

**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, SEPTEMBER 4, 2018**

NOTICE IS HEREBY GIVEN THAT the City Commission of the City of Weslaco, Texas will hold a Regular Meeting in the Legislative Chamber of City Hall, located at 255 South Kansas Avenue, on Tuesday, September 4, 2018 at 5:30 PM for the purpose of discussing the following items:

NOTE: If during the course of the meeting, any discussion of any item on the agenda should be held in executive or closed session, the Weslaco City Commission will convene in such executive or closed session whether or not such item is posted as an executive session item at any time during the meeting when authorized by the provisions of the Texas Open Meetings Act.

I. CALL TO ORDER

- A. Certification of Public Notice.
- B. Invocation.
- C. Pledge of Allegiance.
- D. Mayoral recognition.
- E. Roll Call.

II. PUBLIC COMMENTS

The Public Comments portion of the meeting promotes a fair and open process for the governance of the City. This portion of the meeting is not intended to be an extended discussion or a debate and is limited to three minutes for each presenter. Due to the Texas Open Meetings Act, the Mayor and City Commissioners do not reply; they listen. Matters under litigation are not to be addressed and comments regarding specific City employees and elected officials may be prohibited.

If you are discussing something not included on the agenda, the Commission cannot take any formal action until it is placed on an agenda and notice of the meeting is properly posted. Registration for Public Comments must be submitted to the City Secretary before the City Commission meeting is called to order. As the Mayor calls upon those who submitted a registration form with the City Secretary, please step to the podium and state your name and address before beginning your presentation.

III. CONSENT AGENDA

The following items are of a routine or administrative nature. The City Commission has been furnished with background and support material on each item, and/or it had been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote. Possible action.

A. Approval of the Minutes as follows:

- 1) Minutes of the Regular Meeting on August 21, 2018;
- 2) Record of Budget Workshop on August 23, 2018; and
- 3) Minutes of the Special Meeting on August 28, 2018.
(Staffed by City Secretary's Office.) Attachment

B. Approval on second and final reading of the following:

- 1) Ordinance 2018-24 amending Section 12 of Ordinance 397, to fix residential, commercial and industrial garbage rates; providing an effective date; and ordaining other matters with respect to the subject matter hereof. (First reading held August 21, 2018; Staffed by Finance Department.) Attachment
- 2) Ordinance 2018-25 authorizing the assessment of a Municipal Court Building Security Fee in the amount of \$3.00 against all Defendants convicted of a misdemeanor offense by the Municipal Court. (First Reading held August 21, 2018; Staffed by Municipal Court.) Attachment

C. Approval of the renewal of the memorandum of understanding with Uniting Neighbors In Drug Abuse Defense (UNIDAD) Coalition and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment

D. Approval of a Non-Terminal Agency Agreement between Weslaco Police Department and Hidalgo County Constable Office Precinct 1 and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment

E. Authorization of the purchase of two 4" Fairbanks Pumps from Odessa Pumps, Buyboard State Vendor No. 509-16, in the amount not to exceed \$27,475.00 and authorize the Mayor to execute any related documents. (Staffed by Public Works.) Attachment

F. Approval of a Mid Valley Airport Hangar Lease Agreement with Michael Ohlinger, Hangar E-10, and authorize the Mayor to execute any related documents. (Staffed by Airport.) Attachment

IV. APPOINTMENTS

A. Discussion and consideration to approve Resolution 2018-51 appointing a member to

the Citizen's Drainage Committee and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager's Office.) Attachment

- B. Discussion and consideration to approve Resolution 2018-59 increasing the members of the Citizen's Drainage Committee from seven (7) not to exceed fourteen (14) members and approving respective Resolutions appointing members and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Managers' Office.) Attachment
- C. Discussion and consideration to approve Resolution 2018-55 appointing one member to an expired term on the Civil Service Commission and authorize the Mayor to execute any related documents. Possible action. (Staffed by Human Resources Department.) Attachment
- D. Discussion and consideration to accept the resignation of Sandra Reyna from the Weslaco 100 Committee and approve Resolution 2018-56 appointing a member to the unexpired term and authorize the Mayor to execute any related documents. Possible action. (Staffed by Weslaco 100.) Attachment
- E. Discussion and consideration to approve Resolution 2018-57 replacing the veterinarian on the Animal Shelter Advisory Board and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement.) Attachment

V. OLD BUSINESS

- A. Discussion and consideration on evaluation and selection of a short list for interviews for Civil Engineering Services from the Request for Qualifications #2017-18-21 for consulting services to prepare a Stormwater Improvements Plan. Possible action. (This item was tabled August 28, 2018; Staffed by Planning and Code Enforcement.) Attachment

VI. NEW BUSINESS

- A. Discussion and consideration to approve Ordinance 2018-27 adopting the City of Weslaco's budget appropriation for the fiscal year October 1, 2018 to September 30, 2019 and authorize the Mayor to execute any related documents. First Reading of Ordinance 2018-27. ROLL CALL VOTE REQUIRED. Possible action. (Staffed by Finance Department.) Attachment

- B. Discussion and consideration to approve Ordinance 2018-28 adopting and levying the ad valorem tax rate for the 2018-2019 fiscal year and authorize the Mayor to execute any related documents. First Reading of Ordinance 2018-28. ROLL CALL VOTE REQUIRED. Possible action. (Staffed by Finance Department.) Attachment
- C. Discussion and consideration to approve Ordinance 2018-26 amending the Master Fee Schedule with respect to Administrative, Library and Airport fees, and authorize the Mayor to execute any related documents. First reading of Ordinance 2018-26. Possible action. (Staffed by Finance Department.) Attachment
- D. Discussion and consideration to approve Ordinance 2018-29 establishing the capital project fund for drainage improvements and authorize the Mayor to execute any related documents. First reading of Ordinance 2018-29. Possible action. (Staffed by Finance.) Attachment
- E. Discussion and consideration to approve Ordinance 2018-30 adopting a budget amendment and authorize the Mayor to execute any related documents. First Reading of Ordinance 2018-30. Possible action. (Staffed by Finance Department.) Attachment
- F. Discussion and consideration to approve the request from the American Cancer Society to host the Mid Valley Relay for Life at Mayor Pablo G. Pena City Park on April 12, 2019, and to waive appropriate ordinances associated with the event. Possible action. (Staffed by Parks and Recreation Department.) Attachment
- G. Discussion and consideration to approve a request for 2-4 baseball fields and concessions March – July 4, 2019 to establish a Little Miss Kickball International Inc. league in Weslaco. Possible action. (Staffed by Parks and Recreation.) Attachment
- H. Discussion and consideration to approve the purchase of Split System Air Conditioning Units from Trane, BuyBoard State Approved Contract #552-17, in an amount not to exceed \$34,765.32, and accept a cost share reimbursement of \$17,382.66 from Lower Rio Grande Valley Development Council (911), for replacing the AC units at Pubic Works building, and authorize a budget amendment as appropriate. Possible action. (Staffed by Parks & Recreation Department.) Attachment
- I. Discussion and consideration to approve Interlocal Agreement with LRGVDC-911 addressing for use of their Spartan Addressing program. Possible action. (Staffed by Planning and Code Enforcement.) Attachment

- J. Discussion and consideration to approve an Interlocal Cooperation Agreement with the City of Pharr for Animal Care Services and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department) Attachment
- K. Discussion and consideration to authorize the Weslaco Independent School District to affix banners to the street lights on Texas Boulevard. Possible action. (Requested by Weslaco Independent School District.) Attachment
- L. Discussion and consideration to approve Resolution 2018-58 authorizing the submission and participation of a Texas Department of Transportation General Aviation Grant for the relocation and installation of a new AWOS and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport.) Attachment
- M. Discussion and consideration to approve Ordinance 2018-31 increasing the number of police officers by six (6). First Reading of Ordinance 2018-31. Possible action. (Staffed by Police Department.) Attachment
- N. Discussion and consideration of the Hidalgo County Regional Foreign Trade Zone. Possible action. (Requested by the Mayor.)

VII. REPORTS

- A. Report by Siemens Technologies on Performance Contracting Agreement.
- B. Report by Weslaco Area Chamber of Commerce.
- C. Report by Economic Development Corporation of Weslaco.
- D. Report by Planning and Code Enforcement.
- E. Report by Inframark.
- F. Report by Public Works.

VIII. EXECUTIVE SESSION

Texas Government Code, Section 551 Open Meetings:

§551.145. Closed Meeting Without Certified Agenda or Tape Recording; Offense; Penalty

(a) A member of a government body commits an offense if the member participates in a closed meeting of the governmental body knowing that a certified agenda of the closed meeting is not being kept or that a tape recording of the closed meeting is not being made.

(b) An offense under Subsection (a) is a Class C misdemeanor.

§551.146. Disclosure of Certified Agenda or Tape Recording of Closed Meeting; Offense; Penalty; Civil Liability

(a) An individual, corporation, or partnership that without lawful authority knowingly discloses to a member of the

public the certified agenda or tape recording of a meeting that was lawfully closed to the public under this chapter:

- (1) commits an offense; and
- (2) is liable to a person injured or damaged by the disclosure for:
 - (A) actual damages, including damages for personal injury or damage, lost wages, defamation, or mental or other emotional distress;
 - (B) reasonable attorney fees and court costs; and
 - (C) at the discretion of the trier of fact, exemplary damages.
- (b) An offense under Subsection (a)(1) is a Class B misdemeanor.
- (c) It is a defense to prosecution under Subsection (a)(1) and an affirmative defense to a civil action under Subsection (a)(2) that:
 - (1) the defendant had good reason to believe the disclosure was lawful; or
 - (2) the disclosure was the result of a mistake of fact concerning the nature or content of the certified agenda or tape recording. (Added by Acts 1993, 73rd Leg., ch 268, § 1, eff. Sept. 1, 1993.)

NOTE: Any documentation related to the following items will be maintained as part of the certified agenda.

- A. Personnel - Discussion regarding the goals, objectives, and evaluation of the City Manager for the City of Weslaco as authorized by §551.074 of the Texas Government Code.
- B. Contract Negotiations – Discussion with the City Manager and City Attorney relating to the City’s rights, duties, privileges, and obligations in connection to the Collective Bargaining Agreement with the Fire Union (IAFF-WFFA Local 3207) as authorized by §551.071 of the Texas Government Code.
- C. Legal Consultation - Seek City Attorney opinion relating to the mediation with CDM as authorized by §551.071 of the Texas Government Code.
- D. Real Property – Consultation with City Attorney on the purchase of real property legally described as Chelsea Park W6.83AC GR 5.22AC Net on Border Avenue as authorized by §551.072 of the Texas Local Government Code.
- E. Real Property – Consultation with City Attorney on the purchase of real property legally described as West Tract W3.67AC-S10AC-N20AC FT 685 at Dawson and Oregon Streets as authorized by §551.072 of the Texas Local Government Code.
- F. Real Property – Consultation with City Attorney on the purchase of real property located at the corner of East Pike Boulevard and VoTech Drive as authorized by §551.072 of the Texas Local Government Code.
- G. Economic Development – Consultation with City Attorney regarding Economic Development incentive programs related to Project Catherine as authorized by §551.087 of the Texas Government Code.

IX. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

X. ADJOURNMENT

I hereby certify this **Notice of a Regular Meeting of the Weslaco City Commission** was posted in accordance with the Open Meetings Act on the outside bulletin board at City Hall of the City of Weslaco, located at the 255 South Kansas Avenue entrance, visible and accessible to the general public during and after regular working hours. This notice was posted on this 31st day of August, 2018 at 5:55 p.m. and will remain so posted continuously for at least 72-hours preceding the scheduled time of this meeting in accordance with Chapter 551 of the Texas Government Code.

/s/ Elizabeth M. Walker, City Secretary

NOTE: If any accommodation for a disability is required, please notify the City Secretary's Office at (956) 968-3181, Ext. 3100 prior to the meeting date.

Regular Meetings of the Weslaco City Commission stream live online at <http://www.weslacotx.gov/open-government/open-meetings>. Archived video of some meetings are also available.

Removed from Bulletin Board

Date:

Initials:



Standardized Agenda Request Form

Date of Meeting: September 4, 2018		Agenda Item No. (to be assigned by CSO): 2018-1897	
From:			
Subject: Certification of Public Notice.			
Background: Call to Order, includes the following: A. Certification of Public Notice. B. Invocation. C. Pledge of Allegiance. D. Mayoral recognition. E. Roll Call			
Funding Source (budget code, if applicable):			
Amount:	Term of Impact:	Identified in Current Budget:	
Additional Action Prompted:			
If item previously considered, provide date and action by Commission:			
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:			
Advisory Review, if any (name of board/committee, date of action, recommendation):			
Elizabeth Walker		Created/Initiated	
Mike Perez		Final Approval	
City Manager Comments: Approve.			
Staff Recommendation: A. Mayor will Call to Order and certify Public Notice. B. Pastor Art Beckwith, RGV Church will lead the invocation. C. Mayor will lead Pledge of Allegiance; Mayor Pro-Tem may lead Texas Flag. D. Mayoral recognition. E. City Secretary will call roll. Four or more Commissioners present constitute a Quorum; otherwise, no action may be taken.			
Attachments, if any: Pledge & Mission updated 2017 election			
Responsibilities upon Approval:			

City of Weslaco

"The City on the Grow"



David Suarez, Mayor
Gerardo "Jerry" Tafolla, Mayor Pro-Tem, District 4
Leo Muñoz, Commissioner, District 1
Greg Kerr, Commissioner, District 2
Jose "J.P." Rodriguez, Commissioner, District 3
Letty Lopez, Commissioner, District 5
Josh Pedraza, Commissioner, District 6

Mike R. Perez, City Manager

The Pledge of Allegiance to the Flag

"I PLEDGE ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA
AND TO THE REPUBLIC FOR WHICH IT STANDS, ONE NATION UNDER GOD,
INDIVISIBLE, WITH LIBERTY AND JUSTICE FOR ALL."

The Pledge of Allegiance to the State Flag

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

**The pledge was amended by House Bill 1034 during the 80th Legislature with the
addition of "one state under God." The revised wording became effective on June 15,
2007.*

Preamble to the Constitution of the United States of America

We the people of the United States, in order to form a more perfect union, establish
justice, insure domestic tranquility, provide for the common defense, promote the
general welfare, and secure the blessings of liberty to ourselves and our posterity, do
ordain and establish this Constitution for the United States of America.

STATEMENT OF VISION: AN INTERNATIONAL CENTER OF GROWTH

Friendly people with vision, courage and integrity

STATEMENT OF MISSION: COMMITMENT TO EXCELLENCE IN PUBLIC SERVICE

- *Positive Attitude of Courtesy & Concern
- *Doing it Right the First Time
- *Sensitive to the citizens' needs
- *Friendly Respect for All
- *Service without Hassle



Standardized Agenda Request Form

Date of Meeting: September 4, 2018		Agenda Item No. (to be assigned by CSO): 2018-1880	
From:			
Subject: Minutes of the Regular Meeting on August 21, 2018; 2) Record of Budget Workshop on August 23, 2018; and 3) Minutes of the Special Meeting on August 28, 2018. (Staffed by City Secretary's Office.) Attachment.			
Background: Record of commission action from the regular meeting of August 21, 2018; Workshop on August 23, 2018 and Special Meeting of August 28, 2018.			
Funding Source (budget code, if applicable):			
Amount:	Term of Impact:	Identified in Current Budget:	
Additional Action Prompted:			
If item previously considered, provide date and action by Commission:			
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:			
Advisory Review, if any (name of board/committee, date of action, recommendation):			
Aida Vega Mike Perez		Created/Initiated Final Approval	
City Manager Comments: Approve.			
Staff Recommendation: Approve.			
Attachments, if any: 180821 minutes, 18-08-23 record, 18-08-28 minutes			
Responsibilities upon Approval: Execute and retain.			



**REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, AUGUST 21, 2018**

On Tuesday, August 21, 2018, at 5:33 p.m. the City Commission of the City of Weslaco, Texas convened in a Regular Meeting at City Hall in the Legislative Chamber, located at 255 South Kansas Avenue with the following members present

Mayor Pro-Tem	Gerardo “Jerry” Tafolla
Commissioner	Leo Muñoz
Commissioner	Greg Kerr
Commissioner	Jose “J.P.” Rodriguez
Commissioner	Letty Lopez
Commissioner	Josh Pedraza
City Manager	Mike R. Perez
City Secretary	Elizabeth Walker
City Attorney	Juan E. Gonzalez

Also present: Mary Barrera, Finance Director; Veronica Ramirez, Human Resources Director; David Arce, Parks and Recreation Director; Leo Gonzalez, Information Technology Director; Mardoqueo Hinojosa, Planning and Code Enforcement Director and City Engineer; Tony Lopez, Fire Chief; Joel Rivera, Police Chief; Andrew Munoz, Airport Director; Martin Mata, Assistant Library Director; Pete Garcia, Public Works Director; and other staff members and citizens.

I. CALL TO ORDER

A. Certification of Public Notice.

The Mayor Pro-Tem Tafolla called the meeting to order and certified the public notice of the meeting as properly posted Friday, August 17, 2018.

B. Invocation.

Pastor Bacilio Castillo, Pave the Way Church, led the invocation.

C. Pledge of Allegiance.

The Mayor Pro-Tem Tafolla led the Pledge of Allegiance and Texas Flag.

D. Mayoral Recognition.

Mayor Pro Tem Tafolla proclaimed the recognition of Amanda Carmona as Centenarian on her one-hundredth birthday.

E. Roll Call.

Elizabeth Walker, City Secretary, called the roll noting the absence of Mayor Suarez and a quorum present.

II. PUBLIC COMMENTS

Israel Coronado commented the Commission should look for better efficiencies and alternatives in allocation of budget funds. Raul Cabaza, III encouraged the community to work without animosity.

III. PUBLIC HEARING

Commissioner Kerr, seconded by Commissioner Lopez, moved to open the public hearing at 5:48 p.m. The motion carried unanimously; Mayor Pro Tem Tafolla was present and voting.

A. To solicit input from the public regarding the City of Weslaco ad valorem property tax proposed rate of \$0.6817/\$100.00 valuation, pursuant to Texas Tax Code Section 26.05(d).

Mary Barrera, Finance Director, presented the proposed tax rate of \$0.6817/100.00, which is one and a half cents greater than the current rate in order to retire possible debt service. She stated the proposed rate is comparable to Pharr and San Juan.

Sandra Reyna, Israel Coronado, and Julie Ann Valdez expressed opposition to a tax rate increase.

Mike Perez, City Manager, gave the example that a home appraised at \$100,000 would see an increase of \$15.00 per year; the final rate will be voted at the second meeting of September as recorded by ordinance and reported to bond holders.

B. To solicit input from the public regarding the City of Weslaco proposed budget for Fiscal Year 2018-2019, pursuant to Local Government Code 102.006 and 102.007.

Israel Coronado, Julie Ann Valdez, Dina Murillo, Randy Hall expressed opposition against any property tax and water rate increase suggesting departments see where they can reduce any expenditures and a grant writer to secure free money.

City Manager noted proceeds of 4A funds are for economic development and 4B allows street, drainage and park improvements.

Commissioner Kerr, seconded by Commissioner Muñoz, moved to close the public hearing at 6:33 p.m. The motion carried unanimously; Mayor Pro Tem Tafolla was present and voting.

IV. CONSENT AGENDA

The following items are of a routine or administrative nature. The City Commission has been furnished with background and support material on each item, and/or it had been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote. Possible action.

A. Approval of the following:

- 1) Minutes of the Regular Meeting on August 7, 2018;
- 2) Record of workshop on August 8, 2018;
- 3) Record of workshop on August 9, 2018;
- 4) Record of workshop on August 13, 2018
- 5) Record of workshop on August 15, 2018; and
- 6) Record of workshop on August 16, 2018. (Staffed by City Secretary's Office.)

B. Approval on second and final reading of the following:

1) Ordinance 2018-21, amending Ordinance 2013-21, Section 26-34 Drainage with respect to drainage requirements on new subdivisions. (First reading held August 7, 2018; staffed by Planning and Code Enforcement.)

2) Ordinance 2018-22 rezoning 1302 W. Sugarcane Dr. also being West Tract SE 6.43 AC – E 13.49 AC Ft 141, Weslaco, Hidalgo County, Texas from R-1 One Family Dwelling to B-1 Neighborhood Business. (First reading held August 7, 2018; staffed by Planning and Code Enforcement Department.)

3) Ordinance 2018-23 rezoning 720 International Blvd., also being SEC FM 1015 and Mile 8 North, West and Adams subdivision, Tract 1030, TDB-Brito Apartments, Weslaco, Hidalgo County, Texas from R-1 One Family Dwelling to R-2 Duplex and Apartments District. (First reading held August 7, 2018; staffed by Planning and Code Enforcement Department.)

C. Approval of the renewal of the Election Services Contract with the Hidalgo County Elections Department to conduct the Joint City of Weslaco and Weslaco Independent School District General Election of November 6, 2018 pursuant to Texas Election Code Chapter 271, and authorize the Mayor to execute any related documents including this contract and any interlocal agreement with the Weslaco Independent School District related to this election. (Staffed by Office of the City Secretary.)

D. Approval of the renewal of the Lease Agreement with the Weslaco Youth Football League for the use of Isaac Rodriguez multi-purpose fields and Harlon Block Sports Complex practice area, for a term of four months (September 1, 2018-December 31, 2018) and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.)

E. Approval of the renewal of the lease agreement with Mid Valley Youth Soccer League for use of Pablo G. Pena City Park soccer fields and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.)

F. Approval of Weslaco Mid Valley Airport Ground Lease Agreements with Tenant Ray Walker for Hangers W-4 and W-10 and authorize the Mayor to execute any related documents. (Staffed by Airport.)

G. Approval of renewal of an agreement with Drug Enforcement Administration of State and Local HIDTA Task Force cooperation for Fiscal Year 2018-2019 and authorize Police Chief Joel Rivera to execute any related documents. (Staffed by Weslaco Police Department.)

H. Approval of the renewal of the agreements with Muniservices for local hotel occupancy tax program and sales tax audit and administration services and authorize the Mayor to execute any related documents. (Staffed by Finance Department.)

Commissioner Kerr, seconded by Commissioner Pedraza, moved to approve consent agenda items A, B2, C, D, E, F, G and H as presented withholding B1. The motion carried unanimously; Mayor Pro Tem Tafolla was present and voting.

B. Approval on second and final reading of the following:

1) Ordinance 2018-21, amending Ordinance 2013-21, Section 26-34 Drainage with respect to drainage requirements on new subdivisions. (First reading held August 7, 2018; staffed by Planning and Code Enforcement.)

Mardoqueo Hinojosa, City Engineer/Director of Planning and Code Enforcement, stated staff evaluated the hypothetical development of 27 acres with 137 lots each 1,500 square feet: applying a 25-year storm detention would lose two lots; a 50-year storm detention would lose three lots. In response to Commissioner Muñoz, 3% of land is dedicated for drainage.

Options are to maintain the current 25-year standard, modify the subdivision ordinance to create Home Owners Association (HOA) or require bigger lot development. The City Manager stated they could make the HOA responsible and pay through the water bill or assess a lien for nonpayment. He stated only McAllen has a 50-year storm detention within the Rio Grande Valley. This ordinance also establishes the minimum pipe for new subdivision drainage as 24-inch reinforced concrete pipe (RCP).

Commissioner Kerr, seconded by Commissioner Rodriguez, moved to approve on second and final reading Ordinance 2018-21, amending Ordinance 2013-21, Section 26-34 Drainage with respect to drainage requirements on new subdivisions. The motion carried unanimously; Mayor Pro Tem Tafolla was present and voting.

V. APPOINTMENTS

A. Discussion and consideration to approve Resolutions 2018-47, 2018-48, 2018-49, 2018-50, and 2018-51 appointing members to the Citizen's Drainage Committee and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager's Office.)

Commissioner Pedraza nominated Dave Morales; Commissioner Kerr nominated Mark Garza; Mayor Pro Tem Tafolla nominated Pablo Herrera; and Commissioner Rodriguez nominated Annette Valadez.

Gail Wiegall stated each district should be represented; Commissioner Kerr stated the committee may be expanded in the event a district may be under represented. He called the question.

Commissioner Kerr, seconded by Commissioner Muñoz, moved to approve Resolutions 2018-47, 2018-48, 2018-49, 2018-50 appointing by acclamation Dave Morales, Mark Garza, Pablo Herrera and Annette Valadez to the Citizen's Drainage Committee and creating an exception for Annette

Valadez and Sandra Reyna to concurrently serve on other citizen boards. The motion carried unanimously; Mayor Pro Tem Tafolla was present and voting.

For the record, the following are the resolutions:

RESOLUTION NO. 2018-47

A RESOLUTION OF THE CITY OF WESLACO ESTABLISHING AN AD HOC CITIZENS' COMMITTEE THAT SHALL BE DESIGNATED AS THE WESLACO DRAINAGE CITIZENS' TASK FORCE

WHEREAS, This Commission finds merit in establishing an ad hoc citizens' committee to solicit suggestions, make recommendations, and review progress toward the planning and implementing of infrastructure improvements for City-wide detention and drainage of floodwaters; and

WHEREAS, as it is intended to serve ad hoc, the work of this Committee shall be limited to one year from establishment; and

WHEREAS, there shall be seven (7) members in the Weslaco Drainage Citizens' Task Force who shall be nominated one by each Commission member and approved by the whole Weslaco City Commission; and

WHEREAS, members shall be residents of the City of Weslaco, serve without compensation, and may be eligible for reappointment.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Dave Morales appointed to serve on the Weslaco Drainage Citizen's Task Force and the term will expire on the 7th day of August 2019.

PASSED AND APPROVED on this 21st day of August 2018.

RESOLUTION NO. 2018-48

A RESOLUTION OF THE CITY OF WESLACO ESTABLISHING AN AD HOC CITIZENS' COMMITTEE THAT SHALL BE DESIGNATED AS THE WESLACO DRAINAGE CITIZENS' TASK FORCE

WHEREAS, This Commission finds merit in establishing an ad hoc citizens' committee to solicit suggestions, make recommendations, and review progress toward the planning and implementing of infrastructure improvements for City-wide detention and drainage of floodwaters; and

WHEREAS, as it is intended to serve ad hoc, the work of this Committee shall be limited to one year from establishment; and

WHEREAS, there shall be seven (7) members in the Weslaco Drainage Citizens' Task Force who shall be nominated one by each Commission member and approved by the whole Weslaco City Commission; and

WHEREAS, members shall be residents of the City of Weslaco, serve without compensation, and may be eligible for reappointment.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Mark Garza is appointed to serve on the Weslaco Drainage Citizen's Task Force and the term will expire on the 7th day of August 2019.

PASSED AND APPROVED on this 21st day of August 2018.

RESOLUTION NO. 2018-49

A RESOLUTION OF THE CITY OF WESLACO ESTABLISHING AN AD HOC CITIZENS' COMMITTEE THAT SHALL BE DESIGNATED AS THE WESLACO DRAINAGE CITIZENS' TASK FORCE

WHEREAS, This Commission finds merit in establishing an ad hoc citizens' committee to solicit suggestions, make recommendations, and review progress toward the planning and implementing of infrastructure improvements for City-wide detention and drainage of floodwaters; and

WHEREAS, as it is intended to serve ad hoc, the work of this Committee shall be limited to one year from establishment; and

WHEREAS, there shall be seven (7) members in the Weslaco Drainage Citizens' Task Force who shall be nominated one by each Commission member and approved by the whole Weslaco City Commission; and

WHEREAS, members shall be residents of the City of Weslaco, serve without compensation, and may be eligible for reappointment.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Annette Valadez is appointed to serve on the Weslaco Drainage Citizen's Task Force and the term will expire on the 7th day of August 2019.

PASSED AND APPROVED on this 21st day of August 2018.

RESOLUTION NO. 2018-50

A RESOLUTION OF THE CITY OF WESLACO ESTABLISHING AN AD HOC CITIZENS' COMMITTEE THAT SHALL BE DESIGNATED AS THE WESLACO DRAINAGE CITIZENS' TASK FORCE

WHEREAS, This Commission finds merit in establishing an ad hoc citizens' committee to solicit suggestions, make recommendations, and review progress toward the planning and implementing of infrastructure improvements for City-wide detention and drainage of floodwaters; and

WHEREAS, as it is intended to serve ad hoc, the work of this Committee shall be limited to one year from establishment; and

WHEREAS, there shall be seven (7) members in the Weslaco Drainage Citizens' Task Force who shall be nominated one by each Commission member and approved by the whole Weslaco City Commission; and

WHEREAS, members shall be residents of the City of Weslaco, serve without compensation, and may be eligible for reappointment.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Pablo Herrera is appointed to serve on the Weslaco Drainage Citizen's Task Force and the term will expire on the 7th day of August 2019.

PASSED AND APPROVED on this 21st day of August 2018.

CITY OF WESLACO
/s/David Suarez, MAYOR

ATTEST:
/s/Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:
/s/Juan E. Gonzalez, CITY ATTORNEY

VI. NEW BUSINESS

A. Discussion and consideration after Public Hearing to schedule a record vote September 4 and September 18, 2018 regarding the City of Weslaco proposed budget for Fiscal Year 2018-2019. Possible action. (Staffed by Finance Department.)

Mary Barrera, Finance Director, stated Section 102.007 of the Texas Local Government Code requires that after the Public Hearing on the proposed budget, the municipality shall take action on the proposed budget. Staff recommends selecting September 4 and September 18 for adoption of the budget.

Commissioner Kerr, seconded by Commissioner Lopez, moved to approve a record vote September 4 and September 18, 2018 regarding the City of Weslaco proposed budget for Fiscal Year 2018-2019 as presented. The motion carried unanimously; Mayor Pro Tem Tafolla was present and voting.

B. Discussion and consideration to approve Ordinance 2018-24 amending Section 12 of Ordinance 397, to fix residential, commercial and industrial garbage rates; providing an effective date; and ordaining other matters with respect to the subject matter hereof. First reading of Ordinance 2018-24. Possible action. (Staffed by Finance Department.)

Mary Barrera stated existing contract with Allied Waste allows a Consumer Price Index adjustment in the amount 3.13% that is billed to the City; some container sizes are subsidized by City. Staff recommends a rate fee increase for commercial only.

Commissioner Kerr, seconded by Commissioner Lopez, moved to approve Ordinance 2018-24 amending Section 12 of Ordinance 397, to fix residential, commercial and industrial garbage rates as presented. The motion carried unanimously; Mayor Pro Tem Tafolla was present and voting.

Mayor Pro Tem Tafolla changed the order of the day proceeding to Item VII F.

VII. REPORTS

F. Report by Planning and Code Enforcement.

Mardoqueo Hinojosa introduced Armando Gutierrez, Total Commitment Construction, in attendance to report on the sewer line project on Pleasantview Drive, east of Weslaco East High School that connects to lift station on FM1015. Armando Gutierrez stated delays to the project resulted from shortage of pumps then damage to the pumps because of the heavy storms as well as the extremely high water table after the flood. The hydraulic pump recently was repaired and

ready to mobilize again; water table is just five feet deep and there is no clay only sand. Estimated projected completion is two months if he successfully dewater the final stretch of 1,000-feet.

C. Discussion and consideration to approve Ordinance 2018-25 authorizing the assessment of a Municipal Court Building Security Fee in the amount of \$3.00 against all Defendants convicted of a misdemeanor offense by the Municipal Court. First Reading of Ordinance 2018-25. Possible action. (Staffed by Municipal Court.)

Rosa Huerta, Municipal Court Coordinator, stated Senate Bill No. 42 requires court security officers in place by September 2019; Senate bill 42 allows for a court security fee of \$3.00 to be added to each conviction of a misdemeanor to fund the officers. The City Manager recommended approval and hire two part-time bailiffs.

Commissioner Pedraza, seconded by Commissioner Lopez, moved to approve Ordinance 2018-25 authorizing the assessment of a Municipal Court Building Security Fee in the amount of \$3.00 as presented. The motion carried unanimously; Mayor Pro Tem Tafolla was present and voting.

D. Discussion and consideration to approve the purchase of computers using BuyBoard contract as budgeted in an amount not to exceed \$35,000.00 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Information Technology.)

Leo Gonzalez, IT Director, stated purchase is in the current budget as part of the ongoing efforts of annually refreshing computers. Staff recommends approval of PCMG BoardBoard vendor providing the lowest quote for forty-one computers and monitors. Police Chief Rivera reported the department applied for grant for National Incident Management System in the amount of \$1.2 million.

Commissioner Kerr, seconded by Commissioner Lopez, moved to approve the purchase of computers using BuyBoard contract vendor PCMG in an amount not to exceed \$35,000.00 as presented. The motion carried unanimously; Mayor Pro Tem Tafolla was present and voting.

E. Discussion and consideration to select location for the October 2018 Clean Sweep Event. Possible action. (Staffed by Planning and Code Enforcement.)

Mardoqueo Hinojosa presented two sites for the semi-annual clean sweep event for April and October, stating these areas have not been in past events. Joe Pedraza, Health Official, presented option one which covers North of Business 83 and option two which covers south of Business 83; both sites were affected by the flood. Joe Pedraza clarified with limited staff, resources and volunteers, both sites will be done, it is just a matter of selecting which is first.

Commissioner Muñoz recommended option two (South side) with Mayor Pro Tem Tafolla and Commissioners Rodriguez and Lopez recommending option 1 (North side).

Commissioner Lopez, seconded by Commissioner Kerr, moved to approve October 2018 Clean Sweep event North of Business 83 (option one) for October and South of Business 83 (option two) to be held in April as presented. The motion carried unanimously; Mayor Pro Tem Tafolla was present and voting.

F. Discussion and consideration to approve a reimbursement agreement with Robert A. McAllen to widen drainage canal adjacent to Westgate Estates No. 2 on City property/Right-of-Way and authorize Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement.)

Mardoqueo Hinojosa reviewed quotes received for improvement to widen the drainage canal adjacent to City-owned property; lowest was \$6.25 per cubic yard. He spoke with engineer of record and reduced to \$5.00 cubic yard for material and excavation of 22,800 cubic yard representing a savings of \$28,000; total project cost is \$114,000.00.

In response to Commissioner Kerr, this project would excavate City property; Commissioner Muñoz suggested the developer approach surrounding property owner to spread material instead of hauling it away. The City Manager recommended approval requesting funds spent from city be reimbursed as an eligible expenditure from the bond proceeds.

Commissioner Kerr, seconded by Commissioner Lopez, moved to approve a reimbursement agreement with Robert A. McAllen to widen drainage canal adjacent to Westgate Estates No. 2 on City property/Right-of-Way as presented. The motion carried unanimously; Mayor Pro Tem Tafolla was present and voting.

VII. REPORTS

A. Report by Finance Department - Quarterly Investment Report. Possible action to accept and file.

Mary Barrera presented the Quarterly Investment report ending June 30, 2018 showing cash on deposit totaled approximately \$15,369,000 with investments across BBVA, Tex Pool, Tex Pool Prime and Marion Booth Certificates of Deposit for a grant total \$22,282,602. Return on investment averaged 1.5-2.15% with year to date interest earned \$138,703.84. The report is in full compliance with the investment policy; she recommends approval to accept and file.

Commissioner Kerr, seconded by Commissioner Lopez, moved to accept and file the Quarterly Investment Report as presented. The motion carried unanimously; Mayor Pro Tem Tafolla was present and voting.

B. Report by Finance Department - Quarterly Financial Report. Possible action to accept and file.

Mary Barrera noted the June 20 flood expenditures are recognized in July's report, but estimates of \$300,000-\$500,000 against the fund balance. She presented the unaudited quarterly financial report, with General Fund balance \$9,919,566, with revenues of \$9,246,456 representing ninety-six percent of ad valorem taxes and seventy-six percent of sales tax collected; franchise tax collections sixty-five percent; fines and forfeitures behind. Total revenues of \$20,603,315 and expenditures of \$18,079,808 with \$2,523,507 excess of revenues over expenditures and net change in fund balance is \$2,523,819.00. Water and sewer funds have 114 days in working capital. In other enterprise funds, the solid waste fund has assets totaling \$3,857,269 and liabilities of \$562,822; airport fund has \$11,745,274 assets and \$551,679 liabilities; Internal service fund total

liabilities and fund equity \$1,073,595 with a change in net position of \$308,613. Public safety expenditures is fifty-two percent.

Commissioner Kerr, seconded by Commissioner Lopez, moved to accept and file the Quarterly Financial Report as presented. The motion carried unanimously; Mayor Pro Tem Tafolla was present and voting.

C. Report by Siemens Technologies on Performance Contracting Agreement.

Chad Nobles, Siemens Technologies, reported lighting retrofits are 100% complete and traffic signal retrofits had a delay in material delivery and hope to begin in early September and complete by October. The water meter replacement and AMI are 83% complete; as of yesterday, 9,000 meters have been installed, replacing more boxes and lids than expected. Contract completion is December but expect to finish by October.

D. Report by Weslaco Area Chamber of Commerce.

Doug Croft, Chamber CEO, reported for the months of June and July; attendance down as a result of FEMA using both conference rooms, meeting/event space is temporarily limited. The Chamber hosted a story writer from Welcome Home RGV to promote a series of Weslaco specific stories to appear in the Winter Texan advertising.

E. Report by Economic Development Corporation of Weslaco.

Marie McDermott, reported UTRGV/CIC project furniture is being moved in with classes to begin Monday; there are nine apartments leased to date. Alfresco on August 16 gave away two hundred back packs filled with school supplies; the EDC held a seminar promoting retail business increasing sales; and followed-up with developers from ICSC.

F. Report by Planning and Code Enforcement.

Joe Pedraza, reported of the animals at shelter, 897 were adopted and 502 euthanized; revenue totaled \$71,622.00. The shelter partnered with Pet Co for adoptions and scheduled two rabies clinics.

G. Report by Inframark.

George Quilantan, Inframark, reported July water production of 5.6 million gallons per day with no issues to report during the flood period. The north wastewater plant treated 2.3 million gallons per day, identifying equipment needing replacement; the south wastewater plant treated 1.6 million gallons per day and reported on lift station problems resulting from the flood waters.

H. Report by Public Works.

Pete Garcia, reported on culvert, drain ditches and debris cleaning as well as on waterline replacement and storm jetting.

VIII. EXECUTIVE SESSION

At 8:33 p.m. the Commission convened in Executive Session.

At 9:36 p.m. the City Commission completed its Executive Session and reconvened the regular meeting as open to the public. Mayor Pro Tem Tafolla was not in attendance.

IX. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

A. Personnel - Discussion regarding the goals, objectives, and evaluation of the City Manager for the City of Weslaco as authorized by §551.074 of the Texas Government Code.

No action.

B. Personnel - Discussion regarding the Arbitration of Appeal from Gilbert Luna as authorized by §551.074 of the Texas Government Code.

No action.

C. Contract Negotiations – Discussion with the City Manager and City Attorney relating to the City’s rights, duties, privileges, and obligations in connection to the Collective Bargaining Agreement with the Fire Union (IAFF-WFFA Local 3207) as authorized by §551.071 of the Texas Government Code.

Commissioner Muñoz, seconded by Commissioner Lopez, moved to meet with the union and counter as discussed in Executive Session. The motion carried; Mayor Pro Tem Tafolla was not present.

D. Legal Consultation - Seek City Attorney opinion relating to the mediation with CDM as authorized by §551.071 of the Texas Government Code.

No action.

E. Legal Consultation - Seek City Attorney opinion relating to the breach of contract by Accela as authorized by §551.071 of the Texas Government Code.

Commissioner Muñoz, seconded by Commissioner Lopez, moved to seek an opinion relating to the breach of contract by Accela and proceed as discussed in Executive Session. The motion carried; Mayor Pro Tem Tafolla was not present.

F. Real Property – Consultation with City Attorney on the purchase of real property legally described as Chelsea Park W6.83AC GR 5.22AC Net on Border Avenue as authorized by §551.072 of the Texas Local Government Code.

Commissioner Kerr was not present and did not participate in discussion and vote.

Commissioner Muñoz, seconded by Commissioner Lopez, moved to authorize the City Manager to proceed with geotechnical report and appraisal of real property legally described as Chelsea Park W6.83AC GR 5.22AC Net on Border Avenue as discussed in Executive Session. The motion carried with Commissioner Kerr abstaining; Mayor Pro Tem Tafolla was not present.

G. Real Property – Consultation with City Attorney on the purchase of real property legally described as West Tract W3.67AC-S10AC-N20AC FT 685 at Dawson and Oregon Streets as authorized by §551.072 of the Texas Local Government Code.

Commissioner Muñoz, seconded by Commissioner Lopez, moved to authorize the City Manager to proceed with geotechnical report and appraisal of real property legally described as West Tract W3.67AC-S10AC-N20AC FT 685 at Dawson and Oregon Streets and enter negotiations as discussed in Executive Session. The motion carried; Mayor Pro Tem Tafolla was not present.

H. Economic Development – Consultation with City Attorney regarding Economic Development incentive programs related to Project Chicken Hatch as authorized by §551.087 of the Texas Government Code.

Commissioner Muñoz, seconded by Commissioner Lopez, moved to change the lease start date of the Economic Development incentive programs related to Project Chicken Hatch from June 9, 2018 to August 15, 2018. The motion carried; Mayor Pro Tem Tafolla was not present.

I. Economic Development – Consultation with City Attorney regarding Economic Development incentive programs related to Project Bob as authorized by §551.087 of the Texas Government Code.

Commissioner Lopez, seconded by Commissioner Rodriguez, moved to approve Economic Development incentive programs related to Project Bob as discussed in Executive Session. The motion carried; Mayor Pro Tem Tafolla was not present.

J. Economic Development – Consultation with City Attorney regarding Economic Development incentive programs related to Project Catherine as authorized by §551.087 of the Texas Government Code.

No action.

X. ADJOURNMENT

Commissioner Muñoz, seconded by Commissioner Pedraza, moved to adjourn the meeting at 9:43 p.m. The motion carried unanimously; Mayor Pro Tem Tafolla was present and voting.

CITY OF WESLACO

ABSENT

MAYOR, David Suarez

ATTEST:

CITY SECRETARY, Elizabeth Walker

MAYOR PRO-TEM, Gerardo “Jerry” Tafolla

COMMISSIONER, Leo Muñoz

COMMISSIONER, Greg Kerr

COMMISSIONER, Jose “J.P.” Rodriguez

COMMISSIONER, Letty Lopez

COMMISSIONER, Josh Pedraza



**RECORD OF WORKSHOP
OF THE WESLACO CITY COMMISSION
THURSDAY, AUGUST 23, 2018**

On this 23rd day of August at 5:30 p.m., the City Commission of the City of Weslaco, Texas convened in a Workshop as part of the budget series at City Hall in the Planning Conference Room located at 255 S. Kansas Avenue with the following members present:

Mayor Pro-Tem
Commissioner
Commissioner
Commissioner

Gerardo “Jerry” Tafolla
Leo Munoz
Greg Kerr
Letty Lopez

City Manager
City Secretary

Mike R. Perez
Elizabeth M. Walker

Also present: Mary Barrera, Finance Director; David Arce, Parks and Recreation Director; Mardoqueo Hinojosa, Planning and Code Enforcement Director and City Engineer; Pete Garcia, Public Works Director; as well as members of the public and representatives of the media.

I. CALL TO ORDER

A. Certification of Public Notice.

Mayor Pro-Tem Tafolla called the meeting to order and certified the public notice of the meeting as properly posted August 3, 2018.

B. Roll Call.

The City Secretary called the roll, noting the absence of the Mayor and Commissioners Rodriguez and Pedraza.

II. NEW BUSINESS

A. Discussion and consideration of the City of Weslaco Proposed Budget for Fiscal Year 2018-2019.

Mr. David Arce itemized capital improvement requests for building maintenance, mostly roofing and air conditioning needs across various facilities. Though not budgeted, he noted that the Service Center should receive \$125,000.00 for remodeling because it is showing its age. Two more parks will be added this year, totaling another 51-acres for maintenance; though he requested personnel, the City Manager recommends professional service fees for law maintenance as needed. He noted that when resurfacing and fencing nine tennis courts, he suggests converting three tennis courts into six pickleball courts. He also noted the following needs: re-wiring field one at City Park, adding an irrigation system to field two at City Park, resurfacing playgrounds at three parks, as well as grading and paving the parking lots at City and Harlon Block Parks.

Mr. Randy Hall proposed a one-percent cut across the board or exempting public safety and cutting the remainder of the general fund one-percent and increasing taxing \$0.75/\$100 valuation. Ms. Mary Barrera cautioned that 15.21-cents of the ad valorem tax is dedicated to debt service and as properties are devalued the City should brace for a lower tax levy. At the direction of the City Commissioners present, the City Manager said he would prepare proposed reductions across all general fund departments and their impacts.

III. ADJOURNMENT

With no other business before the Commission this workshop stood adjourned at 7:35 p.m. on August 23, 2018.

CITY OF WESLACO

MAYOR, David Suarez

ATTEST:

CITY SECRETARY, Elizabeth Walker



**A SPECIAL MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, AUGUST 28, 2018**

On Tuesday, August 28, 2018, at 5:34 p.m. the City Commission of the City of Weslaco, Texas convened in a Special Meeting at City Hall in the Legislative Chamber, located at 255 South Kansas Avenue with the following members present:

Mayor	David Suarez
Mayor Pro-Tem	Gerardo “Jerry” Tafolla
Commissioner	Leo Muñoz
Commissioner	Greg Kerr
Commissioner	Jose “J.P.” Rodriguez
Commissioner	Letty Lopez
City Manager	Mike R. Perez
City Secretary	Elizabeth Walker
City Attorney	Juan E. Gonzalez

Also present: Mary Barrera, Finance Director; Veronica Ramirez, Human Resources Director; David Arce, Parks and Recreation Director; Leo Gonzalez, Information Technology Director; Mardoqueo Hinojosa, Planning and Code Enforcement Director and City Engineer; Tony Lopez, Fire Chief; Joel Rivera, Police Chief; Arnoldo Becho, Library Director; Pete Garcia, Public Works Director; Rosa Huerta, Court Administrator; Joe Pedraza, Health Official; and other staff members and citizens.

I. CALL TO ORDER

A. Certification of Public Notice.

Mayor Suarez called the meeting to order and certified the public notice of the meeting as properly posted Friday, August 24, 2018.

B. Pledge of Allegiance.

The Mayor led the Pledge of Allegiance and Texas Flag.

C. Roll Call.

Elizabeth Walker, City Secretary, called the roll, noting the absence of Commissioner Pedraza and a quorum present.

II. PUBLIC HEARING

Mayor Pro Tem Tafolla, seconded by Commissioner Lopez, moved to open the public hearing at 5:36 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

A. To solicit input from the public regarding the City of Weslaco ad valorem property tax proposed rate of \$0.6817/\$100.00 valuation, pursuant to the Texas Tax Code Section 26.05(d). Second Public Hearing.

Mike Perez, City Manager, reported the draft budget as filed included an ad valorem increase of 1.5-cents to issue certificate of obligations in the amount of approximately \$4 million for the development of regional detention facilities near John Knox Village, Leisure World, and Harlon Block Park. However, at the workshop held Thursday staff was instructed to reduce general fund budgets by \$140,000 to limit to a ¾-cent tax increase.

Randy Hall commented if a 1% across the board reduction in spending is not feasible because of contractual obligations with unions he suggested consideration of a 50/50 split, with half the money to be generated from the proposed 1.5-cent increase instead from budget cuts and increase the ad valorem rate just three-quarters of a cent. Dina Murillo expressed opposition to any tax increase and Israel Coronado expressed opposition to any tax increase and issuance of bonds.

Mayor Pro Tem Tafolla, seconded by Commissioner Lopez, moved to close the public hearing at 6:08 p.m. The motion carried unanimously; Mayor Suarez was present and voting

III. NEW BUSINESS

A. Discussion and consideration on evaluation and selection of a short list for interviews for Civil Engineering Services from the Request for Qualifications #2017-18-21 for consulting services to prepare a Stormwater Improvements Plan. Possible action. (Staffed by Planning and Code Enforcement.) Attachment

The City Manager requested to table the item for the next regular meeting.

Mayor Pro Tem Tafolla, seconded by Commissioner Muñoz, moved to table evaluation and selection of a short list for interviews for Civil Engineering Services for the next regular meeting. The motion carried unanimously; Mayor Suarez was present and voting.

B. Discussion and consideration of the City of Weslaco Proposed Budget for Fiscal Year 2018-2019 resulting from workshops and wrap-up presentations. (Staffed by the Finance Department.)

The City Manager stated this was for presentation only and overviewed changes as discussed during budget workshops. In response to directive, departments reduced budgets \$143,133 from the following line items: travel and training, advertising, landscaping, demolition and cleaning of dilapidated structures, purchasing one police vehicle, replacing fire bunker gear, installing street flashing lights, eliminating certain part-time and temporary employees within Parks and Library departments, and lowering the contribution to the Weslaco Museum.

He cautioned that since FEMA has not authorized the reimbursement of City expenses for the flood response, the City had to dip into its fund reserves. Also, since appraisals have been lowered in response to flood damages, the tax levy will decrease. In response to the Commission, he warned, “in one form or other, we will have to generate more revenue.” He reported staff is preparing a drainage utility fee for consideration as well as some grants; the consensus of the

Commission was to instruct the City Manager to speak with the Economic Development Corporation to contribute the other \$140,000 this year to avoid a tax increase.

VII. ADJOURNMENT

Mayor Pro Tem Tafolla, seconded by Commissioner Muñoz, moved to adjourn at 6:30 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

CITY OF WESLACO

MAYOR, David Suarez

ATTEST:

CITY SECRETARY, Elizabeth Walker

MAYOR PRO-TEM, Gerardo “Jerry” Tafolla

COMMISSIONER, Leo Muñoz

COMMISSIONER, Greg Kerr

COMMISSIONER, Jose “J.P” Rodriguez

COMMISSIONER, Letty Lopez

ABSENT
COMMISSIONER, Josh Pedraza



Standardized Agenda Request Form

Date of Meeting: September 4, 2018		Agenda Item No. (to be assigned by CSO): 2018-1891	
From:			
Subject: Ordinance 2018-24 amending Section 12 of Ordinance 397, to fix residential, commercial and industrial garbage rates; providing an effective date; and ordaining other matters with respect to the subject matter hereof. (First reading held August 21, 2018; Staffed by Finance Department.)			
Background: Republic Services submitted their annual CPI adjustment in the amount of 3.13% increase to all residential and commercial rates for garbage and brush. I reviewed the fees that we charge to the customers and there are a small number of commercial size container fees that are less than what the Republic Services fees are. In other words, we are losing money on these sizes. I propose to set a rate for these sizes that will cover the Republic fee with a margin of only 1%, just so that we are not losing on these fees.			
Funding Source (budget code, if applicable):			
Amount:	Term of Impact:	Identified in Current Budget:	
Additional Action Prompted: Ordinance - First Reading Ordinance - Final Reading			
If item previously considered, provide date and action by Commission:			
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:			
Advisory Review, if any (name of board/committee, date of action, recommendation):			
Aida Vega Mary Barrera Mike Perez		Created/Initiated Approved Final Approval	
City Manager Comments: Approve.			
Staff Recommendation: Recommend approval.			
Attachments, if any: Rep Svc ltr 8-1-18 CPI 3.13%, Garbage rates comparison-Fee increase August 2018, Garbage rates PROPOSED increase August 2018, O2018-24 amend gargage rates incr			
Responsibilities upon Approval:			



PO Drawer 1217 La Feria, TX 78559
 o 956.423.7316 f 956.428.2045 republicservices.com

August 1, 2018

Mike Perez, City Manager
 City of Weslaco
 Weslaco, TX 78596

Reference 2018 Consumer Price Index (CPI)

*8/3/18
 May B
 Please review and
 then let's talk
 MRP*

Dear Mr. Perez,

In accordance with the solid waste agreement between the City of Weslaco and Allied Waste Services, we hereby submit our comparative statement justifying this notice for September 1, 2018.

2018-2019 CPI Calculation

Description	Water Sewer Trash
June-17	224.31
June-17	231.341
Index Change	7.031
Net %Change	3.13%
Effective Change @ 100%	3.13%
Rate % Increase	3.13%
CPI Cap 5.0%	5.00%

Residential Rates 2018-2019

Item	Description	Rates
1	Residential Service twice/week	\$ 9.45
2	Twice/month residential brush/bulky item service	\$ 5.90
3	Overfilled Front Load Container per yard fee	\$ 37.50

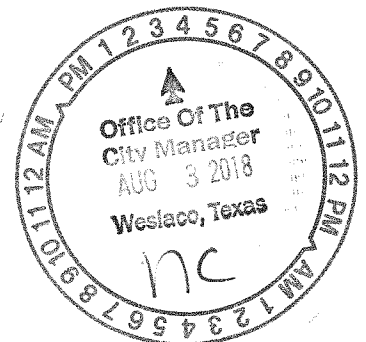
Commercial Rates 2018-2019

Container Size	1 x wk	2 x wk	3 x wk	4 x wk	5 x wk	6 x wk
2 cubic yard	\$ 72.45	\$ 132.81	\$ 193.17	\$ 253.58	\$ 313.92	\$ 372.96
3 cubic yard	\$ 83.73	\$ 153.51	\$ 223.31	\$ 293.10	\$ 362.86	\$ 432.64
4 cubic yard	\$ 94.92	\$ 174.11	\$ 253.30	\$ 332.51	\$ 410.24	\$ 490.93
6 cubic yard	\$ 119.62	\$ 217.64	\$ 315.67	\$ 413.72	\$ 511.73	\$ 609.76
8 cubic yard	\$ 140.27	\$ 257.10	\$ 374.01	\$ 490.87	\$ 607.72	\$ 724.61
30 cubic yard	Haul Rate	\$ 206.14	Tonnage Rate	\$ 44.27	Rental Rate	\$ 5.94

If you have any questions please contact me at 800-423-7316.

We Truly Appreciate Your Business!

Omar Rodriguez
 Omar Rodriguez
 Municipal Services Manager
 Republic Services, Inc.



RATE COMPARISON- RATES PER CITY ORDINANCE COMPARED TO RATE WITH REPUBLIC INCLUDING CPI INCREASE AUG-2018

		CITY CHRGS										
SANITATION REVENUES		PER	REPUBLIC FEE PER			PERC						
		ORDINANCE	CONTRACT	NET TO CITY		PROFIT %	CITY	REPUBLIC	NET			
RESIDENTIAL												
GARBAGE PU 2 TMS WK	8447	\$ 15.05	\$ 9.45	\$ 5.60	37.2%	\$ 127,127.35	\$ 79,824.15	\$ 47,303.20				
BRUSH PU 2 TMS MO-0-30	1110	\$ 10.51	\$ 5.90	\$ 4.61	43.9%	\$ 11,666.10	\$ 6,549.00	\$ 5,117.10				
30-60	4147	\$ 10.51	\$ 5.90	\$ 4.61	43.9%	\$ 43,584.97	\$ 24,467.30	\$ 19,117.67				
60-90	1335	\$ 13.50	\$ 5.90	\$ 7.60	56.3%	\$ 18,022.50	\$ 7,876.50	\$ 10,146.00				
90+	750	\$ 15.95	\$ 5.90	\$ 10.05	63.0%	\$ 11,962.50	\$ 4,425.00	\$ 7,537.50				
COMMERCIAL												
2CY												
1X	49	\$ 68.04	\$ 72.45	\$ (4.41)	-6.5%	\$ 3,333.96	\$ 3,550.05	\$ (216.09)				
2X	6	\$ 133.06	\$ 132.81	\$ 0.25	0.2%	\$ 798.36	\$ 796.86	\$ 1.50				
3X	0	\$ 195.00	\$ 193.17	\$ 1.83	0.9%	\$ -	\$ -	\$ -				
4X	0	\$ 254.28	\$ 253.58	\$ 0.70	0.3%	\$ -	\$ -	\$ -				
5X	0	\$ 314.88	\$ 313.92	\$ 0.96	0.3%	\$ -	\$ -	\$ -				
6X	0	\$ 375.47	\$ 372.96	\$ 2.51	0.7%	\$ -	\$ -	\$ -				
3CY												
1X	124	\$ 78.63	\$ 83.73	\$ (5.10)	-6.5%	\$ 9,750.12	\$ 10,382.52	\$ (632.40)				
2X	54	\$ 144.13	\$ 153.51	\$ (9.38)	-6.5%	\$ 7,783.02	\$ 8,289.54	\$ (506.52)				
3X	81	\$ 209.68	\$ 223.31	\$ (13.63)	-6.5%	\$ 16,984.08	\$ 18,088.11	\$ (1,104.03)				
4X	2	\$ 275.20	\$ 293.10	\$ (17.90)	-6.5%	\$ 550.40	\$ 586.20	\$ (35.80)				
5X	3	\$ 340.70	\$ 362.86	\$ (22.16)	-6.5%	\$ 1,022.10	\$ 1,088.58	\$ (66.48)				
6X	2	\$ 406.24	\$ 432.64	\$ (26.40)	-6.5%	\$ 812.48	\$ 865.28	\$ (52.80)				
4CY												
1X	98	\$ 90.24	\$ 94.92	\$ (4.68)	-5.2%	\$ 8,843.52	\$ 9,302.16	\$ (458.64)				
2X	49	\$ 173.25	\$ 174.11	\$ (0.86)	-0.5%	\$ 8,489.25	\$ 8,531.39	\$ (42.14)				
3X	34	\$ 255.60	\$ 253.30	\$ 2.30	0.9%	\$ 8,690.40	\$ 8,612.20	\$ 78.20				
4X	3	\$ 336.28	\$ 332.51	\$ 3.77	1.1%	\$ 1,008.84	\$ 997.53	\$ 11.31				
5X	4	\$ 418.96	\$ 410.24	\$ 8.72	2.1%	\$ 1,675.84	\$ 1,640.96	\$ 34.88				
6X	4	\$ 501.63	\$ 490.93	\$ 10.70	2.1%	\$ 2,006.52	\$ 1,963.72	\$ 42.80				
6CY												
1X	47	\$ 131.87	\$ 119.62	\$ 12.25	9.3%	\$ 6,197.89	\$ 5,622.14	\$ 575.75				
2X	30	\$ 240.57	\$ 217.64	\$ 22.93	9.5%	\$ 7,217.10	\$ 6,529.20	\$ 687.90				
3X	17	\$ 316.20	\$ 315.67	\$ 0.53	0.2%	\$ 5,375.40	\$ 5,366.39	\$ 9.01				
4X	3	\$ 415.01	\$ 413.72	\$ 1.29	0.3%	\$ 1,245.03	\$ 1,241.16	\$ 3.87				
5X	7	\$ 513.81	\$ 511.73	\$ 2.08	0.4%	\$ 3,596.67	\$ 3,582.11	\$ 14.56				
6X	0	\$ 611.31	\$ 609.76	\$ 1.55	0.3%	\$ -	\$ -	\$ -				
8CY												
1X	51	\$ 155.08	\$ 140.27	\$ 14.81	9.5%	\$ 7,909.08	\$ 7,153.77	\$ 755.31				
2X	43	\$ 284.03	\$ 257.10	\$ 26.93	9.5%	\$ 12,213.29	\$ 11,055.30	\$ 1,157.99				
3X	47	\$ 357.48	\$ 374.01	\$ (16.53)	-4.6%	\$ 16,801.56	\$ 17,578.47	\$ (776.91)				
4X	7	\$ 492.73	\$ 490.87	\$ 1.86	0.4%	\$ 3,449.11	\$ 3,436.09	\$ 13.02				
5X	10	\$ 610.01	\$ 607.72	\$ 2.29	0.4%	\$ 6,100.10	\$ 6,077.20	\$ 22.90				
6X	5	\$ 724.24	\$ 724.61	\$ (0.37)	-0.1%	\$ 3,621.20	\$ 3,623.05	\$ (1.85)				
							\$ 357,838.74	\$ 269,101.93	\$ 88,736.81			

RATE COMPARISON- PROPOSED RATES COMPARED TO RATE WITH REPUBLIC INCLUDING CPI INCREASE AUG-2018

SANITATION REVENUES		PROPOSED CHANGES TO CHARGES	REPUBLIC FEE PER CONTRACT	NET TO CITY	PERC PROFIT %	CITY	REPUBLIC	NET
RESIDENTIAL								
GARBAGE PU 2 TMS WK	8447	\$ 15.05	\$ 9.45	\$ 5.60	37.2%	\$ 127,127.35	\$ 79,824.15	\$ 47,303.20
BRUSH PU 2 TMS MO-0-30	1110	\$ 10.51	\$ 5.90	\$ 4.61	43.9%	\$ 11,666.10	\$ 6,549.00	\$ 5,117.10
30-60	4147	\$ 10.51	\$ 5.90	\$ 4.61	43.9%	\$ 43,584.97	\$ 24,467.30	\$ 19,117.67
60-90	1335	\$ 13.50	\$ 5.90	\$ 7.60	56.3%	\$ 18,022.50	\$ 7,876.50	\$ 10,146.00
90+	750	\$ 15.95	\$ 5.90	\$ 10.05	63.0%	\$ 11,962.50	\$ 4,425.00	\$ 7,537.50
COMMERCIAL								
2CY								
1X	49	\$ 73.18	\$ 72.45	\$ 0.73	1.0%	\$ 3,585.82	\$ 3,550.05	\$ 35.77
2X	6	\$ 133.06	\$ 132.81	\$ 0.25	0.2%	\$ 798.36	\$ 796.86	\$ 1.50
3X	0	\$ 195.00	\$ 193.17	\$ 1.83	0.9%	\$ -	\$ -	\$ -
4X	0	\$ 254.28	\$ 253.58	\$ 0.70	0.3%	\$ -	\$ -	\$ -
5X	0	\$ 314.88	\$ 313.92	\$ 0.96	0.3%	\$ -	\$ -	\$ -
6X	0	\$ 375.47	\$ 372.96	\$ 2.51	0.7%	\$ -	\$ -	\$ -
3CY								
1X	124	\$ 84.57	\$ 83.73	\$ 0.84	1.0%	\$ 10,486.68	\$ 10,382.52	\$ 104.16
2X	54	\$ 155.05	\$ 153.51	\$ 1.54	1.0%	\$ 8,372.70	\$ 8,289.54	\$ 83.16
3X	81	\$ 225.54	\$ 223.31	\$ 2.23	1.0%	\$ 18,268.74	\$ 18,088.11	\$ 180.63
4X	2	\$ 296.03	\$ 293.10	\$ 2.93	1.0%	\$ 592.06	\$ 586.20	\$ 5.86
5X	3	\$ 366.49	\$ 362.86	\$ 3.63	1.0%	\$ 1,099.47	\$ 1,088.58	\$ 10.89
6X	2	\$ 436.97	\$ 432.64	\$ 4.33	1.0%	\$ 873.94	\$ 865.28	\$ 8.66
4CY								
1X	98	\$ 95.87	\$ 94.92	\$ 0.95	1.0%	\$ 9,395.26	\$ 9,302.16	\$ 93.10
2X	49	\$ 175.85	\$ 174.11	\$ 1.74	1.0%	\$ 8,616.65	\$ 8,531.39	\$ 85.26
3X	34	\$ 255.60	\$ 253.30	\$ 2.30	0.9%	\$ 8,690.40	\$ 8,612.20	\$ 78.20
4X	3	\$ 336.28	\$ 332.51	\$ 3.77	1.1%	\$ 1,008.84	\$ 997.53	\$ 11.31
5X	4	\$ 418.96	\$ 410.24	\$ 8.72	2.1%	\$ 1,675.84	\$ 1,640.96	\$ 34.88
6X	4	\$ 501.63	\$ 490.93	\$ 10.70	2.1%	\$ 2,006.52	\$ 1,963.72	\$ 42.80
6CY								
1X	47	\$ 131.87	\$ 119.62	\$ 12.25	9.3%	\$ 6,197.89	\$ 5,622.14	\$ 575.75
2X	30	\$ 240.57	\$ 217.64	\$ 22.93	9.5%	\$ 7,217.10	\$ 6,529.20	\$ 687.90
3X	17	\$ 316.20	\$ 315.67	\$ 0.53	0.2%	\$ 5,375.40	\$ 5,366.39	\$ 9.01
4X	3	\$ 415.01	\$ 413.72	\$ 1.29	0.3%	\$ 1,245.03	\$ 1,241.16	\$ 3.87
5X	7	\$ 513.81	\$ 511.73	\$ 2.08	0.4%	\$ 3,596.67	\$ 3,582.11	\$ 14.56
6X	0	\$ 611.31	\$ 609.76	\$ 1.55	0.3%	\$ -	\$ -	\$ -
8CY								
1X	51	\$ 155.08	\$ 140.27	\$ 14.81	9.5%	\$ 7,909.08	\$ 7,153.77	\$ 755.31
2X	43	\$ 284.03	\$ 257.10	\$ 26.93	9.5%	\$ 12,213.29	\$ 11,055.30	\$ 1,157.99
3X	47	\$ 377.75	\$ 374.01	\$ 3.74	1.0%	\$ 17,754.25	\$ 17,578.47	\$ 175.78
4X	7	\$ 492.73	\$ 490.87	\$ 1.86	0.4%	\$ 3,449.11	\$ 3,436.09	\$ 13.02
5X	10	\$ 610.01	\$ 607.72	\$ 2.29	0.4%	\$ 6,100.10	\$ 6,077.20	\$ 22.90
6X	5	\$ 731.86	\$ 724.61	\$ 7.25	1.0%	\$ 3,659.30	\$ 3,623.05	\$ 36.25
						\$ 362,551.92	\$ 269,101.93	\$ 93,449.99

ORDINANCE 2018-24

AN ORDINANCE AMENDING SECTION 12 OF ORDINANCE NUMBER 397, TO FIX RESIDENTIAL, COMMERCIAL AND INDUSTRIAL GARBAGE RATES; PROVIDING AN EFFECTIVE DATE, AND ORDAINING OTHER MATTERS WITH RESPECT TO THE SUBJECT MATTER HEREOF.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT:

SECTION 1. Section 12 of Ordinance No. 397, passed and approved the 7th day of September 1965, and as subsequently amended, is amended to establish new rates for garbage collection within the City of Weslaco. So that after second and final reading of Section 12 of Ordinance No. 397 shall read as follows:

ARTICLE II. CHARGES FOR COLLECTION*

Sec. 15-34. Charge for removal.

It is the express intent and purpose of this chapter to fairly, reasonably, and equitably apportion the costs of the collection and removal of garbage and trash within the city limits. In computing the charge made to any residence, duplex, triplex, apartment house, tenement house, or trailer court as unit, all apartments, tenements or trailers therein shall be deemed to be occupied unless the water meter serving the building is disconnected. In all cases, if a water meter is in service the house and all apartments or units serviced by that meter shall be deemed to be occupied.

RESIDENTIAL

The rate for residential garbage collection shall be fifteen dollars and five cents (\$15.05) per container, per month. The rate for apartments, where all apartments are on one (1) water meter shall be the same as the applicable residence rate, plus an additional charge of fifteen dollars and five cents (\$15.05) per each additional container, per month, whether or not all of such units are rented. Where apartments have separate water meters, the rate shall be the same as the applicable residence rate, plus an additional charge of fifteen dollars and five cents (\$15.05) per each additional container, per month, whether or not all of such units are rented. The minimum charge for trailers or mobile home units shall be the same as the applicable residence rate.

BUSINESS, COMMERCIAL AND INDUSTRIAL

(a) No business, commercial or industrial account shall be permitted to utilize more than six (6) containers, as defined in Section 15-6, regardless of the number of garbage pickups per week. Should six (6) standard containers be insufficient to accommodate the volume of trash

generated by such account, such account shall be required to utilize a commercial container for garbage collection, such commercial container to be supplied by the city, the size of such container being dependent upon the volume of garbage generated, and the rates for commercial container pickups to be as hereinafter provided.

(b) For those commercial, industrial and business accounts whose volume of garbage can be accommodated by not more than six (6) standard containers, the rate shall be fifteen dollars and five cents (\$15.05) per container per month with 2 pickups per week, or as follows:

<i>Number of Pickups Per Week</i>	<i>Monthly Rate</i>
2	\$ 15.05
3	\$ 45.14
4	\$ 75.24
5	\$105.34
6	\$150.48

(c) For those business, commercial or industrial accounts required hereby to utilize a commercial container, the following rate schedule shall apply.

Volume of Container (Cubic yards)		Number of Pickups Per Week				
	1	2	3	4	5	6
2	73.18	133.06	195.00	254.28	314.88	375.47
3	84.57	155.05	225.54	296.03	366.49	436.97
4	95.87	175.85	255.60	336.28	418.96	501.63
6	131.87	240.57	316.20	415.01	513.81	611.31
8	155.08	284.03	377.75	492.73	610.01	731.86

30 Cubic yard will be charged \$162.64 per haul plus \$32.29 per ton for disposal plus \$4.90 per day rental. The daily rental fee will be waived if hauled at least twice per month.

The monthly charge or rate for the collection and removal of garbage, trash and rubbish, and recyclables by the City of Weslaco from school districts shall be based on the business, commercial and industrial rates as prescribed.

SECTION 2. Except as heretofore and herein amended, the remaining provisions of Section 12 of Ordinance No. 397 shall apply with full force and effect.

SECTION 3. EFFECTIVE DATE. This Ordinance shall take effect upon final reading.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 21st day of August 2018.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission
this 4th day of September 2018

CITY OF WESLACO

David Suarez, **MAYOR**

ATTEST:

Elizabeth M. Walker, **CITY SECRETARY**

APPROVED AS TO FORM:

Juan E. Gonzalez, **CITY ATTORNEY**



Standardized Agenda Request Form

Date of Meeting: September 4, 2018		Agenda Item No. (to be assigned by CSO): 2018-1904	
From:			
Subject: Ordinance 2018-25 authorizing the assessment of a Municipal Court Building Security Fee in the amount of \$3.00 against all Defendants convicted of a misdemeanor offense by the Municipal Court. (First Reading held August 21, 2018; Staffed by Municipal Court.)			
Background: As of September 2017, Senate Bill No. 42 was implemented and entails that all Municipal Courts in the State of Texas are to have a Court Security Personal/Officers. There is a Court Security Fund that can be implement to offset the cost of the personal that could be hired for this position in the future. The ordinance allows a fee of \$3.00 to be added to new violations upon approval. The court security fund also allows us to purchase court security hardware/devices to better secure the Courtroom.			
Funding Source (budget code, if applicable):			
Amount:	Term of Impact:	Identified in Current Budget:	
Additional Action Prompted: Mayor's Signature Ordinance - First Reading Ordinance - Final Reading			
If item previously considered, provide date and action by Commission:			
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:			
Advisory Review, if any (name of board/committee, date of action, recommendation):			
Aida Vega		Created/Initiated	
Rosa Huerta		Approved	
Mike Perez		Final Approval	
City Manager Comments: Approve.			
Staff Recommendation:			
Attachments, if any: SB00042F, Summary_Legislative_Update17, O2018-25 municipal court security fund fee			
Responsibilities upon Approval: Once this ordinance is approved, a \$3.00 fee will added to all new class c misdemeanor.			

AN ACT

relating to the security of courts and judges in the state;
establishing a fee.

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

SECTION 1. This Act may be cited as the Judge Julie Kocurek
Judicial and Courthouse Security Act of 2017.

SECTION 2. Article 102.017(f), Code of Criminal Procedure,
is amended to read as follows:

(f) The sheriff, constable, or other law enforcement agency
or entity that provides security for a court [A—local
administrative judge] shall provide to the Office of Court
Administration of the Texas Judicial System a written report
regarding any security incident involving court security that
occurs in or around a building housing a court for which the
sheriff, constable, agency, or entity provides security [judge
serves as local administrative judge] not later than the third
business day after the date the incident occurred. A copy of the
report must be provided to the presiding judge of the court in which
the incident occurred. The report is confidential and exempt from
disclosure under Chapter 552, Government Code.

SECTION 3. Subchapter A, Chapter 29, Government Code, is
amended by adding Section 29.014 to read as follows:

Sec. 29.014. COURT SECURITY COMMITTEE. (a) The presiding
or municipal judge, as applicable, shall establish a court security

committee composed of:

(1) the presiding or municipal judge, or the judge's designee;

(2) a representative of the law enforcement agency or other entity that provides the primary security for the court;

(3) a representative of the municipality; and

(4) any other person the committee determines necessary to assist the committee.

(b) The person described by Subsection (a)(1) serves as presiding officer of the committee.

(c) The committee shall establish the policies and procedures necessary to provide adequate security to the municipal courts served by the presiding or municipal judge, as applicable.

(d) A committee may recommend to the municipality the uses of resources and expenditures of money for courthouse security, but may not direct the assignment of those resources or the expenditure of those funds.

SECTION 4. Section 30.00007, Government Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) The presiding judge shall:

(1) maintain a central docket for cases filed within the territorial limits of the municipality over which the municipal courts of record have jurisdiction;

(2) provide for the distribution of cases from the central docket to the individual municipal judges to equalize the distribution of business in the courts;

1 (3) request the jurors needed for cases that are set
2 for trial by jury;

3 (4) temporarily assign judges or substitute judges to
4 exchange benches and to act for each other in a proceeding pending
5 in a court if necessary for the expeditious disposition of business
6 in the courts; ~~and~~

7 (5) supervise and control the operation and clerical
8 functions of the administrative department of each court, including
9 the court's personnel, during the proceedings of the court; and

10 (6) establish a court security committee to adopt
11 security policies and procedures for the courts served by the
12 presiding judge that is composed of:

13 (A) the presiding judge, or the presiding judge's
14 designee, who serves as presiding officer of the committee;

15 (B) a representative of the law enforcement
16 agency or other entity that provides the primary security for the
17 court;

18 (C) a representative of the municipality; and

19 (D) any other person the committee determines
20 necessary to assist the committee.

21 (c) A court security committee may recommend to the
22 governing body the uses of resources and expenditures of money for
23 courthouse security, but may not direct the assignment of those
24 resources or the expenditure of those funds.

25 SECTION 5. Chapter 51, Government Code, is amended by
26 adding Subchapter N to read as follows:

1 SUBCHAPTER N. ADDITIONAL FILING FEE FOR JUDICIAL AND COURT

2 PERSONNEL TRAINING

3 Sec. 51.971. JUDICIAL AND COURT PERSONNEL TRAINING FEE.

4 (a) In addition to other fees authorized or required by law, the
5 clerk of a district court, county court, statutory county court,
6 statutory probate court, or justice court shall collect a \$5 fee on
7 the filing of any civil action or proceeding requiring a filing fee,
8 including an appeal, and on the filing of any counterclaim,
9 cross-action, intervention, interpleader, or third party action
10 requiring a filing fee to be used as provided under Section 56.003.

11 (b) A court may waive payment of a fee due under this section
12 for an individual the court determines is indigent.

13 (c) Fees due under this section shall be collected in the
14 same manner as other fees, fines, or costs in the case.

15 (d) The clerk of a district court, county court, statutory
16 county court, statutory probate court, or justice court shall
17 deposit the court costs and fees collected under this section in the
18 appropriate local treasury and remit the court costs and fees to the
19 comptroller in the manner provided under Subchapter B, Chapter 133,
20 Local Government Code.

21 (e) The comptroller shall deposit the fees received under
22 this section to the credit of the judicial and court personnel
23 training fund established under Section 56.001.

24 (f) The comptroller may audit the records of a county
25 related to costs and fees collected under this section.

26 (g) Money spent from costs and fees collected under this
27 section is subject to audit by the state auditor.

SECTION 6. Section 56.003, Government Code, is amended by adding Subsection (h) to read as follows:

(h) The court of criminal appeals shall grant legal funds to statewide professional associations and other entities that provide training to individuals responsible for providing court security.

SECTION 7. Section 56.004(b), Government Code, is amended to read as follows:

(b) The legislature shall appropriate funds from the judicial and court personnel training fund to the court of criminal appeals to provide for:

(1) continuing legal education, technical assistance, and other support programs for prosecuting attorneys and their personnel, criminal defense attorneys who regularly represent indigent defendants in criminal matters and their personnel, and justices of the peace and their court personnel; ~~and~~

(2) innocence training programs for law enforcement officers, law students, and other participants; and

(3) court security training programs for individuals responsible for providing court security.

SECTION 8. Subchapter B, Chapter 72, Government Code, is amended by adding Sections 72.015 and 72.016 to read as follows:

Sec. 72.015. JUDICIAL SECURITY DIVISION. (a) The office shall establish a judicial security division to provide guidance to state court personnel on improving security for each court.

(b) The office shall appoint a director of security and emergency preparedness to oversee the judicial security division.

1 (c) The judicial security division shall:

2 (1) serve as a central resource for information on
3 local and national best practices for court security and the safety
4 of court personnel;

5 (2) provide an expert opinion on the technical aspects
6 of court security; and

7 (3) keep abreast of and provide training on recent
8 court security improvements.

9 Sec. 72.016. NOTIFICATION PROCEDURE FOR JUDICIAL PRIVACY.
10 The director shall develop a procedure to regularly notify county
11 registrars, the Department of Public Safety, the Texas Ethics
12 Commission, and any other state agency the office determines should
13 be notified of the judges, judges' spouses, and related family
14 members whose personal information must be kept from public
15 records, as provided under Sections 552.117 and 572.035 of this
16 code, Sections 13.0021 and 15.0215, Election Code, and Section
17 521.121, Transportation Code.

18 SECTION 9. Section 74.092, Government Code, is amended to
19 read as follows:

20 Sec. 74.092. DUTIES OF LOCAL ADMINISTRATIVE JUDGE. (a) A
21 local administrative judge, for the courts for which the judge
22 serves as local administrative judge, shall:

23 (1) implement and execute the local rules of
24 administration, including the assignment, docketing, transfer, and
25 hearing of cases;

26 (2) appoint any special or standing committees
27 necessary or desirable for court management and administration;

1 (3) promulgate local rules of administration if the
2 other judges do not act by a majority vote;

3 (4) recommend to the regional presiding judge any
4 needs for assignment from outside the county to dispose of court
5 caseloads;

6 (5) supervise the expeditious movement of court
7 caseloads, subject to local, regional, and state rules of
8 administration;

9 (6) provide the supreme court and the office of court
10 administration requested statistical and management information;

11 (7) set the hours and places for holding court in the
12 county;

13 (8) supervise the employment and performance of
14 nonjudicial personnel;

15 (9) supervise the budget and fiscal matters of the
16 local courts, subject to local rules of administration;

17 (10) coordinate and cooperate with any other local
18 administrative judge in the district in the assignment of cases in
19 the courts' concurrent jurisdiction for the efficient operation of
20 the court system and the effective administration of justice;

21 (11) if requested by the courts the judge serves,
22 establish and maintain the lists required by Section 37.003 and
23 ensure appointments are made from the lists in accordance with
24 Section 37.004; ~~and~~

25 (12) perform other duties as may be directed by the
26 chief justice or a regional presiding judge; and

27 (13) establish a court security committee to adopt

security policies and procedures for the courts served by the local administrative district judge that is composed of:

(A) the local administrative district judge, or the judge's designee, who serves as presiding officer of the committee;

(B) a representative of the sheriff's office;

(C) a representative of the county commissioners court;

(D) one judge of each type of court in the county other than a municipal court or a municipal court of record;

(E) a representative of any county attorney's office, district attorney's office, or criminal district attorney's office that serves in the applicable courts; and

(F) any other person the committee determines necessary to assist the committee.

(b) A court security committee may recommend to the county commissioners court the uses of resources and expenditures of money for courthouse security, but may not direct the assignment of those resources or the expenditure of those funds.

SECTION 10. Subchapter D, Chapter 101, Government Code, is amended by adding Section 101.06111 to read as follows:

Sec. 101.06111. ADDITIONAL DISTRICT COURT FEES: GOVERNMENT CODE. The clerk of a district court shall collect an additional filing fee of \$5 under Section 51.971 in civil cases to fund judicial and court personnel training.

SECTION 11. Subchapter E, Chapter 101, Government Code, is amended by adding Section 101.08111 to read as follows:

1 Sec. 101.08111. ADDITIONAL STATUTORY COUNTY COURT FEES:
2 GOVERNMENT CODE. The clerk of a statutory county court shall
3 collect an additional filing fee of \$5 under Section 51.971 in civil
4 cases to fund judicial and court personnel training.

5 SECTION 12. Subchapter F, Chapter 101, Government Code, is
6 amended by adding Section 101.10111 to read as follows:

7 Sec. 101.10111. ADDITIONAL STATUTORY PROBATE COURT FEES:
8 GOVERNMENT CODE. The clerk of a statutory probate court shall
9 collect an additional filing fee of \$5 under Section 51.971 in civil
10 cases to fund judicial and court personnel training.

11 SECTION 13. Subchapter G, Chapter 101, Government Code, is
12 amended by adding Section 101.12121 to read as follows:

13 Sec. 101.12121. ADDITIONAL COUNTY COURT FEES: GOVERNMENT
14 CODE. The clerk of a county court shall collect an additional
15 filing fee of \$5 under Section 51.971 in civil cases to fund
16 judicial and court personnel training.

17 SECTION 14. Subchapter H, Chapter 101, Government Code, is
18 amended by adding Section 101.1411 to read as follows:

19 Sec. 101.1411. ADDITIONAL JUSTICE COURT FEES: GOVERNMENT
20 CODE. The clerk of a justice court shall collect an additional
21 filing fee of \$5 under Section 51.971 in civil cases to fund
22 judicial and court personnel training.

23 SECTION 15. Subtitle L, Title 2, Government Code, is
24 amended by adding Chapter 158 to read as follows:

25 CHAPTER 158. COURT SECURITY OFFICERS

26 Sec. 158.001. DEFINITION. In this chapter, "court security
27 officer" means a constable, sheriff, sheriff's deputy, municipal

1 peace officer, or any other person assigned to provide security for
2 an appellate, district, statutory county, county, municipal, or
3 justice court in this state.

4 Sec. 158.002. COURT SECURITY CERTIFICATION. (a) Except as
5 provided by Subsection (b), a person may not serve as a court
6 security officer for an appellate, district, statutory county,
7 county, municipal, or justice court in this state unless the person
8 holds a court security certification issued by a training program
9 approved by the Texas Commission on Law Enforcement.

10 (b) A court security officer is not required to hold a court
11 security certification to provide security to a court described by
12 Subsection (a) before the first anniversary of the date the officer
13 begins providing security for the court.

14 Sec. 158.003. VERIFICATION. The sheriff, constable, law
15 enforcement agency, or other entity that provides security for a
16 court shall verify that each court security officer holds the court
17 security certification as required by this chapter.

18 SECTION 16. Subchapter D, Chapter 411, Government Code, is
19 amended by adding Section 411.0485 to read as follows:

20 Sec. 411.0485. PROTECTION FOR JUDGES. Any commissioned
21 peace officer in this state, including a commissioned officer of
22 the department, may provide personal security to a state judge at
23 any location in this state, regardless of the location of the law
24 enforcement agency or department that employs or commissions the
25 peace officer.

26 SECTION 17. Section 552.117(a), Government Code, is amended
27 to read as follows:

1 (a) Information is excepted from the requirements of
2 Section 552.021 if it is information that relates to the home
3 address, home telephone number, emergency contact information, or
4 social security number of the following person or that reveals
5 whether the person has family members:

6 (1) a current or former official or employee of a
7 governmental body, except as otherwise provided by Section 552.024;

8 (2) a peace officer as defined by Article 2.12, Code of
9 Criminal Procedure, or a security officer commissioned under
10 Section 51.212, Education Code, regardless of whether the officer
11 complies with Section 552.024 or 552.1175, as applicable;

12 (3) a current or former employee of the Texas
13 Department of Criminal Justice or of the predecessor in function of
14 the department or any division of the department, regardless of
15 whether the current or former employee complies with Section
16 552.1175;

17 (4) a peace officer as defined by Article 2.12, Code of
18 Criminal Procedure, or other law, a reserve law enforcement
19 officer, a commissioned deputy game warden, or a corrections
20 officer in a municipal, county, or state penal institution in this
21 state who was killed in the line of duty, regardless of whether the
22 deceased complied with Section 552.024 or 552.1175;

23 (5) a commissioned security officer as defined by
24 Section 1702.002, Occupations Code, regardless of whether the
25 officer complies with Section 552.024 or 552.1175, as applicable;

26 (6) an officer or employee of a community supervision
27 and corrections department established under Chapter 76 who

1 performs a duty described by Section 76.004(b), regardless of
2 whether the officer or employee complies with Section 552.024 or
3 552.1175;

4 (7) a current or former employee of the office of the
5 attorney general who is or was assigned to a division of that office
6 the duties of which involve law enforcement, regardless of whether
7 the current or former employee complies with Section 552.024 or
8 552.1175;

9 (8) a current or former employee of the Texas Juvenile
10 Justice Department or of the predecessors in function of the
11 department, regardless of whether the current or former employee
12 complies with Section 552.024 or 552.1175;

13 (9) a current or former juvenile probation or
14 supervision officer certified by the Texas Juvenile Justice
15 Department, or the predecessors in function of the department,
16 under Title 12, Human Resources Code, regardless of whether the
17 current or former officer complies with Section 552.024 or
18 552.1175;

19 (10) a current or former employee of a juvenile
20 justice program or facility, as those terms are defined by Section
21 261.405, Family Code, regardless of whether the current or former
22 employee complies with Section 552.024 or 552.1175; ~~[or]~~

23 (11) a current or former member of the Texas military
24 forces, as that term is defined by Section 437.001;

25 (12) a current or former federal judge or state judge,
26 as those terms are defined by Section 13.0021(a), Election Code, or
27 a spouse of a current or former federal judge or state judge; or

1 (13) a current or former district attorney, criminal
2 district attorney, or county attorney whose jurisdiction includes
3 any criminal law or child protective services matter.

4 SECTION 18. Section 572.002, Government Code, is amended by
5 adding Subdivision (11-a) to read as follows:

6 (11-a) "State judge" means:

7 (A) a judge, former judge, or retired judge of an
8 appellate court, a district court, a constitutional county court, a
9 county court at law, or a statutory probate court of this state;

10 (B) an associate judge appointed under Chapter
11 201, Family Code, or a retired associate judge or former associate
12 judge appointed under that chapter;

13 (C) a magistrate or associate judge appointed
14 under Chapter 54 or 54A;

15 (D) a justice of the peace; or

16 (E) a municipal court judge.

17 SECTION 19. Subchapter B, Chapter 572, Government Code, is
18 amended by adding Section 572.035 to read as follows:

19 Sec. 572.035. REMOVAL OF PERSONAL INFORMATION FOR FEDERAL
20 JUDGES, STATE JUDGES, AND SPOUSES. On receiving notice from the
21 Office of Court Administration of the Texas Judicial System of the
22 judge's qualification for the judge's office, the commission shall
23 remove or redact from any financial statement, or information
24 derived from a financial statement, that is available to the public
25 the residence address of a federal judge, a state judge, or the
26 spouse of a federal or state judge.

27 SECTION 20. Section 13.0021(a)(2), Election Code, is

amended to read as follows:

(2) "State judge" means:

(A) a judge, former judge, or retired judge of an appellate court, a district court, a constitutional county court, ~~[or]~~ a county court at law, or a statutory probate court of this state;

(B) an associate judge appointed under Chapter 201, Family Code, or a retired associate judge or former associate judge appointed under that chapter; ~~[or]~~

(C) a magistrate or associate judge appointed under Chapter 54 or 54A, Government Code;

(D) a justice of the peace; or

(E) a municipal court judge.

SECTION 21. Section 13.0021(b), Election Code, is amended to read as follows:

(b) If the registration applicant is a federal judge, a state judge, or the spouse of a state judge or a federal judge, the registrar of the county shall omit ~~[who seeks to have]~~ the applicant's residence address ~~[omitted]~~ from the registration list~~[, the applicant shall include with the application an affidavit stating that the applicant is a federal judge or state judge or the spouse of a federal judge or state judge].~~

SECTION 22. Section 15.0215, Election Code, is amended to read as follows:

Sec. 15.0215. OMISSION OF ADDRESS FOR ~~[NOTICE OF]~~ FEDERAL JUDGE OR STATE JUDGE AND SPOUSE ~~[STATUS]~~. (a) In this section, "federal judge" and "state judge" have the meanings assigned by

Section 13.0021.

(b) On receiving notice from the Office of Court Administration of the Texas Judicial System of the person's qualification for office as a [A] federal judge or [a] state judge and of the name of the judge's spouse, if applicable, [or the spouse of a federal judge or state judge who is registered to vote may at any time submit to] the registrar of the county in which the judge resides shall omit from the registration list the residence address of the judge and the spouse of the judge [an affidavit stating that the voter is a federal judge or state judge or the spouse of a federal judge or state judge].

(c) A registered district voter who wishes to verify that an elected judge whose personal identifying information is confidential under Section 552.1175, Government Code, resides in the district may request in writing that the registrar certify the judge lives in the district. The registrar shall exercise due diligence in determining the residence of the judge and respond to the voter in writing not later than the 10th business day after the date the request is received on whether the judge resides in the district. The registrar may not release the address of the judge. The registrar is not required to certify the residence of the same judge more than once in a calendar year, but must provide copies of the certification to subsequent requestors.

SECTION 23. Section 133.058(d), Local Government Code, is amended to read as follows:

(d) A county may not retain a service fee on the collection of a fee:

1 (1) for the judicial fund;

2 (2) under Article 42A.303 or 42A.653, Code of Criminal
3 Procedure; ~~or~~

4 (3) under Section 51.851, Government Code; or

5 (4) under Section 51.971, Government Code.

6 SECTION 24. Subchapter F, Chapter 1701, Occupations Code,
7 is amended by adding Section 1701.267 to read as follows:

8 Sec. 1701.267. TRAINING PROGRAM FOR COURT SECURITY
9 OFFICERS. (a) The commission, in consultation with the Office of
10 Court Administration of the Texas Judicial System, shall develop a
11 model court security curriculum for court security officers, as
12 required by Chapter 158, Government Code, and provide the
13 curriculum to any training program the commission approves to
14 provide training to court security officers.

15 (b) The commission shall issue a certificate to each court
16 security officer who completes the training program under this
17 section.

18 SECTION 25. Section 11.008, Property Code, is amended by
19 adding Subsection (j) to read as follows:

20 (j) On receipt of a written request from a federal judge,
21 state judge as defined by Section 572.002, Government Code, or
22 spouse of a federal or state judge, the county clerk shall omit or
23 redact from an instrument described by this section that is
24 available in an online database made public by the county clerk, or
25 by a provider with which the county commissioners court contracts
26 to provide the online database, social security number, driver's
27 license number, and residence address of the federal judge, state

1 judge, or spouse of the federal or state judge.

2 SECTION 26. Section 25.025(b), Tax Code, is amended to read
3 as follows:

4 (b) Information in appraisal records under Section 25.02 is
5 confidential and is available only for the official use of the
6 appraisal district, this state, the comptroller, and taxing units
7 and political subdivisions of this state if:

8 (1) the information identifies the home address of a
9 named individual to whom this section applies; and

10 (2) the individual:

11 (A) chooses to restrict public access to the
12 information on the form prescribed for that purpose by the
13 comptroller under Section 5.07; or

14 (B) is a federal or state judge as defined by
15 Section 572.002, Government Code, or the spouse of a federal or
16 state judge, beginning on the date the Office of Court
17 Administration of the Texas Judicial System notifies the appraisal
18 district of the judge's qualification for the judge's office.

19 SECTION 27. Section 521.121(c), Transportation Code, is
20 amended to read as follows:

21 (c) The department shall establish a procedure, on a license
22 holder's qualification for office as a federal or state judge as
23 defined by Section 572.002, Government Code, [for a federal judge,
24 a state judge, or the spouse of a federal or state judge] to omit the
25 [license holder's] residence address of the judge and the spouse of
26 the judge on the license holder's license and to include, in lieu of
27 that address, the street address of the courthouse in which the

1 license holder or license holder's spouse serves as a federal judge
2 or state judge. ~~[In establishing the procedure, the department
3 shall require sufficient documentary evidence to establish the
4 license holder's status as a federal judge, a state judge, or the
5 spouse of a federal or state judge.]~~

6 SECTION 28. (a) Not later than January 1, 2018, the Office
7 of Court Administration of the Texas Judicial System, the
8 Department of Public Safety, the Texas Ethics Commission, each
9 county clerk, each registrar, and any other county official
10 responsible for county records shall establish the policies and
11 procedures necessary to comply with the changes in law made by this
12 Act.

13 (b) As soon as practicable after the effective date of this
14 Act:

15 (1) the Office of Court Administration of the Texas
16 Judicial System shall establish the judicial security division; and

17 (2) each judge required to establish a court security
18 committee under this Act shall establish the committee.

19 SECTION 29. Section 51.607, Government Code, does not apply
20 to the imposition of a fee assessed under Section 51.971(a),
21 Government Code, as added by this Act.

22 SECTION 30. A person serving as a court security officer as
23 defined under Section 158.001, Government Code, as added by this
24 Act, on the effective date of this Act is not required to receive
25 the certification required under Section 158.002, Government Code,
26 as added by this Act, before September 1, 2019.

27 SECTION 31. This Act takes effect September 1, 2017.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 42 passed the Senate on April 4, 2017, by the following vote: Yeas 26, Nays 5; and that the Senate concurred in House amendment on May 22, 2017, by the following vote: Yeas 26, Nays 5.

Secretary of the Senate

I hereby certify that S.B. No. 42 passed the House, with amendment, on May 17, 2017, by the following vote: Yeas 140, Nays 3, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor



LUBBOCK • HOUSTON • DALLAS • AUSTIN

2017

85th Legislative Update



Texas Municipal Courts Education Center
Funded by a Grant from the Texas Court of Criminal Appeals

TEXAS MUNICIPAL COURTS EDUCATION CENTER



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Funded by a Grant from the Texas Court of Criminal Appeals and
Friday at Texas Department of Transportation

TMCEC IS A PROJECT OF THE TEXAS MUNICIPAL COURTS ASSOCIATION

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Texas Municipal Courts Education Center 2017 Legislative Update

**August 4, 2017
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**August 15, 2017
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**August 18, 2017
Omni Southpark
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AGENDA

8:00 – 9:00 a.m. Registration and Breakfast

9:00 – 9:10 a.m. Announcements

9:10 – 12:00 p.m. SESSION ONE

12:00 – 1:00 p.m. Lunch

1:00 – 5:00 p.m. SESSION TWO (also includes a Q&A session)

5:00 p.m. Adjournment

Each session will use a thematic approach to address bills pertaining to the following topics:

- **Courts, Courts Costs, and Administration of Justice**
- **Juvenile Justice and the Interests of Children**
- **Magistrate Duties, Domestic Violence, Mental Health, and Human Trafficking**
- **Local Government Issues**
- **Procedural Law**
- **Substantive Criminal Law**
- **Traffic Safety and Transportation Code Amendments**

The day will conclude with a Q&A session.

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Introduction to Materials

THE ROAD AHEAD

The passage of a texting while driving bill, criminal justice reform, the scrutiny of local government: it has been a memorable legislative year (and with the first Special Session underway the possibility of even more memories awaits). The Texas 85th Regular Legislature convened on January 10, 2017. The Texas Municipal Courts Education Center (TMCEC) tracked 1225 bills (nearly 259 more than during the 84th Regular Legislature). However, 140 days later, only 209 of the bills tracked (or 17.1 percent) became law. The 85th Regular Session will be remembered for many things, including changes in laws pertaining to fines and court costs, expunctions and court security.

This publication contains 141 bill summaries divided into nine categories: (1) Courts, Court Costs, and Administration of Justice; (2) Domestic Violence and Human Trafficking; (3) Juvenile Justice and the Interests of Children; (4) Law Enforcement; (5) Local Government; (6) Magistrate Duties and Mental Health; (7) Procedural Law; (8) Substantive Criminal Law; and (9) Traffic Safety and Transportation. Admittedly, many of these bills defy efforts to pigeonhole them into one single category. If you prefer to read bill summaries organized numerically, rather than by topic, an alternate version of the legislative issue of *The Recorder* will be available online at www.tmcec.com.

NOTE: The summaries contained in this publication were written during the months of May, June, and July. Thus, when a summary refers to “current law,” it is referring to the law prior to the day of the legislative enactment. Most amendments, except where noted, are effective September 1, 2017.

TMCEC could not bring this compilation to you and maintain our educational mission without the assistance of the State of Texas, more specifically, the House Research Organization, the Senate Research Center, the Office of Court Administration, and the Legislative Budget Board. With a few exceptions, most of the bill summaries contained in this compilation are derived and adapted from the work product of the State of Texas and the forenamed agencies. We are most appreciative for their efforts.

Many of the summaries are followed by commentary. The commentary is the collaborative efforts of the TMCEC staff attorneys. Thanks to Mark Goodner, Robby Chapman, Regan Metteauer, and Ned Minevitz for their contributions throughout this project. I also want to thank Texas Municipal Courts Fellowship recipients, Robert Avila, who is a second-year law student at Texas Tech University, and Mark Denman, who is a second-year law student at St. Mary’s University. Robert and Mark were critical in facilitating this project.

I also want to thank Patty Thamez, Hope Lochridge, Demoine Jones, and the rest of the TMCEC staff for their commendable efforts in bringing this information to the courts and the people of Texas. A special word of thanks to the TMCEC Board of Directors, whose commitment to TMCEC’s educational mission is unwavering.

Ryan Kellus Turner
General Counsel & Director of Education, TMCEC
July 21, 2017

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About the Speakers

ROBBY CHAPMAN

Robby Chapman is the Presiding Judge for the City of Rollingwood and Director of Clerk Education & Program Attorney for the Texas Municipal Courts Education Center. Prior to working for the Center, Mr. Chapman served as an Assistant District Attorney for Nueces County, the Municipal Court Prosecutor for the City of Cedar Park, and as an attorney in private practice. Mr. Chapman has received Merit Certification in Municipal Prosecution from the Texas City Attorneys Association, the Board of Director's Award from the Texas Court Clerks Association, and is an ICM Certified Court Manager. Mr. Chapman earned his Doctor of Jurisprudence from St. Mary's University School of Law and Bachelor of Arts in History from The University of Texas at Austin.

MARK GOODNER

Mark Goodner is the Deputy Counsel and Director of Judicial Education for the Texas Municipal Courts Education Center (TMCEC). Annually, Mark plans, develops, and oversees ten Regional Judges Seminars per year each offering 16 hours of judicial education along with two 32-hour New Judges Seminars. In addition to his work at TMCEC, Mark serves as an Associate Judge for the cities of Bee Cave and Leander. Mark is a Certified Court Manager, having completed the Court Management Program of the Institute for Court Management in August 2016. Mr. Goodner graduated from Oklahoma State University in 1997 with a B.A. in Theatre and from the University of Texas School of Law with a juris doctorate and certification in the Graduate Portfolio Program in Dispute Resolution in May of 2007.

REGAN METTEAUER

Regan Metteauer has been a Program Attorney at TMCEC since 2012. As a Program Attorney, Mrs. Metteauer is responsible for planning, developing, and facilitating webinars, the Traffic Safety Conference, the Juvenile Case Managers Seminar, and the Bailiffs and Warrant Officers Conference. TMCEC is a contract training provider with the Texas Commission on Law Enforcement (TCOLE), for which she is currently the Training Coordinator. She holds a TCOLE Basic Instructor certification (40 hours). She facilitated

TMCEC's first mental health summit in May of 2016 for municipal court judges and prosecutors.

Mrs. Metteauer received her Bachelor of Arts in Journalism from Sam Houston State University (SHSU) and her juris doctor from Baylor Law School. Mrs. Metteauer married her college sweetheart, who is a detective with the Austin Police Department. Their daughter, Savannah Primrose, was born May 24, 2013. Mrs. Metteauer has strong ties to Shawnee, Oklahoma, where she was born, and Conroe, Texas, where she graduated from high school and where her family lives and runs a catering company, Darrel's Catering, named after her grandfather.

RYAN KELLUS TURNER

Ryan Kellus Turner is General Counsel and Director of Education for the Texas Municipal Courts Education Center. Prior to joining the Center in 1999, he served as Briefing Attorney for Judge Sharon Keller at the Texas Court of Criminal Appeals. Mr. Turner obtained his juris doctorate from Southern Methodist University School of Law. He received his Bachelor's Degree in Psychology with highest honors from St. Edward's University, Austin, Texas, where he now teaches as an adjunct faculty member in the School of Behavioral and Social Sciences. In 2004 and 2013, he was the recipient of the School's Adjunct Teaching Excellence Award and a finalist for the University Adjunct Teaching Excellence Award in 2014.

Mr. Turner previously served as a Special Assistant County Attorney for Kendall County. He is currently Deputy City Attorney for the City of Dripping Springs and also serves as a Substitute Associate Judge on the Austin Municipal Court.

In 2011, he was an advisory member on the Texas Judicial Council's Juvenile Justice Committee. In 2012, Mr. Turner was named Co-Chair of the Texas Judicial Council Legislative Subcommittee on Juvenile Justice. He is current an advisory member on the Texas Judicial Council's Pretrial Justice Committee.

A native Texan, Mr. Turner was raised in the north Texas town of Vernon. He is the co-author of the books Lone Star Justice: A Comprehensive Overview of the Texas Criminal Justice System and The Municipal Judges Book.

Fellowships Awarded

2017 Texas Municipal Courts Fellowships Awarded

Organizing more than 50 events annually, and providing professional and law-related education to more than 4,000 public officials and employees, the Texas Municipal Courts Education Center (TMCEC) is one of the largest publically funded judicial branch education organizations in the United States.

Texas Municipal Courts Fellowships are awarded by TMCEC in legislative years to law students and recent law school graduates who demonstrate academic and extracurricular excellence, a commitment to public service, and an interest in learning about the Texas judicial system, criminal law, and the role of local trial courts of limited jurisdiction.

Under the supervision of the TMCEC General Counsel and Director of Education, Fellows conduct legal research, interpret recent legislation, and draft summaries of new procedural and substantive laws of interest to municipal judges, court personnel, city attorneys, and peace officers. In addition to being awarded a stipend, recipients are encouraged to explore new and challenging legal issues stemming from recent legislation and to make contributions to TMCEC's journal and other publications.

TMCEC was pleased to announce that Mark Denman and Robert Avila were selected as Texas Municipal Courts Fellows.

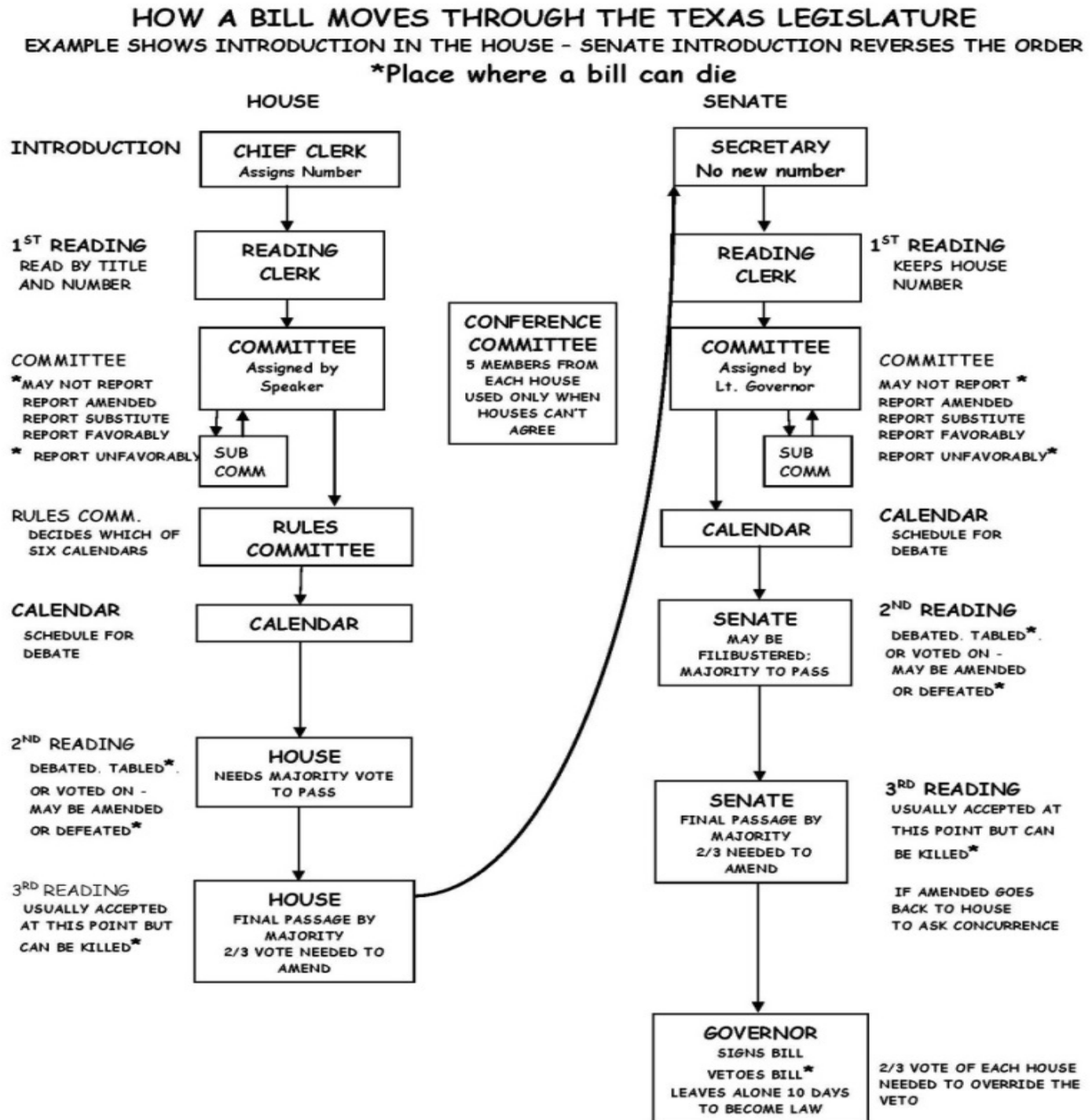
Mr. Denman is a second-year Juris Doctor candidate at St. Mary's University School of Law. During his first year, he was a semi-finalist in the Linda and Dave Schlueter 2017 First Year Moot Court Competition. He previously managed crews for a high rise buildings maintenance company, and helped open a boutique grocery store in Dallas. After working in the private sector for several years, he was accepted into St. Edward's University where he graduated *Cum Laude* with a Bachelor of Arts in Criminal Justice and minor in English Writing and Rhetoric. During this time, he also served as an intern for the Travis County District Attorney's Office.

Mr. Avila is a second-year Juris Doctor candidate at Texas Tech University School of Law, with an interest in public policy and international law. He is the Executive Lead Articles Editor for *The Journal of Biosecurity, Biosafety and Biodefense Law* at Texas Tech, and works as a writer for the campus newspaper, *The Daily Toreador*. He has worked previously as an intern for the Bexar County District Attorney's Office, and as an assistant for the University of Texas at San Antonio's Institute of Law and Public Affairs. He graduated from the University of Texas at San Antonio with a Bachelor of Arts in English Professional Writing and in Criminal Justice.

TMCEC was founded in 1984 by the Texas Municipal Courts Association. TMCEC is a 501(c)(3) nonprofit corporation primarily funded by a grant administered by the Texas Court of Criminal Appeals from public funds appropriated by the Legislature to the Judicial and Court Personnel Training Fund. Serving more than 36 percent of the Texas judicial system, TMCEC provides: (1) judicial education, technical assistance, and the necessary resource material to assist municipal judges, court support personnel (i.e., court clerks, court administrators, bailiffs, city marshals, juvenile case managers, interpreters), and city attorneys in obtaining and maintaining professional competence in the fair and impartial administration of criminal justice; and (2) information to the public about the Texas judicial system and laws relating to public safety and quality of life in Texas communities.

How A Bill Becomes a Law

A bill's journey to becoming a law is a long and complicated one. There are many stages at which a bill can fail. The below chart is a detailed overview of the process:



Courts, Court Costs, and Administration of Justice

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Courts, Court Costs, and Administration of Justice

H.B. 214

Subject: Recording the Texas Supreme Court and the Court of Criminal Appeals

Effective: September 1, 2017

Recording and broadcasting courtroom proceedings can promote transparency and allow the public to evaluate the efficacy of the judicial system. To increase the public's access to the judicial branch, H.B. 214 builds upon previous policies adding Section 22.303 of the Government Code requiring the Supreme Court and the Court of Criminal Appeals to make video and audio recordings of each oral argument and public meeting of the court and post those recordings on the court's website. This is only required if appropriated funds or donations are made available.

TMCEC: Depending on where you live, it may be a long drive to Austin to watch oral arguments before either the Court of Criminal Appeals or the Texas Supreme Court. Under H.B. 214, technology can save you the trip. Providing the general public access online to the court room proceedings has the potential to increase public understanding of the judicial system and elevate the debate on contentious issues. Such access is also beneficial to all other Texas appellate and trial courts, including municipal courts. Not only does the Court of Criminal Appeals consider important criminal law issues, but it also plays an important role in both judicial education and the administration of courts.

H.B. 322

Subject: Expunction of Criminal Records for Certain Veterans

Effective: September 1, 2017

In 2009, the Texas Legislature authorized the creation of specialty courts for certain veterans. These courts hold former military members who are charged with crimes accountable through a program of court appearances and treatment appointments. Once a person completes a veterans treatment court program, the case will be dismissed. H.B. 322 amends current law and specifically authorizes a court to order expunction on behalf of the defendant following successful completion of the veterans treatment court program. It also waives fees and costs that may be assessed for the expunction.

TMCEC: This bill is significant in that it is one of three during the Session that amends Chapter 55 of the Code of Criminal Procedure and the other general expunction statutes (See also, H.B. 557 and H.B. 3147). The result could be to make an already complicated statute even more cluttered. It should be noted that the veterans courts referenced in H.B. 322 are programs authorized under Chapter 124 of the Government Code. While veterans appearing in municipal court may not be specifically excluded from taking their case to a local veterans court, eligibility is dependent on both the commissioners court of the county establishing a veterans court and also the consent of the prosecutor. Consequently, most municipal courts will not encounter cases referred to a veterans court.

H.B. 337**Subject: Continuation of Certain Public Benefits after Release from County Jail****Effective: September 1, 2017**

Concerns have been raised regarding the termination of the Medicaid eligibility of an individual who is confined in a county jail regardless of whether the individual has been convicted of an offense. H.B. 337 addresses this issue by providing a mechanism by which the Medicaid benefits of an individual confined in a county jail may be suspended, rather than terminated, and then reinstated within 48 hours of the individual's release as long as the individual remains eligible while confined in county jail.

H.B. 337 also adds Section 351.046 of the Local Government Code requiring a sheriff of a county who chooses to notify the Health and Human Services Commission (HHSC) of the confinement of an individual who is receiving medical assistance benefits must provide the notice as soon as possible after the 30th day after the date of the individual's confinement. If a sheriff chooses to provide this notice they must also provide notice to the Social Security Administration of the release of a prisoner who, before confinement, was receiving Supplemental Security Income benefits, Social Security Disability Insurance benefits and notice to the HHSC if the prisoner was receiving medical assistance benefits within 48 hours of the prisoner's release. The sheriff must provide the released prisoner with a written copy of the notice and a telephone number at which the prisoner may contact the HHSC for assistance reinstating their benefits. There is no civil liability for the sheriff of a county, a county, or an employee of either for damages resulting from failure to comply with this section.

H.B. 351**Subject: Commission to Study and Review Criminal Offenses****Effective: September 1, 2017**

Section 30 creates a commission to study and review all penal laws of this state other than criminal offenses under the Penal Code, under Chapter 481 of the Health and Safety Code (Texas Controlled Substances Act), or related to the operation of a motor vehicle.

The commission is composed of nine members appointed by the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, the Chief Justice of the Texas Supreme Court, and the Presiding Judge of the Texas Court of Criminal Appeals.

The commission is authorized to make recommendations to the Legislature regarding the repeal of laws that are identified as being unnecessary, unclear, duplicative, overly broad, or otherwise insufficient to serve the intended purpose of the law.

The commission shall make recommendations to the Legislature and evaluate the recommendations made by the commission created by H.B. 1396 during the 84th Legislature, Regular Session (2015).

The commission is abolished and Section 30 expires December 31, 2018.

H.B. 431

Subject: Appointment of a Temporary Justice of the Peace

Effective: May 29, 2017

H.B. 431 amends Section 27.055 of the Government Code, specifying that the authority of a county judge to appoint a qualified person to serve as a temporary justice of the peace in the event a justice is temporarily unable to perform official duties because of absence, recusal, illness, injury, or other disability, is triggered on either the judge's own motion or the request of the justice of the peace. H.B. 431 also changes the prescribed period of the temporary justice's service from the "duration of the disability" to the "duration of the justice's absence" from the bench.

H.B. 555

Subject: Additional Fee for Issuing a Marriage License

Effective: June 12, 2017

H.B. 555 authorizes the county clerk, under the amended Chapter 118 of the Local Government Code, to collect an additional fee of \$100 for issuing a marriage license if neither applicant for the marriage license provides proof that the applicant is a Texas resident. Some have argued that the marriage licensing and fee process is primarily intended for Texas residents, and processing licenses for out of state applicants creates extra work for county clerks. The bill, although effective immediately, applies only to a marriage license issued on or after January 1, 2019.

TMCEC: This bill will certainly be big news to anyone from outside Texas seeking a marriage license in the state after January 1, 2019. The fee for Texas residents remains \$60 and may be waived on completion of a premarital education course. Neither of these will be options for non-residents after that date. The reasoning for the fee, ostensibly, is to offset the additional cost arising from county clerks processing these out of state applications.

H.B. 555 also makes changes to Section 2.009 of the Family Code. Additional language provides that the license *may* include the name of the county clerk and that the marriage license application form "*may not require* the name of the county clerk to appear on the application." This could be viewed as a response to issues surrounding individuals such as Kentucky clerk Kim Davis and others who protested the U.S. Supreme Court's 2015 decision in *Obergefell v. Hodges* (holding: Under the Due Process and Equal Protection Clauses of the 14th Amendment, same-sex couples have a fundamental right to marry, and thus certain state laws are invalid to the extent they exclude same-sex couples from civil marriage on the same terms and conditions as opposite-sex couples; there also being no lawful basis for a state to refuse to recognize a lawful same-sex marriage performed in another state on the ground of its same-sex character.) See, Ryan Kellus Turner and Regan Metteauer, "Case Law and Attorney General Opinion Update," *The Recorder* (November 2015) at 22.

H.B. 557

Subject: Courts with Expunction Authority under Chapter 55 of the Code of Criminal Procedure and a Related Fee

Effective: September 1, 2017

Chapter 55 of the Code of Criminal Procedure allows an acquitted person and certain others to petition for an expunction of criminal records. Currently, only district courts have jurisdiction to accept these petitions. The ability to order expunctions in municipal court is considerably more restrained, generally limited to

certain juvenile convictions or dismissals. This means that an individual that was acquitted or that has had charges dropped for a Class C misdemeanor in municipal court must file an expunction petition in district court. Some have suggested that this places an administrative burden on the persons seeking such an order. H.B. 557 creates concurrent jurisdiction for the expunction of Class C misdemeanors between district court, municipal courts of record, and justice court. In addition, a new fee is created in order to file an expunction in a municipal court of record.

TMCEC: Expunctions were on the Legislature’s collective mind this session. Four separate bills passed this session amending the expunction process for criminal cases, three of which amended Chapter 55 of the Code of the Criminal Procedure.

H.B. 557 greatly expands the expunction process outlined in Article 55.02. Municipal courts of record and justice courts now have concurrent jurisdiction with the district courts to expunge fine-only offenses. Notably absent from courts given expunction authority under Chapter 55: non-record municipal courts. A person who is eligible for an expunction under the process described in Article 55.02 may file in a municipal court of record or justice court in the county where either the petitioner was arrested or the offense was alleged to have occurred. Based on an Office of Court Administration February 2017 survey of the number of municipal courts of record in Texas, adding the municipal courts would increase the number of courts that may potentially hear expunction petitions for fine-only offenses from 467 to 636.

The bill also creates a new \$100 fee in Article 102.006, Code of Criminal Procedure, for filing an expunction petition in a municipal court of record or justice court. This fee, meant to defray the costs associated with the court notifying agencies of the expunction order, is waived if (1) the petitioner files it following an acquittal; and (2) it is filed within 30 days of the acquittal. Oddly, considering the current nationally regarding the ability to pay court fees, there is no provision for the indigent seeking an expunction. A judge may, however, order the fee returned to the petitioner upon granting the expunction.

H.B. 1217

Subject: Electronic Notary Public

Effective: July 1, 2018

H.B. 1217 amends Chapter 406 of the Government Code by adding Subchapter C, authorizing the appointment and commissioning of an online notary public. The bill limits the types of online notarizations that an online notary public may perform to those relating to a document involving real estate located in Texas, a document or agreement relating to a transaction in which at least one of the parties is a Texas resident or authorized to conduct business in Texas, an agreement or instrument securing a debt that is payable at a location in Texas, a document that is intended to be filed in state public records (e.g., court records), an acknowledgement or affirmation made by a person while the person is physically located in Texas, or a document signed by a person who is a Texas resident at the time of signing as evidenced by a valid government-issued identification credential that includes a photograph and current Texas address.

TMCEC: It is a brave new world as the digital era arrives for the office of notary public. The office, which can trace its roots to medieval scribes and classical Rome before that, has gone online. H.B. 1217 defines “online notarization” to mean a notarial act performed by means of two-way video and audio conference technology. In addition, an online notary has the same laundry list of authority as any other notary public under Section 406.016 of the Government Code. This may signal the beginning of driving safety course providers scrambling to offer online notarization of affidavits to defendants looking to secure a dismissal.

H.B. 1866**Subject: Compensation and Restitution to Crime Victims****Effective: September 1, 2017**

Some probation departments report having difficulty locating crime victims for purposes of remitting restitution payments that are owed to those victims. These are later presumed abandoned and turned over to the Comptroller of Public Accounts as unclaimed property. H.B. 1866 resolves this issue by realigning incentives for probation departments to facilitate the successful location of crime victims. Specifically, Chapter 75 of the Government Code is amended to allow a department that is unable to locate a victim for a period of five years to keep a 1.5% collection fee upon delivery of the unclaimed restitution payments to the Comptroller.

TMCEC: While municipal courts collect restitution, H.B. 1866 is inapplicable to entities other than probation departments.

H.B. 2065**Subject: Fines Collected for Enforcement of Commercial Motor Vehicle Safety Standards****Effective: September 1, 2017**

Certain municipalities and counties are authorized to apply for certification to conduct commercial vehicle inspections and issue citations. Section 644.102 of the Transportation Code (Municipal and County Enforcement Requirements) provides that the monies collected from the fines associated with the citations can be retained by the city or county to recover their costs of enforcement. In each fiscal year, a county or municipality can retain fines in an amount not to exceed 110 percent of their actual expenses for enforcement. All fines that exceed this limit are reported to the Comptroller and deposited to the credit of the Texas Department of Transportation. H.B. 2065 requires a municipality or county that retains a fine from commercial vehicle inspection enforcement to annually file a report detailing fines retained and any expenses claimed for the enforcement during the previous year.

TMCEC: Not all municipalities are eligible to enforce commercial motor vehicle standards. See, Section 644.101, Transportation Code (Certification of Peace Officers). Most municipalities are not. Nevertheless, with more commercial motor vehicles on the road every year, more municipalities are increasing enforcement of commercial motor vehicle safety standards on their roadways to improve the public safety. H.B. 2065 requires municipalities to report information that they are likely already collecting. The administrative enforcement of commercial motor vehicle standards potentially entails the imposition of steep fines. This bill aims to provide a check and balance. It is important to note that municipalities that fail to report related fines and expenses will be on the hook to send the Comptroller all fines collected from enforcement.

H.B. 3069**Subject: Administration of and Eligibility for Participation in Veteran's Treatment Courts****Effective: September 1, 2017**

Veteran's Treatment Courts (VTC) are designed to assist military veteran defendants who have suffered certain injuries as a result of their military service. The commissioners court of a county may establish a VTC program for a person arrested or charged with any misdemeanor or felony offense. These courts have

shown a high level of success in preventing recidivism by providing these veterans with tools to lead a law-abiding and productive lifestyle.

H.B. 3069 amends Section 124.001 and 124.002 of the Government Code to expand the pool of military veteran defendants who are both eligible to have their cases dismissed after successful completion of a VTC program and able to enter into a VTC program rather than be arrested or charged. The bill further establishes that proof of certain matters may be submitted to the applicable criminal court, not necessarily the court in which the criminal case is pending.

Section 124.003 of the Government Code requires a VTC to ensure that a defendant is provided legal counsel before volunteering to enter the program. H.B. 3069 limits that requirement to criminal cases for which there has not yet been a disposition. Section 124.003 is further amended to allow a participant who is arrested or charged with an offense to withdraw from the program any time before a trial on the merits has been initiated.

H.B. 3069 adds Section 411.0727 of the Government Code allowing veterans who successfully complete a VTC program to petition for non-disclosure of their offense as long as the defendant has never been previously convicted of certain felony offenses, the offense did not involve the operation of a motor vehicle while intoxicated, and the veteran is not convicted of any felony offenses between the program graduation date and the second anniversary of that date.

H.B. 3147

Subject: Expunction for Persons Arrested as a Result of Inaccurate Identifying Information

Effective: September 1, 2017

Many people believe if they are released after being mistakenly arrested and the charges were dropped or dismissed without any court date being set that they no longer have an arrest record; even in cases of a mistaken arrest, the damaging documents are not automatically removed. H.B. 3147 expedites the process of having these records expunged, so that innocent citizens who have been wrongfully arrested can move forward with their lives, free from fear of a tarnished record for a crime they did not commit. H.B. 3147 amends Chapter 55 of the Code of Criminal Procedure relating to the entitlement to an expunction for certain persons who are arrested solely as a result of inaccurate identifying information that was inaccurate due to a clerical error or mistaken identity.

TMCEC: H.B. 3147 is one of three bills amending Chapter 55 of the Code of Criminal Procedure this session. The changes in H.B. 3147 are strictly limited to those charged due to a mistaken identity or similar errors; however, there appears to have been little attempt to reconcile changes among the three bills. The resulting amendments may contribute to an already complicated expunction statute.

H.B. 3167

Subject: Program for Improvement of Collection of Court Costs, Fees, and Fines

Effective: June 1, 2017

H.B. 3167 amends Article 103.003(b) of the Code of Criminal Procedure relating to the Collection Improvement Program (CIP) for counties and municipalities. Counties with a population under 50,000 were previously not required to participate in the program. H.B. 3167 raised that threshold to 100,000.

TMCEC: 2016 was a rough year for the CIP. Following allegations that the program, administered through the Office of Court Administration, did not provide for the indigent or those struggling to pay outstanding fines, fees, and costs, the program's rules were amended by the Texas Judicial Council in January 2017. As amended, the scope of the CIP is significantly narrowed. Counties with populations between 50,000 and 100,000 will no longer be required to participate. Notably, the population threshold for municipalities required to participate in the CIP is 100,000.

H.B. 3492

Subject: Authority of Clerks to Obtain Identifying Information

Effective: June 15, 2017

Sometimes situations arise in which individuals seeking to file documents with or request services from certain county or district clerks provide fraudulent information to the clerk. H.B. 3492 seeks to combat fraud. Under the new Section 191.011 of the Local Government Code, a county or district clerk in counties with a population of 3.3 million or more to record identifying information regarding individuals who seek to file documents or obtain other public service provided by the clerk. A clerk may not charge a fee for recording the identifying information and may not refuse to file a document or provide other public service if a person does not provide identifying information.

TMCEC: This new authority is only bestowed on clerks in Harris County, as it is the only county with a population of 3.3 million or more. Identifying information that can be recorded may include a driver's license or identification card, a photograph, or a recording of the individual's image or voice.

H.B. 3903

Subject: Political Contribution by Judicial Candidates

Effective: June 15, 2017

The Texas Judicial Campaign Fairness Act was enacted in 1995. This Act placed restrictions on how a judicial candidate or officeholder could use campaign funds with regard to making political contribution to other candidates, officeholders, political parties, or political organizations.

H.B. 3903 amends Section 253.1611 of the Election Code, removing restrictions that prohibited judges and judicial candidates from making political contribution to political committees and also removes the limits on how much judges and judicial candidates can contribute to county and state parties. These changes will bring judicial candidates and judges in line with other candidates and elected officials regarding political contributions.

TMCEC: While this may be a welcomed change, member of the judiciary must remain vigilant of the Canons of Judicial Conduct when participating in political and fundraising activities.

H.R. 798/H.R. 799

Subject: Municipal Courts Weeks

November 6-10, 2017 and November 5-9, 2018

Municipal courts provide citizens with a local forum where questions of law and fact can be resolved in regard to alleged violations of state law and municipal ordinances. Because more citizens come into contact with municipal courts than any other courts, the public impression of the Texas judicial system is largely dependent on their experience there. Municipal judges, clerks, court administrators, prosecutors,

juvenile case managers, bailiffs, and warrant officers continually strive to improve the administration of justice through participation in judicial education programs, seminars, workshops, and the annual meetings of their state and local professional organizations. Municipal courts in Texas play a vital role in preserving public safety, protecting the quality of life for area residents, and deterring future criminal behavior, and it is indeed fitting to recognize municipal judges and court support personnel for their exemplary dedication to the communities they serve.

The House of Representatives of the 85th Texas Legislature recognizes each of the weeks of November 6-10, 2017 and November 5-9, 2018, as Municipal Courts Week and take special note of the important work performed by all those associated with the state's municipal courts.

S.B. 42

Subject: Security of Courts and Judges; Judge Kocurek Judicial and Courthouse Security Act
Effective: September 1, 2017

The assassination attempt against Travis County District Judge Julie Kocurek in the fall of 2015 underscored the urgent need to evaluate the state's court security policies. Shortly after this incident, the Office of Court Administration sent a court security survey to judges in the state. This survey revealed that nearly two-thirds of judges do not know of, or do not have, a court security plan; more than 30 percent of judges were aware of a security incident in the year prior to completing the survey; nearly two-thirds of judges reported that no court security training has been provided in their courthouse; and nearly two-thirds of judges are unaware of existing statutory security incident reporting requirements. Accordingly, the Texas Judicial Council established a Court Security Committee. This committee found serious deficiencies in the state's security posture, including a lack of court security best practices, training, and funding.

S.B. 42, named the Judge Julie Kocurek Judicial and Courthouse Security Act of 2017, implements recommendations from the Court Security Committee, including creating the position of Director of Security and Emergency Preparedness at the Office of Court Administration, establishing local court security committees, requiring court security training of judges and court personnel, adding a \$5 filing fee in civil cases (and directing the comptroller to credit such fees received to the Judicial and Court Personnel Training Fund), and facilitating removal of judges' personal information from public documents. These changes would improve court safety for judges, employees, and citizens of Texas.

TMCEC: The 2015 shooting of Judge Julie Kocurek was not only shocking in its audacity but also made world-wide news. Judge Kocurek, a former prosecutor and sitting district court judge, was ambushed in her driveway while returning home with family from a high school football game. Three men were ultimately indicted in the conspiracy, one of which had been set to appear before Judge Kocurek on criminal charges. Most surprising, however, was that Judge Kocurek had not been informed of a death threat against her that was previously known by law enforcement. S.B. 42 attempts to address these and other issues affecting judges across the state.

Section by Section Analysis

Section 2: Required Reporting of Security Incidents

The Office of Court Administration has collected data related to court security incidents since 2007. At that time it was found that there were more than 4,200 security incidents in a one-year period, and nearly 40% of the state's courtrooms had no security resources other than a security officer. The security incident

report, to be sent to the Office of Court Administration within three days of the incident, is not new. The amended Article 102.017 of the Code of Criminal Procedure, however, places the obligation squarely on the agency or entity that provides security for a court to report a security incident not only to the Office of Court Administration, but also to the presiding judge of the court in which the incident occurred. This directly addresses the fact that previously, in Travis County as elsewhere, judges were not being made aware of potential threats to the court.

Sections 3-4, 9: Court Security Committee

S.B. 42 adds Section 29.014 to the Government Code chapter outlining general provisions for municipal courts and Section 30.00007 to the Government Code chapter for municipal courts of record. This section creates a new requirement that the presiding municipal judge establish a court security committee within the city. The committee, chaired by the presiding judge, is meant to establish policies and procedures necessary to provide adequate court security. Importantly, the bill takes the guesswork out of the committee's composition. In addition to the presiding judge, the committee is required to include a representative of the agency or entity that provides primary security for the court, a representative of the city, and any other person that the committee determines will be of assistance. S.B. 42 also requires that the county create a similar committee for county courts.

TMCEC spoke to clerks around the state at the regional seminars during the last academic year about the importance of establishing policies and procedures. Many clerks questioned how to begin the process. S.B. 42 provides a framework to help courts kick things off where court security is involved. There is no requirement that the committee meet more than once, but it would be beneficial for courts to embrace the opportunity to bring court stakeholders together to periodically and consistently reevaluate the security of the court and its users.

Sections 5-7: New Civil Filing Fee

Section 5 amends Chapter 51 of the Government Code by adding Subchapter N, creating a new filing fee. The Judicial and Court Personnel Training Fee is a new \$5 fee collected on the filing of any civil action requiring a fee. Municipal courts are *not authorized* to collect this fee. The fee, however, will be deposited into the Judicial and Court Personnel Training Fund. This is an account provides funds for continuing judicial education for judges and court personnel. This account partially funds many of the state's judicial education entities, including TMCEC.

Section 6 amends Section 56.003 of the Government Code by adding Subsection (h). This directs the Court of Criminal Appeals to grant legal funds to statewide professional associations and other entities that provide court security training.

Section 7 amends Section 56.004(b) of the Government Code, requiring the Legislature to appropriate funds from the Judicial and Court Personnel Training Fund to the Court of Criminal Appeals specifically for training individuals responsible for providing court security.

Section 8: Creation of the Office of Court Administration Judicial Security Division

This is a fairly large change to the organization of statewide court security continuing education, and potentially could have ripple effects within the greater court education arena that may not be fully appreciated in the short term. S.B. 42 creates an entirely new division, as specified in Chapter 72 of

the Government Code, within the Office of Court Administration. This division is required to provide a central depository of resources, expert opinions, and training on court security. This Judicial Security Division will be overseen by a director who is also responsible for implementing the process to withhold personal information of judges and their spouses in the public records. Courts across the state are no doubt interested in the resources that it will provide.

Sections 15, 24: Required Court Security Officer Training

Court security officers are essential to the safety of both court personnel and court users. One survey conducted by the Texas Attorney General found that most respondents were concerned simply by the perceived risk of potential violence due to overcrowded courtrooms and the absence of police officers.

Section 15 amends the Government Code to add Chapter 158 (Court Security Officers). In a nutshell, this chapter requires that a person may not serve as a court security officer unless that person holds a court security certification. Court security officer is broadly defined to mean a municipal peace officer or any other person assigned to provide court security. Beginning September 1, court security officers have one year to complete the certification from the time they first begin to provide court security (Officers already serving in that capacity on September 1, 2017 have until before September 1, 2019 to complete the certification).

This requirement will likely be a challenge for courts, whether large or small. For large courts, the sheer number of individuals performing court security could make meeting this requirement expensive and time consuming. For smaller courts that may borrow from the pool of available officers with the local police department on a court day, the pool may become much smaller. Some courts use private security companies. Also, both large and small courts may have difficulty cycling officers through certification in such a short time frame.

How much of a challenge this will be for courts remains to be seen. The bill does not specify what the certification entails. The current version of the court security specialist certification approved by TCOLE consists of seven courses totaling 40 hours of in-person training. Although TMCEC has provided this training there are few other providers at this time. S.B. 42 provides that TCOLE will consult with the Office of Court Administration to develop a model court security curriculum. It is possible that the curriculum will be all or part of the existing courses for the court security specialist certification, but it is also possible that it will be something else. It is unclear when that curriculum will be developed or released.

Sections 17-22, 25-26: Removal of Personal Information for Judges and Spouses

One of the most significant aspects of S.B. 42 is the protection it places on the personal information of judges and their spouses. Conspicuously, it was not just anywhere that Judge Kocurek was shot; rather, it was in the driveway of her own home. For years, privacy and court security advocates have pointed out that public records may provide a security loophole through which disgruntled defendants may seek to take out their anger on the judiciary. S.B. 42 closes loopholes in Chapters 552 and 572 of the Government Code, Chapters 13 and 15 of the Election Code, Chapter 11 of the Property Code, and Chapter 25 of the Tax Code for a variety of public records. The bill protects personal information of judges and their spouses on the voter registration form, property records, tax appraisal records, and driver's license records. Combined with similar procedures protecting the home address for court personnel in S.B. 510, it appears that the state has taken important steps to improve court security.

S.B. 43**Subject: Judicial Branch Certification Commission****Effective: September 1, 2017**

S.B. 43 amends the Government Code to make a person ineligible for appointment or service as a member of an advisory board or committee that serves the Judicial Branch Certification Commission (JBCC) on the same basis that a person is made ineligible for appointment or service as a commission member. The bill authorizes the JBCC to adopt a policy allowing employees of the Office of Court Administration to dismiss a complaint that alleges misconduct that took place more than five years before the date the complaint was filed. The bill requires the request submitted to the JBCC by a person who files a complaint that is dismissed seeking reconsideration of the complaint to be made in writing not later than the 30th day after the date of notice of the dismissal.

TMCEC: The JBCC oversees a number of court licenses and certifications, including the licensing of court reporters and licensed court interpreters. The JBCC is fairly new, having been established by the 83rd Legislature and beginning operations on September 1, 2014. At the same time, Chapter 157 of the Government Code was created, outlining requirements for licensed court interpreters. Of direct interest to municipal courts, S.B. 43 removes a reference to old law in Section 57.002(b-1) of the Government Code and updates the reference to reflect its new location in Chapter 157.

S.B. 47**Subject: Availability of Information Regarding Convictions and Deferred Dispositions for Certain Misdemeanors Punishable by Fine Only****Effective: September 1, 2017**

Concern has grown in recent years among privacy advocates as court records have become more accessible via digital format or to large data mining operations. In addition, some have argued that certain records, including convictions, for misdemeanors punishable by fine only should not be accessible due to the negative effect on housing, careers, or college. As a first step toward gathering information and addressing the issue, S.B. 47 would require the Office of Court Administration to conduct a study of records retention practices for misdemeanors punishable by fine only in different Texas counties, including local agencies. The findings will be submitted in a report to the Legislature.

TMCEC: S.B. 47 presents a bit of a potpourri of privacy issues. The bill generated interest among advocacy groups, some of which have now realized that the so-called “low-level” Class C and fine-only misdemeanors may have considerable legal consequences on conviction for the future job prospects, housing opportunities, or college for those convicted. Additionally, an on-going theme in recent years has been large data miners harvesting open records from courts in order to procure records such as deferred disposition dismissals. The law provides that dismissals following deferred disposition are not to be used for any reason; however, these data miners have the ability to harvest and sell these records to insurance companies or any other interested party. See, Ned Minevitz, “Insurance Support Organizations: Are Deferred Traffic Cases Coming Back to Haunt Defendants?” *The Recorder* (April 2016). Still other groups have been concerned about the public accessing personal data contained in court case files.

This bill has been called a first step, but it is unclear what we are stepping toward. Rhetoric surrounding the bill repeatedly labeled Class C and fine-only misdemeanors as “minor” and the “lowest” criminal offenses, yet there has also been clear acknowledgement that these offenses may have significant legal

consequences. Interestingly, traffic records are specifically excluded from the study. The report from the Office of Court Administration is due just in time for the next legislative session in 2019. Stay tuned.

S.B. 259

Subject: Granting County Authority to Use Electronic Jury Questionnaires

Effective: September 1, 2017

Current law mandates that counties send jurors a paper copy of the uniform jury questionnaire in the mail along with a jury summons, regardless of whether they can facilitate the questionnaire online. It has been suggested by some counties that supplying the questionnaires online would increase efficiency, conserve staff resources, and save taxpayer money. One county has estimated that they could save as much as \$2 million annually by offering the questionnaires online.

Moreover, some counties report juries often do not fill out the mailed questionnaires as instructed, rendering the resources spent printing and mailing the documents a waste. It is suggested that this waste could be prevented simply by hosting the questionnaires online.

S.B. 259 addresses this issue by amending Section 62.0132 of the Government Code to give counties the authority to choose whether to maintain current practice or adopt an electronic method for jury summons questionnaire submission. The electronic submission must be on the courts' website and be easily printed. If the district and criminal district judges of the county adopt a plan under Section 62.011 of the Government Code, a county may allow a person to complete and submit a jury summons questionnaire entirely on the courts website.

TMCEC: Chapter 62 of the Government Code pertains to petit juries. This is an amendment to Subchapter A (General Provisions). Chapter 62 also contains Subchapter F (Municipal Court Juries). Municipal courts have long been left with little explicit guidance as to which provisions outside Subchapter F apply to municipal courts. Most of the provisions in Chapter 62 only contemplate counties. Potentially complicating matters, some municipalities partner with counties for obtaining jurors. Accordingly, it is difficult to generalize about the application of Section 62.0132.

S.B. 302

Subject: Continuation of the State Bar

Effective: September 1, 2017

S.B. 302 is the Sunset bill for the State Bar of Texas. The State Bar is a judicial agency of the state, with statutory authority to discipline attorneys, provide continuing legal education, and aid the courts in the administration of justice. Every person who is licensed to practice law in Texas must join the State Bar. S.B. 302 continues the State Bar for the standard 12-year period, moving the agency's Sunset date, under Section 81.003 of the Government Code, from September 1, 2017, to September 1, 2029.

In addition, S.B. 302 includes a number of other changes in Chapter 81 of the Government Code to make the State Bar more efficient and transparent. For example, S.B. 302 improves the rulemaking process for disciplinary rules because the most recent attempt to revise them took about six years, alienated many attorneys, and resulted in no changes. The improved rulemaking process in S.B. 302 provides specific deadlines, public input requirements, and transparency provisions that are designed to prevent past problems from reoccurring. This new process maintains attorneys' right to vote on proposed disciplinary rules because this safeguard has served the state's legal profession well for decades. S.B. 302 also

strengthens the attorney discipline system by requiring fingerprint-based criminal background checks, reinstating the chief disciplinary counsel's investigatory subpoena power, streamlining the voluntary mediation and dispute resolution procedure, and requiring improved tracking and reporting of disciplinary case outcomes. Finally, S.B. 302 also creates a new independent ombudsman's office to monitor and help the public access the attorney discipline system.

TMCEC: To nobody's surprise, the State Bar was continued and internal politics alienated some attorneys. Attorneys should take note, however, that municipal judges and clerks are not the only ones increasingly under the microscope. Interestingly, S.B. 302 authorized the chief disciplinary counsel to create a grievance tracking system that would permit the evaluation of disciplinary trends over time. The report will be posted on the State Bar's website. Is this a response to recent high profile attorney misconduct cases?

S.B. 413

Subject: Classification of Certain Court Costs as Uncollectible in Collin County

Effective: September 1, 2017

Counties routinely attempt to collect unpaid fines, fees, or court costs as permitted by law. In many cases, court-ordered fees are collected expediently. Issues arise however, for collection efforts of defendants who are deceased or serving long prison sentences. A recent report by Collin County revealed a substantial amount of uncollectible fees over the past five years, to which the cost of collecting these fees outweighs the fees' value to the county. Counties contend that they should have the authority to remove these uncollectible fees from their record books.

S.B. 413 addresses this issue by amending Chapter 103 of the Code of Criminal Procedure and adding Article 103.0081, which allows officers to request to the court that a fee or cost imposed by the court be dropped because the officer believes the defendant is deceased, serving life imprisonment, or has been unpaid for at least 15 years.

Upon the court finding any of these conditions true, the court may order the officer to designate the fee or cost as uncollectible in the fee record. The article applies only to a county with a population of more than 780,000 but less than 790,000.

TMCEC: Uncollectable judgments are a problem across the state. The cases are technically still open until the judgment is satisfied, either taking up physical space in the courtroom or digital space on the court's servers. There is currently no legal authority to "purge" all old cases; and, unlike pre-judgment cases, these cannot be dismissed and disposed of according to the retention schedules. S.B. 413 authorizes one solution in a bill narrowly tailored to essentially apply only to Collin County, and if the population shifts more than a few thousand people in Collin County, it will not apply there either, as it only applies to counties with a population of more than 780,000 but less than 790,000. Stay steady, Collin County!

S.B. 510

Subject: Confidentiality of Home Address of Judicial Employees in Tax Records

Effective: May 27, 2017

The employees of state judges are front-line persons who routinely interact with litigants experiencing crises, including persons with extensive criminal histories and numerous mentally unstable and potentially dangerous persons. Ill-intentioned, disgruntled litigants easily may access the home address information

of those employees who own property in Texas through public property appraisal records. S.B. 510 adds the employees of state judges to the list of persons allowed to remove their residence address from tax appraisal rolls, under Chapter 25 of the Tax Code. This change allows them to protect their safety and reduces the possibility of disgruntled litigants easily finding out where they and their families live.

TMCEC: S.B. 510 is one of several bills passed this session that seeks to restrict the availability of personal information for judges and court personnel (See also, S.B. 42 and H.B. 1278). This follows the attempted assassination of Travis County District Court Judge Julie Kocurek in her home's driveway. Separately, H.B. 42 extensively restricts the personal information for judges and their spouses in several facets of daily life. S.B. 510 goes further and adds restrictions to the availability of home address information contained in tax appraisal records for the employees or former employees of federal or state judges. Interestingly, the term "state judge" in the Tax Code includes municipal judges. This means that municipal court clerks may seek to have their home address information restricted, providing an important modicum of security for front-line court personnel.

S.B. 1329

Subject: Fee for Attorneys License or Certificate

Effective: September 1, 2017

S.B. 1329 consolidates a number of changes into a single omnibus bill. Of importance to new attorneys, S.B. 1329 amends Section 51.006 of the Government Code, to increase from \$10 to \$25 the amount of the fee that the clerk of the Texas Supreme Court is required to collect for the issuance of an attorney's license or certificate affixed with a seal.

S.B. 1705

Subject: Issuance of a Marriage License and the Marriage of a Minor

Effective: September 1, 2017

In the State of Texas, minors under the age of 16 can marry with a judge's approval. Minors aged 16 and 17 can be married with parental consent and do not even have to be present to be married away by their parents. Most of these minors, who have not been emancipated, lack the same legal rights as an adult. This is known as having the disabilities of minority. These minors without the full legal rights of an adult are often marrying adults with full legal rights. This creates a situation ripe for abuse. Interested parties contend that minors attempting to marry face legal obstacles, such as lacking the right to contract, which is needed to contract with an attorney, and can be unable to legally protect themselves in a marriage proceeding before they reach the age of maturity, 18. Inexplicably, minors are removed of the disabilities of minority and are considered adults with full rights under law immediately after marriage, but not before when the ability to contract an attorney and make their own decisions could be impactful. S.B. 1705 requires a minor to petition a court for the removal of the disabilities of a minor before applying for a marriage license in Texas. In order to have the disabilities of minority removed, a minor must prove that they are a resident of Texas, 17 years of age, or at least 16 years of age and living separate and apart from their parents, managing conservator, or guardian, and self-supporting and managing their own financial affairs. The court is required to appoint an amicus attorney or attorney ad litem to represent the interest of the minor at the hearing. The court is required to issue the order removing the disabilities of the minor if it is found to be in the best interest of the minor.

S.B. 1705 ends the practice of marriage under the age of 16 in Texas and ensures that minors petitioning to marry have access to an attorney and the same legal protections as those they are marrying.

TMCEC: Child marriage has become both a national and state issue in recent years. In some instances the practice is sometimes part of human trafficking. Studies have shown that women who married as children experienced higher rates of psychiatric disorders, were more likely to drop out of high school, and are more likely to have family instability. A 2016 Pew Research Center report found that Texas had the second highest rate of child marriage, behind only West Virginia. S.B. 1705 essentially ends this practice, providing that a person under 18 years of age may not marry, and the marriage would be void, unless the person has been granted a court order removing the disabilities of minority of the person.

S.B. 1911

Subject: Self-help Resources on the Internet Website of a State Court and in the Office of the Court Clerk

Effective: September 1, 2017

There is concern that many Texans fall into what has been called a “justice gap” in which they are neither poor enough to qualify for free legal services nor affluent enough to afford legal services on their own, thus putting these pro se litigants at a disadvantage during the legal process. S.B. 1911 addresses this gap by requiring the courts of Texas to make information relating to legal self-help resources publicly available on each court’s website, if the court has a website, and in the office of the court clerk.

TMCEC: S.B. 1911 requires the “clerk of each court of this state” to provide a link to self-help legal resources available through the Office of Court Administration, link to the State Law Library’s website, and post signage concerning the resources. These could be helpful to pro se litigants attempting to navigate the legal process; and indeed, TMCEC spent much of the last academic year discussing the importance of providing pro se defendants access to accurate information.

S.B. 1911 amends Section 51.808 of the Government Code. This is not only in a section of the Government Code dealing with Electronic Filing, but also part of a larger chapter outlining procedure for county civil courts. Thus, the pro se litigant resources referenced in S.B. 1911 appear to contemplate civil cases. Although under the Code Construction Act, section titles and location are not determinative, there is a question as to whether S.B. 1911 was intended to apply to criminal courts in general and municipal courts in particular.

Putting such questions aside, there is nothing preventing courts from posting such information, but courts should be aware of the potential for confusion for defendants unfamiliar with the difference between a civil and criminal case. S.B. 1911 presents an opportunity for municipal courts throughout the state to reevaluate websites and public resources. Procedural fairness remains an important consideration in the fair administration of justice, regardless of jurisdiction.

S.B. 2053

Subject: Distribution of the Consolidated Court Cost

Effective: June 15, 2017

Section 133.102 of the Local Government Code, apportions revenue from the consolidated court cost fee to several state accounts. A recent Court of Criminal Appeals decision, *Salinas v. State*, 14-12-00378-CR (Tex. Crim. App. Mar. 8, 2017), found the allocation to two of those accounts (abused children’s counseling and comprehensive rehabilitation), to be unconstitutional, while leaving the rest of the statute and its apportionment to various programs intact. In footnote 54 of the *Salinas* opinion, the Court provides

that “[i]f the Legislature redirects the funds to a legitimate criminal justice purpose, the entire consolidated court cost may be collected.” S.B. 2053 amends the statute setting out the apportionment of this fee revenue to delete the two funds that have been found unconstitutional, and to add the percentage of the revenue that was attributed to the unconstitutional funds to the fair defense account (which helps fund the costs of appointment of counsel for indigent defendants in Texas).

TMCEC: In recent years there have been a number of cases challenging either the collection of court costs or the costs themselves as an unconstitutional tax. Essentially, the argument is that such costs have no relation to a criminal case and turn courts into tax collectors—a role that should be performed by the executive branch rather than the judiciary. See, *Peraza v. State*, 467 S.W.3d 508 (Tex. Crim. App. 2015).

The Court’s finding in *Salinas*, however, that parts of the consolidated court cost fee were unconstitutional and should be collected in accordance with this decision, sent alarm bells ringing in court administration offices across the state. This could have reduced court costs by \$3.93, potentially creating clerical logjams among the millions of cases being processed.

S.B. 2053, filed the day after the *Salinas* decision was handed down, provided an easy fix for the state. Its passage into law, effective June 15, 2017, averts the possibility of a clerical logjam. A logjam that otherwise might have occurred. The Court of Criminal Appeals denied motions for rehearing on June 28, 2017.

By removing the accounts found to be unconstitutional by the Court of Criminal Appeals, and reallocating those funds to the fair defense account, Texas can maintain the consolidated court cost fee dollar amount. The practical result, from the perspective of courts adjudicating Class C misdemeanors, is that courts will continue to collect the same \$40. The task of apportioning the funds per S.B. 2053 belongs to the State Comptroller.

S.J.R. 6

Subject: Constitutional Amendment Requiring Attorney General Notice

Effective: January 1, 2018, subject to voter approval on November 7, 2017

In the same way a court may not enter judgment against a private party who has not received notice of the litigation, federal law requires that, in a case challenging the constitutionality of a federal statute, the U.S. Attorney General must be given an opportunity to defend and challenge the law.

In 2011, the Texas Legislature passed its own version of the notice provision. Similar to the established federal law, it provided that, in an action in which a party challenges the constitutionality of a Texas statute, the Texas Attorney General is required to be notified and given 45 days to intervene. In 2014 however, the Criminal Court of Appeals held that both provisions were unconstitutional. The decision has left Texas legislative enactments open to being ruled unconstitutional without the state’s ability to defend them.

S.J.R. 6 addresses this issue by proposing a constitutional amendment to the 2011 provision found unconstitutional, amending Article V of the Texas Constitution by adding Section 32 to allow the Legislature to require a court to provide notice to the Attorney General of any petition, motion, or other pleading challenging the constitutionality of a state statute; to prescribe a reasonable period of 45 days before judgment to allow the attorney general to respond before judgment holding the statute constitutional.

Upon the pending election, the bill adds a temporary provision allowing the proposed statute to apply during the current 85th Legislature Regular Session. Section 402.010 of the Government Code is validated by this temporary provision, and applies only to a petition, motion or other pleading filed on or after January 1, 2018 to expire January 2, 2018.

TMCEC: The Court of Criminal Appeals decision that this resolution attempts to get around is *Ex Parte Lo*, 424 S.W.3d 10 (Tex. Crim. App. 2014). In that case, the Court found that Section 402.010 of the Government Code was an unconstitutional violation of the separation of powers as it allows for the suspension of a court's power to enter final judgment. See Ryan Kellus Turner & Regan Metteauer, "Case Law and Attorney General Update TMCEC Academic Year 2015," *The Recorder* (November 2014) at 21.

Domestic Violence and Human Trafficking

H.B. 29

Subject: Prostitution and the Trafficking of Persons

Effective: September 1, 2017, except Section 102.102, Business & Commerce Code, takes effect March 1, 2019

The Texas Human Trafficking Task Force was established in 2009 and is coordinated through the Office of the Attorney General. The task force is a collaborative effort between state agencies, local law enforcement entities, district attorneys, and non-governmental organizations to address human trafficking from multiple perspectives.

H.B. 29 codifies the 11 recommendations of the task force. These include recommendations to improve Texas' response to human trafficking, including enhanced penalties for traffickers, providing prosecutors with additional tools for prosecution, improving victim protections, and addressing training needs. These recommendations are the product of the collaborative efforts and unanimous approval of task force members.

H.B. 29 amends current law relating to prostitution and the trafficking of persons, civil racketeering related to trafficking, the prevention, investigation, and prosecution of and punishment for certain sexual offenses and offenses involving or related to trafficking, reimbursement of certain costs for criminal victims who are children, and the release and reporting of certain information relating to a child; increases criminal penalties; and creates criminal offenses.

TMCEC: H.B. 29 is an extensive bill codifying the many recommendations of a task force that worked over a period of several years; the task force itself is changed by H.B. 29 adding representatives from the Texas Department of Licensing and Regulation, the Office of Court Administration, the Office of the Secretary of State, and the Texas Commission on Law Enforcement. Not all of the changes pertain to persons working in municipal courts or as magistrates. What follows is a summary of the relevant portions of the bill.

Criminal Offenses and Penalties

Section 1 of H.B. 29 creates a new Class C misdemeanor under Section 102.102 of the Business & Commerce Code for an owner or operator of a sexually oriented business who fails to post a sign in each restroom on the premises directing a victim of human trafficking to contact the National Human Trafficking Resource Center, as required by Section 102.101 of the Business & Commerce Code. The bill further requires that the Attorney General may prescribe specific requirements for the sign, including its physical dimensions.

H.B. 29 makes changes to the sex offender registration program under Chapter 62 of the Code of Criminal Procedure, with relation to the offense of continuous trafficking of persons.

H.B. 29 amends multiple chapters of the Penal Code including Chapters 20A, 21, 22, and 43. Notably, Sections 21.02 (Continuous Sexual Abuse of Young Child or Children), Section 21.11 (Indecency with a Child, Section 22.011 (Sexual Assault), Section 22.021 (Aggravated Sexual Assault), Section 43.25 (Sexual Performance by a Child), and Section 43.251 (Employment Harmful to Children) are all amended to specify that a person commits an offense against a child, regardless of whether the actor knows the age

of the victim at the time of the offense. Chapter 43 is amended with regard to prostitution, clarifying that a “fee” in exchange for sexual conduct, can be in the form of money, goods, services, or other benefit. Also in Chapter 43, the offense of Aggravated Promotion of Prostitution is changed to a felony of the second degree, rather than third degree, except that it is a felony of the first degree if the actor uses a prostitute younger than 18 years of age, regardless of whether the actor knew the age of the person knew the age of the person at the time of the offense.

Online Service Provider

Multiple sections of H.B. 29 update the Code of Criminal Procedure to use the term “online service provider” as opposed to “Internet service provider.” Article 24A.0015 defines “online service provider” to include Internet service provider, as well as a search engine, web hosting company, web browsing company, manufacturer of devices providing online application platforms, or a company providing online social media platforms. Conforming changes are made in Articles 24A.001, 24A.002, 24A.003, and 24A.051 of the Code of Criminal Procedure.

Conduct Indicating a Need for Supervision

The 84th Regular Legislature left us with three different versions of Section 51.03(b) of the Family Code. H.B. 29 reenacts and consolidates the separate versions into one. H.B. 29 amends the general expunction provision in Article 45.0216 of the Code of Criminal Procedure to reflect the change in the Family Code.

H.B. 1808

Subject: Creation of the Offense of Sexual Coercion and Elimination of Knowledge of Age as a Defense for Certain Crimes Involving a Minor

Effective: September 1, 2017

Concerns have been raised that some individuals who have solicited a prostitute who is a minor have been able to use the defense that they were not aware of the prostitute’s age at the time of the solicitation. H.B. 1808 addresses this defense of lack of knowledge concerning a victims age by amending Section 21.02 (Continuous Sexual Abuse of Child), Section 21.11 (Indecency with a Child), Section 22.011 (Sexual Assault), Section 22.021 (Aggravated Sexual Assault), Section 43.25 (Sexual Performance by a Child), and Section 43.251 (Employment Harmful to Children) of the Penal Code to state that an offense committed under these sections constitute a crime, regardless of whether the person knows the age of the victim at the time of the offense.

H.B. 1808 also amends Chapter 21 of the Penal Code by creating the offense of sexual coercion in Section 21.18. A violation occurs when a person intentionally coerces a victim to engage in sexual conduct or to produce intimate visual material, or provide a valuable benefit, by means of threatening to commit an act of violence or a sexual offense such as human trafficking, sexual abuse of a child, or other sexually related offenses if the victim does not comply. Violators of this law would be subject to a state jail felony. If a person has been previously convicted of a sexual offense, then they are subject to a third degree felony.

Section 21.18 applies to threats regardless of how they are communicated, including threats transmitted through email, websites, social media, chat room, and threats made by other electronic or technological means. An offense committed under this section is a state jail felony and may be enhanced for prior offenses under this section.

H.B. 1808 amends the Section 22.011, Penal Code (Sexual Assault) to include assaults accomplished by coercion or threat of harm to the victim. Current law reflects antiquated stereotypes of a “stranger in the

bushes” by requiring proof that a sexual assault defendant used or threatened to use physical force or violence. Sexual assault is always a violent act, whether accomplished by physical force or threats of other serious harm.

Lastly, H.B. 1808 amends Section 22.021(a) of the Penal Code (Aggravated Sexual Assault) to clarify that an offense is committed under this section if a person administers or provides any substance capable of impairing a victim’s ability to appraise the nature of the act or to resist the act with the intent of facilitating a sexual assault.

TMCEC: Currently, there are two versions of Section 21.16 of the Penal Code, due to separate bills passed in the 84th Legislature. Due to these two different provisions, H.B. 1808 had to create two versions of the new offense of sexual coercion so that it would become law regardless of whether the 85th Legislature corrects the differing Sections of 21.16.

The age defense for many of the crimes against children is also eliminated in H.B. 29.

H.B. 2529

Subject: Definition of “Coercion” as Related to Trafficking of Persons

Effective: September 1, 2017

H.B. 2529 amends Trafficking of Persons (Section 20A.02 of the Penal Code) to specify that the definition of “coercion” into prostitution includes destroying, concealing, confiscating, or withholding (or threatening to destroy, conceal, etc.) a trafficked person’s government records or identifying information or documents.

H.B. 2552

Subject: Deterrence of Sexual Offenses and Human Trafficking

Effective: September 1, 2017

Human trafficking is prevalent throughout Texas and the United States but often goes unreported. Due to the clandestine nature of the crime, identifying victims is notoriously difficult. A recent report by the University of Texas at Austin’s Institute on Domestic Violence & Sexual Assault estimates that there are over 300,000 victims of human trafficking in Texas. Texas is second only to California in human trafficking incidents reported to the National Human Trafficking Hotline; 670 cases were reported in 2016.

Additionally, all across Texas, thousands of businesses claiming to offer massage services are actually fronts for human trafficking and compelling prostitution. These illicit massage parlors attract crime to those locations and many times are unlicensed.

H.B. 2552 strengthens Texas’ response to the ongoing problems of human and sex trafficking by building upon current nuisance and abatement law under Chapter 125 of the Civil Practice and Remedies Code. This helps local governments shut down illicit massage parlors. The bill also provides a means for collecting data on prostitution arrests and outcomes, closes a loophole in the promotion of prostitution statute, and provides a means for property owners to evict businesses that are engaging in human trafficking.

H.B. 2552 amends Section 21.16 of the Penal Code (Voyeurism) raising the punishment from a Class A misdemeanor to a state jail felony. Section 21.18 (Sexual Coercion) is added making a state jail felony of the use of intentional threats including coercion or extortion to commit certain sex crimes. This offense can be enhanced to a felony in the third degree if it is shown at trial that the defendant has previously been convicted of an offense under this section.

H.B. 2552 amends Section 22.01 of the Penal Code (Assault) to specify that an assault committed against a pregnant individual to force the individual to have an abortion is a felony of the third degree if it causes bodily injury or a Class A misdemeanor if it results in offensive or provocative contact.

TMCEC: H.B. 2552 is one of two bills creating the offense of Sexual Coercion in the 85th Legislature; the other is H.B. 1808. In addition, there are two versions of Voyeurism, due to separate bills passed in the 84th Legislature. H.B. 2552 raises the punishment for one version to a state jail felony, but does not amend the other version, which may be punished as a Class C misdemeanor.

H.B. 3649

Subject: Confidential Communications of Family Violence Victims

Effective: September 1, 2017

Thirty-nine states have some form of enhanced state-level victim information privacy protections for victims of domestic violence. However, Texas lacks strong legal protections for private conversations between domestic violence victims and their family violence advocates.

Currently, batterers or others who seek this information can obtain these private conversations with a court subpoena. As a result, advocates document little information in victim files, significantly reducing their usefulness.

H.B. 3649 shields information that family violence survivors share with victim advocates from disclosure, ensuring they can seek assistance without fear that their story will be used against them. H.B. 3649 adds Chapter 93 (Confidential and Privileged Communications) to the Family Code creating confidential communication and records for victims of domestic violence to protect them from their abuser.

S.B. 256

Subject: Increased Access to the Address Confidentiality Program

Effective: May 19, 2017

S.B. 256 makes changes to Chapter 56 of the Code of Criminal Procedure to protect the confidentiality of home addresses for victims of family violence, sexual assault, human trafficking, or stalking. The bill also clarifies that a person participating in the Address Confidentiality Program (ACP) administered by the Texas Attorney General is eligible to have their address kept confidential within these records.

While victims may obtain protective orders, those writs do not require the redaction of their home addresses from public records. Specifically, both the property tax appraisal records maintained by county appraisal districts and the voter registration rolls maintained by county voter registrars are not required to have victims' addresses classified as confidential. This creates a loophole where, even though an offender may be barred from interacting with a victim pursuant to a protective order, that person may still search public records for the victim's home address once the order has expired. Furthermore, even if victims do not seek a protective order, their address may be discovered by the offender within public tax appraisal and voter registration records. S.B. 256 fixes these loopholes in Chapter 13 of the Election Code and Chapter 25 of the Texas Code by specifying that the home address of any person eligible for a protective order for family violence, sexual assault, trafficking, or stalking be classified as confidential within tax appraisal and voter registration records.

S.B. 256 modifies the ACP to broaden eligibility for victims' participation in the program. Currently, a person must meet several eligibility requirements, including meeting with a counselor and filing an application, in order to participate in the ACP. Once enrolled, the ACP provides a confidential mailing address for victims, allowing them to avoid unwanted detection. S.B. 256 broadens the classes of individuals eligible to participate in the ACP to include persons with a protective order for family violence, sexual assault, human trafficking, or stalking.

TMCEC: Recent years have seen an increase in data miners and others seeking to cull public records for personal information on individuals. This is relatively easy to do as public records are generally presumed to be open for inspection. This may present security issues, however, when those public records reveal personal information on individuals such as judges, court personnel, or victims of crimes. While information such as home address may be redacted from court documents or through court records requests, the records held by other public entities remain open. Essentially, it is a loophole to those willing to exploit it. S.B. 256 continues a trend this session to limit public access to these types of records for security reasons.

S.B. 257

Subject: Judicial Review of Protective Orders

Effective: September 1, 2017

Victims of sexual assault or abuse, stalking, or human trafficking have eligibility to receive court-issued protective orders (Section 85.001, Family Code). Such orders are distinct from the Magistrate's Orders of Emergency Protection (Article 17.292, Code of Criminal Procedure).

While the duration of protective orders may last as long as the life of the victim or perpetrator, a loophole in state law currently enables perpetrators to challenge these terms. Specifically, perpetrators can re-litigate protective orders by calling both parties back into court to demonstrate a "continuing need," or potential threat of future violence, even though applicants for sexual assault, stalking, and human trafficking protective orders need not prove a threat of future violence to obtain the order in the first place. This effectively adds an additional evidentiary burden on victims of sexual assault, stalking, and human trafficking for the duration of the order that they were not required to satisfy at the time the order was issued. If the additional benchmark of threat of future violence is not met, a protective order may terminate prematurely, even if originally issued for life. This makes sexual assault protective orders harder to maintain than they were to originally acquire. Further, a perpetrator may challenge a protective order annually without limit.

S.B. 257 reforms the protective order re-litigation process by closing this loophole. The amended Section 85.025 of the Family Code limits a perpetrator's ability to challenge a protective order issued to family violence victims for longer than two years to two instances. The first of two motions may not be filed earlier than one year after the original order was rendered. If the duration of the protective order exceeds two years, then a second motion may not be filed earlier than one year after the conclusion of the first motion. Further, the bill exempts protective orders issued to child abuse and sexual assault victims from further challenge by their assailant.

S.B. 920

Subject: Access to Residence to Retrieve Property when Danger of Family Violence Exists

Effective: September 1, 2017

Last session, H.B. 2486 created a procedural process by which individuals can seek help in entering the home for the limited purpose of retrieving certain property. The law was meant to help people who have

reported being unable to access prescription medications and/or necessities that they need to care for themselves or their children upon being suddenly dispossessed of access to their residence.

This difficult situation is only exacerbated in cases of domestic violence, when a person is in fear of returning to their residence to retrieve necessary personal belongings due to circumstances creating a severe risk to their health and safety. In these situations, it may be necessary, for the protection of a person or their dependents, for a court to take the extraordinary step of undertaking an ex parte court proceeding in order to allow a person to enter a property to retrieve important personal property.

S.B. 920 allows a justice court to issue a temporary ex parte writ under the new Section 24A.0021 of the Property Code authorizing entry and property retrieval to a residence if the current occupant poses a clear and present danger of family violence to an applicant or to an applicant's dependent. In issuing this writ, a justice of the peace may waive the bond requirements and the requirement that the current occupant be given notice and opportunity to be heard. A person granted this writ may only enter their residence if accompanied by a peace officer, and may only retrieve the items specifically authorized to be retrieved.

S.B. 1203

Subject: Subpoenas and Court Orders for Online Service Providers in the Investigation or Prosecution of Criminal Offenses
Effective: September 1, 2017

Current state law provides that an Internet service provider must respond within 10 days (or petition the court to excuse from compliance) to a subpoena, search warrant, or other court order in connection with an investigation or prosecution of certain crimes involving children.

Internet service providers must also comply within two business days if the subpoena, search warrant, or other court order pertains to a life-threatening situation, as well as preserve all records or potential evidence for a period of 90 days after the issuance of a subpoena, search warrant, or other court order.

S.B. 1203 amends Subchapter 24A of the Code of Criminal Procedure (Responding to Subpoenas and Certain Other Court Order; Preserving Certain Information), to expand the 10-day expedited response requirement to apply to human trafficking and other sex offenses. The bill also replaces "Internet service provider" with "online service provider" to ensure applicability to online entities that may have critical information that is relevant to a case involving trafficking of children and other offenses.

S.B. 1242

Subject: Applicant of a Protective Order's Use of an Alternative Mailing Address
Effective: September 1, 2017

In keeping with best practices for victims of family violence, applicants seeking a protective order in Texas must only provide their name and county of residence to initiate the order, not an address. However, the "Contents of Notice of Application" does require a mailing address. Individuals who are represented by an attorney are instructed to use the attorney's address, but those without an attorney must provide their own address. This same statute notes that the respondent is entitled, but not required, to file a written answer.

This puts undue burden on those without an attorney, who are more likely to be low-income, and it creates a risk to their safety by not safeguarding their address. S.B. 1242 would address these issues by adding

Section 82.011 of the Family Code that allows an applicant to designate another person to receive written correspondence on their behalf. The court retains the applicant's address but makes it accessible only to the court and to law enforcement to enter into confidential database.

S.B. 1242 also amends Section 411.042 of the Government Code, changing the statute that the bureau of identification and records follows regarding the collection of information on protective orders and magistrate's orders of emergency protection from Section 85.007 of the Family Code to Article 17.292 of the Code of Criminal Procedure.

S.B. 1250

Subject: Admissibility of Certain Evidence in the Prosecution of Family Violence Offenses

Effective: September 1, 2017

Currently, Article 38.371 (Evidence in Prosecutions of Certain Offenses Involving Family Violence), Code of Criminal Procedure, permits the introduction of testimony or other evidence of all relevant facts and circumstances that would assist the trier of fact in determining whether the actor committed assault or aggravated assault, or violated various types of restraining orders, when the alleged victim was in a dating relationship with the accused, or a member of the same family or household. This includes testimony or evidence regarding the nature of the relationship between the actor and the alleged victim.

Due to the vulnerable nature of the potential victims and the underreported nature of crimes against such persons, S.B. 1250 expands this evidentiary provision to apply to the offense of Injury to a Child, Elderly Individual, or Disabled Individual (Section 22.04, Penal Code).

Juvenile Justice and the Interests of Children

H.B. 351/S.B. 1913

Subject: Community Service for Juveniles

Effective: September 1, 2017

See, Summary of H.B. 351/S.B. 1913, Sections 18-20/Sections 17-19.

H.B. 2059

Subject: Expunction of Conviction or Arrest Records of a Minor

Effective: September 1, 2017

Section 106.12 of the Alcoholic Beverage Code, as amended, expands the statutory authority for a minor subject to either a custodial or noncustodial arrest for an offense under the Alcoholic Beverage Code. Under current law, Section 106.12 only applies to convictions.

Subsection (c) is amended to include prosecutorial and law enforcement records among the items to be expunged from the applicant's record if a court finds that the applicant was not convicted of any other offense under the Alcoholic Beverage Code while a minor.

Subsection (d) authorizes any person placed under a custodial or noncustodial arrest for not more than one violation of this code while a minor and who was not convicted of the violation to apply to the court in which the person was charged to have the records of the arrest expunged. The application must contain the applicant's sworn statement that the applicant was not arrested for a violation of this code other than the arrest the applicant seeks to expunge. If the court finds the applicant was not arrested for any other violation of the Alcoholic Beverage Code while a minor, to order all complaints, verdicts, prosecutorial and law enforcement records, and other documents relating to the violation to be expunged from the applicant's record.

Subsection (f) provides that the procedures for expunction are separate and distinct from the expunction procedures under Chapter 55 of the Code of Criminal Procedure.

These amendments apply to the expunction of arrest records made before, on, or after the effective date of H.B. 2059.

S.B. 30

Subject: Police and Citizen Interaction Education; Community Safety Education Act

Effective: September 1, 2017

S.B. 30 adds Section 28.012 of the Education Code (Instruction on Interaction with Law Enforcement) and Section 1701.268 of the Occupations Code (Civilian Interaction Training Program) requiring the Texas Commission on Law Enforcement (TCOLE) and the State Board of Education (SBOE) to coordinate with each other to create curriculum relating to peace officer and civilian's rights and responsibilities during traffic stops and other in-person encounters including the presentation of proof of identification. The bill makes an amendment to Section 28.025 and adds Section 1001.109 of the Education Code (Information Relating to Traffic Stops), making SBOE responsible for adopting rules to incorporate this training into

required high-school education (grades 9-12) and TCOLE responsible for adopting similar curriculum into driver education and driving safety courses.

S.B. 30 amends Section 1701.253 of the Occupations Code adding civilian interaction as part of the minimum curriculum requirements for officers to complete in basic training or by the second anniversary of the date the officer is licensed.

S.B. 179

Subject: Cyber Bullying; David's Law

Effective: September 1, 2017

S.B. 179 amends Section 37.0832 of the Education Code redefining “bullying” to include “cyberbullying” (bullying that is done through the use of any electronic communication device). Section 37.0832 also requires the board of trustees for each school district to adopt a policy to prohibit, prevent, and mediate bullying incidents that occur in certain locations and have certain effects. New Section 37.0052 of the Education Code authorizes a student to be removed from class and placed in a disciplinary alternative education program or expelled under certain circumstances including bullying that encourages suicide.

Added Section 37.0151 of the Education Code authorizes a principal or designee of the principal to make a report to law enforcement if it is reasonably believed that a student has committed Assault (Section 22.01, Penal Code) or Harassment (Section 42.07, Penal Code). Under certain circumstances, harassment can be enhanced to a Class A misdemeanor if it entails an electronic communication, if the intent was to cause a minor to commit suicide or otherwise harm themselves, or if the harassment is in violation of a restraining order or injunction issued under Chapter 129A of the Civil Practice and Remedies Code. The bill adds Section 129A.001 of the Civil Practice and Remedies Code to allow a court to grant a temporary restraining order or temporary or permanent injunctive relief for minors against an individual who engages in cyberbullying.

S.B. 966

Subject: Defenses to MIP and MIC and Reporting Sexual Assault

Effective: September 1, 2017

As amended, Section 106.04 of the Alcoholic Beverage Code (Consumption of Alcohol by a Minor) and Section 106.05 of the Alcoholic Beverage Code (Possession of Alcohol by a Minor) establish new defenses in certain circumstances involving the reporting of sexual assault.

The defense can be raised by a minor who is sexually assaulted or who reports a sexual assault if the report is made to: (1) a health care provider treating the victim; (2) a law enforcement employee, including an employee of a campus police department at a higher education institution; or (3) a Title IX coordinator or other employee responsible for responding to sexual assault at a higher education institution.

A minor is entitled to raise the defense only if consuming or in possession of alcohol at the time the reported sexual assault took place. The defense is not available to a minor who committed the reported sexual assault.

S.B. 1152**Subject: Excused Absences for Students Seeking to Enlist in the Armed Services of the United States or the Texas National Guard****Effective: September 1, 2017**

While high school students are allowed two days junior year and two days senior year to visit an institution of higher education, Texas law provides no similar allowance for students planning to join a United States military branch or the Texas National Guard.

According to the different recruiters of the U.S. military, the maximum number of days needed to complete tests, medical readiness, legal appointments, and career counseling in order to enlist in the military for a high school student is four days. The student is penalized for any absence(s) for required appointments and visits. The absences do not count towards a day of compulsory attendance and school districts are unable to count absences related to this process towards their calculation of the average daily attendance.

As amended, Section 25.087 of the Education Code allows a school district to excuse a student who is 17 years of age or older for up to four days for the entirety of their high school career from attending school to pursue enlistment in a branch of the armed services of the U.S. or Texas National Guard. These excused days can be used to complete tests, medical readiness, legal appointments, or career counseling. The district is also expected to verify the student's absence.

S.B. 1571**Subject: Release of a Child Taken into Possession by a Law Enforcement Officer****Effective: September 1, 2017**

Law enforcement officers periodically need to take possession of a child without a court order, most often in cases involving suspected human trafficking or other abuse. S.B. 1571 amends the Code of Criminal Procedure by adding Article 2.273 (Release of Child by Law Enforcement Officer) to state that an officer who takes possession of a child in an emergency situation without a court order may release the child to a residential child-care or other authorized facility licensed by the Department of Family and Protective Services (DFPS) or to DFPS, a juvenile probation department, or to any person authorized by law to take possession of the child.

Before an officer may release a child to a person or governmental entity authorized by law, the officer must verify and obtain certain information related to the child and the person to whom the child is being released, and maintain a record of the child's placement and specified identifying information.

Law Enforcement

H.B. 34

Subject: Procedures to Prevent Wrongful Convictions

Effective: September 1, 2017

H.B. 34 implements recommendations from a study examining certain criminal cases in Texas in which an innocent defendant was convicted and subsequently exonerated.

Section 1 adds Articles 2.023 and 2.32 of the Code of Criminal Procedure requiring attorneys representing the State to track use of certain testimony and requiring law enforcement agencies to make electronic recordings of custodial interrogations of persons in a place of detention charged with the commission of certain offenses (unless good cause as described by Article 2.32(d) exists). The bill adds Section 9 to Article 38.22 of the Code of Criminal Procedure requiring the procedures in Article 2.32 to be followed in order for statements to be admissible against the accused.

Section 2 adds Article 2.1386 of the Code of Criminal Procedure requiring the Texas Commission on Law Enforcement to establish a comprehensive education and training program on eyewitness identification. Each law enforcement agency shall require peace officers that perform eyewitness identification procedures to complete the education and training.

Section 4 amends Article 38.20 of the Code of Criminal Procedure (Photograph and Live Lineup Identification Procedures) requiring law enforcement agency policies to include certain information regarding evidence-based practices. Notably, a witness who makes an identification based on a photograph or live lineup identification procedure shall be asked immediately after the procedure to state, in the witness' own words, how confident the witness is in making the identification. The law enforcement agency shall document the statement.

New Subsection (c) of Section 5 of Article 38.20 of the Code of Criminal Procedure provides that eyewitness identification is admissible into evidence against the accused only if the evidence is accompanied by the details of each prior photograph or live lineup identification made of the accused by the witness, including the manner in which the identification procedure was conducted. This change applies to a witness who has previously made an out-of-court photograph or live lineup identification of the accused that makes an in-court identification.

H.B. 34 amends Article 39.14 of the Code of Criminal Procedure (Discovery) by adding Subsection (h-1) regarding statements made against the defendant's interest while the person was imprisoned or confined in the same correctional facility as the defendant, requiring certain disclosures to the defendant. Section 3 amends Article 38.075 of the Code of Criminal Procedure authorizing evidence of a prior offense for purposes of impeachment if the person received a benefit described by Article 39.14(h-1)(2).

The bill also requires the Texas Forensic Science Commission to conduct a study regarding the use of drug field test kits and a crime scene investigation study.

H.B. 263**Subject: Issuing “Back the Blue” Specialty License Plates****Effective: September 1, 2017**

In light of recent attacks against law enforcement, H.B. 263 adds Section 504.668 of the Transportation Code requiring the Department of Motor Vehicles to issue specialty license plates that include a thin blue line and the words, “Back the Blue.” After deduction of administrative costs, the remainder of the fee for issuance of the license plates shall be deposited to a certain account for the use of the Employees Retirement System of Texas to provide financial assistance to survivors of peace officers under Chapter 615 of the Government Code.

H.B. 297**Subject: Designation of January 9 as Law Enforcement Appreciation Day****Effective: September 1, 2017**

Inspired by the tragic events that took place in downtown Dallas in 2016, H.B. 297 adds Section 662.065 of the Government Code, designating January 9 as Law Enforcement Appreciation Day. Texas joins the growing list of entities observing the national event. The bill allows the day to be regularly observed in public schools and other places and requires the Texas Education Agency to develop recommendations for observation through appropriate activities in public schools.

TMCEC: See also, H.B. 3042, which designates July 7 as Fallen Law Enforcement Officer Day.

H.B. 457**Subject: Confidentiality of Home Address of a Spouse, Surviving, Spouse, and Adult Child of a Peace Officer in Tax Records****Effective: June 15, 2017**

Inclusion of certain home address information concerning certain family members of a peace officer in local property tax appraisal records defeats the purpose of allowing peace officers to restrict public access to such information about themselves in the records because family members often have the same last name as the peace officer. H.B. 457 enhances the privacy and safety of certain family members of a peace officer by providing for the confidentiality of certain home address information in property tax appraisal records.

The bill amends Section 25.05 of the Tax Code, adding the spouse or surviving spouse of a current or former peace officer and the adult child of a current peace officer to the list of individuals who can choose to restrict public access to information in appraisal records, including name and address.

H.B. 873**Subject: Peace Officers or Special Investigators Carrying Weapons on the Premises of Establishments Serving the Public****Effective: September 1, 2017**

A number of public venues prevent individuals from entering the venue with weapons, including off-duty peace officers. Such policies pose a safety risk as an off-duty peace officer may be called on to take action

in self-defense or in defense of the safety and well-being of the public. H.B. 873 adds Article 2.1305 of the Code of Criminal Procedure, which prohibits an establishment serving the public from prohibiting or otherwise restricting a peace officer or special investigator from carrying on its premises a weapon that the peace officer or special investigator is otherwise authorized to carry. This is regardless of whether the peace officer or special investigator is engaged in the actual discharge of the officer's or investigator's duties while carrying the weapon.

An "establishment serving the public" means a hotel, motel, or other place of lodging; a restaurant or other place where food is offered for sale to the public; a retail business or other commercial establishment or an office building to which the general public is invited; a sports venue; and any other place of public accommodation, amusement, convenience, or resort to which the general public or any classification of persons from the general public is regularly, normally, or customarily invited.

H.B. 3042

Subject: Designation of July 7 as Fallen Law Enforcement Officer Day

Effective: June 15, 2017

H.B. 3042 adds Section 662.066 of the Government Code designating July 7 as Fallen Law Enforcement Officer Day. This bill creates the opportunity for all Texans to stand together in recognizing and honoring the bravery shown by those who make the ultimate sacrifice in order to protect us.

TMCEC: Five officers lost their lives in the shooting in downtown Dallas on July 7, 2016. The shooting was the deadliest incident for U.S. law enforcement since the September 11 attacks.

S.B. 1138

Subject: Creation of the Blue Alert System to Aid in Apprehending Individuals Suspected of Killing or Causing Serious Bodily Injury to a Law Enforcement Officer

Effective: September 1, 2017

S.B. 1138 adds Subchapter P to Chapter 411 of the Government Code (Blue Alert System). The bill requires the Department of Public Safety, with the cooperation of the Texas Department of Transportation, the Office of the Governor, and other appropriate law enforcement agencies in Texas, to develop and implement a statewide blue alert system to be activated to aid in the apprehension of an individual suspected of killing or causing serious bodily injury to a law enforcement officer, defined by the bill as a person who is a peace officer under the Code of Criminal Procedure or a person who is an applicable federal law enforcement officer.

S.B. 1253

Subject: Electronic Recording and Admissibility of Certain Custodial Interrogations

Effective: September 1, 2017

S.B. 1253 adds to the Code of Criminal Procedure, Article 2.32 (Electronic Recording of Custodial Interrogations) which requires law enforcement agencies to make electronic recordings of custodial interrogations of persons in a place of detention charged with the commission of certain offenses (unless good cause as described by Article 2.32(d) exists).

The bill also adds Section 9 to Article 38.22 of the Code of Criminal Procedure requiring the procedures in Article 2.32 to be followed in order for statements to be admissible against the accused.

TMCEC: Identical amendments are found in sections of H.B. 34, which makes more comprehensive changes, including eyewitness identification admissibility, law enforcement policies on photograph and live lineup identification procedures, and discovery.

Local Government

H.B. 1111

Subject: Authority of General-Law Municipalities to Regulate Sex Offenders in Child Safety Zones

Effective: September 1, 2017

H.B. 1111 adds Section 341.906 of the Local Government Code (Limitations on Registered Sex Offenders in General-Law Municipalities).

Subsection (a) defines “child safety zone,” “playground,” “premises,” “school,” “video arcade facility,” “youth center,” and “registered sex offender.”

Subsection (b) authorizes the governing body of a general-law municipality to restrict by ordinance a registered sex offender from going in, on, or within a specified distance of a child safety zone in the municipality. Subsection (d) authorizes the ordinance to establish a distance at any distance of not more than 1,000 feet.

Subsection (c) provides an affirmative defense to prosecution of an offense under the ordinance that the registered sex offender was in, on, or within a specified distance of a child safety zone for a legitimate purpose, including transportation of a child that the registered sex offender is legally permitted to be with, transportation to and from work, and other work-related purposes.

Subsection (e) requires that the ordinance establish procedures for a registered sex offender to apply for an exemption from the ordinance.

Subsection (f) requires that the ordinance exempt a registered sex offender who established residency in a residence located within the specified distance of a child safety zone before the date the ordinance is adopted. Such an exemption must apply only to areas necessary for the registered sex offender to have access to and to live in the residence and only to the period the registered sex offender maintains residency in the residence.

H.B. 1278

Subject: Personal Information of Certain Current and Former Prosecutors and Employees

Effective: June 15, 2017

H.B. 1278 amends provisions in Chapter 552 of the Government Code and Section 25.025 of the Tax Code relating to the public availability of personal information of current or former district attorneys, criminal district attorneys, and county or municipal attorneys whose jurisdiction includes any criminal law or child protective services matters.

It similarly prohibits the disclosure of such personal information for current or former employees of a district attorney, criminal district attorney, county attorney, or municipal attorney whose jurisdiction includes any criminal law or child protective services matters.

TMCEC: H.B. 1278 provides increased protection from reprisal for former or current public attorneys or court employees working in jurisdictions that include criminal law or child protective services by limiting public access to their home address, home telephone number, emergency contact information, social

security number or whether the individual has family members. This information is protected, regardless of current or previous compliance with sections electing to disclose home address and telephone number.

H.B. 1449

Subject: Prohibition of Fees on New Construction

Effective: May 29, 2017

Fees and exactions imposed by political subdivisions to fund subsidized housing materially increase the cost of housing construction in Texas. Limiting regulatory burdens on home construction can increase home affordability for all Texans.

H.B. 1449 adds Section 250.008 of the Local Government Code prohibiting political subdivisions from adopting or enforcing a charter provision, ordinance, order, or other regulation that imposes, directly or indirectly, a fee on new construction for the purpose of offsetting the cost or rent of any unit of residential housing. The bill stipulates that this rule does not apply to certain tax and fee abatement programs.

H.B. 1468

Subject: Regulation of Artificial Swimming Lagoons

Effective: June 15, 2017

H.B. 1468 amends Section 341.064 of the Health and Safety Code (Swimming Pools and Bathhouses) to include artificial swimming lagoons. As amended, artificial swimming lagoons, like public swimming pools, may be required by a municipality to obtain a permit for operation. Local governments may also enforce compliance with Section 341.064.

TMCEC: Somewhere between a swimming pool and a lake, an artificial swimming lagoon is a man-made body of water meant to simulate a beach environment. These lagoons can be rather large, have sandy sloping entrances, and advanced water treatment (non-chlorine) systems. The two being built in Texas are part of master-planned communities meant to attract home buyers like a golf course or hike-and-bike trail. One set for construction near Rowlett on Lake Ray Hubbard is projected to have an 8.5-acre surface area.

H.B. 1619

Subject: Prosecution and Punishment of Certain Outdoor Burning Violations

Effective: September 1, 2017

Persons burning certain items may not be aware they are prohibited or that such items are in violation of Chapter 382 of the Health and Safety Code (The Texas Clean Air Act). Because the current punishment is severe and requires a formal arrest, H.B. 1619 makes the first violation a Class C misdemeanor.

H.B. 1619 amends Section 382.018 of the Health and Safety Code (Outdoor Burning of Waste and Combustible Material) providing that conduct that violates a rule adopted by the Texas Commission on Environmental Quality (TCEQ) and also violates a municipal ordinance may only be prosecuted as a city ordinance violation as long as the violation is not a second or subsequent violation of either the state rule or local ordinance and the violation does not involve the burning of heavy oils, asphaltic materials, potentially explosive materials, or chemical wastes. In spite of a contrary provision in the Water Code, provisions and rules adopted under Section 382.018 may be enforced by a peace officer.

Amended Section 7.187 of the Water Code makes a conviction for an offense under Section 382.018 punishable as a Class C misdemeanor as long as the violation is not a second or subsequent violation of

that provision and does not involve the burning of heavy oils, asphaltic materials, potentially explosive materials, or chemical wastes. A second violation is a Class B misdemeanor. A subsequent violation is a Class A misdemeanor.

H.B. 2486

Subject: Reemployment of Employees of Political Subdivisions after Military Deployment

Effective: June 15, 2017

H.B. 2486 amends Section 437.202 of the Government Code, adding employees of a county, a municipality, and other political subdivisions with more than five employees who serve in either the federal or state military, a reserve component of the armed forces, or are members of a state or federally authorized urban search and rescue team to the list of individuals entitled to be restored to the same position held prior to being ordered to duty. Under current law, Section 437.202 only applies to employees of state government.

H.B. 3223

Subject: Civil Liability for Damages Resulting from Sale of Retired Patrol Cars

Effective: September 1, 2017

The sale of retired patrol vehicles to the general public can create a risk of criminals using such vehicles with the intent of impersonating a law enforcement officer. Removing equipment or insignia that could lead a reasonable person to believe that the vehicle is a law enforcement vehicle prior to sale reduces this risk.

H.B. 3223 amends Section 272.006 of the Local Government Code creating civil liability for a municipality that sells a law enforcement motor vehicle which has not had all the indicia of law enforcement removed.

The bill likewise creates civil liability in Section 728.022 of the Transportation Code for a person selling law enforcement vehicles that still have indicia of law enforcement mirroring the prohibitions outlined in Section 272.006 of the Local Government Code.

H.B. 3257

Subject: Inspection and Regulation of Portable Boilers

Effective: May 29, 2017

Prior to the passage of H.B. 3527, a portable power boiler was required to be inspected externally each time the boiler was moved to a new location and had to receive an internal inspection at least annually. H.B. 3257 amends Section 755.001 and Section 755.022 of the Health and Safety Code to require the Texas Commission of Licensing and Regulation to establish the subsequent intervals and manner of inspection for a portable boiler.

Notably, the amendment of Section 755.022 of the Health and Safety Code also exempts espresso machines from state law relating to boilers. Added Section 755.071 prohibits a state agency or local government from restricting the use or installation of a specific fuel gas pipe product that is approved for use and installation by the International Fuel Gas Code.

H.B. 3433

Subject: Consideration of Rural Communities in State Agencies' Adoption of Rules

Effective: September 1, 2017

Under current law, Chapter 2006 of the Government Code (Agency Actions Affecting Small Businesses) only pertains to the affect state rules may have on small businesses. Chapter 2006 contains measures aimed at preventing unintended adverse economic effects caused by such rules created by state agencies. State agencies do not give similar consideration to the impact that the adoption of an agency rule will have on rural communities.

H.B. 3433 amends Chapter 2006 to include rural communities. A rural community is defined in Section 2006.001 of the Government Code as a municipality that has a population of less than 25,000.

S.B. 1004

Subject: Deployment of Network Nodes in Public Right-of-Way

Effective: September 1, 2017

Rapid innovation of wireless devices and applications along with sharp increases in use has put pressure on telecommunications companies to replace existing equipment to provide more capacity. The construction of “network nodes” in the public right-of-way (managed by municipalities) is an efficient method to provide increased network capacity. Current provisions in the Local Government Code which cover right-of-way access for telecommunications providers are 15 years old and do not account for this new technology. This has resulted in uncertainty, confusion, disputes, and disparate treatment among cities and telecommunications providers.

To address these problems, S.B. 1004 adds Chapter 284 of the Local Government Code, which regulates the deployment and maintenance of network nodes (affixed equipment that enables wireless communications) in a public right-of-way.

S.B. 1172

Subject: Regulation of Seed by Local Governments

Effective: September 1, 2017

As the population of Texas grows so does its food and fiber needs. Inconsistent and burdensome laws can restrict farmers' ability to produce. S.B. 1172 creates uniformity in the application of seed regulation across the state to address this issue.

The bill adds Section 61.019 of the Agriculture Code prohibiting a local government from regulating any seed in any manner; any order or ordinance to the contrary is void. A local government may, however, take action prohibited by Section 61.019 in order to comply with federal or state laws or to implement a water conservation or drought contingency plan.

Section 61.019 does not preempt local governments from adopting or enforcing zoning regulations, fire codes, building codes, storm water regulations, nuisance regulations as authorized by Section 342.004 of the Health and Safety Code (Municipal Power Concerning Weeds or Certain Public Nuisances), or waste disposal restrictions.

S.B. 1248

Subject: Regulation of Manufactured Homes

Effective: September 1, 2017

Manufactured home communities sometimes exist within a municipality in violation of zoning rules, for example, when a municipality annexes the territory of the manufactured home community. Typically, these nonconforming communities are granted a zoning variance but sometimes municipalities interpret their local nonconforming use and abandonment ordinances in a manner that upon removal of an existing manufactured home, replacement manufactured homes would not be allowed. This creates a disincentive to update the homes in a community with newer homes. Community owners must keep older homes they would otherwise replace out of fear of losing revenue if the municipality does not allow a replacement home.

S.B. 1248 adds Section 211.018 of the Local Government Code regulating the continuation of land use regarding manufactured home communities. These regulations restrict the conditions under which a municipality may require a change in nonconforming use of a manufactured home lot, allows manufactured home owners to install replacement manufactured homes in compliance with certain conditions, and allows municipalities to prohibit installation of manufactured homes on a site in a designated floodplain.

The bill also adds Section 214.906 of the Local Government Code prohibiting municipalities from regulating a tract or parcel of land as a manufactured home community, park, or subdivision unless the tract or parcel contains at least four spaces offered for lease for installing and occupying manufactured homes.

Magistrate Duties and Mental Health

H.B. 13

Subject: Matching Grant Program Supporting Community Mental Health Services

Effective: September 1, 2017

Interested parties have expressed a significant need for community-based mental health services across Texas. H.B. 13 encourages local stakeholders to create locally driven solutions to mental health challenges within their communities, adding Section 531.0999 to the Government Code to create a matching grant program to support community mental health program that provide services and treatment to individuals experiencing mental illness.

H.B. 13 provides for an executive commissioner to be appointed to determine grant recipients based on their submission of applications or proposals. Grant recipients must secure contributions to match awarded grants in certain, specified amounts of money or other consideration, based on county population. Communities in a county with a population of less than 250,000 must leverage funds equal to 50 percent of the grant amount. Communities in a county with a population of at least 250,000 must leverage funds equal to 100 percent of the grant amount. A community mental health program located in more than one county shall secure funds equal to the required percentage for the largest county in which it is located.

TMCEC: There were a number of bills this session focusing on mental health issues within the criminal justice system and the community as a whole. S.B. 1849, The Sandra Bland Act, creates a similar matching program in Chapter 539 of the Government Code for providing services related to homelessness, substance abuse, or mental illness. It remains to be seen if there will be challenges in reconciling each bills similar but varying provisions.

H.B. 1727

Subject: Issuance of Certain Search Warrants in Chambers County

Effective: September 1, 2017

H.B. 1727 amends Article 18.01(i) of the Code of Criminal Procedure to change one of the circumstances under which any magistrate in a county may issue a search warrant for contraband subject to forfeiture or a search warrant for certain property or items constituting evidence (such as a blood draw warrant.) Currently, any magistrate from a county not having a judge of a municipal court of record who is an attorney licensed by the state may issue such a warrant. H.B. 1727 allows any magistrate from a county not having a municipal court of record with a courtroom located in that county and a judge who is an attorney licensed by the state.

TMCEC: This following cities are in Chambers County: Anahuac, Baytown (mostly in Harris County), Beach City, Cove, Mont Belvieu (small part in Liberty County), and Old River Winfree (small part in Liberty County). This bill may have application in other counties.

H.B. 3165

Subject: Videoconferencing and Pretrial Procedures in Criminal Cases

Effective: September 1, 2017

H.B. 3165 amends Article 15.17 of the Code of Criminal Procedure by changing references to “electronic broadcast system” to “videoconference” and changing references to “recording” to record, which may

consist of written forms, electronic recordings, or other documentation as authorized by procedures adopted in the county under Subsection (a) of Article 26.04 of the Code of Criminal Procedure (Procedures for Appointing Counsel). Counsel for the defendant may obtain a copy of an electronic recording, if an electronic recording was created, on payment of a reasonable amount to cover costs of reproduction. Conforming changes are made to Article 27.18 (Plea or Waiver of Rights by Videoconference) of the Code of Criminal Procedure, replacing “Closed Circuit Video Teleconference” with “Videoconference” and combining two versions of Subsections (c) and (c-1) and allowing a record of a communication under Article 27.18 to be made by electronic recording as well as a court reporter.

H.B. 3165 amends Article 15.21 of the Code of Criminal Procedure (Prisoner Discharged if Not Timely Demanded). The amendment requires a magistrate in the county of arrest to release an arrested person on personal bond, if the county of the alleged offense does not demand the arrested person before the 11th day after the date the person is committed to jail. The releasing magistrate shall forward the personal bond to the sheriff of the county of the alleged offense or to the court that issued the warrant.

TMCEC: Put on your magistrate hat and read this bill. From the administration of pretrial personal bond office to what happens when counties do not come pick up their prisoners this bill is significant.

H.B. 3165 continues a trend over the last several legislative sessions to make the law more accurately reflect the technology and terminology used in today’s world. Perhaps the most significant clarification offered to municipal judges as magistrates in this bill, however, is the clarification that there must be a “record” of a magistration (as opposed to a “recording”) which can consist of a written record or an electronic recording. Part of this H.B. 3165 is reminiscent of S.B. 1517 passed in the 84th Legislature which similarly addressed persons arrested in a county other than the one where an alleged offense occurred. S.B. 1517, however, focused on the appointment of counsel. H.B. 3165 would appear to have broader application, as it applies to all defendants arrested on out of county charges that are not timely picked up; not just those who are eligible to receive appointed counsel.

It has been nearly a decade since the U.S. Supreme Court decision in *Rothgery v. Gillespie County* (holding: that Article 15.17 marks the initiation of adversary judicial proceedings that trigger attachment of the 6th Amendment right to counsel). Ryan Kellus Turner and Jessica Marsh, “Case Law and Attorney General Opinion Update” *The Recorder* (November 2008). This bill and the current environment and fervor for criminal justice reform give reason to once again consider the possible broader implication of *Rothgery*. See, Ryan Kellus Turner, “Making Sense of *Rothgery*: What the Most Recent Decision of the U.S. Supreme Court Regarding the Sixth Amendment Means to Magistrates in Texas” *The Recorder* (August 2008) at 5.

H.B. 3237

Subject: Return of Executed Search Warrants and Public Availability

Effective: May 26, 2017

Current law could allow the owner of property subject to an unexecuted search warrant to become aware of the impending search due to the public availability of the sworn affidavit, establishing probable cause for the warrant that is filed before the warrant is authorized and executed.

H.B. 3237 addresses this issue by changing the time at which such a sworn affidavit becomes public information. The amended of Subsection (b) of Article 18.01 of the Code of Criminal Procedure (Search Warrants) changes the time at which a sworn affidavit setting forth substantial facts establishing probable cause for a search warrant becomes public information from the time at which the affidavit is executed to the time at which the search warrant for which the affidavit was presented is executed.

Additionally, H.B. 3237 amends Article 18.10 of the Code of Criminal Procedure (How Return Made). The amendment requires the officer, not later than three whole days after executing a search warrant, to return the search warrant. The failure of an officer to make a timely return of an executed search warrant or to submit an inventory of the property taken into the officer's possession under the warrant does not, however, bar the admission of evidence.

TMCEC: A common theme in the 85th Legislature was the availability of public information. Other bills were passed during the session that sought to close "loopholes" that allowed the public to gain personal information on state judges (S.B. 42), find the home address of court personnel (S.B. 510), and uncover information on older convictions and dismissals following deferred disposition (S.B. 47). H.B. 3237 similarly seeks to limit access to a search warrant before it is executed by tweaking language referencing the affidavit and search warrant in the law.

S.B. 4

Subject: Enforcement of Immigration; Prohibition of "Sanctuary Cities"

Effective: September 1, 2017

TMCEC: S.B. 4 prohibits "sanctuary city" policies, which prohibit local law enforcement from inquiring about a person's immigration status and complying with detainer requests. These policies also often prohibit the sharing of information regarding a person's immigration status with the federal government.

S.B. 4 amends current law relating to the enforcement by campus police departments and certain local governmental entities of state and federal laws governing immigration and to related duties and liability of certain persons in the criminal justice system; provides a civil penalty; and creates a criminal offense.

Section by Section Analysis

Article 1: Policies of and Grant Programs for Local Entities and Campus Police Departments

S.B. 4 amends Chapter 752 of the Government Code by adding Subchapter C, titled Enforcement of State and Federal Immigration Laws by Local Entities and Campus Police Departments. Section 752.053 prohibits local entities (defined as the governing body, officers, or employees of a municipality, county, or special district or authority including peace officers and city attorneys) and campus police departments from adopting, enforcing, or endorsing a policy that prohibits or materially limits the enforcement of immigration laws; prohibiting or materially limiting the enforcement of immigration laws, as demonstrated by pattern or practice; or intentionally violating Article 2.251, Code of Criminal Procedure, which is added by this Act.

Additionally, Section 752.053 of the Government Code prohibits local entities and campus police departments from prohibiting or materially limiting a commissioned peace officer, booking clerk, magistrate, district attorney, criminal district attorney, or other prosecutor employed by the entity from inquiring into the immigration status under a lawful detention or arrest; sending, maintaining, or exchanging information related to immigration status; assisting or cooperating with a federal immigration officer; or permitting a federal immigration officer to enter and conduct immigration enforcement activities at a jail.

S.B. 4 adds Section 752.054 to the Government Code prohibiting discrimination by local entities, campus police departments, or persons employed or under the control of the entity or department while enforcing immigration laws except to the extent permitted by the U. S. Constitution or Texas Constitution.

Under the new Section 752.055 of the Government Code, any citizen residing in a local entity's jurisdiction or enrolled at and institute of higher education may file a complaint with the Texas Attorney General if the person alleges a violation of Section 752.053. If the Attorney General determines that the complaint is valid, the Attorney General may file a petition for a writ of mandamus to compel compliance with the new law. Appeals of a suit brought by the Attorney General are governed by the procedures for accelerated appeals under the Texas Rules of Appellate Procedure and the appellate court must render an order or judgment with the least possible delay.

S.B. 4 establishes a civil penalty under Section 752.056 of the Government Code for a local entity or campus police department found by a court of law to have intentionally violated Section 752.053. The civil penalty is not less than \$1,000 or more than \$1,500 for a first violation, and not less than \$25,000 or more than \$25,500 for each subsequent violation. Each day of a continuing violation constitutes a separate violation for the civil penalty. Sovereign immunity and governmental immunity is waived and abolished regarding liability for this new civil penalty.

S.B. 4 also adds Section 752.0565 of the Government Code calling for an elected or appointed officer of a political subdivision to be removed from office if the person violates Section 752.053.

In addition, new Section 752.057 of the Government Code authorizes law enforcement agencies to adopt written policies requiring the agency to perform community outreach activities concerning the scope of the law. This outreach is meant to educate the public that, with two exceptions, a peace officer is prohibited from inquiring into the immigration status of a victim or witness to an alleged criminal offense. The peace officer may inquire into immigration status if the officer determines that the inquiry is necessary to investigate the offense or to provide the victim or witness with information about federal visas designed to protect individuals providing assistance to law enforcement.

Finally, S.B. 4 adds Section 772.0073 establishing a grant program to provide financial assistance to local entities to offset costs related to enforcing immigration laws or complying with, honoring, or fulfilling immigration detainer requests.

Article 2: Duties of Law Enforcement Agencies and Judges

S.B. 4 adds Article 2.251 to the Code of Criminal Procedure requiring law enforcement agencies with custody of a person subject to a U. S. Immigration and Customs Enforcement (ICE) detainer request to comply with the request and inform the person that they are being held under the ICE detainer request, unless the person has provided proof of U. S. citizenship or lawful immigration status.

Note: While there are new duties for judges under the added Article 42.039 of the Code of Criminal Procedure requiring the judge to order at judgment a defendant subject to an ICE detainer request to finish the final portion of the defendant's sentence in federal custody, it is important to note that municipal judges will not be subject to the requirements as municipal judges do not have jurisdiction of cases with judgments that require a defendant to be confined in a secure correctional facility.

Article 3: Defense of Local Entities by Attorney General

S.B. 4 adds Section 402.0241 to the Government Code requiring the Attorney General to defend a local entity if the local entity requests the Attorney General's assistance in the defense and the Attorney General determines that the cause of action arises out of a claim involving the local entity's good-faith compliance

with a detainer request required by Article 2.251 of the Code of Criminal Procedure. If the Attorney General defends a local entity, the state is liable for the expenses, costs, judgment, or settlement of the claims arising out of the representation. The Attorney General may settle or compromise any and all claims, and the state is not liable for any expenses, costs, judgments, or settlements of any claims against a local entity not being represented by the Attorney General.

Note: Municipalities will be interested to know that, although the Attorney General will take on the litigation costs and defend a local entity, the Attorney General may also settle or compromise these claims. This may present a different relationship than cities are typically used to when dealing with outside counsel.

Article 4: Surety Bond

S.B. 4 amends Article 17.16 of the Code of Criminal Procedure prohibiting a surety from being relieved of the surety's undertaking if the accused is in federal custody to determine whether the accused is lawfully present in the United States.

Note: A surety may be relieved of the undertaking by delivering an affidavit stating that the accused is incarcerated by any state, any county of this state, or is in federal custody for any reason other than to determine whether the person is lawfully present in the United States. It seems the intent here is to cause sureties to think twice before providing a surety bond for defendants that they may know or suspect to be present in the United States unlawfully.

Article 5: Prohibited Conduct by Sheriff or Constable

S.B. 4 amends the Penal Code by adding Section 39.07, providing that a person who is a sheriff, chief of police, or constable or a person who otherwise has primary authority for administering a jail, commits Class A misdemeanor if the person has custody of a person subject to a detainer request issued by ICE and knowingly fails to comply with the detainer request. It is an exception if the person who was subject to a detainer request provided proof that the person is a citizen or has lawful immigration status in the United States.

Article 6: Inquiry by Peace Officer Regarding Immigration or Nationality of Crime Victim or Witness

S.B. 4 amends Article 2.13 of the Code of Criminal Procedure by adding Subsections (d) and (e). Article 2.13(d) authorizes a peace officer, to inquire as to the nationality or immigration status of a victim of or witness to the offense only if the officer determines that the inquiry is necessary to investigate the offense or provide the victim or witness with information about federal visas designed to protect individuals providing assistance to law enforcement. Article 2.13(e) provides that Subsection (d) does not prevent a peace officer from conducting a separate investigation of any other alleged criminal offense or from inquiring as to the nationality or immigration status of a victim of or witness to a criminal offense if the officer has probable cause to believe that the victim or witness has engaged in specific conduct constituting a separate criminal offense.

Note: Generally, a person may only be questioned if they are under lawful detention. By definition, this excludes if the sole reason for detention is that a person is a victim or a witness. Article 2.13 narrows and clarifies the scope of this exclusion.

Article 7: Severability

If any application of any provision in S.B. 4 is found by a court to be invalid, all remaining applications of the provision are severed and not affected.

S.B. 292

Subject: Creation of a Grant Program to Reduce Recidivism, Arrest, and Incarceration of Individuals with Mental Illness

Effective: September 1, 2017

The 83rd Legislature passed S.B. 1155, which created the Harris County Mental Health Jail Diversion Pilot Program. Because of the successes of this program and similar diversion projects across the state, many entities have recommended that these types of programs be implemented statewide.

S.B. 292 amends Chapter 531 of the Government Code by adding Section 531.0993 to create a grant program for local community collaborative use in reducing recidivism, frequency of arrest, and incarceration of persons with mental illness, and reducing the total wait time for forensic commitment of persons with mental illness to a state hospital. To petition for the commission of a grant under the program, a community collaborative must include a county, a local mental health authority operating within the county, and each hospital district (if any) located in the county. Section 531.09935 is also added to the Government Code creates a similar grant program for the further the same goals in the most populous county in the state, Harris County.

Grant amounts under Section 531.0993 depend on the community collaborative providing funds from non-state sources at specified amounts based on population. Counties with a population of 250,000 or more must provide funds equal to or exceeding the amount of the grant awarded, while counties with less than 250,000 must provide funds equaling at least 50 percent of the awarded grant amount. A community collaborative must submit a petition each fiscal year to be reviewed before the grant is reissued, and the collaborative may seek the required non-state sourced funds through gifts, grants, or donations from any person. Under Section 531.09935, the grant amount to Harris County will be equal to the lesser of the amount appropriated for the continuation of the mental health jail diversion pilot program or the Harris County collaborative available matching funds.

Acceptable uses for the grant money and matching funds include: the continuation of a mental health jail diversion program; the establishment or expansion of a mental health jail diversion program; the establishment of alternatives to competency restoration in a state hospital; the provision of assertive community treatment or forensic assertive community treatment with an outreach component; the provision of intensive mental health services and substance abuse treatment; the provision of continuity of care services for an individual being released from a state hospital; the establishment of interdisciplinary rapid response teams to reduce law enforcement's involvement with mental health emergencies; and the provision of local community hospital, crisis, respite, or residential beds.

TMCEC: Grant programs like the one created by S.B. 292 are popular in the 85th Legislature. This may partly be due to increased awareness of potential mental health issues in the criminal justice system in recent years. There are also two other grant programs created or amended in Sections 531.0999 and 539.002 of the Government Code by H.B. 13 and S.B. 1849.

S.B. 344

Subject: Transportation of Person with Mental Illness Apprehended for Dangerous Behavior

Effective: June 9, 2017

Chapter 573 of the Health and Safety Code governs emergency detentions. Currently, when a peace officer takes a person into custody without a warrant under Section 573.001 of the Health and Safety Code because the officer believes the person has a mental illness and presents a danger to themselves or others, that officer must transport the person to a mental health facility. Permitting emergency services personnel to transport that person to such a facility could better serve public health by providing a more appropriate means of transport and could also enhance public safety by permitting law enforcement personnel to resume their duties.

S.B. 344 adds Section 573.005 of the Health and Safety Code, allowing the execution of a memorandum of understanding between a law enforcement agency and an emergency medical services provider regarding the transfer of a person detained under Section 573.001 to a mental health facility. The memorandum of understanding must address responsibility for the cost of transport. The amended Section 573.001 allows a peace officer who apprehends a person who has a mental illness and presents a danger to themselves or others to transfer the apprehended person to an emergency medical services provider (who is party to the memorandum) for transportation to an appropriate medical facility. As required under the amended Section 573.002, emergency medical services personnel making the transport shall immediately file with the facility the notification of detention completed by the peace officer who made the request. A facility must accept a person transported by either a peace officer or emergency medical services personnel, under the amended Section 573.021 of the Health and Safety Code.

S.B. 631

Subject: Venue for Disposition of Stolen Property Hearings

Effective: September 1, 2017

Chapter 47 of the Code of Criminal Procedure provides for how a person recovers stolen property. If there is no pending criminal case, a judge may hold a hearing to determine who has lawful right of possession. However, the hearing must be held in the county in which the property is being held. If a person in one county has property stolen from them, they might have to travel across the state to attend the hearing to recover their property, incurring a large personal cost to the victim.

S.B. 631 modifies Articles 47.01(a) and (d) and Article 47.02(b) of the Code of Criminal Procedure to allow the hearing to take place in: (1) the county where the property is being held; (2) the county where the property was believed to be stolen; (3) the municipality where the property is being held; and (4) the municipality where the property was believed to be stolen.

TMCEC: It is a longstanding criticism that Chapter 47 of the Code of Criminal Procedure suffers from a lack of specificity. Perhaps this will prove to be a good first step in providing much needed clarification. While all magistrates typically have coequal county-wide jurisdiction, under S.B. 631, municipal judges may only preside over stolen property hearings if the property is being held in the city or was alleged to have been stolen in the city. Notably, while the true owners may now be shielded from the costs of travelling to attend the hearing in another part of the state, ultimately they are responsible for any transportation necessary for the property to be delivered as ordered in the hearing.

S.B. 1326

Subject: Duties of Magistrate and Law Enforcement Related to Persons with Mental Illness

Effective: September 1, 2017

During the interim, the Texas Judicial Council identified issues affecting criminal defendants who are or may be persons with mental illnesses or intellectual disabilities. Specifically, current law requires sheriffs to notify magistrates if there is cause to believe a defendant in custody is mentally ill. Many times, however, there is no timely transmission of this information from a sheriff to a magistrate. Current law also authorizes magistrates to release a nonviolent defendant with a mental illness on a personal bond and require treatment as a condition of release. Local practices, however, reduce the availability of personal bonds and their use is not widespread.

S.B. 1326 implements Texas Judicial Council recommendations to address those issues. Specifically, it would require sheriffs to provide notice to the relevant magistrate regarding a defendant suspected of having mental illness no later than 12 hours upon receipt of credible information that the person has a mental illness or intellectual disability; increase flexibility regarding bond availability for mentally ill, non-violent defendants; provide local communities with the authority to offer competency restoration and maintenance in any safe and clinically appropriate setting, including outpatient residential, community inpatient, and jail settings that meet appropriate standards; and broaden judicial discretion to choose the best use of local competency restoration options.

These changes should ensure that criminal defendants with a mental illness are referred timely to adequate treatment options, but also help reduce backlogs in county and municipal jails and free up capacity in state hospitals for other persons who need treatment at a state mental health facility.

S.B. 1326 amends Early Identification of Defendant Suspected of Having Mental Illness or Mental Retardation (Article 16.22, Code of Criminal Procedure) to provide that no later than 12 hours after a sheriff or municipal jailer has custody of a defendant for an offense punishable as a Class B misdemeanor or higher category offense and receives credible information the defendant has a mental illness or an intellectual disability, the sheriff or municipal jailer must provide written or electronic notice to the magistrate, including the information on the defendant's behavior and any other applicable assessment on the defendant. Upon receipt of the information and a determination that probable cause exists to believe the defendant has a mental illness, the magistrate can order a qualified mental health or intellectual disability authority to collect information regarding the defendant's illness or disability. Current law does not contemplate municipal jails and the collected information must be returned no later than the 30th day after the order. S.B. 1326 changes this, by including municipal jails and jailers and specifying that information collected regarding a defendant held in custody must be returned within 96 hours, while 30 days are still permitted with regard to a defendant released from custody. Notably, the magistrate is required to submit to the Office of Court Administration (OCA) on a monthly basis the number of written assessments provided to the court under Subsection (a)(1)(B).

S.B. 1326 amends Duties of Arresting Officer and Magistrate (Article 15.17, Code of Criminal Procedure) by adding Subsection (a-1) which provides that a magistrate provided written or electronic notice of credible information that may establish reasonable cause to believe a person brought before them has a mental illness or is a person with an intellectual disability shall conduct proceedings described by Article 16.22 or 17.032 (see below).

S.B. 1326 amends Release on Personal Bond of Certain Mentally Ill Defendants (Article 17.032, Code of Criminal Procedure). Currently, a magistrate shall release a defendant (unless good cause is shown otherwise) if: the defendant is not charged with (or previously convicted of) a violent offense; the defendant is examined by an appropriate mental health or intellectual disability authority; the authority finds the defendant competent and recommends services or treatment; and the magistrate determines that services or treatment. S.B. 1326 adds a fifth requirement: the magistrate finds, after considering all the circumstances, a pretrial risk assessment, if applicable, and any other credible information provided by the attorney representing the state or the defendant, that release on personal bond would reasonably ensure the defendant's required appearance in court and the safety of the community and the victim of the alleged offense. Additionally, Article 17.032 is updated to specify that it is not trumped by a bond schedule or Article 17.03(b), related to authorizing only the court before whom the case is pending to release certain defendants on personal bond.

Section 72.032 is added to the Government Code, requiring the Administrative Director of OCA to make available to courts information concerning best practices for addressing the needs of persons with mental illness in the court system. Chapter 121 of the Government Code also requires OCA to collect information from specialty courts regarding the outcomes of persons with mental illness in those courts.

TMCEC: It is going to take a while to sort this one out. The great bulk of 35 different sections of S.B. 1326 deals with changes to Chapter 46B of the Code of Criminal Procedure, relating to competency and competency restoration. Article 46B.002 of the Code of Criminal Procedure specifies that Chapter 46B only applies to defendants charged with felonies or misdemeanors punishable by confinement, not squarely applicable to municipal courts. S.B. 1326 does, however make several important changes that municipal judges should be aware of in their role as magistrates. Along with the Sandra Bland Act (S.B. 1849), S.B. 1326 reflects a focus on improvement in the handling of defendants experiencing mental illness or intellectual disability. The Sandra Bland Act also makes similar changes to Chapters 16 and 17 of the Code of Criminal Procedure, with some important differences. It will be interesting to see if the bills can be harmonized, or if some aspects of S.B. 1326 will be trumped by S.B. 1849, which passed last in time.

S.B. 1576

Subject: Enhanced Penalties on Civilly Committed Sexually Violent Predators

Effective: September 1, 2017

Informed observers report that recently enacted legislation made changes to the Texas Civil Commitment Office (TCCO), formerly known as the Office of Violent Sex Offender Management, but that additional measures are needed to strengthen the laws regarding the civil commitment of sexually violent predators. S.B. 1576 seeks to provide these additional measures, which include, among other things, enhanced criminal penalties procedural support.

S.B. 1576 amends Article 17.03 of the Code of Criminal Procedure to state that a magistrate may not release on personal bond a person who, at the time of the commission of the charged offense, is civilly committed as a sexually violent predator.

Section 22.01 of the Penal Code (Assault) is amended by amending Subsection (b-1), (f), and adding Subsection (b-2) to state that it is a third-degree felony offense if an actor committed to a civil commitment facility assaults an officer or employee of the Texas Civil Commitment Office while they are lawfully discharging an official duty at a civil commitment facility or in retaliation for or because of an exercise of official power or performance of an official duty by an officer, employee or individual contracted to

work within the facility. Section 22.11 (Harassment by Persons in Certain Facilities; Harassment of Public Servant) is amended to add that it is an offense for a person committed to a civil commitment facility to cause any officer, employee or individual contracted to work within the facility to come in contact with blood, semen, or any other bodily fluid within the scope of the individual's employment or duties.

TMCEC: S.B. 1576 is a voluminous bill comprised of 48 sections, much of which is not related to municipal courts, including many changes to Chapter 841 of the Health and Safety Code related to the civil commitment of sexually violent predators. S.B. 1576 also reflects a common theme this session regarding the protection and restriction of personal information from those seeking to abuse public records or court processes for personal gain or criminal purposes. The bill amends Sections 30.010(a) and (b) of the Civil Practice and Remedies Code to restrict the personal information of Texas Civil Commitment Office employees from discovery by a person civilly committed as a sexually violent predator under Chapter 841 of the Health and Safety Code.

S.B. 1849

Subject: Interactions Between Law Enforcement and the Arrested or Confined; Sandra Bland Act
Effective: September 1, 2017, except Section 4.03 takes effect January 1, 2018

TMCEC: On Thursday July 10, 2015, Sandra Bland had just accepted a job offer from Prairie View A&M University when she was pulled over for a traffic offense and subsequently arrested after an altercation with the officer. At the jail, Sandy told a guard that she felt “very depressed,” had also felt depressed during the past year, and had tried to commit suicide in 2014 after losing her pregnancy. She was not hospitalized, seen by a mental health professional, or put on suicide watch. On Saturday, Sandy's bond was set, yet she was unable to find assistance for posting the \$515. She spent Sunday sobbing and saying repeatedly that she could not deal with being locked up. On Monday, she refused breakfast at 6:30 a.m. Later that day she used an emergency intercom twice to beg for permission to use the phone from the front desk, but it was refused. At 9:00 a.m. on Monday July 13, 2015, Sandra Bland was found hanging in her jail cell in Waller County, Texas.

Section by Section Analysis

The events leading up to Sandra Bland's jailing and tragic death sparked a statewide and national discussion regarding criminal justice reform. S.B. 1849 aims to improve Texas' criminal justice system to make it better for both law enforcement and the public and prevent future tragedies like Sandra Bland's.

S.B. 1849, known as the Sandra Bland Act, addresses a variety of criminal justice topics including bail reform, jail diversion, jail safety, officer training, racial profiling, data collection, officer discipline, and behavioral health. Additionally, in an effort to update the law to reflect modern understanding of mental health issues, the Act replaces the antiquated term “mental retardation” with “intellectual disability” where referenced.

Article 1: Short Title

S.B. 1849 shall be known as The Sandra Bland Act, in memory of Sandra Bland

Article 2: Identification, Diversion, and Services for Those with Mental Illness, Intellectual Disability, or Substance Abuse Issues

Under an amended Article 16.22 of the Code of Criminal Procedure, the sheriff, not later than 12 hours,

rather than 72 hours, after receiving credible information that a defendant committed to the sheriff's custody has a mental illness or is a person with an intellectual disability must provide written or electronic notice of the information to the magistrate.

S.B. 1849 adds Article 16.23 to the Code of Criminal Procedure requiring each law enforcement agency to make a good faith effort to divert a person suffering a mental health crisis or suffering from the effects of substance abuse to a proper treatment center in the agency's jurisdiction, under appropriate circumstances. Specifically, efforts to divert should be made if there is an available and appropriate treatment center in the jurisdiction, diversion is reasonable, the person is accused of a nonviolent misdemeanor, and the mental health crisis or substance abuse issue is suspected to be the reason the person committed the alleged offense. Notably, Article 16.23 does not apply to a person accused of an intoxication offense under Chapter 49 of the Code of Criminal Procedure. This would exclude Driving While Intoxicated, perhaps one of the more common offenses resulting in actual arrest encountered by law enforcement.

S.B. 1849 amends Section 539.002 of the Government Code related to grant programs available from the Department of State Health Services for the development of community collaboratives to provide services related to homelessness, substance abuse, and mental illness. Language is removed that limited the grants to a maximum of five, which were required to be made in the most populous municipalities in this state that are located in counties with a population of more than one million. Each entity awarded a grant must leverage additional funding in an amount that is at least equal to the amount of the grant awarded; provide evidence of significant coordination and collaboration between the entity, local mental health authorities, municipalities, local law enforcement agencies, and other community stakeholders in establishing or expanding a community collaborative funded by a grant awarded under this section; and provide evidence of a local law enforcement policy to divert appropriate persons from jails or other detention facilities to an entity affiliated with a community collaborative for the purpose of providing services to those persons. Section 539.0051 is added to the Government Code requiring counties to develop and make public a plan related to establishing community collaboratives and raising private funds as envisioned under Section 539.002.

Note: There is a similar matching grant program in Chapter 531 of the Government Code as amended by H.B. 13 to support community mental health programs providing services and treatment to individuals experiencing mental illness.

Article 3: Bail, Pretrial Release, and County Jail Standards

S.B. 1849 amends Article 17.032 of the Code of Criminal Procedure, replacing references to "mental retardation" with references to "intellectual disability" or "intellectual and developmental disability."

Subsection 511.009(a)(23) is added to the Government Code requiring the Texas Commission on Jail Standards (TCJS) to adopt reasonable rules and procedures to ensure the safety of prisoners, including requiring county jails to give prisoners access to a mental health professional 24 hours a day (either through a health professional at the jail, a telemental health service, or transporting the prisoner to a health professional) and to install automated electronic sensors or cameras (if funding is available) to check cells confining at-risk individuals.

S.B. 1849 also adds Subsection 511.009(d) to the Government Code requiring TCJS to adopt rules and procedures establishing minimum standards regarding the continuity of prescription medications for the care and treatment of prisoners. Requires that the rules and procedures require a qualified medical

professional to review, as soon as possible, any prescription medication a prisoner is taking when the prisoner is taken into custody.

S.B. 1849 adds Sections 5111.019, 511.020, and 511.021 to the Government Code establishing a prisoner safety fund to provide grants to be used for prisoner safety, requiring sheriffs to report serious incidents (including suicide, attempted suicide, death, etc.) to TCJS, on or before the fifth day of each month, and requiring TCJS to appoint a law enforcement agency, other than the local law enforcement agency that operates the county jail to conduct an independent investigation of a death occurring in a county jail.

Note: TCJS must adopt rules and procedures and created forms required under S.B. 1849 no later than January 1, 2018. County jails must comply with new rules adopted by TCJS by September 1, 2020.

Article 4: Peace Officer and County Jailer Training

S.B. 1849 adds Section 511.00905 to the Government Code requiring the Texas Commission on Law Enforcement (TCOLE) to develop (by March 1, 2018) and TCJS to approve an examination for a person assigned to the jail administrator position overseeing a county jail. A jail administrator, other than a sheriff, must pass the examination not later than the 180th day after the date the person is assigned to that position. A person who fails the examination is to be immediately removed from the position and is prohibited from being reinstated until the person passes the examination, and a sheriff is required to perform the duties of the jail administrator position at any time there is not a person available who satisfies the examination requirements of this section.

To make both officers and the public safer, S.B. 1849 increases officer training in general de-escalation and mental health de-escalation tactics. The use of de-escalation tactics helps ensure that both law enforcement and the public are able to go home safe

S.B. 1849 makes changes to Chapter 1701 of the Occupations Code. The amended Section 1701.253 requires the Texas Commission on Law Enforcement (TCOLE) to require officers (beginning April 1, 2018), as a part of the minimum training requirements, to complete a 40-hour statewide education program (developed by March 1, 2018) on de-escalation and crisis intervention techniques to facilitate interaction with person with mental impairments. Officers must also complete training on de-escalation techniques for interacting with the public, including techniques for limiting the use of force resulting in bodily injury as a part of the minimum requirements for law enforcement schools; at least once every 48 months, as required under Section 1701.352(b); and as a requirement for intermediate or advanced proficiency certificates under Section 1701.402. The amended Section 1701.310(a) requires training for county jailers to include at least eight hours of mental health training.

Article 5: Motor Vehicle Stops, Racial Profiling, and Issuance of Citations

S.B. 1849 amends Article 2.132 of the Code of Criminal Procedure and requires each law enforcement agency's written policy on racial profiling to provide public education relating to the agency's compliment and complaint process, including providing the telephone number, mailing address, and e-mail address to make a compliment or complaint with respect to each ticket, citation, or warning issued by a peace officer, rather than provide public education relating to the agency's complaint process. Although, S.B. 1849 specifically adds the language "ticket, citation, or warning" to Article 2.132, it is unclear what the legal difference would be between a ticket and citation. Generally, the Code refers to "citation" elsewhere when referencing what the public thinks of as a ticket. Additionally, the bill adds "compliment" to what

current law describes only as the “complaint process.” To be clear, the complaint is not to be confused with the complaint used as a charging instrument. Confusion over such terminology, specifically the word “complaint” has a long history in Texas. See, Ryan Kellus Turner, “Complaints, Complaints, Complaints: Don’t Let the Language of the Law Confuse You” *The Recorder* (July 2004) at 5.

The agency’s written policy must also require collection of information relating to motor vehicle stops in which a ticket, citation, or warning is issued and to arrests made as a result of those stops, including whether the officer used physical force that resulted in bodily injury, the location of the stop, and the reason for the stop. This data must be reviewed by the agency to identify any improvements that the agency could make regarding motor vehicle stops. All agencies must also examine the feasibility of equipping each peace officer who regularly detains or stops motor vehicles with a body worn camera. If a law enforcement agency installs video or audio equipment or equips peace officers with body worn cameras, their written policy must include standards for reviewing video and audio documentation.

Article 2.133 of the Code of Criminal Procedure, as amended, requires peace officers who stop a motor vehicle for an alleged violation of a law or ordinance to report to their law enforcement agency information relating to the stop, including whether the officer issued a verbal or written warning or a ticket or citation as a result of the stop, and whether the officer used physical force that resulted in bodily injury. Article 2.133 also provides that the chief administrator of a law enforcement agency is responsible for auditing reports the reports submitted by the officers to ensure that the race or ethnicity of the person operating the motor vehicle is being reported.

S.B. 1849 amends Article 2.134(c) of the Code of Criminal Procedure to require that a report be submitted by the chief administrator of the law enforcement agency to TCOLE include certain information, including a comparative analysis of the information compiled under Article 2.133 to evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether evidence was discovered in the course of those searches.

DPS is required under the amended Article 2.137 of the Code of Criminal Procedure to adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras. DPS must collaborate with an institution of higher learning to identify which law enforcement agencies need funds or equipment. The governing body of a county or municipality must certify to DPS that the law enforcement needs funds or equipment, and upon receipt of the funds or equipment, must certify that the video and audio equipment and body worn cameras are being used.

S.B. 1849 increases the civil penalty law enforcement agencies are liable for if the chief administrator of the agency intentionally fails to submit incident-based data from \$1,000 to an amount not to exceed \$5,000 for each violation.

Articles 2.132 and 2.134 of the Code of Criminal Procedure as amended by this article, apply only to a report covering a calendar year beginning on or after January 1, 2018. TCOLE, not later than September 1, 2018, must evaluate and change the guidelines for compiling and reporting information required under Article 2.134, Code of Criminal Procedure, as amended by this article.

Procedural Law

H.B. 351/S.B. 1913

Subject: The Administrative, Civil, and Criminal Consequences of Fines, Fees, and Costs

Effective: September 1, 2017

TMCEC: H.B. 351 and S.B. 1913 are, for the most part, similar pieces of legislation containing some subtle, yet notable differences requiring courts to attempt to harmonize their provisions.

During the course of the 85th Legislature, both bills evolved. H.B. 351, as introduced, was a one-page bill with a singular objective. By the time it was signed by the Governor, it was immensely broader in scope than its counterpart, S.B. 1913, which was nearly entirely rewritten during the course of the Session. Despite their similarities, H.B. 351 enjoyed broad support and progressed throughout the legislative process without opposition, while S.B. 1913, at times, struggled.

In the final days of Session, after H.B. 351 had passed the House and Senate and was on its way to the Governor, substantial efforts were made by interested parties to make S.B. 1913 a “mirror version” of H.B. 351. With a few exceptions, noted below, this effort was successful. By the time it arrived on the Governor’s desk, it, too, enjoyed broad support (including support from earlier opponents).

Although one bill took more of circuitous path to becoming law, both bills strike a balance between increasing procedural protections for low income and indigent criminal defendants and giving judges more leeway in delineating between fines and state mandated court costs and in the manner in which each is respectively discharged. For the most part, this balance is achieved without compromising the ability of criminal courts, after affording due process, to enforce their lawful judgments against all defendants.

These are remarkable pieces of legislation. Each is an implicit acknowledgment that the legislative and executive branches of government in Texas have created a system of laws that arguably trap some defendants in what advocates call a cycle of debt, license suspensions, arrest warrants, and jail time when they cannot pay. From the perspective of the judiciary, what is equally remarkable is that these bills provide judges an unprecedented amount of leeway to deal with state proscribed mandatory court costs, which can quickly aggregate and are potentially higher than the fines imposed by judges as punishment.

Although media coverage of these bills seemed to exclusively focus on Class C misdemeanors and municipal and justice courts, both bills make similar changes to fines and costs assessed in county and district court proceedings involving Class A and B misdemeanors and felonies.

Section by Section Analysis:

Note: References to section numbers below first refer to H.B. 351; the section number after the “/” refers to S.B. 1913 (i.e., Section # H.B. 351/Section # S.B. 1913). Unless stated otherwise, all references below are to the Code of Criminal Procedure.

Section 23 and Section 25 of H.B. 351 amending Article 102.0071 (Justice Court Dishonored Check or Similar Sight Order) and Section 32.21 of the Penal Code (Forgery) are not part of this summary (See the summary for H.B. 351). Neither is Section 30 creating a commission to study certain criminal offenses. (See the summary for H.B. 351.)

Sections 1 and 24/Sections 1 and 22: Notice of Alternatives to Full Payment

Article 14.06(b) is amended to require citations to contain information regarding the alternatives to full payment of any fine or costs assessed against the person, if the person is convicted of the offense and is unable to pay that amount.

A similar amendment, regarding notice of alternatives to full payment is made to Article 27.14(b) (Plea of Guilty or Nolo Contendere in Misdemeanor) in instances where the defendant in person or by mail enters a plea of guilty or no contest. Under Article 27.14(b), a court is required to notify the defendant of the fine and costs assessed, and if requested by the defendant, the amount of an appeal bond the court will approve. Notably, under current law a court is required to notify the defendant in person or by certified mail, return receipt requested. As amended, the notice may be made in person by “regular mail.” The requirement of certified mail, return receipt requested is repealed. (See, Section 3 of both bills.)

Both bills similarly require such information to be provided to a defendant by third party vendors as part of its services under a collections contract pursuant to Article 103.0031(j) (See, Section 22/Section 24).

At first glance, notice of alternatives to “full payment” may seem amorphous or unimportant. Take a closer look. As you carefully read the bills, and the sections noted below, consider collectively their important implications, not just for low-income and indigent defendants, but also for municipal and justice courts that have been saddled with escalating state-mandated courts costs and few legislatively proscribed options. (See, “Distinguishing ‘Fines’ from ‘Court Costs,’” *The Recorder* (October 2016) at 13.) Both bills contain multiple amendments stating that under the amended law a criminal trial court can provide alternative means or waiver to *either* a fine *or* state proscribed court costs and fees. See the discussions below: Ability to Pay Inquiry in Open Court; Commitment; Waiver in Full or Part (fines *or* costs may be waived in full *or* part), and Community Service Expanded. These changes are very important and likely, for the most part, to be welcomed in certain situations by criminal trial court judges.

Section 2/Section 2: Personal Bond Fees

Article 17.42, Section 4(a) is amended to prohibit a court that requires a defendant to give a personal bond under Article 45.016 (Bail) from assessing a personal bond fee.

Section 9/Section 8: Warrant of Arrest for Failure to Appear/”Safe Harbor” from Arrest

Article 45.014(e) (Warrant of Arrest) is amended to prohibit the issuance of an arrest warrant for the defendant’s failure to appear at the initial court setting, including failure to appear as required by a citation issued under Article 14.06(b) unless additional notice is provided by telephone or regular mail: (1) a date and time when the defendant must appear (S.B. 1913 states it must be within a 30-day period of the notice); (2) the name and address of the court; (3) information regarding alternatives to full payment (See discussion above.); and (4) the consequences of the defendant’s failure to appear.

The amendment to Article 45.014(e) is ostensibly broad enough to include other nonappearance offenses under state law involving a citation (e.g., Violate Promise to Appear). However, the amendment does not address the issuance of a warrant for the underlying offense for which the defendant is failing to appear. The practice of providing notice prior to the issuance of an arrest warrant has long been considered a “best practice” which is widely utilized by many, if not most, courts in the state. This amendment codifies the practice.

As amended Article 45.014(f) authorizes a defendant who receives notice under Subsection (e) to *request*

an alternative date or time to appear before the justice or judge if the defendant is unable to appear on the date and time included in the notice. The amendment does not, however, infringe on a court's discretion to grant or deny such a request. Reminder: Since 2015, in regard to the notice required by Subsection (e), Texas law has allowed courts to utilize e-mail in lieu of regular mail. (See, Sections 80.001-.005, Government Code.)

Article 45.014(g) is amended in H.B. 351 to require a justice or judge to recall an arrest warrant for the defendant's failure to appear if, before the arrest warrant is executed, the defendant voluntarily appears to resolve the arrest warrant and the arrest warrant is resolved in any manner authorized by that code. S.B. 1913 requires that the warrant be recalled if the defendant voluntarily appears and makes a good faith effort to resolve the arrest warrant before the warrant is executed.

Section 10/Section 9: Personal Bond; Bail Bond

Article 45.016, as amended, authorizes the justice or judge to require the defendant to give a personal bond, rather than bail, to secure the defendant's appearance in accordance with other provisions governing personal bond and bail bonds elsewhere in the Code of Criminal Procedure.

Under the newly created Article 45.016(b), a justice or judge is prohibited from requiring a defendant to give a bail bond unless the defendant fails to appear and "the justice or judge determines that the defendant has sufficient resources or income to give a bail bond and that a bail bond is necessary to secure the defendant's appearance in accordance with that code.

Under Article 45.016(c), if a defendant is required to give a bail bond under Subsection (b) and remains in custody, without giving the bond, for more than 48 hours after the issuance of the applicable order, the judge shall reconsider the requirement for the defendant to give the bond. (S.B. 1913 states that the court should presume that the defendant does not have sufficient resources or income to give the bond.)

Article 45.016(d) authorizes the defendant, if the defendant refuses to give a personal bond, or except as provided by Subsection (c), refuses or otherwise fails to give a bail bond, to be held in custody.

Note: In the wake of a hard fought battle to reform bail, an effort which failed this Session, it is hard to know exactly what to make of these amendments. Municipal and justice courts, courts governed by Chapter 45 of the Code of Criminal Procedure, like their county and district court counterparts, have to have the ability to compel recalcitrant defendants who refuse to appear in court. At the same time, however, it deserves emphasis, the current debate surrounding the alleged abuse and misuse of bail has to do with pretrial detention in county and district courts, most prominently in Harris County, *not* municipal and justice courts. In the absence of any research about post-charging use of bail in municipal and justice courts in Texas, courts are left with only anecdotal information and the opportunity to reflect on their own local bail practices.

The amendments to Article 45.016 are no model of clarity and may prove to be a source of more questions than a solution to a possible problem. Bail is comparatively rare in municipal and justice courts. It is even rarer that a person is detained in jail solely because of inability to make bail on a Class C misdemeanor. Prior to this amendment, most municipal judges and justices of the peace, likely gave little thought to Article 45.016.

Despite the amendments to Article 45.016, important distinctions are clear. First, Article 45.016 is a regulation on *post-charging* use of bail by *judges* (not *pre-charging* use of bail by *magistrates*). Second,

Article 45.016 is not the only law governing the use of bail in municipal and justice courts. The amendments, by their own terms, have to be read in accordance with other provisions in the Code of Criminal Procedure including the rules for setting bail and the use of personal bonds (Chapter 17) and, by extension, pertinent case law.

Section 11/Section 10: Ability to Pay Inquiries in Open Court

Article 45.041 (Judgment) is amended by adding Subsection (a-1) and amending Subsection (b). Subsection (a-1) requires judges, during or immediately after imposing a sentence in a case in which the defendant entered a plea in open court to inquire whether the defendant has sufficient resources or income to immediately pay all or part of the fine and costs. If the judge determines that the defendant does not have sufficient resources or income to immediately pay all or part of the fine and costs, the judge is to specify if the fine and costs shall be paid (1) at a later point in time or in intervals, (2) discharged by community services, (3) waived in full or part, or (4) satisfied in a combination of methods (1)-(3). Subsection (b) states that judgments otherwise entered per Article 45.041 for a fine or costs may be waived either partially or entirely per Article 45.0491. (See, below Section 17/Section 16.) (See also, the above analysis of Sections 1 and 24/Sections 1 and 22: Notice of Alternatives to Full Payment).

Note: Similar amendments are made in both bills to Article 42.15, which governs county and district courts. (See, Section 4 in both bills). Throughout Academic Year 2017, at regional conferences TMCEC discussed how current law leaves a gap in terms of a court's consideration of a defendant's ability to pay fines and costs. This amendment, in conjunction with the amendment to Article 45.045 (Capias Pro Fine) requiring a show cause hearing prior to the issuance of a capias pro fine by amendments (See, Section 13/ Section 12) and the commitment hearing by the issuing court, which is required under Article 45.045, should "bridge the gap" discussed in AY 17.

It is worth emphasizing that this amendment does not apply to pleas entered by mail, over the internet, or pleas conveyed to judges by clerks. It neither prohibits nor requires the court to consider the defendant's ability to pay a fine before setting the fine. A judge's discretion to set the fine is undiminished. Lastly, it does not require or authorize a court to compel a defendant to make financial disclosures. Defendants are not presumed indigent. The preceding were concerns with earlier versions of proposed amendments in S.B. 1913 to Article 45.041. None became law.

Consistent with longstanding law, the burden of establishing the inability to pay fines or costs post-judgment remains on the defendant. Requiring an inquiry regarding a defendant's ability to pay all or part of the fines and costs during or immediately after the imposition of sentence is similarly consistent with longstanding law and already a common practice in many courts.

Arguably, this is a missing link in Texas criminal procedure. Making an inquiry into a defendant's ability to pay has the potential to encourage judges to make full use of fine ranges, consider the full range of ways judgments can be discharged, increase the number of judgments satisfied, and decrease the time and resources spent on enforcing judgments.

Section 12/Section 11: Appeal Bonds

Non-substantive changes are made to Article 45.0425(a) (Appeal Bond), including references to a bail bond being replaced with references to an appeal bond.

Section 13/Section 12: Show Cause Hearings

Article 45.045 (Capias Pro Fine) is amended by adding Subsections (a-2) and (a-3). Subsection (a-2) provides that before a court may issue a capias pro fine for the defendant's failure to satisfy the judgment, (1) the court is required to provide by regular mail to the defendant certain notice and hold a hearing on the defendant's failure to satisfy the judgment according to its terms; and (2) either the defendant fails to appear at the hearing, or based on evidence presented at the hearing, the court determines that the capias pro fine should be issued. Subsection (a-3) states that a capias pro fine shall be recalled if, before the capias pro fine is executed, the defendant voluntarily appears to resolve the amount owed and the amount owed is resolved in any manner authorized by Chapter 45 (Justice and Municipal Courts).

Note: A show cause hearing is a chance to justify, explain, or prove something to a court. Conducting such a hearing before issuance of a capias pro fine is an additional safeguard that TMCEC has long touted because of its potential to prevent indigent defendants from being arrested over matters of money—matters that are beyond their control. Show cause hearings also have the potential to help courts, law enforcement, and jails save time and money. This amendment to Article 45.045 is another example of codifying a readily accepted “best practice.” Show cause hearings are also arguably an essential part of complying with *Bearden v. Georgia*. See, “In the Shadow of *Bearden*, Guidance from Case Law, and the Texas Code of Criminal Procedure, the Case for ‘Show Cause’ Hearings Prior to Issuing a Capias Pro Fine,” *The Recorder* (October 2016) at 21. Such hearings potentially allow consideration of a defendant's ability to pay and allow judges an opportunity to consider the circumstances surrounding failure to discharge the judgment through alternative means. This, of course, assumes the defendant appears (which is why the amendment contains a safe harbor provision). To be clear, however, when defendants do not appear, this amendment does not alleviate a court from conducting a commitment hearing per Article 45.046. In Texas, the commitment hearing required by the Code of Criminal Procedure is the *primary Bearden* safeguard. Show cause hearings before the issuance of a capias pro fine are a preliminary safeguard (not a substitute).

Section 14/Section 13: Commitment

The Senate Research Center and the House Research Organization have stated that the amendment of Article 45.046(a) is a non-substantive change. Admittedly, the only thing the amendment does is replace the word “and” with the word “or.” However, construed with the other amendments (see, above, Sections 1 and 24/Sections 1 and 22) TMCEC characterizes the change as conforming and substantive.

Section 15/Section 14: Capias Pro Fine Jail Credit Increase

Subsection (a) of Article 45.048 (Discharged from Jail) changes references to not less than \$50 for each period of time served to not less than \$100 for each period served. Similar changes are made in Article 43.09, which governs the fines and court costs in county and district courts. (See, Section 7 in both bills).

Note: Contrary to media reports, commitment to jail for nonpayment of fines and costs was not prohibited by the 85th Regular Legislature. Jail credits for nonpayment of fines and costs were, however, increased in all Texas criminal trial courts.

Section 16/Section 15: Expansion of Community Service

Article 45.049 (Community Service in Satisfaction of Fine or Costs) is amended as follows:

Subsection (b) requires a defendant to “perform,” rather than “participate,” in community service. A

court's order must now specify: (1) the number of hours of community service the defendant is required to perform; and (2) the date by which the defendant is required to submit to the court documentation verifying the defendant's completion of the community service (rather than the number of hours the defendant is required to work).

Subsection (c) expands the way a defendant may be ordered to perform community service. As amended, community service includes attending (1) a work and job skills training program; (2) a preparatory class for the high school equivalency examination administered under Section 7.111, Education Code; (3) an alcohol or drug abuse program; (4) a rehabilitation program; (5) a counseling program, including a self-improvement program; (6) a mentoring program; or (7) any similar activity.

Under current law, community service can only be performed for a governmental or nonprofit organization. As amended community service may also be performed for "another organization" or an "educational institution" that provides services to the general public that enhances social welfare and the general well-being of the community. Practically, this amendment means the only limitation on whether an entity is qualified to be a community service provider is the discretion of a judge and whether the judge believes the entity provides services to the general public that enhances social welfare and the general well-being of the community.

Note: Does expanding the list of community service providers beyond governmental or nonprofit entities pose potential ethical concerns for judges? Yes. Canon 2B prohibits judges from using the judicial office to advance the private interests of third parties. Once again, it appears that a law has been passed that may put judges at odds with the State Commission on Judicial Conduct. (See, Benjamin Gibbs, "Judicial Donation Trust Funds: A Statutory Violation of the Canons of Judicial Conduct?," *The Recorder* (January 2016). Judges be advised, "the Texas Legislature is under no obligation to pass laws that comply with the Code of Judicial Conduct. By the same token, the State Commission on Judicial Conduct (SCJC), in a public statement, has made it clear that just because the act of a judge is legal does not necessarily mean that it is ethical or compliant with the Code of Judicial Conduct." *Id.* at 14. Is the potential for commercialization of community service intimated in Subsection (c-1)?

Subsection (c-1) expands the way a community service provider may supervise the performance of community service. It allows a governmental entity, nonprofit organization, or another entity that accepts a defendant to perform community service to agree to supervise, "either on-site or remotely," the defendant in the performance of the defendant's community service, and report on the defendant's community service. A similar reference is made in the amendment to Subsection (g), which allows defendants charged with a traffic offense or Minor in Possession of Alcohol (Section 106.05, Alcoholic Beverage Code) who are ordered to perform community service as part of a deferred disposition per Article 45.051(b)(10) to elect to do community service either in the county where the court is located or where the defendant resides.

Subsection (d) prohibits a defendant from being ordered to perform more than 16 hours per week of community service unless the judge determines that ordering additional hours does not impose an "undue hardship" on the defendant or the defendant's dependents.

Subsection (e), similar to the previously described increase in jail credit, increases the rate per eight hours of community service from "not less than \$50" to "not less than \$100."

Subsection (f) adds an entity that accepts a defendant to perform community service to the laundry list of governmental entities, its employees, and public officials who are not liable for damages arising from an act or failure to act in connection with community service. Read in conjunction with the amendment

of Subsection (c) this is a substantial expansion of the statutory immunity beyond its traditional scope of governmental actors and entities.

Section 17/Section 16: Expanded Wavier of Fines or Costs

As amended, Article 45.0491 has a new heading: Waiver of Payment of Fines and Costs for Certain Defendants and for Children. The word “Indigent” is repealed from the heading, although, notably, the term remains in the statute and remains undefined. (See, “Defining Indigence,” *The Recorder* (October 2016) at 17.)

Subsection (a), as amended, states a court may waive payment of “all or part” of a fine or costs imposed on a defendant. The current requirement that a defendant “defaults in payment” is repealed. All or part of either a fine or costs may be waived if a court determines that (1) the defendant is indigent or does not have sufficient resources or income to pay all or part of the fine or costs, or was, at the time the offense was committed, a child as defined by Article 45.058(h); *and* (2) discharging the fine or costs, rather than the fine and costs, under Article 45.049 (Community Service) or as otherwise authorized by this chapter would impose an undue hardship on the defendant.

Subsection (b), as amended by S.B. 1913, provides that a defendant is presumed to be indigent or to not have sufficient resources or income to pay all or part of the fine or costs if the defendant: (1) is in the conservatorship of the Department of Family and Protective Services (DFPS), or was in the conservatorship of DFPS at the time of the offense; or (2) is designated as a homeless child or youth or an unaccompanied youth, as those terms are defined by 42 U.S.C. Section 11434a, or was so designated at the time of the offense.

Sections 18-20/Sections 17-19: Community Service for Juveniles

These amendments make conforming changes to Article 45.0492, as added by H.B. 350 (2011) and Article 45.0492 as added by H.B. 1964 (2011). Regrettably, despite these amendments, there are still two versions of Article 45.0292. The changes to both versions of Article 45.0492, which are now inconveniently both titled, *Community Service in Satisfaction of Fine or Costs For Certain Juvenile Defendants*, mirror that described in Section 16/Section 15: The Expansion of Community Service.

Sections 21-22/Sections 20-21: Termination of Bond - Deferred Disposition/DSC and MOC

Subsection (a) of Article 45.051 (Suspension of Sentence and Deferral of Final Disposition) is amended, stating that an order of deferral terminates any liability under a bond (rather than a “bail bond or an appearance bond.”) The same changes in terminology are made in Subsection (t) of Article 45.0511 (Driving Safety Course or Motorcycle Operator Course Dismissal Procedures).

Sections 26-27/Sections 23-24: County Scofflaw Program

Under current law, a county assessor-collector or the Department of Motor Vehicles (DMV) may refuse to register a motor vehicle if either receives notice that the owner of the vehicle either (1) owes a fine, fee, or tax that is overdue or (2) fails to appear in connection with a citation or formal charging instrument (e.g., a complaint) in a court with criminal jurisdiction. This type of “passive enforcement,” commonly referred to as the Scofflaw Program, was created in 1997 as a means of collecting monies owed to state and local governments that does not entail arrest or jail. It requires an interlocal agreement between a local government and the DMV.

Municipal and county governments may, but are not required to, contract with the DMV and use the Scofflaw Program. The use of the Scofflaw Program by counties, and related contracts and fees, is governed by Section 502.010 of the Transportation Code (County Scofflaw). The use of the Scofflaw Program by municipalities, and related contracts and fees, is governed by Section 702.003 of the Transportation Code.

There are no changes to the law governing the use of the Scofflaw Program by municipalities. Section 502.010 of the Transportation Code, which governs the use by counties, is amended as follows:

Subsection (b-1) provides that after the second anniversary of the date the information is placed into the Scofflaw Program, neither a county assessor-collector nor DMV may deny the owner of a motor vehicle who owes a county a fine, a fee, or a tax the ability to register the motor vehicle. It similarly prohibits subsequent information about other fines or fees that are imposed for a criminal offense and that become past due before the second anniversary of the date the initial information was provided from being used either before or after the second anniversary of that date.

Subsection (c) includes waiver of fines and costs to the circumstances where a county is obligated to notify DMV to lift the hold on the ability of the owner to register the motor vehicle.

Subsection (i) authorizes a municipal judge or justice of the peace who has jurisdiction over the underlying offense to waive an additional fee authorized under Subsection (f) if the judge or justice makes a finding that the defendant is economically unable to pay the fee or that good cause exists for the waiver. (Note: This amendment is perplexing because municipal judges will not have jurisdiction over an underlying offense under a county scofflaw contract and because county and district judges are excluded from the list of judges who can waive related fees.)

Under Subsection (j), a county who is notified that the court having jurisdiction over the underlying offense has waived the past due fine or fee due to the defendant's indigency may not impose an additional fee on the defendant under Subsection (f).

Sections 28-29/Sections 25-26: DPS OmniBase FTA Program

Under current law, the Department of Public Safety (DPS) may refuse to renew a person's driver's license if (1) the person fails to appear in court as required by law for the prosecution of an offense or (2) fails to pay or satisfy a judgment ordering the payment of a fine and court costs in the manner ordered by the court. Like the Scofflaw Program, the Failure to Appear (FTA) Program is a type of "passive enforcement." It was created in 1995 as a collection and enforcement tool. It requires an interlocal agreement between a local government and DPS. Municipal and county governments may, but are not required to, contract with DPS (which, in turn, contracts with OmniBase Services of Texas for vendor services and automation of the FTA Program). The FTA Program is governed by Chapter 706 of the Transportation Code (Denial of Renewal of License for Failure to Appear).

Section 706.005 of Transportation Code (Clearance Notice to Department) is amended to provide that clearance notice is only required in cases involving dismissal when the dismissal is with prejudice by motion of the appropriate prosecuting attorney for lack of evidence. A corresponding amendment pertaining to administrative fees is made to Section 706.006 of the Transportation Code (See, below).

Subsection (a) of Section 706.006 of the Transportation Code is amended as follows: A person who fails to appear for a complaint or citation, except where a court having jurisdiction over the underlying offense makes a finding that the person is indigent, is required to pay an administrative fee of \$30 for each complaint or citation reported to DPS unless: (1) the person is acquitted of the charges for which the person failed to

appear; (2) the charges on which the person failed to appear were dismissed with prejudice by motion of the appropriate prosecuting attorney for lack of evidence; (3) the failure to appear report was sent to DPS in error; or (4) the case regarding the complaint or citation is closed and the failure to appear report has been destroyed in accordance with the applicable political subdivision's records retention policy.

Subsection (d) of Section 706.006 of the Transportation Code (Payment of Administrative Fee) is amended to prohibit a person, if found indigent by a criminal trial court having jurisdiction, from being required to pay an administrative fee before being allowed to renew their driver's license under the FTA Program. For purposes of the subsection, a person is presumed to be indigent if the person: (1) is required to attend school full time (Section 25.085, Education Code); (2) is a member of a household with a total annual income that is below 125 percent of the applicable income level established by the federal poverty guidelines; or (3) receives assistance from: the financial assistance program (Chapter 31, Human Resources Code), the medical assistance program (Chapter 32, Human Resources Code), the supplemental nutrition assistance program (Chapter 33, Human Resources Code), the federal special supplemental nutrition program for women, infants, and children (42 U.S.C. Section 1786), or the child health plan program (Chapter 62, Health and Safety Code).

Note: Injecting the distinction of “dismissal with prejudice by motion of the appropriate prosecuting attorney for lack of evidence” convolutes matters pertaining to clearance notices and the circumstances which a person does not have to pay an administrative fee. It may also increase the number of defendants, other than those who are found to be indigent, who are required to pay an administrative fee for either failing to appear or failing to pay fines and costs and who have had their case submitted to the DPS OmniBase FTA Program.

Article 32.02 (Dismissal by State's Attorney) does not require a prosecutor to specify whether a case is dismissed with prejudice. Ostensibly, this is because under Texas law, whether a case is dismissed with prejudice is determined by a trial or appellate court, not by a prosecuting attorney. Article 32.02 does, however, require a prosecutor to set out reasons for a dismissal. The State's Motion to Dismiss in the *TMCEC Forms Book* has checkboxes for 10 different grounds for dismissal. In terms of sufficiency of the evidence, many of these grounds overlap. Under the amended law, the absence of a denotation regarding dismissal with prejudice may result in an administrative fee being assessed in instances where under current law no fee is assessed.

Sections 31-38/Sections 27-33: Repealers, Applicability, and Effective Date

These sections contain repealers and provisions pertaining to applicability.

H.B. 355

Subject: Prohibiting Sex Offenders from Residing on College Campuses

Effective: September 1, 2017

With the issue of sexual assault and rape being at the forefront of college campus safety discussions, it seems to be a statutory oversight that sex offenders on the Department of Public Safety Sex Offender Registry are allowed to live in an on-campus dormitory or on-campus housing facility.

H.B. 355 adds Article 62.064 of the Code of Criminal Procedure, prohibiting a person subject to registration as a sex offender from residing on the campus of public or private institutions of higher learning unless (1) the person is assigned a numeric risk level of one using the sex offender screening tool outlined in

Article 62.007 of the Code of Criminal Procedure, and (2) the institution approves of the person residing on campus. The bill also amends Article 62.058 of the Code of Criminal Procedure requiring local law enforcement to include a statement describing the prohibition under added Article 62.064 to a person being provided a registration form for verification under the Sex Offender Registration Program.

H.B. 681

Subject: Restricting Information that Relates to a Person Convicted or Granted a Dismissal after Deferred Disposition for a Fine-Only Misdemeanor

Effective: September 1, 2017

Public availability of certain fine-only misdemeanor records may carry a stigma that can limit housing and other opportunities. Additionally, maintaining court records and related documents in perpetuity may have a financial burden for Texas counties and cities. H.B. 681 creates Section 45.0218 of the Code of Criminal Procedure, making records and information following deferred disposition or final conviction confidential after five years.

TMCEC: H.B. 681 is very similar in intent to another bill passed this session, S.B. 47. Both bills seek to address records and other information available to the public regarding deferred disposition or convictions for fine-only misdemeanors. Part of this arises from privacy groups advocating to limit public access to certain records. There has been a realization that what some call “low level” or “minor offenses” actually carry important legal and societal consequences.

S.B. 47 mandates a study of how these records are held in Texas counties, but H.B. 681 goes a step further, essentially sealing records and information on deferred disposition or convictions after five years. At first glance, this is redundant, considering state records retention schedules. Section 441.158 of the Government Code provides that the Texas State Library and Archives create records retention schedules for local government and criminal records. These schedules currently provide that criminal case records only be retained for five years from the date of disposition and two years for dismissals. Consequently, deferred disposition and conviction records may be confidential after five years under H.B. 681, but those records likely will have already been destroyed.

Under H.B. 681, however, all records, files, and information stored by *electronic means or otherwise* are confidential and may not be disclosed to the public. Case file records may have been destroyed in accordance with the records retention schedules, but this may not include information stored electronically in case management software, online, or by other administrative means. In addition to entities such as the Department of Public Safety, defense counsel, and judges, H.B. 681 permits inspection by insurance companies if the offense is a traffic offense. This could conceivably allow these companies to inspect electronic records related to traffic offenses, including after deferred disposition, even after the case file itself has long since been destroyed.

H.B. 1264

Subject: Agreements Between Municipalities for Concurrent Jurisdiction

Effective: September 1, 2017

The City of Rowlett has assumed responsibility for first responder services such as police, fire, and ambulance services for a segment of the I-30 corridor running over Lake Ray Hubbard which is owned

by the City of Dallas. Therefore, Rowlett police officers must file citations in Dallas municipal courts for Class C misdemeanor traffic offenses which occur on that stretch of highway.

H.B. 1264 addresses this situation by amending Articles 4.14 and 13.045 of the Code of Criminal Procedure and Section 29.003 of the Government Code to allow certain municipalities to enter into an agreement providing concurrent jurisdiction for municipal courts for all criminal cases arising under state law and offenses punishable by fine only if the offense is committed within 2.25 miles of the boundary on a segment of highway in the state highway system that traverses a major water supply reservoir.

H.B. 1266

Subject: Continuance for Insufficient Notice of Trial

Effective: September 1, 2017

It is problematic when a trial court sets certain pre-trial motions without providing notice to either the state or the defense as this leaves little time for witnesses to be contacted and for attorneys to prepare before being called into a hearing. H.B. 1266 remedies this problem by requiring notice to the parties in the case to ensure that all parties are able to properly prepare.

Chapter 29 of the Code of Criminal Procedure (Continuance) is amended by adding Article 29.035 (For Insufficient Notice of Hearing or Trial). Subsection (a) requires a trial court, notwithstanding Article 28.01 (Pre-Trial) or any other provision of Chapter 29 governing continuance, to grant a continuance of a criminal action on oral or written motion of the state or the defendant if the trial court sets a hearing or trial without providing to the attorney for the state and the defendant, or the defendant's attorney, notice of the hearing or trial at least three business days before the date of the hearing or trial. Subsection (b) provides that the new article does not apply during the period between the date the trial begins and the date the judgment is entered.

Article 29.035 of the Code of Criminal Procedure applies to a criminal action pending before a trial court on or after its effective date (September 1, 2017) regardless of whether the offense that is before the trial court was committed before, on, or after the effective date.

H.B. 4147

Subject: Appeals from a Judgment or Conviction in a Municipal Court of Record

Effective: September 1, 2017

TMCEC: At the time of the passage of H.B. 731, The Uniform Act on Municipal Courts of Record, 1999, the Legislature had no way of knowing how many municipalities would choose to create municipal courts of record or where such courts would be located. Prior to the Act, the creation of a municipal court of record required state legislation. By 2015, there were 155 municipal courts of record in Texas. Notably, only 51 were created by acts of the Legislature. There was also no way of knowing whether such courts would be located in counties with a statutory county court. (Today, statutory county courts only exist in 91 of the Lone Star State's 254 counties.)

H.B. 4147 amends the Government Code to clarify that a county court has jurisdiction of any appeal from a judgment or conviction in a municipal court of record located in that county if the county does not have a county criminal court, county criminal court of appeal, municipal court of appeal, or county court at law.

Section 30.00014(a) of the Government Code (Appeal) is amended to provide that if a county does not have a county court at law under Chapter 25 (Statutory County Courts), the county court has jurisdiction of any appeal.

Section 2 of the bill states that it is intended only to clarify existing law with respect to a judgment or conviction that occurs in a municipal court of record and is appealed to a county court.

S.B. 46

Subject: Juror Identification Numbers

Effective: September 1, 2017

Calling out a juror's name while polling the jury for a verdict in open court can pose a safety risk to the juror, particularly in controversial cases. Allowing judges to use juror identification numbers when polling the jury can reduce this risk.

S.B. 46 amends Article 37.05 of the Code of Criminal Procedure (Polling the Jury) allowing a judge to assign each juror an identification number to use in place of a juror's name for the purpose of polling the jury.

S.B. 291

Subject: Hearing and Use of Writ of Attachment of a Witness

Effective: September 1, 2017

In 2016, a sexual assault victim witness was subject to a writ of attachment, issued in the judge's chambers, and ordered into custody of the Harris County jail. After breaking down during her testimony and leaving the courtroom, she was hospitalized in the county psychiatric hospital for 10 days. Upon discharge from that hospital, she was detained and booked in the Harris County jail. While in jail, she was re-victimized and her mental state rapidly diminished. These events took place during the Christmas holidays and she remained in jail into January. More procedure and accountability can help prevent this sort of horrific event from occurring in Texas.

S.B. 291 adds Article 24.111 of the Code of Criminal Procedure (Hearing Required before Issuance of Certain Writs) requiring a judge to hold a hearing before issuing a writ of attachment to determine if it is in the best interest of justice. A judge should use an affidavit submitted by the requesting attorney to aid in this determination, and the witness to be served with the writ should have an attorney appointed to them.

Other amendments to the Code of Criminal Procedure include Article 24.011 (Subpoena; Child Witness) and Article 24.12 (When Attachment May Issue) which require an attorney who requests a writ of attachment to include a statement of good faith and reason to believe that the witness is material. Article 24.221 (Affidavit Regarding Confinement) and 24.222 (Hearing During Confinement of Witness) requiring a sheriff who takes a witness into custody pursuant to added Article 24.111 to submit an affidavit to the issuing court stating that the person has been taken into custody. A witness confined at least 24 hours may request a hearing regarding whether continued confinement is necessary.

S.B. 291 also adds Article 2.212 of the Code of Criminal Procedure (Writ of Attachment Reporting) requiring the court clerk for a district, statutory county, or county court to report to the Texas Judicial Council a writ of attachment issued by their court not later than 30 days after it is issued.

Substantive Criminal Law

H.B. 9

Subject: Ransomware Offense in the Texas Cybercrime Act

Effective: September 1, 2017

Ransomware is malicious software used to interfere with the victim's ability to access their data on the victim's computer system or network until the victim pays the criminal to return access to the victim.

H.B. 9 amends Chapter 33 of the Penal Code by adding Sections 33.023 and 33.024. Section 33.023 creates a Class C misdemeanor of electronic data tampering (1) for a person who knowingly alters data as it transmits between two computers in a computer network or computer system without the effective consent of the owner, and (2) for a person who knowingly introduces malware or ransomware onto a computer, computer network, or computer system without the effective consent of the owners and without legitimate business purposes. Section 33.023 establishes that software is not ransomware for the purposes of an electronic data tampering offense if the software restricts access to data because authentication is required to upgrade or access purchased content or because access to subscription content has been blocked for nonpayment.

Section 33.024 creates a Class C misdemeanor of intentional decryption of encrypted private information through deception and without a legitimate business purpose. It is a defense to prosecution if the conduct was pursuant to an agreement with the owner for the purpose of assessing or maintaining security of the information or of a computer, computer network, or computer system or if providing other services related to security.

These two Class C misdemeanors can be enhanced to a Class B or Class A misdemeanor, state jail felony, or third, second, or first degree felony depending on the aggregate harm.

H.B. 9 amends Section 33.03 of the Penal Code to add affirmative defenses that the actor was an officer, employee, or agent of a communications common carrier or electronic utility and committed the proscribed act in the course of employment while engaged in an activity that is a necessary incident to service of the communications common carrier or electric utility.

H.B. 351

Subject: Punishment for Forgery and a Related Fee

Effective: September 1, 2017

Last session, the Governor signed H.B. 1396, which updated the property crime "value ladder" to reflect 20 years of inflation. Forgery was unintentionally left out of the threshold adjustment. This amendment corrects this oversight and updates the threshold ladder for forgery crimes related to fake checks, money orders, and other simple transactions to match the penalty ladder for the rest of Texas' theft offenses.

Section 25 contains an amendment of Section 32.21 of the Penal Code, to bring the offense of forgery in line with the damage amounts for all other property crimes, including the similar crime of theft by check. As amended, when an actor engages in conduct to obtain or attempt to obtain a property or service and the value of the property is less than \$100, the offense is a Class C misdemeanor.

In Section 23, Article 102.0071 of the Code of Criminal Procedure is amended to allow a justice court to collect fees from an individual convicted of forging a check per Section 3.506 of the Business and Commerce Code.

H.B. 435

Subject: Carrying Handguns and the Application of Certain Handgun License Laws to Certain Persons

Effective: September 1, 2017

Requiring volunteer emergency services personnel who carry handguns to remove their handguns before they are allowed on certain premises to perform their duties could result in dangerous delays in the rendering of emergency services. H.B. 435 addresses this issue providing a defense to prosecution under Sections 30.06 (Trespass by License Holder with a Concealed Handgun) and 30.07 (Trespass by License Holder with and Openly Carried Handgun) of the Penal Code for license holders who are volunteer emergency services personnel. That term is defined in new Subdivision (18) of Section 46.01 of the Penal Code. Section 12 of the bill provides a similar defense to prosecution under certain subsections of Section 46.035 of the Penal Code (Unlawful Carrying of Handgun by License Holder) for volunteer emergency services personnel, the attorney general, an assistant attorney general, a U.S. attorney, and an assistant U.S. attorney.

Section 13 of the bill amends Section 46.15(a) of the Penal Code making Sections 46.02 (Unlawful Carrying Weapons) and 46.03 (Places Weapons Prohibited) of the Penal Code inapplicable to the attorney general, an assistant attorney general, a U.S. attorney, an assistant U.S. attorney (if licensed to carry a handgun under Chapter 411 of the Government Code), as well as volunteer emergency services personnel if the person is carrying a handgun under the authority of Subchapter H, Chapter 411, Government Code, and engaged in providing emergency services.

Section 7 of the bill permits a state hospital to prohibit a license holder from carrying a handgun on the property of the hospital by providing written notice. A violation could result in a civil penalty.

TMCEC: Section 6 of the bill amends Section 411.209 of the Government Code (Wrongful Exclusion of Handgun License Holder) prohibiting a state agency or political subdivision from putting up signs described by Section 30.06 of the Penal Code, referring to that law, or referring to a license to carry a handgun that wrongfully exclude a license holder from entering places owned or leased by the governmental entity (unless they are prohibited by Section 46.03 or 46.035 of the Penal Code). Section 411.209 was enacted last Session (84th Legislative Session) in the wake of open carry legislation. However, when enacted, this section failed to strike the outmoded “concealed handgun license” (See, Regan Metteauer, “Everything Has Not Changed: What Municipal Courts Need to Know about Guns and New Legislation,” *The Recorder* (January 2016)). H.B. 435 strikes “concealed,” but, aside from correctly naming the license, it is unclear if H.B. 435 makes a substantive change to a city’s liability under Section 411.209. H.B. 435 makes that section inapplicable to a written notice provided by a state hospital under Section 552.002, Health and Safety Code.

H.B. 683

Subject: Misrepresentation of an Object or Vehicle by Use of Law Enforcement Insignia

Effective: September 1, 2017

To maintain public trust in law enforcement, it is important for communities to distinguish between peace officers and private security companies in municipalities.

H.B. 683 removes the population restriction of two million or more in Section 341.904 of the Local Government Code (Possession or Use of Law Enforcement Identification, Insignia, or Vehicle in a Municipality), so that the offense (Class B misdemeanor) may be committed in any municipality.

The bill amends Section 37.12 of the Penal Code (False Identification as Peace Officer; Misrepresentation of Property) to expressly include vehicles in the Class B Misdemeanors found in Subsections (a) and (d).

Additionally, if the item was used or intended for use exclusively for decorative, artistic, or dramatic presentation, such use is no longer a defense to prosecution, but is instead an exception.

As amended, for purposes of Section 37.12, an item bearing an insignia of a law enforcement agency includes an item that contains the word “police,” “sheriff,” “constable,” or “trooper.”

The bill adds language to Subsection (d) that intentionally or knowingly misrepresenting an object as property belonging to a law enforcement agency includes intentionally or knowingly displaying an item bearing an insignia of a law enforcement agency in a manner that would lead a reasonable person to interpret the item as property belonging to a law enforcement agency.

H.B. 1424

Subject: Operation of Unmanned Aircrafts over Certain Facilities and Sports Venues

Effective: September 1, 2017

Concerned observers have noted a lack of restrictions on drone flights above correctional facilities, detention facilities, and large-capacity sports venues in Texas. H.B. 1424 seeks to address security concerns by restricting the unauthorized operation of unmanned aircraft over these facilities and venues.

H.B. 1424 amends Section 423.0045 of the Government Code to expand the conduct that constitutes an offense involving the unlawful operation of an unmanned aircraft over certain facilities to include operation not higher than 400 feet above ground level over a correctional facility or detention facility; allowing an unmanned aircraft to make contact with a correctional facility or detention facility, including any person or object on the premises of or within the facility; or allowing an unmanned aircraft to come within a distance of a correctional facility or detention facility that is close enough to interfere with the operations of or cause a disturbance to the facility.

The bill defines “correctional facility” as a confinement facility operated by or under contract with any division of the Texas Department of Criminal Justice, a municipal or county jail, or a confinement facility operated by or under contract with the Federal Bureau of Prisons and defines “detention facility” as a facility operated by or under contract with U.S. Immigration and Customs Enforcement for the purpose of detaining aliens and placing them in removal proceedings.

The bill enhances the penalty for an offense involving the unlawful operation of an unmanned aircraft over a correctional facility, detention facility, or critical infrastructure facility from a Class B misdemeanor to a Class A misdemeanor if the actor has previously been convicted of the offense created by the bill for the unlawful operation of an unmanned aircraft over a sports venue.

H.B. 1424 also adds Section 423.0046 creating a Class B misdemeanor for a person who operates an unmanned aircraft not higher than 400 feet above ground level over a sports venue, defined by the bill as an arena, automobile racetrack, coliseum, stadium, or other type of area or facility that has a seating

capacity of 30,000 or more people and is primarily used for one or more professional or amateur sports or athletics events.

The bill exempts the following from committing the offense: the federal government, the state, a governmental entity, or a law enforcement agency; a person under contract with or otherwise acting under the direction or on behalf of any of those entities; an operator of an unmanned aircraft that is being used for a commercial purpose, if the operator is authorized by the FAA to conduct operations over the airspace; an owner or operator of the sports venue; a person under contract with or otherwise acting under the direction or on behalf of an owner or operator of the sports venue; and a person who has the prior written consent of the owner or operator of the sports venue.

The penalty for such an offense enhances from a Class B misdemeanor to a Class A misdemeanor if the actor has previously been convicted of the offense or of an offense involving the unlawful operation of an unmanned aircraft over a correctional facility, detention facility, or critical infrastructure facility.

TMCEC: This is the Legislature's second attempt to tweak the Texas Privacy Act since it was passed into law four years ago. The Texas Privacy Act was intended to address privacy concerns over images of individuals or private property captured by unmanned aircraft. See, Colin Norman, "The Texas Privacy Act: Tall Enough Fences to Keep Out Nosy Drones?," *The Recorder* (April 2014). In addition, the Act sought to remove certain airspace from drone use that is over sensitive or critical areas. Currently, these include areas such as dams, refineries, and electrical power substations. H.B. 1424 adds correctional facilities and sports venues to that list.

This turned out to be a timely, and prescient, addition to the Texas Privacy Act. In July 2017, a South Carolina inmate at a maximum security prison managed to orchestrate a successful escape using a drone to deliver wire cutters to the prison. Separately, the Legislature addressed other issues with the Texas Privacy Act in S.B. 840 and H.B. 1643. Considering the higher level misdemeanors attached to the offense spelled out in H.B. 1424, this could be one part of the Texas Privacy Act that proves to be the effective deterrent that privacy advocates hoped for in 2013.

H.B. 1643

Subject: Regulation of Unmanned Aircraft by Political Subdivisions

Effective: September 1, 2017

H.B. 1643 adds Section 423.009 of the Government Code (Regulation of Unmanned Aircraft by Political Subdivision) authorizing a municipality to adopt or enforce any ordinance, order, or other similar measure regarding the use of an unmanned aircraft: (1) during a special event (defined in the statute); (2) by the municipality; or (3) near a facility or infrastructure owned by the municipality (if the municipality provides notice and a hearing and receives federal authorization). However, an ordinance, order, or other similar measure that regulates outside these parameters violates Subsection 423.009(b) and is void and unenforceable.

The bill also amends Section 423.0045(a)(1) (Offense; Operation of Unmanned Aircraft over Critical Infrastructure Facility) by adding structures that provide wired or wireless telecommunication services and concentrated animal feeding operations to the list of designated critical infrastructure facilities protected from unauthorized flight by unmanned aircrafts. Additionally, it adds to the list certain oil and gas locations enclosed by fences or other physical barriers, including: oil or gas drilling sites; groups of tanks used to store crude oil, gas or chemical production facilities; oil or gas wellheads; and any oil or gas

facility that has an active flare. An offense is a Class B misdemeanor (Class A misdemeanor if the person has been convicted previously of an offense).

TMCEC: In absence of specificity in Section 423.009, is a criminal offense created by municipal ordinance a Class C misdemeanor with a maximum fine of \$500 per Section 54.001 of the Local Government Code?

Other bills related to the use of drones: S.B. 840 and H.B. 1424.

H.B. 1771

Subject: Discharge of a Firearm along the Canadian River in Potter County

Effective: September 1, 2017

H.B. 1771 amends Chapter 287 of the Parks and Wildlife Code (Potter County) by adding Section 287.001 (Discharge of Prohibited Firearm) to make it a Class C misdemeanor for a person to discharge a firearm or shoot an arrow in or on the bank of the Canadian River, within the designated area specified in this section between the Canadian River extending from the intersection of U.S. Highways 287 and 87.

This section does not apply to individuals acting within the scope of their duty as a peace officer or an employee of the Texas Department of Parks and Wildlife, the discharge of a shotgun loaded with ammunition that releases only shot when discharged. This section does not limit the ability of a license holder to carry a concealed handgun under the authority of Subchapter H, Chapter 411 of the Government Code.

H.B. 1810

Subject: Offense of Possession or Promotion of Lewd Visual Material Depicting a Child

Effective: September 1, 2017

Currently, state law offenses involving child pornography leave a grey-area for certain images that, while depicting a child in a sexually suggestive manner, do not fit the legal requirements to be punished under Section 43.26 of the Penal Code (Possession or Promotion of Child Pornography).

H.B. 1810 addresses this issue by adding Section 43.262 to the Penal Code (Possession or Promotion of Lewd Visual Material Depicting a Child) to make it a state jail felony for a person to possess or promote images that depict the lewd exhibition of a child. A person commits the offense if they promote or possess “visual material” as defined in 43.26(b) that depicts a child under 18 clothed or unclothed in a sexually suggestive manner, without literary, artistic, or scientific merit, and the person does so in the interest of sexual gratification. An offense under this section is a state jail felony. The punishment can be enhanced to a third or second degree felony for subsequent convictions. It is not a defense that the depicted underage person consented to the creation of the visual material.

H.B. 1819

Subject: Engaging in Certain Conduct with Respect to a Firearm Silencer

Effective: September 1, 2017

H.B. 1819 purportedly addresses restrictions related to firearm silencers that affect the availability of these products for individuals who wish to purchase them for hearing protection. The bill amends Section 46.05 of the Penal Code (Prohibited Weapons) to exclude a firearm silencer that is classified as a curio or relic by the U.S. Department of Justice or otherwise possessing, manufacturing, transporting, repairing, or selling a firearm silencer in compliance with federal law.

The bill also adds language to Subsection 46.05(l) excluding from the offense explosive weapons, machine guns, and short-barrel firearms that are otherwise not subject to the National Firearms Registration and Transfer Record maintained by the Bureau of Alcohol, Tobacco, Firearms, and Explosives.

TMCEC: To be clear, it is still illegal to have a silencer in Texas (as long as it is not a curio or relic, or is otherwise permitted by the federal government). The buried lead lies in the added language in Subsection 46.05(l) resulting from a Senate amendment. Some gun enthusiasts refer to this language as “The Mossberg Amendment,” named for the Mossberg Shockwave, and believe this bill to legalize that particular firearm in Texas.

H.B. 1884

Subject: Additional Community Service Hours for Repeat Litter Offenses

Effective: September 1, 2017

Every year, the state spends millions of dollars on cleanup for litter and illegal dumping. A recent study by Texans for Clean Water revealed the City of Houston spent over \$13 million in 2015 for litter cleanup. According to a recent Texas Department of Transportation survey, there has been an 81 percent increase in litter along state roads and highways.

H.B. 1884 seeks to deter further acts of littering and dumping by requiring repeat offenders of offenses under Sections 365.012 (Illegal Dumping; Discarded Lighted Materials; Criminal Penalties), 365.013 (Rules and Standards; Criminal Penalty), and 365.016 (Disposal of Litter in a Cave; Criminal Penalty) of the Health and Safety Code to perform up to 60 community service hours as provided by Article 42A.304(e) of the Code of Criminal Procedure, in addition to satisfying any fine or penalty required by these sections. Amended Article 42A.304(e) permits a court to credit the amount of community service performed by a defendant under that subsection toward any amount of community service the defendant is ordered to perform under another provision of this code as a result of the defendant’s inability to pay a fine or cost imposed in the judgment for the applicable offense.

TMCEC: While the amendments to the offenses in Chapter 365 of the Health and Safety Code contemplate an offense may be a Class C misdemeanor, it is important to note that this bill makes no reference to community service as provided in Chapter 45 (Justice and Municipal Courts). Chapter 42A of the Code of Criminal Procedure is inapplicable to municipal courts (including municipal courts of record). H.B. 1884 only seems contemplates adjudication of illegal dumping and mandatory community service in county and district courts.

H.B. 1935

Subject: Restrictions on Carrying Knives in Certain Locations

Effective: September 1, 2017

H.B. 1935 amends the definition of illegal knives in Chapter 46 of the Penal Code (Weapons) (and Sections 52.031 and 53.01 of the Family Code) replacing the term “illegal knife” with “location-restricted knife,” defined in amended Section 46.01(6) of the Penal Code (Definitions) as a knife with a blade over five and one-half inches. The bill removes references to the following in that provision: hand instrument designed to cut or stab another by being thrown; dagger, including but not limited to a dirk, stiletto, and poniard; bowie knife; sword; or spear.

Additionally, the bill amends Section 46.02 of the Penal Code (Unlawful Carrying of Weapons), removing “illegal knife” from the applicability of that offense. However, the bill adds Subsection (a-4) creating a

new Class C misdemeanor for persons under the age of 18 that intentionally, knowingly, or recklessly carry a location-restricted knife unless it is (1) on the person's own premises; (2) inside of or directly en route to a motor vehicle or watercraft owned by the person or under their control; or (3) under the direct supervision of the person's parent or legal guardian.

Amended Subsection 46.15(e) provides that Section 46.02(a-4) does not apply to a person carrying a location-restricted knife used in a historical demonstration or in a ceremony in which the knife is significant to the performance of the ceremony.

Under current law, an offense under Section 46.03(a) of the Penal Code (Places Weapons Prohibited) is a third degree felony. H.B. 1935 adds Subsection (g-1) providing that if the weapon that is the subject of the offense is a location-restricted knife, an offense under this section is a Class C misdemeanor, except that the offense is still a third degree felony if the offense is committed under Subsection (a)(1) (taking or possessing a prohibited weapon on the physical premises of a school or educational institution).

In the same vein, H.B. 1935 adds Subsection 46.03(a-1) prohibiting carrying a location-restricted knife on additional premises, punishable as a Class C misdemeanor. The premises include businesses that primarily serve alcoholic beverages on-site (51 percent or more of their revenue); any high school, collegiate, or professional sporting event or interscholastic event (unless the person is a participant and such a knife is being used in the event); correctional facilities; hospitals, nursing facilities, and mental hospitals; amusement parks; or any established place of religious worship.

TMCEC: As a result of H.B. 1935, come September 1, it will generally be lawful for a person to carry what is classified under current law as an illegal knife. This change is not as unbridled as it may seem. The bill creates certain restrictions for "location-restricted" knives (knives with a blade over five and one-half inches), including places where such knives are prohibited and restrictions on persons under the age of 18. Amended law will, however, treat such knives differently from other weapons, especially regarding punishment.

Come September 1, it will no longer be a third degree felony under amended Section 46.03 of the Penal Code to possess or go with an illegal knife on the premises of any government court or offices utilized by the court. It is instead a Class C misdemeanor to possess or go with a "location-restricted" knife on such premises.

The bill does not legalize daggers, bowie knives, or swords for purposes of Section 46.03. Those are statutorily undefined terms that created confusion for both law enforcement and knife owners. The bill simplifies the definition of the type of knife that is criminalized by Chapter 46: a knife with a blade over five and one-half inches. "Knife" is defined in Section 46.01(7) as any bladed hand instrument that is capable of inflicting serious bodily injury or death by cutting or stabbing a person with the instrument. If the blade of the dagger, bowie knife, or sword is over five and one-half inches, it is a location-restricted knife for purposes of Chapter 46 and a person is prohibited from possessing or going with it on the premises of a government court or offices utilized by the court.

As introduced, this bill would have removed altogether the category of illegal knife. An amendment resulting in the version of the bill that passed came after Harrison Brown, a student at the University of Texas in Austin was stabbed to death on campus by another student on May 1, 2017 with a weapon described as a Bowie knife with a blade longer than five and one-half inches. Three others were injured.

H.B. 2817

Subject: Punishment and Deterrence of Crimes Involving Bison, Cattle, and Horses

Effective: September 1, 2017

Interested parties contend that criminal penalties for individuals who kill another person's cattle, bison, or horses are inconsistent with similar offenses of parallel magnitude. H.B. 2817 addresses this issue by expanding the conduct that constitutes a third degree felony criminal mischief offense to include such behavior. H.B. 2817 amends Section 28.03 of the Penal Code to expand the conduct constituting a third degree felony criminal mischief offense to include conduct in which an actor causes the death of one or more head of cattle or bison or one or more horses by discharging a firearm or other weapon or by any other means. H.B. 2817 also creates an exception to the application of the criminal mischief statute for intentionally or knowingly damaging, destroying, or tampering with the tangible property of the owner when the personal property was a head of cattle or bison killed, or a horse killed, in the course of the actor's regular agricultural labor duties and practices, or in discharge of official duties as a member of the Armed Forces.

TMCEC: Don't mess with a person's cattle in Texas. The new offense would be a third degree felony: that's two to ten years imprisonment in the Texas Department of Criminal Justice.

H.B. 2880

Subject: Threat of Use or Exhibit a Firearm on School Property or a School Bus

Effective: September 1, 2017

Some school resource officers have indicated the need for a criminal punishment for the threatened exhibition or use of a firearm in or on school property or on a school bus that recognizes the severity of the threat but also does not bring the lifelong consequences of a felony charge against a student. H.B. 2880 addresses that need by amending Section 37.125 of the Education Code to decrease the penalty for such an offense from a third degree felony to a Class A misdemeanor, unless the actor was in possession of or had immediate access to a firearm. In the latter case, the offense would remain a third degree felony.

H.B. 2908

Subject: Enhanced Criminal Penalties for Crimes Committed Against Peace Officers or Judge

Effective: September 1, 2017

Recent tragic events have hastened a call for greater protection for peace officers and judges from offenses committed because of bias or prejudice against public servants responsible for the the enforcement of laws.

H.B. 2908 amends current law relating to the punishment for a criminal offense committed against a person because of bias or prejudice on the basis of status as a peace officer or judge and increases criminal penalties.

Article 42.014 of the Code of Criminal Procedure (Finding that Offense was Committed Because of Bias or Prejudice) is amended to add peace officers and judges to the list of persons which penalties are enhanced if the criminal act was committed based on a bias or prejudice.

Section 20.02 of the Penal Code (Aggravated Assault) is amended to add Subsection 20.02(c)(3) to make it a Class A misdemeanor for a person to restrain an individual he knows is a peace officer or judge while

the officer or judge is lawfully discharging an official duty, in retaliation or because of an exercise of official power or performance of an official duty as a peace officer or judge.

Section 22.01 of the Penal Code (Assault) is amended to add Subsection (b-2) to make it a second degree felony for a person to assault a peace officer or judge while the officer or judge is lawfully discharging an official duty or in retaliation or on account of an exercise of official power or performance of an official duty as a peace officer or judge.

Section 22.07 of the Penal Code (Terroristic Threat) is amended to add Subsection (c-1) to make it a state jail felony to threaten to commit an offense involving violence against a person they know is a peace officer or judge.

Section 49.09 of the Penal Code is amended to enhance an offense committed under Section 49.07 (Intoxication Assault) to a first degree felony if it is shown on the trial of the offense that the person caused serious bodily injury to a peace officer or judge while the officer or judge was in the actual discharge of an official duty.

TMCEC: Court security and the protection of public servants turned out to be recurring themes this session. The attempted assassination of Travis County District Judge Julie Kocurek spurred the Legislature to pass S.B. 42, providing new protections for judges and their spouses. Elsewhere, the Legislature looked at the availability of public information to those who may abuse it across the state. H.B. 2908 addresses not only crimes against judges, however, but also law enforcement. This follows the ambush of police officers by a sniper in Dallas last year. In the Dallas shooting, five officers were killed and nine others were wounded, including two civilians. H.B. 2908 specifically increases the punishment in the Penal Code for crimes committed against both judges and law enforcement, and adds both peace officers and judges to the affirmative finding of bias or prejudice required by Article 42.014 of the Code of Criminal Procedure.

H.B. 3019

Subject: Injury to a Child, Elderly, or Disabled Individual

Effective: September 1, 2017

Interested parties express concern over the current scope of the offense of injury to a child, elderly individual, or disabled individual in relation to negligent operators of boarding home facilities. H.B. 3019 seeks to address this concern by including certain conduct committed by persons associated with such a facility in the conduct that constitutes that offense.

H.B. 3019 amends Section 22.04 of the Penal Code to specifically include a boarding home to the list of institutions held to a higher level of culpability for the offense of injury to a child, elderly individual, or disabled individual. The bill further adds mental illness, as defined by Section 571.003 of the Health and Safety Code to the definition of disabled individual in Section 22.04(c)(3) of the Penal Code.

H.B. 3453

Subject: Regulation of Game Rooms in Certain Counties

Effective: June 15, 2017

Currently, certain counties have the authority to regulate certain aspects of game rooms and assert that this authority offers greater protection to promote the public health, safety, and welfare of residents in those counties and would similarly benefit other counties. H.B. 3453 amends Section 234.132 of the Local Government Code to extend the authority to regulate game rooms to a county that is located in the Permian

Basin, a county along the Louisiana Border, and two other counties with certain populations. A violation of a game room regulation under Section 234.132 is a Class A misdemeanor.

H.B. 3535

Subject: Taking of Feral Hogs and Coyotes Using Hot Air Balloon

Effective: September 1, 2017

The growing feral hog and coyote population continues to be a significant problem for landowners across Texas, specifically because of damage to crops.

H.B. 3535 amends Chapter 43 of the Parks and Wildlife Code (Special Licenses and Permits) by adding Section 43.1076 permitting a qualified landowner or landowner's agent to contract to participate as a hunter or observer in using a hot air balloon to hunt depredating feral hogs or coyotes under the authority of Subchapter G (Permits to Manage Wildlife and Exotic Animals from Aircraft).

TMCEC: Under Section 43.107 of the Parks and Wildlife Code (not amended by this bill), failure to timely submit required reports regarding permits to use an aircraft to manage wildlife and exotic animals (which, because of this bill will include hot air balloons) is a Class C Parks and Wildlife Code misdemeanor.

Why hot air balloons? Proponents of the bill point to them as a particularly effective method for taking these animals. Under current law (Section 43.1075), landowners may use helicopters to take depredating feral hogs or coyotes, however, that is expensive and the noise from the helicopter scares the animals away. A hot air balloon is quieter and more stable to shoot from.

S.B. 7

Subject: Improper Relationship Between Educator and Student

Effective: September 1, 2017

There have been too many cases involving an educator who has an inappropriate relationship with a student in one school district and then moves and obtains employment in another school district without the new school district ever receiving notice of the inappropriate relationship. The goal of S.B. 7 is to reduce the risks faced by school districts and students by closing loopholes and providing penalties for conduct relating to an inappropriate relationship between an educator and a student.

Section 21.12 of the Penal Code (Improper Relationship between Educator and Student) requires a school employee hold an appropriate certificate for their position at the school in order to be charged with the offense. S.B. 7 amends that section to strike the certificate language and clarifies that any employee described in Section 21.003(a) of the Education Code can be charged with this offense regardless of holding a certificate or not. Section 21.003(a) includes teachers, teacher interns or teacher trainees, librarians, educational aides, administrators, educational diagnosticians, and school counselors. An offense under this section is a felony of the second degree.

S.B. 7 eliminates language that requires an educator work in the same school district that the student attends or that the educator provide education services to the student, thereby expanding the offense.

S.B. 7 creates a state jail felony of failure to follow reporting procedures as described in Section 21.006(c) of the Education Code, by principals or superintendents if it is done with the intent to conceal an educator's criminal record or alleged incident of misconduct.

TMCEC: In September 2016, the Texas Court of Criminal Appeals affirmed a decision of the Ninth Court of Appeals in Beaumont that Section 21.12 did not include within the scope of prohibited relationships, relationships between students and a school district peace officer. *State v. Sutton*, PD-1051-15 (Tex. Crim. App. Sept. 14, 2016). Many suspected that in 2017 the Legislature would broaden the scope of employees included under the offense. While the offense was expanded, the types of school employees described in Section 21.003(a) was not expanded by S.B. 7.

S.B. 8

Subject: Offenses Related to Dismemberment Abortions, Partial Birth Abortions, Reporting Requirements, and Donating or Selling Human Fetal Tissue

Effective: September 1, 2017

S.B. 8 adds Subchapters F (Partial-Birth Abortions) and G (Dismemberment Abortions) to Chapter 171 of the Health and Safety Code (Abortion). Section 171.102 of the Health and Safety Code prohibits a physician or other person from knowingly performing a partial birth abortion (defined) and Section 171.153 of the Health and Safety Code prohibits a person from intentionally performing a dismemberment abortion (defined) unless necessary in a medical emergency; both sections are punishable as a state jail felony.

Neither offense applies to a woman upon whom each respective type of abortion is performed. The offense in Section 171.102 does not apply to a physician who performs a partial-birth abortion that is necessary to save the life of a mother under certain circumstances. The offense in Section 171.153 does not apply to an employee or agent acting under the direction of a physician performs a dismemberment abortion, or a person who fills a prescription or provides equipment used in a dismemberment abortion.

Added Section 171.154 contains extensive provisions regarding the statutory construction of Subchapter G.

The bill adds Section 173.007 of the Health and Safety Code creating a Class A misdemeanor for offering a woman monetary or other consideration to have an abortion for the purpose of donating human fetal tissue. It is also a Class A misdemeanor to knowingly or intentionally solicit or accept tissue from a fetus gestated solely for research purposes. Both are punishable by a fine not to exceed \$10,000.

S.B. 8 amends Section 245.11 of the Health and Safety Code creating a Class A misdemeanor for violating physician reporting requirements laid out in Subsections (b), (c), and (d) of this section.

The bill amends the definition of abortion in Section 245.002 of the Health and Safety Code and adds references to that section in other sections of the Health and Safety Code and certain sections of the Family Code that define abortion.

Under added Section 48.03 of the Penal Code, a person commits a state jail felony if the person knowingly offers to buy, offers to sell, acquires, receives, sells, or otherwise transfers any human fetal tissue for economic benefit. It is a defense to prosecution that employees or contractors of an accredited public or private institution of higher education acquired, received, or transferred human fetal tissue while fulfilling a donation authorized by Section 173.005 of the Health and Safety Code. This section does not apply to human fetal tissue acquired, received, or transferred for other certain purposes.

S.B. 208

Subject: Regulating the Sale of Explosives to a Metal Recycling Entity

Effective: September 1, 2017

Undetonated explosives are dangerous. Recycling metal is an important industry. S.B. 208 addresses the dangers associated with undetonated explosive devices that are presented for sale at metal recycling entities and notes that the presence of such devices at metal recycling entities poses a threat to the general public. S.B. 208 seeks to address these concerns by providing for the regulation of metal recycling entities with regard to explosive devices.

S.B. 208 amends Section 1956.040 of the Occupations Code to create a Class A misdemeanor for knowingly selling an explosive device to a metal recycling entity, a metal recycling entity knowingly buying such explosive device, or a metal recycling facility storing or allowing the storage of an explosive device on their premises. A metal recycling facility is considered to be storing an explosive device if they have not reported its presence within 72 hours of being presented the explosive device for sale or attempted sale.

These three new Class A misdemeanors are enhanced to a second degree felony if at trial it is shown that the offense caused death or serious bodily injury as a result of the detonation of an explosive device. A metal recycling entity shall report the possession of an explosive device unknowingly purchased not later than the close of business on the entity's first working day after the date the possession of the device is discovered.

S.B. 227

Subject: Repeal of a Loophole Preventing Prosecution for Certain Substances in Penalty Group 2 of the Texas Controlled Substances Act.

Effective: September 1, 2017

Texas state law classifies dangerous synthetic drugs under the Texas Controlled Substances Act. Specifically, S.B. 172, 84th Legislature, Regular Session, 2015, provided a comprehensive approach to classifying synthetic hallucinogens, also known as "25-I" or "N-Bomb." The enrolled version of S.B. 172, signed by the Governor, included a provision codified as Section 481.103(d) of the Health and Safety Code. This provision prohibited a conviction for manufacture, delivery, or possession for a substance in Penalty Group 2 of the Texas Controlled Substances Act, as long as that substance was approved by the federal Food and Drug Administration. While this provision was well-intentioned to provide an extra layer of statutory security to consumers who use a legally prescribed substance, the practical effect was not so clear. There had been reports that, because of this language, some Texas prosecutors were unable to convict individuals who possessed or delivered federally approved drugs that were not prescribed to those individuals. The language in Section 481.103(d), Health and Safety Code, is does not need to remain in the statute in order to protect patients who have been legally prescribed a substance that appears in Penalty Group 2 of the Texas Controlled Substances Act. (Section 481.116(a) of the Health and Safety Code). Therefore, S.B. 227 repeals the offending language, aligning Penalty Group 2 with other provisions of the Texas Controlled Substances Act.

TMCEC: In recent years the state has struggled to keep up with regulation of synthetic drugs. The ever changing chemical compounds have, in the past, frustrated the Legislature's attempts to clearly outlaw certain synthetics. This is the second attempt to address "25-I" after the 84th Legislature's first pass. This

issue will likely not be going away. For more information on issues with these so-called designer drugs, see Ned Minevitz's article, "Designer Drugs: How Drivers Might be Circumventing Intoxicated Driving Laws" *The Recorder* (January 2014).

S.B. 840

Subject: Unmanned Aircraft Authorized to Capture Images of Private Individuals or Property Within 25 Miles of the U.S. Border for Law Enforcement

Effective: September 1, 2017

Current law prohibits the use of an unmanned aircraft to capture an image of an individual or privately owned real property in this state "with the intent to conduct surveillance on the individual or property captured in the image." The introduced version of the bill that created this provision included an exception which provided that it would be a "defense to prosecution" that an image was captured within 25 miles of the border "for the sole purpose of enforcing border laws." The version of the bill that ultimately passed, and the current law today, break this exception in two: current law contains a law-enforcement exception and a blanket exception for images captured within 25 miles of the border, regardless of purpose.

Under current law, then, it would appear to be entirely lawful for any person for any reason to "use an unmanned aircraft to capture an image of an individual or privately owned real property in this state with the intent to conduct surveillance on the individual or property captured in the image," provided the person or property is within 25 miles of the border. S.B. 840 addresses this issue by amending Section 423.002 (Nonapplicability) of the Government Code and also provides an additional defense to the laundry list enumerated in Subsection (a).

TMCEC: This is the Legislature's second attempt to tweak the Texas Privacy Act since it was passed into law four years ago. The Texas Privacy Act was intended to address privacy concerns over images of individuals or private property captured by unmanned aircraft. See, Colin Norman, "The Texas Privacy Act: Tall Enough Fences to Keep Out Nosy Drones?" *The Recorder* (April 2014).

At the time, TMCEC noted that enforcement of the Class C misdemeanors in the Act could be cumbersome partly due to the lengthy list of specific situations where the Act was "not applicable" (the list contained 19 very specific situations, procedurally defenses, where the Act did not apply). In 2015, the Legislature again amended the Act, adding two more defenses to the list, and bringing the total to 21. S.B. 840 continues that trend, this time renumbering the list, expanding law enforcement permitted uses, and adding insurance companies. In addition, another bill, H.B. 1424, separately addressed offenses under the Act. It remains to be seen if the Subsection Texas Privacy Act will serve as an effective enforcement tool of privacy rights in Texas.

S.B. 1232

Subject: Inappropriate Conduct Between a Person and an Animal

Effective: September 1, 2017

S.B. 1232 creates an offense in the Penal Code for the crime of "bestiality." Current law only classifies sexual crimes against animals as "public lewdness" under Section 21.07 of the Penal Code.

Bestiality is generally defined as an act that involves the touching of the mouth or genital region of a person to the mouth or genital region of an animal. A person also commits an offense if they cause that

activity, promote that activity, allow the activity to occur on their premises, or buy/sell an animal for the purpose of that activity. An offense of this nature is a state jail felony. If the animal is seriously harmed or killed in the commission of the offense, the offense is a second degree felony. If community supervision is ordered, a judge may cause a defendant to surrender all animals in their possession, prohibit a defendant from owning/possessing an animal, or require counseling or other treatment.

TMCEC: Note that in addition to this new offense, S.B. 1232 creates a new presumption at cruelly treated animal hearings (Subchapter, B Disposition of Cruelly Treated Animal of Chapter 821 of the Health and Safety Code). A conviction for bestiality is now *prima facie* evidence that *any* animal in that person's possession has been cruelly treated.

S.B. 1390

Subject: Exempting Research Institutions from Tax Stamp Requirements for Cigarettes

Effective: September 1, 2017

Chapter 154 of the Tax Code currently provides for a Class A misdemeanor for possession of cigarettes that do not have a tax stamp affixed to the packaging and a third degree felony for their transportation. S.B. 1390 adds Section 154.026 to the Tax Code which exempts cigarettes sold by a manufacturer directly to a research facility exclusively for research purposes from having a tax stamp. Such cigarettes should contain package labeling with "Experimental Use Only," "Reference Cigarettes," or other similar wording. These unstamped cigarettes could be excepted from the criminal offense.

S.B. 1553

Subject: Requirements for Ejecting an Unauthorized Person from School Grounds

Effective: June 15, 2017

It is a Class C misdemeanor under current law (Section 37.107 of the Education Code) for an unauthorized person to trespass on school grounds. S.B. 1553 amends Section 37.105 of the Education Code, which regulates the ejection of unauthorized persons from school grounds, to provide that an administrator, resource officer, or peace officer may only eject a person if that person poses a substantial risk of harm to any person or the person behaves in a manner that is inappropriate for a school setting. The school administrator, resource officer, or peace officer must issue a verbal warning that the person's behavior is inappropriate and may result in the person's refusal of entry or ejection; the person must persist in that behavior before they can be ejected.

TMCEC: The amendment described above is in Section 5 of the bill. Other changes in the law contained in Sections 1-3 take effect on September 1, 2017.

S.B. 1649

Subject: Repeated Criminal Trespass on a College Campus

Effective: September 1, 2017

Colleges and universities across Texas are unique environments that strive to provide teaching, scholarship, and innovation. Given that the nature of these environments makes them attractive places; they may attract individuals with malicious and dangerous intentions. Some have argued that these individuals are insufficiently deterred by current criminal trespass penalties. S.B. 1649 seeks to improve campus safety by revising the conduct that constitutes the offense of criminal trespass.

S.B. 1649 amends Section 30.05 of the Penal Code to allow the enhancement of a charge of criminal trespass to a Class A misdemeanor if the commission of that crime takes place on a college campus and the defendant has been previously convicted of trespass on a college campus. At the punishment stage of a trial in which the prosecutor seeks to increase the punishment under this amended section, the defendant may avoid the enhancement by showing, by a preponderance of evidence, that they were engaging in speech protected by the 1st Amendment to the U. S. Constitution.

TMCEC: S.B. 1649 was no doubt in part influenced by the murder of 18 year old Haruka Weiser on the University of Texas at Austin campus in April 2016. Weiser was walking back to her campus dorm room when she was allegedly assaulted and murdered by Meechaiel Criner, a homeless 17-year-old drifter who was reportedly on the campus attempting to open car doors. During the investigation, students indicated that a significant homeless population in the area had been an ongoing concern for years. This was further borne out by University police reports, indicating that there had been 165 crimes involving people unaffiliated with the school that year alone. S.B. 1649 makes trespass on the grounds of an institution of higher learning a Class A misdemeanor (alongside current offenses such as trespass at a critical infrastructure facility and trespass while carrying a deadly weapon).

S.B. 1871

Subject: Theft of Petroleum Products

Effective: September 1, 2017

Growing oil field fuel and equipment theft in Texas includes increasingly sophisticated hydrocarbon theft operations, pipe and scrap metal theft, solar panel and battery theft, and vandalism. Booms in the Eagle Ford Shale and the Permian Basin have made the oil and gas industry a prime target for criminals, and the increased oil and gas activity has led to increased crime rates. Yet, even with the recent downturn, crime rates have not decreased; layoffs and disgruntled workers reportedly account at least in part for this continued theft. The FBI-led Oilfield Theft Task Force in Midland estimates that the Permian Basin region alone averages between \$200,000 and \$300,000 in theft a month in tools, pipes, and valves that easily can be resold. What's more, that figure does not include the one to three percent of estimated stolen product stolen in the state. Based upon production of more than one billion barrels of oil and condensate in Texas in 2016, the ESC estimates that industry is realizing an annual loss of 10 to 30 million barrels, equivalent to a revenue loss of \$450 million to almost \$1.5 billion at today's prices. While currently it is illegal to steal petroleum products and oil and gas equipment, stakeholders believe a more specific, targeted oil and gas theft statute with a steeper penalty ladder would provide prosecutors with a better tool to dismantle these criminal enterprises, allowing them to put heightened pressure on a defendant to implicate other persons "higher up the chain" in the criminal enterprise.

To address these concerns, S.B. 1871 creates a new offense, Section 31.19 of the Penal Code: (Theft of Petroleum Products or Oil and Gas Equipment). A person commits an offense if the person unlawfully appropriates petroleum products with the intent to deprive the owner of the property by possessing, removing, delivering, receiving, purchasing, selling, moving, concealing, or transporting the petroleum product; or making or causing a connection to be made with, or drilling or tapping or causing a hole to be drilled or tapped in, a pipe, pipeline, or tank used to store or transport a petroleum product. A person also commits an offense if the person unlawfully appropriates oil and gas equipment with the intent to deprive the owner of the oil and gas equipment. For purposes of this offense, appropriation is unlawful if it is without the owner's effective consent. An offense is a felony. Classifying the degree of felony is based upon the total value of the stolen petroleum products or oil and gas equipment. By reducing the amount of oil that is sold illegally, S.B. 1871 aims to minimize economic damage to the oil and gas industry.

TMCEC: Oil and Texas go together like chips and salsa. It should come as no surprise that petroleum products and oil and gas equipment are to be treated distinctly from other types of theft. Under the general theft penalty ladder, theft of under \$100 is a Class C misdemeanor. Under Section 31.19, if the value of the object stolen is less than \$10,000, the offense is a state jail felony.

Traffic Safety and Transportation

H.B. 62

Subject: Criminal Offense of Using a Wireless Communication Device While Operating a Motor Vehicle; Alex Brown Memorial Act

Effective: September 1, 2017

Distracted driving continues to be a significant factor in property damage, injury, and death on this state's roads and highways. Prior to passing this bill, Texas was one of just four states with no statute that addressed distracted driving on a statewide level. H.B. 62, the Alex Brown Memorial Act, prohibits the use of a wireless communication device for electronic messaging while operating a motor vehicle unless the vehicle is stopped.

The bill adds Section 545.4251 of the Transportation Code (Section 8), under which an operator commits an offense if the operator uses a portable wireless communication device (defined by the statute) to read, write, or send an electronic message (also defined) while operating a motor vehicle unless the vehicle is stopped. To be prosecuted, the behavior must be committed in the presence of or within the view of a peace officer or established by other evidence.

Affirmative defenses include using a portable wireless communications device (1) in conjunction with a hands-free device, (2) to navigate using a GPS or navigation system, (3) to report illegal activity, (4) to summon emergency help, (5) to enter information into a software application that provides information relating to traffic and road conditions to users of the application, (6) to read an electronic message the person reasonably believes to concern an emergency, (7) to relay information in the course of the operator's occupational duties to a dispatcher or digital network or software application service (if the device is permanently or temporarily affixed to the vehicle), or (8) to activate a function that plays music.

It is not an offense for operators of authorized emergency or law enforcement vehicles to use a portable wireless communication device while acting in an official capacity or for operators licensed by the Federal Communications Commission to operate a radio frequency device other than a portable wireless communication device.

An offense under Section 545.4251 is punishable by a fine of at least \$25 and not more than \$99 unless the defendant has been previously convicted at least one time of an offense under that section (if shown at trial). Then the fine range is \$100 - \$200. However, it is a Class A misdemeanor punishable by a fine not to exceed \$4,000 and confinement in jail for a term not to exceed one year if the defendant caused the death or serious bodily injury of another person (if shown at trial).

A peace officer who stops a motor vehicle for an alleged violation of Section 545.4251 may not take possession of or otherwise inspect a portable wireless communication device in the possession of the operator unless authorized by other law. The bill also amends Section 543.004 of the Transportation Code requiring an officer to issue a written notice to appear if the offense is the use of a wireless communication device under Section 545.4251.

Section 545.4251 preempts all local ordinances, rules, or other regulations adopted by a political subdivision relating to the use of a portable wireless communication device by the operator of a motor vehicle to read,

write, or send an electronic message (See the commentary for this bill, *supra*, for a discussion of the effect of the Special Session called by the Governor on preemption.).

H.B. 62 amends Section 708.052 of the Transportation Code prohibiting the Department of Public Safety from assigning points to a person's license if the person is convicted of the offense in Section 545.4251.

This bill also adds a specific penalty to Section 545.424 of the Transportation Code (Operation of a Vehicle by Person Under 18 Years of Age): a fine of at least \$25 and not more than \$99 unless the defendant has been previously convicted at least one time of an offense under either Subsection 545.424(a) or (b); then the offense is punishable by a fine of at least \$100 and not more than \$200. Previously, Section 545.424 did not apply to a person operating a motor vehicle while accompanied in the manner required by Section 521.222(d)(2) for the holder of an instruction permit. As amended, only Subsection 545.424(a-1) does not apply to such a person.

Section 6 of the bill amends the definition of "hands-free device" in Section 545.425 of the Transportation Code.

Section 7 also amends Section 545.425 of the Transportation Code requiring a municipality, county, or other political subdivision that by ordinance or rule prohibits the use of a wireless communication device while operating a motor vehicle to include on the required signs whether use of a wireless communication device with a hands-free device is allowed in the political subdivision. Section 8 of the bill requires the Texas Department of Transportation to post certain signs.

TMCEC: Governor Abbott announced a Special Session that will begin on July 18, 2017. Included in the 20 identified items that will be taken up in Special Session is preemption of local ordinances that ban using mobile devices beyond texting while driving. While H.B. 62 only preempts ordinances regulating texting while driving, cities should pay careful attention to the Special Session in the event preemption is broadened to include regulating all use of a wireless communication device. The Governor is targeting "a patchwork of regulations" across the state.

This bill is the result of a long battle fought by Representative Tom Craddick and many other traffic safety advocates. Four of the authors filed H.B. 80 last Session (2015), which did not pass in the Senate. In 2013, H.B. 63 also failed to pass in the Senate. In 2011, H.B. 242 passed both houses only to be vetoed by then Governor Rick Perry. Governor Abbott signed H.B. 62 on June 6, 2017 ending the effort to create a statewide ban of behavior that causes deaths on Texas roads. Just over two months prior to signing, a driver killed 13 people on March 29, 2017 when he crashed into a church bus in Uvalde County. Department of Public Safety records showed he was texting while driving.

H.B. 100

Subject: Regulating Transportation Network Companies

Effective: May 29, 2017

Transportation network companies (TNCs) utilize digital technology platforms to provide on-demand and highly automated private ride services. These services connect passengers with willing drivers who use their personal vehicles to provide rides. However, no consistent and predictable statewide regulation of TNCs exists in Texas, resulting in an inefficient and confusing patchwork of rules

across local jurisdictions. H.B. 100 establishes a uniform, rational statewide framework for regulating TNCs, enabling TNCs to help provide Texans with greater mobility options, earning opportunities, and increased public safety.

H.B. 100 adds Chapter 2402 (Transportation Network Companies) of the Occupations Code. Subchapter A (General Provisions) includes definitions, the nature of TNCs, drivers, and vehicles, and controlling authority.

Under Section 2402.003, the regulation of TNCs, drivers logged into a digital network, and vehicles used to provide digitally prearranged rides (1) is an exclusive power and function of state government and (2) may not be regulated by a municipality or other local entity. This includes by imposing a tax, requiring an additional license or permit, setting rates, or imposing other requirements. Chapter 2402 does not affect the ability of a local authority to take an action described by Section 542.202 of the Transportation Code (Powers of Local Authorities) or enforce a provision of Subtitle C, Title 7 of the Transportation Code (Rules of the Road) or any other state law relating to the operation of traffic on public roads. As of May 29, 2017, any municipality's ordinance or policy related to TNCs or drivers authorized to access a TNC's digital network is void and has no effect.

An airport owner or operator may impose regulations on a TNC that provides digitally prearranged rides to or from the airport. The governing body of a governmental entity with jurisdiction over a cruise ship terminal may also impose regulations on a TNC that provides digitally prearranged rides to or from the terminal. Those exceptions are limited.

Subchapter B (Permit Required) requires a permit for operating a TNC in Texas and provides for a fee.

Subchapter C (Operation of Transportation Network Companies) addresses, inter alia, insurance (the requirements of Chapter 1954 of the Insurance Code governing TNCs and drivers logged into a digital network), shared rides, fares, identification of drivers, electronic receipts, intoxicating substance policies, driver requirements, vehicle requirements, disorderly passengers, nondiscrimination, accessibility to disabled passengers, and agreements with local entities for large events.

Subchapter D (Records and Other Information) requires TNCs to maintain certain records and addresses collection, use, and disclosure of records and other company information as well as disclosure of passenger information. Section 2402.154 allows a municipality and a TNC to voluntarily enter into an agreement regarding sharing the company's data with the municipality.

Subchapter E (Enforcement) authorizes the Texas Department of Licensing and Regulation (TDLR) to suspend or revoke a permit issued to a TNC that violates a provision of Chapter 2402.

H.B. 561

Subject: Operating Package Delivery Vehicles

Effective: May 26, 2017

H.B. 561 adds Subchapter G (Package Delivery Vehicles) to Chapter 551 of the Transportation Code (Operation of Bicycles, Mopeds, and Play Vehicles). Section 551.452 provides for "Package Delivery"

license plates for vehicles operated for the purpose of picking up and delivering mail, parcels, and packages if the vehicle is an all-terrain vehicle, golf cart, neighborhood electric vehicle, recreational off-highway vehicle, or a utility vehicle. The vehicle must be equipped with head lamps, tail lamps, reflectors, a parking brake, and mirrors, in addition to any other equipment required by law.

Under Section 551.453, a motor carrier may operate, for the purpose of picking up or delivering mail, parcels, or packages, a vehicle bearing license plates issued under Section 551.452 on a public highway that is not an interstate or limited-access or controlled-access highway and that has a speed limit of not more than 35 miles per hour. Section 551.456 authorizes such vehicles to cross intersections, including on or through a road or street that has a speed limit of more than 35 miles per hour.

The Department of Motor Vehicles may not require registration of a vehicle operated under Subsection 551.452(a) unless the registration is required by other law.

Section 551.455 authorizes municipalities to allow a motor carrier to operate, for the purpose of picking up or delivering mail, parcels, or packages, a vehicle bearing license plates issued under Section 551.452 on all or part of a public highway that (1) is in the corporate boundaries of the municipality and (2) has a speed limit of not more than 35 miles per hour.

Section 551.454 authorizes property owners' associations to adopt reasonable safety and use rules for the operation of vehicles bearing package delivery license plates issued under Section 551.452.

Subchapter G controls in the case of a conflict between it and other law, including Chapters 502 and 663 of the Transportation Code.

H.B. 912/S.B. 848

Subject: Parent-Taught Driver Education Courses and Driving Safety Courses

Effective: June 15, 2017/June 9, 2017

Other than the effective date, H.B. 912 and S.B. 848 are identical bills. Both bills amend Section 1001.112 of the Education Code expanding the pool of individuals eligible to teach parent-taught driver education courses to include individuals designated by a parent, legal guardian, or a judge of a court with jurisdiction over the person on a form prescribed by the department, if they meet the following qualifications: are at least 25 years of age, do not charge a fee for conducting the course, have at least seven years of driving experience, and otherwise qualify to conduct a course under this section. Amended Section 1001.112 creates a seven-year limit on disqualification from conducting such courses for individuals convicted of driving while intoxicated and removes the disqualification of being disabled because of mental illness.

The bills also amend Sections 1001.055, 1001.056, 1001.206, and 1001.351 to provide for electronic issuance of certificates.

Amendments to Sections 1001.204, 1001.205, and 1001.206 remove the requirement that a driver education school or driving safety school have owners, instructors, and course providers respectively who are of good reputation and character.

H.B. 920**Subject: Operating All-Terrain Vehicles****Effective: September 1, 2017**

H.B. 920 amends Section 663.037 of the Transportation Code (Operating on Public Roadway Prohibited) requiring a triangular orange flag that is at least six feet above ground level attached to the back of an all-terrain vehicle driven on certain public roadways. This replaces the requirement of a triangular orange flag on top of an eight-foot-long pole.

Section 663.037, as amended, also authorizes persons other than just peace officers to operate an all-terrain vehicle on a public street, road, or highway that is not an interstate or limited-access highway. Additional person include law enforcement, firefighting, ambulance, medical, or other emergency services.

H.B. 1249**Subject: Criminal Offense of Operating a Motor Vehicle that Resembles an Emergency Medical Vehicle****Effective: September 1, 2017**

H.B. 1249 addresses concerns regarding the operation of vehicles purchased from an authorized emergency medical services (EMS) provider when the useful life of the vehicle has expired without the removal of the easily recognized identifying insignia, such as the star of life emblem and emergency lights, which can mislead a reasonable person as to the vehicle's purpose.

New Section 773.017 of the Health and Safety Code prohibits operating a motor vehicle that resembles an EMS vehicle unless the person uses the motor vehicle as an EMS vehicle under Chapter 773 or for other legitimate governmental functions including police or firefighting services. A violation of Section 773.017 is a Class C misdemeanor.

A motor vehicle resembles an emergency medical services vehicle if the motor vehicle has on the exterior of the motor vehicle any of the following markings or features: (1) the word "ambulance" or a derivation of that word; (2) a star of life as trademarked by the National Highway Traffic Safety Administration; (3) a Maltese cross commonly used by fire departments; (4) forward-facing flashing red, white, or blue lights; (5) a siren; (6) the words "critical care transport," "emergency," "emergency medical services," or "mobile intensive care unit"; or (7) the acronym "EMS" or "MICU."

Section 773.017 does not apply to a motor vehicle bearing a license plate issued or approved under Section 504.501 (Classic Motor Vehicles and Travel Trailers; Custom Vehicles; Street Rods) or 504.502 (Certain Exhibition Vehicles) of the Transportation Code.

H.B. 1372**Subject: Proper Use of Child Safety Seats Curriculum in Driver Education and Driving Safety Courses****Effective: September 1, 2017**

H.B. 1372 adds Section 1001.1091 to the Education Code adding proper use of child passenger safety seat systems to the curriculum of driver education and driving safety courses.

H.B. 1791

Subject: Use of Connected Braking Systems to Maintain Distance Between Vehicles

Effective: May 18, 2017

There is an increased use of connected braking technology by major truck fleets in the United States, whereby a convoy of two vehicles are linked together wirelessly so the rear vehicle can control its speed based on the behavior of the front vehicle, surrounding traffic, and weather conditions. Several state and federal agencies, research institutes, and private sector companies have participated in projects demonstrating how connected braking technology improves safe driving conditions for the vehicles using the technology as well as surrounding vehicles.

H.B. 1791 seeks to provide clarity in the law regarding the use of connected braking systems in Texas. H.B. 1791 amends Section 545.062 of the Transportation Code (Following Distance) permitting a vehicle equipped with a connected braking system to be assisted by the system to maintain an assured clear distance or sufficient space as required by this section. “Connected braking system” means a system by which the braking of one vehicle is electronically coordinated with the braking system of a following vehicle.

TMCEC: While not creating a new offense, H.B. 1791 does amend Section 545.062 which contains the traffic offense of following too closely.

H.B. 1793

Subject: Inspection of Certain Commercial Vehicles Not Domiciled in the State

Effective: May 26, 2017

Many Texas trucks and trailers registered as commercial motor vehicles are not domiciled in Texas, which forces those vehicles to travel long distances to obtain the required valid annual inspection. The expense of this obligation, especially considering driver wages and per diems, fuel, and the necessary downtime for the trucks and trailers, may be forcing some in the industry to register their fleets in states that have less burdensome registration and inspection requirements, resulting in a loss of revenue to the state.

H.B. 1793 amends Section 548.203 of the Transportation Code (Exemptions) exempting from the state’s compulsory annual inspection a commercial motor vehicle registered in this state or under the International Registration Plan as authorized by Section 502.091 of the Transportation Code that is not domiciled in this state and has been issued a certificate of inspection in compliance with federal motor carrier safety regulations.

Such vehicles are subject to any fees established by the Transportation Code that would apply to the vehicle if it were subject to the inspection requirements of Chapter 548, including a fee under Section 548.504 (Inspection of Commercial Motor Vehicle) or 548.5055 (Texas Emission Reduction Plan Fee).

H.B. 1823

Subject: Diacritical Marks in Vital Statistics, Driver's Licenses, and Personal Identification Certificates

Effective: September 1, 2017

H.B. 1823 adds Section 191.009 of the Health and Safety Code and Sections 521.127 and 522.030 of the Transportation Code. Each of these additions ensure that their respective departments (the Department of State Health Services and the Department of Public Safety) include any diacritical marks that appear in a person's name in vital statistics, driver's licenses, identification cards, commercial driver's licenses, and commercial driver's permits. The new sections define a diacritical mark as a mark used in Latin script to change the sound of a letter to which it is added or used to distinguish the meaning of the word in which the letter appears. The term includes accents, tildes, graves, umlauts, and cedillas.

TMCEC: These marks are used in German, Greek, Hebrew, Spanish, and many other languages. Such marks are critical to correct pronunciation and meaning. They may also be important in avoiding and detecting matters of false identification.

H.B. 1956

Subject: Operating Certain Off-Highway Vehicles

Effective: September 1, 2017

Over time, applicable statutes have resulted in confusion for both drivers and some law enforcement officers as to the proper operation of all-terrain vehicles, utility vehicles, and recreational off-highway vehicles. H.B. 1956 addresses this issue by providing for clarification with regard to the operation of these vehicles

H.B. 1956 amends Section 663.001 of the Transportation Code (Definitions) adding utility vehicle to the vehicles to which statutory provisions relating to the operation of certain off-highway vehicles apply.

The bill changes the heading to Subchapter B of Chapter 663 of the Transportation Code to Off-Highway (formerly All-Terrain) Vehicle Operator Education and Certification and makes conforming changes throughout that chapter.

H.B. 1956 repeals the following provisions of the Transportation Code: Section 551.401(2) (definition of utility vehicle in Subchapter F Golf Carts and Utility Vehicles), Section 663.001(1) (definition of all-terrain vehicle for the purposes of Chapter 663) as amended by Chapters 131 (S.B. 487) and 895 (H.B. 1044), Acts of the 83rd Legislature, Regular Session, 2013; and Section 663.003 (Recreational Off-Highway Vehicles).

H.B. 2319/S.B. 1102

Subject: Operation of Certain Overweight Vehicles on Highways and Intermodal Shipping Container Permit

Effective: June 9, 2017/June 1, 2017

Due to the increased weight of their fuel systems, natural gas trucks weigh more than comparable diesel trucks, sometimes weighing up to 2,000 pounds more. This means that full-load carriers operating natural

gas trucks often must reduce their loads. As a result, carriers operating natural gas trucks can experience revenue losses of up to two to three percent per load, and may not be able to carry some bulk loads that are carried in fixed load trailers that cannot be easily changed. To address this, Congress passed the FAST Act in December of 2015 to allow states to exempt the added weight of natural gas fuel tanks, up to 2,000 pounds from interstate weight limits.

In light of the FAST Act, many states have enacted legislation extending the exemption on both their interstate and local highways. S.B. 1102 and Section 1 of H.B. 2319 are identical, with the exception of the effective date. (The rest of the sections in H.B. 2319 are not found in S.B. 1102.) Section 1 of H.B. 2319 and S.B. 1102 add Subsection 621.101(b-1) of the Transportation Code, authorizing a vehicle or combination of vehicles powered by an engine fueled primarily by natural gas to exceed any weight limitation under this section by an amount equal to the difference between the weight of the vehicle attributable to the natural gas tank and fueling system carried by that vehicle and the weight of a comparable diesel tank and fueling system. However, such a vehicle or combination of vehicles may not exceed 82,000 pounds. (Notably, Section 621.101 of the Transportation Code is the offense of operating an overweight vehicle.)

H.B. 2319 also adds Section 623.0172 of the Transportation Code requiring the Texas Department of Motor Vehicles (DMV) to issue a permit for a sealed intermodal shipping container moving by a truck-tractor and semitrailer combination that has six total axles and is equipped with a roll stability support safety system and truck blind spot systems. Among other requirements, the gross weight of the combination may not exceed 93,000 pounds. The DMV shall restrict vehicles operating under this permit to certain routes. The permit does not authorize operation on certain roads or bridges or transportation of hazardous material.

The DMV shall initially set the fee for a permit in an amount not to exceed \$2,000 and beginning in 2022, on September 1 of each even-numbered year, set the fee based on certain estimates. Beginning in 2022, The Texas Department of Transportation shall conduct a study concerning vehicles operating under this permit.

TMCEC: See also, S.B. 1524 for a similar permit in new Section 623.402 of the Transportation Code. Both bills create an annual permit for sealed intermodal shipping containers moving in international transportation by a truck-tractor and semitrailer combination that has six total axles (among many other specifications). H.B. 2319 does so by adding Subsection 623.0172(b) of the Transportation Code. S.B. 1524 does so by adding Subsection 623.402(a) of the Transportation Code. Those provisions are identical. S.B. 1524 also authorizes the DMV to issue a permit for intermodal shipping containers with a combination that has seven total axles in Subsection 623.402(b).

S.B. 1524 authorizes the DMV to issue a permit whereas H.B. 2319 requires the DMV to issue it (“may” vs. “shall” respectively).

Unlike S.B. 1524, H.B. 2319 lacks preemption language. S.B. 1524 prohibits the governing body of a municipality from regulating based on weight the movement and operation on a state highway or county or municipal road of a combination of vehicles operating under a permit issued under new Section 623.402 of the Transportation. H.B. 2319 lacks such language.

The fee varies between the bills. H.B. 2319 requires the DMV to initially set the fee for a permit under Section 623.0172 in an amount not to exceed \$2,000 (to be reevaluated in even numbered years beginning in 2022). S.B. 1524 requires a fee of \$6,000 to accompany an application for a permit under Subsections

623.402(a) or (b). Each bill requires a different allocation of the fee and directs the allocation to different funds (H.B. 2319 requires 90 percent of the fee collected to be deposited to the state highway fund, five percent to the DMV fund, and five percent to the appropriate county road and bridge fund; S.B. 1524 requires 50 percent of the fee to be deposited to the state highway fund, 30 percent to be equally divided among and distributed to each county designated in the permit application, 16 percent to be equally divided among and distributed to each municipality designated in the permit application, and four percent to be deposited to the Texas Department of Motor Vehicles fund.)

There are also variances between the bills regarding route restrictions. Additionally, S.B. 1524 provides for a permit sticker and related Class C misdemeanor, whereas H.B. 2319 does not.

Time will tell whether these bills will be construed to create three different permits (one under each of Subsection 623.0172(b), 623.402(a), and 623.402(b)) or if Subsections 623.0172(b) and 623.402(a) will be construed as the same permit. To make things more interesting, H.B. 2319 took effect on June 9, 2017. S.B. 1524 takes effect on January 1, 2018. H.B. 2319 passed last in time.

H.B. 2501

Subject: Insurance Requirements for Certain Nonemergency Medical Transportation

Effective: September 1, 2017

Non-Emergency Medical Transportation (NEMT) providers bring patients to routine and follow-up medical appointments, improving patient outcomes and lowering healthcare costs. These companies are increasingly using a rideshare model or have announced partnerships with Uber, Lyft, and similar companies. The problem is that current law inhibits NEMT providers from securing needed automobile insurance to operate in Texas if those providers use a rideshare model.

In 2015, the 84th Legislature passed H.B. 1733 to clarify insurance responsibilities for transportation network companies (TNC) and their drivers. That bill established insurance coverage requirements during certain “gap periods” where a driver was not yet carrying a passenger, but was waiting for a passenger request. However, the bill’s definition of “transportation network company” was written in a way that excludes NEMT providers, which has made it difficult for some providers to secure required auto insurance.

H.B. 2501 amends Section 1954.002 of the Insurance Code making Chapter 1954 (Insurance for Transportation Network Company Drivers) inapplicable to entities arranging nonemergency medical transportation unless they connect riders and drivers through a digital network, contract individually with each driver, and otherwise meet all requirements under the Medicaid or Medicare program for delivery of nonemergency medical transportation services.

H.B. 2812

Subject: Use of Certain Lighting Equipment on Security Patrol Vehicles

Effective: September 1, 2018

Motorists must be able to differentiate between law enforcement vehicles and vehicles used by private security entities. Sometimes lighting equipment makes this difficult.

H.B. 2812 amends a Class C misdemeanor offense, Section 547.305 of the Transportation Code (Restrictions on Use of Lights). Section 547.305 providing that a security patrol vehicle may only be equipped with

green, amber, or white lights. The bill defines “security patrol vehicle” and clarifies that a motor vehicle is equipped with a lamp or illuminating device under Section 547.305 regardless whether the lamp or illuminating device is attached to the motor vehicle temporarily or permanently or activated.

H.B. 2968

Subject: Golf Carts or Utility Vehicles on Public Highways in Certain Counties

Effective: May 26, 2017

H.B. 2968 amends Section 551.404 of the Transportation Code increasing the population size (less than 37,000 instead of 30,000) of an otherwise qualified county in which a commissioners court may allow an operator to use a golf cart or utility vehicle on the public highway. It also adds any peninsula that borders the Gulf of Mexico that otherwise meets the qualifications.

H.B. 3050

Subject: Driver’s and Learner Licenses

Effective: September 1, 2017

H.B. 3050 addresses various issues currently experienced by the Department of Public Safety (DPS). The bill cleans up several provisions of the Transportation Code to reflect the newer term “learner license” rather than the old term “instructional permit.” Previous legislative sessions have changed the term, but did not update all parts of the code.

Section 2 amends Section 521.009 of the Transportation Code permitting the governing body of a municipality to enter into an agreement with DPS to permit municipal employees to provide services at a municipal office relating to the issuance of renewal and duplicate driver’s licenses, election identification certificates, and personal identification certificates. A participating municipality must remit applicable fees to DPS.

Section 5 amends Section 521.1211 of the Transportation Code (Driver’s License for Peace Officer) allowing federal special investigators who live in Texas to use an alternative approved address in the county in which they work, rather than their residence address, on a driver’s license.

H.B. 3051

Subject: Categories Used to Record Race and Ethnicity of Persons Stopped for or Convicted of Traffic Offenses

Effective: September 1, 2017

Currently, Texas law does not conform to national standards for reporting race and ethnicity when the data is exchanged, stored, retrieved, or analyzed in electronic form.

H.B. 3051 amends Article 2.132 of the Code of Criminal Procedure (Law Enforcement Policy on Racial Profiling) to conform to the national standards and lists race and ethnicity as five categories under Subsection (a)(3): Alaska native or American Indian; Asian or Pacific Islander; black; white; and Hispanic or Latino.

The bill also amends Section 543.202 of the Transportation Code (relating to required conviction records kept by courts) to list race and ethnicity as the same five categories.

H.B. 3087

Subject: Definitions of Highway Maintenance and Service Vehicles

Effective: September 1, 2017

H.B. 3087 amends Section 547.001 of the Transportation Code (Definitions for purposes of Chapter 547, Vehicle Equipment) adding “highway maintenance vehicle” and “service vehicle.” The bill changes the heading of Section 547.105 to Maintenance and Service Vehicle (instead of Equipment) Lighting Standards and expands the type of equipment for which the Texas Department of Transportation adopts lighting standards and specifications from highway maintenance equipment to highway or traffic maintenance vehicles, which include such equipment, and service vehicles and makes that expansion applicable to the prohibition against operating equipment that is not equipped with lamps or does not display the required lighted lamps.

TMCEC: A violation of Chapter 547 of the Transportation Code is a Class C misdemeanor. The general penalty provision is Section 547.004.

H.B. 3254

Subject: Enforcement of Motor Carrier Regulations

Effective: January 1, 2018

The Department of Motor Vehicles (DMV) needs additional authority in regulating motor carriers and enforcing that regulation, including authority to deny a motor carrier registration to a carrier that changes names or operates under various aliases to continue operations without remedying previous penalties or sanctions, which are often related to safety. H.B. 3254 expands such authority.

H.B. 3254 amends Section 645.004 of the Transportation Code, the Class C misdemeanor for violating a rule adopted under Chapter 645, making it an offense to fail to register as required by the unified carrier registration plan and agreement or fail to submit information and documents as required by the unified carrier registration plan and agreement.

The bill amends Section 643.054 of the Transportation Code allowing the DMV to deny a registration if the applicant is owned, operated, managed, or otherwise controlled by or affiliated with a person that the Department of Public Safety has determined has an unsatisfactory safety rating under applicable federal regulations or has multiple violations of commercial motor vehicle safety standards or rules of the road. The bill authorizes the DMV to deny a supplement to a motor carrier’s application for registration if the motor carrier has unpaid administrative penalties assessed under statutory provisions relating to motor carrier registration or vehicle size and weight.

Section 643.058 of the Transportation Code as amended prohibits a motor carrier from renewing a registration that has been expired for more than 180 days but authorizes the motor carrier to obtain a new registration by complying with the requirements and procedures for obtaining an original registration.

As amended, Section 643.153 of the Transportation Code replaces the requirement for a motor carrier that is required to register and that transports household goods for compensation to file a tariff with the DMV that establishes maximum charges for transportation between two or more municipalities with the requirement for such a motor carrier to file a tariff that establishes maximum charges for all transportation services.

The amendment to Section 644.151 of the Transportation Code makes it a Class A misdemeanor to knowingly operate a commercial motor vehicle in violation of an out-of-service order issued under 49 C.F.R. Section 385.13(d)(1) or owns, leases, or assigns a person to drive a commercial motor vehicle that is knowingly operated in violation of an out-of-service order issued under 49 C.F.R. Section 385.13(d)(1). The offense is a state jail felony or a second degree felony if it is shown at trial that the vehicle caused bodily injury or death respectively.

H.B. 3272

Subject: Suspension, Revocation, or Cancellation of a Driver's License or Personal Identification Certificate

Effective: September 1, 2017

H.B. 3272 amends Section 521.292 of the Transportation Code (Department's Determination for License Suspension) allowing an action against any driver under 18 years of age, not just those with a provisional license. This makes all minors who hold a driver's license subject to suspension for two or more moving violations committed within a 12-month period.

The bill also amends Section 521.294 of the Transportation Code (Department's Determination for License Revocation) removing the requirement that the Department of Public Safety (DPS) revoke a person's license if the person has been reported by a court under Section 521.3452 for failure to appear or has been reported within the preceding two years by a justice or municipal court for failure to appear or for a default in payment of a fine (for persons age 14 to 16 when the offense was committed).

H.B. 3272 amends Section 521.300 of the Transportation Code providing for a hearing under Subchapter N of Chapter 521 (General Provisions Relating to License Denial, Suspension, or Revocation) to be conducted by telephone or video conference call if the presiding officer provides notice to the affected parties.

Amended Section 521.314 of the Transportation Code authorizes DPS to cancel a license or certificate if the holder paid the required fee for the license or certificate by check or credit card that was returned to DPS or not honored by the funding institution or credit card company due to insufficient funds, a closed account, or any other reason.

TMCEC: This bill also amends Article 45.050 of the Code of Criminal Procedure (Failure to Pay Fine; Failure to Appear; Contempt: Juveniles) prohibiting confinement of a juvenile for failure to appear.

H.B. 3654

Subject: Definition of Road Machinery for Purposes of Certain Provisions Governing Vehicle Equipment

Effective: September 1, 2017

State law governing vehicle equipment in relation to the rules of the road applies to road machinery, but that this type of apparatus is not clearly defined.

H.B. 3654 amends Section 547.001 of the Transportation Code defining "road machinery" for purposes of Chapter 547 (Vehicle Equipment). Road machinery means a self-propelled vehicle that was originally and

permanently designed as machinery, is not designed or used primarily to transport persons or property, and is only incidentally operated on a highway.

S.B. 312

Subject: Toll-Related Offenses; Sign Height and Spacing Requirements; Garage or Repair Shop Ordinances

Effective: September 1, 2017

S.B. 312 enacts the Sunset Advisory Commission's recommendations regarding the Texas Department of Transportation (TxDOT). Sunset recommended continuing TxDOT for 12 years along with several other statutory modifications that are contained in this legislation.

TMCEC: The following provisions of S.B. 12 are most notable for city attorneys and municipal courts.

Toll-Related Offenses:

S.B. 312 affects toll-related offenses, amending Section 228.054 of the Transportation Code (Class C misdemeanor for failing or refusing to pay a toll) deleting the reference to Section 228.0545 and changes the heading of both sections, Section 228.054 to Toll Payment Required; Emergency Vehicles Exempt and Section 228.0545 to Toll Not Paid at Time of Use; Invoice). TxDOT may provide the invoice under Section 228.0545 by first class mail or as an electronic record (if a registered owner agrees to it).

S.B. 312 creates a new offense for failing to pay the toll invoice, Section 228.0547, a misdemeanor punishable by \$250. A person may not be convicted of more than one offense under this section in a 12-month period. The court in which the person is convicted shall collect the unpaid tolls and administrative fees and forward the amounts to TxDOT. The person convicted is also liable for court costs under the statute. The bill makes the presumptions, evidence, and defense provisions in Section 228.056 applicable to the offense in Section 228.0547.

S.B. 312 removes the offense in Section 228.059 (Failure to Pay State Highway Toll or Administrative Fee imposed by Other Entity). Note that the changes in law regarding toll collection procedures and billing apply only to a toll incurred on or after March 1, 2018.

Sign Height and Spacing:

The bill also affects sign height requirements, adding Section 391.038 of the Transportation Code restricting the height of signs existing on March 1, 2017 that were erected before that date to 85 feet, excluding a cutout that extends above the rectangular border of the sign measured from either the grade level of the centerline of the main-traveled way or if the main-traveled way is below grade, from the base of the sign structure. Under the statute, a person may rebuild a sign existing on March 1, 2017 that was erected before that date without obtaining a new or amended permit from TxDOT as long as it is rebuilt in the same location and at a height that does not exceed the height of the sign on that date.

New Section 391.039 of the Transportation Code prohibits TxDOT from requiring an electronic sign owned by a municipality with a population of more than 200,000 located in a county on the Texas-Mexico border with a population of less than 300,000 to be more than 500 feet from another sign.

Garage or Repair Shop Ordinances

S.B. 312 amends Section 550.067 of the Transportation Code (Municipal Authority to Require Accident Reports) authorizing a municipality to require the person in charge of certain garages or repair shops if a vehicle shows evidence of having been involved in an accident described by Section 550.062(a) (relating to a law enforcement officer's accident report), rather than an accident requiring a report to be filed under Section 550.061 (Operator's Accident Report) or 550.062 (Officer's Accident Report) to report the damage to certain entities.

S.B. 1187

Subject: Operating a Motor Vehicle Without Financial Responsibility

Effective: June 1, 2017

Texas law requires all drivers to maintain automobile insurance and to show proof of financial responsibility when requested by an officer during a traffic stop. In some instances, even though a driver has insurance and the officer has knowledge that the driver or automobile is in fact insured, a citation will be issued to the driver. In Texas, most patrol cars used by law enforcement have the ability to determine whether or not an automobile has the required level of liability insurance. During a traffic stop, officers routinely are able to run an automobile's license plate or vehicle identification number to confirm this information through the TexasSure Vehicle Insurance Verification Program.

S.B. 1187 amends Section 601.053 of the Transportation Code (Evidence of Financial Responsibility) prohibiting an officer from issuing a citation for an offense under Section 601.191 (Operation of Motor Vehicle in Violation of Motor Vehicle Liability Insurance Requirement; Offense) unless the officer attempts to verify through the verification program that financial responsibility has been established for the vehicle and is unable to make that verification.

The bill also amends Section 601.191 requiring a citation issued for an offense under that section to include an affirmative indication that the peace officer was unable at the time of the alleged offense to verify financial responsibility for the vehicle through the verification program established under Subchapter N (Financial Responsibility Verification Program) of Chapter 601.

S.B. 1187 amends Section 708.103 of the Transportation Code, adding Subsection (a-1), which prohibits the Department of Public Safety from assessing a surcharge on the license of a person based on an offense under Section 601.191 if the person proves to DPS under Subsection 601.231(b) that the person had financial responsibility at the time the offense was alleged to have occurred.

TMCEC: Contact your local print shop or electronic citation software provider and add this to the laundry list of requirements for the citation. So far, implemented practices for an affirmative indication include a check box or a written statement or notation by the officer. This bill caused unexpected panic among some jurisdictions. To be clear, this bill does not affect the jurisdiction of the court, filing a complaint, or the offense itself. It does not require a dismissal if a citation that lacks the required affirmative indication is filed in a court.

This bill makes sense. TexasSure, the vehicle insurance verification database, has been available to law enforcement statewide since 2008. Now they are required to use it, resulting in fewer citations filed for operating a motor vehicle in violation of Section 601.051 when there was no violation.

S.B. 1501**Subject: Regulation, Licensing, and Enforcement of Motor Vehicle Towing, Booting, and Storage****Effective: June 15, 2017, except Sections 7, 10, and 20(b) take effect September 1, 2018**

A recent strategic planning process undertaken by the Texas Department of Licensing and Regulation indicated that certain regulations and licensing requirements involving vehicle towing, booting, and storage could be eliminated without endangering public health, safety, or welfare. S.B. 1501 seeks to remove some of these regulations and revise certain authority to conduct booting and towing activities.

S.B. 1501 amends Section 2308.2085 of the Occupations Code expressly authorizing a local authority to regulate, in areas in which the entity regulates parking or traffic, booting activities, including operation of booting companies and operators that operate on a parking facility, any permit and sign requirements in connection with the booting of a vehicle, and fees that may be charged in connection with the booting of a vehicle.

Regulations adopted under Section 2308.2085 must incorporate the requirements of Sections 2308.257 (Booting of Unauthorized Vehicle) and new 2308.258 (Boot Removal), include procedures for vehicle owners and operators to file a complaint with the local authority regarding a booting company or operator, and provide for the imposition of a penalty on a booting company or operator for a violation of new Section 2308.258.

The bill defines “local authority” as a state or local governmental entity authorized to regulate traffic or parking (Section 2308.002).

Section 2308.151 authorizes a person to perform booting operations and operate a booting company unless the person is prohibited by a local authority under Section 2308.2085, removing the requirement of a license.

In certain counties, the addition of Section 2308.210 authorizes possible punishment by a fine not less than \$1 or more than \$200 for a towing company or operator that violates a provision of an order by a commissioners court establishing a program under that section.

Added Section 2308.258 requires a booting company responsible for the installation of a boot on a vehicle to remove the boot not later than one hour after the time the owner or operator of the vehicle contacts the company to request removal of the boot. That section also requires the booting company to waive the amount of the fee for removal of a boot, excluding any associated parking fees, if the company fails to remove it within that time. If the booting company installed more than one boot on a vehicle, it is prohibited by this section from charging a total amount for the removal of the boots that is greater than the amount of the fee for the removal of a single boot.

S.B. 1523**Subject: Creation of the State Safety Oversight Program for Rail Fixed Guideway Public Transportation Systems****Effective: June 1, 2017**

In 1996, the Federal Transit Administration established the State Safety Oversight (SSO) program, which oversees rail fixed guideway public transportation systems. As a result, an eligible state must obtain

statutory authority for its SSO program and designate a state agency to oversee and enforce safety at rail fixed guideway public transportation systems in its jurisdiction from engineering, construction, and revenue operations. In 1997, the Texas Legislature designated the Texas Department of Transportation (TxDOT) as the SSO agency.

S.B. 1523 puts Texas in line with federal SSO requirements.

The bill designates Sections 455.001 through 455.004 of the Transportation Code as Subchapter A (General Powers and Duties) and adds Subchapter B (State Safety Oversight Program) to detail the requirements, responsibilities, and procedures of TxDOT regarding rail fixed guideway public transportation systems.

S.B. 1524

Subject: Vehicles Transporting Intermodal Shipping Containers

Effective: January 1, 2018

S.B. 1524 adds Subchapter U (Intermodal Shipping Containers) to Chapter 623 of the Transportation Code (Permits for Oversize or Overweight Vehicles). Added Section 623.401 defines “intermodal shipping container” and new Section 623.402 authorizes the Department of Motor Vehicles (DMV) to issue an annual permit for movement of a sealed intermodal shipping container under two different sets of circumstances and conditions found in Subsections (a) and (b). Added Section 623.404 provides for a permit fee of \$6,000.

Subchapter U also addresses route restrictions, designation of movement, permit conditions, a permit sticker, and permit and weight record documents. Section 623.409 creates a Class C misdemeanor for failing to display the sticker described by Section 623.407(a) in the manner required by that section, failing to carry a permit issued under Subchapter U, or failing to carry or present a weight record as required by Section 623.408(b).

S.B. 1524 amends Section 623.019 of the Transportation Code expressly giving jurisdiction of any offense under that section to a justice or municipal court (removing the restriction that the municipal court only had jurisdiction if the fine did not exceed \$500).

Amended Section 621.303 of the Transportation Code prohibits municipalities from regulating, because of weight, the movement and operation of a combination of vehicles operating under a permit issued under new Section 623.402 on a state highway or county or municipal road.

S.B. 1524 amends Section 550.062 of the Transportation Code (Officer’s Accident Report) requiring the officer’s accident report to include the weight and number of axles of the vehicle combination if the accident involved a combination of vehicles operating under a permit issued under new Section 623.402.

The bill adds Section 623.070 of the Transportation Code, providing that Subchapter D of Chapter 623 (Heavy Equipment) does not apply to the transportation of an intermodal shipping container as defined by Section 623.401, regardless whether the container is sealed or unsealed.

TMCEC: See also, H.B. 2319. That bill requires the DMV to issue an annual permit for the international transportation of an intermodal shipping container that meets certain specifications. See the commentary for H.B. 2319 for a comparison of permits.

S.B. 2006**Subject: Erecting and Maintaining Certain Outdoor Signs Regulated by the Texas Department of Transportation****Effective: June 15, 2017**

S.B. 2006 amends provisions in Chapters 391 (Highway Beautification on Interstate and Primary Systems and Certain Roads) and 394 (Regulations of Outdoor Signs on Rural Roads) of the Transportation Code replacing the phrase “outdoor advertising” with “commercial signs.” Added Subsection 391.031(b-1) provides that a person does not commit an offense (Class C misdemeanor) under Section 391.031 if the person holds a permit issued by the Texas Department of Transportation and erects or maintains a commercial sign located within 660 feet of the nearest edge of a right-of-way in an area in which the land use is designated industrial or commercial under authority of law or is not designated industrial or commercial under authority of law, but the land use is consistent with an area designated industrial or commercial.

The bill amends the Class C misdemeanor in Section 391.061 changing the type of sign prohibited in that section from outdoor advertising to a commercial sign. Likewise, the type of sign prohibited in the Class C misdemeanor in Section 391.067 is now a commercial sign instead of “outdoor advertising.”

TMCEC: It has been two years since the U.S. Supreme Court in *Reed v. Town of Gilbert*, which addressed when municipalities may impose content-based restrictions on signage. The case also addressed the level of constitutional scrutiny that should be applied to content-based restrictions on speech. The case has had broad implications in appellate decisions throughout the nation, including here in Texas. This bill attempts to resolve free speech conflicts in the Texas Highway Beautification Act. The 3rd Court of Appeals, in *Auspro Enters., LP v. Tex. DOT*, 2016 Tex. App. LEXIS 9469 (Tex. App.—Austin August 26, 2016, pet. filed), found sections contained in Subchapter B (Regulation of Outdoor Advertising Generally) and Subchapter C (License and Permit for Outdoor Advertising) unconstitutional. According to the court, the plain language of the HBA defines “outdoor advertising” so broadly that the Act’s restrictions on speech apply to both commercial and noncommercial speech. Both subchapters contain Class C misdemeanors under which each day is a separate offense. This opinion severed all of the content-based provisions, including Section 391.031(b) (Unlawful Outdoor Advertising; Offense) (punishable by fine of \$500 - \$1,000) Section 391.037 (Outdoor Advertising by Certain County Agriculture Fairs), Section 391.061(c) (Outdoor Advertising Without License; Offense) (punishable by fine of \$500 - \$1,000), and Section 391.070 (Exceptions for Certain Nonprofit Organizations). See, Ryan Kellus Turner and Regan Metteauer, “Case Law and Attorney General Opinion Update,” *The Recorder* (December 2016) at 9.

No state billboard regulations would be problematic, especially because some of the federal highway money the state receives is contingent on having effective regulations over outdoor advertising. S.B. 2006 maintains the current scope of billboard regulation in Texas while resolving any free speech conflicts by shifting the regulatory focus away from a sign’s content and instead focuses on whether or not a sign is leased, and therefore, being used for commercial purposes.

S.B. 2075**Subject: Vehicle Registration****Effective: September 1, 2017**

S.B. 2075 contains recommendations from the Department of Motor Vehicles (DMV) regarding vehicle

registration, including provisions related to fees and the process for when a closed county tax assessor collector's office's transactions can be performed by a different county.

The bill amends Section 502.057 of the Transportation Code (Registration Receipt) providing that a receipt for the renewed registration of a vehicle generated by an online registration system approved by the DMV is proof of the vehicle's registration until the 31st day after the date of renewal on the receipt.

Amended Section 504.202 (Veterans' with Disabilities) allows veterans to register a motor home even if it has a gross vehicle weight of more than 18,000 pounds.

S.B. 2205

Subject: Automated Motor Vehicles

Effective: September 1, 2017

S.B. 2205 creates Subchapter J (Operation of Automated Motor Vehicles) in Chapter 545 of the Transportation Code, adding a new vehicle classification: automated motor vehicle or automated driving system. Section 545.451 defines an automated driving system as hardware and software that, when installed on a motor vehicle and engaged, are collectively capable of performing, without any intervention or supervision by a human operator (1) all aspects of the entire dynamic driving task for the vehicle on a sustained basis, and (2) any fallback maneuvers necessary to respond to a failure of the system. An automated motor vehicle means a motor vehicle on which an automated driving system is installed.

Section 545.452 provides that automated motor vehicles and automated driving systems are exclusively governed by Subchapter J, expressly prohibiting political subdivisions and state agencies from imposing a franchise or other regulation related to the operation of an automated motor vehicle or automated driving system.

Section 545.453 provides that a licensed human operator is not required to operate a motor vehicle in an automated driving system installed on the vehicle is engaged. Also, when such a system is engaged, the owner of the system is considered the operator solely for the purpose of assessing compliance with applicable traffic or motor vehicle laws, regardless of whether the person is physically present in the vehicle while it is operating.

The bill authorizes an automated motor vehicle to operate in the state regardless whether a human operator is physically present, but may not operate on a highway (with or without a human) unless the vehicle is capable of operating in compliance with applicable traffic and motor vehicle laws, is equipped with a recording device installed by the manufacturer, complies with applicable federal law and federal motor vehicle standards, is registered and titled by law, and is covered by insurance (Section 545.454).

Under Section 545.455, in the event of an accident, the automated motor vehicle or any human operator shall comply with Chapter 550 (Accidents and Accident Reports) of the Transportation Code.

TMCEC: Ponder the implications of Section 545.453 on the enforcement of criminal traffic laws. Does this change everything? The future presents interesting questions and possibilities.

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ORDINANCE NO. 2018-25

AN ORDINANCE AMENDING THE CODE OF ORDINANCES CODIFIED AS CHAPTER 90 - MUNICIPAL COURT; PROVIDING FOR A MUNICIPAL COURT BUILDING SECURITY FUND; PROVIDING FOR ASSESSMENT AND COLLECTION OF A MUNICIPAL COURT BUILDING SECURITY FEE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.

BE IT ORDAINED BY THE City Commission of the CITY OF WESLACO TEXAS:

SECTION 1: That Chapter 90 of the Code of Ordinances Codified as “Municipal Court” is hereby amended to add Section 90.9 to be known as “Municipal Court Building Security Fee” of the Code of Ordinances, of Weslaco, Texas to read as follows:

A. Municipal Court Building Security Fund.

1. There is hereby created and established a Municipal Court Building Security Fund (the “Fund”) pursuant to Article 102.017 of the Code of Criminal Procedure.
2. The Municipal Court of the City of Weslaco, Texas is hereby authorized and required to assess a Municipal Court Building Security Fee (the “Fee”) in the amount of \$3.00 against all Defendants convicted of a misdemeanor offense by the Municipal Court. Each misdemeanor conviction shall be subject to a separate assessment of the Fee.
3. A person is considered to have been convicted in a case if:
 - ☐ judgment, sentence, or both are imposed on the person;
 - ☐ the person is placed on deferred disposition; or
 - ☐ the Court defers final disposition or imposition of the judgment and sentence.
4. The Fee shall be collected on convictions for offenses committed on or after this ordinance is adopted.
5. The Municipal Court Clerk is hereby authorized and required to collect the Fee and to pay same to the treasury of the City of Weslaco, Texas. All Fees so collected and paid over to the treasury of the City of Weslaco, Texas shall be segregated in the Fund.
6. The Fund shall be used only for the purpose of financing the purchase of security devices and/or services for the building or buildings housing the Municipal Court of the City of Weslaco, Texas. “Security devices and/or services” shall include any and all items described in Article 102.017(d-1) of the Code of Criminal Procedure.
7. The Fund shall be administered by or under the direction of the City Council of the City of Weslaco, Texas. *Fee may only be assessed and collected on offenses occurring on or after August

28, 1995. The Fee may not be assessed or collected retroactively if the Fund is established at a later date than August 28, 1995.

SECTION 2: If any provision, section, subsection, sentence, clause, or phrase of this ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, or invalid (for any reason unenforceable), the validity of the remaining portions of this ordinance or the application to such other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council of the City of Weslaco, Texas in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reason of unconstitutionality or invalidity of any other portion or provision.

SECTION 3: All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

SECTION 4: This ordinance shall be published and become effective in accordance with state law.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 21st day of August 2018.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 4th day of September 2018.

CITY OF WESLACO

David Suarez, **MAYOR**

ATTEST:

Elizabeth M. Walker, **CITY SECRETARY**

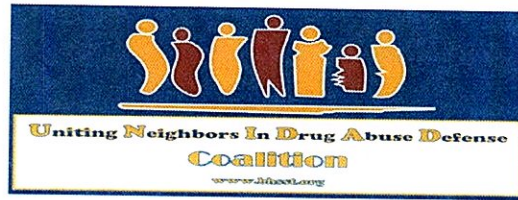
APPROVED AS TO FORM:

Juan E. Gonzalez, **CITY ATTORNEY**



Standardized Agenda Request Form

Date of Meeting: September 4, 2018		Agenda Item No. (to be assigned by CSO): 2018-1907
From:		
Subject: Approval of the renewal of the memorandum of understanding with Uniting Neighbors In Drug Abuse Defense (UNIDAD) Coalition and authorize the Mayor to execute any related documents. (Staffed by Police Department.)		
Background: Continuance to approve Memorandum of Understanding with UNIDAD Coalition. Weslaco Police Department will continue to attend meetings, assist with media/educational efforts, offer networking assistance, etc. Funding for these services is provided by a grant from the Texas Health and Human Services Commission and NO other fees or cost will be incurred by the Weslaco Police Department.		
Funding Source (budget code, if applicable): N/A		
Amount: \$0.00	Term of Impact: September 1, 2018 - August 31, 2018	Identified in Current Budget:
Additional Action Prompted:		
If item previously considered, provide date and action by Commission: On September 19, 2017 City Commission approved on Agenda Item No.: 2017-1210.		
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:		
Advisory Review, if any (name of board/committee, date of action, recommendation):		
Roxanne Saavedra Robert Lopez Mike Perez	Created/Initiated Approved Final Approval	
City Manager Comments: Approve.		
Staff Recommendation: Staff recommends acceptance and approval.		
Attachments, if any: UNIDAD MOU 2018		
Responsibilities upon Approval: Upon approval, Weslaco Police Administration will process and submit appropriately.		



UNITING NEIGHBORS IN DRUG ABUSE DEFENSE UNIDAD COALITION

*Eddie Quintanilla,
Chair*

*Olivia Perez,
Vice-Chair*

*Ana Verley,
Secretary*

*Melissa Alviar,
Treasurer*

5510 N. Cage Blvd., Ste. R
Pharr, TX 78577
Phone: (956) 787-0004 Ext. 15
Fax: (956) 781-2233

A Hidalgo County coalition effort of the Behavioral Health Solutions of South Texas

Memorandum of Understanding

The Uniting Neighbors In Drug Abuse Defense (UNIDAD) Coalition's mission is to promote a drug free environment in Hidalgo County by bringing communities together through collaborative efforts. The UNIDAD Coalition and Weslaco Police Department (representing the Law Enforcement sector) agree to collaborate to increase prevention efforts focusing on reducing underage drinking, prescription drug abuse, synthetic, and marijuana use in Hidalgo County. Our collaborative efforts will serve to enhance community-planned and implementation of comprehensive prevention activities.

Our commitment to this collaboration will consist of the following:

1. UNIDAD Coalition Staff will coordinate with UNIDAD Coalition members to conduct monthly coalition meetings; notify members in advance of coalition meeting schedule;
2. UNIDAD Coalition Staff will coordinate and provide training specific to coalition functions and focus;
3. Weslaco Police Department agrees to participate in implementing the Strategic Prevention Framework in an effort to ensure successful prevention activities are rendered. Activities to be completed by Weslaco Police Department include:
 - a. Attending all meetings related to sub-committee involvement
 - b. Provide assistance with epidemiological efforts
 - c. Provide assistance with media and education efforts
4. The UNIDAD Coalition Staff and Weslaco Police Department will cooperate fully by:
 - Notifying each other of local events such as health fairs, conferences, and/or celebrations that relate to or are in line with coalition efforts.
 - Offer networking assistance to strengthen prevention efforts in our community.
 - Refer individuals and/or agencies to each other for presentations and/or applicable resources.

5. All Behavioral Health Solutions of South Texas staff will maintain confidentiality requirements in accordance to Federal Confidentiality rules (42CFR 2).
6. Funding for these services is provided by a grant from the Texas Health and Human Services Commission and no other fees or cost will be incurred by the Weslaco Police Department.
7. This collaborative agreement will be enforced from September 01, 2018 through August 31, 2019 and may be amended or terminated by either party by submitting a written request at any time.

Chief Joel Rivera
Weslaco Police Department



Eddie Quintanilla
Chairperson
UNIDAD Coalition

Date



Date



Standardized Agenda Request Form

Date of Meeting: September 4, 2018		Agenda Item No. (to be assigned by CSO): 2018-1908
From:		
Subject: Approval of a Non-Terminal Agency Agreement between Weslaco Police Department and Hidalgo County Constable Office Precinct 1 and authorize the Mayor to execute any related documents. (Staffed by Police Department.)		
Background: Request approval from City Commission to allow Weslaco Police Department (Terminal Agency) to provide access to the Texas Law Enforcement Telecommunications System (TLETS), the Texas Crime Information Center (TCIC), and the National Crime Information Center (NCIC) and associated systems on a 24-hour, 7 day per week basis to Hidalgo County Constable Office Precinct 1.		
Funding Source (budget code, if applicable):		
Amount:	Term of Impact:	Identified in Current Budget:
Additional Action Prompted:		
If item previously considered, provide date and action by Commission:		
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:		
Advisory Review, if any (name of board/committee, date of action, recommendation):		
Roxanne Saavedra	Created/Initiated	
Robert Lopez	Approved	
Mike Perez	Final Approval	
City Manager Comments: Approve.		
Staff Recommendation: Staff recommends approval.		
Attachments, if any: Non Terminal Agency Agreement 08 15 2018		
Responsibilities upon Approval: Upon approval, Weslaco Police Administration will process and submit appropriately.		

NON-TERMINAL AGENCY AGREEMENT

This document constitutes an agreement between Weslaco Police Department
hereinafter called the Terminal Agency, and Hidalgo County Constable Office PCT 1
hereinafter called the Non-Terminal Agency.

The Terminal Agency agrees to provide the Non-Terminal Agency with access to the Texas Law Enforcement Telecommunications System (TLETS), the Texas Crime Information Center (TCIC), and the National Crime Information Center (NCIC), and associated systems on a 24-hour, 7 day per week basis.

The Non-Terminal Agency agrees to abide by all laws of the United States and the state of Texas, and all present or hereafter approved rules, policies and procedures of TLETS, NLETS, TCIC, NCIC and any other systems now or in the future associated with TLETS concerning the collection, storage, processing, retrieval, dissemination and exchange of information for criminal justice purposes.

The Terminal Agency reserves the right to suspend service to the Non-Terminal Agency, which may include canceling of records entered for the Non-Terminal Agency, when applicable policies are violated. The Terminal Agency may reinstate service following such instances upon receipt of satisfactory assurances that such violations have been corrected.

In order to comply with NCIC policies established by the NCIC Advisory Policy Board, the Non-Terminal Agency agrees to maintain accurate records of all TCIC/NCIC entries made through the Terminal Agency and to immediately notify the Terminal Agency of any changes in the status of those reports, to include the need for cancellation, additions, deletion or modification of information. The Terminal Agency agrees to enter, update and remove all records for the Non-Terminal agency on a timely basis, as defined by NCIC.

In order to comply with NCIC hit confirmation requirement the agencies agreed to the following:

If wanted person records are to be entered with the Terminal Agency's ORI, the Non-Terminal Agency **must** deliver to the Terminal Agency the original warrants to be held on file until such time as the record is canceled/cleared.

If property and missing person records are to be entered with the Terminal Agency's ORI, the Non-Terminal Agency must deliver case reports to the Terminal Agency to be held on file until such time as the records is cancelled/cleared.

If the records are to be entered with the Non-Terminal Agency's ORI, the Terminal Agency agrees to immediately forward all request for hit confirmation that might be received at the terminal to the Non-Terminal Agency. The Non-Terminal Agency agrees to comply with the NCIC hit confirmation policy.

If the Non-Terminal Agency is a non-24 hour agency, the records must be entered with the Terminal Agency's ORI, and case reports and original warrants must be held at the Terminal Agency for hit confirmation purposes.

In order to comply with NCIC Validation requirements, the Non-Terminal Agency agrees to perform all validation procedures as required by NCIC on all records entered through the Terminal Agency.

Criminal History information obtained from the TLETS terminal of the Terminal Agency will be handled according to TCIC/NCIC guidelines by the Non-Terminal Agency.

Either the Terminal Agency or the Non-Terminal Agency may, upon thirty days written notice, discontinue this agreement.

(Non-Terminal Agency Agreement)

To the extent allowed by the laws of the State of Texas, the Non-Terminal Agency agrees to indemnify and save harmless the Terminal Agency as well as the DPS, its Director and employees from and against all claims, demands, actions and suits, including but not limited to any liability for damages by reason of or arising out of any false arrests or imprisonment or any cause of the Non-Terminal Agency or its employees in the exercise of the enjoyment of this Agreement.

The Terminal Agency agrees to make available to the Non-Terminal Agency all TLETS/NLETS and TCIC/NCIC publications and policies as are available to it so that the Non-Terminal Agency may comply with the policies of TLETS/NLETS and TCIC/NCIC.

This agreement becomes effective on the _____ day of _____, 20_____.

In witness whereof, the parties here to cause this agreement to be executed by the proper officers and officials.

Terminal Agency

Non-Terminal Agency

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____



Standardized Agenda Request Form

Date of Meeting: September 4, 2018		Agenda Item No. (to be assigned by CSO): 2018-1914	
From: Pete Garcia			
Subject: Authorization of the purchase of two 4" Fairbanks Pumps from Odessa Pumps, Buyboard State Vendor No. 509-16, in the amount not to exceed \$27,475.00 and authorize the Mayor to execute any related documents. (Staffed by Public Works.)			
Background: Pumps are needed at Lift Station #41 to replace current burnt out pumps and accommodate 1300 ft. of force main that will be added to this area.			
Funding Source (budget code, if applicable): 508-552-2640			
Amount: \$27,475.00	Term of Impact: 1	Identified in Current Budget: Y	
Additional Action Prompted: Mayor's Signature			
If item previously considered, provide date and action by Commission:			
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:			
Advisory Review, if any (name of board/committee, date of action, recommendation):			
Lucy Espinoza Mike Perez		Created/Initiated Final Approval	
City Manager Comments: Approve.			
Staff Recommendation: Staff recommends approval for the above mentioned.			
Attachments, if any: Odessa Pumps Quote #203092			
Responsibilities upon Approval:			



ODESSA PUMPS - PHARR

QUOTE

(956) 781-7100
PHARR TX 78577-2176

Number	203092
Date	08/15/2018
Page	1

A DISTRIBUTION **NOW** COMPANYBill-to: 3380
CITY OF WESLACO
255 S KANSAS AVE
WESLACO TX 78596-6158Ship-to: 1
CITY OF WESLACO
255 S KANSAS AVE
WESLACO, TX 78596-6158

Reference #	Slsp	Terms	Whse	Freight	Ship Via
LIFT STATION 41	602	NET 30 DAY	06	PRE/ADD	DELIVER
Quoted By: JO	Quoted To: MARCELO		Effective: 08/15/2018		Expires: 09/29/2018

Item	Description	Ordered	UM	Price	UM	Extension
4" 5433MV IF	***BUY BOARD 509-16*** PENTAIR/SERVICE PRICING					
	4" FAIRBANKS PUMP 480 VOLT 30H	2	EA	13500.00	EA	27000.00
	INCOMING FREIGHT	1	EA	475.00	EA	475.00
	PLEASE ALLOW 6-8 WEEK DELIVERY					

Merchandise

Tax

Total

27475.00

.00

\$27475.00

WE WOULD APPRECIATE YOUR BUSINESS!!

Customer Copy

... Last Page



Standardized Agenda Request Form

Date of Meeting: September 4, 2018		Agenda Item No. (to be assigned by CSO): 2018-1945	
From:			
Subject: Approval of a Mid Valley Airport Hangar Lease Agreement with Michael Ohlinger, Hangar E-10, and authorize the Mayor to execute any related documents. (Staffed by Airport.)			
Background: The hangar lease agreement being presented is for the city owned hangar E-10 located on the east side of the airport. The proposed hangar lease agreement is for two (2) years with a two (2) renewal option. There is a 3% CPI review and cap every three (3) years.			
Funding Source (budget code, if applicable):			
Amount:	Term of Impact:	Identified in Current Budget:	
Additional Action Prompted: Mayor's Signature			
If item previously considered, provide date and action by Commission:			
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:			
Advisory Review, if any (name of board/committee, date of action, recommendation): The advisory board does not approve revenue agreements. The advisory board did approve the hangar lease agreement template.			
Elizabeth Walker		Created/Initiated	
Andrew Muñoz		Approved	
Mike Perez		Final Approval	
City Manager Comments: Approve.			
Staff Recommendation: Staff recommends approval.			
Attachments, if any: E-10 Ohlinger, Mike			
Responsibilities upon Approval:			

Lease Agreement

STATE OF TEXAS)
CITY OF WESLACO) **KNOW ALL PERSONS BY THESE PRESENTS:**
HIDALGO COUNTY)

This lease is entered into this ____ day of _____, 2018, between the City of Weslaco, a home ruled municipal corporation with its principal place of business at 255 S. Kansas Avenue, Weslaco, Hidalgo County, Texas, hereinafter referred to as the “Lessor” and the owner of the Weslaco Mid Valley Airport, hereinafter referred to as “Airport” and Michael Ohlinger, hereinafter referred to as “Lessee” who covenant and agree as follows:

WHEREAS, Lessor owns and operates the Airport and all grounds within the area designated as the Weslaco Mid Valley Airport for aeronautical and non-aeronautical purposes to include landings, takeoffs, storage of aircraft and sales of fuel; and

WHEREAS, Lessor and Lessee are committed to the proper operation, improvement, and continued development of the Airport; and

WHEREAS, Lessor deems it advantageous to itself and to the operation of the Airport to lease to Lessee certain land/hangar/building/office as stated herein;

NOW THEREFORE, in consideration of the terms, premises, and mutual covenants contained herein and other good and valuable considerations, the sufficiency of which is hereby acknowledged, Lessor and Lessee covenant and agree as follows:

Section 1. Lease Premises

- A) Lessor does hereby lease to Lessee Hangar E-10 more particularly described as set forth in Exhibit “A” which is attached and incorporated by reference, hereinafter referred to as the lease premises.

Section 2. Term

- A) This lease shall be for the term of 2 years. Thereafter, this lease may be renewed for a subsequent two (2) year extension upon giving of written notice by Lessee to Lessor not more than one hundred eighty (180) nor less than sixty (60) days prior to the expiration of the preceding year lease term and upon mutual and written agreement by Lessor as provided for in this lease.
- B) **Surrender and Holding Over.** Upon the expiration or termination of this Lease, Lessee shall quit and surrender the Premises in good and serviceable condition, reasonable wear and tear excepted. Thereafter, the Lessor shall have the right to enter


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and take possession of the Premises, with or without process of law and without liability for trespass. Holding over or failure to vacate the Premises at the end of the Initial Term or the Extended Term shall not be construed to be the granting or exercise of any additional term.

Any Improvements erected or constructed on the Premises shall be permanently and inseparably attached to the Premises and shall not be removed without prior written approval of the Lessor.

Section 3. Consideration

- A) In consideration for the lease of the Hangars referenced herein Lessee hereby agrees to pay monthly the sum of \$ 260.00. The first month's payment is to be made at lease execution. Thereafter, all future payments shall be made on or before the first working day of the month due for the term of this contract plus any extensions thereto.
- B) All lease fees shall be paid as the same becomes due, without demand, in lawful currency of the United States made payable to the City of Weslaco, Hidalgo County, Texas by mail or delivery as specified in Section 13. Notice Requirements of this agreement.
- C) In the event Lessee fails to remit any payments when the same are due, interest at the rate of 10 % shall be charged by Lessor beginning on the tenth (10) day after the date the payment is due and such interest shall continue to accrue against such delinquent payment until the payment plus interest is received by Lessor. In the event Lessee shall become delinquent for more than thirty (30) days, this lease may be terminated by Lessor.
- D) Lessee shall be liable for all taxes and fees owed on or by his personal business or himself. Under no circumstances shall Lessor be liable for or be required to pay any tax or fee owed by Lessee. Lessor shall provide insurance for all Lessor owned real property located at the Airport under Lessor's policy which shall be for the sole benefit and protection of Lessor. Lessee should provide his own insurance coverage for any personal property located in or on the Hangar and is required herein to provide business liability insurance in an amount of \$1,000,000.00 per occurrence. Certificates of such required insurance shall be furnished by Lessee to Lessor and certificates presently then in effect shall be on file at all times and Lessor shall be listed as an additional insured with the condition that said insurance shall provide Lessor notice of any cancellation of said insurance. Any changes in those certificates must have prior written approval of Lessor.
- E) Any sum that Lessee is obligated to pay to Lessor arising from or relating to this agreement or Lessee's use, occupancy or operations at the Airport constitutes additional rent, which may include, but is not limited to, fees, fuel flowage fees for self-fueling activities (at the rate and on the terms imposed by Lessor), fines, civil penalties, damages, claims, interest, charges and utility charges.



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- F) Lessee shall pay all taxes, fees, assessments, and levies that relate to Lessee's use, occupancy, or operation at the lease premises or the Airport and all other obligations for which a lien may be created relating thereto. Within thirty (30) days Lessee shall remove any such lien that may be created or commence a protest of such lien by depositing with Lessor cash or other security acceptable to Lessor in an amount sufficient to cover the cost of removing such lien. When contracting for any work in connection with the lease premises, Lessee shall include in such contract a provision prohibiting the contractor or any subcontractor or supplier from filing a lien or asserting a claim against Lessor's real property or any interest therein.

Section 4. Use of Lease Premises

- A) Lessee and Lessee's associates shall comply at all times, at Lessee's sole cost, with any and all laws and regulation that are applicable to Lessee's use, occupancy, or operations at the lease premises or the Airport, which include, but are not limited to, all laws, statutes, ordinances, regulations, rules, orders, writs, judgments, decrees, injunctions, directives, rulings, guidelines, standards, codes, policies, common law and other pronouncements of any kind having the effect of law including, but not limited, to the Airport Rules and Regulations, City of Weslaco master plans and zoning codes, and all laws and regulations pertaining to the environment, any and all plans and programs developed in compliance with such requirements and all lawful, reasonable, and nondiscriminatory airport policies and other requirements.
- B) Lessee agrees that the leased Hangar may be used for any noncommercial aeronautical activity which must be made known to and agreed upon by Lessor and for no other purposes.
- C) Lessee may park his and/or his passenger's privately owned automobile(s) inside the Hangar, but only while on a flight which originated at the Airport.
- D) Lessee may store containers of aviation oil, in accordance with the Airport Rules and Regulations, inside the Hangar for aircraft use so long, and only so long, as such oil is contained in marked, approved containers. Such storage will be at the discretion of and with written approval from the local fire marshal if such storage is allowed under local fire codes.
- E) Lessee agrees that he will at all times keep the premises of the Hangar, including the inside and the outside of the Hangar, clean and free of trash, litter, tall grass, weeds, junked automobiles, and scrap aircraft parts. Lessee shall abide by all applicable rules and regulations of the Environmental Protection Agency, the Texas Commission on Environmental Quality, the Texas Department of Agriculture, the Texas Department of Transportation, and any other public agency concerning the use, storage, and disposal of hazardous chemicals, fuel, and/or oil. Lessee further agrees to abide by the manufacturer's directions in regards to the use, storage, and disposal of all pesticides, herbicides, and other chemicals plus their containers used at the airport. Should Lessee fail to keep the leased Land/Hangar/Building/Office clean and free of hazards, Lessor may, after thirty (30) days written notice, arrange for the cleanup of the littered or



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hazardous area. Such cleanup shall be charged to Lessee and payable on demand. Failure to render proper payment for such cleanup and/or general disregard for the considerations and restrictions listed in this lease agreement are grounds for Lessor to terminate this lease.

- F) Lessee agrees that the usage of the Hangar plus any associated apron shall be limited to the parking/hangaring of his personal/company owned aircraft. No automobile, bus, truck, or other transportation mode may be permanently or habitually parked or stored on/in the Land/Hangar except in approved automobile parking areas and as agreed upon by Lessor.
- G) Lessee agrees that he will not conduct any commercial activity such as pilot instruction, aerial spraying, charter flights, air taxi, sight-seeing, aerial photography, aircraft engine or airframe repair, avionics repair, or any other at the Airport without the written consent of Lessor. Any such approved commercial operation must be in accordance with a separate contract agreement with Lessor.
- H) Lessee agrees that he will not store or permit the storage of any fuel or hazardous, volatile, and/or dangerous chemicals on/inside the Land/Hangar/Building/Office except as authorized in this agreement without the written consent of Lessor.
- I) Lessee agrees not to fuel or defuel any aircraft parked inside the Hangar.
- J) Lessee agrees that he will not operate any non-aviation related business or activity on/in the Hangar without the expressed written consent of Lessor. Any such non-aviation related business or activity must be so established by a separate contract.
- K) Lessee agrees that none of the leased premises shall be used for residential purposes or any other purpose prohibited by any federal, state or municipal law, statute, regulation or ordinance

Section 5. Sublease, Assignment, or Sale

- A) The Lessee shall not sublease, assign, sell, or transfer this contract agreement or any right hereunder to any person, corporation, or association. Any such sublease, assignment, sale, or transfer shall be grounds, at the option of the Lessor, to immediately terminate this lease agreement. Lessor shall have the right, in Lessor's sole discretion, to assign any of its rights under this agreement and upon any such assignment, Lessee agrees that Lessee shall perform its obligations under this agreement in favor of such assignee.

Section 6. Termination

- A) This contract agreement may be prematurely terminated by Lessor or Lessee if either fails to abide by the terms and conditions expressed herein and due the complainant and so decreed by a court of competent jurisdiction. Lessee shall have no more than



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fifteen (15) days upon notification to resolve said violation(s). Should Lessee be declared bankrupt or incompetent, this contract agreement shall immediately terminate. In the event Lessee fails to make timely payments of all taxes or fees, fails to provide proof of required insurance, uses the Airport property or permits the Airport property to be used for any illegal or unauthorized purpose, files bankruptcy, abandons or leaves the property vacant or unoccupied for thirty (30) consecutive days, or violates any of the terms and conditions of this contract agreement, Lessor has the right to terminate this contract agreement and retake possession of any Airport property leased to or under the control of Lessee.

- B) Lessee agrees and understands that Lessor reserves the right to further expand, develop, or improve the airport, including the termination of this lease agreement, in such instance that the continued leasing of the Hangar would have a negative impact on any proposed development or improvements at the Airport. This contract agreement may be terminated regardless of the desires, wishes, or views of Lessee and without interference or hindrance from Lessee, but only so long as such expansion, development, or improvements are shown on a Texas Department of Transportation and/or FAA approved Airport Layout Plan or Master Plan.
- C) This contract may be prematurely terminated by mutual agreement and consent of both parties in writing. Such termination by mutual agreement shall cause both Lessor and Lessee to be free of any and all requirements of this contract hereunder, and neither Lessor nor Lessee shall have any derogatory remarks or entries made upon their resumes or upon any public or private records which would indicate failure to successfully fulfill the conditions of this contract.
- D) At the termination of this contract agreement, either by normal expiration, premature termination, or mutual agreement, Lessee shall peaceably vacate the premises. Should Lessee be in default of any monies owed to Lessor, Lessor may take possession of any personal property owned by Lessee and located at the Airport and hold until the monetary default is settled. In such case that Lessee cannot or will not settle any claims against him owed to Lessor, Lessor may liquidate any personal property seized, subject to the disposition of a court of competent jurisdiction. Lessee shall be liable for any and all expenses incurred by Lessor in such action.
- E) Upon any expiration or termination of this Agreement, Lessee, at Lessee's sole cost, shall (i) promptly and peaceably surrender to Lessor the lease premises "broom clean", free of debris, and in good order and condition; (ii) repair in a good and workmanlike manner any damage to the lease premises or the Airport that arises from or relates to Lessee's use, occupancy, or operations under this Agreement (iii) deliver to Lessor all keys and access credentials relating to the Airport (iv) perform Lessee's environmental obligations as provided in this Agreement; and (v) remove all movable personal property and trade fixtures that are not owned by Lessor. All property that Lessee leaves on the lease premises shall conclusively be deemed to have been abandoned and may be appropriated, sold, stored, destroyed, or otherwise disposed of by Lessor without notice to and without any obligation to account to Lessee or any other person. Lessee shall pay to Lessor all expenses incurred in connection with the disposition of such property in excess of any amount received by Lessor from such disposition. Lessee shall not be released from Lessee's obligations under this Agreement in

connection with surrender of the lease premises until lessor has inspected the lease premises and delivered to Lessee a written acceptance of such surrender.

Section 7. Hold Harmless

- A) Lessee agrees to save and hold harmless Lessor and its agents, servants, and employees of and from any and all liabilities, expenses, causes of action, damages, and/or attorney's fees resulting from or as a result of any of Lessee's businesses, operation, occupancy, or use of the Airport or from any act or omission of Lessee's agents, servants, or employees.

Section 8. Maintenance of Landing Area

- A) Lessee understands and agrees that Lessor reserves the right, but not the obligation, to maintain the Airport to at least the minimum standards as recommended by the FAA and/or the Texas Department of Transportation. Such right includes the right to maintain and keep in repair all public use areas at the Airport and the right to direct and control all activities as necessary at the Airport.

Section 9. Non-Discrimination

- A) Lessee for itself, successors in interest, and assigns (to the extent successors and assigns are permitted by this Agreement), as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that in the event facilities are constructed, maintained, or otherwise operated on the property described in this Agreement for a purpose for which a U.S. Department of Transportation program or activity is extended, or for another purpose involving the provision of similar services or benefits, Tenant/Lessee shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to 49 CFR Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation, and as said regulations may be amended.
- B) Lessee for itself, successors in interest, and assigns (to the extent successors and assigns are permitted by this Agreement), as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that: (1) no person on the grounds of race, creed, color, national origin, sex, age, or handicap shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities or any activity conducted with or benefiting from Federal assistance, (2) that in the construction of any improvements on, over, or under such land and the furnishing of services thereon, no person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that Lessee shall use the Premises in compliance with all other requirements imposed by or pursuant to 49 CFR Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation, as said regulations may be amended, and other applicable Laws and

Regulations, and shall obtain such compliance from any sub-leases or other parties holding lower tier agreements (to the extent the same are permitted by this Agreement).

Section 10. Exclusions

- A) Nothing in this Agreement shall be construed to grant to Lessee any exclusive right or privilege for the conduct of any activity on the Airport (except to lease the Premises for Lessee's exclusive use as provided herein).
- B) This Agreement shall be interpreted to preserve Lessor's rights and powers to comply with Lessor's Federal and other governmental obligations.
- C) This Agreement is subordinate to the provisions of any agreement between Lessor and the United States or other governmental authority (regardless of when made) that affects the Airport, including, but not limited to, agreements governing the expenditure of Federal funds for Airport improvements. In the event that the Federal Aviation Administration or other governmental authority requires any modification to this Agreement as a condition of Lessor entering any agreement or participating in any program applicable to the Airport (including, but not limited to, those providing funding), Lessee agrees to consent to any such modification. If a governmental authority determines that any act or omission of Lessee or Lessee's Associates has caused or will cause Lessor to be noncompliant with any of Lessor's government commitments (including, but not limited to, any assurances or covenants required of Lessor or obligations imposed by law), Lessee shall immediately take all actions that may be necessary to preserve Lessor's compliance with the same. Without liability to Lessor, Lessor shall have the right to terminate this Agreement and reenter and repossess any portion of the Premises if the U.S. Department of Transportation or other governmental authority having jurisdiction expressly requires any such action, subject to any review that may be afforded to Lessee by such authority.

Section 11. Force Majeure

- A) No act or event, whether foreseen or unforeseen, shall operate to excuse Lessee from the prompt payment of rent or any other amounts required to be paid under this Agreement. If Lessor (or Lessee in connection with obligations other than payment obligations) is delayed or hindered in any performance under this Agreement by a force majeure event, such performance shall be excused to the extent so delayed or hindered during the time when such force majeure event is in effect, and such performance shall promptly occur or resume thereafter at the expense of the party so delayed or hindered. A "force majeure event" is an act or event, whether foreseen or unforeseen, that prevents a party in whole or in part from performing as provided in this Agreement, that is beyond the reasonable control of and not the fault of such party, and that such party has been unable to avoid or overcome by exercising due diligence, and may include, but is not limited to, acts of nature, war, riots, strikes, accidents, fire, and changes in law.

Section 12. Rights and Remedies

- A) Except as expressly set forth in this Agreement, the rights and remedies set forth in this Agreement are not intended to be exhaustive and the exercise by either party of any right or remedy does not preclude the exercise of any other rights or remedies that may now or subsequently exist.

Section 13. Notice Requirements

- A) **This Agreement has specific and strict notice requirements. All payments by Lessee are to be made to Lessor through the Aviation Director at Weslaco Mid-Valley Airport, 1909 Joe Stephens, Weslaco, TX 78596.**

All notices between the Lessor and Lessee shall be sent to the following addresses for Lessor in paragraph B and for Lessee in paragraph C. All notices shall be sent regular mail and certified mail return receipt requested. No other form of payment or notice will be accepted. Notice by email is not accepted.

- B) Notice to Lessor is to be sent to:

Aviation Director
Weslaco Mid-Valley Airport
1909 Joe Stephens
Weslaco, TX 78596

with a required, simultaneous copy to:

City Attorney
255 South Kansas Street
Weslaco, TX 78596


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- C) Notice to Lessee to be sent to:

Lessee Name: Michael Ohlinger
Address: 3305 N. Bryan Road
Mission, TX 78573-1347


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- D) Either Lessor or Lessee may change its notice address by giving written notice (as provided herein) of such change to the other party. Any notice, demand, or written consent or communication shall be deemed to have been given, and shall be effective, upon compliance with this Section and delivery to the notice address then in effect for the party to which the notice is directed; provided, however, that such delivery shall not be defeated or delayed by any refusal to accept delivery or an inability to effect delivery because of an address change that was not properly communicated.

Section 14. Miscellaneous

- A) This Agreement and the respective rights and obligations of the parties shall be governed by, interpreted, and enforced in accordance with the laws of the State of Texas. Venue for any action arising out of or related to this Agreement or actions contemplated hereby may be brought in the District Court for the State of Texas sitting in Hidalgo County, Texas so long as one of such courts shall have subject matter jurisdiction over such action or proceeding, and each of the parties hereby irrevocably consents to the jurisdiction of the same and of the appropriate appellate courts there from. Process in any such action may be served on any party anywhere in the world. LESSOR AND LESSEE EACH KNOWINGLY, VOLUNTARILY, AND INTENTIONALLY WAIVES ITS RIGHT TO TRIAL BY JURY IN ANY ACTION, PROCEEDING, OR COUNTERCLAIM BROUGHT BY EITHER OF THEM AGAINST THE OTHER FOR ALL MATTERS ARISING OUT OF OR RELATING TO THIS LEASE OR ANY USE, OCCUPANCY, OR OPERATIONS AT THE PREMISES OR THE AIRPORT. The provisions of this agreement shall survive any expiration or termination of this Agreement.
- B) No amendment to this Agreement shall be binding on Lessor or Lessee unless reduced to writing and signed by both parties. No provision of this Agreement may be waived, except pursuant to a writing executed by the party against whom the waiver is sought to be enforced.
- C) If any provision of this Agreement is determined to be invalid, illegal, or unenforceable, the remaining provisions of this Agreement shall remain in full force and effect if both the economic and legal substance of the transactions that this Agreement contemplates is not affected in any manner materially adverse to any party. If any provision of this Agreement is held invalid, illegal, or unenforceable, the parties shall negotiate in good faith to modify this Agreement to fulfill as closely as possible the original intents and purposes of this Agreement.
- D) This Agreement constitutes the final, complete, and exclusive agreement between the parties on the matters contained in this Agreement. All prior and contemporaneous negotiations and agreements between the parties on the matters contained in this Agreement are expressly merged into and superseded by this Agreement. In entering into this Agreement, neither party has relied on any statement, representation, warranty, nor agreement of the other party except for those expressly contained in this Agreement.

- E) Lessee acknowledges that Lessor is subject to legal requirements regarding the public disclosure of records. Lessee shall comply with such laws in connection with making any request that Lessor maintain a record confidentially, and if Lessee complies with the same Lessee shall have the right to defend any such request for confidentiality at Lessee's expense.
- F) This Agreement does not create any partnership, joint venture, employment, or agency relationship between the parties. Nothing in this Agreement shall confer upon any other person or entity any right, benefit, or remedy of any nature.
- G) Each party shall execute any document or take any action that may be necessary or desirable to consummate and make effective a performance that is required under this Agreement.
- H) The headings in this Agreement are provided for convenience only and do not affect this Agreement's construction or interpretation. All references to Sections are to Sections in this Agreement. Each provision to be performed by Lessee shall be construed as both a covenant and a condition. This Agreement shall be construed without regard to any presumption or rule requiring construction or interpretation against the drafting party. If Lessee consists of more than one individual or entity, the obligations of all such individuals and entities shall be joint and several. References in this Agreement to any period of days shall mean calendar days unless specifically stated otherwise.
- I) Lessee is not authorized to install or operate any signage outside of enclosed structures on the lease premises or at the Airport, except with the prior written approval of Lessor, which may be given or withheld in Lessor's sole discretion. Any approved signage shall be at Lessee's expense and shall comply with local, state or federal laws and regulation. Lessee shall not advertise or permit other to advertise at the Airport by any means, whether or not such advertising is for profit.
- J) Lessor and its associates, agents or employees reserve the right to enter the lease premises at any time and the same does not constitute a trespass on the lease premises or a violation of any of Lessee's rights.
- K) Lessee warrants and represents that it has the right, power, and legal capacity to enter into and perform its obligations under this agreement as a legal, valid, and binding obligation of Lessee.
- L) Time is of the essence of this Agreement.

EXECUTED this _____ day of _____, 2018.

City of Weslaco, Hidalgo County, Texas

Mayor

Approved as to Form:

City Attorney

Attest: _____
City Secretary

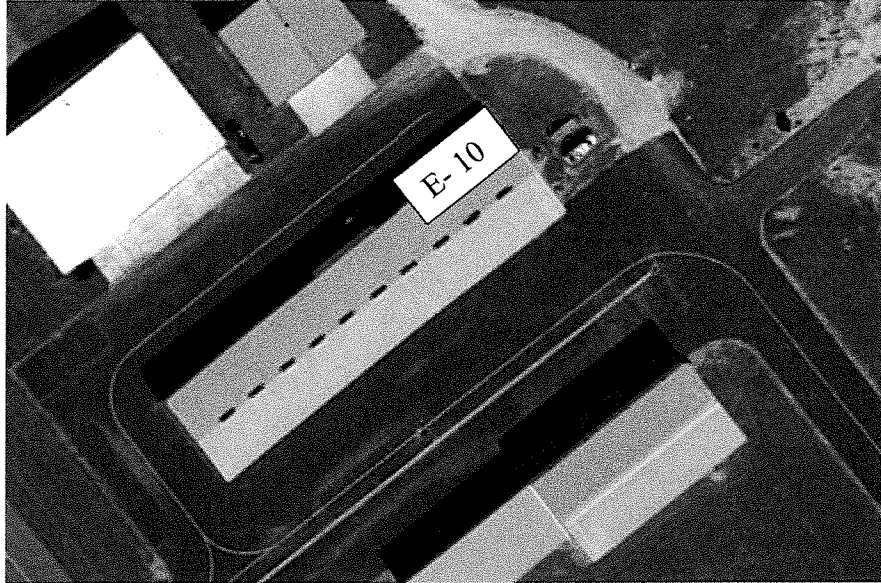
_____
Lessee



Lessee Initials

“EXHIBIT A”

Hangar E-10





Standardized Agenda Request Form

Date of Meeting: September 4, 2018		Agenda Item No. (to be assigned by CSO): 2018-1883	
From:			
Subject: Discussion and consideration to approve Resolution 2018-51 appointing a member to the Citizen's Drainage Committee and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager's Office.)			
Background: The Mayor's appointment remains pending to constitute the full Committee as originally proposed with seven total members.			
Funding Source (budget code, if applicable):			
Amount:	Term of Impact:	Identified in Current Budget:	
Additional Action Prompted: Mayor's Signature Resolution			
If item previously considered, provide date and action by Commission:			
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:			
Advisory Review, if any (name of board/committee, date of action, recommendation):			
Aida Vega Mike Perez		Created/Initiated Final Approval	
City Manager Comments: Approve.			
Staff Recommendation: Approve.			
Attachments, if any: 16 Bd Appt, WCDTF members, R2018-51 Weslaco Drainage Citizens' Task Force			
Responsibilities upon Approval: Execute, retain and notify appointees.			

City of Weslaco Boards and Committees
Prepared by Office of the City Secretary; Updated August 2016

Prepared by: Office of the City Secretary, Updated August 2019																		
Member Qualifications											Defined Duties							
	character	citizenship	residency	age	public officer	taxpayer/property owner	qualified voter	management experience	subject interest	no litigation	# members	# quorum	term length (st = staggered)	term limits	meeting schedule	designated final authority	governing statutes	appointing authority
Adjustments & Appeals to Zoning Ordinance						X					5		2yr				Sec 150-19	CC
Adjustments & Appeals to Building Codes											7	4	4yr		reg interval	X	Art IX Sec 280-283	CC
Ambulance Advisory Board											7	4	2yr		min. 3 mths		Art I, Sec 14-1	CC
Animal Shelter Advisory Committee		X									5*				3/year		Ord 2012-02	CC
Civil Service Commission	X	X	>3yr	>25	>3yr					X	3	2	st3yr	3*	72hr notice		Ch 143	appt by Chief Exec, confirm by CC
Economic Development Corporation	X	X	X					X			7	4		2*	monthly		Bylaws, Art of Inc	7 at large; confirm by CC
Hotel Occupancy Tax Advisory Committee					no						7	3	3yr		2/year		Ord 2015-09	CC
Housing Authority Board											5	5	2yr	2			LGC Sec 392.033	appt by Mayor
Library Board											5		2yr				Art II Sec 78.21-28	CC
Parks & Recreation Advisory Board											7		3yr				Art IV Sec 98	CC
Planning & Zoning Commission		X	X			X	X				7		3yr				Art III Sec 2.98-103	CC
Public Facilities & Transportation Improvements Naming Committee		X	X	X							7		st3yr				Ord 2011-16	CC
																	Art 1528j, Vernons	
Weslaco Health Facilities Development Corporation											3+		6 yrs				TX Civil Statue	CC
Weslaco Mid-Valley Airport Committee											7		st3yr				Art II Sec 6-33	CC
Weslaco 100		X	X								16		3yrs				R2013-52	CC



Application for Service

City of Weslaco Boards and Committees

Name of Applicant:		Telephone Number:	
E-Mail Address:		Alternate Phone Number (work/cell):	
Home Address:		☐ Inside City Limits ☐ Outside City Limits	
City:	State:	Zip Code:	
How many years have you lived at this residence?		Do you own this house? ☐ Yes or ☐ No	
Preference for consideration, naming committees on which you desire to serve: 1.) 2.) 3.)			
List of Civic Involvement and Business Experience:			
Have you been bonded or eligible to obtain one? ☐ Yes or ☐ No		Are you currently suing or being sued by the City of Weslaco or any of its entities? ☐ Yes or ☐ No	
Are you related to any member of the Commission? ☐ Yes or ☐ No		If so, who and how?	
Have you previously served on a City board? ☐ Yes or ☐ No		If so, which and when?	
Have you ever been elected to public office? ☐ Yes or ☐ No		If so, which and when?	
Do you consent to release this info to the public? ☐ Yes or ☐ No		Are you age 25 or older? ☐ Yes or ☐ No	
The statements I have made on this Application for Service are truthful and I am not disqualified to serve due to nepotism, City of Weslaco Charter or Ordinances or State of Texas laws.		Timestamp of Receipt:	
Applicant's Signature:			
Optional Demographic Information: Self Identification			
Gender:			
Age:			
Race:			
Religion:			
Citizenship:			

RESOLUTION NO. 2014-62

STATE OF TEXAS § RESOLUTION ESTABLISHING A SCREENING,
 APPOINTMENT, CONFIRMATION AND
COUNTY OF § ATTENDANCE POLICY FOR SERVICE ON
HIDALGO CITY OF WESLACO BOARDS, COMMISSIONS,
 § AUTHORITIES AND COMMITTEES
CITY OF WESLACO

WHEREAS, The City of Weslaco has Standing Committees, Boards, Authorities and Commissions (hereafter called “Boards”) that assist and recommend to the Weslaco City Commission programs and projects that benefit the citizens of Weslaco; and

WHEREAS, The Weslaco City Commission (hereafter called “Commission”) also periodically creates *Ad Hoc* Boards to assist the City of Weslaco in addressing unexpected issues, projects or concerns; and

WHEREAS, The Commission desires the best qualified individuals on these Boards to represent a diverse cross section of the citizens of Weslaco.

NOW THEREFORE BE IT RESOLVED THAT The Weslaco City Commission hereby adopts the following Policy for the screening, appointment and confirmation of individuals to serve on the various Boards.

A. Screening

Interested individuals shall submit to the City Secretary a Board application which will contain: 1) contact and demographic data; and 2) educational, professional, civic and other relevant credentials. This application will be kept on file until the end of the fiscal year in which it was submitted, ending on September 30.

Individuals shall confirm receipt the City’s diversity, affirmative action, nepotism, ethics policies; the Board’s mission, duties and responsibilities as established by Ordinance or other order; and other relevant documents. Individuals must agree to abide by Weslaco City Charter and applicable Ordinances, and state and federal laws.

B. Appointment

The City Manager may recommend the best qualified individuals to the City Commission. The Commission will attempt to appoint the best qualified individuals that will fairly represent the demographic characteristics of Weslaco.

To ensure greater public participation, individuals shall not serve concurrently on more than one Board, unless the Commission makes an exemption.

The Commission shall make fair and deliberative appointments that comply with the Weslaco City Charter and applicable Ordinances, and state and federal laws.

C. Confirmation

Prior to appointment by the Commission, individuals should confirm that they remain interested in serving on a particular Board by either: 1) attending the Commission meeting which has the item on the Commission's Agenda; or 2) submitting a written statement of interest to the Mayor.

D. Attendance

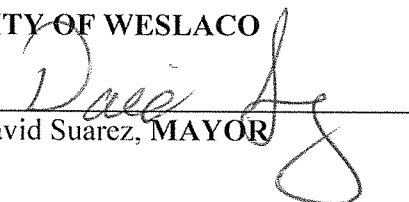
Three absences, not limited to consecutive, from any board or committee as appointed is established as just cause for removal and replacement by the Commission.

E. Qualification

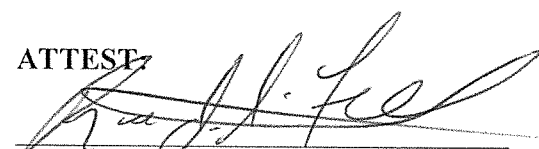
Individuals that have pending litigation against the City of Weslaco or any of its entities shall not be eligible for an appointment to City of Weslaco Committees, Boards, Authorities and Commissions.

PASSED AND APPROVED on this 2nd day of December, 2014.

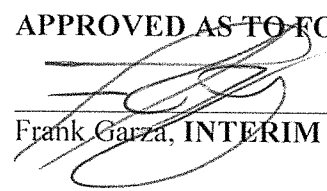
CITY OF WESLACO


David Suarez, MAYOR

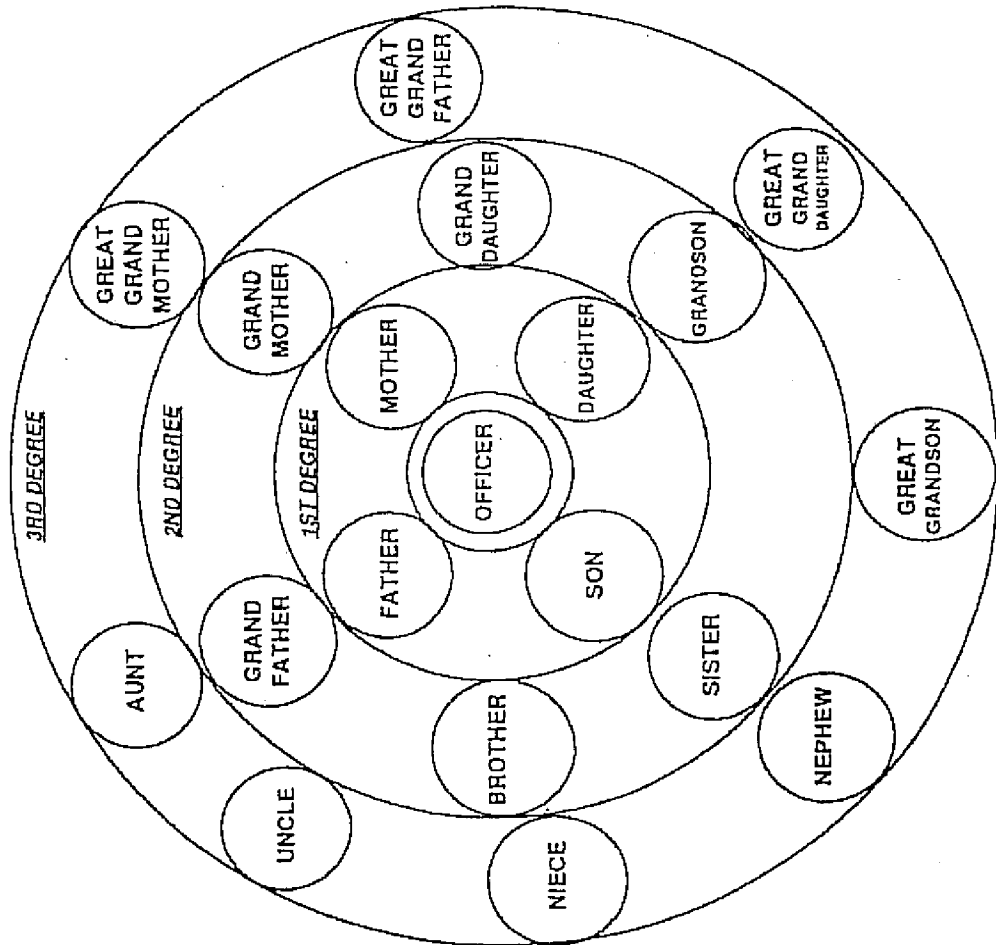
ATTEST

 wcc 12/2/14
Rebekah de la Fuente, INTERIM CITY SECRETARY

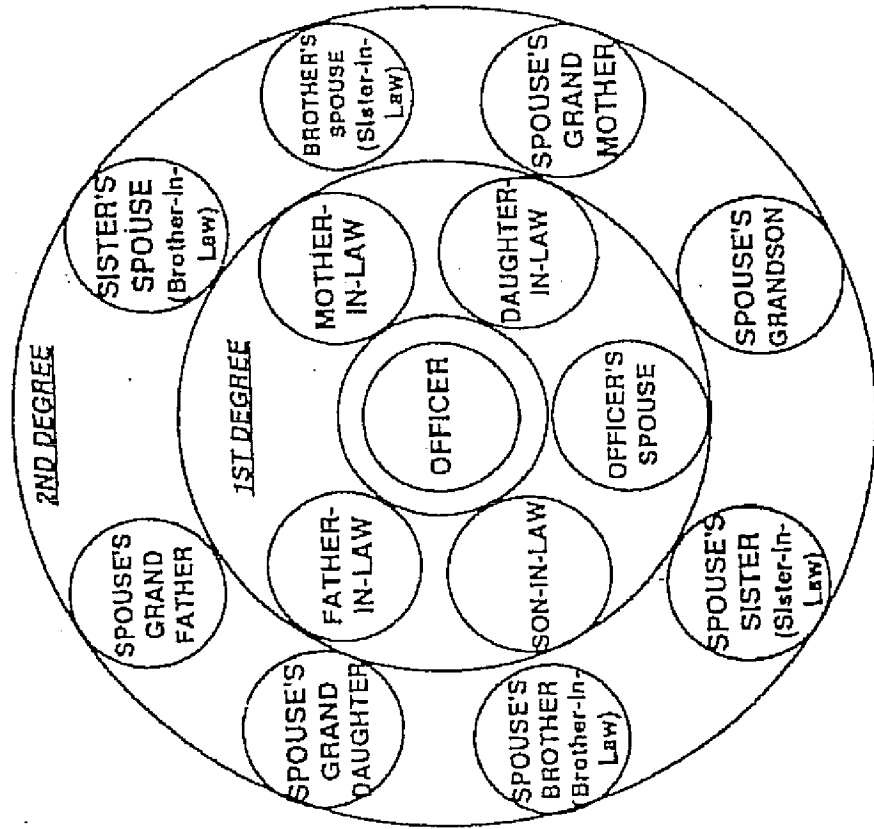
APPROVED AS TO FORM:


Frank Garza, INTERIM CITY ATTORNEY

TEXAS NEPOTISM 1992



Consanguinity Kinship Chart
(Blood)



Affinity Kinship Chart
(Marriage)

**WESLACO CITIZENS DRAINAGE TASK FORCE
APPLICANTS**

FIRST NAME	LAST NAME	PHYSICAL ADDRESS	CONTACT#	EMAIL ADDRESS	DATE APPLIED
Alex	Livas	3914 Santo Cielo	956.376.8158	alexlivas24@gmail.com	8/8/2018
Juan P.	Flores	726 Shane St.	956.520.5238		8/22/2018

82318 mv

WESLACO CITIZENS DRAINAGE TASK FORCE

Date Appointed	Term	First Name	Last Name	
8/7/2018	1 year	Sandra	Reyna	R2018-45
8/7/2018	1 year	Randy L.	Hall	R2018-46
8/21/2018	1 year	David	Morales	R2018-47
8/21/2018	1 year	Mark A.	Garza	R2018-48
8/21/2018	1 year	Annette	Valadez	R2018-49
8/21/2018	1 year	Pablo	Hererra	R2018-50

82318 mv

RESOLUTION NO. 2018-51

**A RESOLUTION OF THE CITY OF WESLACO ESTABLISHING AN AD
HOC CITIZENS' COMMITTEE THAT SHALL BE DESIGNATED AS THE
WESLACO DRAINAGE CITIZENS' TASK FORCE**

WHEREAS, This Commission finds merit in establishing an ad hoc citizens' committee to solicit suggestions, make recommendations, and review progress toward the planning and implementing of infrastructure improvements for City-wide detention and drainage of floodwaters; and

WHEREAS, as it is intended to serve ad hoc, the work of this Committee shall be limited to one year from establishment; and

WHEREAS, there shall be seven (7) members in the Weslaco Drainage Citizens' Task Force who shall be nominated one by each Commission member and approved by the whole Weslaco City Commission; and

WHEREAS, members shall be residents of the City of Weslaco, serve without compensation, and may be eligible for reappointment.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT _____ is appointed to serve on the Weslaco Drainage Citizen's Task Force and the term will expire on _____ day of _____, 20____.

PASSED AND APPROVED on this 4th day of September 2018.

CITY OF WESLACO

David Suarez, **MAYOR**

ATTEST:

Elizabeth M. Walker, **CITY SECRETARY**

APPROVED AS TO FORM:

Juan E. Gonzalez, **CITY ATTORNEY**

RESOLUTION NO. 2018-59

A RESOLUTION AMENDING RESOLUTION 2018-44 THE CITY OF WESLACO AD HOC CITIZENS' COMMITTEE DESIGNATED AS THE WESLACO DRAINAGE CITIZENS' TASK FORCE

WHEREAS, This Commission finds merit in establishing an ad hoc citizens' committee to solicit suggestions, make recommendations, and review progress toward the planning and implementing of infrastructure improvements for City-wide detention and drainage of floodwaters; and

WHEREAS, as it is intended to serve ad hoc, the work of this Committee shall be limited to one year from establishment; and

WHEREAS, Resolution 2018-44 established the creation of the Weslaco Drainage Citizen's Task Force with seven (7) members who shall be nominated one by each Commission member and approved by the whole Weslaco City Commission; and

WHEREAS, the membership will increase from seven (7) and not to exceed fourteen (14).

WHEREAS, members shall be residents of the City of Weslaco, serve without compensation, and may be eligible for reappointment.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT a Weslaco Drainage Citizens' Task Force members is hereby increased.

PASSED AND APPROVED on this 4th day of September 2018.

CITY OF WESLACO

David Suarez, **MAYOR**

ATTEST:

Elizabeth M. Walker, **CITY SECRETARY**

APPROVED AS TO FORM:

Juan E. Gonzalez, **CITY ATTORNEY**

RESOLUTION NO. 2018-60

A RESOLUTION OF THE CITY OF WESLACO ESTABLISHING AN AD HOC CITIZENS' COMMITTEE THAT SHALL BE DESIGNATED AS THE WESLACO DRAINAGE CITIZENS' TASK FORCE

WHEREAS, This Commission finds merit in establishing an ad hoc citizens' committee to solicit suggestions, make recommendations, and review progress toward the planning and implementing of infrastructure improvements for City-wide detention and drainage of floodwaters; and

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PASSED AND APPROVED on this 4th day of September 2018.

CITY OF WESLACO

David Suarez, **MAYOR**

ATTEST:

Elizabeth M. Walker, **CITY SECRETARY**

APPROVED AS TO FORM:

Juan E. Gonzalez, **CITY ATTORNEY**

RESOLUTION NO. 2018-61

A RESOLUTION OF THE CITY OF WESLACO ESTABLISHING AN AD HOC CITIZENS' COMMITTEE THAT SHALL BE DESIGNATED AS THE WESLACO DRAINAGE CITIZENS' TASK FORCE

WHEREAS, This Commission finds merit in establishing an ad hoc citizens' committee to solicit suggestions, make recommendations, and review progress toward the planning and implementing of infrastructure improvements for City-wide detention and drainage of floodwaters; and

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PASSED AND APPROVED on this 4th day of September 2018.

CITY OF WESLACO

David Suarez, **MAYOR**

ATTEST:

Elizabeth M. Walker, **CITY SECRETARY**

APPROVED AS TO FORM:

Juan E. Gonzalez, **CITY ATTORNEY**

RESOLUTION NO. 2018-62

A RESOLUTION OF THE CITY OF WESLACO ESTABLISHING AN AD HOC CITIZENS' COMMITTEE THAT SHALL BE DESIGNATED AS THE WESLACO DRAINAGE CITIZENS' TASK FORCE

WHEREAS, This Commission finds merit in establishing an ad hoc citizens' committee to solicit suggestions, make recommendations, and review progress toward the planning and implementing of infrastructure improvements for City-wide detention and drainage of floodwaters; and

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PASSED AND APPROVED on this 4th day of September 2018.

CITY OF WESLACO

David Suarez, **MAYOR**

ATTEST:

Elizabeth M. Walker, **CITY SECRETARY**

APPROVED AS TO FORM:

Juan E. Gonzalez, **CITY ATTORNEY**

RESOLUTION NO. 2018-63

A RESOLUTION OF THE CITY OF WESLACO ESTABLISHING AN AD HOC CITIZENS' COMMITTEE THAT SHALL BE DESIGNATED AS THE WESLACO DRAINAGE CITIZENS' TASK FORCE

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CITY OF WESLACO

David Suarez, **MAYOR**

ATTEST:

Elizabeth M. Walker, **CITY SECRETARY**

APPROVED AS TO FORM:

Juan E. Gonzalez, **CITY ATTORNEY**

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CITY OF WESLACO

David Suarez, **MAYOR**

ATTEST:

Elizabeth M. Walker, **CITY SECRETARY**

APPROVED AS TO FORM:

Juan E. Gonzalez, **CITY ATTORNEY**

RESOLUTION NO. 2018-65

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CITY OF WESLACO

David Suarez, **MAYOR**

ATTEST:

Elizabeth M. Walker, **CITY SECRETARY**

APPROVED AS TO FORM:

Juan E. Gonzalez, **CITY ATTORNEY**

RESOLUTION NO. 2018-66

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CITY OF WESLACO

David Suarez, **MAYOR**

ATTEST:

Elizabeth M. Walker, **CITY SECRETARY**

APPROVED AS TO FORM:

Juan E. Gonzalez, **CITY ATTORNEY**



Standardized Agenda Request Form

Date of Meeting: September 4, 2018		Agenda Item No. (to be assigned by CSO): 2018-1927	
From:			
Subject: Discussion and consideration to approve Resolution 2018-55 appointing one member to an expired term on the Civil Service Commission and authorize the Mayor to execute any related documents. Possible action. (Staffed by Human Resources Department.)			
Background: Blanca Munoz's term expires October 20, 2018; she desires to continue to serve. Letter attached.			
Funding Source (budget code, if applicable):			
Amount:	Term of Impact:	Identified in Current Budget:	
Additional Action Prompted:			
If item previously considered, provide date and action by Commission:			
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:			
Advisory Review, if any (name of board/committee, date of action, recommendation):			
Aida Vega		Created/Initiated	
Veronica Ramirez		Approved	
Mike Perez		Final Approval	
City Manager Comments: Approve.			
Staff Recommendation:			
Attachments, if any: 16 Bd Appt, Blanca Munoz, Civil Service Commission 10418 by mv, R2018-55 Civil Service Commission			
Responsibilities upon Approval:			

City of Weslaco Boards and Committees
Prepared by Office of the City Secretary; Updated August 2016

Prepared by: Office of the City Secretary, Updated August 2019																		
Member Qualifications											Defined Duties							
	character	citizenship	residency	age	public officer	taxpayer/property owner	qualified voter	management experience	subject interest	no litigation	# members	# quorum	term length (st = staggered)	term limits	meeting schedule	designated final authority	governing statutes	appointing authority
Adjustments & Appeals to Zoning Ordinance						X					5		2yr				Sec 150-19	CC
Adjustments & Appeals to Building Codes											7	4	4yr		reg interval	X	Art IX Sec 280-283	CC
Ambulance Advisory Board											7	4	2yr		min. 3 mths		Art I, Sec 14-1	CC
Animal Shelter Advisory Committee		X									5*				3/year		Ord 2012-02	CC
Civil Service Commission	X	X	>3yr	>25	>3yr					X	3	2	st3yr	3*	72hr notice		Ch 143	appt by Chief Exec, confirm by CC
Economic Development Corporation	X	X	X					X			7	4		2*	monthly		Bylaws, Art of Inc	7 at large; confirm by CC
Hotel Occupancy Tax Advisory Committee					no						7	3	3yr		2/year		Ord 2015-09	CC
Housing Authority Board											5	5	2yr	2			LGC Sec 392.033	appt by Mayor
Library Board											5		2yr				Art II Sec 78.21-28	CC
Parks & Recreation Advisory Board											7		3yr				Art IV Sec 98	CC
Planning & Zoning Commission		X	X			X	X				7		3yr				Art III Sec 2.98-103	CC
Public Facilities & Transportation Improvements Naming Committee		X	X	X							7		st3yr				Ord 2011-16	CC
																	Art 1528j, Vernons	
Weslaco Health Facilities Development Corporation											3+		6 yrs				TX Civil Statue	CC
Weslaco Mid-Valley Airport Committee											7		st3yr				Art II Sec 6-33	CC
Weslaco 100		X	X								16		3yrs				R2013-52	CC



Application for Service

City of Weslaco Boards and Committees

Name of Applicant:		Telephone Number:	
E-Mail Address:		Alternate Phone Number (work/cell):	
Home Address:		☐ Inside City Limits ☐ Outside City Limits	
City:	State:	Zip Code:	
How many years have you lived at this residence?		Do you own this house? ☐ Yes or ☐ No	
Preference for consideration, naming committees on which you desire to serve: 1.) 2.) 3.)			
List of Civic Involvement and Business Experience:			
Have you been bonded or eligible to obtain one? ☐ Yes or ☐ No		Are you currently suing or being sued by the City of Weslaco or any of its entities? ☐ Yes or ☐ No	
Are you related to any member of the Commission? ☐ Yes or ☐ No		If so, who and how?	
Have you previously served on a City board? ☐ Yes or ☐ No		If so, which and when?	
Have you ever been elected to public office? ☐ Yes or ☐ No		If so, which and when?	
Do you consent to release this info to the public? ☐ Yes or ☐ No		Are you age 25 or older? ☐ Yes or ☐ No	
The statements I have made on this Application for Service are truthful and I am not disqualified to serve due to nepotism, City of Weslaco Charter or Ordinances or State of Texas laws.		Timestamp of Receipt:	
Applicant's Signature:			
Optional Demographic Information: Self Identification			
Gender:			
Age:			
Race:			
Religion:			
Citizenship:			

RESOLUTION NO. 2014-62

STATE OF TEXAS § RESOLUTION ESTABLISHING A SCREENING,
 APPOINTMENT, CONFIRMATION AND
COUNTY OF § ATTENDANCE POLICY FOR SERVICE ON
HIDALGO CITY OF WESLACO BOARDS, COMMISSIONS,
 § AUTHORITIES AND COMMITTEES
CITY OF WESLACO

WHEREAS, The City of Weslaco has Standing Committees, Boards, Authorities and Commissions (hereafter called “Boards”) that assist and recommend to the Weslaco City Commission programs and projects that benefit the citizens of Weslaco; and

WHEREAS, The Weslaco City Commission (hereafter called “Commission”) also periodically creates *Ad Hoc* Boards to assist the City of Weslaco in addressing unexpected issues, projects or concerns; and

WHEREAS, The Commission desires the best qualified individuals on these Boards to represent a diverse cross section of the citizens of Weslaco.

NOW THEREFORE BE IT RESOLVED THAT The Weslaco City Commission hereby adopts the following Policy for the screening, appointment and confirmation of individuals to serve on the various Boards.

A. Screening

Interested individuals shall submit to the City Secretary a Board application which will contain: 1) contact and demographic data; and 2) educational, professional, civic and other relevant credentials. This application will be kept on file until the end of the fiscal year in which it was submitted, ending on September 30.

Individuals shall confirm receipt the City’s diversity, affirmative action, nepotism, ethics policies; the Board’s mission, duties and responsibilities as established by Ordinance or other order; and other relevant documents. Individuals must agree to abide by Weslaco City Charter and applicable Ordinances, and state and federal laws.

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The City Manager may recommend the best qualified individuals to the City Commission. The Commission will attempt to appoint the best qualified individuals that will fairly represent the demographic characteristics of Weslaco.

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D. Attendance

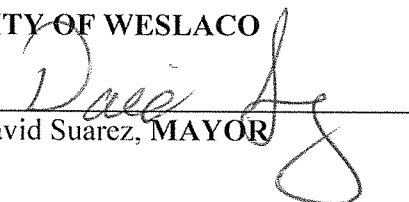
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E. Qualification

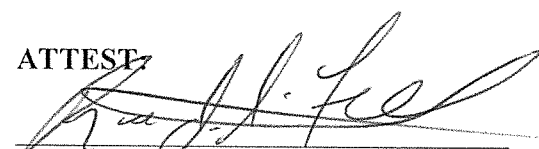
Individuals that have pending litigation against the City of Weslaco or any of its entities shall not be eligible for an appointment to City of Weslaco Committees, Boards, Authorities and Commissions.

PASSED AND APPROVED on this 2nd day of December, 2014.

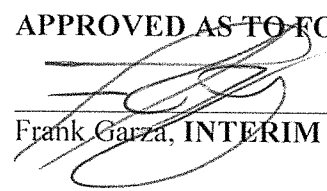
CITY OF WESLACO


David Suarez, MAYOR

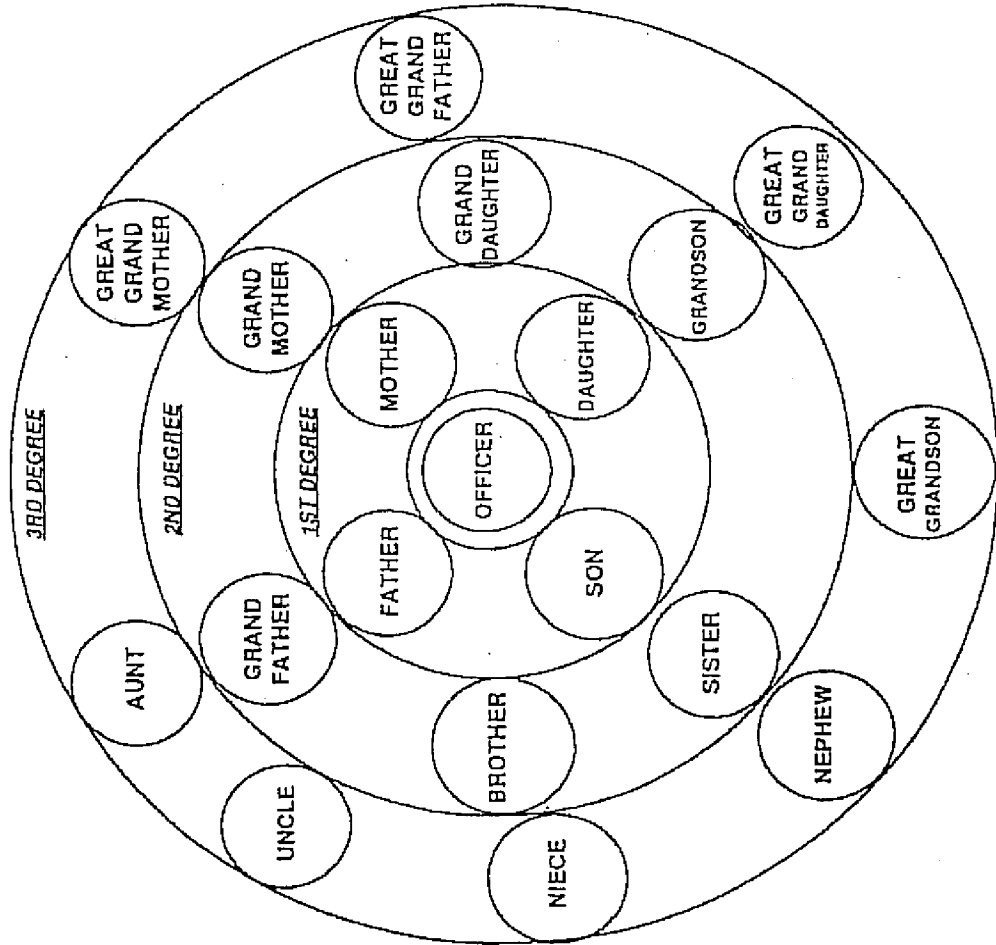
ATTEST

 wcc 12/2/14
Rebekah de la Fuente, INTERIM CITY SECRETARY

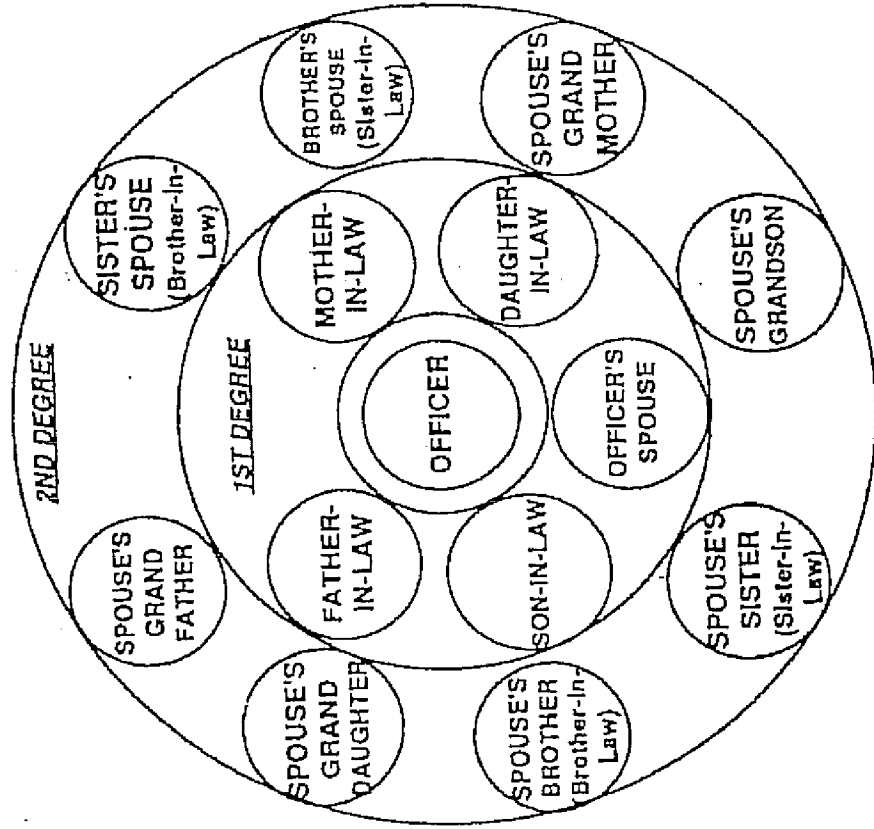
APPROVED AS TO FORM:


Frank Garza, INTERIM CITY ATTORNEY

TEXAS NEPOTISM 1992



Consanguinity Kinship Chart
(Blood)



Affinity Kinship Chart
(Marriage)

Elizabeth M. Walker

From: Christine Lucio
Sent: Thursday, August 30, 2018 1:43 PM
To: Elizabeth M. Walker
Subject: FW: Civil Service Appointment

Good afternoon Ms. Walker,

Please see email below from Ms. Blanca Munoz regarding your continuation of serving on the Civil Service Board. Should you have any questions please let me know.

Thank you,
Christine Lucio
HR Generalist
☎: 956-447-3435 📠: 956-968-9164

From: BLANCA MUNOZ <BlanMunoz@msn.com>
Sent: Thursday, August 30, 2018 1:32 PM
To: Christine Lucio <clucio@weslacotx.gov>
Subject: RE: Civil Service Appointment

I wish to continue serving as commissioner on the Civil Service Board.
Blanca Munoz

Sent from [Mail](#) for Windows 10

From: Christine Lucio <clucio@weslacotx.gov>
Sent: Thursday, August 30, 2018 10:15:53 AM
To: 'blanmunoz@msn.com'
Subject: Civil Service Appointment

Good Morning Ms. Blanca,

Kindly confirm, as per our phone conversation yesterday you stated that you would like to continue serving as commissioner on the Civil Service Board.

Should you have any questions please let me know.

Thank you,
Christine Lucio
HR Generalist
☎: 956-447-3435 📠: 956-968-9164

CIVIL SERVICE COMMISSION

TERM	NAME	APPOINTED	EXPIRE
2	Blanca Munoz	10/20/2010	10/20/2018
0	Griselda Martinez	6/20/2016	6/20/2019
2	Kevin Bloomquist	2/17/2009	2/17/2021

As of 10417 by mv

RESOLUTION NO. 2018-55

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE WESLACO CIVIL SERVICE COMMISSION.

WHEREAS, the City of Weslaco has established the Weslaco Civil Service Commission pursuant to Chapter 143 of The Texas Local Government Code; and

WHEREAS, the terms of the members of this board are for 3 years; and

WHEREAS, the Civil Service Board members shall serve without compensation; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT it consents to the appointment of _____ on the Civil Service Board and the term will begin on _____, 2018 and expires on _____, 20____.

PASSED AND APPROVED on this 4th day of September 2018.

CITY OF WESLACO

David Suarez, **MAYOR**

ATTEST:

Elizabeth M. Walker, **CITY SECRETARY**

APPROVED AS TO FORM:

Juan E. Gonzalez, **CITY ATTORNEY**

To Whom It May Concern,

I, Sandra Reyna, resign
my volunteer services as a Centennial
Committee member, due to personal reasons.

8/21/18

Sincerely,
Sandra Reyna

CITY OF WESLACO

AUG 22 2018

CITY SECRETARY'S OFFICE

WESLACO 100 COMMITTEE

Date Appointed	FIRST NAME	LAST NAME
2/14/2017	Linda	Williams
4/19/2016	Veronica L.	Barrera
6/20/2017	Enrique	Rodriguez
4/04/2017	Debbie	Rektorik
9/06/2017	Robert S.	Donalson
2/14/2017	Richard	Lehman
4/19/2016	Sandra	Reyna
3/08/2017	Laurie	Cardenas
2/14/2017	Mary	Mattar
2/14/2017	JuneBug	Cummins
4/19/2016	Loretta	Barbee
4/19/2016	Mark	Williams
4/19/2016	Leonor C.	Medina
4/19/2016	Mark	McCaleb
4/19/2016	Marta	Kang, Ph.D.
2/20/2018	Alex	Livas

As of 22118 mv

RESOLUTION NO. 2018 - XX

**A RESOLUTION OF THE CITY OF WESLACO APPOINTING MEMBERS TO
THE WESLACO 100 COMMITTEE TO PREPARE WESLACO'S CENTENNIAL
CELEBRATION AND STRATEGIC PLAN**

WHEREAS, The City of Weslaco, Texas, founded 1919, will celebrate its centennial in 2019, and anticipates programs and activities befitting the occasion; and

WHEREAS, This Commission finds merit in establishing an ad hoc citizen's committee to solicit suggestions, make recommendations, and encourage participation toward the planning and facilitating of such programs and activities; and

WHEREAS, After public meetings, all recommendations are required to be submitted to the Weslaco City Commission for approval; and

WHEREAS, The Committee shall concurrently consider issues for the strategic growth of the City over the next 100 years, including planning/sustainable development, governance, health, transportation, education, economic development, public safety, parks, information technology, and housing; and

WHEREAS, there shall be sixteen (16) members in the Weslaco 100 Committee who shall be appointed by the Weslaco City Commission and shall be resident citizens of the City of Weslaco. The term for each Committee member shall be for three (3) years and may be eligible for reappointment;

WHEREAS, The Weslaco 100 Committee members shall serve without compensation

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT _____ is appointed to serve on the Weslaco 100 Committee and the term will begin on _____, 20____, and will expire on _____, 20____.

PASSED AND APPROVED on this 4th day of September, 2018.

CITY OF WESLACO

David Suarez, **MAYOR**

ATTEST:

Elizabeth M. Walker, **CITY SECRETARY**

APPROVED AS TO FORM:

Juan E. Gonzalez, **CITY ATTORNEY**



Standardized Agenda Request Form

Date of Meeting: September 4, 2018		Agenda Item No. (to be assigned by CSO): 2018-1931	
From:			
Subject: Discussion and consideration to approve Resolution 2018-57 replacing the veterinarian on the Animal Shelter Advisory Board and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement.)			
Background: Dr. Edelstein's schedule does not permit him to participate in this board; Dr. Ruiz, a local veterinarian, is willing to serve. The Board requires the representation of at least one veterinarian.			
Funding Source (budget code, if applicable):			
Amount:	Term of Impact:	Identified in Current Budget:	
Additional Action Prompted:			
If item previously considered, provide date and action by Commission:			
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:			
Advisory Review, if any (name of board/committee, date of action, recommendation):			
Aida Vega Mardoqueo Hinojosa Mike Perez		Created/Initiated Approved Final Approval	
City Manager Comments: Approve.			
Staff Recommendation:			
Attachments, if any: Animal Shelter Committee, R2018-57 Animal Shelter Board			
Responsibilities upon Approval:			

ANIMAL SHELTER COMMITTEE

TERM START	FIRST NAME	LAST NAME	TITLE
3/20/2012	Steve	Edelstein	Veterinarian
3/20/2012	Leroy	Moreno	Citizen
3/20/2012	Joe	Pedraza	Operator
12/2/2014	Elizabeth	Walker	Official
4/3/2012	Sandra	Reyna	Welfare

RESOLUTION NO. 2018-57

**A RESOLUTION OF THE CITY OF WESLACO APPOINTING
MEMBERS TO THE ANIMAL SHELTER ADVISORY COMMITTEE**

WHEREAS, Ordinance 2012-2 establishes an Animal Shelter Advisory Board that will assist the City of Weslaco in complying with the requirements of Chapter 823 of The Texas Health and Safety Code and will be codified as Division 8 of Chapter 22 of The Code of Ordinances; and

WHEREAS, The Animal Shelter Advisory Committee shall assist the City of Weslaco in complying with the requirements of Chapter 823 of The Texas Health and Safety Code; and

WHEREAS, The Animal Shelter Advisory Committee will be composed of one (1) veterinarian, one (1) City of Weslaco official, one (1) person whose duties include the daily operation of an animal shelter and one (1) representative from an animal welfare organization and one (1) citizen of the City of Weslaco.; and

WHEREAS, each member shall be appointed by the City Commission of the City of Weslaco; and the members of this Committee will hold office for a term length staggered as assigned; and

WHEREAS, the Animal Shelter Advisory Committee members shall serve without compensation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT _____ is appointed to the Animal Shelter Advisory Committee for a term as assigned.

PASSED AND APPROVED on this 4th day of September, 2018.

CITY OF WESLACO

David Suarez, **MAYOR**

ATTEST:

Elizabeth M. Walker, **CITY SECRETARY**

APPROVED AS TO FORM:

Juan E. Gonzalez, **CITY ATTORNEY**



Standardized Agenda Request Form

Date of Meeting: September 4, 2018		Agenda Item No. (to be assigned by CSO): 2018-1924	
From:			
Subject: Discussion and consideration on evaluation and selection of a short list for interviews for Civil Engineering Services from the Request for Qualifications #2017-18-21 for consulting services to prepare a Stormwater Improvements Plan. Possible action. (This item was tabled August 28, 2018; Staffed by Planning and Code Enforcement.)			
Background: Responses delivered separately.			
Funding Source (budget code, if applicable):			
Amount:	Term of Impact:	Identified in Current Budget:	
Additional Action Prompted:			
If item previously considered, provide date and action by Commission: Previous commission action on July 24, 2018 authorized the Request for Qualifications #2017-18-21 Civil Engineering Services Stormwater Improvements Plan.			
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:			
Advisory Review, if any (name of board/committee, date of action, recommendation):			
Elizabeth Walker		Created/Initiated	
Mardoqueo Hinojosa		Approved	
Mike Perez		Final Approval	
City Manager Comments: Approve.			
Staff Recommendation:			
Attachments, if any: Respondents RFQ Civil Engineering Services			
Responsibilities upon Approval:			



CITY OF WESLACO



Respondants

RFQ - RESPONDANTS FOR

Civil Engineering Services for Storm Water Improvements Plan / RFQ No.: 2017-18-21

8/20/2018 @ 3:00 P.M

	Name of Company		Contact
1	Alfa Infrastructure		Juan M. Gamez
2	Cruz-Hogan		Orlando Cruz
3	Melden & Hunt		Mario Reyna
4	Sam Engineering & Surveying		Samuel D. Maldonado
5	Sigler, Winston, Greenwood		Randy Winston
6	Hanson Professional Services		David M. Underbrink
7	Perez Consulting Engineers		J. David Perez
8	Dannenbaum Engineering		Louis H. Jones
9	Halff Associates, Inc.		Robert L. Saenz
10	South Texas Infrastructure Group		Julio Cerda



Standardized Agenda Request Form

Date of Meeting: September 4, 2018		Agenda Item No. (to be assigned by CSO): 2018-1929	
From:			
Subject: Discussion and consideration to approve Ordinance 2018-27 adopting the City of Weslaco's budget appropriation for the fiscal year October 1, 2018 to September 30, 2019 and authorize the Mayor to execute any related documents. First Reading of Ordinance 2018-27. ROLL CALL VOTE REQUIRED. Possible action. (Staffed by Finance Department.)			
Background: Section 102.007 of the Local Government Code sets out the manner in which a municipal government shall adopt their budget, thus the requirement for a record vote. Based on our wrap-up session, and the discussion at August 28th special meeting, the final budget has been modified from the original proposed budget to incorporate items that were discussed. The final budget as presented here is balanced and provides a margin of \$315,708 of revenues over expenditures in the General Fund. All other funds are relatively the same as the original proposed budget.			
Funding Source (budget code, if applicable):			
Amount:	Term of Impact:	Identified in Current Budget:	
Additional Action Prompted: Ordinance - First Reading			
If item previously considered, provide date and action by Commission: Public Hearing on budget held August 21, 2018.			
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:			
Advisory Review, if any (name of board/committee, date of action, recommendation):			
Aida Vega		Created/Initiated	
Mary Barrera		Approved	
Mike Perez		Final Approval	
City Manager Comments: Approved.			
Staff Recommendation: Recommend approval by record vote.			
Attachments, if any: O2018-27 adopt budget FY2018-19, PROPOSED BUDGET FY2019			
Responsibilities upon Approval:			

ORDINANCE NO. 2018-27

AN ORDINANCE MAKING APPROPRIATIONS FOR THE SUPPORT OF THE CITY OF WESLACO FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018 AND ENDING SEPTEMBER 30, 2019; APPROPRIATING MONEY TO A SINKING FUND TO PAY INTEREST AND PRINCIPAL ON THE CITY'S INDEBTEDNESS; AND ADOPTING THE ANNUAL BUDGET FOR THE CITY OF WESLACO, TEXAS, FOR THE 2018-2019 FISCAL YEAR.

WHEREAS, the budget appended here as Exhibit A, for the fiscal year beginning October 1, 2018, and ending September 30, 2019, was duly presented to the City Commission by the City Manager, that due and timely public notice that a Public Hearing on such budget would be held on August 21, 2018, was given and made in accordance with state law and within the time limits set forth by law; that such Public Hearing was held in accordance with the law on August 21, 2018; now therefore,

BE IT ORDAINED BY CITY OF WESLACO, TEXAS:

SECTION 1. That the appropriations for the fiscal year beginning October 1, 2018, and ending September 30, 2019, for the support of the general government of the City of Weslaco, Texas be fixed and determined for said terms in accordance with the expenditures shown in the City's Fiscal Year 2018-2019 Budget, a copy of which is appended hereto as Exhibit A;

SECTION 2. That the Budget, as shown in words and figures in Exhibit A, is hereby approved in all respects and adopted as the City's Budget for the fiscal year beginning October 1, 2018 and ending September 30, 2019.

SECTION 3. That there is hereby appropriated the amount shown in said budget necessary to provide for a sinking fund for the payment of the principal and interest and the retirement of the bonded debt requirements of Fiscal 2018-2019 of the City of Weslaco.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 4th day of September 2018.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this _____ day of _____, 2018.

CITY OF WESLACO

David Suarez, **MAYOR**

ATTEST:

Elizabeth M. Walker, **CITY SECRETARY**

APPROVED AS TO FORM:

Juan E. Gonzalez, **CITY ATTORNEY**

CITY OF WESLACO

ANNUAL OPERATING BUDGET

FOR FISCAL YEAR 2018-2019

This budget will raise less revenue from property taxes than last year's budget by an amount of (\$106,878), which is a 0.96% decrease from last year's budget. The property tax revenue to be raised from new property added to the tax role this year is \$136,321.

The members of the City Commission voted on the budget as follows:

Date: September 4th (First Reading) and September 18th (Final Reading)
Time: 5:30 p.m.
Vote Type: Record vote to adopt 2018-2019 Budget
Description: Approval of Ordinance adopting the City of Weslaco's budget appropriation for the fiscal year October 1, 2018 to September 30, 2019.

Result:

FOR:

AGAINST:

PRESENT and not voting:

ABSENT:

Property Tax Rate Comparisons

	FY 2018-19	FY 2017-18
Property Tax Rate	\$0.6667 per \$100	\$0.6667 per \$100
Effective Rate	\$0.6731 per \$100	\$0.6574 per \$100
Effective M&O Tax Rate	\$0.7039 per \$100	\$0.7325 per \$100
Rollback Tax Rate	\$0.7307 per \$100	\$0.7669 per \$100
I&S Rate	\$0.1524 per \$100	\$0.1521 per \$100

The total amount of municipal debt obligation secured by property taxes for the City of Weslaco is \$16,951,072. Total amount of outstanding debt obligations considered self-supporting is \$51,233,927. Self-supporting is currently secured by water/wastewater and 4A sales tax revenues. In the event such amounts are insufficient to pay debt service, the City will be required to assess an ad valorem tax to pay such obligations.

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Administrative Officials

City Manager

Mike R. Perez

***Assistant City Manager/
City Secretary***

Elizabeth M. Walker

***City Engineer/Planning &
Code Enforcement Director***

Mardoqueo Hinojosa

Finance Director

Maria C. Barrera

Public Works Director

Pedro Garcia Jr.

***Human Resources/
Civil Service Director***

Veronica S. Ramirez

Information Technology

Leopoldo Gonzales Jr.

Parks & Recreation Director

David Arce

Chief of Police

Joel Rivera

Fire Chief

Antonio Lopez Jr.

Library Director

Arnold Becho

Aviation Director

Andrew Muñoz

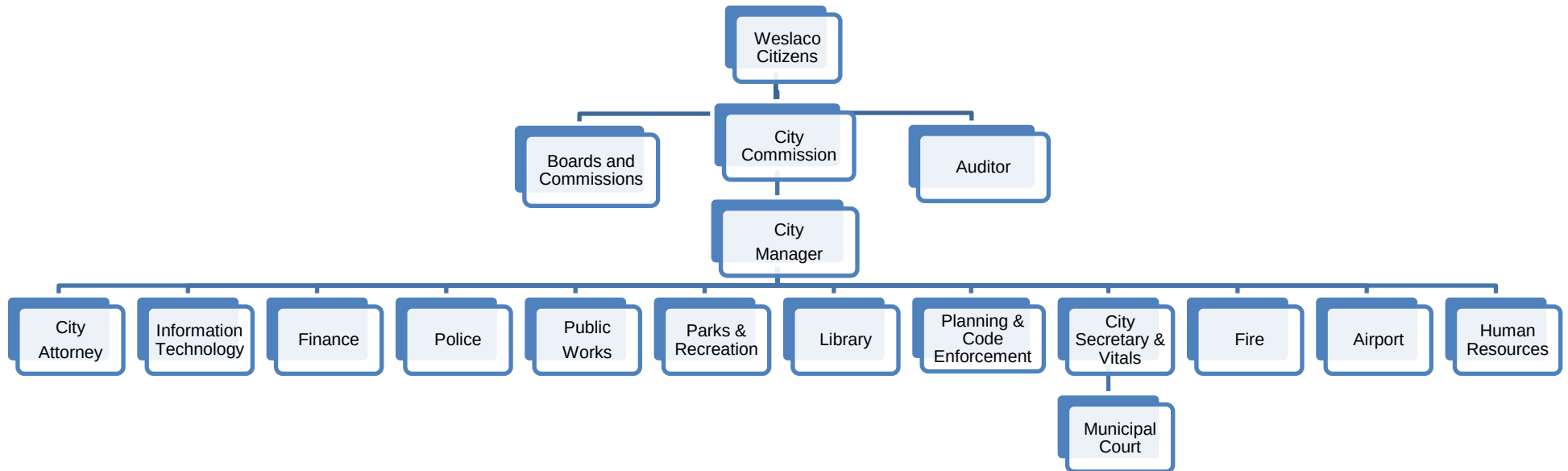
City Attorney

Juan E. Gonzalez

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City of Weslaco

Organizational Chart



FUND BALANCE SUMMARY 2018-2019

	General Fund	Debt Service Fund	Economic Incentives Fund	Internal Service Fund
Fund Balance @ 9/30/17	\$ 7,177,663	\$ 146,217	\$ 10,494	
Working Capital @ 9/30/17				\$ 408,852
Estimated Revenues 2017-2018	26,500,256	2,744,000	-	
Estimated Expenditures 2017-2018	26,847,805	2,549,219	1,160,000	7,414
Revenues Over/(Under) Expenditures	(347,549)	194,781	(1,160,000)	(7,414)
Transfers In	1,749,233	-	1,160,000	215,046
Transfers Out	2,570,043	-	-	-
Change in Fund Balance	(1,168,359)	194,781	-	207,632
Estimated Unreserved Fund Balance @ 9/30/18	\$ 6,009,304	\$ 340,998	\$ 10,494	\$ 616,484
Estimated Daily Cost	80,596.84			
Estimated # of Days	75			
Estimated Revenues 2018-2019	25,458,164	2,744,000	-	-
Estimated Expenditures 2018-2019	24,589,125	2,549,219	1,040,000	7,414
Revenues Over/(Under) Expenditures	869,039	194,781	(1,040,000)	(7,414)
Transfers In	1,691,310	-	1,040,000	215,046
Transfers Out	2,244,641	-	-	-
Change in Fund Balance	315,708	194,781	-	207,632
Estimated Unreserved Fund Balance @ 9/30/19	\$ 6,325,012	\$ 535,779	\$ 10,494	\$ 824,116
	73,517.17			
	86			

Water/ Wastewater Fund	Solid Waste Fund	Airport Fund	Hotel/Motel Fund	Capital Improv. Program Fund	Fire Dept Eq. Replacement Fund	Economic Development Corporation of Weslaco
\$ 397,211	\$ 2,828,491	\$ (278,487)	\$ 574,199	\$ 1,665,375	\$ 335,849	\$ 3,644,231
19,194,528	5,047,500	239,454	395,009	221,200	463,000	6,321,178
18,258,639	3,880,946	561,026	304,514	1,757,651	731,776	7,325,793
935,889	1,166,554	(321,572)	90,495	(1,536,451)	(268,776)	(1,004,615)
-		255,400	-	2,300,000	315,949	-
1,565,561	1,125,000	-	-	-	-	-
(629,672)	41,554	(66,172)	90,495	763,549	47,173	(1,004,615)
\$ (232,461)	\$ 2,870,045	\$ (344,659)	\$ 664,694	\$ 2,428,924	\$ 383,022	\$ 2,639,616
54,312.88	13,714.92	1,537.06		4,815.48	2,004.87	20,070.67
(4)	209	(224)				
13,584,925	5,183,500	349,058	410,000	-	-	3,948,659
11,318,109	4,044,201	673,074	334,225	3,184,343	453,724	3,804,572
2,266,816	1,139,299	(324,016)	75,775	(3,184,343)	(453,724)	144,087
		260,000	-	1,470,000	428,500	-
1,565,561	1,125,000	-	-	-	-	-
701,255	14,299	(64,016)	75,775	(1,714,343)	(25,224)	144,087
\$ 468,794	\$ 2,884,344	\$ (408,675)	\$ 740,469	\$ 714,581	\$ 357,798	\$ 2,783,703
35,297.73	14,162.19	1,844.04				
13	204	(222)				

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GENERAL FUND

City of Weslaco
Long-Range Financial Summary

	History			Current		
	FY 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Budget	FY 2018 Amended	FY 2018 Estimated
REVENUE SUMMARY						
TAXES	18,220,810	19,789,659	20,535,624	20,538,663	20,562,663	20,462,600
LICENSES AND PERMITS	479,501	493,175	664,177	610,377	610,377	658,572
INTERGOVERNMENTAL REVENUE	197,035	374,010	535,698	495,528	537,696	512,696
CHARGES FOR SERVICES	2,022,744	1,658,981	2,031,575	1,775,615	1,805,615	1,775,615
FINES AND FORFEITURES	509,400	676,856	729,806	720,277	720,277	720,277
REV FROM USE OF MONEY	113,703	113,623	159,530	141,111	141,111	171,111
OTHER INCOME	2,361,891	1,085,319	2,273,729	2,384,139	3,332,113	3,329,113
MISCELLANEOUS REVENUE	15,662	576,511	7,362	1,500	501,500	619,505
*** TOTAL REVENUES ***	23,920,745	24,768,134	26,937,499	26,667,210	28,211,352	28,249,489
EXPENDITURE SUMMARY						
CITY COMMISSION	124,106	103,864	143,990	122,171	125,771	114,281
CITY MANAGER	444,374	364,029	338,069	354,770	355,070	338,497
CITY SECRETARY	302,798	349,864	353,354	412,327	413,827	371,828
MUNICIPAL COURT	208,925	229,615	224,086	227,372	227,600	225,097
FINANCE	471,543	546,080	801,113	831,748	836,748	838,002
TAX COLLECTION	148,217	151,156	-	-	-	-
HUMAN RESOURCES	207,472	249,878	277,676	283,413	283,413	266,092
LAW	996,838	826,547	695,313	293,443	293,443	292,000
BUILDING MAINTENANCE	1,005,413	913,048	920,872	827,056	1,634,123	1,681,199
PLANNING	850,437	1,014,095	1,055,182	1,181,881	1,350,788	1,339,736
POLICE	5,403,286	6,509,674	7,023,653	7,706,378	7,772,523	7,801,864
FIRE SUPPRESSION	4,703,223	5,166,125	5,732,105	5,815,279	6,092,447	6,044,723
EMERGENCY MANAGEMENT	32,399	138,572	139,636	62,548	62,548	62,548
EMERGENCY MEDICAL SERVICE	258,034	337,051	303,266	267,013	268,513	268,513
PUBLIC WORKS - ADMINISTRA	193,476	266,975	254,499	248,256	250,806	250,119
STREETS	1,332,334	1,187,289	1,280,051	1,314,161	1,350,312	1,318,445
DRAIN DITCH MAINTENANCE	112,850	395,287	587,840	611,675	791,675	791,675
INFORMATION TECHNOLOGY	369,449	609,552	743,789	869,672	870,672	870,672
PARKS AND RECREATION	398,825	552,017	575,786	601,086	627,086	634,206
LIBRARY	703,570	768,928	781,536	785,657	785,907	781,631
DEBT SERVICE	23,045	139,099	139,101	259,102	259,102	259,102
FLEET MAINTENANCE SHOP	152,299	220,385	236,141	310,834	307,634	303,235
OTHER GENERAL EXPENDITURE	831,369	664,325	686,338	708,468	2,030,468	1,994,339
TRANSFERS OUT-BAD DEBT	-	-	58,555	-	-	-
GENERAL FIXED ASSETS	909,183	858,055	494,363	-	-	-
TOTAL OPERATING EXPENDITURES	20,183,466	22,561,510	23,846,315	24,094,310	26,990,476	26,847,805
TRANSFERS OUT						
02-BOYS & GIRLS FUND	199,717	-	-	-	-	-
15-LAKEVIEW FUND	14,837	16,281	-	-	-	-
21-ECONOMIC INCENTIVES	954,438	1,450,000	1,025,000	1,035,000	1,035,000	1,035,000
31-INTEREST & SINKING	-	-	350,000	-	-	-
49-FD EQUIP. REPLACEMENT	-	306,263	249,768	270,000	270,000	270,000
50-CIP FUND	500,000	575,000	600,000	800,000	800,000	800,000
52-WATER/WASTEWATER FUND	-	-	-	-	-	-
64-AIRPORT FUND	200,000	251,172	250,000	250,000	250,000	250,000
71-INTERNAL SERVICE FUND	591,744	125,000	187,500	215,043	215,043	215,043
***TOTAL TRANSFERS OUT	2,460,736	2,723,716	2,662,268	2,570,043	2,570,043	2,570,043
*** TOTAL EXPENDITURES ***	22,644,203	25,285,226	26,508,582	26,664,353	29,560,519	29,417,848
REVENUES OVER (UNDER) EXPENDITURES	1,276,542	(517,092)	428,917	2,857	(1,349,167)	(1,168,359)

City of Weslaco
Long-Range Financial Summary

	PROPOSED	Two Year Financial Plan	
	FISCAL YEAR	FISCAL YEAR	FISCAL YEAR
	2019	2020	2021
REVENUE SUMMARY			
TAXES	20,757,835	20,149,447	20,521,690
LICENSES AND PERMITS	753,577	578,655	583,310
INTERGOVERNMENTAL REVENUE	921,843	317,202	317,202
CHARGES FOR SERVICES	1,868,615	2,242,270	2,259,863
FINES AND FORFEITURES	750,277	663,240	663,240
REV FROM USE OF MONEY	171,111	118,263	120,658
OTHER INCOME	1,926,216	1,889,550	1,889,596
MISCELLANEOUS REVENUE	-	-	-
*** TOTAL REVENUES ***	27,149,474	25,958,627	26,355,559
EXPENDITURE SUMMARY			
CITY COMMISSION	89,796	125,027	125,027
CITY MANAGER	344,460	357,782	355,782
CITY SECRETARY	395,184	388,954	388,954
MUNICIPAL COURT	254,418	236,701	233,201
FINANCE	860,280	827,510	829,659
TAX COLLECTION	-	-	-
HUMAN RESOURCES	279,631	275,606	275,606
LAW	333,443	323,960	323,960
BUILDING MAINTENANCE	812,559	807,698	807,698
PLANNING	1,201,131	1,091,023	1,117,023
POLICE	8,277,025	6,998,045	6,944,045
FIRE SUPPRESSION	5,905,824	5,583,707	5,583,707
EMERGENCY MANAGEMENT	57,883	57,562	57,562
EMERGENCY MEDICAL SERVICE	274,172	278,194	279,194
PUBLIC WORKS - ADMINISTRATION	252,623	254,587	254,587
STREETS	1,184,071	1,456,541	1,371,541
DRAIN DITCH MAINTENANCE	626,558	555,863	555,863
INFORMATION TECHNOLOGY	877,341	814,460	804,460
PARKS AND RECREATION	594,457	625,989	625,989
LIBRARY	790,923	957,213	932,213
DEBT SERVICE	314,072	-	120,000
FLEET MAINTENANCE SHOP	270,938	239,651	239,651
OTHER GENERAL EXPENDITURE	592,336	692,336	691,836
TRANSFERS OUT-BAD DEBT	-	-	-
GENERAL FIXED ASSETS	-	-	-
TOTAL OPERATING EXPENDITURES	24,589,125	22,948,409	22,917,558
TRANSFERS OUT			
02-BOYS & GIRLS FUND	-	-	-
15-LAKEVIEW FUND	-	-	-
21-ECONOMIC INCENTIVES	1,040,000	1,020,000	640,000
31-INTEREST & SINKING	-	-	-
49-FD EQUIP. REPLACEMENT	280,000	290,000	300,000
50-CIP FUND	470,000	570,000	2,050,000
52-WATER/WASTEWATER FUND	100,000	100,000	100,000
64-AIRPORT FUND	250,000	250,000	250,000
71-INTERNAL SERVICE FUND	104,641	-	-
***TOTAL TRANSFERS OUT	2,244,641	2,230,000	3,340,000
*** TOTAL EXPENDITURES ***	26,833,766	25,178,409	26,257,558
REVENUES OVER (UNDER) EXPENDITURES	315,708	780,218	98,001

**GENERAL FUND
REVENUES**

	History			Current		
	2015 ACTUAL	2016 ACTUAL	2017 ACTUAL	2018 BUDGET	2018 AMENDED	2018 ESTIMATE
TAXES						
400-0010 CURRENT ADVALOREM TAX	6,995,658	8,766,461	9,217,208	9,149,216	9,149,216	9,038,514
400-0011 SPECIAL INVENTORY	-	-	16	-	-	-
400-0020 DELINQ ADVALOREM TAX	336,439	247,993	268,852	295,500	295,500	295,500
400-0030 INT & PENALTY ON TAXES	254,291	199,597	229,119	195,861	195,861	206,000
400-0040 2.5% SALES TAX	8,779,266	8,682,524	8,929,546	9,076,431	9,076,431	9,076,431
400-0060 ALCOHOLIC BEV TAX	104,479	100,234	107,105	102,778	102,778	102,778
400-0090 BINGO TAX	4,645	3,040	3,302	4,275	4,275	4,275
400-0110 FRANCHISE AEP	873,729	885,496	906,666	850,647	850,647	850,647
400-0120 FRANCHISE TEXAS GAS SERVICE	94,674	79,838	91,054	84,111	84,111	84,111
400-0130 FRANCHISE GTE/ VERIZON	58,016	82,828	42,494	44,519	44,519	44,519
400-0140 FRANCHISE TIME WARNER CABLE	352,061	320,596	312,371	300,417	300,417	300,417
400-0160 MAGIC VALLEY ELEC	207,278	197,593	207,828	205,000	229,000	229,500
400-0170 ALLIED WASTE MGT	106,402	170,324	163,978	169,550	169,550	169,550
400-0188 MISC. FRANCHISE FEES	37,256	37,112	24,321	37,801	37,801	37,801
400-0190 GREASE TRAP FRANCHISE	16,616	16,022	31,764	22,557	22,557	22,557
TOTAL TAXES	18,220,810	19,789,659	20,535,624	20,538,663	20,562,663	20,462,600
LICENSES AND PERMITS						
400-1020 BUILDING PERMITS	184,819	163,418	256,119	190,678	190,678	190,678
400-1025 SUBDIVISION FEES	12,184	9,476	16,025	20,600	20,600	55,000
400-1026 CONDITIONAL USE PERMIT APPL	5,700	7,415	2,669	7,725	7,725	7,725
400-1027 REZONING APPLICATION FEE	4,500	4,200	3,900	4,635	4,635	4,635
400-1028 BOARD OF ADJ & APPEALS	10,435	10,600	7,850	10,403	10,403	10,403
400-1030 ELEC & PLBG PERMITS	87,773	94,335	105,993	96,820	96,820	96,820
400-1040 OTHER PERMITS	57,963	73,210	71,930	69,525	69,525	69,525
400-1050 OCCUPATIONAL LICENSES	34,530	38,490	44,540	43,775	43,775	43,775
400-1060 ANIMAL SHELTER REVENUE	2,470	11,619	41,588	63,860	63,860	63,860
400-1090 HEALTH PERMITS	19,445	23,603	44,295	24,205	24,205	38,000
400-1100 WRECKER PERMITS	180	1,940	1,805	1,545	1,545	1,545
400-1120 BLDG PERMIT(RENTAL)	30,680	34,650	33,920	46,968	46,968	46,968
400-1200 POLICE & FIRE ALARM PERMI	12,950	5,450	18,611	12,875	12,875	12,875
400-1210 REPORTS & FINGERPRINTS	12,102	12,255	13,023	12,875	12,875	12,875
400-1220 GAME ROOM MACHINE PERMIT	3,770	2,515	1,910	3,888	3,888	3,888
TOTAL LICENSES AND PERMITS	479,501	493,175	664,177	610,377	610,377	658,572
INTERGOVERNMENTAL REVENUE						
400-2000 INTERGOVERNMENTAL REVENUE	182,046	359,345	521,274	477,810	519,978	494,978
400-2152 VIOLENT CRIME TASK FORCE	14,989	14,665	14,424	17,718	17,718	17,718
TOTAL INTERGOVERNMENTAL REVENUE	197,035	374,010	535,698	495,528	537,696	512,696
CHARGES FOR SERVICES						
400-3020 VITAL STATISTICS	125,051	138,484	130,302	144,200	144,200	144,200
400-3022 DEATH CERTIFICATES	4,661	5,456	4,477	6,180	6,180	6,180
400-3030 RURAL FIRE PAYMENTS	72,350	104,805	266,075	105,000	135,000	105,000
400-3060 CEMETERY CHARGES	21,345	19,725	19,752	22,145	22,145	22,145
400-3065 SALE OF CEMETARY PLOTS	43,495	27,868	36,814	39,140	39,140	39,140
400-3070 PROCEEDS SALE OF ASSETS	48,473	-	50,740	51,500	51,500	51,500
400-3080 AMBULANCE FEES	1,568,132	1,225,052	1,376,101	1,262,000	1,262,000	1,262,000
400-3085 TRANSPORT CONTRACTS	-	-	-	-	-	-
400-3110 FIRE MARSHALL INSPECTIONS	14,238	12,591	16,586	15,450	15,450	15,450
400-3120 AMBULANCE CONTRACTS-E.M.S.	125,000	125,000	125,000	125,000	125,000	125,000
400-3200 PROCESSING FEE-ONLINE	-	-	5,729	5,000	5,000	5,000
TOTAL CHARGES FOR SERVICES	2,022,744	1,658,981	2,031,575	1,775,615	1,805,615	1,775,615

**GENERAL FUND
REVENUES**

	Proposed	TWO YEAR PLAN	
	FISCAL YEAR 2019	FISCAL YEAR 2020	FISCAL YEAR 2021
TAXES			
400-0010 CURRENT ADVALOREM TAX	9,152,000	8,838,373	9,103,525
400-0011 SPECIAL INVENTORY	-	-	-
400-0020 DELINQ ADVALOREM TAX	295,500	322,900	332,587
400-0030 INT & PENALTY ON TAXES	195,861	233,843	240,858
400-0040 2.5% SALES TAX	9,212,577	8,925,618	9,014,874
400-0060 ALCOHOLIC BEV TAX	102,778	106,838	107,906
400-0090 BINGO TAX	4,275	4,275	4,340
400-0110 FRANCHISE AEP	900,000	873,000	873,000
400-0120 FRANCHISE TEXAS GAS SERVICE	90,000	96,000	96,000
400-0130 FRANCHISE GTE/ VERIZON	44,519	45,000	45,000
400-0140 FRANCHISE TIME WARNER CABLE	300,417	265,000	265,000
400-0160 MAGIC VALLEY ELEC	230,000	200,000	200,000
400-0170 ALLIED WASTE MGT	169,550	180,000	180,000
400-0188 MISC. FRANCHISE FEES	37,801	36,700	36,700
400-0190 GREASE TRAP FRANCHISE	22,557	21,900	21,900
TOTAL TAXES	20,757,835	20,149,447	20,521,690
LICENSES AND PERMITS			
400-1020 BUILDING PERMITS	190,678	165,000	165,000
400-1025 SUBDIVISION FEES	43,800	12,500	12,500
400-1026 CONDITIONAL USE PERMIT APPL	7,725	7,500	7,500
400-1027 REZONING APPLICATION FEE	4,635	4,500	4,500
400-1028 BOARD OF ADJ & APPEALS	10,403	10,550	10,700
400-1030 ELEC & PLBG PERMITS	96,820	99,750	101,750
400-1040 OTHER PERMITS	69,525	71,280	72,350
400-1050 OCCUPATIONAL LICENSES	43,775	44,450	45,110
400-1060 ANIMAL SHELTER REVENUE	183,860	62,000	62,000
400-1090 HEALTH PERMITS	24,205	24,500	24,950
400-1100 WRECKER PERMITS	1,545	1,575	1,600
400-1120 BLDG PERMIT(RENTAL)	46,968	45,600	45,600
400-1200 POLICE & FIRE ALARM PERMI	12,875	12,500	12,500
400-1210 REPORTS & FINGERPRINTS	12,875	13,000	13,250
400-1220 GAME ROOM MACHINE PERMIT	3,888	3,950	4,000
TOTAL LICENSES AND PERMITS	753,577	578,655	583,310
INTERGOVERNMENTAL REVENUE			
400-2000 INTERGOVERNMENTAL REVENUE	904,125	300,000	300,000
400-2152 VIOLENT CRIME TASK FORCE	17,718	17,202	17,202
TOTAL INTERGOVERNMENTAL REVENUE	921,843	317,202	317,202
CHARGES FOR SERVICES			
400-3020 VITAL STATISTICS	144,200	147,840	150,058
400-3022 DEATH CERTIFICATES	6,180	6,180	6,305
400-3030 RURAL FIRE PAYMENTS	135,000	18,000	18,000
400-3060 CEMETERY CHARGES	22,145	21,500	21,500
400-3065 SALE OF CEMETARY PLOTS	39,140	38,000	38,000
400-3070 PROCEEDS SALE OF ASSETS	51,500	-	-
400-3080 AMBULANCE FEES	1,300,000	1,495,000	1,510,000
400-3085 TRANSPORT CONTRACTS	-	375,000	375,000
400-3110 FIRE MARSHALL INSPECTIONS	15,450	15,750	16,000
400-3120 AMBULANCE CONTRACTS-E.M.S.	150,000	125,000	125,000
400-3200 PROCESSING FEE-ONLINE	5,000	-	-
TOTAL CHARGES FOR SERVICES	1,868,615	2,242,270	2,259,863

**GENERAL FUND
REVENUES**

	History			Current		
	2015 ACTUAL	2016 ACTUAL	2017 ACTUAL	2018 BUDGET	2018 AMENDED	2018 ESTIMATE
FINES AND FORFEITURES						
400-4010 CORPORATION COURT FINES	362,275	478,991	498,720	496,460	496,460	496,460
400-4014 CIVIL JUSTICE FEE	12	10	18	15	15	15
400-4020 LIBRARY FINES	7,943	8,423	7,185	6,592	6,592	6,592
400-4025 CITY JUDICIAL SUPPORT FINE	1,746	2,891	3,036	2,833	2,833	2,833
400-4035 LOCAL OMNI BASE FEE	3,992	4,993	4,774	4,712	4,712	4,712
400-4050 TIME PAYMENT REVENUE	5,918	4,334	4,199	5,665	5,665	5,665
400-4055 SPECIAL EXPENSE FEE	38,988	52,347	93,879	76,000	76,000	76,000
400-4060 COURT FINES (WARRANTS)	88,526	124,867	117,994	128,000	128,000	128,000
TOTAL FINES AND FORFEITURES	509,400	676,856	729,806	720,277	720,277	720,277
REV FROM USE OF MONEY						
400-5010 INTEREST EARNED	16,224	22,428	45,726	50,000	50,000	60,000
400-5011 INTEREST ON INVESTMENTS	3,215	13,396	29,205	20,000	20,000	40,000
400-5020 PARK FACILITY RENTALS	63,624	67,647	63,299	53,951	53,951	53,951
400-5021 PARK LAND DEDICATION	-	-	-	5,150	5,150	5,150
400-5025 LIBRARY FACILITY RENTALS	1,950	3,650	2,525	3,650	3,650	3,650
400-5030 LIBRARY DONATIONS	9	14	2,014	120	120	120
400-5040 ROYALTIES	1,141	487	653	1,030	1,030	1,030
400-5070 PROPERTY RENTAL	14,040	6,000	16,107	7,210	7,210	7,210
400-5080 PROPERTY RENTAL-CITY HALL	13,500	-	-	-	-	-
TOTAL REV FROM USE OF MONEY &	113,703	113,623	159,530	141,111	141,111	171,111
OTHER INCOME						
400-6020 MISCELLANEOUS REVENUE	57,977	62,512	44,650	46,350	49,350	46,350
400-6021 PUBLIC INFORMATION REQUESTS	5,804	5,597	7,702	6,438	6,438	6,438
400-6022 WORKERS' COMP. REIMBURSEMENT	86,416	18,470	19,217	15,450	15,450	15,450
400-6030 TRANSFER FROM OTHER FUNDS	22	889,102	2,066,443	1,749,233	1,749,233	1,749,233
400-6035 ADMINISTRATIVE CHARGES	1,491,310	-	-	-	-	-
400-6050 DONATIONS/CONTRIBUTIONS	(2,287)	25,241	19,670	35,710	35,710	35,710
400-6051 DONATIONS-ANIMAL SHELTER	21	10	-	-	-	-
400-6055 TRAFFIC SIGNS	-	-	175	-	-	-
400-6060 REV-DEMO & CLNG VCNT LOTS	25,219	16,759	23,795	20,600	20,600	20,600
400-6070 SHARE/REIM POLICE DPT FIN	26,157	47,046	73,831	46,350	46,350	46,350
400-6080 REV-SALES TAX ADMIN FEE	1,864	(472)	1,760	1,545	1,545	1,545
400-6090 TRAFFIC & CHILD SAFETY	4,144	6,945	7,175	4,738	4,738	4,738
400-6100 OVER/UNDER	311	743	1,126	-	-	-
400-6110 RECREATIONAL ACTIVITIES	6,635	13,365	8,185	7,725	7,725	7,725
400-6700 OTHER FINANCING SOURCE	658,299	-	-	450,000	1,394,974	1,394,974
TOTAL OTHER INCOME	2,361,891	1,085,319	2,273,729	2,384,139	3,332,113	3,329,113
MISCELLANEOUS REVENUE						
400-7010 INSURANCE CLAIM PAYMENTS	15,662	1,511	7,362	1,500	1,500	119,505
400-7015 SETTLEMENT PROCEEDS	-	575,000	-	-	500,000	500,000
TOTAL MISCELLANEOUS REVENUE	15,662	576,511	7,362	1,500	501,500	619,505
*** TOTAL REVENUES ***	23,920,745	24,768,134	26,937,499	26,667,210	28,211,352	28,249,489

**GENERAL FUND
REVENUES**

	Proposed	TWO YEAR PLAN	
	FISCAL YEAR 2019	FISCAL YEAR 2020	FISCAL YEAR 2021
FINES AND FORFEITURES			
400-4010 CORPORATION COURT FINES	526,460	482,000	482,000
400-4014 CIVIL JUSTICE FEE	15	15	15
400-4020 LIBRARY FINES	6,592	6,400	6,400
400-4025 CITY JUDICIAL SUPPORT FINE	2,833	2,750	2,750
400-4035 LOCAL OMNI BASE FEE	4,712	4,575	4,575
400-4050 TIME PAYMENT REVENUE	5,665	5,500	5,500
400-4055 SPECIAL EXPENSE FEE	76,000	28,000	28,000
400-4060 COURT FINES (WARRANTS)	128,000	134,000	134,000
TOTAL FINES AND FORFEITURES	750,277	663,240	663,240
REV FROM USE OF MONEY			
400-5010 INTEREST EARNED	60,000	24,750	25,000
400-5011 INTEREST ON INVESTMENTS	40,000	6,800	6,825
400-5020 PARK FACILITY RENTALS	53,951	68,930	71,000
400-5021 PARK LAND DEDICATION	5,150	5,000	5,000
400-5025 LIBRARY FACILITY RENTALS	3,650	4,775	4,825
400-5030 LIBRARY DONATIONS	120	8	8
400-5040 ROYALTIES	1,030	1,000	1,000
400-5070 PROPERTY RENTAL	7,210	7,000	7,000
400-5080 PROPERTY RENTAL-CITY HALL	-	-	-
TOTAL REV FROM USE OF MONEY &	171,111	118,263	120,658
OTHER INCOME			
400-6020 MISCELLANEOUS REVENUE	46,350	45,000	45,000
400-6021 PUBLIC INFORMATION REQUESTS	6,438	4,500	4,500
400-6022 WORKERS' COMP. REIMBURSEMENT	15,450	15,000	15,000
400-6030 TRANSFER FROM OTHER FUNDS	1,691,310	1,691,310	1,691,310
400-6035 ADMINISTRATIVE CHARGES	-	-	-
400-6050 DONATIONS/CONTRIBUTIONS	35,710	15,000	15,000
400-6051 DONATIONS-ANIMAL SHELTER	-	-	-
400-6055 TRAFFIC SIGNS	-	-	-
400-6060 REV-DEMO & CLNG VCNT LOTS	20,600	20,000	20,000
400-6070 SHARE/REIM POLICE DPT FIN	46,350	45,000	45,000
400-6080 REV-SALES TAX ADMIN FEE	1,545	1,500	1,500
400-6090 TRAFFIC & CHILD SAFETY	4,738	4,740	4,786
400-6100 OVER/UNDER	-	-	-
400-6110 RECREATIONAL ACTIVITIES	7,725	7,500	7,500
400-6700 OTHER FINANCING SOURCE	50,000	40,000	40,000
TOTAL OTHER INCOME	1,926,216	1,889,550	1,889,596
MISCELLANEOUS REVENUE			
400-7010 INSURANCE CLAIM PAYMENTS	-	-	-
400-7015 SETTLEMENT PROCEEDS	-	-	-
TOTAL MISCELLANEOUS REVENUE	-	-	-
*** TOTAL REVENUES ***	27,149,474	25,958,627	26,355,559

City Commission

AUTHORIZED POSITIONS	Actual 2016-2017	Budget 2017-2018	Estimated 2017-2018	Adopted 2018-2019
Mayor	1	1	1	1
City Commission	6	6	6	6
Department Total	7	7	7	7

DEPARTMENT DESCRIPTION:

The City Commission is the elected governing body of the City of Weslaco. The Mayor, elected at-large, with six Commissioners, elected from single member districts, pass ordinances, policy documents and other measures conducive to the welfare of the City. The City Commission is directly accountable to the citizens for the conduct of municipal affairs.

ACCOMPLISHMENTS FOR 2017-18 FISCAL YEAR:

Convened in regular and special meetings to adopt ordinances and policies.

Initiated a City Newsletter in print and online, distributed through the newspaper three times/year

GOALS & OBJECTIVES FOR 2018-2019 FISCAL YEAR:

- To set policy and direction and promote the safety, health, and welfare of the citizens.
- To provide proper equipment and necessary items to the departments to carry out their respective functions and provide a better quality of service to the citizens.
- Set policies and goals for the community within budget constraints.
- Identify the needs of the City and develop programs to satisfy these needs.

PERFORMANCE MEASURES	Actual 2016-2017	Budget 2017-2018	Estimated 2017-2018	Adopted 2018-2019
Commission Meetings conducted	25	30	30	30
Ordinances passed	53	24	45	50
Resolutions passed	77	65	65	65
Proclamations issued	24	20	22	24

City Commission
Expenditure Detail

	History			Current			Proposed
	2015 ACTUAL	2016 ACTUAL	2017 ACTUAL	2018 BUDGET	2018 AMENDED	2018 ESTIMATE	FISCAL YEAR 2019
PERSONNEL							
500-1020 REGULAR MEETING	8,950	8,450	7,038	9,750	9,750	9,600	9,000
500-1025 EXTRA MEETINGS	675	725	575	-	600	788	750
500-1140 FICA TAX	631	561	470	605	605	544	605
500-1150 MEDICARE TAX	148	132	110	142	142	128	141
TOTAL PERSONNEL	10,404	9,868	8,193	10,496	11,096	11,060	10,496
OTHER CHARGES							
500-2010 COMMUNICATIONS	4,317	2,137	2,018	1,475	1,475	1,335	2,600
500-2043 TRAVEL AND TRAINING	50,031	20,195	19,317	50,000	34,765	35,000	30,000
500-2101 PROFESSIONAL SERVICES	16,228	14,075	58,813	26,500	28,000	58,000	10,000
500-2102 PUBLIC EDUCATION & GOVTL	-	-	650	-	-	-	-
500-2240 ADVERTISING	4,307	4,076	6,961	1,600	9,835	17,616	1,000
500-2320 COPYING EXPENSES	1,190	1,790	1,210	1,500	1,500	1,243	1,500
500-2440 POSTAGE	8	-	8	100	100	-	100
500-2520 MEMBERSHIP & SUBSCRIPTION	25,492	26,710	31,759	25,000	25,000	35,372	21,600
500-2600 COMM DEVELOP & PROMOTION	5,000	-	954	-	-	-	-
500-2631 MAINT-OFFICE MACHINES	-	10,495	-	-	-	-	-
TOTAL OTHER CHARGES	106,572	79,479	121,690	106,175	100,675	148,566	66,800
SUPPLIES							
500-3010 OFFICE SUPPLIES	983	705	73	800	800	631	800
500-3840 OTHER SUPPLIES	1,656	3,592	3,712	1,200	2,800	4,057	1,200
500-3850 EQUIPMENT	-	3,395	1,303	-	-	-	-
500-3920 MISCELLANEOUS	4,491	6,826	9,020	3,500	10,400	10,129	10,500
TOTAL SUPPLIES	7,130	14,518	14,108	5,500	14,000	14,817	12,500
CAPITAL OUTLAY							
500-4010 CAPITAL OUTLAY	-	-	-	-	-	-	-
TOTAL CAPITAL OUTLAY	-	-	-	-	-	-	-
***DEPARTMENT TOTAL ***	124,106	103,864	143,990	122,171	125,771	174,443	89,796

City Manager

AUTHORIZED POSITIONS	Actual 2016-2017	Budget 2017-2018	Estimated 2017-2018	Adopted 2018-2019
City Manager	1	1	1	1
Executive Assistant	1	1	1	1
CMO Intern - Temp	1	1	1	1
Department Total	3	3	3	3

DEPARTMENT DESCRIPTION:

Responsible for the provision of leadership to all city employees and the efficient and effective management of all city departments.

ACCOMPLISHMENTS FOR 2017-18 FISCAL YEAR:

- Increased Fund Balance
- Standard and Poor's upgraded from A+ to AA- in 2016.
- Built and opened a Boys & Girls Club.
- Established a Funded Depreciation Fund for Rolling Stock for Fire Department.
- Implemented new Solid Waste Contract that resulted in \$700,000 more in Revenue.
- Opened and finished construction of new Water Plant.

GOALS & OBJECTIVES 2018-19 FISCAL YEAR:

- Widen Drainage Ditches to function as Regional Detention Facilities.
- Pave a minimum of 4 Street Miles.
- Construct and stripe a Hike and Bike Trail on the North Side Park and other improvements.
- Submit Texas Parks & Recreation Grant for North Side Park.
- Finish Northside Fire Station.
- Replace non working Fire Hydrants.
- Begin design of new Central Fire Station and Police Station.
- Sign contract to sell Police and Fire Station on Expressway.

PERFORMANCE MEASURES	Actual 2016-2017	Budget 2017-2018	Estimated 2017-2018	Adopted 2018-2019
Friday Memo - weekly reports		36	48	52
Commission Retreats		2	2	3
Staff Retreats		4	4	4
Citizen Complaints		144	92	80
Department Director's Staff meetings		24	24	24
Maintain General Fund Balance				
Increase Working Capital in Water and Sewer Fund				
Improve traffic at Airport				
Have 12 positive stories in the newspaper				

City Manager
Expenditure Detail

		History			Current			Proposed
		2015	2016	2017	2018	2018	2018	FISCAL YEAR
		ACTUAL	ACTUAL	ACTUAL	BUDGET	AMENDED	ESTIMATE	2019
PERSONNEL								
501-1010	EXEMPT WAGES	295,353	194,962	193,000	192,000	192,000	192,000	192,000
501-1020	NON-EXEMPT WAGES	18,714	43,287	47,817	43,846	43,846	43,846	43,846
501-1030	TEMPORARY WAGES	1,195	3,614	2,442	5,280	5,280	5,280	5,280
501-1080	OVERTIME	53	236	182	200	500	500	200
501-1100	GROUP INSURANCE	11,398	7,649	6,825	9,574	9,574	9,574	9,795
501-1120	PENSION CONTRIBUTION	21,903	29,535	37,393	33,700	33,700	33,700	34,707
501-1140	FICA TAX	12,285	12,558	10,782	14,950	14,950	14,950	14,962
501-1150	MEDICARE TAX	3,269	3,521	3,463	3,496	3,496	3,496	3,499
501-1160	WORKERS COMP INSURANCE	1,597	932	1,356	1,085	1,388	1,150	621
501-1180	UNEMPLOYMENT TAX	32	416	22	750	750	400	750
TOTAL PERSONNEL		365,798	296,708	303,281	304,882	305,485	304,897	305,660
OTHER CHARGES								
501-2010	COMMUNICATIONS	7,124	5,572	2,429	3,688	3,688	3,000	2,600
501-2043	TRAVEL AND TRAINING	9,412	14,618	9,729	15,000	14,697	7,000	12,000
501-2100	PROFESSIONAL SERVICES	50,475	37,644	15,551	20,000	20,000	16,000	15,000
501-2320	COPYING EXPENSES	2,239	3,526	2,822	3,700	3,700	3,000	2,700
501-2440	POSTAGE	77	188	84	500	500	100	500
501-2520	MEMBERSHIP & SUBSCRIPTION	4,471	2,175	2,246	3,500	3,500	3,000	3,500
501-2636	MAINT-VEHICLES	80	-	-	-	-	-	-
501-2810	OTHER SERVICES	-	90	-	-	-	-	-
TOTAL OTHER CHARGES		73,879	63,813	32,861	46,388	46,085	32,100	36,300
SUPPLIES								
501-3010	OFFICE SUPPLIES	2,418	944	669	2,500	2,500	1,000	1,500
501-3840	OTHER SUPPLIES	568	1,327	-	1,000	1,000	500	1,000
501-3920	MISCELLANEOUS	1,711	1,237	1,257	-	-	-	-
TOTAL SUPPLIES		4,697	3,508	1,927	3,500	3,500	1,500	2,500
CAPITAL OUTLAY								
501-4010	CAPITAL OUTLAY	-	-	-	-	-	-	-
TOTAL CAPITAL OUTLAY		-	-	-	-	-	-	-
***DEPARTMENT TOTAL ***		444,374	364,029	338,069	354,770	355,070	338,497	344,460

City Secretary

AUTHORIZED POSITIONS	Actual 2016-2017	Budget 2017-2018	Estimated 2017-2018	Adopted 2018-2019
City Secretary	1	1	1	1
Deputy Registrar	1	1	1	1
Records Specialist	1	1	1	1
Secretary I	1	1	1	1
Deputy Secretary	1	1	1	1
Receptionist	1	1	1	1
Internships-Part Time	1	1	1	1
Department Total	7	7	7	7

DEPARTMENT DESCRIPTION:

The City Secretary serves as Commission certifier, records management officer, local registrar, and elections administrator.

ACCOMPLISHMENTS FOR 2017-18 FISCAL YEAR:

- Authored and distributed City Newsletter three times per year
- Implemented an internal public information management system
- Renovated archive space for records
- Assisted with Mayor's State of the City event
- Created electronic copies of vital and other permanent records
- Produced minutes, agendas, resolutions, and ordinances
- Prepared proclamations and other municipal recognitions
- Responded to public information and internal research requests
- Issued certified copies of birth and death certificates and burial transit permits
- Facilitated Acknowledgement of Paternity documentation
- Provided administrative support to other municipal departments
- Routed phone calls and mail delivery

GOALS & OBJECTIVES FOR 2018-19 FISCAL YEAR:

- Implement an external public information management system

PERFORMANCE MEASURES	Actual 2016-2017	Budget 2017-2018	Estimated 2017-2018	Adopted 2018-2019
Commission Meeting Agendas Prepared	25	30	30	30
Records Scanned	66 boxes/	25 boxes	25 boxes	25 boxes
Birth Certificates Filed	1,491	1500	1500	1300
Birth Certificates Issued	4,865	3500	4295	4000
Remote Birth Certificates Issued	1,277		934	1300
Death Certificates Filed	441	350	350	350
Death Certificates Issued	410	300	450	300
Ordinances codified	53	24	24	50
Resolutions passed	77	65	65	65
Proclamations issued	24	20	20	24
Public Information Requests Processed	1512		1470	1470

City Secretary
Expenditure Detail

		History			Current			Proposed
		2015	2016	2017	2018	2018	2018	FISCAL YEAR
		ACTUAL	ACTUAL	ACTUAL	BUDGET	AMENDED	ESTIMATE	2019
PERSONNEL								
502-1010	EXEMPT WAGES	70,015	71,347	75,358	75,400	75,400	75,400	77,300
502-1020	NON-EXEMPT WAGES	120,070	138,041	140,667	140,774	140,774	140,774	140,774
502-1025	PART-TIME WAGES	-	-	-	-	-	-	-
502-1030	TEMPORARY WAGES	-	-	1,134	10,504	10,504	-	10,504
502-1080	OVERTIME	821	324	242	1,000	2,500	2,500	1,000
502-1100	GROUP INSURANCE	22,916	26,862	24,780	28,725	28,725	28,725	29,384
502-1120	PENSION CONTRIBUTION	12,993	12,961	15,590	16,213	16,213	16,213	17,351
502-1140	FICA TAX	12,036	12,461	12,906	14,054	14,054	14,054	14,234
502-1150	MEDICARE TAX	2,815	2,914	3,018	3,287	3,287	3,287	3,329
502-1160	WORKERS COMP INSURANCE	1,124	849	1,265	1,020	1,020	1,020	591
502-1180	UNEMPLOYMENT TAX	325	1,032	56	1,750	1,750	1,000	1,750
TOTAL PERSONNEL		243,114	266,792	275,016	292,728	294,228	282,974	296,217
OTHER CHARGES								
502-2010	COMMUNICATIONS	5,392	5,083	4,182	3,319	3,319	2,000	4,219
502-2043	TRAVEL AND TRAINING	3,254	14,555	11,919	10,460	10,460	6,000	10,460
502-2090	RECORDING DEEDS	1,311	1,288	1,408	3,000	3,000	800	1,500
502-2100	PROFESSIONAL SERVICES	25,708	27,592	31,011	35,000	32,000	27,000	32,000
502-2240	ADVERTISING	4,856	4,864	4,027	8,000	8,000	3,788	6,000
502-2320	COPYING EXPENSES	1,246	1,409	1,817	1,800	1,800	1,852	1,800
502-2440	POSTAGE	892	1,089	2,730	3,000	3,200	3,000	4,000
502-2520	MEMBERSHIP & SUBS	332	398	464	1,110	1,110	664	1,110
502-2631	MAINT-OFFICE MACHINES	-	1,432	537	2,148	944	-	2,148
502-2636	MAINT-VEHICLES	18	286	307	1,500	1,500	800	1,500
502-2810	RECORDS RETENTION	5,643	8,472	8,081	6,500	10,500	12,000	9,500
502-2860	REMOTE ACCESS	2,652	3,503	2,502	4,000	4,000	4,000	5,000
502-2920	BANK SERVICES	1,245	1,460	1,401	1,350	1,350	1,000	1,350
TOTAL OTHER CHARGES		52,548	71,432	70,385	81,187	81,183	62,904	80,587
SUPPLIES								
502-3010	OFFICE SUPPLIES	6,457	6,194	3,946	7,279	7,279	7,000	7,279
502-3080	CLOTHING & LINEN	-	400	218	401	405	450	401
502-3760	CODE BOOK-CODIFICATION	650	4,676	3,378	4,700	4,700	4,500	4,700
502-3840	OTHER SUPPLIES	28	369	-	-	-	-	-
502-3850	EQUIPMENT	-	-	412	-	-	-	-
TOTAL SUPPLIES		7,135	11,640	7,953	12,380	12,384	11,950	12,380
CAPITAL OUTLAY								
502-4010	CAPITAL OUTLAY	-	-	-	26,032	26,032	14,000	6,000
TOTAL CAPITAL OUTLAY		-	-	-	26,032	26,032	14,000	6,000
***DEPARTMENT TOTAL ***		302,798	349,864	353,354	412,327	413,827	371,828	395,184

Municipal Court

AUTHORIZED POSITIONS	Actual 2016-2017	Budget 2017-2018	Estimated 2017-2018	Adopted 2018-2019
Municipal Court Administrator	1	1	1	1
Court Clerk	2	2	2	2
Municipal Court Bailiff/Part-time	0	0	0	1
Department Total	3	3	3	4

DEPARTMENT DESCRIPTION:

The purpose of Municipal Court is to insure fair and impartial administration of justice to all people with with professionalism and effectiveness.

ACCOMPLISHMENTS FOR 2017 - 18 FISCAL YEAR:

- The Court has stayed within the budget to meet the goals of the City.
- The Court has come up with alternative ways to save money.

GOALS & OBJECTIVES FOR 2018-19 FISCAL YEAR:

- The goal of municipal court is to file complaints to final disposition.
- Collect on any outstanding or unpaid citation before they become warrants.
- Issue warrants for any outstanding and unpaid citations disposed by the Judge.
- Prepare monthly state report and collection report.
- Conduct Bench trial and Jury trials once a month.
- Coordinate with the Prosecutor for any specific legal dilemmas that the Court might have with complaints/citations.
- Be efficient and service oriented with innovative and entrepreneurial administration; not a single tax payer should be left with a feeling that we were not a professional organization.

PERFORMANCE MEASURES	Actual 2016-2017	Budget 2017-2018	Estimated 2017-2018	Adopted 2018-2019
Cases Filed	12,994	24,946	25,000	26,000
Warrants Filed	6,852	12,916	13,000	14,000
Warrants Executed	6,584	12,988	13,000	14,000
Cases Disposed (New/Old)	11,000	22,032	23,000	24,000

**Municipal Court
Expenditure Detail**

		History			Current			Proposed
		2015	2016	2017	2018	2018	2018	FISCAL YEAR
		ACTUAL	ACTUAL	ACTUAL	BUDGET	AMENDED	ESTIMATE	2019
PERSONNEL								
503-1010	EXEMPT WAGES	51,217	52,078	51,851	51,861	51,861	51,861	51,861
503-1020	NON-EXEMPT WAGES	45,064	47,828	51,060	50,794	50,794	50,794	50,794
503-1025	PART-TIME WAGES	1,179	-	-	-	-	-	27,521
503-1080	OVERTIME	34	176	59	1,000	1,000	1,000	1,000
503-1100	GROUP INSURANCE	14,119	13,053	12,390	14,591	14,591	14,591	14,700
503-1120	PENSION CONTRIBUTION	6,575	6,191	7,412	7,699	7,699	7,699	8,209
503-1140	FICA TAX	6,065	5,871	6,138	6,365	6,365	6,365	8,133
503-1150	MEDICARE TAX	1,419	1,373	1,435	1,488	1,488	1,488	1,902
503-1160	WORKERS COMP INSURANCE	532	382	564	462	462	462	337
503-1180	UNEMPLOYMENT TAX	61	513	27	750	750	750	1,000
TOTAL PERSONNEL		126,266	127,464	130,936	135,010	135,010	135,010	165,458
OTHER CHARGES								
503-2010	COMMUNICATIONS	-	76	100	2	230	700	500
503-2043	TRAVEL AND TRAINING	2,498	1,955	2,192	3,210	1,710	1,710	3,210
503-2102	CITY JUDGE	71,693	91,200	79,450	75,000	75,000	75,000	75,000
503-2240	ADVERTISING	664	-	-	391	391	-	391
503-2320	COPYING EXPENSES	-	702	1,584	654	654	1,437	654
503-2440	POSTAGE	463	340	1,199	700	700	1,000	700
503-2450	PROFESSIONAL SERVICES	573	3	-	300	300	-	300
503-2520	MEMBERSHIP & SUBS	36	56	36	600	600	100	600
503-2920	BANK SERVICES	3,066	4,386	4,397	3,000	3,000	4,300	3,000
TOTAL OTHER CHARGES		78,993	98,718	88,957	83,857	82,585	84,247	84,355
SUPPLIES								
503-3010	OFFICE SUPPLIES	3,295	3,224	3,579	2,455	3,955	3,095	2,455
503-3080	CLOTHING & LINENS	110	-	468	350	350	-	350
503-3840	OTHER SUPPLIES	261	209	145	300	300	200	300
503-3850	EQUIPMENT	-	-	-	1,500	1,500	545	1,500
TOTAL SUPPLIES		3,666	3,433	4,192	4,605	6,105	3,840	4,605
CAPITAL OUTLAY								
503-4010	CAPITAL OUTLAY	-	-	-	3,900	3,900	2,000	-
TOTAL CAPITAL OUTLAY		-	-	-	3,900	3,900	2,000	-
***DEPARTMENT TOTAL ***								
		208,925	229,615	224,086	227,372	227,600	225,097	254,418

Finance

AUTHORIZED POSITIONS	Actual 2016-2017	Budget 2017-2018	Estimated 2017-2018	Adopted 2018-2019
Finance Director	1	1	1	1
Assistant Finance Director	1	1	1	1
Accountant II	2	2	2	2
Accounting Clerk	2	2	2	2
Purchasing Agent	1	1	1	1
EMS Billing Specialist	2	2	2	3
EMS Billing Clerk	1	1	1	0
Department Total	10	10	10	10

DEPARTMENT DESCRIPTION:

Functional responsibilities of the Finance department include accounting, budgeting, investments, cash and debt management, and financial reporting. Payroll, accounts receivable, accounts payable, and fixed assets are all part of the accounting function. The Purchasing division was merged with Finance during fiscal year 2010-2011. Purchasing is responsible for acquiring goods and services for the City, in accordance with the state law, the City's purchasing policies and annual budget. In 2015-2016, EMS Billing, Utility Billing and Meter Reader Divisions were added to the Finance Department for supervision and control purposes.

ACCOMPLISHMENTS FOR 2017-18 FISCAL YEAR:

- Obtained an unmodified ("clean") audit opinion for 9/30/2017.
- Received the GFOA Award for Financial Excellence for the 9/30/2016 CAFR.
- Revised Fund Balance Policy, developed Disaster Financial Policy and Cash Handling policy drafts.
- Initiated new migration to Incode 10 - ongoing.
- Initiated new meter replacement project - ongoing.
- Initiated new credit card rebate project with BBVA Compass - ongoing.

GOALS & OBJECTIVES FOR 2018-19 FISCAL YEAR:

- Provide more timely monthly financial reporting.
- Provide excellent customer service in all departments, and decrease complaints.
- Maximize return on investments without sacrificing safety.
- Increase productivity and collections of EMS billing.
- Continue participation in GFOA Certificate of Achievement Program for CAFR.
- Submit 2018-2019 budget for GFOA Certificate of Achievement in Budgeting.
- Provide more opportunities for staff to attend training and increase their knowledge and capacity.

PERFORMANCE MEASURES	Actual 2016-2017	Budget 2017-2018	Estimated 2017-2018	Adopted 2018-2019
Journal Entries posted	2,413	2,500	2,500	2,500
A/P Disbursements	5,504	5,500	5,500	5,500
Payroll Disbursements	8,187	7,800	8,200	8,200
Purchase Orders	4,121	3,880	4,100	4,100
Travel Forms Processed	230	250	320	300
Bids	33	20	30	30
Finance Invoices issued	71	60	75	75
Airport Invoices issued	210	210	210	210

Finance

Expenditure Detail

		History			Current			Proposed
		2015	2016	2017	2018	2018	2018	FISCAL YEAR
		ACTUAL	ACTUAL	ACTUAL	BUDGET	AMENDED	ESTIMATE	2019
PERSONNEL								
505-1010	EXEMPT WAGES	151,252	276,290	170,225	151,971	151,971	151,971	152,931
505-1020	NON-EXEMPT WAGES	78,204	62,442	242,521	283,130	283,130	283,130	291,034
505-1025	PART-TIME WAGES	-	-	11,763	-	-	-	-
505-1030	TEMPORARY EMPLOYEES	15,138	-	-	-	-	-	-
505-1080	OVERTIME	387	26	2,480	1,000	6,000	6,000	1,000
505-1100	GROUP INSURANCE	24,979	30,106	36,094	47,876	47,876	47,876	48,973
505-1120	PENSION CONTRIBUTION	15,816	20,892	29,849	32,633	32,633	32,633	35,241
505-1140	FICA TAX	15,081	19,696	25,066	26,976	26,976	26,976	27,588
505-1150	MEDICARE TAX	3,527	4,606	5,862	6,309	6,309	6,309	6,452
505-1160	WORKERS COMP INSURANC	1,415	1,320	2,403	1,958	1,958	1,958	1,145
505-1180	UNEMPLOYMENT TAX	67	1,203	139	2,500	2,500	2,500	2,500
TOTAL PERSONNEL		305,865	416,581	526,402	554,353	559,353	559,353	566,864
OTHER CHARGES								
505-2010	COMMUNICATIONS	5,372	5,133	4,519	2,535	2,535	2,282	2,500
505-2043	TRAVEL AND TRAINING	5,171	10,588	8,737	10,500	10,500	14,448	12,780
505-2060	CONTRACT TAX OFFICE	-	-	46,260	46,260	46,260	48,564	48,600
505-2101	PROFESSIONAL SERVICES	138,047	99,165	83,070	83,000	78,900	74,780	84,000
505-2240	ADVERTISING	4,359	1,041	585	1,500	1,500	-	1,000
505-2320	COPYING EXPENSES	1,693	2,202	2,836	3,600	3,600	2,980	1,800
505-2440	POSTAGE	2,078	1,732	2,740	1,500	1,500	2,753	1,000
505-2520	MEMBERSHIP & SUBS	1,767	1,760	7,663	3,364	5,864	5,864	6,810
505-2580	HIDALGO COUNTY APPR UNI	-	-	106,713	116,786	116,786	117,905	124,876
505-2631	MAINT-OFFICE MACHINES	-	-	-	-	500	729	500
505-2810	OTHER SERVICES	2,353	927	1,647	1,000	2,100	2,105	1,900
505-2920	BANK SERVICES	25	-	-	-	-	-	-
TOTAL OTHER CHARGES		160,865	122,548	264,769	270,045	270,045	272,410	285,766
SUPPLIES								
505-3010	OFFICE SUPPLIES	4,209	5,792	7,421	6,200	6,200	5,856	6,200
505-3080	CLOTHING & LINENS	75	924	924	400	400	300	200
505-3840	OTHER SUPPLIES	529	235	165	250	250	83	400
505-3850	EQUIPMENT	-	-	1,433	-	-	-	850
TOTAL SUPPLIES		4,813	6,951	9,943	6,850	6,850	6,239	7,650
CAPITAL OUTLAY								
505-4010	CAPITAL OUTLAY	-	-	-	500	500	-	-
TOTAL CAPITAL OUTLAY		-	-	-	500	500	-	-
***DEPARTMENT TOTAL ***		471,543	546,080	801,113	831,748	836,748	838,002	860,280

Human Resources

AUTHORIZED POSITIONS	Actual 2016-2017	Budget 2017-2018	Estimated 2017-2018	Adopted 2018-2019
Human Resources/Civil Service Director	1	1	1	1
HR Generalist II	1	0	0	0
HR Generalist I	2	3	3	3
Department Total	4	4	4	4

DEPARTMENT DESCRIPTION:

Perform all functions and duties relating to human resource management to insure conformity with state and federal laws and established policies and procedures. Monitor the needs and welfare of city employees to maintain productivity.

ACCOMPLISHMENTS FOR 2017-18 FISCAL YEAR:

- Quarterly employee training
- Established electronic job application system
- Successful submittal ACA
- Decreased workers compensation claims & modifier
- Successful health fairs.

GOALS & OBJECTIVES FOR 2018-19 FISCAL YEAR:

- Continue to promote "Safety First" as part of our on-going safety program;
- Continue to promote internal/external partnerships; (WFS, AARP, Express)
- Electronic onboarding system;
- Promote training and professional development (effective conflict management, crisis management, etc.);
- Promote wellness initiative to our staff (i.e.. Partnerships for preventative screening, education, etc.);
- Provide leadership, coordination, and serve as a resource to other departments;

PERFORMANCE MEASURES	Actual 2016-2017	Budget 2017-2018	Estimated 2017-2018	Adopted 2018-2019
Meetings/Trainings Attended/Staff Training	50	36	50	102
Process Job Orders (internal/public)	962	1,340	70	1,722
Process Personnel Actions, Performance Reviews, etc.	1,063	468	350	1,500
Employee new hire and exit packets/ orientations.	100	191	30	255
Process Community Service Referrals & Volunteers	-	236	240	180
Drug/Alcohol screening: random, pre-employment, post accident & reasonable suspicion	152	86	75	300
Background checks, etc.	132	158	100	553
Employment Requests (Verifications, Benefits, Garnishments, E-verify, etc.)	133	441	441	652
Civil Service (Examinations).	73	30	10	64

Human Resources
Expenditure Detail

		History			Current			Proposed
		2015	2016	2017	2018	2018	2018	FISCAL YEAR
		ACTUAL	ACTUAL	ACTUAL	BUDGET	AMENDED	ESTIMATE	2019
PERSONNEL								
507-1010	EXEMPT WAGES	85,938	75,266	74,006	73,363	73,363	73,363	73,363
507-1020	NON-EXEMPT WAGES	49,139	72,183	95,561	95,992	95,992	95,992	101,192
507-1040	PART-TIME WAGES	5,189	6,878	2,186	4,500	4,500	1,479	-
507-1080	OVERTIME	520	1,155	1,020	1,000	2,022	1,000	1,000
507-1100	GROUP INSURANCE	13,756	13,805	16,520	19,150	19,150	19,150	19,589
507-1120	PENSION CONTRIBUTION	9,266	9,175	12,269	12,702	12,702	12,702	13,904
507-1140	FICA TAX	8,449	8,678	10,115	10,779	10,779	10,779	10,884
507-1150	MEDICARE TAX	1,976	2,029	2,366	2,521	2,521	2,521	2,546
507-1160	WORKERS COMP INSURANCE	734	600	951	782	782	782	452
507-1180	UNEMPLOYMENT TAX	36	645	77	1,000	1,000	1,000	1,000
TOTAL PERSONNEL		175,003	190,413	215,071	221,789	222,811	218,768	223,931
OTHER CHARGES								
507-2010	COMMUNICATIONS	2,188	2,117	2,115	1,152	1,152	1,752	2,000
507-2043	TRAVEL AND TRAINING	4,563	8,563	15,618	20,000	20,000	16,500	20,000
507-2100	PROFESSIONAL SERVICES	6,514	15,256	10,716	8,500	8,500	6,500	9,000
507-2240	ADVERTISING	1,170	1,634	1,115	1,500	1,500	1,000	1,000
507-2320	COPYING EXPENSES	2,082	3,071	3,323	4,000	4,000	3,600	4,000
507-2440	POSTAGE	545	378	410	400	400	250	400
507-2520	MEMBERSHIP & SUBS	4,576	3,664	7,747	6,190	6,190	4,500	4,200
507-2631	MAINT-OFFICE MACHINES	-	450	-	522	-	-	-
507-2810	OTHER SERVICES	4,702	13,575	8,322	11,160	10,660	6,500	8,080
TOTAL OTHER CHARGES		26,341	48,707	49,365	53,424	52,402	40,602	48,680
SUPPLIES								
507-3010	OFFICE SUPPLIES	1,712	3,400	2,197	2,000	2,000	2,000	2,020
507-3080	CLOTHING & LINENS	-	460	357	500	500	200	500
507-3640	EDUCATIONAL SUPPLIES	4,417	6,845	5,089	4,500	4,500	3,500	4,500
507-3840	OTHER SUPPLIES	-	53	-	-	-	-	-
507-3850	EQUIPMENT	-	-	5,596	1,200	1,200	-	-
TOTAL SUPPLIES		6,129	10,758	13,239	8,200	8,200	5,700	7,020
CAPITAL OUTLAY								
507-4010	CAPITAL OUTLAY	-	-	-	-	-	-	-
TOTAL CAPITAL OUTLAY		-	-	-	-	-	-	-
***DEPARTMENT TOTAL ***		207,472	249,878	277,676	283,413	283,413	265,070	279,631

Law-City Attorney

AUTHORIZED POSITIONS

**Actual
2016-2017**

**Budget
2017-2018**

**Estimated
2017-2018**

**Adopted
2018-2019**

DEPARTMENT DESCRIPTION:

To provide reliable legal services to the City of Weslaco. The City Attorney is an outside counsel and is paid a monthly retainer for legal services rendered.

ACCOMPLISHMENTS FOR 2017-18 FISCAL YEAR:

- Reduce cases
- Reduce billing cost

GOALS & OBJECTIVES FOR 2018-19 FISCAL YEAR:

- Reduce billing cost to no more than \$180,000
- Minimize lawsuits
- Provide one staff training

PERFORMANCE MEASURES

**Actual
2016-2017**

**Budget
2017-2018**

**Estimated
2017-2018**

**Adopted
2018-2019**

Law - City Attorney
Expenditure Detail

		History			Current			Proposed
		2015	2016	2017	2018	2018	2018	FISCAL YEAR
		ACTUAL	ACTUAL	ACTUAL	BUDGET	AMENDED	ESTIMATE	2019
PERSONNEL								
509-1010	EXEMPT WAGES	7,878	-	-	-	-	-	-
509-1020	NON-EXEMPT WAGES	-	-	-	-	-	-	-
509-1040	PART-TIME WAGES	-	-	-	-	-	-	-
509-1080	OVERTIME	-	-	-	-	-	-	-
509-1100	GROUP INSURANCE	363	-	-	-	-	-	-
509-1120	PENSION CONTRIBUTION	518	-	-	-	-	-	-
509-1140	FICA TAX	474	-	-	-	-	-	-
509-1150	MEDICARE TAX	111	-	-	-	-	-	-
509-1160	WORKERS COMP INSURANCE	481	-	-	-	-	-	-
509-1180	UNEMPLOYMENT TAX	-	-	-	-	-	-	-
TOTAL PERSONNEL		9,825	-	-	-	-	-	-
OTHER CHARGES								
509-2010	COMMUNICATIONS	635	582	468	443	443	-	443
509-2043	TRAVEL & TRAINING	1,674	1,421	450	2,000	2,000	2,000	2,000
509-2120	CITY ATTORNEY RETAINER	150,000	196,115	208,355	150,000	150,000	150,000	220,000
509-2130	SPECIAL CASES	825,135	569,179	425,951	80,000	80,000	80,000	50,000
509-2135	MUNICIPAL COURT PROSECUTION	9,500	59,250	60,000	60,000	60,000	60,000	60,000
509-2520	MEMBERSHIP & SUBSCRIPTION	68	-	-	-	-	-	-
TOTAL OTHER CHARGES		987,013	826,547	695,224	292,443	292,443	292,000	332,443
SUPPLIES								
509-3010	OFFICE SUPPLIES	-	-	89	500	500	-	500
509-3850	EQUIPMENT	-	-	-	500	500	-	500
TOTAL SUPPLIES		-	-	89	1,000	1,000	-	1,000
***DEPARTMENT TOTAL ***		996,838	826,547	695,313	293,443	293,443	292,000	333,443

Building Maintenance

AUTHORIZED POSITIONS	Actual 2016-2017	Budget 2017-2018	Estimated 2017-2018	Adopted 2018-2019
Building Maintenance Supervisor	1	1	1	1
A/C Technician	1	1	1	1
Skilled Laborer	1	1	1	1
Laborer	1	1	1	1
Custodian-Full Time	4	4	4	4
Custodian-Part Time	2	2	2	2
Department Total	10	10	10	10

DEPARTMENT DESCRIPTION:

To protect the public against hazards associated with building structures and to promote energy conservation and improve building security through building codes.

ACCOMPLISHMENTS FOR 2017-18 FISCAL YEAR

- Roofing at Fire station #1 storage
- Remodel Courtroom (lighting and drywall)
- Generator City Hall
- Generator Fire Administration
- Working together with Noble Texas Builders for UTRGV Project
- Working together with Seimens Project (AC and lighting)
- Generator at CBP office
- Remodel Police Dept. Break room Area
- Remodel Police Dept Dispatch Area

GOALS & OBJECTIVES FOR 2018-19 FISCAL YEAR:

- Provide timely and comprehensive services in response to service demand.
- Manage and coordinate maintenance & operation division activities.
- Provide the highest level of services to city owned facilities through enforcement of adopted and state mandated building codes.

PERFORMANCE MEASURES	Actual 2016-2017	Budget 2017-2018	Estimated 2017-2018	Adopted 2018-2019
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Complete building inspections and implement the associated maintenance and repairs

Trainings attended.

Building Maintenance related work orders

**Building Maintenance
Expenditure Detail**

		History			Current		Proposed	
		2015	2016	2017	2018	2018	2018	FISCAL YEAR
		ACTUAL	ACTUAL	ACTUAL	BUDGET	AMENDED	ESTIMATE	2019
PERSONNEL								
510-1010	EXEMPT WAGES	87,926	41,797	5,622	-	-	-	-
510-1020	NON-EXEMPT WAGES	285,520	240,144	228,159	249,101	249,101	228,093	227,677
510-1025	PART-TIME WAGES	-	-	3,466	-	-	21,008	26,520
510-1080	OVERTIME	4,513	8,671	7,217	7,000	18,000	18,000	7,000
510-1100	GROUP INSURANCE	62,668	43,568	33,669	43,088	43,088	43,088	39,179
510-1120	PENSION CONTRIBUTION	25,816	17,999	17,451	18,683	18,683	18,683	18,586
510-1140	FICA TAX	23,626	17,477	14,856	15,444	15,444	15,444	16,194
510-1150	MEDICARE TAX	5,525	4,087	3,474	3,612	3,612	3,612	3,787
510-1160	WORKERS COMP INSURANCE	9,321	10,701	13,776	13,751	13,751	13,751	8,246
510-1180	UNEMPLOYMENT TAX	1,183	1,683	306	2,250	2,250	2,250	2,500
TOTAL PERSONNEL		506,098	386,126	327,996	352,928	363,928	363,928	349,689
OTHER CHARGES								
510-2010	COMMUNICATIONS	4,935	5,250	5,645	2,934	2,934	2,934	3,000
510-2043	TRAVEL AND TRAINING	133	571	30	500	500	500	500
510-2100	PROFESSIONAL SERVICES	12,239	-	12,778	2,000	2,000	100	500
510-2300	EQUIPMENT RENTAL	-	3,170	3,181	4,920	4,920	4,920	4,920
510-2380	UTILITIES	357,798	391,798	428,560	292,024	292,024	355,000	328,000
510-2520	MEMBERSHIP & SUBS	312	-	-	200	200	-	200
510-2626	MAINT-BUILDINGS	34,838	36,730	58,955	35,000	35,000	35,000	35,000
510-2627	MAINT-ALARMS	-	-	-	13,000	11,000	7,500	7,500
510-2628	MAINT-OTHER	6,383	5,439	159	7,000	7,000	3,500	3,500
510-2629	MAINT-PARKS	28	-	160	-	-	-	-
510-2633	MAINT-GAS PUMP	869	1,281	532	-	-	-	-
510-2634	MAINT-MACHINERY	3,044	722	-	4,000	3,000	3,000	3,000
510-2636	MAINT-VEHICLES	3,564	3,484	3,596	4,000	5,000	5,000	3,000
510-2639	MAINT-RADIOS	-	75	-	2,000	4,000	4,000	2,000
510-2641	MAINT-HEAT & A/C	14,821	14,187	18,329	15,000	15,000	9,000	9,000
510-2651	MAINT-ELEVATOR	5,711	4,959	5,337	5,000	5,000	5,000	5,000
510-2660	TERMITING	2,909	1,458	862	6,000	6,000	5,500	2,000
510-2810	OTHER SERVICES	984	1,651	3,138	300	300	-	300
TOTAL OTHER CHARGES		448,569	470,774	541,261	393,878	393,878	440,954	407,420
SUPPLIES								
510-3010	OFFICE SUPPLIES	1,201	1,070	18	1,000	1,000	500	500
510-3040	JANITOR SUPPLIES	18,828	18,294	18,917	18,000	18,000	18,000	18,000
510-3080	CLOTHING & LINENS	7,794	5,319	6,388	5,000	5,000	5,000	5,150
510-3090	WELDING SUPPLIES	1,197	95	-	-	-	-	-
510-3240	MOTOR FUEL & LUBE	14,006	9,241	7,322	8,000	8,000	5,750	5,750
510-3280	MINOR TOOLS	1,334	1,365	813	3,000	3,000	1,000	1,500
510-3400	CHEMICALS	165	-	24	-	-	-	-
510-3480	CHEMICALS-MEDICAL	340	-	-	-	-	-	-
510-3680	LANDSCAPING	-	6,594	1,522	3,000	2,300	3,000	-
510-3840	OTHER SUPPLIES	4,148	3,196	6,031	3,000	3,000	4,000	3,000
510-3850	EQUIPMENT	1,733	10,973	10,579	1,250	1,950	2,000	1,550
TOTAL SUPPLIES		50,746	56,148	51,614	42,250	42,250	39,250	35,450
CAPITAL OUTLAY								
510-4010	CAPITAL OUTLAY	-	-	-	38,000	834,067	837,067	20,000
TOTAL CAPITAL OUTLAY		-	-	-	38,000	834,067	837,067	20,000
***DEPARTMENT TOTAL ***								
		1,005,413	913,048	920,872	827,056	1,634,123	1,681,199	812,559

Planning & Code Enforcement

AUTHORIZED POSITIONS	Actual 2016-2017	Budget 2017-2018	Estimated 2017-2018	Adopted 2018-2019
City Engineer/Planning Director	1	1	1	1
Construction Inspector/CADD Supervisor	1	1	1	1
Construction Inspector/Surveyor	1	1	1	1
Engineer II	1	1	1	1
Senior Planner	1	1	1	1
Chief Building Official	1	1	1	1
Building Inspector	1	1	1	1
Health Official	1	1	1	1
Code Enforcement Inspector I	1	1	1	1
Animal Control Officer	2	3	3	4
Part-time Animal Control Officer	1	0	0	0
Secretary II	1	1	1	1
Secretary I	2	2	2	2
Engineer Technician	1	1	1	1
Temporary CADD Technicians (part time)	2	2	2	2
Building/CE Inspector	1	1	1	1
GIS Specialist	0	0	0	1
Department Total	19	19	19	21

DEPARTMENT DESCRIPTION:

To ensure effective and positive growth for the City of Weslaco. Enforcement of building, health, and sanitation codes in order to enhance the safety and well being of the citizens of Weslaco.

ACCOMPLISHMENTS FOR 2017-18 FISCAL YEAR:

- Rehabilitated Lift Station 37, Designed drainage improvements on 10th Street, Drainage Improvements on Indiana Avenue, Bike Trails on 18th Street, Equalizer line on Bridge Avenue, Adams Street, North Fire Station Park and Waterline, Illinois Drainage Improvements, and began sanitary sewer mapping project
- Updated all buiding codes.
- Updated Zoning Ordinance.
- Launch spay and neuter program for animal control.
- Expanded animal care services kennels.
- Removed dilapidated structures.
- Implemented Accela with online registrations.

GOALS & OBJECTIVES FOR 2018-19 FISCAL YEAR:

- Facilitate residential, commercial, and public development that advances the best interest of Weslaco and makes the City an even better place to live, work, and visit by planning for Weslaco's near-term and long-term transportation, housing, recreation, infrastructure, and economic development needs.
- Provide timely, reliable and courteous response to members of the public seeking planning and zoning approvals or information.
- To facilitate services to all residents in a timely manner.
- Serve on the Metropolitan Planning Organization Technical and Policy Committee
- Continue expanding the information contained in the City's GIS and CADD.
- Follow City goals in accordance to Comprehensive Plan

Planning & Code Enforcement

GOALS & OBJECTIVES FOR 2018-19 FISCAL YEAR (Cont):

- Obtain more specific training on implementing and utilizing the GIS and traffic synchronization software.
- Follow master drainage plan to reduce drainage problems for the City.
- Courteously, efficiently, and effectively enforce the building, health, sanitation, and environmental codes to enhance the safety and well-being of the residents, employees, and visitors of Weslaco and protect financial investments in our City.
- Educate the regulated community and members of the public about applicable rules governing their property, establishment, and activities.
- Obtain commercial inspection certification for all building inspectors
- Achieve and maintain the levels of certifications and licenses required to run a professional building inspection division.
- Obtain additional licenses for vector control
- Continue animal adoption program and analyze expansion with municipalities.
- Improve the turnaround time of inspections by utilizing technology (Accela).
- To locate properties that are currently City right-of-way and replat to create lots for additional revenues which will fund additional equipment and software for the Departments.

PERFORMANCE MEASURES	Actual 2016-2017	Budget 2017-2018	Estimated 2017-2018	Adopted 2018-2019
Engineering Division projects	20	17	17	17
Subdivision Plats Reviewed	15	20	15	18
Zone change requests processed	18	15	11	15
Inspections	4957	5000	6700	7000
Animal Control Calls	5423	5400		5400
Animals Picked-up	2940	3400		3600
Code Enforcement Investigations	2868	2300		2800
Conditional Use Permit requests processed	8	13	9	12
Issued Permits	2037	2350		2400
Dilapidated Structures	10	15	8	12
Health Permits	2595	2000		2200

Planning & Code Enforcement
Expenditure Detail

		History			Current			Proposed
		2015	2016	2017	2018	2018	2018	FISCAL YEAR
		ACTUAL	ACTUAL	ACTUAL	BUDGET	AMENDED	ESTIMATE	2019
PERSONNEL								
511-1010	EXEMPT WAGES	237,680	261,062	253,540	235,400	235,400	235,400	235,400
511-1020	NON-EXEMPT WAGES	302,655	330,028	388,231	444,709	444,709	444,709	483,870
511-1025	PART-TIME WAGES	5,723	12,701	12,559	10,639	10,639	10,639	10,640
511-1080	OVERTIME	10,265	9,893	10,253	10,000	22,000	22,000	10,000
511-1100	GROUP INSURANCE	61,672	61,342	61,653	86,177	86,177	86,177	93,049
511-1120	PENSION CONTRIBUTION	37,285	37,079	46,967	51,796	51,796	51,796	57,758
511-1140	FICA TAX	33,822	35,816	39,574	43,478	43,478	43,478	45,874
511-1150	MEDICARE TAX	7,910	8,377	9,255	10,168	10,168	10,168	10,729
511-1160	WORKERS COMP INSURANCE	7,795	5,033	10,490	8,656	8,656	8,656	6,461
511-1180	UNEMPLOYMENT TAX	548	2,571	580	4,750	4,750	4,750	5,250
TOTAL PERSONNEL		705,355	763,902	833,102	905,772	917,772	917,772	959,031
OTHER CHARGES								
511-2010	COMMUNICATIONS	9,155	9,734	13,189	4,610	4,610	15,084	14,000
511-2043	TRAVEL AND TRAINING	12,344	20,565	21,705	20,700	20,700	18,872	23,700
511-2100	PROFESSIONAL SERVICES	5,610	38,584	29,198	25,000	22,872	16,958	25,000
511-2240	ADVERTISING	6,945	9,092	6,478	9,000	9,000	9,000	8,000
511-2320	COPYING EXPENSES	3,815	2,929	4,644	5,000	5,000	4,828	5,000
511-2440	POSTAGE	6,869	4,693	4,737	5,000	5,000	3,715	4,000
511-2520	MEMBERSHIP & SUBS	5,955	7,686	9,134	8,000	8,253	9,000	8,500
511-2631	MAINT-OFFICE MACHINES	423	975	-	1,000	1,000	-	500
511-2636	MAINT-VEHICLES	3,603	6,405	10,700	7,000	7,000	8,600	8,000
511-2639	MAINT-RADIOS	-	305	212	500	500	-	500
511-2720	ANIMAL SHELTER	30,604	40,749	37,381	45,000	51,125	50,000	80,000
511-2810	OTHER SERVICES	8,233	11,010	9,833	10,000	10,000	6,000	10,000
511-2820	CERTIFICATIONS & LICENSES	111	583	146	-	-	-	-
511-2920	C-CARD SERVICES CHARGES	-	-	240	-	-	-	-
511-2940	DEMO & CLEANING	10,561	22,845	15,034	15,000	15,000	15,000	-
TOTAL OTHER CHARGES		104,227	176,154	162,632	155,810	160,060	157,057	187,200
SUPPLIES								
511-3010	OFFICE SUPPLIES	4,382	6,063	4,245	4,400	4,400	4,400	4,400
511-3080	CLOTHING & LINENS	5,549	5,463	7,293	7,300	7,300	7,300	9,800
511-3160	ANIMAL WARDEN SUPPLIES	-	3,073	1,364	2,000	2,000	1,500	2,000
511-3240	MOTOR FUEL & LUBE	11,939	11,458	12,480	12,000	12,000	10,500	13,000
511-3560	MAPS & GRAPHICS	572	1,337	1,241	1,500	1,500	750	1,500
511-3600	INK-PENS & DRAFTING PAPER	800	2,067	1,996	2,000	2,000	-	1,000
511-3760	CODE BOOK-CODIFICATION	1,138	1,173	1,132	1,200	1,200	1,800	1,200
511-3840	OTHER SUPPLIES	1,148	1,474	1,318	1,500	1,500	500	1,000
511-3850	EQUIPMENT	3,310	35,667	20,802	15,900	15,900	13,000	3,000
511-3880	MOSQUITO SPRAY	12,018	6,264	7,577	7,500	11,250	11,250	8,000
TOTAL SUPPLIES		40,856	74,039	59,448	55,300	59,050	51,000	44,900
CAPITAL OUTLAY								

Planning & Code Enforcement
Expenditure Detail

	History			Current			Proposed
	2015	2016	2017	2018	2018	2018	FISCAL YEAR
	ACTUAL	ACTUAL	ACTUAL	BUDGET	AMENDED	ESTIMATE	2019
511-4010 CAPITAL OUTLAY	-	-	-	65,000	213,907	213,907	10,000
TOTAL CAPITAL OUTLAY	-	-	-	65,000	213,907	213,907	10,000
***DEPARTMENT TOTAL ***	850,437	1,014,095	1,055,182	1,181,881	1,350,788	1,339,736	1,201,131

Police

AUTHORIZED POSITIONS	Actual 2016-2017	Budget 2017-2018	Estimated 2017-2018	Adopted 2018-2019
Chief of Police	1	1	1	1
Administrative Services Coordinator	1	1	1	1
Captain	4	4	4	4
Assistant Chief of Police	1	1	1	1
Lieutenant	7	7	7	7
Sergeant	12	12	12	12
Police Officer	45	47	47	54
Police Officer (Forfeiture)	1	1	1	0
Jailer	5	5	5	5
JAIL SUPERVISOR	0	1	1	1
Communications Supervisor	1	1	1	1
Dispatcher	11	12	12	12
Senior Records Clerk	1	1	1	1
Clerk I	3	3	3	3
Secretary	1	1	1	1
Support Service Aide	1	1	1	1
Crime Analyst	1	1	1	1
First Time Offender Program Case Manager	0	0	0	1
Urban Blight (Graffiti) Custodian	1	1	1	1
Department Total	97	101	101	108

DEPARTMENT DESCRIPTION

The Weslaco Police Department is staffed by seventy-two sworn officers and twenty-eight civilian support personnel who serve under Chief Joel Rivera.

The Weslaco Police Department exists to preserve life, protect property and continue efforts in partnership with the community to ensure trust and address quality of life issues for our citizens.

ACCOMPLISHMENTS FOR 2017-18 FISCAL YEAR:

- Implemented bike patrol program for “hot spot” crime reduction and increased accessibility to the public.
- Updated department procedures on property and evidence disposition with the use of technology bar code scanning and inventory management.
- Implemented First Aid/C.P.R./A.E.D. training to officers and deployment of A.E.D.’s (Automated External Defibrillator) in patrol units and jail area.
- Increased the number of officers in the Community Outreach Division for better community relations and education.
- Certified and equipped officers with tasers for a less than lethal option under certain circumstances.
- Increased women’s self-defense training and awareness through education and instruction.
- Enhancements to our neighborhood watch program through community contacts and utilization of the “Next Door” app and social media.
- Over \$300,000.00 in approved grants for personnel, overtime and equipment.

GOALS & OBJECTIVES FOR 2018-19 FISCAL YEAR:

- Establishing police resource officers at the Weslaco Independent School District to enhance security at the schools
- Expand the Mid Valley Regional Communication Center to include neighboring cities.
- Establish public education forums on current law enforcement topics to inform the community.

Police

GOALS & OBJECTIVES FOR 2018-19 FISCAL YEAR (Cont):

- Increase existing partnership with other Law Enforcement Partners via the T.T.I.C. (Texas Transnational Intelligence Center) and T.A.G. (Texas Anti-Gang center).
- Continue the effort in grant applications for technology improvements throughout the department.
- Creation of a First Offender Program as alternative to mainstream justice system.

PERFORMANCE MEASURES	Actual 2016-2017	Budget 2017-2018	Estimated 2017-2018	Adopted 2018-2019
Emergency Calls	28,309	14,844	22,304	
Accident Calls	1,886	1,030	1,536	
UCR Part 1 Violent Crime	140	79	85	
UCR Part 1 Property Crime	1,214	740	1,123	

Police
Expenditure Detail

		History			Current			Proposed
		2015	2016	2017	2018	2018	2018	FISCAL YEAR
		ACTUAL	ACTUAL	ACTUAL	BUDGET	AMENDED	ESTIMATE	2019
PERSONNEL								
512-1010	EXEMPT WAGES	216,581	632,451	505,855	490,518	490,518	490,518	583,752
512-1020	NON-EXEMPT WAGES	447,411	538,367	694,441	776,589	776,589	776,589	785,158
512-1040	CERTIFIED WAGES	2,994,501	3,131,295	3,401,824	3,605,648	3,605,648	3,605,648	3,934,875
512-1045	CIVIL SERVICE	57,603	68,579	77,300	74,000	74,000	74,000	78,680
512-1080	OVERTIME	265,157	319,122	340,122	300,000	300,000	300,000	200,000
512-1090	OVERTIME GRANTS	-	176,299	101,159	100,000	100,000	100,000	200,000
512-1100	GROUP INSURANCE	347,952	366,130	375,369	481,167	481,167	481,167	528,915
512-1120	PENSION CONTRIBUTION	271,315	301,483	369,541	356,756	356,756	356,756	457,971
512-1140	FICA TAX	244,373	284,438	302,863	294,919	294,919	294,919	358,513
512-1150	MEDICARE TAX	57,152	66,522	70,831	68,973	68,973	68,973	83,846
512-1160	WORKERS COMP INSURANCE	117,601	122,759	173,993	174,891	174,891	174,891	228,271
512-1180	UNEMPLOYMENT TAX	1,402	15,790	2,097	25,000	25,000	25,000	27,000
TOTAL PERSONNEL		5,021,047	6,023,234	6,415,394	6,748,461	6,748,461	6,748,461	7,466,980
OTHER CHARGES								
512-2010	COMMUNICATIONS	31,867	37,982	78,530	27,657	60,657	60,000	60,000
512-2043	TRAVEL AND TRAINING	39,870	47,664	43,740	45,000	45,000	45,000	65,000
512-2044	TRAVEL & TRAINING-LEOSE	3,351	3,855	5,622	-	-	4,755	-
512-2045	TUITION REIMBURSEMENT	6,438	6,572	6,572	5,000	5,000	4,541	7,500
512-2046	TRANSPORT-SECTION	-	-	150	1,000	1,000	1,000	1,000
512-2100	PROFFESIONAL SERVICES	12,977	5,454	7,842	8,000	8,000	15,532	8,000
512-2130	LEGAL FEES	24,568	1,525	275	5,000	5,000	413	-
512-2240	ADVERTISING	-	10,686	9,691	9,000	7,500	9,000	9,000
512-2320	COPYING EXPENSES	5,742	7,702	9,369	7,500	7,500	6,889	9,500
512-2360	SUPPORT OF PERSONS	5,059	6,711	6,124	8,000	8,000	8,819	8,500
512-2380	UTILITIES	48,260	61,450	76,961	33,760	33,760	26,204	30,000
512-2440	POSTAGE	2,113	1,132	1,790	2,500	2,500	1,379	2,500
512-2520	MEMBERSHIP & SUBS	3,361	3,810	10,671	35,000	31,500	30,227	30,000
512-2626	MAINT-BUILDINGS	(32)	14,074	3,143	15,000	11,780	15,000	15,000
512-2628	MAINT-OTHER	3,265	298	3,972	4,000	4,000	2,875	4,000
512-2636	MAINT-VEHICLES	37,670	51,379	99,734	55,000	55,000	109,592	90,000
512-2639	MAINT-RADIOS	5,147	3,473	3,768	7,500	7,500	27,900	11,000
512-2740	PURCHASE OF INFORMATION	-	1,000	1,000	2,000	2,000	2,000	2,000
512-2760	FIREARMS CERTIFICATION	(379)	9,545	7,830	15,000	13,620	15,000	15,000
512-2810	OTHER SERVICES	764	6,866	4,262	8,000	11,140	12,038	14,500
TOTAL OTHER CHARGES		230,041	281,176	381,046	293,917	320,457	398,164	382,500

Police
Expenditure Detail

	History			Current			Proposed
	2015 ACTUAL	2016 ACTUAL	2017 ACTUAL	2018 BUDGET	2018 AMENDED	2018 ESTIMATE	FISCAL YEAR 2019
SUPPLIES							
512-3010 OFFICE SUPPLIES	13,760	20,034	19,939	15,000	16,860	16,500	15,000
512-3080 CLOTHING & LINENS	14,458	15,509	19,893	25,000	25,000	15,300	35,000
512-3240 MOTOR FUEL & LUBE	108,099	97,733	109,304	120,000	117,700	77,068	120,000
512-3520 LAB & PHOTO SUPPLIES	1,599	545	3,407	3,000	4,500	4,733	5,000
512-3640 EDUCATIONAL SUPPLIES	2,446	6,620	5,057	6,000	6,000	8,000	6,000
512-3840 OTHER SUPPLIES	4,037	10,879	14,217	10,000	8,540	8,633	10,000
512-3850 EQUIPMENT	7,798	53,944	55,395	35,000	35,240	35,240	60,295
TOTAL SUPPLIES	152,198	205,264	227,213	214,000	213,840	165,474	251,295
CAPITAL OUTLAY							
512-4010 CAPITAL OUTLAY/EQUIP	-	-	-	450,000	489,765	489,765	176,250
TOTAL CAPITAL OUTLAY	-	-	-	450,000	489,765	489,765	176,250
***DEPARTMENT TOTAL ***	5,403,286	6,509,674	7,023,653	7,706,378	7,772,523	7,801,864	8,277,025

Fire

AUTHORIZED POSITIONS	Actual 2016-2017	Budget 2017-2018	Estimated 2017-2018	Adopted 2018-2019
Fire Chief	1	1	1	1
Assistant Fire Chief	1	1	1	1
Fire Marshal	1	1	1	1
Captains	4	4	4	4
EMS Coordinator/Captain	1	1	1	1
Lieutenant	10	13	13	13
Driver/Engineer	12	12	12	12
Firefighters	36	33	33	33
Fire Inspector III	1	1	1	1
Fire Inspector II	1	1	1	1
Fire Inspector I	1	1	1	1
Secretary I	2	2	2	2
Department Total	71	71	71	71

DEPARTMENT DESCRIPTION:

To continue to provide the highest level Fire/EMS/Rescue emergency response in our community.

ACCOMPLISHMENTS FOR 2017-2018 FISCAL YEAR:

- Continued a pro active community program CERT/MRC to promote volunteering and community pride.(9000 hours)
- Maintain Fire Training contact hours on all personnel addressing current emergency and responses tactics
- Maintain advanced Paramedic training and advancement of EMS Protocol standards
- Successful advancement of ISO classification from Class 4 to a Class 3
- Continuation of the Apparatus Replacement Program which allows the purchase of Fire apparatus and Ambulances to update the Fire Department fleet
- Continue a successful WFD Higher Education Program which uses State Grants for Firefighters College Education

GOALS & OBJECTIVES FOR 2018-19 FISCAL YEAR:

- Respond to all fires and protect life and property within the limits of the fire department resources.
- Enable growth as a Fire/EMS organization to continually meeting the needs and demands of our community, citizens, and visitors.
- Develop documents to assess current and future service level needs
- Insure all fire department equipment meets minimum NFPA ISO standards.
- Training Division to expand # of instructors and acquired speicalized certifications and skills.
- Identify and fill areas of span and control gaps due to growth of the city and Fire department personnel.
- Continue to establish an Automatic Aid Program between cities to increase firefighter safety and response efficiency
- Pre-planning of commercial, industrial, educational, and multi-family occupancies and prepare hazard analysis (Continuous).

PERFORMANCE MEASURES	Actual 2016-2017	Budget 2017-2018	Estimated 2017-2018	Adopted 2018-2019
Fire Calls	1,800	1,709	1,709	2,500
Rescue Calls	106	202	202	250
EMS Calls	6,332	5,483	5,483	6,500
Training Hours - Fire Personnel	2,812	3,204	3,204	6,000
Training Hours EMS Personnel				10,000
Training Hours - Volunteer programs	104	104	104	10,000
EMS SPECIAL OPERATIONS		20	20	50
Fire inspections		1,500	1,500	1,700
Transfers / Hospital to Hospital				1,400

Fire

Expenditure Detail

		History			Current		Proposed	
		2015	2016	2017	2018	2018	2018	FISCAL YEAR
		ACTUAL	ACTUAL	ACTUAL	BUDGET	AMENDED	ESTIMATE	2019
PERSONNEL								
516-1010	EXEMPT WAGES	38,296	92,551	92,683	91,800	91,800	91,800	92,700
516-1020	NON-EXEMPT WAGES	86,333	27,945	48,470	55,931	55,931	55,931	55,931
516-1040	CERTIFIED WAGES	2,871,423	3,126,426	3,359,949	3,667,569	3,667,569	3,667,569	3,706,716
516-1080	OVERTIME	400,580	447,100	551,144	350,000	600,000	600,000	350,000
516-1100	GROUP INSURANCE	280,578	271,967	281,479	339,920	339,920	339,920	347,710
516-1105	RETIREE HEALTH INSURANCE	-	-	-	-	-	2,345	2,345
516-1120	PENSION CONTRIBUTION	6,089	1,734	3,532	4,195	4,195	4,195	4,430
516-1125	FIREMENS PENSION CONTRII	388,865	429,435	480,239	451,335	451,335	451,335	492,650
516-1140	FICA TAX	207,888	216,680	240,996	236,658	236,658	236,658	258,004
516-1150	MEDICARE TAX	48,619	50,675	56,362	55,347	55,347	55,347	60,340
516-1160	WORKERS COMP INSURANCI	85,906	89,881	134,400	121,736	121,736	121,736	83,494
516-1180	UNEMPLOYMENT TAX	1,476	10,793	1,683	17,750	17,750	17,750	17,750
TOTAL PERSONNEL		4,416,053	4,765,189	5,250,937	5,392,242	5,642,242	5,644,587	5,472,070
OTHER CHARGES								
516-2010	COMMUNICATIONS	21,332	21,627	22,159	11,524	11,524	11,931	13,000
516-2043	TRAVEL AND TRAINING	27,147	26,356	50,329	40,000	40,000	38,912	40,000
516-2044	TRAINING HAZMAT	-	200	-	800	800	800	800
516-2100	PROFESSIONAL SERVICES	4,106	4,354	7,291	6,000	6,000	6,000	54,000
516-2130	LEGAL FEES	19,710	-	1,200	5,000	5,000	-	5,000
516-2240	ADVERTISING	-	293	312	1,000	1,000	505	1,000
516-2320	COPYING EXPENSES	2,620	3,300	3,327	3,500	3,500	3,134	3,500
516-2330	PRINTING	-	599	138	500	500	-	500
516-2380	UTILITIES	24,667	26,951	21,377	22,366	22,366	21,000	21,000
516-2440	POSTAGE	638	908	258	625	625	300	625
516-2520	MEMBERSHIP & SUBS	7,853	16,329	9,075	11,200	11,200	16,300	17,200
516-2626	MAINT-BUILDINGS	-	-	3,480	-	-	-	-
516-2628	MAINT-OTHER	9,567	16,827	30,343	20,000	20,000	20,000	20,000
516-2631	MAINT-OFFICE MACHINES	461	-	-	-	-	-	800
516-2632	MAINT-APPARATUS	34,409	38,312	64,284	40,000	50,000	41,000	42,000
516-2636	MAINT-VEHICLES	1,498	11,785	1,959	2,000	2,000	1,000	2,000
516-2639	MAINT-RADIOS	2,497	1,623	6,890	7,000	7,000	6,100	7,000
516-2810	OTHER SERVICES	192	18,005	19,823	2,000	2,000	2,000	2,000
516-2820	CERTIFICATION & LICENSES	7,931	11,065	8,648	12,835	12,835	10,000	9,835
516-2900	CITY'S CONTRIB TO PENSION	5,495	7,693	6,594	7,000	7,000	6,594	6,594
TOTAL OTHER CHARGES		170,125	206,227	257,487	193,350	203,350	185,576	246,854
SUPPLIES								
516-3010	OFFICE SUPPLIES	8,926	6,216	7,300	6,200	6,200	6,200	6,200
516-3080	CLOTHING & LINENS	32,599	45,201	56,072	45,000	45,000	55,000	50,000
516-3120	BUNKER GEAR	38,204	55,164	71,014	65,000	65,000	20,000	55,000
516-3240	MOTOR FUEL & LUBE	29,034	27,371	31,493	30,000	30,000	30,000	35,000
516-3280	MINOR TOOLS	392	498	975	500	500	-	1,000
516-3400	CHEMICALS	1,590	3,906	4,000	3,000	3,000	3,000	4,000
516-3520	LAB & PHOTO SUPPLIES	-	165	323	200	200	-	200
516-3640	EDUCATIONAL SUPPLIES	2,706	2,766	4,217	4,000	4,000	2,000	4,000
516-3840	EMS & OTHER SUPPLIES	(6)	1,689	971	1,000	1,000	1,000	1,000
516-3850	EQUIPMENT	3,600	51,733	47,316	54,787	71,955	77,360	30,500
TOTAL SUPPLIES		117,044	194,709	223,681	209,687	226,855	194,560	186,900
CAPITAL OUTLAY								
516-4010	CAPITAL OUTLAY	-	-	-	20,000	20,000	20,000	-
TOTAL CAPITAL OUTLAY		-	-	-	20,000	20,000	20,000	-
***DEPARTMENT TOTAL ***		4,703,223	5,166,125	5,732,105	5,815,279	6,092,447	6,044,723	5,905,824

Emergency Management

AUTHORIZED POSITIONS	Actual 2016-2017	Budget 2017-2018	Estimated 2017-2018	Adopted 2018-2019
Emergency Management Planner-PT	1	1	1	1
Department Total	1	1	1	1

DEPARTMENT DESCRIPTION:

To insure public safety, protection, and minimize personal injury and property loss. To insure that emergency public services are maintained before, during, and after any given situation or disaster. To insure that the community returns back to normal status as quickly as possible following a disaster.

ACCOMPLISHMENTS FOR 2017- 2018 FISCAL YEAR:

- Continue Code Red notification program and promote in community.
- Continuation of Mid Valley Regional Communications Center Dispatch at Public Facilities building.
- Begin transition to Regional Dispatch Center
- Conduct City meetings on preparation and preparedness amongst community
- Full scale exercise with WISD
- Training program started for Public Works team

GOALS & OBJECTIVES FOR 2018-19 FISCAL YEAR:

- Ensure Public Safety through proactive preparation, training, response.
- Administer Homeland Security Grant programs for the City of Weslaco.
- Involve all City departments during emergency with planning meetings and plan reviews.
- Engage all departments responsible for emergency management annex's.
- Identify and Facilitate Trainings needed by all departments in emergency response and management
- Identify roles and Establish EOC team and documents needed for FEMA and budget tracking
- Conduct training and set up procedures for high flow pumps (Public Works) flooding mitigation

PERFORMANCE MEASURES	Actual 2016-2017	Budget 2017-2018	Estimated 2017-2018	Adopted 2018-2019
Conduct Severe Weather/Hurricane Present				4
Participate in two table top exercises for reg				4
Conducted Table Top familiarization for Senior City Staff and key personnel				3
Ensure all city employees are trained in NIMS				
Conduct monthly meeting with City Departments and continue training program				

**Emergency Management
Expenditure Detail**

		History			Current			Proposed
		2015	2016	2017	2018	2018	2018	FISCAL YEAR
		ACTUAL	ACTUAL	ACTUAL	BUDGET	AMENDED	ESTIMATE	2019
PERSONNEL								
518-1025	PART-TIME WAGES	-	-	9,842	15,600	15,600	15,600	15,600
518-1090	OVERTIME-FORCE ACCT	-	33,848	-	-	-	-	-
518-1140	FICA TAX	-	-	589	967	967	967	967
518-1150	MEDICARE TAX	-	-	138	226	226	226	226
518-1160	WORKERS COMP INSURANCI	-	-	70	70	70	70	40
518-1180	UNEMPLOYMENT TAX	-	-	9	250	250	250	250
TOTAL PERSONNEL		-	33,848	10,648	17,113	17,113	17,113	17,083
OTHER CHARGES								
518-2010	COMMUNICATIONS	13,530	7,827	7,491	4,149	4,149	4,149	5,000
518-2043	TRAVEL AND TRAINING	1,945	127	5,372	5,500	5,500	5,500	5,500
518-2100	PROFESSIONAL SERVICES	-	2,816	1,280	3,000	3,000	3,000	3,000
518-2101	CONTRACTUAL SERVICES-DIS	-	64	8,800	-	-	-	-
518-2390	EQUIPMENT-FORCE ACCT	-	44,239	-	-	-	-	-
518-2520	MEMBERSHIP & SUBSCRIPTI	5,782	6,521	5,000	6,786	6,786	6,786	7,200
518-2626	MAINT-GENERATORS (BLDG)	2,542	3,569	3,567	7,000	7,000	7,000	7,000
518-2628	MAINT-OTHER	1,450	-	1,481	2,000	2,000	2,000	2,000
518-2636	MAINT-VEHICLES	1,770	5,035	1,203	2,000	2,000	2,000	2,000
518-2639	MAINT-RADIOS	1,482	128	2,288	2,000	2,000	2,000	2,000
518-2648	MAINT-STREETS FORCE ACCT	-	-	79,966	-	-	-	-
518-2800	REGIONAL DISTASTER RESPO	-	781	-	-	-	-	-
TOTAL OTHER CHARGES		28,501	71,107	116,447	32,435	32,435	32,435	33,700
SUPPLIES								
518-3010	OFFICE SUPPLIES	-	159	198	200	200	200	200
518-3080	CLOTHING & LINENS	-	188	552	800	800	800	800
518-3240	MOTOR FUEL & LUBE	2,900	2,178	3,379	3,500	3,500	3,500	3,500
518-3840	OTHER SUPPLIES	998	645	500	500	500	500	500
518-3850	EQUIPMENT	-	-	5,802	8,000	8,000	8,000	2,100
518-3890	OTHER SUPPLIES-DISASTER	-	1,529	1,149	-	-	-	-
518-3920	MISCELLANEOUS	-	-	960	-	-	-	-
TOTAL SUPPLIES		3,898	4,699	12,540	13,000	13,000	13,000	7,100
CAPITAL OUTLAY								
518-4010	CAPITAL OUTLAY	-	-	-	-	-	-	-
518-4020	CAPITAL OUTLAY-MACH & E	-	28,918	-	-	-	-	-
TOTAL CAPITAL OUTLAY		-	28,918	-	-	-	-	-
***DEPARTMENT TOTAL ***								
		32,399	138,572	139,636	62,548	62,548	62,548	57,883

Emergency Medical Services

AUTHORIZED POSITIONS	Actual 2016-2017	Budget 2017-2018	Estimated 2017-2018	Adopted 2018-2019
EMS Billing Specialist	0	0	0	0
Department Total	0	0	0	0

DEPARTMENT DESCRIPTION:

To provide the highest quality Emergency Medical Service to the citizens of Weslaco.

ACCOMPLISHMENTS FOR 2017-18 FISCAL YEAR:

- Continue Critical Care Hospital to Hospital Transfers
- Progressive field medical protocols and new protocol implementation in advanced para-medicine
- Training site for Advance Cardiac Life Support training
- WFD recognized by "The New York Times" for Hurricane Harvey Response
- New ambulances added to fleet under newly implementation of Apparatus Replacement Program.
- Recognized Service by the State of Texas at 2018 South Texas All Hazards and Texas TDEM conference
- Received \$500,000 grant from State of Texas as AmBus recipient, 1 of 13 in the State of Texas

GOALS & OBJECTIVES FOR 2018-19 FISCAL YEAR:

- Provide organized rapid quality EMS Service to citizens suffering from sudden injury or illness.
- Continue to provide the highest level of EMS care in the Rio Grande Valley.
- Strive to obtain innovative equipment to best facilitate patient care.
- Promote creativity and innovations to maximize funds.
- Continue established preventive maintenance program to reduce Ambulance down time and cost.
- Apply for all available EMS grants to help meet our goals.
- Assure smooth operation of EMS through quality assurance, training, and equipment.
- Provide growth of established regional medical team.
- Establish EMS Transfer Division for hospital to hospital transfers.

PERFORMANCE MEASURES	Actual 2016-2017	Budget 2017-2018	Estimated 2017-2018	Adopted 2018-2019
EMS calls				6,600
EMS Special Operation Calls				50
Emergency Transfer Division				1,400

**Emergency Medical Services
Expenditure Detail**

		History			Current		Proposed
		2015	2016	2017	2018	2018	2018
		ACTUAL	ACTUAL	ACTUAL	BUDGET	AMENDED	FISCAL YEAR
							2019
PERSONNEL							
519-1020	NON-EXEMPT WAGES	-	65,253	-	-	-	-
519-1080	OVERTIME	-	152	-	-	-	-
519-1100	GROUP INSURANCE	-	8,008	-	-	-	-
519-1120	PENSION CONTRIBUTION	-	4,082	-	-	-	-
519-1140	FICA	-	3,804	-	-	-	-
519-1150	MEDICARE TAX	-	890	-	-	-	-
519-1160	WORKERS COMP INSURANCE	-	255	-	-	-	-
519-1180	UNEMPLOYMENT TAX	-	350	-	-	-	-
TOTAL PERSONNEL		-	82,794	-	-	-	-
OTHER CHARGES							
519-2043	TRAVEL AND TRAINING	15,572	28,744	32,013	21,000	21,000	21,000
519-2080	INSURANCE & BONDS	-	24,655	32,204	40,819	40,819	30,096
519-2100	PROFESSIONAL FEES	258	-	1,500	-	-	-
519-2104	CONSULTANT	46,667	40,000	40,000	40,000	40,000	40,000
519-2320	COPYING EXPENSES	796	803	1,997	1,200	1,200	1,200
519-2440	POSTAGE	1,356	2,821	2,711	2,000	2,000	2,000
519-2520	MEMBERSHIP & SUBSCRIPTION	14,558	10,350	30,838	15,200	15,200	21,400
519-2628	MAINT-OTHER	5,681	14,154	3,661	4,000	4,000	4,000
519-2636	MAINT-VEHICLES	63,540	12,605	23,049	20,000	20,000	20,000
519-2639	MAINT-RADIOS	-	1,284	2,898	3,000	3,000	3,000
519-2820	CERTIFICATION & LICENSES	1,755	5,464	4,743	9,434	9,434	5,000
TOTAL OTHER CHARGES		150,181	140,882	175,612	156,653	156,653	147,696
SUPPLIES							
519-3010	OFFICE SUPPLIES	2,606	2,412	1,769	2,500	2,500	2,500
519-3240	MOTOR FUEL & LUBE	25,339	20,414	25,907	20,000	20,000	30,000
519-3480	MEDICAL SUPPLIES	28,039	30,804	34,747	34,000	34,000	34,000
519-3640	EDUCATIONAL SUPPLIES	874	572	2,832	2,500	4,000	4,000
519-3840	OTHER SUPPLIES	40,194	38,938	46,207	35,000	35,000	40,000
519-3850	EQUIPMENT	10,801	20,236	16,190	16,360	16,360	15,976
TOTAL SUPPLIES		107,853	113,375	127,653	110,360	111,860	126,476
CAPITAL OUTLAY							
519-4010	CAPITAL OUTLAY	-	-	-	-	-	-
TOTAL CAPITAL OUTLAY		-	-	-	-	-	-
***DEPARTMENT TOTAL ***		258,034	337,051	303,266	267,013	268,513	274,172

Public Works Administration

AUTHORIZED POSITIONS	Actual 2016-2017	Budget 2017-2018	Estimated 2017-2018	Adopted 2018-2019
Public Facilities Director	1	1	1	1
Assistant Public Facilities Director	1	1	1	1
General Service Coordinator	1	1	1	1
Clerk I	1	1	1	1
	4	4	4	4

DEPARTMENT DESCRIPTION:

To direct operations and administration of all Public Works activities including; Streets, Alleys, Traffic Safety, Drainage Ditch, Water Distribution, Wastewater Collections, Vehicle maintenance, and the Recycle Center. Providing excellent customer service to the public and responsive administration support to department staff.

ACCOMPLISHMENTS FOR 2017-18 FISCAL YEAR:

GOALS & OBJECTIVES FOR 2018-19 FISCAL YEAR:

- Provide exceptional customer services to internal and external customers.
- Provide superior administrative support to department staff.
- Provide fiscal oversight of the departments operating budget and provide accurate and timely processing of financial information.

PERFORMANCE MEASURES	Actual 2016-2017	Budget 2017-2018	Estimated 2017-2018	Adopted 2018-2019
Trainings attended			3	4

Public Works Administration
Expenditure Detail

		History			Current			Proposed
		2015	2016	2017	2018	2018	2018	FISCAL YEAR
		ACTUAL	ACTUAL	ACTUAL	BUDGET	AMENDED	ESTIMATE	2019
PERSONNEL								
520-1010	EXEMPT WAGES	68,323	124,650	124,687	122,910	122,910	122,910	124,710
520-1020	NON-EXEMPT WAGES	70,883	77,591	59,529	59,322	59,322	59,322	59,322
520-1080	OVERTIME	1,211	1,359	719	500	1,000	1,000	500
520-1100	GROUP INSURANCE	17,377	17,767	16,520	19,150	19,150	19,150	19,589
520-1120	PENSION CONTRIBUTION	9,640	12,506	13,327	13,667	13,667	13,667	14,615
520-1140	FICA TAX	8,913	11,640	10,830	11,298	11,298	11,298	11,441
520-1150	MEDICARE TAX	2,084	2,722	2,533	2,642	2,642	2,642	2,676
520-1160	WORKERS COMP INSURANC	827	703	1,041	820	820	820	475
520-1180	UNEMPLOYMENT TAX	46	814	121	1,000	1,000	1,000	1,000
TOTAL PERSONNEL		179,305	249,753	229,307	231,309	231,809	231,809	234,328
OTHER CHARGES								
520-2010	COMMUNICATIONS	5,310	5,871	7,557	3,457	3,457	3,178	4,000
520-2043	TRAVEL AND TRAINING	2,804	1,590	6,067	4,815	4,815	2,266	4,815
520-2100	PROFESSIONAL SERVICES	60	-	59	-	-	-	-
520-2240	ADVERTISING	817	556	1,522	500	-	-	-
520-2320	COPYING EXPENSES	1,911	2,180	2,016	2,500	2,500	2,841	2,800
520-2440	POSTAGE	10	44	10	100	100	20	210
520-2520	MEMBERSHIP & SUBSCRIPTION	-	153	188	220	-	420	420
520-2636	MAINT-VEHICLES	234	1,570	591	1,000	1,000	1,000	1,500
520-2637	MAINT-VEHICLES (CAR POOL)	-	-	-	-	-	-	-
520-2810	OTHER SERVICES	-	928	-	-	1,300	1,916	500
TOTAL OTHER CHARGES		11,146	12,893	18,010	12,592	13,172	11,641	14,245
SUPPLIES								
520-3010	OFFICE SUPPLIES	809	893	1,211	850	1,670	2,499	850
520-3080	CLOTHING & LINENS	558	404	797	600	600	600	400
520-3240	MOTOR FUEL	1,418	2,754	2,518	1,854	1,854	1,550	2,000
520-3241	MOTOR FUEL (CAR POOL)	195	204	233	-	-	-	-
520-3840	OTHER SUPPLIES	45	74	1,484	200	700	1,020	200
520-3850	EQUIPMENT	-	-	939	850	1,000	1,000	600
TOTAL SUPPLIES		3,025	4,329	7,182	4,354	5,824	6,669	4,050
CAPITAL OUTLAY								
520-4010	CAPITAL OUTLAY	-	-	-	-	-	-	-
TOTAL CAPITAL OUTLAY		-	-	-	-	-	-	-
***DEPARTMENT TOTAL ***		193,476	266,975	254,499	248,256	250,806	250,119	252,623

Streets

AUTHORIZED POSITIONS	Actual 2016-2017	Budget 2017-2018	Estimated 2017-2018	Adopted 2018-2019
Streets Supervisor	1	1	1	1
Paving Equipment Operator	2	2	2	2
Heavy Equipment Operator	3	3	3	3
Skilled Laborer	2	2	2	2
Laborer	7	7	7	7
	15	15	15	15

DEPARTMENT DESCRIPTION:

Plan and schedule the reconstruction/overlays on roads as needed due to road conditions. Perform a variety of tasks related to streets and highways including emergency responses due to bad weather, and correction of drainage problems due to heavy storms. Also, the maintenance of the Airport and Industrial Park Right-of-Ways to City's road standards. To provide Traffic Services for the City's transportation system & roadways for the safe and convenient mobility of people, goods and services. To provide Street Sweeping to reduce trash/debris and enhance the City's appearance.

ACCOMPLISHMENTS FOR 2017-18 FISCAL YEAR:

- Reconstructed/Overlay at the following streets:

GOALS & OBJECTIVES FOR 2018-19 FISCAL YEAR:

- To improve all City streets by overlaying and providing the necessary improvements.
- To schedule and complete asphalt paving and sealing of City streets and alleys through contracts or in house.
- To repair all utility cuts in a timely manner.
- To continue cleaning all curbs and gutters for better appearance throughout the City.
- Manage electronic traffic signals & traffic control devices to ensure maximum safety & convenience for the majority of road users.
- Implement an inventory control/report on all department material, i.e. signage, poles, paint.
- To upgrade old street signage as necessary and ensure proper signage for construction sites.
- To ensure compliance with Texas Manual on Uniform Traffic Control Devices for school zone areas.
- Respond to citizens traffic concerns within a resonable time frame.

PERFORMANCE MEASURES	Actual 2016-2017	Budget 2017-2018	Estimated 2017-2018	Adopted 2018-2019
Work Orders Rcvd as of 5/18/17	-			
Work Orders completed as of 5/18/17	-			
Streets Reconstructed / Overlaid as of 4/27/18	-		2	

Streets

Expenditure Detail

		History			Current		Proposed
		2015	2016	2017	2018	2018	2018
		ACTUAL	ACTUAL	ACTUAL	BUDGET	AMENDED	FISCAL YEAR
							2019
PERSONNEL							
524-1010	EXEMPT WAGES	42,000	45,313	6,048	-	-	-
524-1020	NON-EXEMPT WAGES	395,361	358,944	356,378	368,638	371,833	370,824
524-1030	TEMPORARY EMPLOYEES	26,537	6,166	-	-	-	-
524-1080	OVERTIME	5,750	6,013	13,906	10,000	40,000	10,000
524-1100	GROUP INSURANCE	75,682	62,048	52,271	67,026	67,026	68,563
524-1120	PENSION CONTRIBUTION	30,135	25,808	27,259	27,648	27,888	30,161
524-1140	FICA TAX	29,761	25,431	23,301	22,856	23,055	23,611
524-1150	MEDICARE TAX	6,960	5,948	5,449	5,345	5,393	5,522
524-1160	WORKERS COMP INSURANCE	40,722	34,322	53,527	39,301	39,799	23,327
524-1180	UNEMPLOYMENT TAX	830	2,711	515	3,500	3,500	3,500
TOTAL PERSONNEL		653,739	572,704	538,654	544,314	578,494	535,508
OTHER CHARGES							
524-2010	COMMUNICATIONS	5,356	5,808	7,051	3,457	3,457	1,457
524-2043	TRAVEL AND TRAINING	1,330	926	-	2,000	-	1,000
524-2190	RENTAL TO CP&L	422,123	385,143	447,041	420,000	420,000	375,000
524-2200	STREET LIGHT	8,158	14,044	10,662	20,000	20,000	15,000
524-2240	ADVERTISING	-	254	312	200	200	200
524-2300	EQUIPMENT RENTAL	-	2,200	-	-	-	-
524-2440	POSTAGE	-	9	-	-	-	-
524-2623	MAINT-STORM SEWERS	-	290	282	515	515	515
524-2624	MAINT-STREETS	61,523	44,947	71,621	85,000	80,000	68,000
524-2625	MAINT-TOOLS & EQUIP	193	-	-	515	515	515
524-2628	MAINT-OTHER	4,764	2,221	2,011	2,060	4,060	3,000
524-2634	MAINT-MACHINERY	52,232	50,873	60,855	25,000	29,000	25,000
524-2636	MAINT-VEHICLES	14,256	27,923	31,993	30,000	23,321	30,000
524-2637	MAINT-SIGNS	5,445	-	-	-	-	-
524-2638	MAINT-TRAFFIC SIGNALS	3,235	3,843	3,327	8,000	8,000	5,000
524-2690	SUMMER STRIPING PROGRA	9,600	-	-	-	-	-
524-2810	OTHER SERVICES	2,704	245	2,225	300	1,750	2,000
TOTAL OTHER CHARGES		590,918	538,726	637,379	597,047	590,818	558,951
SUPPLIES							
524-3010	OFFICE SUPPLIES	216	99	671	500	500	500
524-3080	CLOTHING & LINENS	8,051	8,543	10,688	7,000	7,000	7,000
524-3240	MOTOR FUEL & LUBE	59,614	47,471	51,005	45,000	45,000	50,000
524-3280	MINOR TOOLS	402	390	772	800	800	800
524-3400	CHEMICALS	814	-	3,293	4,000	4,000	2,000
524-3700	TRAFFIC SIGNS	1,080	4,359	6,418	5,500	7,500	5,500
524-3800	PAINT (STRIPING STREETS)	7,619	4,938	18,346	15,000	13,000	15,000
524-3840	OTHER SUPPLIES	4,221	7,229	7,804	5,000	5,000	5,000
524-3850	EQUIPMENT	5,660	2,831	5,022	-	-	15,090
TOTAL SUPPLIES		87,677	75,859	104,019	82,800	82,800	100,890
CAPITAL OUTLAY							
524-4010	CAPITAL OUTLAY	-	-	-	90,000	98,200	20,985
TOTAL CAPITAL OUTLAY		-	-	-	90,000	98,200	20,985
***DEPARTMENT TOTAL ***		1,332,334	1,187,289	1,280,051	1,314,161	1,350,312	1,318,445

Drain Ditch Maintenance

AUTHORIZED POSITIONS	Actual 2016-2017	Budget 2017-2018	Estimated 2017-2018	Adopted 2018-2019
Drain Ditch Maintenance Supervisor	1	1	1	1
Heavy Equipment Operator	3	3	3	3
Equipment Operator	2	2	2	2
Skilled Laborer	1	1	1	1
Laborer	5	5	5	5
	12	12	12	12

DEPARTMENT DESCRIPTION:

To maintain the functionality of the drain ditches located within the City limits, and provide framework that simplifies the process of maintenance and operation of ditches. Ensure all weedy lots, alleys, and City Right-of-ways are maintained in a timely manner.

ACCOMPLISHMENTS FOR 2017-18 FISCAL YEAR:

- Maintained drainage ditches.
- Maintained weedy lots, alleyways. Right-of-ways, and tree trimming city-wide.
- Stair-step and widened several drain ditches.

GOALS & OBJECTIVES FOR 2018-19 FISCAL YEAR:

- To maintain clean drain ditches, free from obstructions and materials that would prevent proper draining.
- To enhance the appearance inside and along the spoiled banks at all times by excavating all drain ditches.
- To clean all drain lines on an annual basis.
- To clean the holding ponds two times per year.
- Cut weedy lots in a timely manner
- Maintain City right-of-ways
- Trimmed overgrown tree limbs in a timely mannner

PERFORMANCE MEASURES	Actual 2016-2017	Budget 2017-2018	Estimated 2017-2018	Adopted 2018-2019
Works Orders rcvd as of 5/18/17				
Work Orders completed as of 5/18/17				
Weedy Lots completed				

**Drain Ditch Maintenance
Expenditure Detail**

	History			Current			Proposed
	2015	2016	2017	2018	2018	2018	FISCAL YEAR
	ACTUAL	ACTUAL	ACTUAL	BUDGET	AMENDED	ESTIMATE	2019
PERSONNEL							
529-1010 EXEMPT WAGES	10,577	37,187	5,142	-	-	-	-
529-1020 NON-EXEMPT WAGS	34,971	180,812	326,332	327,891	327,891	327,891	327,955
529-1080 OVERTIME	260	(5,330)	9,611	6,000	36,000	36,000	10,000
529-1100 GROUP INSURANCE	7,606	34,557	49,561	57,451	57,451	57,451	58,768
529-1120 PENSION CONTRIBUTION	3,130	13,509	24,642	24,592	24,592	24,592	26,766
529-1140 FICA TAX	2,920	13,253	20,987	20,329	20,329	20,329	20,953
529-1150 MEDICARE TAX	683	3,099	4,908	4,754	4,754	4,754	4,900
529-1160 WORKERS COMP INSURANCE	9,055	26,586	40,042	18,657	18,657	18,657	11,275
529-1180 UNEMPLOYMENT TAX	106	1,450	154	3,000	3,000	3,000	3,000
TOTAL PERSONNEL	69,309	305,123	481,379	462,675	492,675	492,675	463,618
OTHER CHARGES							
529-2043 TRAVEL & TRAINING	-	343	484	1,000	1,000	1,000	1,000
529-2100 STORM WATER PROJECT	18,483	31,814	16,376	33,000	33,000	33,000	30,000
529-2160 SPECIAL PROJECT	291	1,498	-	15,000	15,000	15,000	15,000
529-2625 MAINT-TOOLS & EQUIP	680	-	474	1,000	1,000	1,000	2,000
529-2628 MAINT-OTHER	98	257	-	500	500	500	1,000
529-2634 MAINT-MACHINERY	-	-	-	25,000	25,000	25,000	25,000
529-2636 MAINT-VEHICLES	7,830	13,155	46,719	10,000	10,000	10,000	10,000
529-2810 OTHER SERVICES	-	90	1,512	1,500	1,500	1,500	800
TOTAL OTHER CHARGES	27,382	47,156	65,565	87,000	87,000	87,000	84,800
SUPPLIES							
529-3080 CLOTHING & LINENS	1,838	5,206	7,988	6,000	6,000	6,000	6,000
529-3240 MOTOR FUEL & LUBE	11,198	14,083	16,759	18,000	18,000	18,000	16,000
529-3280 MINOR TOOLS	1,721	291	717	2,000	2,000	2,000	2,000
529-3840 OTHER SUPPLIES	1,251	2,134	5,934	6,000	6,000	6,000	7,000
529-3850 EQUIPMENT	152	21,295	9,499	-	-	-	6,140
TOTAL SUPPLIES	16,159	43,008	40,896	32,000	32,000	32,000	37,140
CAPITAL OUTLAY							
529-4010 CAPITAL OUTLAY	-	-	-	30,000	180,000	180,000	41,000
TOTAL CAPITAL OUTLAY	-	-	-	30,000	180,000	180,000	41,000
***DEPARTMENT TOTAL ***							
	112,850	395,287	587,840	611,675	791,675	791,675	626,558

Information Technology

AUTHORIZED POSITIONS	Actual 2016-2017	Budget 2017-2018	Estimated 2017-2018	Adopted 2018-2019
IT Director	1	1	1	1
Systems Administrator	1	1	1	1
Network Administrator	1	1	1	1
Support Analyst	1	1	1	1
Computer Specialist	1	1	1	1
Programmer Analyst	1	1	1	1
Department Total	6	6	6	6

DEPARTMENT DESCRIPTION:

The Information Technology Department performs a variety of functions (IT Disciplines / Competencies) that range from installing applications to designing complex networks and maintaining information databases. The duties of the IT staff include technical support to both City employees and the public sector, data management, technical documentation of all processes and procedures, networking, computer hardware/software, telephony, database, web (HTML), graphics and design, as well as management and administration of entire systems.

ACCOMPLISHMENTS FOR 2017-18 FISCAL YEAR:

- Launched new City Website
- Launched Accela for Planning/Code Enforcement/Building with Online Permits
- Launched new Comm. Center for PD Dispatch at PW
- Launched citizen 311 app for service requests
- Launched new Library Website
- Implemented Electronic Ticket Writers for PD
- Implemented online HR Job Applications
- Implemented online Crime Reporting for PD
- Implemented Wi-Fi at City Facilities
- Consolidated remaining departments into enterprise phone system
- Upgraded server infrastructure to support growth
- Migrated Library Phone System to match City use
- Expand storage to accommodate our growing needs

GOALS & OBJECTIVES FOR 2018-19 FISCAL YEAR:

- Install and configure a Disaster Recovery Site (PD) for City Hall Virtual Environment Redundancy
- Install and configure City Wide Anti-Virus System
- Upgrade server infrastructure and Expand storage to accommodate our growing needs
- Continue to replace outdated City computers
- Support, maintain, upgrade network system hardware.
- Finish Incode 10 ERP software upgrade
- Enhance technical support training on hardware and software.
- Improve network security by creating policies and active monitoring with Intrusion Protection System
- Upgrade Wireless Access Points for PD to accommodate patrol vehicle video uploading to Watchguard
- Purchase and install new Video equipment for Commissioner Chambers Media Room

PERFORMANCE MEASURES	Actual 2016-2017	Budget 2017-2018	Estimated 2017-2018	Adopted 2018-2019
Work Orders completed	1558	1680	4595	1800
Computers/Laptops/Printers Supported	260	260	287	300
Servers Supported	45	45	40	50
Phones Supported	198	198	200	210

**Information Technology
Expenditure Detail**

		History			Current			Proposed
		2015	2016	2017	2018	2018	2018	FISCAL YEAR
		ACTUAL	ACTUAL	ACTUAL	BUDGET	AMENDED	ESTIMATE	2019
PERSONNEL								
530-1010	EXEMPT WAGES	94,185	158,891	89,610	76,500	76,500	76,500	77,700
530-1020	NON-EXEMPT WAGES	25,231	52,934	165,063	188,677	188,677	188,677	191,017
530-1080	OVERTIME	298	222	3,212	2,000	3,000	3,000	2,000
530-1100	GROUP INSURANCE	14,837	18,561	22,567	28,726	28,726	28,726	29,384
530-1120	PENSION CONTRIBUTION	8,130	13,063	18,604	19,888	19,888	19,888	21,441
530-1140	FICA TAX	7,425	12,419	15,230	16,441	16,441	16,441	16,784
530-1150	MEDICARE TAX	1,736	2,904	3,562	3,845	3,845	3,845	3,925
530-1160	WORKERS COMP INSURANCE	693	2,066	2,893	2,917	2,917	2,917	1,811
530-1180	UNEMPLOYMENT TAX	36	855	54	1,500	1,500	1,500	1,500
TOTAL PERSONNEL		152,571	261,915	320,795	340,494	341,494	341,494	345,563
OTHER CHARGES								
530-2010	COMMUNICATIONS	62,218	62,677	61,808	63,700	63,700	63,700	73,700
530-2043	TRAVEL AND TRAINING	1,644	10,580	6,839	8,000	8,000	8,000	10,000
530-2320	COPYING EXPENSES	1,169	477	1,553	1,560	1,560	1,560	1,560
530-2440	POSTAGE/SHIPPING	21	60	20	100	100	100	100
530-2520	MEMBERSHIP & SUBSC	628	997	7,740	825	825	825	825
530-2635	COMPUTER MAINTENANCE	35,105	7,059	11,127	10,000	10,000	10,000	12,000
530-2636	MAINT-VEHICLES	25	367	403	1,000	1,000	1,000	1,000
530-2780	COMPUTER VENDOR SUPP	106,661	182,778	305,450	300,993	300,993	300,993	300,993
530-2810	OTHER SERVICES	6,168	208	45	500	500	500	500
TOTAL OTHER CHARGES		213,640	265,204	394,985	386,678	386,678	386,678	400,678
SUPPLIES								
530-3080	CLOTHING & LINENS	180	354	488	700	700	700	700
530-3241	MOTOR FUEL & LUBE	306	297	396	300	300	300	300
530-3840	OTHER SUPPLIES	2,752	4,637	6,430	4,000	4,000	4,000	4,000
530-3850	EQUIPMENT	-	77,145	20,695	3,000	3,000	3,000	9,100
TOTAL SUPPLIES		3,238	82,433	28,010	8,000	8,000	8,000	14,100
CAPITAL OUTLAY								
530-4010	CAPITAL OUTLAY	-	-	-	134,500	134,500	134,500	117,000
TOTAL CAPITAL OUTLAY		-	-	-	134,500	134,500	134,500	117,000
***DEPARTMENT TOTAL ***		369,449	609,552	743,789	869,672	870,672	870,672	877,341

Parks & Recreation

AUTHORIZED POSITIONS	Actual 2016-2017	Budget 2017-2018	Estimated 2017-2018	Adopted 2018-2019
Parks & Recreation Director	1	1	1	1
Parks Working Supervisor	1	1	1	1
Laborers-Full Time	6	6	7	7
Laborers-Part Time	2	2	0	0
Support Service Aide	1	1	1	1
Pool Manager (PT-Seasonal)	1	1	1	1
Lifeguard (PT-Seasonal)	8	8	8	8
	20	20	19	19

DEPARTMENT DESCRIPTION:

The Parks and Recreation Department improves the quality of life for Weslaco citizens by maintaining seven City Parks on approximately 140 acres, 3 miles of a jogging trail, and 2 sport complexes. The Department maintains and schedules the use of the Sports Complex as well as the use of the parks for special community activities. The Parks and Recreation Dept. also maintains all pavillions, basketball courts, tennis courts, and soccer fields, while also preparing for special events during the year.

ACCOMPLISHMENTS FOR 2017-18 FISCAL YEAR:

- Added trails at Gibson Park
- Added entrance sign at Gibson Park
- Cleaned tennis courts at City Park
- Added sprinkler system at F2 at city park
- Added Pecan Grove Park on 1015
- Added 11 acres of parkland on south border
- Added Splash Pad at Rodriguez Park
- Added Trail, 4 canopies, and disc golf course at Rodriguez Park

GOALS & OBJECTIVES FOR 2018-19 FISCAL YEAR:

- To add a park on the north side of Weslaco.
- To continue to grow recreation department for the City of Weslaco.
- To complete all playground play surfacing at all parks.
- To continue to automate our pools, irrigation, lighting, etc.
- To be able to install WIFI in the 2 major parks City Park and Harlon Block Park with MOU with WISD

PERFORMANCE MEASURES	Actual 2016-2017	Budget 2017-2018	Estimated 2017-2018	Adopted 2018-2019
Work orders completed	n/a	n/a	600	1,000

Parks & Recreation
Expenditure Detail

		History			Current			Proposed
		2015	2016	2017	2018	2018	2018	FISCAL YEAR
		ACTUAL	ACTUAL	ACTUAL	BUDGET	AMENDED	ESTIMATE	2019
PERSONNEL								
540-1010	EXEMPT WAGES	47,083	53,862	60,509	60,000	60,000	62,900	62,900
540-1020	NON-EXEMPT WAGES	157,641	215,748	194,207	217,818	217,818	215,613	215,613
540-1025	PART-TIME WAGES	-	-	6,514	-	-	-	-
540-1030	TEMPORARY EMPLOYEES	4,382	8,103	17,050	25,600	25,600	20,000	20,000
540-1080	OVERTIME	7,670	13,470	11,228	7,000	33,000	33,000	7,000
540-1100	GROUP INSURANCE	35,125	42,026	33,506	47,876	47,876	48,973	48,973
540-1120	PENSION CONTRIBUTION	14,437	17,643	19,291	20,836	20,836	22,613	22,613
540-1140	FICA TAX	13,482	17,545	17,591	18,812	18,812	18,942	18,942
540-1150	MEDICARE TAX	3,153	4,103	4,114	4,400	4,400	4,430	4,430
540-1160	WORKERS COMP INSURANCE	108	10,569	13,363	11,885	11,885	7,006	7,006
540-1180	UNEMPLOYMENT TAX	261	1,747	393	5,000	5,000	4,250	4,250
TOTAL PERSONNEL		283,343	384,815	377,767	419,227	445,227	437,727	411,727
OTHER CHARGES								
540-2010	COMMUNICATIONS	7,526	11,636	15,169	3,359	3,359	3,359	6,000
540-2043	TRAVEL AND TRAINING	2,036	2,721	2,723	4,000	4,000	4,000	4,000
540-2100	PROFESSIONAL FEES	84	-	85	-	-	-	10,080
540-2240	ADVERTISING	273	653	605	600	600	600	600
540-2300	EQUIPMENT RENTAL	-	-	307	1,000	1,000	1,000	750
540-2320	COPYING EXPENSES	73	1,137	1,036	1,000	1,000	1,000	1,000
540-2380	UTILITIES-B&G CLUB	-	5,560	20,827	-	-	14,620	-
540-2384	UTILITIES-RODRIGUEZ PARK	(147)	-	-	-	-	-	-
540-2440	POSTAGE	491	26	9	300	300	300	300
540-2500	RECREATIONAL PROGRAMS	17,565	21,422	16,996	20,000	20,000	20,000	18,000
540-2510	FIREWORKS DISPLAY	14,000	14,000	15,190	15,000	15,000	15,000	15,000
540-2520	MEMBERSHIP & SUBSC	240	380	430	1,000	1,000	1,000	1,000
540-2629	MAINT-PARKS	34,960	53,348	55,106	57,000	57,000	57,000	57,000
540-2634	MAINT-MACHINERY	86	-	3,924	5,000	5,000	5,000	3,000
540-2636	MAINT-VEHICLES	6,231	9,580	6,443	6,000	6,200	6,200	6,000
540-2639	MAINT-RADIOS	-	-	1,383	2,800	2,800	2,800	2,000
540-2643	MAINT-POOL	2,358	3,564	5,951	5,000	5,000	5,000	7,000
540-2810	OTHER SERVICES	275	588	58	-	100	100	-
TOTAL OTHER CHARGES		86,050	124,614	146,241	122,059	122,359	136,979	131,730
SUPPLIES								
540-3010	OFFICE SUPPLIES	697	1,161	264	1,500	1,500	1,500	500
540-3040	JANITOR SUPPLIES	5,164	11,794	8,400	8,000	8,000	8,000	7,200
540-3080	CLOTHING & LINENS	2,480	5,061	5,542	5,300	5,300	5,300	5,300
540-3240	MOTOR FUEL & LUBE	6,913	9,502	11,230	8,000	8,000	8,000	8,000
540-3280	MINOR TOOLS	-	-	504	1,000	1,000	1,000	1,000
540-3400	CHEMICALS	3,817	3,468	5,206	10,000	5,000	5,000	5,000
540-3680	LANDSCAPING	-	921	1,350	7,000	7,000	7,000	-
540-3840	OTHER SUPPLIES	3,836	6,417	3,956	6,000	6,000	6,000	5,000
540-3850	EQUIPMENT	6,525	4,264	15,326	3,000	3,000	3,000	6,000
TOTAL SUPPLIES		29,432	42,588	51,777	49,800	44,800	44,800	38,000
CAPITAL OUTLAY								
540-4010	CAPITAL OUTLAY	-	-	-	10,000	14,700	14,700	13,000
TOTAL CAPITAL OUTLAY		-	-	-	10,000	14,700	14,700	13,000
***DEPARTMENT TOTAL ***		398,825	552,017	575,786	601,086	627,086	634,206	594,457

Library

AUTHORIZED POSITIONS	Actual 2016-2017	Budget 2017-2018	Estimated 2017-2018	Adopted 2018-2019
Library Director	1	1	1	1
Assistant Library Director	1	1	1	1
Public Service Supervisor	1	1	1	1
Senior Cataloger	1	1	1	1
Coordinator of Volunteers	1	1	1	1
Senior Circulation Clerk	1	1	1	1
Reference Specialist	2	2	2	2
Cataloger	1	1	1	1
Secretary I	1	1	1	1
Circulation Clerk (Part Time)	3	3	3	3
Library Clerk (Part Time)	2	2	2	2
Summer Programing Clerk (PT-Seasonal)	4	4	4	4
	19	19	19	19

DEPARTMENT DESCRIPTION:

The Mayor Joe V. Sanchez Public Library seeks to provide the citizens of Weslaco and the surrounding community with the appropriate service, information access, social atmosphere, and cultural setting that is merited of a Library within this community.

ACCOMPLISHMENTS FOR 2017-18 FISCAL YEAR:

- Repaired the Library Roof
- Collection grew to over 100,000 items for the first time in the history of Weslaco Library Services.
- Among the state leaders in questions answered and program attendance per capita.
- Worked with Hidalgo County to secure nearly \$500,000 of funding for a new electronic library

GOALS & OBJECTIVES FOR 2018-19 FISCAL YEAR:

- To be a regional leader with regard to the quality and quantity of our physical and electronic collection.
- To provide a welcoming environment to the citizen's of Weslaco and the surrounding community.
- To provide the community with a variety of services, both traditional and cutting edge.
- To provide the community with the information they need and desire.
- To serve as a cultural and social center for the community.
- To use the aforementioned goals as a vehicle for improving all types of literacy
- To improve the quality of children's programing and overall marketing of library events.
- To remain above 5.5 visits per capita. This number is among the highest within the State for our population group and above the 90th percentile among Texas libraries.
- To average above 63 hours open per week. This number represents just above the median hours open per week with respect to Texas public libraries within our population group.
- To remain at or above 4.0 reference transactions per capita. This number is among the very best within the State for our population group and well above the 95th percentile among Texas libraries.
- To improve to 0.6 program attendances per capita. This number is among the highest within the State for our population group and well above the 90th percentile among Texas libraries.

PERFORMANCE MEASURES	Actual 2016-2017	Budget 2017-2018	Estimated 2017-2018	Adopted 2018-2019
Visits Per Capita	5.82	5.82	5.50	5.82
Hour Open Per Week	63	63	63	69
Reference Transactions Per Capita	4.00	4.81	4.50	4.50
Program Attendance Per Capita	0.57	0.58	0.55	0.60

Library

Expenditure Detail

		History			Current			Proposed
		2015	2016	2017	2018	2018	2018	FISCAL YEAR
		ACTUAL	ACTUAL	ACTUAL	BUDGET	AMENDED	ESTIMATE	2019
PERSONNEL								
541-1010	EXEMPT WAGES	153,030	160,412	160,097	158,981	158,981	158,981	159,881
541-1020	NON-EXEMPT WAGES	163,043	172,539	179,284	176,592	176,592	176,592	176,592
541-1040	PART-TIME WAGES	33,228	48,202	52,973	55,600	55,600	55,600	55,600
541-1080	OVERTIME	64	120	178	-	250	250	-
541-1100	GROUP INSURANCE	45,271	43,511	39,087	47,876	47,876	47,876	48,973
541-1120	PENSION CONTRIBUTION	21,587	20,607	24,463	25,168	25,168	25,168	26,649
541-1140	FICA TAX	21,379	21,927	23,203	24,278	24,278	24,278	24,309
541-1150	MEDICARE TAX	5,000	5,128	5,427	5,678	5,678	5,678	5,685
541-1160	WORKERS COMP INSURANCE	1,333	1,507	1,664	2,017	2,017	2,017	1,155
541-1180	UNEMPLOYMENT TAX	583	2,195	633	4,750	4,750	4,750	4,750
TOTAL PERSONNEL		444,519	476,148	487,009	500,939	501,189	501,189	503,593
OTHER CHARGES								
541-2010	COMMUNICATIONS	19,119	28,113	26,648	9,680	8,680	6,198	16,680
541-2043	TRAVEL & TRAINING	5,135	7,694	4,814	6,600	7,600	10,268	7,600
541-2095	WORK STUDY	7,006	2,258	2,301	3,000	4,200	4,466	5,000
541-2380	UTILITIES	42,812	37,536	42,679	30,384	30,384	30,000	30,000
541-2440	POSTAGE	1,266	939	1,546	1,500	1,500	1,481	1,500
541-2520	MEMBERSHIP & SUBSCRIPTION	775	2,354	1,227	1,500	1,500	749	1,500
541-2626	MAINT-BUILDING	-	-	16,379	15,000	15,000	15,000	15,000
541-2631	MAINT-OFFICE MACHINES	95	-	-	150	150	-	150
541-2635	MAINT-COMPUTER EQUIPMENT	8,801	5,362	2,758	3,800	3,800	3,800	3,800
541-2636	MAINT-VEHICLES	1,271	319	372	800	800	205	800
541-2651	MAINT-ELEVATOR	-	-	-	-	-	-	-
541-2655	SUMMER READING PROGRAM	11,748	7,393	14,436	12,000	15,500	15,000	15,500
541-2780	COMPUTER VENDOR SUPPORT	17,148	15,865	7,147	18,000	14,500	14,500	15,500
541-2810	OTHER SERVICES	-	687	7,570	5,429	2,429	100	925
541-2811	CONTRACT SERVICE	27,810	24,644	31,482	28,000	36,272	36,272	41,100
TOTAL OTHER CHARGES		142,987	133,164	159,361	135,843	142,315	138,039	155,055
SUPPLIES								
541-3010	OFFICE SUPPLIES	7,411	3,546	6,266	5,500	8,500	8,500	8,500
541-3240	MOTOR FUEL & LUBE	166	77	109	275	275	275	275
541-3643	LIBRARY & MEDIA CTR PROGRAM	1,398	1,719	2,562	2,500	1,500	1,500	2,500
541-3644	CONTINUATIONS & DATABASES	19,874	25,237	15,705	23,000	23,000	23,000	23,000
541-3840	OTHER SUPPLIES	15,454	30,462	21,486	23,000	25,170	25,170	25,000
541-3841	GRANT EXPENDITURES	14,332	29,756	22,769	20,000	20,000	20,000	22,000
541-3850	EQUIPMENT	17,835	24,199	20,014	10,600	12,800	12,800	6,000
TOTAL SUPPLIES		76,470	114,996	88,911	84,875	91,245	91,245	87,275
CAPITAL OUTLAY								
541-4010	CAPITAL OUTLAY	-	-	-	19,000	6,158	6,158	-
541-4030	CAPITAL OUTLAY-BOOKS	39,594	44,621	46,256	45,000	45,000	45,000	45,000
TOTAL CAPITAL OUTLAY		39,594	44,621	46,256	64,000	51,158	51,158	45,000
***DEPARTMENT TOTAL ***								
		703,570	768,928	781,536	785,657	785,907	781,631	790,923

Debt Service/Transfers Out

AUTHORIZED POSITIONS

**Actual
2016-2017**

**Budget
2017-2018**

**Estimated
2017-2018**

**Adopted
2018-2019**

PERFORMANCE MEASURES

**Actual
2016-2017**

**Budget
2017-2018**

**Estimated
2017-2018**

**Adopted
2018-2019**

Debt Service
Expenditure Detail

	History			Current			Proposed
	2015	2016	2017	2018	2018	2018	FISCAL YEAR
	ACTUAL	ACTUAL	ACTUAL	BUDGET	AMENDED	ESTIMATE	2019
DEBT SERVICE							
555-5010 PRINCIPAL-CAP LEASES	20,663	130,361	128,130	231,079	231,079	231,079	269,510
555-5015 INTEREST-CAP LEASES	2,382	8,739	10,972	28,023	28,023	28,023	44,562
TOTAL DEBT SERVICE	23,045	139,099	139,101	259,102	259,102	259,102	314,072
***DEPARTMENT TOTAL ***	23,045	139,099	139,101	259,102	259,102	259,102	314,072

Fleet Maintenance Shop

AUTHORIZED POSITIONS	Actual 2016-2017	Budget 2017-2018	Estimated 2017-2018	Adopted 2018-2019
Fleet Maintenance Supervisor	1	1	1	1
Mechanic Foreman	0	0	1	1
Mechanic	3	3	2	2
Skilled Laborer	1	1	1	1
	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>

DEPARTMENT DESCRIPTION:

To ensure city vehicles and equipment are maintained to operate reliably, efficiently, and safely.

ACCOMPLISHMENTS FOR 2017-18 FISCAL YEAR:

- Installed new lifts (3).
- Continued servicing Fire & PD units.
- Installed flat bed on tow truck & lift.

GOALS & OBJECTIVES FOR 2018-19 FISCAL YEAR:

- Monitor and direct maintenance activities for Fleet Maintenance division.
- Provide and maintain a dependable and safe fleet according to good fleet management practices.
- Reduce fuel and maintenance cost by standardizing fleet.
- To provide maintenance to all City vehicles, heavy equipment and machinery.
- Perform periodic maintenance and inspection of all vehicles and equipment.
- Reduce down time of vehicles and equipment being repaired.

PERFORMANCE MEASURES	Actual 2016-2017	Budget 2017-2018	Estimated 2017-2018	Adopted 2018-2019
Work Orders Placed as of 5/18/17			556	
Work Orders Completed as of 5/18/17			385	

**Fleet Maintenance
Expenditure Detail**

		History			Current		Proposed	
		2015	2016	2017	2018	2018	2018	FISCAL YEAR
		ACTUAL	ACTUAL	ACTUAL	BUDGET	AMENDED	ESTIMATE	2019
PERSONNEL								
556-1010	EXEMPT WAGES	51,943	55,388	55,719	55,625	55,625	55,625	55,625
556-1020	NON-EXEMPT WAGES	50,170	94,533	99,146	102,835	102,835	102,835	108,659
556-1080	OVERTIME	(225)	604	1,868	2,000	7,000	7,000	2,000
556-1100	GROUP INSURANCE	13,752	18,858	19,528	23,938	23,938	23,938	24,487
556-1120	PENSION CONTRIBUTION	7,241	9,340	11,313	11,885	11,885	11,885	13,170
556-1140	FICA TAX	6,647	9,080	9,568	9,825	9,825	9,825	10,310
556-1150	MEDICARE TAX	1,554	2,124	2,238	2,298	2,298	2,298	2,411
556-1160	WORKERS COMP INSURANCE	4,739	5,620	7,274	6,624	6,624	6,624	3,975
556-1180	UNEMPLOYMENT TAX	246	819	252	1,250	1,250	1,250	1,250
TOTAL PERSONNEL		136,066	196,366	206,906	216,278	221,278	221,278	221,887
OTHER CHARGES								
556-2010	COMMUNICATIONS	1,772	1,464	3,548	1,844	1,844	953	2,000
556-2043	TRAVEL AND TRAINING	15	1,433	520	1,500	2,000	2,000	2,500
556-2080	INSURANCE AND BONDS	364	224	435	552	552	504	602
556-2628	MAINT-OTHER	-	-	48	-	-	-	
556-2632	MAINT-APPARATUS	-	-	668	700	700	100	700
556-2634	MAINT-MACHINERY	57	165	126	1,000	1,000	500	1,000
556-2636	MAINT-VEHICLES	1,301	3,520	3,135	5,000	5,000	5,000	5,000
556-2810	OTHER SERVICES	60	-	2,584	1,000	500	-	500
TOTAL OTHER CHARGES		3,569	6,806	11,064	11,595	11,595	9,057	12,302
SUPPLIES								
556-3010	OFFICE SUPPLIES	193	789	378	1,000	1,000	500	500
556-3040	JANITORIAL SUPPLIES	22	-	-	-	-	-	-
556-3080	CLOTHING & LINENS	1,928	2,690	3,655	3,000	3,000	2,200	2,000
556-3090	WELDING SUPPLIES	100	1,100	1,844	1,500	1,500	1,500	1,500
556-3240	MOTOR FUEL & LUBE	2,413	1,961	1,903	2,060	2,060	2,000	2,060
556-3280	MINOR TOOLS	2,126	2,763	862	4,000	4,000	3,500	3,500
556-3480	CHEMICALS-MEDICAL	-	-	26	1,000	1,000	1,000	1,000
556-3840	OTHER SUPPLIES	3,730	2,806	5,234	3,800	3,800	3,800	3,800
556-3850	EQUIPMENT	2,153	5,103	4,268	4,100	4,100	4,100	2,390
TOTAL SUPPLIES		12,664	17,213	18,170	20,460	20,460	18,600	16,750
CAPITAL OUTLAY								
556-4010	CAPITAL OUTLAY	-	-	-	62,500	54,300	54,300	20,000
TOTAL CAPITAL OUTLAY		-	-	-	62,500	54,300	54,300	20,000
***DEPARTMENT TOTAL ***								
		152,299	220,385	236,141	310,834	307,634	303,235	270,938

Other General Expenditures

AUTHORIZED POSITIONS

**Actual
2016-2017**

**Budget
2017-2018**

**Estimated
2017-2018**

**Adopted
2018-2019**

PERFORMANCE MEASURES

**Actual
2016-2017**

**Budget
2017-2018**

**Estimated
2017-2018**

**Adopted
2018-2019**

Other General Expenditures
Expenditure Detail

	History			Current			Proposed
	2015 ACTUAL	2016 ACTUAL	2017 ACTUAL	2018 BUDGET	2018 AMENDED	2018 ESTIMATE	FISCAL YEAR 2019
OTHER CHARGES							
597-1930 SPECIAL ACTIVITIES	18,951	1,098	2,309	5,000	705,000	702,500	5,000
597-1940 FEASIBILITY STUDY	-	-	-	-	-	-	-
597-1970 INS DEDUCTIBLE CLAIMS	53,549	54,246	-	5,000	5,000	-	5,000
597-2080 INSURANCE & BONDS	395,148	335,420	361,412	386,129	386,129	367,500	290,000
597-2200 YEAR END - CONTINGENCY	61,854	53,869	67,789	100,000	97,000	85,000	80,000
597-2475 IRRIGATION FEES	-	858	-	-	-	-	-
597-2476 BOY'S CLUB CONTRIBUTION	50,000	50,000	50,000	50,000	50,000	50,000	50,000
597-2478 LRGVDC (RIO TRANSIT)	30,000	30,000	30,000	30,000	30,000	30,000	30,000
597-2479 VALLEY NATURE CENTER-CONTR	131,283	-	-	-	-	-	-
597-2490 WESLACO MUSEUM	63,100	73,100	63,100	63,100	63,100	63,100	63,100
597-2495 STC TRASPORTATION CONTRIB.	24,588	39,236	39,292	39,236	39,236	39,236	39,236
597-2496 WESLACO 100 COMMITTEE	-	-	4,000	25,000	25,000	25,000	25,000
597-2497 FRONTERA AUDUBON-CONTRIB	-	20,000	-	-	-	-	-
597-2920 BANKING SERVICES	2,356	4,875	5,937	5,000	5,000	7,000	5,000
597-2930 PENALTIES	540	1,622	-	-	-	-	-
TOTAL OTHER CHARGES	831,369	664,325	623,838	708,465	1,405,465	1,369,336	592,336
TRANSFERS OUT							
597-6510 TRANSFER TO AIRPORT FUND	200,000	251,172	250,000	250,000	250,000	250,000	250,000
597-6599 TRANSFER TO OTHER FUNDS	2,260,736	2,472,544	2,474,768	2,320,046	2,945,046	2,945,046	1,994,641
TOTAL TRANSFERS OUT	2,460,736	2,723,716	2,724,768	2,570,046	3,195,046	3,195,046	2,244,641
***DEPARTMENT TOTAL ***	3,292,105	3,388,041	3,348,606	3,278,511	4,600,511	4,564,382	2,836,977

City of Weslaco

Proposed Budget FY 2018-2019

General Fund-Personnel/Capital Outlay

Department	Personnel	Position	Capital Outlay	Description
City Secretary	-		\$ 6,000	Electronic public information platform
Municipal Court	\$ 30,000	Municipal Court Bailiff-PT	\$ -	
Building Maintenance	-		\$ 20,000	Roofing - various buildings
Planning & Code Enf	41,346 35,411 \$ 76,757	GIS Specialist Animal Control Officer	10,000 30,000 \$ 40,000	Shelter Painting Spay and Nueter
Police	63,150 59,670 59,670 59,670 59,670 59,670 59,670 \$ 421,170	Case Mgr-1st Time Offender Program Police Officer Police Officer Police Officer Police Officer Police Officer Police Officer	25,000 7,000 50,000 50,000 44,250 \$ 176,250	Bullet proof vests Electronic/Laptop-docking station (1)Patrol vehicle (1)Patrol vehicle (1)Patrol vehicle
Streets	-		9,040 5,995 5,950 \$ 20,985	Traffic Signal Controller Striping machine Traffic paint removal
Drain Ditch Maintenance	-		25,000 5,000 11,000 \$ 41,000	Lowboy flatbed trailer Excavator Bucket Unit#372 Repairs
Information Technology	-		10,000 50,000 35,000 10,000 12,000 \$ 117,000	City Network Antivirus Security Chamber & Media Room camera, video & sound equipment (PEG Fund) (50) computer replacements 1 New server Network Switch Replacement
Parks & Recreation	-		5,000 8,000 \$ 13,000	100 year float trailer Recreation software
Fleet Maintenance	-		\$ 20,000	HD-4 Post Lift

GF Total Personnel 527,927

\$ 454,235 Total Capital Outlay

*Personnel amounts include salary and fringe benefits

WATER/WASTEWATER SUMMARY

Water/Wastewater Financial Summary

	History			Current		
	2015 ACTUAL	2016 ACTUAL	2017 ACTUAL	2018 BUDGET	2018 AMENDED	2018 ESTIMATE
REVENUES						
WATER						
INTERGOVERNMENTAL REVENUE	348,116	186,389	316,788	-	-	-
CHARGES FOR SERVICES	6,512,901	5,530,588	6,473,327	6,777,910	6,777,910	6,885,610
OTHER INCOME	192,793	178,145	209,465	172,290	6,674,193	6,674,193
WASTEWATER						
INTERGOVERNMENTAL REVENUE	-	145,793	-	-	-	-
CHARGES FOR SERVICES	5,318,494	5,014,797	5,423,629	5,538,420	5,538,420	5,538,420
REV FROM USE OF MONEY & OTHER INCOME	97,194	82,524	99,144	96,305	96,305	96,305
TOTAL WATER & WASTEWATER REVENUE	12,469,498	11,138,236	12,522,353	12,584,925	19,086,828	19,194,528
EXPENDITURE SUMMARY						
WATER						
GENERAL GOVERNMENT	895,170	-	-	-	-	-
WATER TREATMENT	1,773,728	2,513,576	1,968,537	1,796,555	1,756,264	1,605,224
WATER DISTRIBUTION	736,168	537,679	809,749	711,680	723,680	723,680
UTILITY BILLING	273,342	318,180	327,241	297,850	297,850	297,850
DEBT SERVICE	3,411,661	3,765,562	4,010,758	4,780,401	4,780,401	4,254,664
WATER METER DIVISION	304,321	230,004	406,540	290,246	6,794,149	6,794,149
TRANSFERS OUT	138,529	176,697	947,322	895,171	895,171	895,171
WASTEWATER						
EMERGENCY MANAGEMENT	-	194,391	-	-	-	-
WASTEWATER COLLECTION	1,355,253	2,358,120	2,088,732	1,698,934	1,741,934	1,742,684
WASTEWATER TREATMENT	1,495,144	1,509,963	1,722,304	1,634,495	1,674,786	1,674,786
DEBT SERVICE	1,919,407	1,573,740	1,228,753	1,223,917	1,223,917	1,165,602
TRANSFERS OUT	50,176	719,925	705,541	670,390	670,390	670,390
TOTAL WATER & WASTEWATER EXPENDITURES	12,352,899	13,897,837	14,215,475	13,999,639	20,558,542	19,824,200
REVENUES OVER (UNDER) EXPENDITURES	116,599	(2,759,602)	(1,693,122)	(1,414,714)	(1,471,714)	(629,672)

**Water/Wastewater
Financial Summary**

	Proposed	TWO YEAR PLAN	
	FISCAL YEAR	FISCAL YEAR	FISCAL YEAR
	2019	2020	2021
REVENUES			
WATER			
INTERGOVERNMENTAL REVENUE	-	-	-
CHARGES FOR SERVICES	7,377,910	6,735,000	6,775,000
OTHER INCOME	172,290	143,000	143,000
WASTEWATER			
INTERGOVERNMENTAL REVENUE	-	-	-
CHARGES FOR SERVICES	5,938,420	5,790,544	5,814,000
REV FROM USE OF MONEY & OTHER INCOME	96,305	93,500	93,500
TOTAL WATER & WASTEWATER REVENUES	13,584,925	12,762,044	12,825,500
EXPENDITURE SUMMARY			
WATER			
GENERAL GOVERNMENT	-	-	-
WATER TREATMENT	1,510,515	1,475,631	1,475,631
WATER DISTRIBUTION	755,639	773,002	773,002
UTILITY BILLING	298,583	302,126	303,126
DEBT SERVICE	3,733,011	2,826,364	2,819,754
WATER METER DIVISION	139,416	291,319	291,319
TRANSFERS OUT	895,171	895,171	895,171
WASTEWATER			
EMERGENCY MANAGEMENT	-	-	-
WASTEWATER COLLECTION	1,851,572	1,512,797	1,512,797
WASTEWATER TREATMENT	1,679,675	1,237,872	1,393,522
DEBT SERVICE	1,349,698	2,376,218	2,381,928
TRANSFERS OUT	670,390	670,390	670,390
TOTAL WATER & WASTEWATER EXPENDITURES	12,883,670	12,360,890	12,516,640
REVENUES OVER (UNDER) EXPENDITURES	701,255	401,154	308,860

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WATER FUND

Water Fund
Financial Summary

	History			Current		
	2015 ACTUAL	2016 ACTUAL	2017 ACTUAL	2018 BUDGET	2018 AMENDED	2018 ESTIMATE
INTERGOVERNMENTAL REVENUE						
400-2000 INTERGOVERNMENTAL REVENUE	348,116	186,389	316,788	-	-	-
TOTAL INTERGOVERNMENTAL REVENUE	348,116	186,389	316,788	-	-	-
CHARGES FOR SERVICES						
400-3150 WATER SALES	6,446,996	5,441,979	6,321,038	6,710,610	6,710,610	6,710,610
400-3160 WATER TAPPING FEES	58,605	68,706	152,289	67,300	67,300	175,000
400-3200 PROCESSING FEE-ONLINE	7,299	19,903	-	-	-	-
TOTAL CHARGES FOR SERVICES	6,512,901	5,530,588	6,473,327	6,777,910	6,777,910	6,885,610
OTHER INCOME						
400-6020 MISCELLANEOUS REVENUE	59,505	61,765	67,867	51,500	51,500	51,500
400-6021 ONLINE TRANSACTION FEE	-	-	16,320	25,000	25,000	25,000
400-6022 UTILITY BILLING PENALTIES	115,191	97,295	107,303	77,250	77,250	77,250
400-6040 RENT OF WATER TOWER	18,052	18,251	18,251	18,540	18,540	18,540
400-6100 OVER/UNDER	44	834	(276)	-	-	-
400-6700 OTHER FINANCING SOURCES	-	-	-	-	6,501,903	6,501,903
TOTAL OTHER INCOME	192,793	178,145	209,465	172,290	6,674,193	6,674,193
*** TOTAL REVENUES ***	7,053,810	5,895,122	6,999,580	6,950,200	13,452,103	13,559,803
EXPENDITURE SUMMARY						
GENERAL GOVERNMENT	895,170	-	-	-	-	-
WATER TREATMENT	1,773,728	2,513,576	1,968,537	1,796,555	1,756,264	1,605,224
WATER DISTRIBUTION	736,168	537,679	809,749	711,680	723,680	723,680
UTILITY BILLING	273,342	318,180	327,241	297,850	297,850	297,850
DEBT SERVICE	3,411,661	3,765,562	4,010,758	4,780,401	4,780,401	4,254,664
WATER METER DIVISION	304,321	230,004	406,540	290,246	6,794,149	6,794,149
TRANSFERS OUT	138,529	176,697	947,322	895,171	895,171	895,171
*** TOTAL EXPENDITURES ***	7,568,423	7,541,697	8,470,146	8,771,903	15,247,515	14,570,738
REVENUES OVER (UNDER)						
EXPENDITURES	(514,613)	(1,646,575)	(1,470,566)	(1,821,703)	(1,795,412)	(1,010,935)

Water Fund
Financial Summary

	Proposed	TWO YEAR PLAN	
	FISCAL YEAR	FISCAL YEAR	FISCAL YEAR
	2019	2020	2021
INTERGOVERNMENTAL REVENUE			
400-2000 INTERGOVERNMENTAL REVENUE	-		
TOTAL INTERGOVERNMENTAL REVENUE	-	-	-
CHARGES FOR SERVICES			
400-3150 WATER SALES	7,310,610	6,680,000	6,720,000
400-3160 WATER TAPPING FEES	67,300	55,000	55,000
400-3200 PROCESSING FEE-ONLINE	-	-	-
TOTAL CHARGES FOR SERVICES	7,377,910	6,735,000	6,775,000
OTHER INCOME			
400-6020 MISCELLANEOUS REVENUE	51,500	50,000	50,000
400-6021 ONLINE TRANSACTION FEE	25,000	-	-
400-6022 UTILITY BILLING PENALTIES	77,250	75,000	75,000
400-6040 RENT OF WATER TOWER	18,540	18,000	18,000
400-6100 OVER/UNDER	-	-	-
400-6700 OTHER FINANCING SOURCES	-		
TOTAL OTHER INCOME	172,290	143,000	143,000
*** TOTAL REVENUES ***	7,550,200	6,878,000	6,918,000
EXPENDITURE SUMMARY			
GENERAL GOVERNMENT	-	-	-
WATER TREATMENT	1,510,515	1,475,631	1,475,631
WATER DISTRIBUTION	755,639	773,002	773,002
UTILITY BILLING	298,583	302,126	303,126
DEBT SERVICE	3,733,011	2,826,364	2,819,754
WATER METER DIVISION	139,416	291,319	291,319
TRANSFERS OUT	895,171	895,171	895,171
*** TOTAL EXPENDITURES ***	7,332,335	6,563,613	6,558,003
REVENUES OVER (UNDER)			
EXPENDITURES	217,865	314,387	359,997

Water Treatment

AUTHORIZED POSITIONS	Actual 2016-2017	Budget 2017-2018	Estimated 2017-2018	Adopted 2018-2019
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DEPARTMENT DESCRIPTION:

Maintain daily operations of the water plant, by producing and supplying safe potable drinking water for the City of Weslaco. Must provide safe and potable water for public consumption approved by the Texas Department of Health (TDH) and the Texas Commission on Environmental Quality (TCEQ).

PERFORMANCE MEASURES	Actual 2016-2017	Budget 2017-2018	Estimated 2017-2018	Adopted 2018-2019
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**Water Treatment
Expenditure Detail**

		History			Current			Proposed
		2015	2016	2017	2018	2018	2018	FISCAL YEAR
		ACTUAL	ACTUAL	ACTUAL	BUDGET	AMENDED	ESTIMATE	2019
PERSONNEL								
549-1000	PENSION EXPENSE	25,375	75,048	58,720	-	-	-	-
549-1010	EXEMPT WAGES	35,268	-	-	-	-	-	-
549-1020	NON-EXEMPT WAGES	197,737	-	-	-	-	-	-
549-1080	OVERTIME	38,442	-	-	-	-	-	-
549-1100	GROUP INSURANCE	33,872	-	-	-	-	-	-
549-1120	PENSION CONTRIBUTIOI	17,902	-	-	-	-	-	-
549-1140	FICA TAX	16,805	-	-	-	-	-	-
549-1150	MEDICARE TAX	3,930	-	-	-	-	-	-
549-1160	WORKMENS COMP	13,676	-	-	-	-	-	-
549-1180	FUTA	241	5	-	-	-	-	-
TOTAL PERSONNEL		383,248	75,053	58,720	-	-	-	-
OTHER CHARGES								
549-2010	COMMUNICATIONS	6,583	269	-	4,700	4,700	4,700	4,700
549-2043	TRAVEL & TRAINING	2,032	-	-	-	-	-	-
549-2080	INSURANCE & BONDS	3,850	-	-	-	-	-	-
549-2100	CONTRACTUAL SERVICE	-	1,206,998	983,610	930,218	930,218	930,218	930,218
549-2320	COPYING EXPENSES	445	-	-	-	-	-	-
549-2380	UTILITIES	268,614	295,784	330,339	346,040	346,040	195,000	190,000
549-2440	POSTAGE	294	-	-	-	-	-	-
549-2520	MEMBERSHIP & SUBSCRIPTIC	783	-	-	-	-	-	-
549-2634	MAINT-MACHINERY	12,068	-	-	-	-	-	-
549-2636	MAINT-VEHICLES	1,011	332	266	-	-	-	-
549-2640	MAINT-ALLOWANCE	12,886	26,678	13,292	120,252	120,252	120,252	20,252
549-2810	OTHER SERVICES	86,616	586	-	-	-	-	-
549-2840	INSPECTION FEES	37,403	29,505	35,345	35,345	35,345	35,345	35,345
549-2999	DEPRECIATION EXPENSE	159,381	576,357	203,646	-	-	-	-
TOTAL OTHER CHARGES		591,966	2,136,510	1,566,498	1,436,555	1,436,555	1,285,515	1,180,515
SUPPLIES								
549-3010	OFFICE SUPPLIES	688	-	-	-	-	-	-
549-3040	JANITOR SUPPLIES	730	-	-	-	-	-	-
549-3080	CLOTHING & LINENS	3,743	465	-	-	-	-	-
549-3240	MOTOR FUEL & LUBE	2,795	11,399	12,514	10,000	10,000	10,000	10,000
549-3280	MINOR TOOLS	272	-	-	-	-	-	-
549-3400	CHEMICALS	499,146	473	-	-	-	-	-
549-3820	WATER DELIVERY FEE	284,718	289,676	330,804	300,000	300,000	300,000	300,000
549-3840	OTHER SUPPLIES	1,963	-	-	-	-	-	-
549-3850	EQUIPMENT	4,459	-	-	-	-	-	-
TOTAL SUPPLIES		798,513	302,013	343,318	310,000	310,000	310,000	310,000
CAPITAL OUTLAY								
549-4010	CAPITAL OUTLAY	-	-	-	50,000	9,709	9,709	20,000
TOTAL CAPITAL OUTLAY		-	-	-	50,000	9,709	9,709	20,000
***DEPARTMENT TOTAL ***		1,773,728	2,513,576	1,968,537	1,796,555	1,756,264	1,605,224	1,510,515

Water Distribution

AUTHORIZED POSITIONS	Actual 2016-2017	Budget 2017-2018	Estimated 2017-2018	Adopted 2018-2019
* Water/Sewer Superintendent	0.5	0.5	0.5	0.5
* Water/Sewer Foreman	0.5	0.5	0.5	0.5
Medium Equipment Operator	2	2	2	2
Water Distribution Operator I	4	4	4	4
Department Total	7	7	7	7

*Superintendent & Foreman split between Funds 501 & 508.

DEPARTMENT DESCRIPTION:

Maintain all water lines in the City and facilitate the extension of water lines to new customers.

ACCOMPLISHMENTS FOR 2017-18 FISCAL YEAR

- Purchased new 6 inch pump for utility repairs.
- Replace 20' joints of pipe as needed therefore we may cut down on overtime hours.

GOALS & OBJECTIVES FOR 2018-19 FISCAL YEAR

- To provide water services to all needed areas by extending water lines within our City limits.
- Increase safety awareness in employees and decrease injuries.
- Repair all water breaks in a timely manner to minimize disruption in service.
- Respond to customer complaints in courteous and professional manner.
- Complete water taps in a timely manner.

PERFORMANCE MEASURES	Actual 2016-2017	Budget 2017-2018	Estimated 2017-2018	Adopted 2018-2019
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Work Order rcvd as of 4.17.18 812

Work orders completed as of 4.17.18 799

Water Distribution Expenditure Detail

	History			Current			Proposed
	2015	2016	2017	2018	2018	2018	FISCAL YEAR
	ACTUAL	ACTUAL	ACTUAL	BUDGET	AMENDED	ESTIMATE	2019
PERSONNEL							
550-1010 EXEMPT WAGES	64,209	78,054	10,135	-	-	-	-
550-1020 NON-EXEMPT WAGES	131,758	144,787	226,399	177,736	177,736	177,736	178,818
550-1080 OVERTIME	42,242	33,117	55,850	48,000	60,000	60,000	40,000
550-1100 GROUP INSURANCE	30,423	31,248	30,468	31,422	31,422	31,422	34,279
550-1120 PENSION CONTRIB	16,082	17,778	20,191	13,330	13,330	13,330	17,330
550-1140 FICA TAX	14,852	17,107	16,960	11,020	11,020	11,020	13,567
550-1150 MEDICARE TAX	3,474	4,001	3,966	2,577	2,577	2,577	3,173
550-1160 WORKMENS COMP	11,552	7,620	12,415	9,925	9,925	9,925	12,262
550-1180 FUTA	369	1,373	353	2,000	2,000	2,000	2,000
TOTAL PERSONNEL	314,960	335,085	376,737	296,010	308,010	308,010	301,429
OTHER CHARGES							
550-2010 COMMUNICATIONS	5,651	7,670	5,585	5,000	5,000	5,000	2,600
550-2043 TRAVEL AND TRAINING	3,344	2,764	4,345	5,000	5,000	5,000	5,000
550-2080 INSURANCE & BONDS	3,542	2,241	6,606	7,590	7,590	7,590	7,950
550-2160 SPECIAL PROJECT	-	-	-	12,000	12,000	12,000	12,000
550-2520 MEMBERSHIP & SUBSCR	330	111	1,598	1,700	1,700	1,700	1,900
550-2628 MAINT-OTHER	1,489	1,587	2,464	3,000	3,000	3,000	2,000
550-2634 MAINT-MACHINERY	4,172	9,722	12,923	15,000	15,000	15,000	14,000
550-2636 MAINT-VEHICLES	8,141	6,807	10,281	10,560	10,560	10,560	10,560
550-2648 MAINT-WATER MAINS	117,751	145,664	99,724	90,000	90,000	90,000	70,000
550-2649 MAINT-FIRE HYDRANTS	89	94	21,170	30,000	30,000	30,000	25,000
550-2810 OTHER SERVICES	299	4,366	2,908	2,000	2,000	2,000	1,000
550-2999 DEPRECIATION EXPENSE	250,190	-	224,172	-	-	-	-
TOTAL OTHER CHARGES	394,998	181,026	391,776	181,850	181,850	181,850	152,010
SUPPLIES							
550-3010 OFFICE SUPPLIES	127	-	272	550	550	550	550
550-3040 JANITOR SUPPLIES	117	-	460	550	550	550	550
550-3080 CLOTHING & LINENS	4,439	4,848	5,408	6,000	6,000	6,000	5,000
550-3240 MOTOR FUEL & LUBE	14,956	8,235	12,579	11,000	11,000	11,000	10,000
550-3280 MINOR TOOLS	1,537	1,152	1,146	2,200	2,200	2,200	2,000
550-3840 OTHER SUPPLIES	3,598	3,182	3,276	3,000	3,000	3,000	3,000
550-3850 EQUIPMENT	1,436	4,152	18,095	10,520	10,520	10,520	11,100
TOTAL SUPPLIES	26,210	21,568	41,236	33,820	33,820	33,820	32,200
CAPITAL OUTLAY							
550-4010 CAPITAL OUTLAY	-	-	-	200,000	200,000	200,000	270,000
TOTAL CAPITAL OUTLAY	-	-	-	200,000	200,000	200,000	270,000
***DEPARTMENT TOTAL ***							
	736,168	537,679	809,749	711,680	723,680	723,680	755,639

Utility Billing

AUTHORIZED POSITIONS	Actual 2016-2017	Budget 2017-2018	Estimated 2017-2018	Adopted 2018-2019
Utility Billing Supervisor	1	1	1	1
Utility Billing Clerk	1	1	1	1
Cashier I	1	1	1	1
Cashier I - Part Time	1	1	1	1
Cashier II	1	1	1	1
Department Total	5	5	5	5

DEPARTMENT DESCRIPTION:

To process payments, send monthly water bills, initiate and monitor work orders, and provide customers with an avenue of communication regarding utility services.

ACCOMPLISHMENTS FOR 2017-18 FISCAL YEAR

- Implemented Tyler Notify - a phone notification of delinquent accounts.
- Audited accounts to verify charges for outside city limits.
-

GOALS & OBJECTIVES FOR 2018-19 FISCAL YEAR

- Render excellent service to all customers.
- Process monthly utility billing in an efficient and accurate manner.
- Have the mail processed and posted daily on a timely basis.
- Assist our customers in the shortest time possible to eliminate long lines.

PERFORMANCE MEASURES	Actual 2016-2017	Budget 2017-2018	Estimated 2017-2018	Adopted 2018-2019
Active Accounts	9,961	10,200		
Disconnected Accounts	137	175		
New Accounts	113	140		

Utility Billing

Expenditure Detail

	History			Current			2019
	2015 ACTUAL	2016 ACTUAL	2017 ACTUAL	2018 BUDGET	2018 AMENDED	2018 ESTIMATE	FISCAL YEAR 2019
PERSONNEL							
554-1010 EXEMPT WAGES	39,815	41,359	4,934	-	-	-	-
554-1020 NON-EXEMPT WAGES	70,275	73,061	106,496	111,800	111,800	111,800	111,030
554-1025 PART-TIME WAGES	-	152	12,217	10,504	10,504	10,504	10,504
554-1030 TEMPORARY EMPLOYEE	-	9,156	-	-	-	-	-
554-1080 OVERTIME	1,586	1,748	2,025	4,000	4,000	4,000	4,000
554-1100 GROUP INSURANCE	14,509	17,057	15,787	17,955	17,955	17,955	19,588
554-1120 PENSION CONTRIBUTIOI	7,336	6,788	8,103	8,385	8,385	8,385	9,942
554-1140 FICA TAX	6,825	7,056	7,446	7,583	7,583	7,583	7,783
554-1150 MEDICARE TAX	1,596	1,650	1,741	1,773	1,773	1,773	1,820
554-1160 WORKMENS COMP	422	440	725	550	550	550	565
554-1180 FUTA	457	795	118	1,250	1,250	1,250	1,250
TOTAL PERSONNEL	142,820	159,262	159,592	163,800	163,800	163,800	166,483
OTHER CHARGES							
554-2010 COMMUNICATIONS	1,800	1,879	1,764	1,800	1,800	1,800	1,000
554-2043 TRAVEL AND TRAINING	1,400	1,464	607	2,000	2,000	2,000	1,000
554-2320 COPYING EXPENSES	937	1,126	1,256	1,000	1,000	1,000	1,000
554-2440 POSTAGE	49,228	54,074	57,864	52,000	52,000	52,000	55,000
554-2631 MAINT-OFFICE MACHIN	1,196	-	824	2,500	2,500	2,500	500
554-2639 MAINT-RADIOS	378	-	-	-	-	-	1,000
554-2810 OTHER SERVICES	5,720	21,995	4,980	11,000	11,000	11,000	9,000
554-2920 BANK SERVICES	57,139	68,660	91,262	55,000	55,000	55,000	55,000
554-2999 DEPRECIATION EXPENSE	559	-	854	-	-	-	-
TOTAL OTHER CHARGES	118,357	149,198	159,412	125,300	125,300	125,300	123,500
SUPPLIES							
554-3010 OFFICE SUPPLIES	8,247	8,447	7,864	8,000	8,000	8,000	8,000
554-3080 CLOTHING & LINENS	-	(97)	109	500	500	500	500
554-3240 MOTOR FUEL & LUBE	56	-	-	-	-	-	-
554-3840 OTHER SUPPLIES	430	349	264	100	100	100	100
554-3850 EQUIPMENT	3,433	1,021	-	150	150	150	-
TOTAL SUPPLIES	12,165	9,720	8,237	8,750	8,750	8,750	8,600
CAPITAL OUTLAY							
554-4010 CAPITAL OUTLAY	-	-	-	-	-	-	-
TOTAL CAPITAL OUTLAY	-	-	-	-	-	-	-
***DEPARTMENT TOTAL ***	273,342	318,180	327,241	297,850	297,850	297,850	298,583

Water Meter Division

AUTHORIZED POSITIONS	Actual 2016-2017	Budget 2017-2018	Estimated 2017-2018	Adopted 2018-2019
Meter Reader	4	4	4	2
Department Total	4	4	4	2

DEPARTMENT DESCRIPTION:

To read the water meters throughout the City in order to accurately record the water usage from each connection.

ACCOMPLISHMENTS FOR 2017-2018 FISCAL YEAR

- Continued replacement program of Orion Water Meters in Zone 1.
- Continued enforcing City Ordinance on Water Conservation Plan.

GOALS & OBJECTIVES FOR 2018-2019 FISCAL YEAR

- Read all water meters accurately.
- Respond appropriately to customers complaints.
- Test and repair water meters.
- Keep meter locations clean.
- Provide the water services through new meter installations on newly constructed subdivisions, commercial and industrial businesses.
- Replace old meters with new meters on a case by case basis as the need arises through, meter readings inspections, and repairs.

PERFORMANCE MEASURES	Actual 2016-2017	Budget 2017-2018	Estimated 2017-2018	Adopted 2018-2019
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Meter Connections

Meter Division
Expenditure Detail

	History			Current			Proposed
	2015 ACTUAL	2016 ACTUAL	2017 ACTUAL	2018 BUDGET	2018 AMENDED	2018 ESTIMATE	FISCAL YEAR 2019
PERSONNEL							
561-1010 EXEMPT WAGES	17,756	380	-	-	-	-	-
561-1020 NON-EXEMPT WAGES	85,795	97,707	107,889	98,966	98,966	98,966	55,286
561-1080 OVERTIME	6,760	5,933	6,257	3,500	5,500	5,500	2,500
561-1100 GROUP INSURANCE	15,582	12,874	16,520	17,955	17,955	17,955	9,794
561-1120 PENSION CONTRIBUTION	6,094	6,410	7,818	7,422	7,422	7,422	4,577
561-1140 FICA TAX	5,657	6,192	6,609	6,136	6,136	6,136	3,583
561-1150 MEDICARE TAX	1,323	1,448	1,546	1,435	1,435	1,435	838
561-1160 WORKMENS COMP	5,310	4,191	7,072	5,631	5,631	5,631	3,288
561-1180 FUTA	180	723	40	1,000	1,000	1,000	500
TOTAL PERSONNEL	144,456	135,858	153,751	142,046	144,046	144,046	80,366
OTHER CHARGES							
561-2010 COMMUNICATIONS	1,427	2,140	2,271	1,500	1,500	1,500	1,500
561-2043 TRAVEL AND TRAINING	483	124	-	1,000	1,000	1,000	500
561-2080 INSURANCE & BONDS	1,027	897	1,741	2,000	2,000	2,000	1,850
561-2520 MEMBERSHIP & SUBSCRI	55	-	-	500	500	500	500
561-2634 MAINT-MACHINERY	221	-	-	1,000	1,000	1,000	500
561-2636 MAINT-VEHICLES	5,159	3,381	5,228	5,000	5,000	5,000	4,000
561-2639 MAINT-RADIOS	-	205	7	1,000	1,000	1,000	500
561-2640 MAINT-METERS	(86,701)	(56,119)	127,644	15,000	15,000	15,000	15,000
561-2810 OTHER SERVICES	21,968	1,365	225	500	500	500	500
561-2999 DEPRECIATION EXPENSE	128,274	-	92,804	-	-	-	-
TOTAL OTHER CHARGES	71,913	(48,009)	229,920	27,500	27,500	27,500	24,850
SUPPLIES							
561-3010 OFFICE SUPPLIES	19	-	96	200	200	200	-
561-3040 JANITOR SUPPLIES	-	-	-	100	100	100	-
561-3080 CLOTHING & LINENS	2,276	1,775	2,516	2,400	2,400	2,400	1,200
561-3240 MOTOR FUEL & LUBE	16,716	7,013	6,653	15,000	15,000	15,000	5,000
561-3280 MINOR TOOLS	1,744	1,637	491	1,000	1,000	1,000	1,000
561-3400 CHEMICALS	586	75	154	300	300	300	300
561-3840 OTHER SUPPLIES	437	403	25	200	200	200	200
561-3850 EQUIPMENT	66,174	131,251	12,934	1,500	1,500	1,500	1,500
TOTAL SUPPLIES	87,953	142,155	22,869	20,700	20,700	20,700	9,200
CAPITAL OUTLAY							
561-4010 CAPITAL OUTLAY	-	-	-	100,000	6,601,903	6,601,903	25,000
TOTAL CAPITAL OUTLAY	-	-	-	100,000	6,601,903	6,601,903	25,000
***DEPARTMENT TOTAL ***							
	304,321	230,004	406,540	290,246	6,794,149	6,794,149	139,416

Debt Service/Transfers Out

AUTHORIZED POSITIONS

**Actual
2016-2017**

**Budget
2017-2018**

**Estimated
2017-2018**

**Adopted
2018-2019**

PERFORMANCE MEASURES

**Actual
2016-2017**

**Budget
2017-2018**

**Estimated
2017-2018**

**Adopted
2018-2019**

Debt Service Expenditure Detail

	History			Current			Proposed
	2015 ACTUAL	2016 ACTUAL	2017 ACTUAL	2018 BUDGET	2018 AMENDED	2018 ESTIMATE	FISCAL YEAR 2019
DEBT SERVICE							
555-501 PRINCIPAL-CAP LEAS	-	-	-	-	-	-	347,407
555-501 INT-CAP LEASE	-	-	-	-	-	-	181,947
555-503 DEBT SERVICE	3,411,661	3,765,562	4,010,758	4,780,401	4,780,401	4,254,664	3,203,657
555-504 INT EXPENSE	-	-		-	-	-	-
TOTAL DEBT SERVICE	3,411,661	3,765,562	4,010,758	4,780,401	4,780,401	4,254,664	3,733,011
***DEPARTMENT TOTAL	3,411,661	3,765,562	4,010,758	4,780,401	4,780,401	4,254,664	3,733,011

Transfers Out Expenditure Detail

	History			Current			Proposed
	2015 ACTUAL	2016 ACTUAL	2017 ACTUAL	2018 BUDGET	2018 AMENDED	2018 ESTIMATE	FISCAL YEAR 2019
TRANSFERS OUT							
563-650 TRANSFER TO GENERAL FUN	-	-	895,171	895,171	895,171	895,171	895,171
563-659 TRANSFERS OUT	39,221	14,042	-	-	-	-	-
563-670 BAD DEBT EXPENSE	99,309	162,655	52,151	-	-	-	-
EXPENSE CATEGORY TOTAL	138,529	176,697	947,322	895,171	895,171	895,171	895,171
***DEPARTMENT TOTAL **	138,529	176,697	947,322	895,171	895,171	895,171	895,171

City of Weslaco

Proposed Budget FY 2018-2019

Water Fund-Personnel/Capital Outlay

Department	Capital Outlay	Description
Water Treatment	\$ 20,000	SCADA additional programming
Water Distribution	20,000	6" piercing tool
	250,000	Water tower-Repair/Rehab
	\$ 270,000	
Meter Readers Division	\$ 25,000	Meters-various sizes
Total Capital Outlay	\$ 315,000	

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WASTEWATER FUND

**Wastewater Fund
Financial Summary**

	History			Current		
	2015 ACTUAL	2016 ACTUAL	2017 ACTUAL	2018 BUDGET	2018 AMENDED	2018 ESTIMATED
INTERGOVERNMENTAL REVENUE						
400-2000 INTERGOVERNMENTAL REVENUE	-	145,793	-	-	-	-
REVENUE CATEGORY TOTAL	-	145,793		-	-	-
CHARGES FOR SERVICES						
400-3200 WASTEWATER SALES	4,589,503	4,337,151	4,701,473	4,751,500	4,751,500	4,751,500
400-3205 GREASE TRAP COLLECTION FEES	4,985	5,044	7,703	5,150	5,150	5,150
400-3210 CAPITAL IMPROVEMENT FEE	703,986	649,682	689,843	759,110	759,110	759,110
400-3220 WASTEWATER CONNECTION FEES	20,020	22,920	24,610	22,660	22,660	22,660
TOTAL CHARGES FOR SERVICES	5,318,494	5,014,797	5,423,629	5,538,420	5,538,420	5,538,420
REV FROM USE OF MONEY & OTHER INCOME						
400-6020 MISCELLANEOUS REVENUE	960	6,224	2,280	8,755	8,755	8,755
400-6022 UTILITY BILLING PENALTIES	96,235	76,300	87,864	87,550	87,550	87,550
400-6050 CONTRIBUTIONS FROM DEVELOPER	-	-	9,000	-	-	-
TOTAL OTHER INCOME	97,194	82,524	99,144	96,305	96,305	96,305
*** TOTAL REVENUES ***	5,415,688	5,243,114	5,522,773	5,634,725	5,634,725	5,634,725
EXPENDITURE SUMMARY						
EMERGENCY MANAGEMENT	-	194,391	-	-	-	-
SEWAGE COLLECTION	1,355,253	2,358,120	2,088,732	1,698,934	1,742,684	1,742,684
SEWAGE TREATMENT	1,495,144	1,509,963	1,722,304	1,634,495	1,674,786	1,674,786
DEBT SERVICE	1,919,407	1,573,740	1,228,753	1,223,917	1,223,917	1,165,602
TRANSFERS OUT	50,176	719,925	705,541	670,390	670,390	670,390
*** TOTAL EXPENDITURES ***	4,819,980	6,356,140	5,745,330	5,227,736	5,311,777	5,253,462
REVENUES OVER (UNDER) EXPENDITURES	595,708	(1,113,026)	(222,556)	406,989	322,948	381,263

**Wastewater Fund
Financial Summary**

	Proposed	TWO YEAR PLAN	
	FISCAL YEAR	FISCAL YEAR	FISCAL YEAR
	2019	2020	2021
INTERGOVERNMENTAL REVENUE			
400-2000 INTERGOVERNMENTAL REVENUE	-	-	-
REVENUE CATEGORY TOTAL	-	-	-
CHARGES FOR SERVICES			
400-3200 WASTEWATER SALES	5,151,500	5,026,544	5,050,000
400-3205 GREASE TRAP COLLECTION FEES	5,150	5,000	5,000
400-3210 CAPITAL IMPROVEMENT FEE	759,110	737,000	737,000
400-3220 WASTEWATER CONNECTION FEES	22,660	22,000	22,000
TOTAL CHARGES FOR SERVICES	5,938,420	5,790,544	5,814,000
REV FROM USE OF MONEY & OTHER INCOME			
400-6020 MISCELLANEOUS REVENUE	8,755	8,500	8,500
400-6022 UTILITY BILLING PENALTIES	87,550	85,000	85,000
400-6050 CONTRIBUTIONS FROM DEVELOPER	-		
TOTAL OTHER INCOME	96,305	93,500	93,500
*** TOTAL REVENUES ***	6,034,725	5,884,044	5,907,500
EXPENDITURE SUMMARY			
EMERGENCY MANAGEMENT	-	-	-
SEWAGE COLLECTION	1,851,572	1,512,797	1,512,797
SEWAGE TREATMENT	1,679,675	1,237,872	1,393,522
DEBT SERVICE	1,349,698	2,376,218	2,381,928
TRANSFERS OUT	670,390	670,390	670,390
*** TOTAL EXPENDITURES ***	5,551,334	5,797,277	5,958,637
REVENUES OVER (UNDER)			
EXPENDITURES	483,391	86,767	(51,137)

Wastewater Collection

AUTHORIZED POSITIONS	Actual 2016-2017	Budget 2017-2018	Estimated 2017-2018	Adopted 2018-2019
Water/Sewer Superintendent	0.5	0.5	0.5	0.5
Water/Sewer Foreman	0.5	0.5	0.5	0.5
wastewater collection operator	2	1	1	1
Medium Equipment Operator	1	3	3	3
Department Total	4	5	5	5

DEPARTMENT DESCRIPTION:

Maintain all sewer and storm lines in the City

ACCOMPLISHMENTS FOR 2017-18 FISCAL YEAR

- Purchased new mini vac combo trailer for small service lines

GOALS & OBJECTIVES FOR 2018-19 FISCAL YEAR

- Respond to customer complaints in a courteous and professional manner
- Complete all sewer backups in a timely manner
- Repair or replace any broken or collapse sewer mains and manholes in a timely manner
- Keep Citizens happy

PERFORMANCE MEASURES	Actual 2016-2017	Budget 2017-2018	Estimated 2017-2018	Adopted 2018-2019
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Wastewater Collection Expenditure Detail

		History			Current			Proposed
		2015 ACTUAL	2016 ACTUAL	20167 ACTUAL	2018 BUDGET	2018 AMENDED	2018 ESTIMATED	FISCAL YEAR 2019
PERSONNEL								
551-1000	PENSION EXPENSE	10,045	23,766	13,318	-	-	-	-
551-1010	EXEMPT WAGES	(710)	-	-	-	-	-	-
551-1020	NON-EXEMPT WAGES	103,330	71,350	79,394	138,029	138,029	138,029	136,531
551-1080	OVERTIME	21,203	7,008	12,989	12,500	13,250	13,250	10,000
551-1100	GROUP INSURANCE	18,833	9,469	11,299	22,444	22,444	22,444	24,485
551-1120	PENSION CONTRIBUTION	8,599	5,180	6,563	10,352	10,352	10,352	11,605
551-1140	FICA TAX	7,706	4,777	5,345	8,558	8,558	8,558	9,085
551-1150	MEDICARE TAX	1,802	1,117	1,250	2,001	2,001	2,001	2,125
551-1160	WORKMENS COMP	6,980	5,044	5,892	5,528	5,528	5,528	5,831
551-1180	FUTA	79	473	67	1,000	1,000	1,000	1,000
TOTAL PERSONNEL		177,867	128,184	136,117	200,413	201,163	201,163	200,662
OTHER CHARGES								
551-2010	COMMUNICATIONS	4,002	4,410	4,507	8,000	8,000	8,000	1,800
551-2043	TRAVEL AND TRAINING	1,906	247	1,736	4,500	4,500	4,500	4,000
551-2080	INSURANCE & BONDS	1,027	-	2,343	2,420	2,420	2,420	2,700
551-2100	CONTRACTUAL SERVICES	-	353,559	727,930	863,775	863,775	863,775	863,775
551-2101	PROFESSIONAL SERVICES	-	161,200	-	-	-	-	-
551-2320	COPYING EXPENSES	379	3	450	726	726	726	-
551-2380	UTILITIES	111,118	85,860	99,833	88,500	88,500	88,500	90,000
551-2440	POSTAGE	-	123	-	-	-	-	5
551-2480	COLLECTION FEES	21,558	23,282	25,173	22,000	22,000	22,000	22,000
551-2520	MEMBERSHIP & SUBSCRIPTI	205	-	-	-	-	-	600
551-2628	MAINT.-OTHER	1,613	98	1,408	2,200	2,200	2,200	1,200
551-2634	MAINT-MACHINERY	83,769	52,961	10,279	18,000	18,000	18,000	15,000
551-2636	MAINT-VEHICLES	4,407	2,613	6,176	6,000	6,000	6,000	5,000
551-2640	MAINT-ALLOWANCE	-	183,997	52,297	42,240	42,240	42,240	42,240
551-2650	MAINT-COLLECTION LINES	89,318	257,491	58,880	100,000	100,000	100,000	100,000
551-2810	OTHER SERVICES	20,979	50	98,378	100,000	100,000	100,000	100,000
551-2999	DEPRECIATION EXPENSE	771,069	1,089,260	785,371	-	-	-	-
TOTAL CHARGES		1,111,350	2,215,155	1,874,763	1,258,361	1,258,361	1,258,361	1,248,320
SUPPLIES								
551-3010	OFFICE SUPPLIES	340	-	144	484	484	484	440
551-3080	CLOTHING & LINENS	2,180	1,605	1,709	1,300	1,300	1,300	3,000
551-3240	MOTOR FUEL & LUBE	20,905	12,708	14,426	12,000	12,000	12,000	13,000
551-3280	MINOR TOOLS	744	106	1,198	1,100	1,100	1,100	1,100
551-3400	CHEMICALS	24,945	-	31,680	20,000	20,000	20,000	55,000
551-3840	OTHER SUPPLIES	1,958	362	1,465	2,178	2,178	2,178	2,200
551-3850	EQUIPMENT	14,963	-	24,823	4,598	4,598	4,598	12,850
TOTAL SUPPLIES		66,036	14,781	75,445	41,660	41,660	41,660	87,590
CAPITAL OUTLAY								
551-4010	CAPITAL OUTLAY	-	-	2,408	198,500	241,500	241,500	315,000
TOTAL CAPITAL OUTLAY		-	-	2,408	198,500	241,500	241,500	315,000
***DEPARTMENT TOTAL ***		1,355,253	2,358,120	2,088,732	1,698,934	1,742,684	1,742,684	1,851,572

Wastewater Treatment

AUTHORIZED POSITIONS

**Actual
2016-2017**

**Budget
2017-2018**

**Estimated
2017-2018**

**Adopted
2018-2019**

DEPARTMENT DESCRIPTION:

To continue treating domestic sewage through the treatment process and meet all effluent requirements on daily discharges.

ACCOMPLISHMENTS FOR 2017-18 FISCAL YEAR

GOALS & OBJECTIVES FOR 2018-19 FISCAL YEAR

PERFORMANCE MEASURES

**Actual
2016-2017**

**Budget
2017-2018**

**Estimated
2017-2018**

**Adopted
2018-2019**

Wastewater Treatment Expenditure Detail

		History			Current			Proposed
		2015	2016	2017	2018	2018	2018	FISCAL YEAR
		ACTUAL	ACTUAL	ACTUAL	BUDGET	AMENDED	ESTIMATE	2019
PERSONNEL								
552-1010	EXEMPT WAGES	32,915	-	-	-	-	-	-
552-1020	NON-EXEMPT WAGES	180,450	-	-	-	-	-	-
552-1030	TEMPORARY EMPLOYEES	486	-	-	-	-	-	-
552-1080	OVERTIME	9,533	-	-	-	-	-	-
552-1100	GROUP INSURANCE	29,175	-	-	-	-	-	-
552-1120	PENSION CONTRIBUTION	13,992	1,846	-	-	-	-	-
552-1140	FICA TAX	12,205	1,737	-	-	-	-	-
552-1150	MEDICARE TAX	2,854	406	-	-	-	-	-
552-1160	WORKMENS COMP	8,939	-	-	-	-	-	-
552-1180	FUTA	491	-	-	-	-	-	-
EXPENSE CATEGORY TOTAL		291,039	3,989	-	-	-	-	-
OTHER CHARGES								
552-2010	COMMUNICATION	12,948	5,037	4,323	12,000	12,000	12,000	6,000
552-2043	TRAVEL & TRAINING	4,047	21	-	-	-	-	-
552-2080	INSURANCE & BONDS	5,134	-	-	-	-	-	-
552-2100	CONTRACTUAL SERVICES	-	917,103	868,816	863,775	863,775	863,775	863,775
552-2320	COPYING EXPENSES	386	7	-	-	-	-	-
552-2380	UTILITIES	346,738	360,590	423,165	300,000	300,000	300,000	375,000
552-2520	MEMBERSHIP & SUBSCRI	774	-	-	-	-	-	-
552-2628	MAINT - OTHER	1,170	-	-	-	-	-	-
552-2634	MAINT - MACHINERY	96,359	1,824	-	-	-	-	-
552-2636	MAINT - VEHICLES	2,086	315	1,548	-	-	-	-
552-2640	MAINT-ALLOWANCE	-	152,733	30,520	94,720	94,720	94,720	50,000
552-2810	OTHER SERVICES	275,683	2,219	954	-	-	-	-
552-2840	INSPECTION FEES	51,311	58,896	55,344	50,000	50,000	50,000	55,000
552-2999	DEPRECIATION EXPENSE	297,063	-	288,087	-	-	-	-
EXPENSE CATEGORY TOTAL		1,093,699	1,498,744	1,672,758	1,320,495	1,320,495	1,320,495	1,349,775
SUPPLIES								
552-3010	OFFICE SUPPLIES	386	-	-	-	-	-	-
552-3040	JANITOR SUPPLIES	918	-	-	-	-	-	-
552-3080	CLOTHING & LINENS	4,506	665	-	-	-	-	-
552-3240	MOTOR FUEL & LUBE	6,502	3,731	4,932	10,000	10,000	10,000	3,000
552-3280	MINOR TOOLS	524	-	-	-	-	-	-
552-3400	CHEMICALS	54,929	1,875	-	-	-	-	-
552-3840	OTHER SUPPLIES	9,722	959	-	-	-	-	-
552-3850	EQUIPMENT	32,918	-	44,614	-	-	-	-
EXPENSE CATEGORY TOTAL		110,405	7,231	49,546	10,000	10,000	10,000	3,000
CAPITAL OUTLAY								
552-4010	CAPITAL OUTLAY	-	-	-	304,000	344,291	344,291	326,900
EXPENSE CATEGORY TOTAL		-	-	-	304,000	344,291	344,291	326,900
***DEPARTMENT TOTAL ***		1,495,144	1,509,963	1,722,304	1,634,495	1,674,786	1,674,786	1,679,675

Debt Service/Transfers Out

AUTHORIZED POSITIONS

**Actual
2016-2017**

**Budget
2017-2018**

**Estimated
2017-2018**

**Adopted
2018-2019**

PERFORMANCE MEASURES

**Actual
2016-2017**

**Budget
2017-2018**

**Estimated
2017-2018**

**Adopted
2018-2019**

Debt Service
Expenditure Detail

	History			Current			Proposed
	2015 ACTUAL	2016 ACTUAL	2017 ACTUAL	2018 BUDGET	2018 AMENDED	2018 ESTIMATED	FISCAL YEAR 2019
DEBT SERVICE							
555-5030 DEBT SERVICE	1,919,407	1,573,740	1,228,753	379,338	1,223,917	1,165,602	1,349,698
555-5040 INTEREST EXPENS	-	-	-	844,579	-	-	-
EXPENSE CATEGORY TOTAL	1,919,407	1,573,740	1,228,753	1,223,917	1,223,917	1,165,602	1,349,698
***DEPARTMENT TOTAL ***	1,919,407	1,573,740	1,228,753	1,223,917	1,223,917	1,165,602	1,349,698

Transfers Out Expenditure Detail

	History			Current			Proposed
	2015 ACTUAL	2016 ACTUAL	2017 ACTUAL	2018 BUDGET	2018 AMENDED	2018 ESTIMATED	FISCAL YEAR 2019
TRANSFERS OUT							
563-6500 TRANSFER TO GEN. FUND	-	672,526	670,390	670,390	670,390	670,390	670,390
563-6599 TRANSFERS OUT	11,800	-	-	-	-	-	-
563-6700 BAD DEBT EXPENSE	38,376	47,399	35,151	-	-	-	-
EXPENSE CATEGORY TOTAL	50,176	719,925	705,541	670,390	670,390	670,390	670,390
***DEPARTMENT TOTAL ***	50,176	719,925	705,541	670,390	670,390	670,390	670,390

City of Weslaco

Proposed Budget FY 2018-2019

Wastewater Fund-Personnel/Capital Outlay

Department	Capital Outlay	Description
Wastewater Collection	65,000	Sewer camera
	150,000	Pipe bursting
	100,000	Manhole Rehab
	\$ 315,000	
Wastewater Treatment	24,900	Electric, floor repair, and wet well rehab. Ventilation
	30,000	Magna Rotors
	15,000	Step screen repair
	35,000	Aeration Basin Clarifier rake
	8,000	RAS pump (oxidation ditch)
	14,000	Belt Filter press repair
	200,000	Bar Screen repair
	\$ 326,900	
Total Capital Outlay	<u>\$ 641,900</u>	

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SOLID WASTE

**Solid Waste Fund
Financial Summary**

	History			Current		
	2015 ACTUAL	2016 ACTUAL	2017 ACTUAL	2018 BUDGET	2018 AMENDED	2018 ESTIMATED
INTERGOVERNMENTAL REVENUE						
400-2000 INTERGOVERNMENTAL REV.	27,327	28,117	-	-	-	-
TOTAL INTERGOVERNMENTAL REV.	27,327	28,117	-	-	-	-
CHARGES FOR SERVICES						
400-3010 GARBAGE FEES	3,937,234	3,565,147	3,815,492	3,810,000	3,810,000	3,810,000
400-3100 BRUSH FEES	1,201,695	1,099,118	1,150,328	1,152,000	1,152,000	1,152,000
TOTAL CHARGES FOR SERVICES	5,138,928	4,664,264	4,965,820	4,962,000	4,962,000	4,962,000
REV FROM USE OF MONEY						
400-5020 RECYCLING	3,180	1,705	4,606	3,500	3,500	3,500
TOTAL REV FROM USE OF MONEY	3,180	1,705	4,606	3,500	3,500	3,500
OTHER INCOME						
400-6020 MISCELLANEOUS REVENUE	65	-	-	-	-	-
400-6022 UTILITY BILLING PENALTIES	82,643	59,481	73,925	82,000	82,000	82,000
400-6050 DONATIONS/CONTRIBUTIONS	613	-	-	-	-	-
TOTAL OTHER INCOME	83,321	59,481	73,925	82,000	82,000	82,000
*** TOTAL REVENUES ***	5,252,756	4,753,567	5,044,351	5,047,500	5,047,500	5,047,500
EXPENDITURE SUMMARY						
EMERGENCY MANAGEMENT	-	34,240	-	-	-	-
SOLID WASTE COLLECTION	3,155,949	3,254,108	3,123,515	3,052,504	3,052,504	3,048,193
TRANSFER STATION	50,516	50,735	63,128	151,071	153,771	153,771
LANDFILL	1,007	3,053	980	46,030	46,030	48,982
BRUSH COLLECTION	1,096,327	769,215	629,596	630,000	630,000	630,000
TRANSFERS OUT	44,252	36,625	33,321	-	-	-
*** TOTAL OPERATING EXPENSES ***	4,348,051	4,147,976	3,850,540	3,879,605	3,882,305	3,880,946
TRANSFERS OUT						
563-6599 TRANSFERS OUT-GF	-	125,750	125,750	125,000	125,000	125,000
563-6599 TRANSFERS OUT-CIP	750,000	500,000	1,000,000	1,000,000	1,000,000	1,000,000
*** TOTAL TRANSFERS OUT ***	750,000	625,750	1,125,750	1,125,000	1,125,000	1,125,000
REVENUES OVER (UNDER) EXPENDITURES	154,706	(20,159)	68,061	42,895	40,195	41,554

**Solid Waste Fund
Financial Summary**

	Proposed	TWO YEAR PLAN	
	FISCAL YEAR 2019	FISCAL YEAR 2020	FISCAL YEAR 2021
INTERGOVERNMENTAL REVENUE			
400-2000 INTERGOVERNMENTAL REV.	-	-	-
TOTAL INTERGOVERNMENTAL REV.	-	-	-
CHARGES FOR SERVICES			
400-3010 GARBAGE FEES	3,928,000	3,928,000	3,928,000
400-3100 BRUSH FEES	1,170,000	1,170,000	1,170,000
TOTAL CHARGES FOR SERVICES	5,098,000	5,098,000	5,098,000
REV FROM USE OF MONEY			
400-5020 RECYCLING	3,500	3,500	3,500
TOTAL REV FROM USE OF MONEY	3,500	3,500	3,500
OTHER INCOME			
400-6020 MISCELLANEOUS REVENUE	-	-	-
400-6022 UTILITY BILLING PENALTIES	82,000	82,000	82,000
400-6050 DONATIONS/CONTRIBUTIONS	-	-	-
TOTAL OTHER INCOME	82,000	82,000	82,000
*** TOTAL REVENUES ***	5,183,500	5,183,500	5,183,500
EXPENDITURE SUMMARY			
EMERGENCY MANAGEMENT	-	-	-
SOLID WASTE COLLECTION	3,229,804	3,226,504	3,226,504
TRANSFER STATION	112,375	54,335	54,335
LANDFILL	52,022	46,030	46,030
BRUSH COLLECTION	650,000	650,000	650,000
TRANSFERS OUT	-	-	-
*** TOTAL OPERATING EXPENSES ***	4,044,201	3,976,869	3,976,869
TRANSFERS OUT			
563-6599 TRANSFERS OUT-GF	125,000	125,750	125,750
563-6599 TRANSFERS OUT-CIP	1,000,000	1,000,000	1,000,000
*** TOTAL TRANSFERS OUT ***	1,125,000	1,125,750	1,125,750
REVENUES OVER (UNDER) EXPENDITURES	14,299	80,881	80,881

Solid Waste Collection

AUTHORIZED POSITIONS	Actual 2016-2017	Budget 2017-2018	Estimated 2017-2018	Adopted 2018-2019
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DEPARTMENT DESCRIPTION:

The solid waste department is involved in the collection of commercial and residential garbage and properly disposing of the garbage at a contracted landfill. The functions of this department have been contracted.

PERFORMANCE MEASURES	Actual 2016-2017	Budget 2017-2018	Estimated 2017-2018	Adopted 2018-2019
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**Solid Waste Collection
Expenditure Detail**

	History			Current			Proposed
	2015 ACTUAL	2016 ACTUAL	2017 ACTUAL	2018 BUDGET	2018 AMENDED	2018 ESTIMATED	FISCAL YEAR 2019
PERSONNEL							
522-1000 PENSION EXPENSE	477	2,598	3,088	-	-	-	
TOTAL PERSONNEL	477	2,598	3,088	-	-	-	-
OTHER CHARGES							
522-2010 COMMUNICATIONS	1,972	2,152	2,262	2,000	2,000	189	-
522-2040 ADVERTISING	390	-	-	-	-	-	-
522-2480 COLLECTION FEES	27,268	32,768	34,483	30,804	30,804	30,804	30,804
522-2520 MEMBERSHIP & SUBSCRIPTIC	2,500	-	-	2,500	2,500	-	-
522-2640 MAINT. ALLOWANCE	-	-	-	-	-	-	-
522-2810 OTHER SERVICES	21,646	12,665	51,702	27,200	27,200	27,200	35,000
	39,935	21,601	1,459	-	-	-	-
TOTAL OTHER CHARGES	93,710	69,186	89,905	62,504	62,504	58,193	65,804
DEBT SERVICE							
522-5050 CONTRACT SERVICES	3,061,762	3,182,324	3,030,521	2,990,000	2,990,000	2,990,000	3,164,000
TOTAL DEBT SERVICE	3,061,762	3,182,324	3,030,521	2,990,000	2,990,000	2,990,000	3,164,000
***DEPARTMENT TOTAL ***	3,155,949	3,254,108	3,123,515	3,052,504	3,052,504	3,048,193	3,229,804

* Reflects increase of 3.13% as per Republic Services CPI

Transfer Station/Recycling

AUTHORIZED POSITIONS	Actual 2016-2017	Budget 2017-2018	Estimated 2017-2018	Adopted 2018-2019
Recycle Maintenance Worker	1	1	1	1
Laborer	1	1	1	1
Laborer (Part Time)	0	1	1	1
Department Total	2	3	3	3

DEPARTMENT DESCRIPTION:

The safe distribution/disposal of all waste and recyclables collected

ACCOMPLISHMENTS FOR 2017-18 FISCAL YEAR

- Purchased equipment for additional recycling drop off locations approved by the committee.
- Increased personnel by one full-time position

GOALS & OBJECTIVES FOR 2018-19 FISCAL YEAR

- Increase public awareness of recycling
- Increase recycling locations
- Provide the public with more educational information
- Team up with schools and purchase a mascot for educational purposes.

PERFORMANCE MEASURES	Actual 2016-2017	Budget 2017-2018	Estimated 2017-2018	Adopted 2018-2019
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Tons of Recycled material

Tons of Recycled material as of April 31, 2017

Transfer Station Expenditure Detail

	History			Current			Proposed
	2015	2016	2017	2018	2018	2018	FISCAL YEAR
	ACTUAL	ACTUAL	ACTUAL	BUDGET	AMENDED	ESTIMATED	2019
PERSONNEL							
523-1020 NON-EXEMPT WAGES	18,000	32,600	25,958	44,554	44,554	44,554	44,928
523-1025 PART-TIME WAGES	7,542	-	9,555	10,504	10,504	10,504	10,504
523-1080 OVERTIME	83	1,356	1,358	-	2,700	2,700	-
523-1100 GROUP INSURANCE	2,544	4,351	4,115	8,978	8,978	8,978	9,794
523-1120 PENSION CONTRIBUTION	1,073	1,629	1,738	3,342	3,342	3,342	3,558
523-1140 FICA TAX	1,468	2,089	2,075	3,414	3,414	3,414	3,437
523-1150 MEDICARE TAX	343	489	485	798	798	798	804
523-1160 WORKMENS COMP	908	1,035	2,362	4,966	4,966	4,966	5,000
523-1180 FUTA	88	217	96	750	750	750	750
TOTAL PERSONNEL	32,050	43,766	47,742	77,305	80,005	80,005	78,775
OTHER CHARGES							
523-2010 COMMUNICATIONS	2,629	2,869	3,015	2,400	2,400	2,400	500
523-2043 TRAVEL AND TRAINING	-	51	-	-	-	-	-
523-2380 UTILITIES	1,953	1,410	1,813	1,266	1,266	1,266	1,500
523-2440 POSTAGE	210	-	-	-	-	-	-
523-2626 MAINT.-BUILDING	-	-	-	1,000	1,000	1,000	-
523-2634 MAINT-MACHINERY	-	205	34	-	-	-	-
523-2636 MAINT-VEHICLES	165	660	1,867	2,000	2,000	2,000	3,000
523-2810 OTHER SERVICES	3,147	-	-	600	600	600	600
523-2999 DEPRECIATION	3,288	-	5,645	-	-	-	-
TOTAL OTHER CHARGES	11,392	5,195	12,375	7,266	7,266	7,266	5,600
SUPPLIES							
523-3010 OFFICE SUPPLIES	-	-	46	1,000	1,000	1,000	-
523-3040 JANITOR SUPPLIES	-	-	-	500	500	500	-
523-3080 CLOTHING & LINENS	419	1,274	1,701	1,500	1,500	1,500	1,500
523-3240 MOTOR FUEL & LUBE	-	-	-	2,000	2,000	2,000	2,000
523-3840 OTHER SUPPLIES	374	500	1,175	1,500	1,500	1,500	1,000
523-3850 EQUIPMENT	6,281	-	90	1,000	1,000	1,000	-
TOTAL SUPPLIES	7,074	1,774	3,011	7,500	7,500	7,500	4,500
CAPITAL OUTLAY							
523-4010 CAPITAL OUTLAY	-	-	-	59,000	59,000	59,000	23,500
TOTAL CAPITAL OUTLAY	-	-	-	59,000	59,000	59,000	23,500
***DEPARTMENT TOTAL ***							
	50,516	50,735	63,128	151,071	153,771	153,771	112,375

Landfill

AUTHORIZED POSITIONS	Actual 2016-2017	Budget 2017-2018	Estimated 2017-2018	Adopted 2018-2019
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DEPARTMENT DESCRIPTION:

Oversee the monitoring of state permitted Type I landfill, which has been closed to ensure compliance of state and federal regulations as required. To contract with a local landfill for the disposal of refuse.

PERFORMANCE MEASURES	Actual 2016-2017	Budget 2017-2018	Estimated 2017-2018	Adopted 2018-2019
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Landfill
Expenditure Detail

	History			Current			Proposed
	2015	2016	2017	2018	2018	2018	FISCAL YEAR
	ACTUAL	ACTUAL	ACTUAL	BUDGET	AMENDED	ESTIMATED	2019
OTHER CHARGES							
527-2380 UTILITIES	358	3,053	330	1,030	1,030	360	400
527-2845 MONITORING OF LANDFILL	-	-	-	30,000	30,000	47,000	50,000
527-2850 DISPOSAL- SPECIAL PROJECTS	-	-	-	15,000	15,000	-	-
TOTAL OTHER CHARGES	358	3,053	330	46,030	46,030	47,360	50,400
DEBT SERVICE							
527-5050 CONTRACTUAL SERVICES	650	-	650	-	-	1,622	1,622
TOTAL DEBT SERVICE	650	-	650	-	-	1,622	1,622
***DEPARTMENT TOTAL ***	1,007	3,053	980	46,030	46,030	48,982	52,022

Brush Collection

AUTHORIZED POSITIONS

**Actual
2016-2017**

**Budget
2017-2018**

**Estimated
2017-2018**

**Adopted
2018-2019**

DEPARTMENT DESCRIPTION:

Oversee the delivery of the brush and bulky waste contractual services.

PERFORMANCE MEASURES

**Actual
2016-2017**

**Budget
2017-2018**

**Estimated
2017-2018**

**Adopted
2018-2019**

**Brush Collection
Expenditure Detail**

	History			Current		Proposed	
	2015 ACTUAL	2016 ACTUAL	2017 ACTUAL	2018 BUDGET	2018 AMENDED	2018 ESTIMATED	FISCAL YEAR 2019
DEBT SERVICE							
528-5050 CONTRACTUAL SERVICES	1,096,327	769,215	629,596	630,000	630,000	630,000	650,000
TOTAL DEBT SERVICE	1,096,327	769,215	629,596	630,000	630,000	630,000	650,000
***DEPARTMENT TOTAL ***	1,096,327	769,215	629,596	630,000	630,000	630,000	650,000

* Reflects increase of 3.13% as per Republic Services CPI

Debt Service/Transfers Out

AUTHORIZED POSITIONS

**Actual
2016-2017**

**Budget
2017-2018**

**Estimated
2017-2018**

**Adopted
2018-2019**

PERFORMANCE MEASURES

**Actual
2016-2017**

**Budget
2017-2018**

**Estimated
2017-2018**

**Adopted
2018-2019**

Transfers Out
Expenditure Detail

	History			Current			Proposed
	2015 ACTUAL	2016 ACTUAL	2017 ACTUAL	2018 BUDGET	2018 AMENDED	2018 ESTIMATED	FISCAL YEAR 2019
TRANSFERS OUT							
563-6599 TRANSFERS OUT-GF	-	125,750	125,750	125,000	125,000	125,000	125,000
563-6599 TRANSFERS OUT-CIP	750,000	500,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
563-6700 BAD DEBT EXPENSE	44,252	36,625	33,321	-	-	-	-
TOTAL TRANSFERS OUT	794,252	662,375	1,159,071	1,125,000	1,125,000	1,125,000	1,125,000
***DEPARTMENT TOTAL ***	794,252	662,375	1,159,071	1,125,000	1,125,000	1,125,000	1,125,000

City of Weslaco

Proposed Budget FY 2018-2019

Sanitation-Personnel/Capital Outlay

Department	Capital Outlay	Description
Transfer Station/Recycling	3,500	Mascot for Recycling education
	20,000	Drive Thru metal building
	\$ 23,500	
Total Capital Outlay	\$ 23,500	

AIRPORT FUND

**Airport Fund
Financial Summary**

	History			Current		
	2015	2016	2017	2018	2018	2018
	ACTUAL	ACTUAL	ACTUAL	BUDGET	AMENDED	ESTIMATED
REVENUE SUMMARY						
INTERGOVERNMENTAL REVENUE	3,773,179	1,220,436	2,008,924	65,000	23,185	23,185
CHARGES FOR SERVICES	159,666	182,461	231,744	264,646	264,646	216,269
TRANSFERS IN	200,253	252,002	263,399	255,400	255,400	255,400
*** TOTAL REVENUES ***	4,133,098	1,654,899	2,504,067	585,046	543,231	494,854
EXPENDITURE SUMMARY						
AIRPORT OPERATIONS	668,097	687,702	850,906	480,078	521,893	496,559
AIRPORT GRANT	-	-	-	98,100	98,100	64,467
*** TOTAL EXPENDITURES ***	668,097	687,702	850,906	578,178	619,993	561,026
REVENUES OVER (UNDER) EXPENDITURES	3,465,001	967,197	1,653,160	6,868	(76,762)	(66,172)

**Airport Fund
Financial Summary**

	Proposed	TWO YEAR PLAN	
	FISCAL YEAR	FISCAL YEAR	FISCAL YEAR
	2019	2020	2021
REVENUE SUMMARY			
INTERGOVERNMENTAL REVENUE	50,000	60,000	60,000
CHARGES FOR SERVICES	299,058	352,826	402,826
TRANSFERS IN	260,000	350,000	350,000
*** TOTAL REVENUES ***	609,058	762,826	812,826
EXPENDITURE SUMMARY			
AIRPORT OPERATIONS	573,074	561,034	601,034
AIRPORT GRANT	100,000	29,100	29,100
*** TOTAL EXPENDITURES ***	673,074	590,134	630,134
REVENUES OVER (UNDER)			
EXPENDITURES	(64,016)	172,692	182,692

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Airport Operations Revenues

		History			Current		Proposed
		2015	2016	2017	2018	2018	2018
		ACTUAL	ACTUAL	ACTUAL	BUDGET	AMENDED	ESTIMATED
							FISCAL YEAR
							2019
INTERGOVERNMENTAL REVENUE							
400-2000	INTERGOVERNMENTAL REVENUE	3,773,179	1,220,436	2,008,924	65,000	23,185	23,185
TOTAL INTERGOVERNMENTAL REVENUE		3,773,179	1,220,436	2,008,924	65,000	23,185	23,185
CHARGES FOR SERVICES							
400-3300	FUEL SALES	101,436	128,262	172,770	200,000	200,000	150,000
400-3305	FUEL DISCOUNTS	(3)	-	-	-	-	-
400-3320	EASTSIDE HANGER-RENTAL	27,876	30,235	37,649	40,000	40,000	40,000
400-3330	WESTSIDE HANGAR RENTAL	11,250	12,601	11,010	11,588	11,588	18,250
400-3340	DAILY HANGER RENTAL	12,100	7,230	7,685	9,000	9,000	5,000
400-3350	UTILITIES	2,013	2,118	2,030	2,019	2,019	2,019
400-3360	TIE DOWN FEES	3,795	1,715	-	2,039	2,039	1,000
400-3370	BUILDING RENTAL	1,200	300	600	-	-	-
REVENUE CATEGORY TOTAL		159,666	182,461	231,744	264,646	264,646	216,269
OTHER INCOME							
400-6010	TRANSFER FROM GF	200,000	251,172	250,000	250,000	250,000	250,000
400-6011	TRANSFER FROM EDC	-	-	12,470	5,000	5,000	5,000
400-6020	MISCELLANEOUS REVENUE	(208)	274	429	-	-	-
400-6031	SALES-TAXABLE	461	556	500	400	400	400
REVENUE CATEGORY TOTAL		200,253	252,002	263,399	255,400	255,400	255,400
*** TOTAL REVENUES ***		4,133,098	1,654,899	2,504,067	585,046	543,231	494,854

Mid-Valley Airport

AUTHORIZED POSITIONS	Actual 2016-2017	Budget 2017-2018	Estimated 2017-2018	Adopted 2018-2019
Aviation Director	1	1	1	1
Ramp Service Supervisor	1	1	1	1
Sr. Ramp Service Agent	1	1	1	1
Secretary I	1	1	1	1
Department Total	4	4	4	4

DEPARTMENT DESCRIPTION:

"To cultivate an environment which promotes general aviation in an economically viable and competitive manner for the City of Weslaco, the Rio Grande Valley and our International visitors."

ACCOMPLISHMENTS FOR 2017-18 FISCAL YEAR

- Completed Phase II of Airport Business Plan
- Runway Lighting Systems Completed
- Completed Airport Layout Plan as Approved by TXDOT/FAA

GOALS & OBJECTIVES FOR 2018-19 FISCAL YEAR

- **Develop airport facilities and infrastructure to ensure operational and safety requirement.**
 - Initiate Airport Capital Improvement Projects
 - Upgrade Airport Security Requirements
 - Finalize Airport Hazard and Zoning Ordinance
- **Develop State and Federal Compliance Reports**
 - Initiate Airport Asphalt Maintenance Program
 - Develop Airport Wildlife Mitigation Plan
- **Improve Business Service Model**
 - Increase Revenues
 - Develop Business Opportunities (New Hangar Development)

PERFORMANCE INDICATORS	Actual 2016-2017	Budget 2017-2018	Estimated 2017-2018	Adopted 2018-2019
Total Fuel Sales in dollars	134,233	130,000	147,500	148,000
Total Revenue from Hangar and Land rental	52,826	52,826	52,826	75,860
Total Transit Aircraft Visting Weslaco	514	514	858	900
Total Corporate Aircraft Using Weslaco Mid Valley	174	174	298	400

Airport Operations

Expenditure Detail

		History			Current			Proposed
		2015	2016	2017	2018	2018	2018	FISCAL YEAR
		ACTUAL	ACTUAL	ACTUAL	BUDGET	AMENDED	ESTIMATED	2019
PERSONNEL								
564-1000	PENSION EXPENSE	3,919	17,381	18,745	-	-	-	-
564-1010	EXEMPT WAGES	88,029	19,612	79,409	71,380	71,380	71,380	79,281
564-1020	NON-EXEMPT WAGES	51,279	55,189	82,555	77,563	77,563	77,563	77,563
564-1080	OVERTIME	3,087	8,336	5,303	4,500	4,500	4,500	4,500
564-1100	GROUP INSURANCE	14,119	11,271	15,787	17,955	17,955	17,955	19,588
564-1120	PENSION CONTRIBUTION	8,813	9,888	11,304	11,171	11,171	11,171	12,778
564-1140	FICA TAX	8,331	9,718	9,570	9,234	9,234	9,234	10,003
564-1150	MEDICARE TAX	1,948	2,273	2,238	2,160	2,160	2,160	2,339
564-1160	WORKMENS COMP	3,728	3,759	5,640	4,351	4,351	4,351	4,764
564-1180	FUTA	27	651	125	1,000	1,000	1,000	1,000
TOTAL PERSONNEL		183,281	138,078	230,676	199,314	199,314	199,314	211,816
OTHER CHARGES								
564-2010	COMMUNICATIONS	2,264	2,890	1,824	2,500	2,500	2,020	2,500
564-2043	TRAVEL AND TRAINING	98	2,376	9,309	1,200	6,059	7,000	10,000
564-2050	MISCELLANEOUS EXPENSE	-	1,145	3,880	2,200	2,200	3,130	2,200
564-2080	INSURANCE & BONDS	7,546	5,086	8,506	8,000	8,000	11,000	11,558
564-2100	PROFFESIONAL SERVICES	119,827	24,575	2,055	-	41,815	41,815	5,000
564-2240	MARKETING	732	3,113	1,960	5,000	5,000	1,118	5,000
564-2320	COPYING EXPENSES	1,852	1,849	2,202	2,200	2,200	2,130	2,000
564-2380	UTILITIES	39,457	37,135	38,679	26,164	26,164	26,164	31,000
564-2440	POSTAGE	127	162	301	200	200	350	200
564-2520	MEMBERSHIP & SUBSCRIPTION	12,405	13,824	7,196	12,000	12,000	5,976	12,000
564-2626	MAINT-BUILDINGS	8,160	8,884	37,763	-	-	250	-
564-2628	MAINT-OTHER	657	35,301	1,339	-	-	-	-
564-2632	MAINT-APPARATUS/BEACON	6,812	9,372	6,876	-	-	-	-
564-2636	MAINT-VEHICLES	1,700	919	2,446	-	-	1,000	2,000
564-2652	MAINT-TAXIWAY/RUNWAY/APR	-	515	91	2,000	2,000	-	-
564-2653	MAINT-FENCES	738	6,806	9,423	-	-	-	-
564-2655	MAINT-FUEL SYSTEM	2,424	2,020	3,199	2,000	2,000	-	4,000
564-2810	OTHER SERVICES	-	45	-	-	-	-	-
564-2840	INSPECTION FEES	-	-	-	250	250	-	250
564-2860	DEPRECIATION	193,382	196,703	331,369	-	-	-	-
564-2865	AMORTIZATION EXPENSE	2,001	-	2,000	-	-	-	-
564-2920	BANK SERVICES	2,203	3,281	3,832	6,000	6,000	3,500	6,000
TOTAL OTHER CHARGES		402,386	356,000	474,248	69,714	116,388	105,453	93,708
SUPPLIES								
564-3010	OFFICE SUPPLIES	1,721	1,029	565	750	750	600	750
564-3040	JANITOR SUPPLIES	200	617	603	400	400	400	400
564-3080	CLOTHING & LINENS	665	739	115	600	600	-	600
564-3240	MOTOR FUEL & LUBE	894	750	1,179	2,000	2,000	1,100	2,000
564-3250	FUEL DELIVERY	62,779	104,973	108,690	146,000	139,141	126,392	200,000
564-3400	CHEMICALS	286	517	590	500	500	500	500
564-3840	OTHER SUPPLIES	464	1,042	300	300	300	300	300
564-3850	SUPPLIES FOR RESALE	420	368	1,063	500	500	500	500
564-3860	EQUIPMENT	-	63,056	17,876	-	2,000	2,000	5,000
TOTAL SUPPLIES		67,430	173,089	130,982	151,050	146,191	131,792	210,050
CAPITAL OUTLAY								
564-4040	FUEL TRUCK	15,000	15,000	15,000	15,000	15,000	15,000	15,000
564-4080	EQUIPMENT LEASE	-	5,535	-	-	-	-	-
564-4085	CAPITAL OUTLAY	-	-	-	45,000	45,000	45,000	42,500
TOTAL CAPITAL OUTLAY		15,000	20,535	15,000	60,000	60,000	60,000	57,500
***DEPARTMENT TOTAL ***		668,097	687,702	850,906	480,078	521,893	496,559	573,074

**Airport Grants
Expenditure Detail**

	History			Current			Proposed
	2015 ACTUAL	2016 ACTUAL	2017 ACTUAL	2018 BUDGET	2018 AMENDED	2018 ESTIMATED	FISCAL YEAR 2019
OTHER CHARGES							
565-2100 PROFFESIONAL SERVICES	-	-	-	5,000	5,000	2,580	-
565-2624 MAINT-STREETS/PAVEMENT	-	-	-	30,000	30,000	-	36,000
565-2626 MAINT-BUILDINGS	-	-	-	25,000	25,000	16,033	25,000
565-2628 MAINT-OTHER	-	-	-	2,000	2,000	1,344	2,000
565-2632 MAINT-APPARATUS/BEACON	-	-	-	7,100	7,100	14,547	21,000
565-2636 MAINT-VEHICLES	-	-	-	-	-	-	-
565-2652 MAINT-TAXIWAY/RUNWAY/APR	-	-	-	1,000	1,000	-	1,000
565-2653 MAINT-FENCES	-	-	-	2,000	2,000	95	13,000
565-2655 MAINT-FUEL SYSTEM	-	-	-	2,000	2,000	2,513	2,000
TOTAL OTHER CHARGES	-	-	-	74,100	74,100	37,112	100,000
SUPPLIES							
564-3860 EQUIPMENT	-	-	-	-	-	-	-
TOTAL SUPPLIES	-	-	-	-	-	-	-
CAPITAL OUTLAY							
564-4085 CAPITAL OUTLAY	-	-	-	24,000	24,000	27,355	-
TOTAL CAPITAL OUTLAY	-	-	-	24,000	24,000	27,355	-
***DEPARTMENT TOTAL ***	-	-	-	98,100	98,100	64,467	100,000

City of Weslaco
Proposed Budget FY 2018-2019

Airport Fund-Personnel/Capital Outlay

Department	Capital Outlay	Description
Airport	30,000	Labor-field clearing
	-	Aircraft tug
	1,500	Jet towbar equipment
	11,000	FOD Sweeper
	\$ 42,500	
Total Capital Outlay	\$ 42,500	

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CAPITAL IMPROVEMENT PLAN FUND

CITY OF WESLACO
CAPITAL IMPROVEMENT PROGRAM FUND

	History		Current		PROPOSED
	FY 2016 ACTUAL	FY 2017 ACTUAL	FY 2018 BUDGET	FY 2018 ESTIMATED	FISCAL YEAR 2019
PROJECTS					
Highways & Streets					
Paving - Streets	\$ 80,384	\$ 530,826	500,000	280,903	300,000
Railroad Crossings	-	89,797	60,000	78,764	90,000
Sidewalk/ADA Improvements	9,500	183,828	20,000	-	20,000
Speed Humps	-	-	10,000	-	-
Light-up Water Tower	20,409	-	-	-	-
Striping/Coordinating Traffic Signals	-	18,157	70,000	2,772	10,000
Drainage improvements			100,000	96,055	-
Drainage Sugarcane detention pond		36,472	-	-	-
MPO - Westgate		943,000	347,000	347,000	416,000
Sanitary sewer/traffic study (PCE)		-	-	-	-
Culture and Recreation					
Library-UC adj	\$ 41,675	\$ -	-	-	-
Boys & Girls Parking Lot	204,013	-	-	-	-
Walking/Jogging Trails	64,218	-	-	-	-
Play Scapes/Canopies	136,990	-	-	-	-
City Park Sign-Pablo Pena	24,985	-	-	-	-
Dog Park	32,148	-	-	-	-
Basketball/Volleyball Courts	20,000	-	-	-	-
Library roof repairs	-	301,094		36,986	-
Parks - (incl wlkng/jogging)		104,688	300,000	475,416	270,000
Plan/develop park on N		-	100,000	13,931	300,000
Library expansion (12k sqft)		-	-	-	-
Public Safety					
Move generator to CH from WTP		15,158	-	43,349	-
Buy 40 Acres for Fire Stn	500	710,838	150,000	85,052	150,000
New Fire Station - N Texas		12,108	-	94,052	815,000
PD-Roof Repair,A/C, Jail improvement	-	-	-	-	600,000
New Central Fire/Police stations		154,149	-	-	-
Clean Up Campaign		29,677	50,000	40,029	50,000
Debt Service					
Cap lease-Radio equipment		942,502	163,343	163,343	163,343
Total By Year	634,822	4,072,295	1,870,343	1,757,651	3,184,343
REVENUE					
Transfers in from GF	-	600,000	800,000	800,000	470,000
Transfer from - GF add'l	-	-	-	500,000	-
Transfers in from Sanitation	500,000	1,000,000	1,000,000	1,000,000	1,000,000
Transfers in from Fund 46	28,886	-	-	-	-
Transfer from 2007 bond for MPO	-	795,000	-	-	-
Donations-Clean Sweep	-	-	-	1,200	-
Other-Knapp	575,000	-	225,000	200,000	-
Other-Sale of Police/Fire on Expy	-	-	2,800,000	-	-
Other-Sale Property on Dolores Huerta/18	-	250,001	-	-	-
Sidewalk Reimbursement	-	137,739	-	-	-
Intergovernmental Revenue: NRPA	-	-	-	20,000	-
Other Financing Sources	-	1,235,866	-	-	-
Total Revenue	1,103,886	4,018,606	4,825,000	2,521,200	1,470,000
Excess of Revenue over Expend	469,064	(53,689)	2,954,657	763,549	(1,714,343)
Carryover prior FB	1,250,000	1,719,064	1,665,375	1,665,375	2,428,924
Fund Balance	1,719,064	1,665,375	4,620,032	2,428,924	714,581

CITY OF WESLACO
CAPITAL IMPROVEMENT PROGRAM FUND

	THREE YEAR PLAN		
	FISCAL YEAR 2020	FISCAL YEAR 2021	FISCAL YEAR 2022
PROJECTS			
Highways & Streets			
Paving - Streets	\$ 500,000	\$ 500,000	\$ 500,000
Railroad Crossings	50,000	50,000	50,000
Sidewalk/ADA Improvements	20,000	20,000	20,000
Speed Humps	-	-	-
Light-up Water Tower	-	-	-
Striping/Coordinating Traffic Signals	10,000	10,000	-
Drainage improvements	-	-	-
Drainage Sugarcane detention pond	-	-	-
MPO - Westgate	416,000	-	-
Sanitary sewer/traffic study (PCE)	-	-	-
Culture and Recreation			
Library-UC adj	-	-	-
Boys & Girls Parking Lot	-	-	-
Walking/Jogging Trails	-	-	50,000
Play Scapes/Canopies	-	-	-
City Park Sign-Pablo Pena	-	-	-
Dog Park	-	-	-
Basketball/Volleyball Courts	-	-	-
Library roof repairs	-	-	-
Parks - (incl wlkg/jogging)	270,000	270,000	270,000
Plan/develop park on N	-	-	-
Library expansion (12k sqft)	-	200,000	2,100,000
Public Safety			
Move generator to CH from WTP	-	-	-
Buy 40 Acres for Fire Stn	150,000	150,000	150,000
New Fire Station - N Texas	-	-	-
PD-Roof Repair,A/C, Jail improvement	-	-	-
New Central Fire/Police stations	1,000,000	3,000,000	-
Clean Up Campaign	50,000	50,000	-
Debt Service			
Cap lease-Radio equipment	163,343	163,343	100,000
Total By Year	2,629,343	4,413,343	3,240,000
REVENUE			
Transfers in from GF	570,000	570,000	325,000
Transfer from - GF add'l	-	1,480,000	225,000
Transfers in from Sanitation	1,000,000	1,000,000	1,000,000
Transfers in from Fund 46	-	-	-
Transfer from 2007 bond for MPO	-	-	-
Donations-Clean Sweep	-	-	-
Other-Knapp	-	-	-
Other-Sale of Police/Fire on Expy	2,800,000	-	-
Other-Sale Property on Dolores Huerta/18	-	-	-
Sidewalk Reimbursement	-	-	-
Intergovernmental Revenue: NRPA	-	-	-
Other Financing Sources	-	-	-
Total Revenue	4,370,000	3,050,000	1,550,000
Excess of Revenue over Expend	1,740,657	(1,363,343)	(1,690,000)
Carryover prior FB	714,581	2,455,238	1,091,895
Fund Balance	2,455,238	1,091,895	(598,105)

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HOTEL/MOTEL FUND

Hotel/Motel Tax Fund Financial Summary

	History			Current		
	2015	2016	2017	2018	2018	2018
	Actual	Actual	Actual	Budget	Amended	Estimated
REVENUE SUMMARY						
400-0080 ROOM OCCUPANCY TAX	384,439	351,911	444,151	405,000	405,000	394,981
400-6020 MISCELLANEOUS REVENUE	-	14,899	54	-	-	28
*** TOTAL REVENUES ***	384,439	366,810	444,205	405,000	405,000	395,009
EXPENDITURE SUMMARY						
ADMINISTRATIVE SERVICES	50,262	44,872	30,326	51,000	51,000	46,974
MISCELLANEOUS	207,803	284,936	246,113	282,500	282,500	257,540
*** TOTAL EXPENDITURES ***	258,065	329,808	276,439	333,500	333,500	304,514
REVENUES OVER (UNDER) EXPENDITURES	126,374	37,002	167,766	71,500	71,500	90,495

Hotel/Motel Tax Fund

Financial Summary

	Proposed	TWO YEAR PLAN	
	FISCAL YEAR	FISCAL YEAR	FISCAL YEAR
	2019	2020	2021
REVENUE SUMMARY			
400-0080 ROOM OCCUPANCY TAX	410,000	415,000	417,500
400-6020 MISCELLANEOUS REVENUE	-		
*** TOTAL REVENUES ***	410,000	415,000	417,500
EXPENDITURE SUMMARY			
ADMINISTRATIVE SERVICES	51,000	51,000	51,000
MISCELLANEOUS	283,225	282,500	282,500
*** TOTAL EXPENDITURES ***	334,225	333,500	333,500
REVENUES OVER (UNDER) EXPENDITURES	75,775	81,500	84,000

Administrative Services
Expenditure Detail

	History			Current			Proposed
	2015 Actual	2016 Actual	2017 Actual	2018 Budget	2018 Amended	2018 Estimated	FISCAL YEAR 2019
OTHER CHARGES							
544-2101 PROFESSIONAL SERVICES	1,950	9,622	2,400	11,000	11,000	9,474	11,000
544-2380 UTILITIES	48,312	35,250	27,926	40,000	40,000	37,500	40,000
TOTAL OTHER CHARGES	50,262	44,872	30,326	51,000	51,000	46,974	51,000
***DEPARTMENT TOTAL ***	50,262	44,872	30,326	51,000	51,000	46,974	51,000

**Miscellaneous
Expenditure Detail**

	History			Current			Proposed
	2015	2016	2017	2018	2018	2018	FISCAL YEAR
	Actual	Actual	Actual	Budget	Amended	Estimated	2019
CAPITAL OUTLAY							
595-4120 VISITOR'S CENTER	40,000	40,000	-	-	-	-	-
EXPENSE CATEGORY TOTAL	40,000	40,000	-	-	-	-	-
TRANSFERS OUT							
595-6900 TAX REFUNDS	30	-	-	-	-	-	-
595-6950 CONTRIB-WESLACO CHAMBER	82,000	177,063	178,613	191,740	191,740	191,740	183,665
595-6953 CONTRIB-VALLEY CHAMB COMI	2,500	2,500	2,500	2,500	2,500	2,500	2,500
595-6955 CONTRIB-VALLEY NATURE CTR	33,894	35,000	32,500	32,500	32,500	32,500	39,100
595-6956 CONTRIB-FRONTERA AUDUBON	10,000	30,000	32,500	30,800	30,800	30,800	33,000
595-6970 COMMUNITY PROMOTION	39,409	373	-	24,960	24,960	-	24,960
EXPENSE CATEGORY TOTAL	167,803	244,936	246,113	282,500	282,500	257,540	283,225
***DEPARTMENT TOTAL ***	207,803	284,936	246,113	282,500	282,500	257,540	283,225

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ECONOMIC INCENTIVES FUND

Economic Incentives Fund
Financial Summary

	History			Current		
	2015	2016	2017	2018	2018	2018
	Actual	Actual	Actual	Budget	Amended	Estimated
REVENUE SUMMARY						
OTHER INCOME						
400-6599 TRANSFERS IN	954,438	1,450,000	1,025,000	1,035,000	1,160,000	1,160,000
*** TOTAL REVENUES ***	954,438	1,450,000	1,025,000	1,035,000	1,160,000	1,160,000
EXPENDITURE SUMMARY						
501-4020 380 AGREEMENTS	619,947	375,400	898,589	600,000	600,000	600,000
501-4030 SALES TAX AGREEMENT	593,849	589,640	581,915	435,000	560,000	560,000
597-6599 TRANSFERS TO OTHER FUND	-	-	350,000	-	-	-
*** TOTAL EXPENDITURES ***	1,213,797	965,041	1,830,504	1,035,000	1,160,000	1,160,000
REVENUES OVER (UNDER)						
EXPENDITURES	(259,359)	484,959	(805,504)	-	-	-

Economic Incentives Fund
Financial Summary

	Proposed	TWO YEAR PLAN	
	FISCAL YEAR	FISCAL YEAR	FISCAL YEAR
	2019	2020	2021
REVENUE SUMMARY			
OTHER INCOME			
400-6599 TRANSFERS IN	1,040,000	1,020,000	640,000
*** TOTAL REVENUES ***	1,040,000	1,020,000	640,000
EXPENDITURE SUMMARY			
501-4020 380 AGREEMENTS	600,000	600,000	300,000
501-4030 SALES TAX AGREEMENT	440,000	420,000	340,000
597-6599 TRANSFERS TO OTHER FUND	-	-	-
*** TOTAL EXPENDITURES ***	1,040,000	1,020,000	640,000
REVENUES OVER (UNDER)			
EXPENDITURES	-	-	-

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DEBT SERVICE FUND

**Interest & Sinking Fund
Financial Summary**

		History			Current		
		2015 Actual	2016 Actual	2017 Actual	2018 Budget	2018 Amended	2018 Estimated
REVENUE SUMMARY							
TAXES							
400-0010	CURRENT ADVALOREM TAX	2,732,994	1,899,558	1,781,041	2,500,000	2,500,000	2,500,000
400-0020	DELINQUENT ADVALOREM TAX	129,096	96,287	81,709	123,500	123,500	123,500
400-0030	INTEREST & PENALTY ON TAX	102,453	63,383	67,905	95,000	95,000	95,000
REV FROM USE OF MONEY							
400-5010	INTEREST EARNED	10,149	21,477	26,552	21,000	21,000	21,000
400-5011	INTEREST ON INVESTMENTS	890	1,513	2,044	2,000	2,000	2,000
OTHER INCOME							
400-6020	MISCELLANEOUS REVENUE	4,065	-	-	2,500	2,500	2,500
400-6599	TRANSFERS IN	-	-	350,000	-	-	-
400-6700	OTH FIN SOURCE-BOND REFUNDING	-	3,735,000	-	-	-	-
400-6770	OTH FIN SOURCE-BOND PREMIUM	-	701,808	-	-	-	-
*** TOTAL REVENUES ***		2,979,647	6,519,026	2,309,252	2,744,000	2,744,000	2,744,000
EXPENDITURE SUMMARY							
DEBT SERVICE							
555-5070	REDEMPTION OF BONDS	1,777,852	1,844,019	1,979,500	1,885,324	1,885,324	1,885,324
555-5080	INTEREST ON BONDS	886,598	731,646	722,491	662,895	662,895	662,895
555-5090	FISCAL CHARGES	-	43,656	-	-	-	-
555-5091	SERVICES RENDERED ON BOND	1,053	1,753	1,158	1,000	1,000	1,000
TRANSFERS OUT							
563-6070	OTH FIN USE-PMT TO ESCROW /	-	4,470,268	-	-	-	-
*** TOTAL EXPENDITURES ***		2,665,503	7,091,342	2,703,149	2,549,219	2,549,219	2,549,219
REVENUES OVER (UNDER) EXPENDITURES							
		314,144	(572,316)	(393,897)	194,781	194,781	194,781

**Interest & Sinking Fund
Financial Summary**

	Proposed	TWO YEAR PLAN	
	FISCAL YEAR	FISCAL YEAR	FISCAL YEAR
	2019	2020	2021
REVENUE SUMMARY			
TAXES			
400-0010 CURRENT ADVALOREM TAX	2,500,000	2,303,000	2,290,000
400-0020 DELINQUENT ADVALOREM TAX	123,500	126,250	127,000
400-0030 INTEREST & PENALTY ON TAX	95,000	96,000	96,000
REV FROM USE OF MONEY			
400-5010 INTEREST EARNED	21,000	24,000	25,500
400-5011 INTEREST ON INVESTMENTS	2,000	2,400	2,650
OTHER INCOME			
400-6020 MISCELLANEOUS REVENUE	2,500	2,500	2,500
400-6599 TRANSFERS IN	-		
400-6700 OTH FIN SOURCE-BOND REFUNDING			
400-6770 OTH FIN SOURCE-BOND PREMIUM			
*** TOTAL REVENUES ***	2,744,000	2,554,150	2,543,650
EXPENDITURE SUMMARY			
DEBT SERVICE			
555-5070 REDEMPTION OF BONDS	1,885,324	2,000,000	2,055,000
555-5080 INTEREST ON BONDS	662,895	542,425	482,947
555-5090 FISCAL CHARGES	-	-	-
555-5091 SERVICES RENDERED ON BOND	1,000	1,000	1,000
TRANSFERS OUT			
563-6070 OTH FIN USE-PMT TO ESCROW A	-	-	-
*** TOTAL EXPENDITURES ***	2,549,219	2,543,425	2,538,947
REVENUES OVER (UNDER) EXPENDITURES	194,781	10,725	4,703

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INTERNAL SERVICE FUND

**Internal Service Fund
Financial Summary**

	History			Current			Proposed
	2015	2016	2017	2018	2018	2018	FISCAL YEAR
	Actual	Actual	Actual	Budget	Amended	Estimated	2019
REVENUE SUMMARY							
OTHER INCOME							
400-6599 TRANSFERS IN	591,744	125,000	250,000	215,046	215,046	215,046	215,046
*** TOTAL REVENUES ***	591,744	125,000	250,000	215,046	215,046	215,046	215,046
EXPENDITURE SUMMARY							
CAPITAL OUTLAY							
597-4015 CAPITAL OUTLAY	38,455	-	-	-	-	-	-
597-4800 INTEREST EXPENSE	34,916	25,998	16,873	16,873	16,873	7,414	7,414
597-4900 DEPRECIATION EXPENSE	-	439,923	382,415	-	-	-	-
DEBT SERVICE							
597-5040 LOAN PAYMENTS	-	-	-	401,691	401,691	-	-
*** TOTAL EXPENDITURES ***	73,370	465,921	399,288	418,564	418,564	7,414	7,414
REVENUES OVER (UNDER) EXPENDITURES	518,374	(340,921)	(149,288)	(203,518)	(203,518)	207,632	207,632

**FIRE DEPARTMENT
EQUIPMENT REPLACEMENT FUND**

Fire Department Equipment Replacement Fund
Financial Summary

	History			Current			Proposed
	2015 Actual	2016 Actual	2017 Actual	2018 Budget	2018 Amended	2018 Estimated	FISCAL YEAR 2019
REVENUE SUMMARY							
400-6030 TRNSF FROM OTHER FUNDS	-	306,263	249,768	315,500	315,500	315,949	315,500
400-6700 OTHER FINANCING SOURCES	-	715,281	949,108	463,000	463,000	463,000	113,000
*** TOTAL REVENUES ***	-	1,021,544	1,198,875	778,500	778,500	778,949	428,500
EXPENDITURE SUMMARY							
516-2810 OTHER CHARGES	-	-	2,550	-	-	-	-
516-4010 CAPITAL OUTLAY	-	-	-	463,000	463,000	462,728	113,000
555-5010 DEBT SVC-PRINCIPAL CAP LEASE	-	39,837	152,201	269,147	269,147	229,221	294,522
555-5015 DEBT SVC-INTEREST CAP LEASE	-	800	24,794	34,835	34,835	39,827	46,202
599-4010 PUBLIC SAFETY	-	715,281	949,108	-	-	-	-
*** TOTAL EXPENDITURES ***	-	755,917	1,128,652	766,982	766,982	731,776	453,724
REVENUES OVER (UNDER)							
EXPENDITURES	-	265,626	70,223	11,518	11,518	47,173	(25,224)
Beginning Working Capital	-	-	265,626			335,849	383,022
Ending Working Capital	-	265,626	335,849			383,022	357,798



Standardized Agenda Request Form

Date of Meeting: September 4, 2018		Agenda Item No. (to be assigned by CSO): 2018-1940	
From:			
Subject: Discussion and consideration to approve Ordinance 2018-28 adopting and levying the ad valorem tax rate for the 2018-2019 fiscal year and authorize the Mayor to execute any related documents. First Reading of Ordinance 2018-28. ROLL CALL VOTE REQUIRED. Possible Action. (Staffed by Finance Department)			
Background: The original "proposed" tax rate of \$0.6817 was discussed at two Public Hearings, held August 21st and August 28th. The issue of adopting a final tax rate for 2018-2019, as well as adjustments to the proposed budget, was discussed further as an agenda item in the Special Meeting August 28th. Based on those discussions, the consensus of the Commission is to adopt a tax rate equal to the current rate of \$0.6667 per \$100 valuation. The budget considered just prior to this item reflects this rate within the property tax levy of the General Fund budget. This rate will decrease taxes by \$106,078 and provide less revenue than last year's levy.			
Funding Source (budget code, if applicable):			
Amount:	Term of Impact:	Identified in Current Budget:	
Additional Action Prompted: Ordinance - First Reading			
If item previously considered, provide date and action by Commission:			
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:			
Advisory Review, if any (name of board/committee, date of action, recommendation):			
Aida Vega		Created/Initiated	
Mary Barrera		Approved	
Mike Perez		Final Approval	
City Manager Comments: Approved.			
Staff Recommendation: Recommendation discussion and approval of a tax rate.			
Attachments, if any: O2018-28 adopt ad valorem tax rate			
Responsibilities upon Approval:			

ORDINANCE NO. 2018-28

AN ORDINANCE LEVYING AN AD VALOREM TAX ON ALL TAXABLE PROPERTY WITHIN THE CITY OF WESLACO, TEXAS FOR THE TAX YEAR 2018, FIXING THE TAX RATE FOR THE USE AND SUPPORT OF THE GENERAL GOVERNMENT AND FOR THE INTEREST AND SINKING FUND FOR THE REDEMPTION OF BONDS AND OTHER INDEBTEDNESS OF THE CITY OF WESLACO, TEXAS, AND FIXING A LIEN ON ALL TAXABLE PROPERTY.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS:

I.

THAT, there is hereby levied and there shall be collected for the use and support of the municipal government of the City of Weslaco for the 2018-2019 fiscal year, upon all property, real, personal and mixed, within the corporate limits of said City subject to taxation, a tax of **\$0.6667** on each \$100 valuation of property, said tax being so levied and apportioned to the specific purposes here set forth:

- a. Maintenance and operation of the General Government (General Fund) for fiscal year 2018-2019, **\$0.5143** on each \$100 valuation of property.
- b. Interest and sinking fund for debt service payments for fiscal year 2018-2019, **\$0.1524** on each \$100 valuation of property for the purpose of paying interest on and providing a sinking fund for the redemption of outstanding indebtedness of the City of Weslaco.

II.

THAT there is hereby fixed on each and every item of taxable property a lien for the purpose of securing the payment of the taxes assessed thereon, and said lien shall continue to exist against any item of property against which a tax is assessed here under until such tax, together with all interest shall be paid.

III.

IF, any person shall neglect or refuse to pay the taxes herein imposed on him or his property, on or before January 31, 2019 the tax collector shall apply the following schedule of penalty and interest rates for use in calculating the total amount due on delinquent tax bills:

February 2019	7.0%
March 2019	9.0%
April 2019	11.0%

May 2019	13.0%
June 2019	15.0%
July 2019	18.0%

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 4th day of September 2018.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this _____ day of September 2018.

CITY OF WESLACO

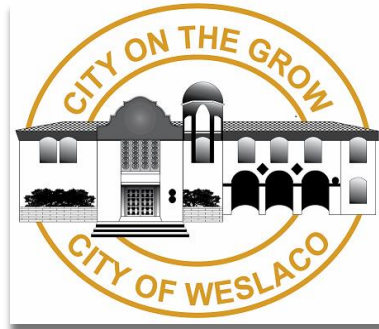
David Suarez, **MAYOR**

ATTEST:

Elizabeth M. Walker, **CITY SECRETARY**

APPROVED AS TO FORM:

Juan E. Gonzalez, **CITY ATTORNEY**



Master Fee Schedule

Fiscal Year 2018-2019

City of Weslaco

Master Fee Schedule

Effective October 1, 2018

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CITY SECRETARY'S OFFICE	Fee Amount	Unit
Sound truck permit	\$25	for (3) three days
Parades and processions	\$50.00	
Premises license:		
First year	\$25.00	
Every year thereafter	\$20.00	
Notary public services:		
All notorial acts	\$6.00	
Certified copies	\$10.00	
Standard paper copy	\$0.10	per page
Oversize paper copy (e.g.: 11 inches by 17 inches, greenbar, bluebar, not including maps and photographs using specialty paper)	\$0.50	
Specialty paper (e.g.: Mylar, blueprint, blueline, map, photographic)		actual cost
Diskette	\$3.00	
Magnetic tape		actual cost
Data cartridge		actual cost
Tape cartridge		actual cost
Rewritable DC (DC-RW)	\$1.00	
Non-rewritable DC (CD-R)	\$1.00	
Digital video disc (DVD)	\$3.00	
Jaz drive		actual cost
Other electronic media		actual cost
VHS video cassette	\$2.50	
Audio cassette	\$1.00	
Labor Charge		
For programming	\$28.50	per hour
For locating, compiling, and reproducing	\$15.00	per hour
Overhead charge	20% of labor charge	
Microfiche or microfilm charge:		
Paper copy	\$0.10	per page
Fiche or film copy		actual cost
Remote document retrieval charge		actual cost
Computer resource charge		
Mainframe	\$10.00	per CPU minute
Midsize	\$1.50	per CPU minute
Client/server system	\$2.20	per clock hour
PC or LAN	\$1.00	per clock hour
Miscellaneous supplies		actual cost
Postage and shipping charges		actual cost
Photographs		actual cost
Maps		actual cost
Other		actual cost
Outsourced/contracted services		actual cost

CITY SECRETARY'S OFFICE - Continue**Fee Amount****Unit*****Vital statistics:*****Birth certificates:**

Wallet-sized certificate	\$23.00
Full-sized certified copy	\$23.00
Remote system issue	\$23.00

Death certificates:

First copy	\$21.00	
Each additional copy of same certificate	\$4.00	
Plastic pouch for wallet-sized certificates	\$1.00	
Plastic pouch for full-sized certificates	\$2.00	
Searching fee for birth record	\$23.00	
Searching fee for death record	\$21.00	
Burial Transit Permit - Outside City Hall hours	\$25.00	
Burial Transit Permit - tardiness penalty	\$25.00	per additional half hour waiting

Map fees:

Black and White 11 × 17	\$5.00
Black and White 17 × 24	\$7.00
Black and White 24 × 36	\$10.00
Black and White 28 × 40	\$12.00
Black and White 36 × 48	\$15.00
Color 8½ × 11	\$4.00
Color 11 × 17	\$10.00
Color 17 × 24	\$12.00
Color 24 × 36	\$14.00
Color 28 × 40	\$16.00
Color 36 × 48	\$20.00

Street use:

Permit	
Plus \$20.00 per office, per hour (minimum two hours)	\$25.00

Street closure:

Permit	\$50.00
Barricade deposit	\$100.00

Game permit:

Coin-operated machine permit, per machine, per year	\$15.00
Premises license, yearly	\$50.00

FINANCE	Fee Amount	Unit
Returned check fee (Applies to all departments)	\$35.00	
Check Reissuance Fee (includes stop payment charges)	\$20.00	

UTILITY BILLING	Fee Amount	Unit
Reconnection Fee	\$15.00	
Meter Tested	1 free/year; \$10.00 each thereafter	
Re-read	\$10.00	3rd request
Profile	\$0.10	per page
After Hours	\$10.00	

INFORMATION TECHNOLOGY	Fee Amount	Unit
Badge Replacement	\$7.00	

HUMAN RESOURCES	Fee Amount	Unit
Safety and Accident Prevention Manual (Lost/Stolen/Damage)	\$20.00	

MUNICIPAL COURT (Judicial Record):	Fee Amount	Unit
Warrant service fee	\$50.00	
Standard paper copy	\$0.10	per page
Diskette	\$1.00	
Magnetic tape		actual cost
Data cartridge		actual cost
Tape cartridge		actual cost
Rewritable DC (DC-RW)	\$1.00	
Non-rewritable DC (CD-R)	\$1.00	
Digital video disc (DVD)	\$3.00	
Jaz drive		actual cost
Other electronic media		actual cost
VHS video cassette	\$2.50	
Audio cassette	\$1.00	
Oversize paper copy (not on specialty paper such as mylar, blueprint, blue-line, map or photograph)	\$0.50	
Specialty paper		actual cost
Labor Charge		
For programming	\$28.50	per hour
For locating, compiling, and reproducing	\$15.00	per hour
Overhead charge	20% of labor charge	
Certified copy	\$2.00	first page
Non-certified copy	\$1.00	first page
each additional page (certified/non-certified)	\$0.25	

FIRE/EMS	Fee Amount	Unit
Annual ambulance permit fee	\$350.00	per company
per inspection	\$25.00	per inspection
ALS1	\$850.00	
ALS2	\$1,050.00	
Mileage (per mile)	\$12.00	
ALS3	\$0.00	
ALS4	\$850.00	
BLS1	\$650.00	
BLS2	\$650.00	
EXT1	\$150.00	
EXT2	\$150.00	
EXT3	\$150.00	
EXTU	\$150.00	
MONI	\$150.00	
NOTR	\$30.00	
	EMS \$50.00 ½ hour	
WAIT	Fire Engine \$150.00 per ½ hour	
Haz-mat response:		
Base rate per incident	\$1,000.00	base rate
Equipment replacement cost	20 percent plus	
Per each firefighter	\$100.00	plus/per firefighter
Fire prevention:		
Adult day care center, annual/facility	\$75.00	
Child day care center, annual/facility	\$75.00	
Annual health care/nursing home/hospital inspection	\$150.00	
Plan reviews/inspections after normal working hours, per hour, two-hour minimum	\$37.50	
Control burning permit	\$75.00	
Underground/aboveground storage tank inspection:		
Acceptance test 10,000 gallons or less, per tank	\$75.00	
More than 10,000 gallons, per tank	\$112.50	
Aboveground flammable liquid tank permit:		
Temporary A, 90 days	\$75.00	
Temporary B, 180 days	\$112.50	
Temporary C, 1 year	\$187.50	
Automatic hood fire extinguisher test	\$75.00	
New sprinkler system plan review:		
1—200 heads	\$150.00	
201 or more, per head	\$0.75	
over 3,000 heads, maximum	\$2,250.00	
Hydrostatic test on underground/aboveground for sprinkler system, per hour, two-hour minimum	\$75.00	
Fire alarm system test	\$75.00	
Fire alarm modify, per device	\$7.50	
False alarm (after second call/monthly base):		
Commercial	\$225.00	
Residential	\$75.00	
Bonfires	\$300.00	
Fireworks displays	\$300.00	

EMS									
Code ID	Billing Description	HCP	CS	Default System ID	Min Qty	Max Qty	Unit Price	As of date	Unit Price
BAND	BANDAGING & SUPPLIES	A0382	Extra Charges		1	1	20.00		\$ 20.00
BLSR	BLS Supplies - Routine Disp	A0382	Extra Charges		0	20	20.30		\$ 30.00
CCOL	C COLLAR	A0382	Miscellaneous Services		1	99	10.00		\$ 10.00
COLD	COLD PACK	A0382	Extra Charges		1	99	10.00		\$ 10.00
HEAD	HEAD BLOCKS	A0382	Miscellaneous Services		1	100	10.00		\$ 10.00
POIS	POISON KIT	A0382	Extra Charges		1	99	10.00		\$ 16.00
SUCT	SUCTION SUPPLIES, procedure	A0382	Extra Charges		1	99	15.00		\$ 50.00
BLSD	BLS Supplies - Defib Pads	A0384	Extra Charges		1	99	50.00	11/12/1999	\$ 50.00
ALSD	ALS Supplies - Defib Pads	A0392	Extra Charges		1	1	50.00	11/12/1999	\$ 50.00
ALIA	ALS SUPPLIES - IV ATTEMPTS	A0394	IV Supply Charge		1	3	15.00		\$ 15.00
EKGE	EKG ELECTRODES, DISPOSABLE	A0394	Extra Charges		4	12	5.00		\$ 10.00
IV	ALS Supplies - I V Therapy	A0394	IV Supply Charge		1	4	15.00		\$ 15.00
ALSA	ALS Supplies - Airway Mgmt	A0396	Advanced Airway Charge		1	1	50.00		\$ 75.00
GLOV	Gloves for infection control	A0398	Extra Charges		4	20	2.50		\$ 2.50
MTDR	MULTI TRAUMA DRESSING, DISP	A0398	Extra Charges		1	99	10.00		\$ 10.00
OBST	OBSTETRICAL KIT	A0398	Extra Charges		1	99	20.00		\$ 25.00
SILV	SILVER SWADLER, DISPOSABLE	A0398	Extra Charges		1	99	10.00		\$ 12.00
WAIT	Waiting Time*, PER 1/2HR	A0420	Waiting Time Charge		1	99	40.00	10/1/2004	\$ 50.00
OXYG	ALS/BLS Oxygen & Supplies	A0422	Oxygen Charge		1	1	15.00		\$ 20.00
CPR	Extra Crew, CPR/Intubation	A0424	Extra Attendant Charge		0	99	50.00	10/1/2004	\$ 150.00
EXT2	Extra Crew, 300+ LB Patient	A0424	Extra Attendant Charge		0	99	50.00	10/1/2004	\$ 150.00
EXT3	Extra Crew, Long Stairs	A0424	Extra Attendant Charge		0	99	50.00	10/1/2004	\$ 150.00
EXTU	Extra Crew*, Unspecified	A0424	Extra Attendant Charge		0	99	50.00	10/1/2004	\$ 150.00
INTU	INTUBATION	A0424	Extra Attendant Charge		0	99	50.00	10/1/2004	\$ 75.00
SUC	Suctioning	A0424	Extra Attendant Charge		0	99	50.00	10/1/2004	\$ 75.00
AMIE	ALS Emer Mileage, \$7.50/MI	A0425	Mileage Charge		0.1	100	7.50	11/12/1999	\$ 12.00
AMIN	ALS Non-Emer Mileage, \$7.50/MI	A0425	Mileage Charge		0.1	100	7.50		\$ 12.00
BMIE	BLS Emer Mileage, \$7.50/MI	A0425	Mileage Charge		0.1	100	7.50	11/12/1999	\$ 12.00
BMIN	BLS Non-Emer Mileage, \$7.50/MI	A0425	Mileage Charge		0.1	100	7.50		\$ 12.00
NCAMIE	NON CARE ALS EMER MILEAGE	A0425	Mileage Charge		0.1	100	7.50	11/12/1999	\$ 12.00
NCAMIN	NON CARE ALS NON-EMER MILEAGE	A0425	Mileage Charge		0.1	100	7.50		\$ 12.00
NCBMIE	NON CARE BLS EMER MILEAGE	A0425	Mileage Charge		0.1	100	7.50	11/12/1999	\$ 12.00
NCBMIN	NON CARE BMIN	A0425	Mileage Charge		0.1	100	7.50		\$ 12.00
ALS4	ALS Non-Emer Base Rate	A0426	Base Charge		1	1	500.00	1/1/2007	\$ 850.00
ALSN	ALS Non-Emer Base Rate W/Spec	A0426	Base Charge		1	1	500.00	10/1/2004	\$ 850.00
ALS1	ALS Emer Base Rate W/Spec	A0427	Base Charge		1	1	500.00	10/1/2004	\$ 850.00
BLSN	BLS Non-Emer Base Rate	A0428	Base Charge		0	1	500.00	1/1/2007	\$ 650.00
BLS1	BLS Emer Base Rate	A0429	Base Charge		0	1	500.00	10/1/2004	\$ 650.00
blsm	BLS MEDICAID	A0429	Base Charge		0	0	300.00	9/1/2004	\$ 650.00
ALS2	ALS Emer Base Rate	A0433	Base Charge		1	1	500.00	10/1/2004	\$ 1,050.00
ENON	Non-Covered Emer Mileage	A0888	Mileage Charge		0	99	7.50		\$ 12.00
NNON	Non-Covered Non-Emer Mileage	A0888	Mileage Charge		0	99	-		\$ 12.00
NOTR	NO TRANSPORT/TREATMENT	A0998	Miscellaneous Services		0	100	50.00	10/1/2004	\$ 50.00
AMMO	AMMONIA INHALENT	A0999	Extra Charges		1	99	3.00		\$ 3.00
DISP	UNUSUAL DISPOSABLE*	A0999	Miscellaneous Services		0	99	-		\$ 20.00
EML	EMERGENCY MED LIEN	A0999	Miscellaneous Services		0	0	50.00	1/1/2005	\$ 50.00
MASK	MASKS FOR INFECTION CONTROL	A0999	Extra Charges		1	99	15.00		\$ 20.00
MONI	ALS CARDIAC EKG MONITORING	A0999	Miscellaneous Services		1	1	50.00	10/1/2004	\$ 150.00
SPIN	Spinal Immobilization	A0999	Miscellaneous Services		1	99	50.00		\$ 50.00
SPLI	ALS/BLS SPLINTING	A0999	Miscellaneous Services		1	99	20.00		\$ 20.00
TRAC	ALS/BLS TRACTION SPLINT	A0999	Miscellaneous Services		1	99	10.00		\$ 20.00
ADEN	Adenosine, 6mg	J0153	Miscellaneous Medication		0	100	35.00	11/12/1999	\$ 40.00
EPIN	Epinephrine, 1ml	J0171	Miscellaneous Medication		1	100	7.00	11/12/1999	\$ 10.00
EPIN2	DRUG-Epinephrine 1:10000	J0171	Miscellaneous Medication		1	100	7.00	11/12/1999	\$ 15.00
CORD	CORDARONE	J0282	Miscellaneous Medication		1	100	159.00		\$ 50.00
ANEC	DRUG-ANECTINE INJ VIAL	J0330	Miscellaneous Medication		1	100	1.80		\$ 50.00
ATRO	ATROPINE SULFATE 1 MG	J0461	Miscellaneous Medication		1	99	10.00	11/12/1999	\$ 20.00
CAL.GLUC	DRUG-CALCIUM GLUCONATE	J0610	Miscellaneous Medication		0	0	1.30		\$ 20.00
BENA	Benadryl, 50mg	J1200	Miscellaneous Medication		0	99	7.00	11/12/1999	\$ 10.00
DIPHEN	DIPHENHYDRAMINE	J1200	Miscellaneous Medication		0	99	7.00	11/12/1999	\$ 10.00
FURO	Furosemide, 20mg	J1940	Miscellaneous Medication		0	99	3.00	11/12/1999	\$ 20.00
LIDO	Lidocaine HCL, 2%	J2001	Miscellaneous Medication		0	99	15.00	11/12/1999	\$ 15.00
SOLM	SOLU-MEDROL 1000MG	J2250	Miscellaneous Medication		0	0	20.96		\$ 75.00

EMS

Code ID	Billing Description	HCPCS	Default System ID	Min Qty	Max Qty	Unit Price	As of date	Unit Price
VERSED	VERSED 5MG/2ML	J2250	Miscellaneous Medication	1	100	10.00		\$ 10.00
MORP	Morphine Sulfate, 10mg	J2270	Miscellaneous Medication	0	99	10.00	11/12/1999	\$ 10.00
NALX	NALOXONE HCL, 1mg, IV	J2310	Miscellaneous Medication	2	99	7.50		\$ 75.00
PROM	Promethazine HCL, 25MG/ML	J2550	Miscellaneous Medication	1	99	2.49		\$ 10.00
DIAZ	Diazepam, 10mg	J3360	Miscellaneous Medication	0	99	5.00	11/12/1999	\$ 50.00
VALM	Valium, 10MG/2ML	J3360	Miscellaneous Medication	0	99	5.00		\$ 50.00
ACTC	ACTIVATED CHARCOAL, 20cc, PO	J3490	Miscellaneous Medication	4	99	3.75		\$ 16.00
ALBU	ALBUTEROL SULFATE .5%	J3490	Miscellaneous Medication	1	99	1.00	11/12/1999	\$ 3.00
ASPI	ASPIRIN 325 MG PO	J3490	Miscellaneous Medication	1	99	1.00	11/12/1999	\$ 2.50
D50W	D50W, 50cc, IV	J3490	Miscellaneous Medication	1	99	17.00		\$ 20.00
	D25W, 10cc IV	J3490		1		8.00		\$ 15.00
DILT	DRUGSDILTIAZEM 25MG (CARDIZEM)	J3490	Miscellaneous Medication	1	100	4.30		\$ 5.00
DOPA	DOPAMINE 40mg IV	J3490	Miscellaneous Medication	1	99	35.00	11/12/1999	\$ 35.00
GLUC	INSTAGLUCOSE 31MG PO	J3490	Miscellaneous Medication	1	99	7.50		\$ 10.00
LIDODRIP	Lidocaine 2G Drip	J3490	Miscellaneous Medication	1	99	35.00	11/12/1999	\$ 35.00
NITR	Nitroglycerin, .4mg, SL	J3490	Miscellaneous Medication	1	99	4.00	11/12/1999	\$ 5.00
NORC	NORCURON 10MG/VIAL	J3490	Miscellaneous Medication	1	100	23.93		\$ 24.00
ROCU	DRUG- ROCURONIUM BROMIDE	J3490	Miscellaneous Medication	1	100	23.93		\$ 24.00
SH20	STERILE H20/SALINE, 2500ml	J3490	Miscellaneous Medication	1	99	15.00		\$ 15.00
SOBI	SODIUM BICARBONATE 50MEQ	J3490	Miscellaneous Medication	1	99	3.00	11/12/1999	\$ 20.00
THIA	THIAMINE, 100mg, IV	J3490	Miscellaneous Medication	1	99	15.00		\$ 15.00
TYLE	TYLENOL CHILDREN PO	J3490	Miscellaneous Medication	1	99	1.00	11/12/1999	\$ 2.50
VERA	DRUG-VERAPAMIL	J3490	Miscellaneous Medication	0	0	5.00		\$ 30.00
SAL1	NORMAL SALINE, 500cc	J7040	IV Supply Charge	1	99	10.00		\$ 10.00
SAL4	STERILE SALINE / FLUSH, 5 cc	J7051	Miscellaneous Medication	1	99	1.00		\$ 1.00
D5W2	D5W, 500cc	J7060	Miscellaneous Medication	1	99	10.00		\$ 15.00
RING	RINGERS LACTATE, 1000cc	J7120	IV Supply Charge	1	99	10.00		\$ 10.00
	EMS / Medical Records			1	1	-		\$ 25.00

Reductions:

Reductions of up to 25% may be provided for prompt payment or for payors in collection with approval by EMS Coordinator and Finance Director

NSF Returned Check Fee - See Finance Section

LIBRARY	Fee Amount	Unit
Late or Lost fees:		
Adult books	\$0.10	per day (\$7 maximum per item)
Children's books	\$0.10	per day (\$7 maximum per item)
Videos/DVD's	\$1.00	per day (\$7 maximum per item)
Cassettes/CD's	\$0.25	per day (\$7 maximum per item)
Audio books	\$0.25	per day (\$7 maximum per item)
Computer or Tablet	\$1.00	per hour (\$20 maximum per item)
Hotspot or any other equipment not specified herein	\$4.00	per day (\$20 maximum per item)
Lost or stolen tablet/computer/other piece of equipment	\$300 maximum fee, not to exceed original cost of the item	
Hotspot Replacement fee	\$70.00	
Lost card replacement—First time	\$2.00	
Lost card replacement—Second time	\$3.00	
Lost card replacement—Third time and after	\$5.00	
Maximum fine per item	Cost of item plus \$15.00 processing	
Interlibrary loan fee—Print (\$15.00 maximum)	\$0.25	per day
Interlibrary loan fee—DVD and Other (\$15.00 maximum)	\$1.00	per day
Lost ILL book or item	Lending library costs plus \$20.00 processing	
Black and white printing	\$0.10	per page
Color printing	\$0.50	per page
Black and white copying	\$0.10	per page
Color copying	\$0.50	per page
Document scanning	\$0.25	per page
Local document faxing	\$1.00	per page
Long distance document faxing	\$1.00	per page
3D printing	\$0.10	per gram
3D printing late fee	\$1.00 late fee. Item will become property of the Library if not picked up within 14 days.	
Damage fees:		
General Collection Adult Books and A/V Material	Cost of item plus \$15.00 processing	
Special Collection Adult Books and A/V Material	Cost of item plus \$25.00 processing	
Inter Library Loan Materials	Lending library costs plus \$20.00 processing	
Damaged Tablet	Dependent on damage; \$300 maximum fee	
Damage to Laptops	Dependent on damage; \$300 maximum fee	
Damage to any Equipment not mentioned here in	Dependent on damage; \$200 maximum fee	
Damage to Hotspot	Dependent on damage; \$70 maximum fee	
Auditorium and meeting room rental fees for the Mayor Eugene A. Braught Memorial Theater:		
Auditorium	\$200.00	
Auditorium Half Day	\$100.00	
Auditorium after hours use	\$300.00	
Meeting room	\$100.00	
Meeting Room Half Day	\$25.00	
Meeting room after hours use	\$200.00	
Auditorium/meeting room late cancellation fee	\$50.00	
Auditorium or meeting room deposit for damage and overtime (refundable)	\$100.00	

PARKS & RECREATION**Current Fees*****Weslaco Service Center:***

	<i>Resident</i>	<i>Non-resident</i>
(Monday—Thursday)	\$200.00	\$250.00
(Friday)	\$500.00	\$600.00
(Saturday or Sunday)	\$600.00	\$650.00
(Sunday partial day 12pm-3pm, 4pm-7pm)	\$200.00	\$250.00

Weslaco Swimming Pool rentals:

	<i>Resident</i>	<i>Non-resident</i>
Rental of two hours	\$225.00	\$250.00
Rental of three hours	\$275.00	\$300.00
Over 50 people: one extra life quart for every 25 people	\$10.00 per hr.	\$10.00 per hr.

Pool classes: Gus and Goldie:

	<i>Resident</i>	<i>Non-resident</i>
Registration of first child	\$25.00	\$30.00
Registration of second child	\$20.00	\$25.00
Family Night/Daily Pool Entrance	\$20.00	\$25.00

Weslaco parks rentals:

	<i>Resident</i>	<i>Non-resident</i>
Pavilions with electricity	\$50.00	\$65.00
Shelters without electricity	\$30.00	\$35.00
Picnic areas no shelter/electricity	\$20.00	\$30.00
Athletic fields without lights	\$75.00	\$90.00
Athletic field with lights	\$100.00	\$135.00
Concession stand	\$60.00	\$75.00
Baseball/Softball field marking per field	\$15.00	\$20.00
Soccer/Football fields w/lights (practice only) 2 hours	\$35.00	\$45.00
Softball/Baseball w/lights (practice only) 2 hours	\$25.00	\$40.00
Soccer/Football fields no lights (practice only) 2 hours	\$20.00	\$40.00
Soccer/Football fields no lights for games	\$150.00	\$200.00
Soccer Field Rental Marking fee per field	\$100.00	\$150.00
Football Field Rental Marking fee per field	\$150.00	\$200.00
Open Space at Pablo G. Peña Park	\$100.00	\$150.00
Open Space at Isaac Rodriguez Park	\$100.00	\$150.00
Open Space at Harlon Block Park	\$100.00	\$150.00
Host 5k at Harlon Block Park	\$100.00	\$150.00

Cemetery:

	<i>Resident</i>	<i>Nonresident</i>
Plots	\$1,000.00	\$1,500.00
Recording fees	\$95.00	\$95.00
Opening/closing (8:00 a.m.—3:00 p.m.)	\$400.00	\$500.00
(after 4:00 p.m. on weekends)	\$600.00	\$700.00
(holidays)	\$600.00	\$700.00
Headstone—Single	\$40.00	\$60.00
Headstone—Double	\$60.00	\$80.00
Cremation	\$200.00	\$250.00

PLANNING & ZONING		Fee Amount	Unit
Processing Fee (tech) for Building Permits, Planning Applications & Health Permits		\$5.00	
Taxicab application each driver		\$25.00	
1st Taxicab license		\$100.00	
Each additional taxicab License		\$50.00	
	\$350.00 + (2%) two percent inspection fee, (3%) three percent material testing		
Subdivision platting			
Subdivision review		\$50.00	
Park Fees		\$400.00	per residential lot
		\$250.00	per apartment unit
Subdivision variance fee		\$50.00	per variance
Conditional use permit		\$300.00	
Rezoning		\$300.00	
			Plus \$20.00 for each additional variance
Board of adjustments		\$250	
Code Enforcement:			
Cleaning of vacant lots		\$0.0125	per square foot
Tree trimming		\$50.00	per home
Building permit fee schedule:			
Facility Inspection		\$25.00	
Residential construction fees minimum fee based on Total Valuation			
\$1000.00 and less		\$15.00	
	\$15.00 for the first \$1,000.00 plus \$5.00 for each additional thousand of fraction thereof, to and including \$50,000.00		
\$1001.00 to \$50,000.00			
	\$260.00 for the first \$50,000.00 plus \$4.00 for each additional thousand of fraction thereof, to and including \$100,000.00		
\$50,001.00 to \$100,000.00			
	\$460.00 for the first \$100,000.00 plus \$3.00 for each additional thosudand of fraction thereof, to and including \$500,000.00		
\$100,001.00 to \$500,000.00			
	\$,1660.00 for the first \$500,000.00 plus \$2.00 for each additional thosudand of fraction thereof		
\$500,001.00 and up			
Demolition fees:			
Commercial		\$100.00	
Residential		\$50.00	
Accessory structures		\$15.00	
Moving:			
Residential compliance inspection		\$100.00	
Commercial compliance inspection		\$100.00	
Special event permit:			
Type I or Type II		\$50.00	

PLANNING & ZONING - Continue**Fee Amount****Unit*****Electric permit fees:***

Electrical building permit	\$50.00	
Electrical service re-connect fee	\$30.00	
New Service	\$20.00	
Temporary Service Pole	\$10.00	
Temporary Working Clearance	\$25.00	
Upgrade Service	\$10.00	
First 42 Circuits	\$1.00	each
Next 42 Circuits	\$0.50	each
All Circuits above 84	\$0.25	each
Generator	\$100.00	

Plumbing, fuel/gas permit fees:

Plumbing, fuel/gas permit	\$50.00	
Small fixtures (bathtub, drinking fountain, floor sink, floor drain, sink, lavatory, shower, urinal back-flow device assembly, water heater, water treatment, water closet, etc.)	\$3.00 each (kitchen sink and disp. slop sink, waste interceptor, backflow preventer, dish washer, laundry tray, clothes washer, vacuum breaker)	
Large fixtures (grease trap, waste interceptor, sewer line, water line, gas line, etc.)	\$20.00	Water heater
	\$100.00	Sewer connection
	\$20.00	Water piping
	\$50.00	Gas test
	\$100.00	Sewer tap
	\$30.00	Sprinkler system
	\$15.00	Water meter permit fee
	\$100.00	Grease trap

Mechanical permit fees:

Mechanical permit	\$50.00	
Heating & cooling	\$10.00 for the first \$1,000.00 & \$2.00 for each additional \$1,000.00	

Tent permit fees:

Temporary tents	\$100.00	
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General fees:

Re-inspection or failed inspection	\$45.00	
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Emergency inspections:

Requested with less than ½ day's notice	\$27.00	
Overtime	\$42.00	per hour
Inspection requested for after 4:30 p.m. (two-hour minimum plus emergency inspection fee)	\$80.00	for two hours

Penalties, work commencing prior to permit issued:

First violation	Double permit fee
Second and subsequent violations	Four times the permit fee

Other violations (ex. No inspection, concealing work, occupancy without a final, license or registration violation, other code violations as adopted. Each fee is per occurrence or incidence, per day until corrected.

Where work for which permit is required by this Code is started or proceeded prior to obtaining said permit, the fees herein specified shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of

PLANNING & ZONING - Continue**Fee Amount****Unit*****Penalties, work commencing prior to permit issued:***

First violation	\$200.00
Second violation	\$250.00
Third violation	\$500.00
Fourth violation	\$750.00

Permit extensions:

First extension	\$25.00
Subsequent extension	\$50.00
Permit extension prior to permit expiration date	50% of permit fee

Registration:

Contractor initial fee	\$100.00
Contractor annual renewal fee	\$30.00

Health:

Food service establishment permit	\$150.00	
Seafood markets	\$150.00	
Meat markets	\$150.00	
Meat Packers	\$150.00	
Tortillerias	\$150.00	
Bakeries	\$150.00	
Special events	\$100.00	
Beer and wine on premises (BG)	\$87.50	
Beer and wine off premises (BQ)	\$30.00	
Liquor store (package store) (P)	\$250.00	
Liquor mixed beverage (lounge) (MB) at 3rd year	\$375.00	
City registration	\$10.00	
Delicatessen	\$150.00	
Food handlers	\$10.00	
Food manager's license	\$15.00	
Fruit and vegetable	\$100.00	
Garage sale permit	\$10.00	
Health permit	\$100.00	
Heimlich poster	\$5.00	
Produce	\$75.00	
Public cafeteria	\$150.00	
Reinspection fee	\$25.00	
Retail food establishment	\$150.00	
Temporary permit	\$20.00	per day
Vendor application fee	\$75.00	

Small Cell Network Provider

First Five (5) Network Nodes	\$500.00
Each Additional Node	\$250.00
Per Pole	\$1,000.00

Refunds:

*Refunds must meet the following criteria:

1. No work has started,
2. The permit has not expired,
3. All Refunds must be approved by the Code Enforcement Supervisor
4. Request must be made in writing

*Refunds are refunded at 90 percent of original permit fee less \$25.00 and review and applicable trip charges. Refunds are processed by the City of Weslaco Finance Department only. No cash refunds will be allowed for any purpose.

POLICE	Fee Amount	Unit
Fingerprints	\$10.00	
Wrecker permits, annually	\$15.00	
Funeral escort	\$150.00	
Bank escort	\$50.00	
Alarm permits (annual)	\$25.00	
Accident report	\$6.00	
Local police background check	\$10.00	
Certified copy	\$2.00	

PUBLIC WORKS	Fee Amount	Unit
Urban development		
Traffic safety signs:		
30 inches, stop with post	\$200.00	
24 inches, stop with post	\$175.00	
9 × 30 extruded street name with post	\$200.00	
9 × 24 extruded street name with post	\$175.00	
9 × 18 extruded street name with post	\$175.00	
Fire hydrants, blue payment marker	\$75.00	
24" × 30" speed limit sign with post	\$175.00	
18" × 24" "We Love Our Children" sign with post	\$175.00	
<i>Customer service inspection for existing structures:</i>		
Commercial fixtures 1 to 20	\$32.00	
Commercial fixtures 21 to 50	\$42.00	
Commercial fixtures 51 and up	\$120.00	
Residential	\$32.00	

AIRPORT	Fee Amount	Unit
Oil		
Aeroshell W/100 Ashless	\$9.00	
Castrol Aviator AD100 Ashless	\$9.00	
Airport Access Cards		
Access Card	\$10.00	
Replacement Card	\$50.00	
Miscellaneous		
Call out fee	\$50.00	first hour
	\$30.00	every hour after
Call out fee-Customs	\$350.00	first hour
	\$120.00	every hour after
Tug	\$15.00	
GPU/A/C Unit	\$50.00	if less than 150 gallons purchased
Courtesy car (Customer may use car maximum of two hours in the U.S.)	\$35.00	if no fuel is purchased
Tie Down Fees	\$1.00	per night
Hangar Replacement Keys	\$50.00	

ORDINANCE 2018-26

AN ORDINANCE AMENDING ORDINANCE 2017-46 THE MASTER FEE SCHEDULE, TO REVISE EXISTING FEES AND ESTABLISH NEW FEES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE, AND ORDAINING OTHER MATTERS WITH RESPECT TO THE SUBJECT MATTER HEREOF.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT:

SECTION 1. APPROVAL. Ordinance 2017-46 passed and approved on the 7th day of November 2017 as “The Master Fee Schedule Ordinance” and Codified as Section 2-190 of The Weslaco Code of Ordinances is hereby amended so that after final reading it shall read as follows:

ARTICLE VI. MASTER FEE SCHEDULE

Section 2-190. Scheduled established.

The fee schedule attached as an Exhibit to this Ordinance is hereby adopted as if fully forth herein. The City Commission may hereafter amend or replace this fee schedule at any time.

SECTION 2. All other provisions of Ordinance 2017-46 shall remain in full force and effect.

SECTION 3. SEVERABILITY CLAUSE. It is the intent of the City Commission that each sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be deemed severable and, should any such sentence, paragraph, subdivision, clause, phrase or section be declared invalid or unconstitutional for any reason, such declaration of invalidity or unconstitutionality shall not be construed to affect the validity of those provisions of the Ordinance left standing.

SECTION 7. EFFECTIVE DATE. This Ordinance shall take effect upon final reading.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 4th day of September 2018.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this _____ day of _____ 2018.

CITY OF WESLACO

David Suarez, **MAYOR**

ATTEST:

Elizabeth M. Walker, **CITY SECRETARY**

APPROVED AS TO FORM:

Juan E. Gonzalez, **CITY ATTORNEY**



Standardized Agenda Request Form

Date of Meeting: September 4, 2018		Agenda Item No. (to be assigned by CSO): 2018-1943	
From:			
Subject: Discussion and consideration to approve Ordinance 2018-29 establishing the capital project fund for drainage improvements. First Reading of Ordinance 2018-29 and authorize the Mayor to execute any related documents. First reading of Ordinance 2018-29 Possible action. (Staffed by Finance.)			
Background: I have created a draft ordinance to propose establishing a Capital Project Fund for Drainage Projects. We have discussed this idea during our budget workshops and public hearings, and recommend establishment of this fund in keeping with the idea of providing for a dedicated fund to track drainage projects, whether from a bond issue, grants, or any combination thereof. The ordinance provides that funds cannot be withdrawn except with the authorization of the City Commission, and only in accordance with the Capital Project Fund budget approved by the Commission each year. This will provide transparency of any infrastructure projects undertaken for drainage. See attached memo.			
Funding Source (budget code, if applicable):			
Amount:	Term of Impact:	Identified in Current Budget:	
Additional Action Prompted: Ordinance - First Reading			
If item previously considered, provide date and action by Commission:			
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:			
Advisory Review, if any (name of board/committee, date of action, recommendation):			
Elizabeth Walker		Created/Initiated	
Mary Barrera		Approved	
Mike Perez		Final Approval	
City Manager Comments: Approved.			
Staff Recommendation: Recommend approval.			
Attachments, if any: 8-22-18 memo-ord est Drainage CapProj fund, O2018-29 creating Drainage Capital Project fund			
Responsibilities upon Approval: Establish fund in accounting system and set up chart of accounts.			

City of Weslaco

"The City on the Grow"



David Suarez, Mayor
Gerardo "Jerry" Tafolla, Mayor Pro-Tem, District 4
Leo Muñoz, Commissioner, District 1
Greg Kerr, Commissioner, District 2
Jose "J.P." Rodriguez, Commissioner, District 3
Letty Lopez, Commissioner, District 5
Josh Pedraza, Commissioner, District 6

Mike R. Perez, City Manager

Date: August 29, 2018

To: Mayor & City Commission

CC: Mike R. Perez, City Manager

From: Mary Barrera, Finance Director

Re: Ordinance for Establishment of Drainage Capital Project Fund

I have created a draft ordinance to propose establishing a Capital Project Fund for Drainage Projects. We have discussed this idea during our budget workshops and public hearings, and recommend establishment of this fund in keeping with the idea of providing for a dedicated fund to track drainage projects, whether from a bond issue, grants, or any combination thereof.

The ordinance provides that funds cannot be withdrawn except with the authorization of the City Commission, and only in accordance with the Capital Project Fund budget approved by the Commission each year. This will provide transparency of any infrastructure projects undertaken for drainage.

Please do not hesitate to contact me if you have any questions on these matters.

ORDINANCE

NO. 2018-29

AN ORDINANCE ESTABLISHING A DRAINAGE CAPITAL PROJECT FUND; PROMULGATING RULES AND REGULATIONS CONCERNING THE BUILDING AND MAINTAINING OF SUCH FUND, AND THE PERMITTED WITHDRAWALS AND PROHIBITIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Weslaco provides services to the citizens of Weslaco to meet today's needs, as well as those of the future, and in turn the citizens pay taxes and fees for such services; and

WHEREAS, the City Commission has requested proposals to secure the services of a professional consultant to perform all aspects of application, management, preparation, project implementation, planning services and submission requirements associated with the approval of a Hazardous Mitigation planning grant and plan development to the Federal Emergency Management Agency (FEMA) through the Texas Division of Emergency Management, and

WHEREAS, a Hazard Mitigation Plan is required for eligibility for grant funds through FEMA's pre-disaster grant programs such as: Pre-Disaster Mitigation (PDM) and Flood Mitigation Assistance (FMA); and post disaster grant programs such as: Public Assistance (PA) and Hazard Mitigation Grant Program (HMGP); and

WHEREAS, the City Commission also solicited Statements of Qualifications for Civil Engineering Services for Storm Water Improvements Master Plan to provide grant writing, engineering, and management services for the City for implementation of local, state and federal funding opportunities for water management, drainage improvements and/or flood protection planning, and

WHEREAS, based on the recommendations of these professional consultants, the City Manager shall submit a proposed Drainage Improvement Plan for 2018-2019 which contains anticipated receipts and proposed projects and planned expenditures for each of the various capital drainage improvements of the City;

NOW, THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS, THAT:

SECTION ONE. A Drainage Capital Project Fund is to be added to the Code of Ordinances Chapter 54 Section 23 of the City of Weslaco, to read in its entirety as follows:

§XXX ESTABLISHMENT AND FUNDING OF DRAINAGE CAPITAL PROJECTS FUND.

(A) A fund is hereby established, to be maintained by the Finance Department and separately maintained from the other funds of the City, to be designated the Drainage Capital Projects Fund (the DCP).

(B) The DCP shall be accounted for as a separate Capital Project Fund of the City.

(C) Contributions may vary from year to year when the General Fund has produced a surplus after payment of all operation and maintenance expenses, debt service, and required contributions to reserves, if any. Contributions shall be added to such Fund per the above criteria.

(D) At the option of the City Commission, other sources of surplus finds, including bond proceeds or grant revenue, if available, may be used to contribute to the Fund.

(E) Nothing in this section shall be construed to mean that any contribution to the Fund is mandatory, but such will be solely at the discretion of the City Commission.

SECTION TWO. A new section, Chapter 54 Article 24, is to be added to the Code of Ordinances of the City of Weslaco, to read in its entirety as follows:

**§XXX EXPENDITURES FROM THE DRAINAGE CAPITAL PROJECTS FUND;
PROHIBITED EXPENDITURES.**

(A) Withdrawals from the Fund require the authorization of the City Commission. At the time of withdrawal, a plan to replenish the Fund over a reasonable time frame shall be adopted by the City Commission. The plan may or may not include a tax or rate increase, depending on the circumstances.

(B) Withdrawals from the Fund should be restricted to:

- (1) pay for capital improvement projects as presented and approved within the Drainage Capital Project (DCP) budget approved by the City Commission for each fiscal year,
- (2) make up for a severe shortfall in funds where projected revenues are not met, typically because of unexpected negative influence on revenue stream,
- (3) pay for catastrophic repair events of such magnitude that the cost of such would initiate an unplanned tax or rate increase or a greater than planned tax or rate increase (i.e. increases that would not have been needed if such event had not occurred). At the time of any such withdrawal for (2) or (3), a plan to raise taxes and/or rates over a reasonable time period to a level sufficient to cover the ongoing cost of maintenance and operations should be presented to the Commission and adopted.

(C) Withdrawal from the Fund should not be allowed for the following reasons:

- (1) to make any expenditure not clearly and directly for an approved Drainage Improvement Project.
- (2) to pay for expense made necessary as a result of growth, expansion, or

enhancement of existing services or inflation.

(3) for the addition of permanent personnel or equipment.

SECTION THREE. This Ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Weslaco, Texas, and this Ordinance shall not operate to repeal or affect any other ordinance except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

SECTION FOUR. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held unconstitutional, such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION FIVE. This Ordinance shall become effective from and after its passage as provided by law.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 4th day of September 2018.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this ____ day of ____ 2018 .

CITY OF WESLACO

David Suarez, **MAYOR**

ATTEST:

Elizabeth M. Walker, **CITY SECRETARY**

APPROVED AS TO FORM:

Juan E. Gonzalez, **CITY ATTORNEY**



Standardized Agenda Request Form

Date of Meeting: September 4, 2018		Agenda Item No. (to be assigned by CSO): 2018-1947	
From:			
Subject: Discussion and consideration to approve Ordinance 2018-30 adopting a budget amendment and authorize the Mayor to execute any related documents. First Reading of Ordinance 2018-30. Possible action. (Staffed by Finance Department.)			
Background: Subsequent to the June 20th flooding, there were emergency expenditures, including overtime, supplies, and contractual services, that were needed as part of our protective measures and emergency response. We need to amend our budget to recognize the impact of these expenditures, which will have to come out of our fund balance in the General Fund, the Water & Sewer Fund, and Sanitation Fund. There are also housekeeping items that need to be recognized prior to year end. See attached exhibit.			
Funding Source (budget code, if applicable):			
Amount:	Term of Impact:	Identified in Current Budget:	
Additional Action Prompted: Ordinance - First Reading			
If item previously considered, provide date and action by Commission:			
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:			
Advisory Review, if any (name of board/committee, date of action, recommendation):			
Elizabeth Walker		Created/Initiated	
Mary Barrera		Approved	
Mike Perez		Final Approval	
City Manager Comments: Approved.			
Staff Recommendation: Recommend approval.			
Attachments, if any: O2018-30 amend budget, 2017-2018 Budget Amendments for End of Year			
Responsibilities upon Approval:			

ORDINANCE 2018-30

AN ORDINANCE AMENDING ORDINANCE NUMBER 2017-37, AS PREVIOUSLY AMENDED BY ORDINANCE 2018-12, APPROVING AND ADOPTING A BUDGET FOR THE CITY OF WESLACO, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017 AND ENDING SEPTEMBER 30, 2018, FINDING NEED TO AMEND THE 2017-2018 MUNICIPAL BUDGET; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE, AND ORDAINING OTHER MATTERS WITH RESPECT TO THE SUBJECT MATTER HEREOF.

WHEREAS, the City Commission of the City of Weslaco utilized diligent thought and attention to the preparation of the 2017-2018 budget; and

WHEREAS, unusual and unforeseen conditions have arisen during the fiscal year which have, or will require, the expenditure of additional funds constituting an emergency expenditure; and

WHEREAS, Section 102.009 of the Texas Local Government Code authorizes the City to amend its budget in such a manner as to provide for emergency expenditures as an amendment to the original budget in a case of grave public necessity to meet an unusual and unforeseen condition; and

WHEREAS, the City Commission finds the amendments in the line items identified in the attached Exhibit are reasonable, necessary, and for municipal purposes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT:

SECTION 1. FINDINGS. The City Commission finds the statements made in the preamble above are true.

SECTION 2. BUDGET LINE ITEMS. The City Commission approves the budget amendments in the attached Exhibit as such change is necessary to meet an unusual and unforeseen condition as the result of an emergency.

SECTION 3. BUDGET TOTAL. The City Commission further finds the amended budget line items identified in such Exhibit will not cause the total expenditures in the budget to exceed the total amount of available resources.

SECTION 4. APPROVAL. The 2017-2018 Official Budget, adopted by Ordinance 2017-37, and amended by Ordinance 2018-12, is hereby reallocated, revised, amended and approved as set forth in the attached Exhibit.

SECTION 5. AUTHORIZATION. The City Manager is authorized to undertake action to execute such transfers in accordance with state law, and file, or cause to be filed, a true and correct copy of this Ordinance, with the attached budget amendment, with the City Secretary.

SECTION 6. SEVERABILITY CLAUSE. It is the intent of the City Commission that each sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be deemed severable and, should any such sentence, paragraph, subdivision, clause, phrase or section be declared invalid or unconstitutional for any reason, such declaration of invalidity or unconstitutionality shall not be construed to affect the validity of those provisions of the Ordinance left standing.

SECTION 7. EFFECTIVE DATE. This Ordinance shall take effect upon final reading.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 4th day of September 2018.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this ____ day of ____ 2018.

CITY OF WESLACO

David Suarez, **MAYOR**

ATTEST:

Elizabeth M. Walker, **CITY SECRETARY**

APPROVED AS TO FORM:

Juan E. Gonzalez, **CITY ATTORNEY**

Account	Dept	Description	Expenditure	Revenue	Approval
General					
101-400-5021	Revenue	Parkland Dedication fees recognized for use		54,850.00	
101-400-7010	Revenue	Insurance claims received		130,880.00	
101-510-4010	Bld Mnt	Cortez parking lot - covered by insurance proceeds	61,512.00		CC 3/20/2018
101-540-2100	Parks	Harlon Block Field #4-Teni-Trak (PK Dedication fees)	60,000.00		CC 4/3/2018
101-512-2632	FD	Repair to Brush Truck - damaged June 20	13,328.57		
101-597-1930	Govt Exp	Costs of supplies, services, debris clearnc-June 20	700,000.00		
101-518-3890	Emgy Mngt	Costs of supplies, services, vector control-June 20	1,500.00		
101-501-1080	CM	Overtime due to June 20 response	300.00		
101-502-1080	CSO	Overtime due to June 20 response	1,500.00		
101-505-1080	FIN	Overtime due to June 20 response	5,000.00		
101-510-1080	Bld Mnt	Overtime due to June 20 response	11,000.00		
101-511-1080	PCE	Overtime due to June 20 response	12,000.00		
101-516-1080	PD	Overtime due to June 20 response	100,000.00		
101-520-1080	PW Admin	Overtime due to June 20 response	500.00		
101-524-1080	PW Streets	Overtime due to June 20 response	30,000.00		
101-529-1080	PW Drng	Overtime due to June 20 response	30,000.00		
101-530-1080	IT	Overtime due to June 20 response	1,000.00		
101-540-1080	Parks	Overtime due to June 20 response	26,000.00		
101-541-1080	Library	Overtime due to June 20 response	250.00		
101-556-1080	PW Fleet	Overtime due to June 20 response	5,000.00		
			1,058,890.57	185,730.00	
Impact on Fund Balance			(873,160.57)		

Sewer					
508-551-2810	WW Collection	Collapsed manhole-N Texas-Due to June 20 flood	75,000.00		
508-551-1080		Overtime due to June 20 response	750.00		
			75,750.00	-	
Impact on Fund Balance			(75,750.00)		

Water					
501-550-1080	Water Distr	Overtime due to June 20 response	12,000.00		
501-561-1080	Meter Reading		2,000.00		
			14,000.00	-	
Impact on Fund Balance			(14,000.00)		



Standardized Agenda Request Form

Date of Meeting: September 4, 2018		Agenda Item No. (to be assigned by CSO): 2018-1921	
From:			
Subject: Discussion and consideration to approve the request from the American Cancer Society to host the Mid Valley Relay for Life at Mayor Pablo G. Pena City Park on April 12, 2019, and to waive appropriate ordinances associated with the event. (Staffed by Parks and Recreation Department.)			
Background: Mid Valley Relay Life wants to move from Rio Grande Valley Stock show grounds to Weslaco. This event has been held in Weslaco (Weslaco East High School) before but moved to Mercedes and want to come back. Event will end before midnight on April 12, 2019.			
Funding Source (budget code, if applicable):			
Amount:	Term of Impact:	Identified in Current Budget:	
Additional Action Prompted:			
If item previously considered, provide date and action by Commission:			
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:			
Advisory Review, if any (name of board/committee, date of action, recommendation):			
David Arce		Created/Initiated	
David Arce		Approved	
Mike Perez		Final Approval	
City Manager Comments: Approved.			
Staff Recommendation: Approval			
Attachments, if any: Relay for Life Request			
Responsibilities upon Approval:			

August 20, 2018



Dear City of Weslaco Parks and Recreation Board:

The American Cancer Society Relay For Life movement is the world's largest fundraising event to fight every cancer in every community. Dollars raised by the four million Relay participants in more than 20 countries help the American Cancer Society save lives by funding groundbreaking cancer research, supporting education and prevention efforts, and providing free information and critical services for people with cancer. Relay For Life of Mid Valley (Mercedes, Weslaco and surrounding communities) is held yearly since 2002 in April. For the past several years Rio Grande Livestock show has generously allowed Relay to use their facilities free of charge and we cannot thank them enough. We are asking that you allow us to use Mayor Pablo Pena city Park on Friday, April 12, 2019.

Our teams want to feel as if they have a football field setting as they did in the past, as appose to right it enclosed. We the American Cancer Society and Mid Valley Relay For Life are asking that you allow us to use your premises all day Friday to set up and will close and clean up before Midnight. The American Cancer Society will be renting a commercial tent for or survivors so that they can stay cool while they are participating in events. Please feel free to contact me at any time if you have any questions or concerns. We cannot thank you enough for your time and generosity to great city of Weslaco.

Sincerely,

A handwritten signature in black ink that reads "Cathy Weaver".

Cathy Weaver
Staff Partner-American Cancer Society
catherine.weaver@cancer.org
956.245.8485



Standardized Agenda Request Form

Date of Meeting: September 4, 2018		Agenda Item No. (to be assigned by CSO): 2018-1896	
From:			
Subject: Discussion and consideration to approve a request for 2-4 baseball fields and concessions March – July 4, 2019 to establish a Little Miss Kickball International Inc. league in Weslaco. Possible action. (Staffed by Parks and Recreation.)			
Background:			
Funding Source (budget code, if applicable):			
Amount:	Term of Impact:	Identified in Current Budget:	
Additional Action Prompted:			
If item previously considered, provide date and action by Commission:			
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:			
Advisory Review, if any (name of board/committee, date of action, recommendation):			
Elizabeth Walker		Created/Initiated	
David Arce		Approved	
Mike Perez		Final Approval	
City Manager Comments: Approved.			
Staff Recommendation: Denial since there are no fields available at that time.			
Attachments, if any: Little Miss Kickball Request			
Responsibilities upon Approval:			

David Arce

From: Elizabeth M. Walker
Sent: Friday, August 10, 2018 12:18 PM
To: Mike Perez
Cc: David Arce
Subject: FW: Little Miss Kickball International Inc.

Please find below a request for 2-4 baseball fields and concessions March – July 4, 2019 to establish a girls' kickball league in Weslaco. Let me know should you like me to prepare a lease agreement, using City template, for agenda consideration.
EW

From: Linda Saldana [mailto:lsaldana15@yahoo.com]
Sent: Friday, August 10, 2018 11:12 AM
To: Elizabeth M. Walker <ewalker@weslacotx.gov>
Subject: Fw: Little Miss Kickball International Inc.

Mrs. Walker,

I am a Weslaco resident seeking an opportunity to bring an organized sport, exclusively for girls, for March 2019. I am reaching out to you in hopes of getting your approval and interest in providing fields for this new league in March through July 4th weekend.

I contacted Mr. Arce with the same request. He was interested, so he asked me to speak at a city council meeting on the week of July 23. The topic of interest was the flooding, so we couldn't pitch the idea at the time.

To give you an idea of kickball:

The teams are made up of girls aged from 4 to 18 years old. My goal is to promote kickball in Weslaco schools through flyers and coaches. I spoke with Mr. Rojas, WISD athletic department director, about this and he said he likes the idea, and encouraged me to keep it going. I asked him about field rentals, but due to UIL policy, having the city provide the fields is the best option.

Registration fees and legalities are exclusive to LMK. The city would only provide the land. Official practice can only be conducted during the season. Any teams formed or who begin practicing before the season are not valid to LMK.

All team coaches, umpires, scorekeepers, and board members are volunteers who undergo background checks and get certification for the position they volunteer for.

I seek your approval for the idea and 2-4 baseball fields where we can run our games and concessions.

I am aware this is a huge request, but my heart is set on making this happen. The only way to reach our goals is to go for them, right?

I am a teacher at ECISD, but as a Weslaco resident and former Horizon Montessori teacher, I prefer to bring this new sport to my hometown. My daughter (who has played in Brownsville and Austin since she was 5) is a student in Weslaco and is anxiously waiting for this wish to come true.

Below is an explanation of what the next few months would consist of.

How to Start a Kickball League

It takes a number of committed people to start a sports league. Depending on your situation, variations from the steps discussed below are expected.

LMKI is a sports league for girls. It requires less equipment than softball, and a smaller field than soccer. It is an action-loaded game (for the younger girls, strikeouts are rare). A small core group of folks is needed to get the league started.

Where do you plan on playing?

LMKI leagues use city parks, school land and private land. Many Parks and Recreation departments may be willing to help leagues form. They should be contacted, especially if a location does not have many girl-oriented sports programs. Optimist Clubs sponsor several leagues, and have converted baseball fields for us.

How do you find players?

Elementary school PE teachers are often a good source for "talking up" the sport. Flyers can be sent home in school notices to generate interest. Small yard signs generate interest. If a spring season is planned, advertising should start in December to compete with other sports programs.

What business issues are associated with a league?

Bylaws should be developed that describe the operations of the league. These can be copied from existing leagues. They specify the duties and responsibilities of the board members. Leagues are non-profit 501.c tax-exempt organizations. They need a tax ID number and have to file annual IRS reports. Leagues need to carry liability insurance for the players. Typical expenses per player may be as follows: insurance \$4, charter fee \$3, shirt/cap \$10, team picture \$5, field maintenance \$10 etc. League registration fees may vary from \$40-90, depending on the amount of additional fund-raising required (some leagues with higher fees do not have fund-raisers).

How do you join LMKI?

LMKI has a number of forms and reports that local leagues deliver to the corporation. They also pay a small charter fee (per player based) to

corporate. The league president is a voting member of the corporate board.

What is a realistic goal for a new league in terms of growth?

LMKI divides players into a number of divisions. PeeWees and Rookies are 5-8. Juniors are 9-11. Seniors are 12-14 and Teens are 14-18. In a new area, Rookies and Juniors are probably the easiest age group to develop. These girls may be playing organized sports for the first time and can come from natural groups (the same school/class room, Girl Scouts, etc.). It is very desirable to have at least four teams in an age group. This allows for a variety of competitors. The Teen Division is usually the last to develop in a league, requiring players to return for a number of years. It is more difficult to recruit older girls to a new activity. The youngest age group may also take a while to develop, because the girls have a short attention span. They will likely be younger sisters who want to follow their siblings. Most of the established leagues have 200 to about 500 players.

Where do you find coaches?

In a new or existing area, parents have to volunteer. Since "everyone" has played kickball, it is not difficult to learn the fundamentals of the game. One of the board positions is "rules director" who trains umpires. Each team should have 2-3 parents who will umpire games. As your league develops, we encourage teams to participate in tournaments. These are excellent learning opportunities for coaches and players. And fun travel also. Kickball is a very economical sport, compared to club volleyball and soccer.

What are the advantages of being in LMKI?

It seems like LMKI has a lot of rules for such a simple game. That is true. We are not a UIL sport. Any girl can play. Leagues can decide how they want the teams to be drafted. Some allow girls to play with their friends for 13 years on the same basic team. This camaraderie is not seen anywhere else. Often times, the coach grows old with her daughter, and then may start back at the beginning with a granddaughter. It really is a family affair. Being a part of LMKI affords your league the opportunity to do something good for your community, and be part of an organization that respects young women. LMKI sponsors several scholarships every year for graduating members pursuing higher education.

Thank you in advance for your time. (Excuse the lengthy email)

Please contact me at any time if you can meet to discuss this further.

Linda Saldana
9564108194
Lsaldana15@yahoo.com

Sent from Yahoo Mail on Android



Standardized Agenda Request Form

Date of Meeting: September 4, 2018		Agenda Item No. (to be assigned by CSO): 2018-1946	
From: David Arce			
Subject: Discussion and consideration to approve the purchase of Split System Air Conditioning Units from Trane, BuyBoard State Approved Contract #552-17, in an amount not to exceed \$34,765.32, and accept a cost share reimbursement of \$17,382.66 from Lower Rio Grande Valley Development Council (911), for replacing the AC units at Pubic Works building, and authorize a budget amendment as appropriate. Possible action. (Staffed by Parks & Recreation Department) Attachment			
Background: The units at Public Works building have been running on 1/2 a unit (1 of 2 compressors). In discussions with LRGVDC/911 Manuel Cruz, Director of Public Safety, agreed to share the cost up to 50% (\$17,382.66).			
Funding Source (budget code, if applicable):			
Amount:	Term of Impact:	Identified in Current Budget:	
Additional Action Prompted:			
If item previously considered, provide date and action by Commission:			
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:			
Advisory Review, if any (name of board/committee, date of action, recommendation):			
Elizabeth Walker		Created/Initiated	
David Arce		Approved	
Mike Perez		Final Approval	
City Manager Comments: Approved.			
Staff Recommendation: Approval			
Attachments, if any: TRANE PROPOSAL for PUBLIC WORKS, Letter to Weslaco on AC Repairs 180829			
Responsibilities upon Approval:			



Trane U.S. Inc. dba Trane
1240 North Vo Tech Drive, Ste F
Weslaco, TX 78596
Phone: (210) 284-9086
Service Contact: (210) 284-9086

August 27, 2018

Rodolfo Morales
Supervisor
Weslaco City of
500 South Kansas Avenue
Weslaco, TX 78596 U.S.A.
(956) 357-3332
rmorales@weslacotx.gov

Site Address:
Weslaco Maintenance Department
1912 Joe Stevens Avenue
Weslaco, TX 78596
United States

Buyboard Quote: 01-2443969, Buyboard Contract: 552-17

ATTENTION: Rodolfo Morales

PROJECT NAME: City of Weslaco Public Works Building Condenser 2018

We are pleased to offer you this proposal for performance of the following services for the Equipment listed. Services will be performed using Trane's Exclusive Service Procedure to ensure you get full benefit of our extensive service experience, coupled with the distinct technical expertise of an HVAC Equipment manufacturing leader. Our innovative procedure is environmentally and safety conscious, and aligns expectation of work scope while providing efficient and productive delivery of services.

CURRENT EQUIPMENT LIST (OLD)

Equipment	Qty	Manufacturer	Model Number	Serial Number	Asset Tag
Indoor Modular Climate Changer air handler	1	Trane	MCCB014UA0	K08A01927	
7 1/2 - 20 Ton Split System Cooling	1	Trane	TTA240B400	8024Y0AAD	

NEW EQUIPMENT LIST (PROPOSED EQUIPMENT)

Tag Data - Split System Air Conditioning Units (Large) (Qty: 1)

Qty	Description	Model Number
1	20 Ton Outdoor Unit	TTA24044

Cooling (TTA)
20 Tons
TXV's (2)
R-410A Refrigerant
460/60/3
Dual Compressor
Generation A (2018 DOE)
Electromechanical
STD Coil w/ Guards
1st year parts and labor warranty

Tag Data - Performance Climate Changer (UCCA) (Qty: 1)

Item	Tag(s)	Qty	Description	Model Number
B1	UCCA-1	1	Performance Climate Changer (UCCA)	----B14C0C0LV03200000BEAF00BA0000000B0B

Product Data - Performance Climate Changer (UCCA)

Item: B1 Qty: 1 Tag(s): UCCA-1

Horizontal housed fan with top front discharge
Unit Size 14 Square Feet of Coil
460/60/3
Indoor unit
Polymer Drainpan, LH Coil & Drain Conn. / LH Motor & Drive Location
Aluminum fins, galvanized coil casing, 3/8" coils
Terminal block plus starter or disconnect
Face split circuit with 2 DX 3/16" distributors
5 horsepower (3.730 kW) motor per fan (supply)
FC fan with variable sheave
900 RPM fixed / 850 - 950 variable
2" flat filter mixing section
2" MERV 8
Standard - door on motor side
Damper
1st year Labor warranty whole unit

SCOPE OF SERVICE – REPLACE THE CONDENSER & INDOOR TXV'S

- Recover refrigerant
- Lock and tag out electrical
- Disconnect High Voltage electrical wiring from unit
- Disconnect control wiring
- Remove existing condensing unit
- Set new Trane Condensing unit in place
- Remove and demolish existing air handler
- Install new Trane Air Handler
- Flush line sets to work with new Refrigerant R410A & install new TXV's at indoor coil
- Install new filter driers
- Connect copper lines to new condensing unit
- Pressure test & ensure no leaks
- Connect existing electrical to new Trane unit
- Connect existing control wiring to new unit
- Remove lock and tag out on electrical and control wiring
- Check for proper electrical phasing and change wiring as required
- Start unit and charge with R410A
- Ensure proper operation

Note: Any problem that might be detected during the installation will be brought to the attention of the customer. All work being performed will be on a combination of overtime and double-time hours. Previous condenser and air handler will remain the property of the City of Weslaco.

PRICING AND ACCEPTANCE

TOTAL PRICE:..... \$34,765.32 USD

CLARIFICATIONS

1. Applicable taxes are not included and will be added to the invoice.
2. Any service not listed is not included.
3. Work will be performed during Trane overtime & Double time hours.
4. This proposal is valid for 30 days from July 24, 2018.

\$17,382.66 each

I appreciate the opportunity to earn your business, and look forward to helping you with all of your service needs. Please contact me if you have any questions or concerns.

Sincerely,

Mizael Rivera / Raymond Givilancz
Account Manager
Cell: 210-792-1172 / 956-998-9352

In addition to any other amounts then due hereunder, if this Agreement is terminated or cancelled prior to its scheduled expiration, Customer shall pay to Company the balance of any amounts billed to but unpaid by Customer and, if a "Service Project" is included in the Agreement, the Cancellation Fee set forth in "Exhibit A" Cancellation Schedule attached hereto and incorporated herein, which Cancellation Fee represents unbilled labor, non-labor expenses and parts materials and components. Subject only to a prior written agreement signed by Trane, payment is due upon receipt of invoice in accordance with Section 6 of the attached Terms and Conditions – Commercial Installation.

This agreement is subject to Customer's acceptance of the attached Trane Terms and Conditions – Commercial Installation.

CUSTOMER ACCEPTANCE

Authorized Representative

Printed Name

Title

Purchase Order

Acceptance Date

License Number: TACLA00022361C

TERMS AND CONDITIONS – COMMERCIAL INSTALLATION

"Company" shall mean Trane Canada ULC for Work performed in Canada, and Trane U.S. Inc. for Work performed in the United States.

- 1. Acceptance; Agreement.** These terms and conditions are an integral part of Company's offer and form the basis of any agreement (the "Agreement") resulting from Company's proposal (the "Proposal") for the commercial goods and/or services described (the "Work"). COMPANY'S TERMS AND CONDITIONS ARE SUBJECT TO PERIODIC CHANGE OR AMENDMENT. The Proposal is subject to acceptance in writing by the party to whom this offer is made or an authorized agent ("Customer") delivered to Company within 30 days from the date of the Proposal. If Customer accepts the Proposal by placing an order, without the addition of any other terms and conditions of sale or any other modification, Customer's order shall be deemed acceptance of the Proposal subject to Company's terms and conditions. If Customer's order is expressly conditioned upon Company's acceptance or assent to terms and/or conditions other than those expressed herein, return of such order by Company with Company's terms and conditions attached or referenced serves as Company's notice of objection to Customer's terms and as Company's counter-offer to provide Work in accordance with the Proposal and the Company terms and conditions. If Customer does not reject or object in writing to Company within 10 days, Company's counter-offer will be deemed accepted. Customer's acceptance of the Work by Company will in any event constitute an acceptance by Customer of Company's terms and conditions. This Agreement is subject to credit approval by Company. Upon disapproval of credit, Company may delay or suspend performance or, at its option, renegotiate prices and/or terms and conditions with Customer. If Company and Customer are unable to agree on such revisions, this Agreement shall be cancelled without any liability, other than Customer's obligation to pay for Work rendered by Company to the date of cancellation.
- 2. Pricing and Taxes.** Unless otherwise noted, the price in the Proposal includes standard ground transportation and, if required by law, all sales, consumer, use and similar taxes legally enacted as of the date hereof for equipment and material installed by Company. Tax exemption is contingent upon Customer furnishing appropriate certificates evidencing Customer's tax exempt status. Company shall charge Customer additional costs for bonds agreed to be provided. Equipment sold on an uninstalled basis and any taxable labor/labour do not include sales tax and taxes will be added. Following acceptance without addition of any other terms and condition of sale or any other modification by Customer, the prices stated are firm provided that notification of release for immediate production and shipment is received at the factory not later than 3 months from order receipt. If such release is received later than 3 months from order receipt date, prices will be increased a straight 1% (not compounded) for each one-month period (or part thereof) beyond the 3 month firm price period up to the date of receipt of such release. If such release is not received within 6 months after date of order receipt, the prices are subject to renegotiation, or at Company's option, the order will be cancelled. Any delay in shipment caused by Customer's actions will subject prices to increase equal to the percentage increase in list prices during that period of delay and Company may charge Customer with incurred storage fees.
- 3. Exclusions from Work.** Company's obligation is limited to the Work as defined and does not include any modifications to the Work site under the Americans With Disabilities Act or any other law or building code(s). In no event shall Company be required to perform work Company reasonably believes is outside of the defined Work without a written change order signed by Customer and Company.
- 4. Performance.** Company shall perform the Work in accordance with industry standards generally applicable in the area under similar circumstances as of the time Company performs the Work. Company may refuse to perform any Work where working conditions could endanger property or put at risk the safety of persons. Unless otherwise agreed to by Customer and Company, at Customer's expense and before the Work begins, Customer will provide any necessary access platforms, catwalks to safely perform the Work in compliance with OSHA or state industrial safety regulations.
- 5. Payment.** Customer shall pay Company's invoices within net 30 days of invoice date. Company may invoice Customer for all equipment or material furnished, whether delivered to the installation site or to an off-site storage facility and for all Work performed on-site or off-site. No retention shall be withheld from any payments except as expressly agreed in writing by Company, in which case retention shall be reduced per the contract documents and released no later than the date of substantial completion. Under no circumstances shall any retention be withheld for the equipment portion of the order. If payment is not received as required, Company may suspend performance and the time for completion shall be extended for a reasonable period of time not less than the period of suspension. Customer shall be liable to Company for all reasonable shutdown, standby and start-up costs as a result of the suspension. Company reserves the right to add to any account outstanding for more than 30 days a service charge equal to 1.5% of the principal amount due at the end of each month. Customer shall pay all costs (including attorneys' fees) incurred by Company in attempting to collect amounts due and otherwise enforcing these terms and conditions. If requested, Company will provide appropriate lien waivers upon receipt of payment. Customer agrees that, unless Customer makes payment in advance, Company will have a purchase money security interest in all equipment from Company to secure payment in full of all amounts due Company and its order for the equipment, together with these terms and conditions, form a security agreement. Customer shall keep the equipment free of all taxes and encumbrances, shall not remove the equipment from its original installation point and shall not assign or transfer any interest in the equipment until all payments due Company have been made.
- 6. Time for Completion.** Except to the extent otherwise expressly agreed in writing signed by an authorized representative of Company, all dates provided by Company or its representatives for commencement, progress or completion are estimates only. While Company shall use commercially reasonable efforts to meet such estimated dates, Company shall not be responsible for any damages for its failure to do so.
- 7. Access.** Company and its subcontractors shall be provided access to the Work site during regular business hours, or such other hours as may be requested by Company and acceptable to the Work site' owner or tenant for the performance of the Work, including sufficient areas for staging, mobilization, and storage. Company's access to correct any emergency condition shall not be restricted. Customer grants to Company the right to remotely connect (via phone modem, internet or other agreed upon means) to Customer's building automation system (BAS) and/or HVAC equipment to view, extract, or otherwise collect and retain data from the BAS, HVAC equipment, or other building systems, and to diagnose and remotely make repairs at Customer's request.
- 8. Completion.** Notwithstanding any other term or condition herein, when Company informs Customer that the Work has been completed, Customer shall inspect the Work in the presence of Company's representative, and Customer shall either (a) accept the Work in its entirety in writing, or (b) accept the Work in part and specifically identify, in writing, any exception items. Customer agrees to re-inspect any and all excepted items as soon as Company informs Customer that all such excepted items have been completed. The initial acceptance inspection shall take place within ten (10) days from the date when Company informs Customer that the Work has been completed. Any subsequent re-inspection of excepted items shall take place within five (5) days from the date when Company informs Customer that the excepted items have been completed. Customer's failure to cooperate and complete any of said inspections within the required time limits shall constitute complete acceptance of the Work as of ten (10) days from date when Company informs Customer that the Work, or the excepted items, if applicable, has/have been completed.
- 9. Permits and Governmental Fees.** Company shall secure (with Customer's assistance) and pay for building and other permits and governmental fees, licenses, and inspections necessary for proper performance and completion of the Work which are legally required when bids from Company's subcontractors are received, negotiations thereon concluded, or the effective date of a relevant Change Order, whichever is later. Customer is responsible for necessary approvals, easements, assessments and charges for construction, use or occupancy of permanent structures or for permanent changes to existing facilities. If the cost of such permits, fees, licenses and inspections are not included in the Proposal, Company will invoice Customer for such costs.

10. Utilities During Construction. Customer shall provide without charge to Company all water, heat, and utilities required for performance of the Work.

11. Concealed or Unknown Conditions. In the performance of the Work, if Company encounters conditions at the Work site that are (i) subsurface or otherwise concealed physical conditions that differ materially from those indicated on drawings expressly incorporated herein or (ii) unknown physical conditions of an unusual nature that differ materially from those conditions ordinarily found to exist and generally recognized as inherent in construction activities of the type and character as the Work, Company shall notify Customer of such conditions promptly, prior to significantly disturbing same. If such conditions differ materially and cause an increase in Company's cost of, or time required for, performance of any part of the Work, Company shall be entitled to, and Customer shall consent by Change Order to, an equitable adjustment in the Contract Price, contract time, or both.

12. Pre-Existing Conditions. Company is not liable for any claims, damages, losses, or expenses, arising from or related to conditions that existed in, on, or upon the Work site before the Commencement Date of this Agreement ("Pre-Existing Conditions"), including, without limitation, damages, losses, or expenses involving Pre-Existing Conditions of building envelope issues, mechanical issues, plumbing issues, and/or indoor air quality issues involving mold/mould and/or fungi. Company also is not liable for any claims, damages, losses, or expenses, arising from or related to work done by or services provided by individuals or entities that are not employed by or hired by Company.

13. Asbestos and Hazardous Materials. Company's Work and other services in connection with this Agreement expressly excludes any identification, abatement, cleanup, control, disposal, removal or other work connected with asbestos, polychlorinated biphenyl ("PCB"), or other hazardous materials (hereinafter, collectively, "Hazardous Materials"). Customer warrants and represents that, except as set forth in a writing signed by Company, there are no Hazardous Materials on the Work site that will in any way affect Company's Work and Customer has disclosed to Company the existence and location of any Hazardous Materials in all areas within which Company will be performing the Work. Should Company become aware of or suspect the presence of Hazardous Materials, Company may immediately stop work in the affected area and shall notify Customer. Customer will be exclusively responsible for taking any and all action necessary to correct the condition in accordance with all applicable laws and regulations. Customer shall be exclusively responsible for and, to the fullest extent permitted by law, shall indemnify and hold harmless Company (including its employees, agents and subcontractors) from and against any loss, claim, liability, fees, penalties, injury (including death) or liability of any nature, and the payment thereof arising out of or relating to any Hazardous Materials on or about the Work site, not brought onto the Work site by Company. Company shall be required to resume performance of the Work in the affected area only in the absence of Hazardous Materials or when the affected area has been rendered harmless. In no event shall Company be obligated to transport or handle Hazardous Materials, provide any notices to any governmental agency, or examine the Work site for the presence of Hazardous Materials.

14. Force Majeure. Company's duty to perform under this Agreement is contingent upon the non-occurrence of an Event of Force Majeure. If Company shall be unable to carry out any material obligation under this Agreement due to an Event of Force Majeure, this Agreement shall at Company's election (i) remain in effect but Company's obligations shall be suspended until the uncontrollable event terminates or (ii) be terminated upon 10 days notice to Customer, in which event Customer shall pay Company for all parts of the Work furnished to the date of termination. An "Event of Force Majeure" shall mean any cause or event beyond the control of Company. Without limiting the foregoing, "Event of Force Majeure" includes: acts of God; acts of terrorism, war or the public enemy; flood; earthquake; tornado; storm; fire; civil disobedience; pandemic insurrections; riots; labor/labour disputes; labor/labour or material shortages; sabotage; restraint by court order or public authority (whether valid or invalid), and action or non-action by or inability to obtain or keep in force the necessary governmental authorizations, permits, licenses, certificates or approvals if not caused by Company; and the requirements of any applicable government in any manner that diverts either the material or the finished product to the direct or indirect benefit of the government.

15. Customer's Breach. Each of the following events or conditions shall constitute a breach by Customer and shall give Company the right, without an election of remedies, to terminate this Agreement or suspend performance by delivery of written notice: (1) Any failure by Customer to pay amounts when due; or (2) any general assignment by Customer for the benefit of its creditors, or if Customer becomes bankrupt or insolvent or takes the benefit of any statute for bankrupt or insolvent debtors, or makes or proposes to make any proposal or arrangement with creditors, or if any steps are taken for the winding up or other termination of Customer or the liquidation of its assets, or if a trustee, receiver, or similar person is appointed over any of the assets or interests of Customer; (3) Any representation or warranty furnished by Customer in this Agreement is false or misleading in any material respect when made; or (4) Any failure by Customer to perform or comply with any material provision of this Agreement. Customer shall be liable to Company for all Work furnished to date and all damages sustained by Company (including lost profit and overhead)

16. Indemnity. To the fullest extent permitted by law, Company and Customer shall indemnify, defend and hold harmless each other from any and all claims, actions, costs, expenses, damages and liabilities, including reasonable attorneys' fees, resulting from death or bodily injury or damage to real or tangible personal property, to the extent caused by the negligence or misconduct of their respective employees or other authorized agents in connection with their activities within the scope of this Agreement. Neither party shall indemnify the other against claims, damages, expenses or liabilities to the extent attributable to the acts or omissions of the other party. If the parties are both at fault, the obligation to indemnify shall be proportional to their relative fault. The duty to indemnify will continue in full force and effect, notwithstanding the expiration or early termination hereof, with respect to any claims based on facts or conditions that occurred prior to expiration or termination.

17. Limitation of Liability. NOTWITHSTANDING ANYTHING TO THE CONTRARY, IN NO EVENT SHALL COMPANY BE LIABLE FOR ANY SPECIAL, INCIDENTAL, INDIRECT CONSEQUENTIAL, OR PUNITIVE OR EXEMPLARY DAMAGES (INCLUDING WITHOUT LIMITATION BUSINESS INTERRUPTION, LOST DATA, LOST REVENUE, LOST PROFITS, LOST DOLLAR SAVINGS, OR LOST ENERGY USE SAVINGS, EVEN IF A PARTY HAS BEEN ADVISED OF SUCH POSSIBLE DAMAGES OR IF SAME WERE REASONABLY FORESEEABLE AND REGARDLESS OF WHETHER THE CAUSE OF ACTION IS FRAMED IN CONTRACT, NEGLIGENCE, ANY OTHER TORT, WARRANTY, STRICT LIABILITY, OR PRODUCT LIABILITY). In no event will Company's liability in connection with the provision of products or services or otherwise under this Agreement exceed the entire amount paid to Company by Customer under this Agreement.

18. Patent Indemnity. Company shall protect and indemnify Customer from and against all claims, damages, judgments and loss arising from infringement or alleged infringement of any United States patent by any of the goods manufactured by Company and delivered hereunder, provided that in the event of suit or threat of suit for patent infringement, Company shall promptly be notified and given full opportunity to negotiate a settlement. Company does not warrant against infringement by reason of Customer's design of the articles or the use thereof in combination with other materials or in the operation of any process. In the event of litigation, Customer agrees to reasonably cooperate with Company. In connection with any proceeding under the provisions of this Section, all parties concerned shall be entitled to be represented by counsel at their own expense.

19. Limited Warranty. Company warrants for a period of 12 months from the date of substantial completion ("Warranty Period") commercial equipment manufactured and installed by Company against failure due to defects in material and manufacture and that the labor/labour furnished is warranted to have been properly performed (the "Limited Warranty"). **Product manufactured by Company that includes required startup and is sold in North America will not be warranted by Company unless Company performs the product start-up.** Substantial completion shall be the earlier of the date that the Work is sufficiently complete so that the Work can be utilized for its intended use or the date that Customer receives beneficial use of the Work. If such defect is discovered within the Warranty Period, Company will correct the defect or furnish replacement equipment (or, at its option, parts therefor) and, if said equipment was installed pursuant hereto, labor/labour

associated with the replacement of parts or equipment not conforming to this Limited Warranty. Defects must be reported to Company within the Warranty Period. Exclusions from this Limited Warranty include damage or failure arising from: wear and tear; corrosion, erosion, deterioration; Customer's failure to follow the Company-provided maintenance plan; refrigerant not supplied by Trane; and modifications made by others to Company's equipment. Company shall not be obligated to pay for the cost of lost refrigerant. Notwithstanding the foregoing, all warranties provided herein terminate upon termination or cancellation of this Agreement. No warranty liability whatsoever shall attach to Company until the Work has been paid for in full and then said liability shall be limited to the lesser of Company's cost to correct the defective Work and/or the purchase price of the equipment shown to be defective. Equipment, material and/or parts that are not manufactured by Company are not warranted by Company and have such warranties as may be extended by the respective manufacturer. Trane equipment sold on an uninstalled basis is warranted in accordance with Company's standard warranty for supplied equipment. **THE WARRANTY AND LIABILITY SET FORTH IN THIS AGREEMENT ARE IN LIEU OF ALL OTHER WARRANTIES AND LIABILITIES, WHETHER IN CONTRACT OR IN NEGLIGENCE, EXPRESS OR IMPLIED, IN LAW OR IN FACT, INCLUDING IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE AND/OR OTHERS ARISING FROM COURSE OF DEALING OR TRADE. COMPANY MAKES NO REPRESENTATION OR WARRANTY EXPRESS OR IMPLIED REGARDING PREVENTION BY THE WORK, OR ANY COMPONENT THEREOF, OF MOLD/MOULD, FUNGUS, BACTERIA, MICROBIAL GROWTH, OR ANY OTHER CONTAMINATES. COMPANY SPECIFICALLY DISCLAIMS ANY LIABILITY IF THE WORK OR ANY COMPONENT THEREOF IS USED TO PREVENT OR INHIBIT THE GROWTH OF SUCH MATERIALS.**

20. Insurance. Company agrees to maintain the following insurance while the Work is being performed with limits not less than shown below and will, upon request from Customer, provide a Certificate of evidencing the following coverage:

Commercial General Liability	\$2,000,000 per occurrence
Automobile Liability	\$2,000,000 CSL
Workers Compensation	Statutory Limits

If Customer has requested to be named as an additional insured under Company's insurance policy, Company will do so but only subject to Company's manuscript additional insured endorsement under its primary Commercial General Liability policies. In no event does Company waive its right of subrogation.

21. Commencement of Statutory Limitation Period. Except as to warranty claims, as may be applicable, any applicable statutes of limitation for acts or failures to act shall commence to run, and any alleged cause of action stemming therefrom shall be deemed to have accrued, in any and all events not later than the last date that Company or its subcontractors physically performed work on the project site.

22. General. Except as provided below, to the maximum extent provided by law, this Agreement is made and shall be interpreted and enforced in accordance with the laws of the state or province in which the Work is performed, without regard to choice of law principles which might otherwise call for the application of a different state's or province's law. Any dispute arising under or relating to this Agreement that is not disposed of by agreement shall be decided by litigation in a court of competent jurisdiction located in the state or province in which the Work is performed. Any action or suit arising out of or related to this Agreement must be commenced within one year after the cause of action has accrued. To the extent the Work site is owned and/or operated by any agency of the Federal Government, determination of any substantive issue of law shall be according to the Federal common law of Government contracts as enunciated and applied by Federal judicial bodies and boards of contract appeals of the Federal Government. This Agreement contains all of the agreements, representations and understandings of the parties and supersedes all previous understandings, commitments or agreements, oral or written, related to the subject matter hereof. This Agreement may not be amended, modified or terminated except by a writing signed by the parties hereto. No documents shall be incorporated herein by reference except to the extent Company is a signatory thereon. If any term or condition of this Agreement is invalid, illegal or incapable of being enforced by any rule of law, all other terms and conditions of this Agreement will nevertheless remain in full force and effect as long as the economic or legal substance of the transaction contemplated hereby is not affected in a manner adverse to any party hereto. Customer may not assign, transfer, or convey this Agreement, or any part hereof, or its right, title or interest herein, without the written consent of the Company. Subject to the foregoing, this Agreement shall be binding upon and inure to the benefit of Customer's permitted successors and assigns. This Agreement may be executed in several counterparts, each of which when executed shall be deemed to be an original, but all together shall constitute but one and the same Agreement. A fully executed facsimile copy hereof or the several counterparts shall suffice as an original.

23. Equal Employment Opportunity/Affirmative Action Clause. Company is a federal contractor that complies fully with Executive Order 11246, as amended, and the applicable regulations contained in 41 C.F.R. Parts 60-1 through 60-60, 29 U.S.C. Section 793 and the applicable regulations contained in 41 C.F.R. Part 60-741; and 38 U.S.C. Section 4212 and the applicable regulations contained in 41 C.F.R. Part 60-250 Executive Order 13496 and Section 29 CFR 471, appendix A to subpart A, regarding the notice of employee rights in the United States and with Canadian Charter of Rights and Freedoms Schedule B to the Canada Act 1982 (U.K.) 1982, c. 11 and applicable Provincial Human Rights Codes and employment law in Canada.

24. U.S. Government Work.

The following provision applies only to direct sales by Company to the US Government. The Parties acknowledge that all items or services ordered and delivered under this Agreement are Commercial Items as defined under Part 12 of the Federal Acquisition Regulation (FAR). In particular, Company agrees to be bound only by those Federal contracting clauses that apply to "commercial" suppliers and that are contained in FAR 52.212-5(e)(1). Company complies with 52.219-8 or 52.219-9 in its service and installation contracting business.

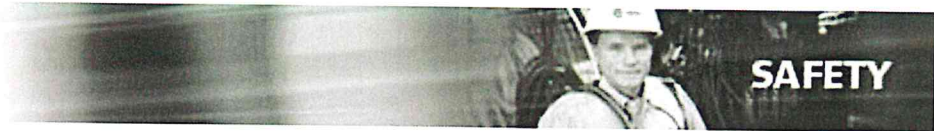
The following provision applies only to indirect sales by Company to the US Government. As a Commercial Item Subcontractor, Company accepts only the following mandatory flow down provisions: 52.219-8; 52.222-26; 52.222-35; 52.222-36; 52.222-39; 52.247-64. If the Work is in connection with a U.S. Government contract, Customer certifies that it has provided and will provide current, accurate, and complete information, representations and certifications to all government officials, including but not limited to the contracting officer and officials of the Small Business Administration, on all matters related to the prime contract, including but not limited to all aspects of its ownership, eligibility, and performance. Anything herein notwithstanding, Company will have no obligations to Customer unless and until Customer provides Company with a true, correct and complete executed copy of the prime contract. Upon request, Customer will provide copies to Company of all requested written communications with any government official related to the prime contract prior to or concurrent with the execution thereof, including but not limited to any communications related to Customer's ownership, eligibility or performance of the prime contract. Customer will obtain written authorization and approval from Company prior to providing any government official any information about Company's performance of the work that is the subject of the Proposal or this Agreement, other than the Proposal or this Agreement.

25. Limited Waiver of Sovereign Immunity. If Customer is an Indian tribe (in the U.S.) or a First Nation or Band Council (in Canada), Customer, whether acting in its capacity as a government, governmental entity, a duly organized corporate entity or otherwise, for itself and for its agents, successors, and assigns: (1) hereby provides this limited waiver of its sovereign immunity as to any damages, claims, lawsuit, or cause of action (herein "Action") brought against Customer by Company and arising or alleged to arise out of the furnishing by Company of any product or service under this Agreement, whether such Action is based in contract, tort, strict liability, civil liability or any other legal theory; (2) agrees that jurisdiction and venue for any such Action shall be proper and valid (a) if Customer is in the U.S., in any state or United States court located in the state in which Company is performing this Agreement or (b) if Customer is in Canada, in the superior court of the province or territory in which the work was performed; (3) expressly consents to such Action, and waives any objection to jurisdiction or venue; (4) waives

any requirement of exhaustion of tribal court or administrative remedies for any Action arising out of or related to this Agreement; and (5) expressly acknowledges and agrees that Company is not subject to the jurisdiction of Customer's tribal court or any similar tribal forum, that Customer will not bring any action against Company in tribal court, and that Customer will not avail itself of any ruling or direction of the tribal court permitting or directing it to suspend its payment or other obligations under this Agreement. The individual signing on behalf of Customer warrants and represents that such individual is duly authorized to provide this waiver and enter into this Agreement and that this Agreement constitutes the valid and legally binding obligation of Customer, enforceable in accordance with its terms.



TRANE



TRANE'S SAFETY STANDARD

Trane is committed to providing a safe work environment for all employees and to preventing accidents in its business operations. To accomplish our objectives Trane has instituted safety programs, procedures and training that incorporate a progressive approach to injury prevention.

PROVEN SAFETY SUCCESS

Trane's safety culture in North America is unparalleled in the building services industry and has demonstrated proven results via continuous reduction of injury rates.

TRANE INJURY RATES V. INDUSTRY COMPETITORS

Since 2003 the US Bureau of Labor Statistics records reflect Trane's Total Recordable Rate (TRIR) and Days away from work (DAFW) rate have been significantly lower than HVAC repair and maintenance contractors and Specialty Trade contractors (construction). Trane's safety culture in America is unparalleled in the building services industry and has demonstrated proven results via continuous reduction of injury rates.

Trane's incident (OSHA) rates are consistently 50-70% below the industry average. This outstanding safety achievement is the end result of the rigorous team oriented approach to our safety program that creates accountability and empowerment in all employees and management and fuels our institutional safety culture. This is the key to our continual improvement.

SAFETY TOOLS, TRAINING & EXPERTISE

Trane's service and contracting technicians are not only among the most skilled in the industry they are also extensively trained in safe work procedures. Our technicians receive safety training, equipment, tools, procedures, and management support to identify jobsite hazards and take appropriate measures to prevent personal injuries. The resources available to Trane technicians include:

- Safety Training – 20 hrs per year, including classroom and web-based platforms.
- -Topics include, but are not limited to, Lockout/Tagout, Confined Space Entry, Hazard Communication, Respiratory Protection, Hearing Conservation, Excavations, Scaffolding, Rigging, Powered Industrial Truck operation, Ladders, Vehicle Safety, Fire Protection, PPE, Emergency Response, First Aid / CPR.
- Electrical Safety – NFPA 70E compliant – electrical PPE; flame-resistant clothing; training.
- Fall Protection – full complement of fall arrest and fall restraint equipment for each technician.
- Ergonomics – custom-designed for HVAC field technicians, includes training, material handling equipment and procedures.
- Smith System Safe Driving Program – Trane's safety Managers are certified instructors; safety Managers train technicians; 1-800 "How's My Driving?" stickers are located on the back of service vehicles.
- USDOT compliance – technicians scheduled within Material of Trade and Hours of Service limits and are fully qualified under Department of Transportation rules for driving commercial motor vehicles with GVWR >10,000 and 26,000 lbs.
- Refrigerant Management – Service technicians are trained to manage refrigerant in accordance with U.S. EPA rules using a sophisticated electronic tracking system developed by Trane.
- Empowerment - Technicians are empowered with full management support to address safety hazards as they see fit. If ever in doubt about how to do a job or task safely, the technician is required to ask a qualified person for assistance before proceeding with work.

MANAGEMENT LEADERSHIP AND COMMITMENT

Accident prevention is a primary responsibility of management at Trane. Trane's safety culture is based on the following management principles:

- Leadership at the local level manages the local organization's safety performance.
- Management is financially accountable for safety performance.
- Local management is actively engaged in risk reduction activities and training and manages safety performance outcomes.
- Management clearly communicates to all Trane employees their safety expectations and strongly enforces compliance with those expectations.
- Employees are held accountable when they fail to meet safety expectations.

Local management and supervisory personnel at the local level are responsible for implementation of the following safety program elements:

- The Safety Management System developed by Trane – developed in accordance with OHSAS 18001.
- Audits and Inspections – Supervisors, Middle and Upper Managers must conduct field inspections. Corporate Safety conducts detailed compliance and management systems audits.
- Company safety compliance programs – ensure that they are fully implemented.
- Safety and environmental performance – tracked using a Balanced Scorecard with leading and lagging indicators and metrics.
- Subcontractor Qualification – implement this process to promote safety and safety plan compliance on multi-employer job sites.
- Six Sigma and Lean – use these productivity tools to enhance safety on job sites.
- Drug and Alcohol Policy – mandatory DOT required for-cause and post-accident testing after recordable injuries and property damage.
- Motor Vehicle Records Search – annual checking of driving records of employees driving company vehicles.

JOBSITE SAFETY EQUALS CUSTOMER VALUE

At Trane safety is part of our culture for every employee. What this means to our customers is fewer job site accidents and the delays and liability concerns that come along with them. What this means to our staff is greater confidence in the practices and procedures they use on the job and the pride that comes from working for one of the premier service organizations in the world. Tighter safety standards and fewer accidents can also lead to better on-time project completion and higher quality results.

When you use Trane Building Services to install, maintain or upgrade your building systems you will take full advantage of our superior safety program, low incident rates and subcontractor safety management procedures. These help you manage project risk more effectively than you could using multiple contractors or even a single prime contractor with a less impressive safety record.



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[Contract](#)

HVAC Equipment, Supplies, and

Installation of HVAC Equipment[X]

Additional Resources

Vendor Name: Trane**Address:** 4200 N. Sylvania Ave.
Fort Worth, TX 76137**Phone Number:** (469) 758-3109**Email:** julia.espinoza@irco.com**Website:** <http://www.trane.com>**Federal ID:** 25-0900465**Contact:** Julia Espinoza**Accepts RFQs:** Yes**Minority Owned:** No**Women Owned:** No**Service-Disabled Veteran Owned:** No**EDGAR Forms Received:** Yes**No Israel Boycott Certificate:** No**No Excluded Foreign Terrorist Orgs:** No**Contract Name:** HVAC Equipment, Supplies, and Installation of HVAC Equipment**Contract#:** 552-17**Effective Date:** 12/01/2017**Expiration Date:** 11/30/2020**Payment Terms:** Net 30 days**Delivery Days:** 25**Shipping Terms:** Pre-paid and added to invoice**Freight Terms:** FOB Destination**Ship Via:** Common Carrier**Region Served:** Texas Regions 1, 2, 3, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20**States Served:** Texas**Additional Info:** EDGAR Vendor Certification Form (relating to 2 CFR Part 200 & Appendix II) Vendor response document, and can be found in the Vendor Proposal File link page.**Quote Reference Number:** 552-17**Return Policy:** Contact local sales office or where purchase was made**Additional Dealers:** See Additional Dealers/Distributors for dealer list.

Contract Documents

EDGAR Notice: [Click to view EDGAR Notice](#)**Proposal Documents:** [Click to view BuyBoard Proposal Documents](#)**Regulatory Notice:** [Click to view Bonding Regulatory Notice](#)**Construction Services Advisory:** [Click to view the Construction Related Goods and Services Advisory](#)**Proposal Files:** [Click to view Vendor Proposal Files Documents](#)**Additional Dealers/Distributors:** [Click to view Vendor Additional Dealers/Distributors Documents](#)

Contact us 800.695.2919



Lower Rio Grande Valley Development Council

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Mayor Jim Darling, McAllen 2nd Vice President
Judge Aurelio "Keter" Guerra, Willacy County Secretary
Mayor Tony Martinez, Brownsville Treasurer
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Ronald Mills
Willacy County Navigation District

Mr. Eddy Gonzalez
Member-at-Large

Mayor Rick Cavazos
Member-at-Large

Arturo Ramirez
Grassroots Organizations

EXECUTIVE DIRECTOR
Ron Garza

August 29, 2019

Mrs. Olga Garza
Parks and Recreation Department
City of Weslaco
255 S. Kansas Ave,
Weslaco, Texas 78596

Dear Mrs. Garza:

In reference to your request dated, Wednesday, August 29, 2018, the LRGVDC Emergency Communications/9-1-1 Division has reviewed the costs associated with the repairs that will be performed to the air condition system located at the Public Facilities Building at 1912 Joe Stephens in Weslaco. This correspondence will serve as our acknowledgement and confirmation to cover the cost up to 50% for the repairs that were noted on Proposal ID: 2443969.

Upon completion of the repairs please provide the following for processing:

- An invoice in the amount of \$17,382.66.
- Copy of final vendor invoice.
- Pertinent procurement documentation.

Remit to:
Lower Rio Grande Valley Development Council
ATTN: Finance Department (ECOMMS/9-1-1)
301 W. Railroad St.
Weslaco, Texas 78596

Please let me know if you need any additional information or if you have any questions.

Sincerely,


Manuel Cruz
Director of Public Safety



Standardized Agenda Request Form

Date of Meeting: September 4, 2018		Agenda Item No. (to be assigned by CSO): 2018-1925
From: Mardoqueo Hinojosa		
Subject: Discussion and consideration to approve Interlocal Agreement with LRGVDC-911 addressing for use of their Spartan Addressing program. Possible action. (Staffed by Planning and Code Enforcement.)		
Background: Purpose of this agreement is to memorialize the intent of the both entities to obtain the most accurate 9-1-1 addresses from the city so the LRGVDC E-COMMS/9-1-1 Division can maintain the latest information necessary to provide lifesaving emergency services to the residents within city limits and to prepare for the future of Next Generation 9-1-1.		
Funding Source (budget code, if applicable):		
Amount:	Term of Impact:	Identified in Current Budget:
Additional Action Prompted: Mayor's Signature		
If item previously considered, provide date and action by Commission:		
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:		
Advisory Review, if any (name of board/committee, date of action, recommendation):		
Mardoqueo Hinojosa	Created/Initiated	
Mardoqueo Hinojosa	Approved	
Mike Perez	Final Approval	
City Manager Comments: Approved.		
Staff Recommendation: Staff recommends approval.		
Attachments, if any: Weslaco interlocal agreement 911		
Responsibilities upon Approval: Staff will utilize agreement.		

**INTERLOCAL COOPERATION AGREEMENT BETWEEN
LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL WESLACO, TEXAS
AND CITY OF (Weslaco), TEXAS**

THIS Agreement is made on this the _____ day of _____, 2018, by and between the **LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL, PUBLIC SAFETY, EMERGENCY COMMUNICATIONS/9-1-1 DIVISION**, hereinafter referred to as the **(LRGVDC E-COMMS/9-1-1) WESLACO, TEXAS** and the City of Weslaco, TEXAS, by and through its planning Department, hereinafter referred to as the “(City of Weslaco)” , pursuant to the provisions of the Texas Interlocal Cooperation Act, as follows:

WITNESSETH:

PURPOSE OF THIS AGREEMENT is to memorialize the intent of the parties to obtain the most accurate 9-1-1 addresses from the cities so the LRGVDC E-COMMS/9-1-1 Division can maintain the latest information necessary to provide lifesaving emergency services to the residents within city limits and to prepare for the future of Next Generation 9-1-1.

WHEREAS, the LOCAL GOVERNMENT and the LRGVDC E-COMMS/9-1-1 desire to enter into the Agreement in an effort to provide 9-1-1 resources and make the most efficient use of the resources for necessary training, networking, and professional development as stated herein in the most practicable and efficient manner possible;

WHEREAS, the LRGVDC E-COMMS/9-1-1 will provide a free online web application, Spartan Pro, and utilize it for inserting address requests, subdivisions, and other address information.

WHEREAS, the LRGVDC E-COMMS/9-1-1 will scan, if any, all address paper subdivisions from the LOCAL GOVERNMENT and store them on LRGVDC E-COMMS/9-1-1 storage server, and return the address paper subdivisions to the LOCAL GOVERNMENT, where there is no digital copies available.

WHEREAS, the LOCAL GOVERNMENT is responsible for addressing inside their city limits and their Extra Territorial Jurisdiction (ETJ). As well as providing the address letter notification to their customers.

WHEREAS, the LRGVDC E-COMMS/9-1-1 will verify the address while making sure it does not create problems with the GIS database.

WHEREAS, the LOCAL GOVERNMENT will follow the two-week policy established by LRGVDC E-COMMS/9-1-1 for delivery of address to customer. This will ensure that the address is established in the GIS map and at the Public Safety Answering Point (PSAP). This

guarantees that, in the event of an emergency, the first responders have the correct information for the LOCAL GOVERNMENT.

WHEREAS, the LRGVDC and LOCAL GOVERNMENT are authorized to enter into this Agreement pursuant to the Interlocal Cooperation Act, Texas Government Code 791.001 et seq., (the “Act”) which authorizes local governments to contract with each other to perform governmental functions and services under the terms of the Act;

NOW THEREFORE, the LRGVDC E-COMMS/9-1-1 and LOCAL GOVERNMENT, in consideration of the mutual covenants expressed hereinafter, agree as follows:

1. Scope of Agreement

a. LRGVDC E-COMMS/9-1-1 shall:

- 1) provide training on the use of Spartan Pro if utilized by City with instructions of use.
- 2) scan and return address paper subdivisions within 90 days to the LOCAL GOVERNMENT, when the entity doesn't have electronic copies, if resources are available to LRGVDC E-COMMS/9-1-1.
- 3) assign the role of Location Validation (LV) to LOCAL GOVERNMENT and designated as Quality Assurance/Quality Control (QA/QC) to LRGVDC E-COMMS/9-1-1.
- 4) maintain and update the GIS database, according to the Texas GIS Data model.
- 5) provide assistance when address has been established with validation of the assigned addresses and compare the information to the GIS database to prevent margin of error.
- 6) update and maintain the information on the PSAP GIS database.
- 7) will provide addressing workshop if requested by the LOCAL GOVERNMENT.

b. LOCAL GOVERNMENT shall:

- 1) adhere to the Texas GIS Data model for addressing purposes. (see attachment A)
- 2) provide any new addressed subdivision plat(s) within 1 week of being approved and recorded. In the case that any addresses are out of range, the plat will be returned to be corrected.
- 3) provide when requested all electronic subdivisions if available to LRGVDC E-COMMS/9-1-1
- 4) provide all previous addressing information if available in GIS format to LRGVDC E-COMMS/9-1-1 to validate and update the 9-1-1 Database and PSAP GIS database.
- 5) be responsible for gathering information and assigning the address to the resident.
- 6) provide address letter to the resident.
- 7) follow the two-week policy when creating address ticket.
- 8) in the event that the city does not want to accept the addressing of ETJ, upon written request from the city, LRGVDC E-COMMS/9-1-1 shall take the

addressing responsibility and will continue to use the addressing ranges established by the city. The city shall provide relevant data and information within its possession and control, including regulatory information, Geographic Information Systems (GIS) data, and land use and transportation data.

- c. LRGVDC and the Local Government shall monitor the quality of 9-1-1 database and PSAP GIS database and work jointly to achieve and maintain a 98 percent match rate, as recommended by the National Emergency Number Association (NENA).
2. **Term:** This agreement will become effective on the day and year first written above and terminate upon either parties' written notice to no longer continue with the project. Upon termination, all obligations incurred under this Agreement shall terminate.
3. **Property:** The software Spartan Pro is property of the LRGVDC E-COMMS/9-1-1 and cannot be duplicated. The GIS information inside City Limits and ETJ is owned by LOCAL GOVERNMENT and LRGVDC E-COMMS/9-1-1.
4. **Conflict with Applicable Law.** Nothing in this Agreement shall be construed so as to require the commission of any act contrary to law, and whenever there is any conflict between any provision of this Agreement and any present or future law, ordinance or administrative, executive or judicial regulation, order or decree, or amendment thereof, contrary to which the parties have no legal right to contract, the LRGVDC E-COMMS/9-1-1 terms and conditions prevail, but in such event the affected provision or provision of this Agreement shall be modified only to the extent to bring them within the legal requirements and only during the times such conflict exists.
5. **No Waiver.** No waiver by any party hereto of any breach of any provisions of the Agreement shall be deemed to be a waiver of any preceding or succeeding breach of the same or any other provision hereof.
6. **Entire Agreement.** This Agreement contains the entire contract between the parties hereto, and each party acknowledges that neither has made (either directly or through any agent or representative) any representation or agreement in connection with this Agreement not specifically set forth herein. This Agreement will not expire but may be modified or amended only by agreement in writing executed by LRGVDC E-COMMS/9-1-1 and LOCAL GOVERNMENT, and not otherwise.
7. **TEXAS LAW TO APPLY.** THIS AGREEMENT SHALL BE CONSTRUED UNDER AND IN ACCORDANCE WITH THE LAWS OF THE STATE OF TEXAS, AND ALL OBLIGATIONS OF THE PARTIES CREATED HEREUNDER ARE PERFORMABLE WITHIN HIDALGO AND WILLACY COUNTY, TEXAS. THE PARTIES HEREBY CONSENT TO PERSONAL JURISDICTION IN HIDALGO AND WILLACY COUNTY, TEXAS.
8. **Governing Provisions.** LOCAL GOVERNMENT shall comply with all applicable laws and regulations. A non-exclusive list of regulations commonly applicable to Federal and

State grants and equipment can be found in the 2 CFR 200 Uniform Administrative Requirements, Cost Principles and Audit Requirements.

9. **Indemnification.** Without waiving its sovereign immunity, and if and to the extent allowed by law, each party shall indemnify and hold harmless each other, its officers, officials, and employees from and against all claims and liabilities of any nature or kind, including costs and expenses for or on account of any claims, damages, losses, or expenses of any character whatsoever resulting in whole or in part from the negligent performance or omission of either party's employees or representatives connected with the activities described herein.
10. **Notice.** Except as may be otherwise specifically provided in this Agreement, all notices, demands, requests or communication required or permitted hereunder shall be in writing and shall either be (i) personally delivered against a written receipt, or (ii) sent by registered or certified mail, return receipt requested, postage prepaid and addressed to the parties at the addresses set forth below, or at such other addresses as may have been theretofore specified by written notice delivered in accordance herewith:

If to LRGVDC: Attention: Ron Garza
Executive Director
301 W. Railroad ST.
Weslaco, Texas 78596

If to City of Weslaco: Honorable (David Suarez)
Mayor, City of (Weslaco)
255 S Kansas Ave
City of (Weslaco), TX 78596

Each notice, demand, request or communication, which shall be delivered or mailed in the manner described above, shall be deemed sufficiently given for all purposes at such time as it is personally delivered to the addressee or, if mailed, at such time as it is deposited in the United States mail.

11. **Additional Documents.** The parties hereto covenant and agree that they will execute such other and further instruments and documents as are or may become necessary or convenient to effectuate and carry out the terms of this Agreement. Additional document is attached. Refer to Appendix A.
12. **Successors.** This Agreement shall be binding upon and to the benefit of the parties hereto and their respective heirs, executors, administrators, legal representative, successors, and assigns where permitted by this Agreement.
13. **Assignments.** This Agreement shall not be assignable.

14. **Headings.** The headings and captions contained in this Agreement are solely for convenience reference and shall not be deemed to affect the meaning or interpretation of any provision of any paragraph hereof.
15. **Gender and Number.** All pronouns used in this Agreement shall include the other gender, whether used in the masculine, feminine or neuter gender, and singular shall include the plural whenever and as often as may be appropriate.
16. **Authority to Execute.** The execution and performance of this Agreement by LRGVDC E-COMMS/9-1-1 and LOCAAL GOVERNMENT have been duly authorized by all necessary laws, resolutions or corporate action, and this Agreement constitutes the valid and enforceable obligations of LRGVDC E-COMMS/9-1-1 and LOCAL GOVERNMENT in accordance with its terms.
17. **Governmental Purpose.** Each party hereto is entering into this Agreement for the purpose of providing for governmental services or functions and will pay for such services out of current revenues available to the paying party as herein provided.
18. **Commitment of Current Revenues Only.** If, during any term hereof, the governing body of any party does not appropriate sufficient funds to meet the obligations of such party under this Agreement, then any party may terminate this Agreement upon ninety (90) days' written notice to the other party. Each of the parties hereto agrees, however, to use its best efforts to secure funds necessary for the continued performance of this Agreement. The parties intend this provision to be a continuing right to terminate this Agreement at the expiration of each budget period of each party hereto pursuant to the provisions of Tex. Loc. Govt. Code §271.903.

WITNESS THE HANDS OF THE PARTIES effective as of the day and year first written above.

City of (Weslaco), Texas

Lower Rio Grande Valley Development Council

Honorable (David Suarez)
Mayor, City of (Weslaco)

Ron Garza
Executive Director



Standardized Agenda Request Form

Date of Meeting: September 4, 2018		Agenda Item No. (to be assigned by CSO): 2018-1942
From: Mardoqueo Hinojosa		
Subject: Discussion and consideration to approve an Interlocal Cooperation Agreement with the City of Pharr for Animal Care Services and authorize the Mayor to execute any related documents. Possible Action. (Staffed by Planning and Code Enforcement Department) Attachment.		
Background: City of Pharr is interested in bringing in their overflow of animals to City of Weslaco shelter. Item was discussed during budget workshops as additional revenues to the City.		
Funding Source (budget code, if applicable):		
Amount:	Term of Impact:	Identified in Current Budget:
Additional Action Prompted: Mayor's Signature		
If item previously considered, provide date and action by Commission:		
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:		
Advisory Review, if any (name of board/committee, date of action, recommendation):		
Elizabeth Walker	Created/Initiated	
Mardoqueo Hinojosa	Approved	
Mike Perez	Final Approval	
City Manager Comments: Approved.		
Staff Recommendation: Staff recommends approval.		
Attachments, if any: Animal Shelter Contract pharr		
Responsibilities upon Approval: Staff will provide services.		

STATE OF TEXAS § INTERLOCAL AGREEMENT

COUNTY OF HIDALGO §

SERVICE CONTRACT §

THIS AGREEMENT is made this ____ day of _____, 2018, by and between the **CITY OF WESLACO**, a Home Rule Municipal Corporation, hereinafter referred to as “**CITY**” located at 255 S. Kansas Avenue, Weslaco, Hidalgo County, Texas 78596 and **CITY OF PHARR** a Home Rule Municipal Corporation, hereinafter referred to as “**PHARR**”, located at 118 S. Cage Blvd. Pharr, Hidalgo County, Texas 78577.

RECITALS

WHEREAS, PHARR desires to engage with CITY for the provision of certain professional services, therefore CITY and PHARR mutually agree as follows:

SECTION I
CONTRACT AGREEMENT

CITY agrees to provide PHARR Animal Control Operations and Impoundment as follows:

A. Impoundment services and all available information pertinent to said services, including reports and any other related data. CITY shall be responsible for the professional quality, technical accuracy, and the coordination of services furnished to PHARR.

B. CITY shall perform the professional services necessary to accomplish the work specified in this Agreement in accordance with all applicable State and Federal requirements in effect on the date of execution.

C. CITY will provide blank door tags and PHARR must provide individual door tags for each animal brought into CITY’S facility.

D. PHARR must submit all documentation needed for owner relinquished animals and quarantine animals, which include owner relinquish forms and dog bite reports.

E. PHARR must give CITY prompt written notice whenever PHARR observes or otherwise becomes aware of any deficiencies in CITY services.

F. Hours of operation:

- Citizens of Pharr may drop off animals at the shelter from 8:00 a.m. to 5:00 p.m. Monday through Friday and 9:00 a.m. to 11:00 a.m. Saturdays and Sundays.

SECTION II
CALL NOTIFICATION / REPRESENTATIVE

Each party will have a designated representative to receive any notices under this agreement and to act on their behalf as follows:

i) CITY OF PHARR
Ricardo Pedraza, Public Works Director.
1015 E Ferguson Ave.
Pharr, Texas 78577

ii) CITY OF WESLACO
Jose Angel Pedraza, Health Official.
255 S. Kansas Avenue
Weslaco, Texas 78596

No other representative from PHARR may request services from CITY.

All notices required or permitted herein must be in writing and shall be forwarded by United States Mail, by Registered or Certified Mail, Return Receipt Requested, Postage Prepaid, to the party whom notice is to be given at the address set forth above or to such address as either party hereto may designate to the other by notice from time to time for the purpose. Notices shall be deemed given upon deposit in a receptacle of the United States Postal Service.

SECTION III
PAYMENTS AND FEES

PHARR agrees to pay CITY for services contracted herein as follows:

- A. PHARR shall pay CITY \$55.00 per animal impounded at CITY'S shelter.
- B. PHARR shall pay CITY \$45.00 per deceased animal taken to CITY'S shelter.
- C. PHARR citizens seeking to reclaim animals shall pay fees as set by CITY.
- D. PHARR citizens who drop off animals at the Weslaco Animal Care Facility will not be assessed a fee.
- E. PHARR shall pay CITY \$150.00 to tranquilize or euthanize an animal on site
- F. PHARR shall pay CITY \$250.00 to quarantine an animal.

Invoicing shall be completed in accordance with CITY'S Finance Department regulations and an activity log will be provided with PHARR'S invoice.

PHARR will approve all work submitted and authorize all payments made for services within 30 days from receipt of CITY'S invoice.

SECTION IV CHOICE OF LAW

This Agreement shall be governed by the laws of the State of Texas. Venue and jurisdiction shall lie in Hidalgo County, Texas.

SECTION V TERM OF AGREEMENT AND TERMINATION

- A. This Agreement shall be for an initial term of one year, effective _____, 2018 and shall continue in full-force and effect through October 1, 2019.
- B. Either party to this Agreement shall have the right to terminate this Contract at any time without cause after 30 days written notice and upon payment to CITY for services rendered and obligations incurred to date.

SECTION VI NON-APPROPRIATIONS

If PHARR cannot appropriate sufficient funding to fulfill its contractual obligations under this agreement, then CITY has the right to terminate this contract by providing ten (10) days written notice to PHARR.

SECTION VII MEDIATION

It is the intent of the parties that litigation be avoided, and in order to allow for the quick resolution of any and all disputes, if any, the parties hereby agree that any claims, demands or disputes that cannot be amicably resolved between the parties upon written request by either party shall be submitted within two (2) weeks to a neutral, trained third party for assistance in dispute resolution by means of non-binding mediation. The parties agree to share cost of mediation equally.

IN WITNESS WHEREOF, CITY and PHARR have executed three (3) copies of this Agreement as of the date set forth above.

CITY OF WESLACO

BY: _____

David Suarez, Mayor

255 S Kansas

Weslaco, Texas 78596

Phone: 956.968.3181

Fax: 956.973.3128

ATTEST:

BY: _____

Elizabeth Walker, City Secretary

APPROVED AS TO FORM ONLY:

Juan Gonzalez

Attorney at Law

City Attorney

CITY OF PHARR

BY: _____

Dr. Ambrosio "Amos" Hernandez, Mayor

City Of Pharr

118 S Cage Blvd.

Pharr, Texas 78577

956-402-4000

ATTEST:

BY: _____

Hilda Pedraza, City Clerk

APPROVED AS TO FORM ONLY:

Patricia Rigney, City Attorney

Elizabeth M. Walker

From: Mike Perez
Sent: Thursday, August 23, 2018 7:24 AM
To: ROBLEDO, CARLOS
Cc: Elizabeth M. Walker; Pete Garcia Jr.; David Arce; Olga N. Garza
Subject: RE: Downtown Banners

Carlos, we will place your request on the next city commission agenda which is schedule for September 4 at 5:30pm. We will be recommending in favor and anticipate no issues in the city commission approving the request. Thanks mike

From: ROBLEDO, CARLOS [mailto:crobledo@wisd.us]
Sent: Wednesday, August 22, 2018 4:28 PM
To: Mike Perez <mrperez@weslacotx.gov>
Cc: David Suarez <david.suarez@weslacotx.gov>
Subject: Downtown Banners

Good afternoon Mr. Perez,

We talked back during the spring about allowing Weslaco ISD to display downtown blvd. banners. The school district would like to showcase some of the outstanding Weslaco ISD former students who have gone on to great careers. We would also highlight some of our programs. Attached are what the banners would look like. I also included a map of where they will go.

The banners would be installed by the company that we hired to create the banners, and they are ready to install asap. We would take down the banners around November before the city puts up the Christmas wreaths.

Please let me know if we can move along with this project, I have contacted Mayor Suarez about this project and copied him on this email.

I greatly appreciate your time,

--



Weslaco ISD does not discriminate on the basis of race, religion, color, national origin, gender, or disability in providing education services, activities, and programs, including vocational programs, in accordance with Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Educational Amendments of 1972; section 504 of the Rehabilitation Act of 1973, as amended.



Standardized Agenda Request Form

Date of Meeting: September 4, 2018		Agenda Item No. (to be assigned by CSO): 2018-1941	
From:			
Subject: Discussion and consideration to approve Resolution 2018-58 authorizing the submission and participation of a Texas Department of Transportation General Aviation Grant for the relocation and installation of a new AWOS and authorize the Mayor to execute any related documents. (Staffed by Airport)			
Background: Airport staff, with Commission and Advisory Board approval, previously submitted a Letter of Intent for TXDOT Non Primary Entitlement grant funds for the relocation and installation of a new AWOS station. The AWOS (Area Weather Observation Station) is used by pilots for arriving and departing aircraft. The National Weather Service and local meteorologists use AWOS information for weather forecasts. Recently, the AWOS system has been failing (on-line notices only) as a radio receiver is no longer supported by the vendor. Additionally, the AWOS station received considerable damage due to flooding. Staff was able to replace several electrical components and has the AWOS currently operating. The AWOS system is no longer being serviced and parts are no longer available. The airport's LOI submission identified the AWOS relocation and replacement as one of its top needs. The relocation and install for the new AWOS will cost approximately \$185,000 with TXDOT covering \$138,750 and a local contribution of \$46,250. The local portion will be covered by the Weslaco EDC under the KAPAL Hangar Investment Series agreement.			
Funding Source (budget code, if applicable):			
Amount:	Term of Impact:	Identified in Current Budget:	
Additional Action Prompted: Mayor's Signature			
If item previously considered, provide date and action by Commission: The City Commission previously approved submitting the Letter of Intent for Non Primary Entitlement grant funds.			
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:			
Advisory Review, if any (name of board/committee, date of action, recommendation): The Advisory Committee voted in favor of submitting the TXDOT Letter of Intent for Non Primary Entitlement grant funds.			

Elizabeth Walker Andrew Muñoz Mike Perez	Created/Initiated Approved Final Approval
City Manager Comments: Approved.	
Staff Recommendation: Staff recommends approval.	
Attachments, if any: AWOS CIP Grant Notice 8.2018, R2018-58 AWOS	
Responsibilities upon Approval:	

AVIATION CAPITAL IMPROVEMENT PROGRAM

Locations, Projects, and Costs

Texas Department of Transportation -- Aviation Division

August 17, 2018

FEDERAL & STATE FY 2019

Federal FY 2019 (October 2018 - September 2019)/State FY 2019 (September 2018 - August 2019)

City &
Airport

Project Status &
Description

Project Costs
Total Federal State Local

WESLACO

Project Status:

MID VALLEY

PENDING

Relocate and install new AWOS

185,000 0 138,750 46,250

Project Totals: \$ 185,000 \$ 0 \$ 138,750 \$ 46,250

RESOLUTION NO. 2018-58

A RESOLUTION OF THE CITY OF WESLACO AUTHORIZING THE SUBMITTAL AND PARTICIPATION OF A TEXAS DEPARTMENT OF TRANSPORTATION GENERAL AVIATION GRANT FOR THE RELOCATION AND INSTALLATION OF A NEW AWOS.

WHEREAS, the City of Weslaco desires to install an automated weather observing system at the Weslaco Mid Valley Airport (KTXW); and

WHEREAS, the total project cost is estimated to be \$185,000; and

WHEREAS, the City of Weslaco hereby offers 25% of project costs to match 75% state funds, currently estimated to be \$46,250 in local funds; and

WHEREAS, local funds will be available to meet project expenditures; and

WHEREAS, the City of Weslaco agrees to operate and maintain the installed automated weather observing system for the useful life of the asset; and

WHEREAS, the City of Weslaco intends to request financial assistance from the Texas Department of Transportation for installation of the automated weather observing system for these improvements; and

NOW, THEREFORE, BE IT RESOLVED THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT, the City of Weslaco hereby directs David Suarez, Mayor to execute on behalf of the City of Weslaco, at the appropriate time, and with the appropriate authorizations of this governing body, all contracts and agreements with the Texas Department of Transportation, and such other parties as shall be necessary and appropriate for the implementation of the improvements to the Weslaco Mid Valley Airport (KTXW).

PASSED AND APPROVED on this 4th day of September, 2018.

CITY OF WESLACO

David Suarez, **MAYOR**

ATTEST:

Elizabeth M. Walker, **CITY SECRETARY**

APPROVED AS TO FORM:

Juan E. Gonzalez, **CITY ATTORNEY**

ORDINANCE NO. 2018- 31

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF WESLACO RELATING TO THE AUTHORIZED STRENGTH AND CLASSIFICATIONS OF THE CITY OF WESLACO POLICE OFFICERS; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATING TO THE SUBJECT MATTER THEREOF.

WHEREAS, the City Commissioners adopted Ordinance No. 2017-37 on September 17, 2017, which affixed by budget the authorized strength and classification of the Weslaco Police Department; and

WHEREAS, it remains the most recent City Ordinance relating to authorized strength of the Police Department, and same should be amended to provide an increase in the number of authorized Police Officer positions by adding six (6) additional Police Officer positions.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT:

SECTION I: The number of authorized positions for the classifications of members of the Police Department is as set forth in the attached Exhibit “A”. The number of positions as prescribed therein is the maximum strength for each classification, and it is further recognized and enacted that the Police Department may have a lesser number of employees in such classification depending on the ability of the Police Department to recruit and have qualified applicants. The number of authorized positions may be increased or decreased by the City Commission from time to time at its sole discretion, subject to any collective bargaining agreement requirements set out in any current collective bargaining agreement.

SECTION II: It is hereby provided that all ordinances in conflict herewith are hereby expressly repealed to the extent of such conflict.

SECTION III: The City Secretary is hereby directed not to codify this Ordinance in the Code of Ordinances of the City of Weslaco as it is not amendatory thereof.

SECTION IV: The City Secretary is hereby authorized and directed to cause the caption of this Ordinance to be published in a newspaper having general circulation in Weslaco, Texas in accordance with the provisions of the Code of Ordinances of the City of Weslaco.

SECTION V: If any part or parts of this Ordinance are found to be invalid or unconstitutional by a court of competent jurisdiction, then such invalidity or unconstitutionality shall not affect the remaining parts hereof and such remaining parts shall remain in full force and effect, and to that extent this Ordinance is considered severable.

PASSED and APPROVED on first reading this 4th day of September, 2018.

PASSED and APPROVED on second and final reading this 18th day of September, 2018 at a regular meeting of the Board of Commissioners of the City of McAllen, Texas, at which a quorum was present and which was held in accordance with Chapter 551 of the Texas Government Code.

SIGNED this 18th day of September, 2018.

CITY OF WESLACO

David Suarez, **MAYOR**

ATTEST:

Elizabeth Walker, **CITY SECRETARY**

APPROVED AS TO FORM:

Juan E. Gonzalez, **CITY ATTORNEY**

**EXHIBIT "A" TO ORDINANCE NO. 2018-31
POLICE DEPARTMENT CLASSIFICATION OF POSITIONS**

<u>RANKS</u>	<u>POSITIONS</u>
Asst. Police Chief	1
Captain	4
Lieutenant	7
Sergeant	12
Police Officer	48 + 6
Total Authorized Strength	78



June & July
2018 Destination Marketing Report
Presented to City of Weslaco

June & July Advertising

- General Advertising:
 - ✓ Texas Border Business - \$425
- Texas Domestic:
 - ✓ Ongoing billboard advertising on I-2 / Expressway 83 (both directions) - \$9,250
Updated billboards, new production
- Winter Texan Advertising
 - ✓ Welcome Home RGV - \$225

Total: \$9,900

VISITATION Registrations

Visitors	In-State/Out of State
June & July	128/12

Business Visitor Events Center & Meetings	Attendance
25 events/meetings	450

Our team spent 1&1/2 days with a story writer from Welcome Home RGV. She is writing a series of Weslaco-specific stories which will appear through the Winter Texan season.

With FEMA using both conference rooms, meeting/event space is temporarily limited. So, numbers of events and attendance will be lower for a couple of months. Additionally, advertising purchases are slower during the summer. However, it is now that we are planning advertisements to generate fall traffic.

- Nature Tourism:
 - ✓ Texas Parks & Wildlife, special edition - \$1,959
- Mexico Marketing
 - ✓ 90,000 flyers distributed at international bridges on specific weekends during year - \$7,200
 - ✓ De Shopping magazine - \$805
- Promotional Items
 - ✓ “Think Weslaco” pop sockets - \$1,032
 - ✓ “Think Weslaco” refrigerator calendar magnets - \$465