk of extending too far or moving down in credit quality. As has been the case for several quarters, we recommend maintaining minimal cash balances so funds can be placed in higher yielding investments. We will continue to take advantage of opportunities as they arise, particularly in bank certificates of deposit and agency callable or step-up bonds. We have also found good opportunities in short-term municipal commercial paper offerings.



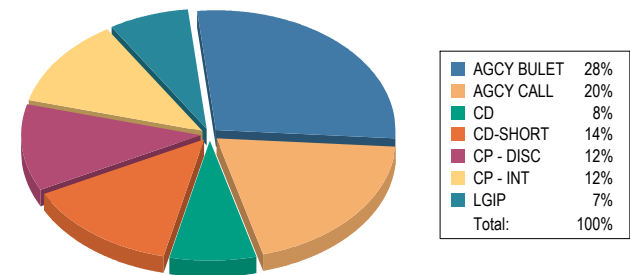
**Account Summary**

**Allocation by Security Type**

Beginning Values as of 09/30/10

Ending Values as of 12/31/10

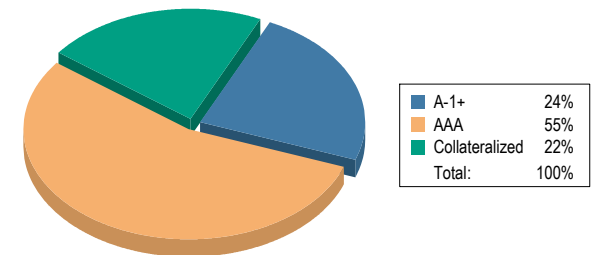
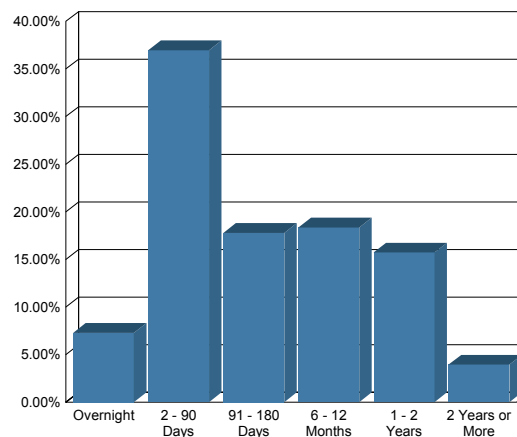
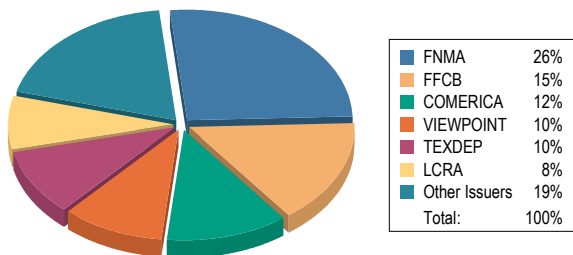
Par Value	55,818,827.59	50,702,893.04
Market Value	56,056,362.59	50,843,758.04
Book Value	56,026,144.72	50,835,171.17
Unrealized Gain / Loss	30,217.87	8,586.87
<b>Market Value %</b>	<b>100.43%</b>	<b>100.28%</b>
Weighted Avg. YTW	0.527%	0.560%
Weighted Avg. YTM	0.527%	0.619%



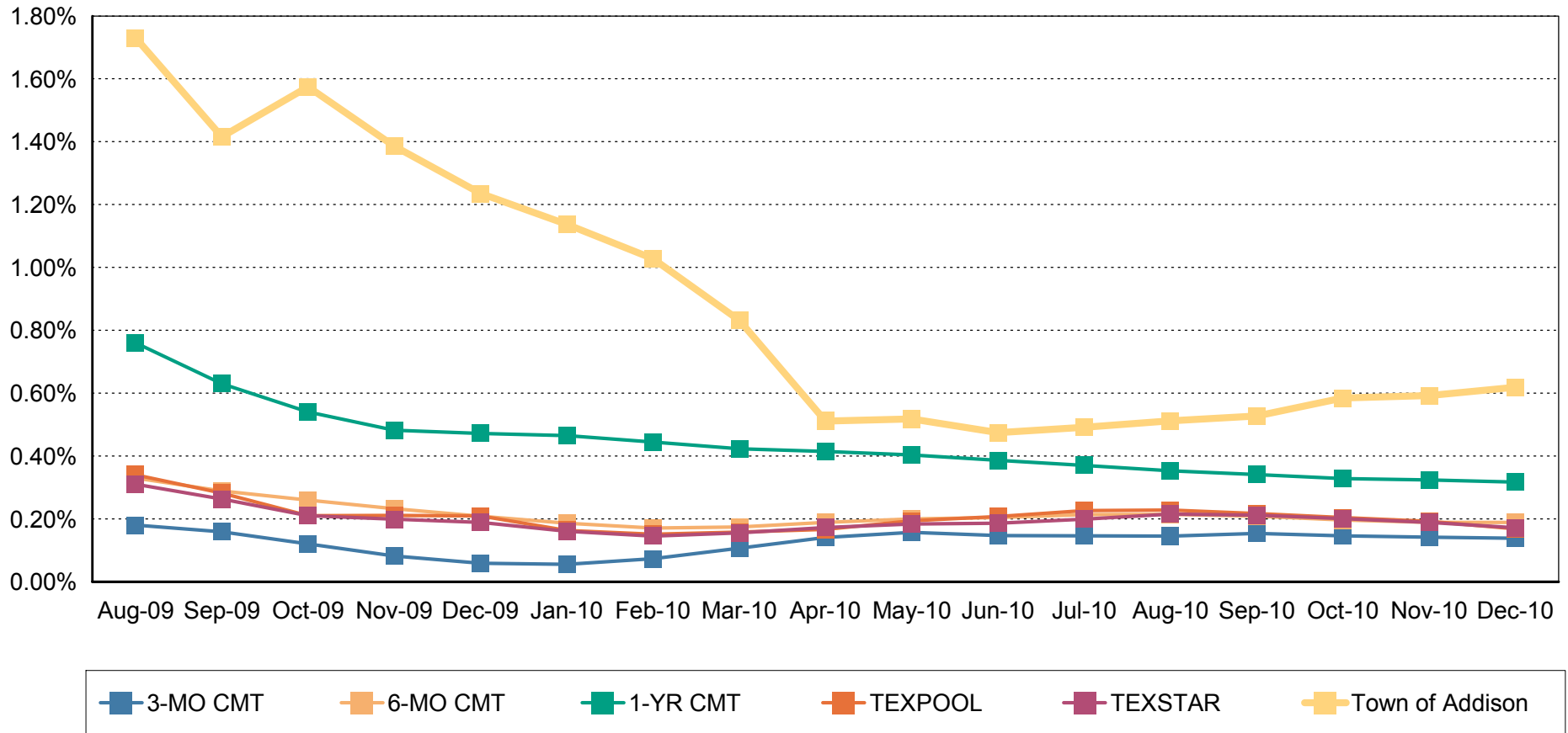
**Allocation by Issuer**

**Maturity Distribution %**

**Credit Quality**



**Weighted Average Days to Maturity: 205**



**Note 1:** CMT stands for Constant Maturity Treasury. This data is published in Federal Reserve Statistical Release H.15 and represents an average of all actively traded Treasury securities having that time remaining until maturity. This is a standard industry benchmark for Treasury securities. The CMT benchmarks are moving averages. The 3-month CMT is the daily average for the previous 3 months, the 6-month CMT is the daily average for the previous 6 months, and the 1-year and 2-year CMT's are the daily averages for the previous 12-months.

**Note 2:** Benchmark data for TexPool is the monthly average yield.

**Note 3:** Benchmark data for TexSTAR is the monthly average yield.





**Town of Addison**  
**Detail of Security Holdings**  
 As of 12/31/2010

CUSIP	Settle Date	Sec. Type	Sec. Description	CPN	Mty Date	Next Call	Call Type	Par Value	Purch Price	Orig Cost	Book Value	Mkt Price	Market Value	Days to Mty	Days to Call	YTM	YTW
<b>Pooled Funds</b>																	
TEXPOOL		LGIP	TexPool					2,044,416.54	100.000	2,044,416.54	2,044,416.54	100.000	2,044,416.54	1		0.168	0.168
TEXSTAR		LGIP	TexSTAR					1,652,324.09	100.000	1,652,324.09	1,652,324.09	100.000	1,652,324.09	1		0.171	0.171
88211KAY1	10/06/10	CP - INT	TX A&M Univ CP	0.280	01/10/11			2,000,000.00	100.000	2,000,000.00	2,000,000.00	100.000	2,000,000.00	10		0.280	0.280
CD-8993	10/19/09	CD	Comerica Bk CD	1.170	01/19/11			2,027,484.50	100.000	2,027,484.50	2,027,484.50	100.000	2,027,484.50	19		1.172	1.172
31331YUD0	04/27/10	AGCY BULET	FFCB	2.875	02/14/11			4,750,000.00	101.936	4,841,960.00	4,763,789.68	100.300	4,764,250.00	45		0.439	0.439
3024A1PP2	08/27/10	CP - DISC	FCAR Owner Trust		02/23/11			1,000,000.00	99.750	997,500.00	999,263.89	99.933	999,325.00	54		0.501	0.501
54811EDM4	12/16/10	CP - INT	LCRA	0.320	03/03/11			4,000,000.00	100.000	4,000,000.00	4,000,000.00	100.000	4,000,000.00	62		0.320	0.320
88237KQJ7	12/01/10	CP - DISC	TX Dept of Eco Dev Corp		03/18/11			5,000,000.00	99.902	4,995,095.83	4,996,516.65	99.929	4,996,470.00	77		0.330	0.330
31398AWQ1	04/05/10	AGCY BULET	FNMA	1.375	04/28/11			5,000,000.00	100.856	5,042,800.00	5,013,097.20	100.380	5,019,000.00	118		0.567	0.567
CD-7225	06/17/10	CD-SHORT	Comerica Bk CD	0.840	06/17/11			4,016,875.61	100.000	4,016,875.61	4,016,875.61	100.000	4,016,875.61	168		0.840	0.840
31398ATL6	04/09/10	AGCY BULET	FNMA	3.625	08/15/11			1,900,000.00	103.908	1,974,252.00	1,934,308.41	102.010	1,938,190.00	227		0.711	0.711
CD-0181	09/07/10	CD	ViewPoint Bk CD	0.750	09/07/11			2,004,730.19	100.000	2,004,730.19	2,004,730.19	100.000	2,004,730.19	250		0.740	0.740
CD-00261	09/21/10	CD-SHORT	ViewPoint Bk CD	0.850	10/07/11			3,007,062.11	100.000	3,007,062.11	3,007,062.11	100.000	3,007,062.11	280		0.838	0.838
31359MZ30	04/05/10	AGCY BULET	FNMA	5.000	10/15/11			2,300,000.00	106.308	2,445,084.00	2,375,126.07	103.610	2,383,030.00	288		0.836	0.836
31331JM67	10/06/10	AGCY CALL	FFCB	0.440	01/06/12	01/06/11	CONT	3,000,000.00	100.000	3,000,000.00	3,000,000.00	99.830	2,994,900.00	371	6	0.440	0.440
3134G1L51	12/22/10	AGCY CALL	FHLMC	0.625	06/22/12	03/22/11	QRTLY	3,000,000.00	99.920	2,997,600.00	2,997,639.87	99.950	2,998,500.00	539	81	0.679	0.679
31398A6X5	12/28/10	AGCY CALL	FNMA	0.875	12/28/12	06/28/11	QRTLY	2,000,000.00	100.000	2,000,000.00	2,000,000.00	99.770	1,995,400.00	728	179	0.875	0.875
31398AD90	10/19/10	AGCY CALL	FNMA	2.050	01/28/13	01/28/11	ONE TIME	2,000,000.00	100.465	2,009,300.00	2,002,536.36	100.090	2,001,800.00	759	28	1.840	0.356
<b>Total for Pooled Funds</b>								<b>50,702,893.04</b>	<b>100.708</b>	<b>51,056,484.87</b>	<b>50,835,171.17</b>	<b>100.284</b>	<b>50,843,758.04</b>	<b>205</b>		<b>0.619</b>	<b>0.560</b>
<b>Total for Town of Addison</b>								<b>50,702,893.04</b>	<b>100.708</b>	<b>51,056,484.87</b>	<b>50,835,171.17</b>	<b>100.284</b>	<b>50,843,758.04</b>	<b>205</b>		<b>0.619</b>	<b>0.560</b>



**Town of Addison**  
**Investment Transactions**  
 From 10/01/2010 to 12/31/2010

Trade Date	Settle Date	CUSIP	Security Type	Security Description	Coupon	Mty Date	Call Date	Par Value	Price	Purchase Cost	Int Purchased / Received	Total Amount	Realized Gain / Loss	YTM	YTW
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**Total for All Portfolios**

Transaction Type	Quantity	Total Amount	Realized G/L	YTM	YTW
Total Maturities	18,049,768.37	18,051,534.94		0.473	
Total Purchases	23,000,000.00	23,011,220.83		0.556	0.427
Total Income Payments	0.00	125,069.58			
Total Capitalized Interest	30,244.05	30,244.05			

## **Council Agenda Item: #R11**

**AGENDA CAPTION:**

Presentation, discussion and consideration of a joint resolution of the North Texas Tollway Authority and the Regional Transportation Council supporting the delivery of IH 35E, SH183, and the North Tarrant Express by the Texas Department of Transportation through public-private partnerships.

**FINANCIAL IMPACT:**

NA

**BACKGROUND:**

Councilmember Lay will provide the information at the meeting.

**RECOMMENDATION:**

Recommend approval.

**COUNCIL GOALS:**

Promote Quality Transportation Services

**ATTACHMENTS:**

Description:

[Joint resolution I-35](#)

Type:

Cover Memo

NTTA Resolution No. \_\_\_\_\_  
 RTC Resolution No. R11-02

**JOINT RESOLUTION OF THE NORTH TEXAS TOLLWAY AUTHORITY AND THE REGIONAL  
 TRANSPORTATION COUNCIL SUPPORTING THE DELIVERY OF IH 35E, SH 183, AND THE  
 NORTH TARRANT EXPRESS BY THE TEXAS DEPARTMENT OF TRANSPORTATION  
 THROUGH PUBLIC-PRIVATE PARTNERSHIPS**

**WHEREAS**, the North Central Texas Council of Governments (NCTCOG) is designated as the Metropolitan Planning Organization for the Dallas-Fort Worth Metropolitan Area by the Governor of the State of Texas in accordance with federal law; and,

**WHEREAS**, the Regional Transportation Council (RTC), comprised primarily of local elected officials, is the regional transportation policy body associated with the North Central Texas Council of Governments and has been and continues to be the regional forum for cooperative decisions on transportation; and,

**WHEREAS**, the North Texas Tollway Authority (NTTA) is a regional tollway authority governed by Chapter 366 of the Texas Transportation Code and serves the North Central Texas region; and,

**WHEREAS**, draft recommendations for Mobility 2035: The Metropolitan Transportation Plan for North Central Texas, identify the need for improvements to IH 35E, SH 183, and the North Tarrant Express as critical components in addressing the region's mobility needs.

**NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:**

**Section 1.** The NTTA and RTC strongly support the development of the following projects as public-private partnerships to be implemented by the Texas Department of Transportation:

- 1) IH 35E Managed Lanes from US 380 to IH 635;
- 2) SH 183 Managed Lanes from SH 161 to IH35E/Trinity Parkway; and
- 3) North Tarrant Express to include the following segments:
  - Segment 2: SH 183 from SH 121 to SH 161;
  - Segment 3: IH35W from IH 30 to SH 170; and
  - Segment 4: IH 820 from SH 183 North to South of Randol Mill Road.

**Section 2.** The NTTA and RTC strongly support necessary legislative changes to grant the Texas Department of Transportation the authority to implement the projects identified in Section 1 through public-private partnerships or other similar mechanisms.

**Section 3.** The NTTA and RTC request the Texas Department of Transportation to proceed with a public-private partnership delivery model for the projects identified in Section 1 as expeditiously as possible upon adoption of the necessary legislative authority.

**Section 4.** The NTTA and RTC shall develop a select list of projects, if any, in advance of each legislative session, to be developed through public-private partnerships to be approved by the Legislature.

**Section 5.** This Joint Resolution shall not be construed as a waiver of NTTA's right and obligation under Texas Transportation Code Section 366.038 to provide toll collection, customer service, and enforcement services with respect to the projects identified in Section 1.

**Section 6.** This resolution shall be transmitted to the Texas Transportation Commission.

**Section 7.** This resolution shall be effective upon adoption by both the Regional Transportation Council and North Texas Tollway Authority.

**North Texas Tollway Authority**

\_\_\_\_\_  
Victor Vandergriff, Chairman

\_\_\_\_\_  
Ruby Franklin, Secretary

**Regional Transportation Council**

\_\_\_\_\_  
Ron Natinsky, Chair  
Regional Transportation Council  
Councilmember, City of Dallas

I hereby certify that this resolution was adopted by the Regional Transportation Council of the North Central Texas Council of Governments for the Dallas-Fort Worth Metropolitan Area on February 10, 2011.

\_\_\_\_\_  
Pete Kamp, Secretary  
Regional Transportation Council  
Mayor Pro Tem, City of Denton