Rules of Procedure
Social Media Policy
Code of Conduct

For

Adopted by the Iowa Colony City Council

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CITY OF
IOWA
COLONY

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To be updated

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I. ***POWERS, JURISDICTION, FUNCTIONS AND LIMITATIONS***

Except as otherwise provided under the City Charter, all legislation and other powers of the City are vested in the Council. The Council has the power to enact ordinances, resolutions, and other measures to carry out municipal functions involving the City's departments, divisions, offices, boards, commissions, officers, and employees (Section 3.07, City Charter).

Councilmembers have power and may exercise that power only when Council is in session. Councilmembers and the Council itself are not bound by any statement or action taken by individual members, City officials, or employees unless in accord with Council action. Individual Councilmembers shall not direct any City official or employee to perform services or take action related to City operations (Section 3.08 (C), City Charter). Only as a body does Council have power to direct City operations and that direction is executed through the City Manager.

Some specific Council functions include:

(a) Remove from any office or position of employment in the city government, any officer or employee or member of any board or commission, unless that person reports to the city manager.

(b) Establish, consolidate or abolish administrative departments.

(c) Adopt the budget of the city.

(d) Authorize the issuance of bonds by a bond ordinance.

(e) Inquire into the conduct of any office, department or agency of the city and make investigations as to municipal affairs.

(f) Provide for any boards and commissions and appoint the members thereof. Such boards and commissions shall have all powers and duties now or hereafter conferred and created by this Charter, by city ordinance, or by law.

(g) Adopt and modify the zoning plan and the building code of the city.

(h) Adopt and modify the official map of the city.

(i) Adopt, modify and carry out plans for urban renewal and economic development.

(j) Adopt, modify and carry out plans proposed by the planning commission for the replanning, improvement and redevelopment of any area or district which may have been destroyed in whole or in part by disaster.

(k) Regulate, license and fix the charges or fares made by any person, firm or corporation owning, operating or controlling any vehicle of any character used for the carrying of passengers for hire or the transportation of freight for hire on the public streets and alleys of the city.

(l) Provide for the establishment and designation of fire limits and prescribe the kind and character of buildings or structures or improvements to be erected therein, and provide for the erection of fireproof buildings within said limits, and provide for the condemnation of dangerous structures or buildings or

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dilapidated buildings, or buildings calculated to increase the fire hazard and prescribe the manner of their removal or destruction within said limits.

(m) Set the salaries and compensation of the city officers and employees, within the budget, and except to the extent that the Council delegates that authority to the City Manager.

(n) May provide for sanitary garbage disposal and other public utilities, and set fees and charges therefor, and provide penalties for failure to pay such fees and charges.

(o) Exercise exclusive dominion, control and jurisdiction in, upon, over and under the public streets, avenues, sidewalks, alleys, highways, boulevards and public grounds of the city and provide for the improvement of same as provided in Texas Transportation Code Chapter 313, or any applicable law, as now or hereafter amended.

(p Compromise and settle any and all claims and lawsuits of every kind and character in favor of or against the City of Iowa Colony.

(Section 3.07, City Charter)

The city council shall determine its own rules of procedure and may compel the attendance of its members. A majority of the qualified members of the city council shall constitute a quorum to do business and the affirmative vote of a majority of those qualified shall be necessary to adopt any ordinance or resolution. Minutes of the proceedings of all meetings of the city council shall be kept, to which any citizen may have access at all reasonable times, and which shall constitute one (1) of the archives of the city. The vote upon the passage of all ordinances and resolutions shall be taken by the "ayes" and "nays" and entered upon the minutes, and every ordinance or resolution, upon its final passage, shall be kept in the permanent records of the city, and shall be authenticated by the signature of the presiding officer and the person performing the duties of the city secretary.

(Section 3.10, City Charter).

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II. MEETINGS

A. **Regular City Council Meetings:** Regular Council City Meetings will be held on the third Monday of each month unless the day falls on a City holiday. If such a conflict occurs, the meeting schedule may be adjusted to ~~address the~~a date as soon as practical after the holiday. Meetings will begin at 7:00 P.M. (unless previously adjusted by Council action) and will be held in the Council Chambers at the City Hall Building (unless previously adjusted per Section 3.09, City Charter).

B. **Special City Council Meetings:** Special meetings shall be called ~~by the City Secretary~~ upon request of the M~~m~~ayor, City Manager, or any two members of the Council with at least twenty-four (24) hours' notice to the Mayor and each Councilmember. Councilmembers and the Mayor may waive receipt of notice of a special meeting either prior or subsequent to the meeting. The member or members calling the meeting will, through the City Secretary, notify the media and other individuals that have requested notification of the time, place and purpose of any special meeting. (Section 3.09, City Charter)

C. **Council Work Sessions:** Council Work Sessions are working committee meetings of Council and are not utilized for legislative action or other formal Council actions appropriate to Regular or Special City Council Meetings. Council Work Sessions generally will be held in the Council Chambers at the City Hall Building. Council Work Sessions may be called for any purpose at dates and times by the Mayor, City Manager or any two (2) Councilmembers upon at least twenty-four (24) hours' notice to the Mayor and each Councilmember. Councilmembers and the Mayor may waive receipt of notice of a special meeting either prior or subsequent to the meeting. The member or members calling the meeting will, through the City Secretary, notify the media and other individuals that have requested notification of the time, place and purpose of any special meeting.

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D. **Between Regularly Scheduled City Council Meetings:** Councilmembers are to be informed of incidents involving the City that, in the judgment of the City Manager or City Attorney may require immediate consideration by the Council. A Council meeting may be the means required for conveying information regarding these incidents. In addition, Councilmembers are to be informed at the onset of incidents which may eventually require budgetary or policy decisions by Council.

E. **Public Notification of Meetings:** The City Secretary will make public notice of all Regular or Special City Council Meetings, Council Work Sessions, and other meetings of Council in accordance with state open meeting requirements of such meetings or sessions. This public notice will include the date, time, place, and purpose for the meeting or session. This public notice will be done in the following manner:

1. Posting of the public notice at the City Hall building.
2. Posting of the public notice on the City of Iowa Colony official website.
3. Posting of the public notice on the City of Iowa Colony official ~~Facebook and Twitter~~social media accounts (if any). Posting on social media will have no legal impairment or effect to the public notice statutes.
4. Distribution of the public notice by email via the Internet through an electronic distribution list maintained by the City Secretary that includes media outlets and individual members of the public who have requested notification in advance (see below).

The public may also obtain notice of the date, time, place, and purpose of all Regular or Special City Council Meetings, Council Work Sessions, and other meetings of Council by contacting the Office of the City Secretary.

Any person may obtain advance notification of all Council and boards and committee meetings by ~~email via the Internet through an electronic distribution list maintained by the City Secretary at no charge. This request should be made in writing to the City Secretary. Any such request shall be effective indefinitely from the date of filing with the City Secretary or until the City Secretary receives written notice from an individual canceling or modifying such request. Notification of any special meeting shall be sent to those who have requested such notification. A reasonable attempt at notification shall constitute notification in compliance with these Rules of Council.~~signing up on the City's website.

F. **Executive Session Meetings:** **Edit for grammer.** Meetings in Executive Session shall be closed, private, and confidential; and shall be held in

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accordance with 551, Subchapter D Texas Government Code. These meetings are to be noted on the agenda of regular meetings, when practicable. Any individual Councilmember

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may motion that Council recess to Executive Session when circumstances are such that satisfactory answers or useful discussion may be provided only in Executive Session. A motion, to include the general purpose of the Executive Session as specified in Texas Revised Code 121.22 and passed by a majority or unanimous vote (depending on the purpose of the Executive Session), is required for Council to recess to Executive Session.

All other Council meetings must also comply with the requirements of Texas Revised Code Section 121.22 as described above.

Minutes of the Executive Session discussions shall not be kept. Neither shall any participant record the proceedings of the any Executive Session by any electrical or mechanical device.

The minutes of the Regular City Council Meetings or Special City Council Meetings, as well as Council Work Sessions and other Council meetings, should reflect the general subject matter of discussion held in Executive Session authorized under Division G of the Section 121.22 of the Texas Revised Code. In addition, the aforementioned minutes should reflect the vote on the motion to go into Executive Session and the commencement and termination times of the Executive Session meeting.

Discussion in Executive Session is confidential. No participant shall compromise the confidentiality of an Executive Session.

G. **Pre-Meeting Information:** Three (3) business days prior to scheduled City Council Meetings, Council Work Sessions, or other Council meetings, Councilmembers are to be furnished a meeting packet with information germane to the meeting agenda items. This meeting packet will include background information on the agenda items and/or copies of proposed ordinances and resolutions, historical information, and any additional relevant information on the agenda items. The agenda will normally be finalized on the Thursday immediately preceding each meeting; however, proposed agenda items must be submitted to and approved by the City Manager on the Monday immediately preceding each meeting by 5:00 P.M. The City Attorney will also be provided all of this information to allow for proper legal review.

H. **Recesses and Adjournments:** City Council Meetings, Council Work Sessions, or other Council meetings may be adjourned or recessed to another time, date in accordance with the Open Meetings Act. Short recesses (5-15 minutes) may be designated by the Presiding Officer during regular or special meetings without a vote of Council. Other recesses require a simple majority vote of Council.
With no objection from the Council, the Presideing Officer may adjourn the meeting without a

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vote.

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I. **Presiding Officer:** The Mayor presides over Regular City Council Meetings, Special City Council Meetings, Council Work Sessions, or other Council meetings; however, in the absence of the Mayor, the Mayor Pro Tem presides (Section 4.04, City Charter). In the absence of the Mayor and the Mayor Pro Tem or at the discretion of the Mayor or Mayor Pro Tem, the Council may elect a Councilmember to serve as Presiding Officer for that meeting provided a Council quorum is present. The Mayor is a member of Council, but does not have voting rights on issues in Regular City Council Meetings or Special City Council Meetings except in cases of tie votes (Section 3.05, City Charter). The Mayor Pro Tem serves as a Councilmember with all voting and other rights accorded that position (Section 3.05, City Charter).

~~**J. City Secretary:** The City Secretary attends Council meetings, records proceedings, maintains City records, handles public records requests, authenticates legislation and signatures, prepares correspondence and minutes, and performs other duties as directed by the City Manager and required by law (Section 4.03, City Charter). The job duties and functions of the City Secretary are also defined in the applicable position descriptions.~~

~~K.~~**J. Quorum and Majority Votes:**

1. Quorum: Four (4) members of the City Council shall constitute a quorum for the purpose of transaction of business. No action of the City Council, except as specifically provided in this Charter, shall be valid or binding unless adopted by the affirmative vote of a majority of the City Council present and qualified to act. (Section 3.10, City Charter).

2. Majorities: Majorities are based on the total number of Councilmembers, including the Mayor who may vote, holding office (not simply those present). Therefore, majorities are calculated, in normal situations, using the number seven (7) as denominator. Thus, four (4) constitutes a simple majority, five (5) a two-thirds (2/3) majority, and six (6) a three-fourths (3/4) majority.

~~L.~~**K. Attendance, Absences, and Removals:** Councilmembers are required and expected to attend all Regular City Council Meetings and Special City Council Meetings. Absences from Council meetings may be excused for reasonable

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cause. All absences from meetings will be communicated through the City Secretary's Office. For the official record purposes, a motion of Council to excuse a member's absence must be passed by a simple majority vote.

If any member of the City Council is absent from three (3) consecutive regular meetings, without explanation acceptable to a majority of the remaining members of the City Council, his or her office shall be deemed and declared vacant by resolution at the next regular meeting of the City Council. The City Council shall convene a public hearing before exercising its authority under this provision and permit the Council member to be heard regarding absences. (Section 3.06 (B), City Charter).

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A Councilmember or the Mayor may be expelled from a Council meeting for disorderly conduct or violation of the Rules of Council by a vote of a two- thirds (2/3) majority of Councilmembers. Expulsions are considered unexcused absences.
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~~M.~~L. Agendas:

1. Preparation: The City Manager shall prepare or designate an appropriate department head or City employee to prepare items for inclusion in the official agenda of all City Council meetings and meetings of all boards and commissions. The City Manager may also solicit input from Councilmembers and the Mayor for the agendas for future Council meetings. Any two (2) Councilmembers may also compel an item to be placed on the agenda for Council Work Sessions as described under Section II, C. of this document.

2. Review: Council ~~will~~ may be previously apprised and informed of all proposed legislation/motions and/or other matters of significance on the agendas through Council Work Sessions, other Council meetings, or written communications from the City Manager or the City Secretary (except for emergency situations) or as otherwise determined by Council.

3. Format:

   A. Regular City Council Meetings of Council will follow this format unless changed by any five (5) Councilmembers:

      1. Call the Meeting to Order
      2. Roll Call
      3. Pledge of Allegiance (US and Texas flags)

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4. Invocation (as appropriate)

5. Special Presentations/Announcements *

6. Council Comments and Reports

Staff Reports

~~6.~~7. Citizens Comments **

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~~7.~~8. Regular Agenda
9. Consent Agenda for ordinance second readings (as appropriate)
~~8.~~10. Consent Agenda for other items.
~~9.1. Staff Reports~~
~~10.~~11. Executive Session
~~11.~~12. Post Executive Session agenda items
~~12.~~13. Future Agenda Items/New Business (as appropriate)
~~13.~~14. Adjournment

* Usually reserved to accommodate departments, non-profit or citizen groups whose purpose is to make a short, formal presentation or receive a proclamation.

** Citizens wishing to reserve time to speak must complete a Citizens Comments Request.

B. Council Work Sessions will normally follow this format:

1. Call the Meeting to Order/Roll Call
2. Citizens Comments **
3. Work Session Topics of Discussion
4. Executive Session (as appropriate)
5. Adjournment

~~N.~~M. **Public Participation at Meetings:** The Presiding Officer (Mayor or Mayor Pro Tem) of Regular or Special City Council Meetings, Council Work Sessions, or other Council meetings will recognize persons requesting to be heard. If the topic to be discussed is not on the agenda, it may not be discussed under Citizens Comments (in accordance with Open Meetings statutes). Members of the public desiring to speak at Regular City Council Meetings and Special City Council Meetings must request time using the Citizens Comments Request. Members of the public desiring to speak at Council Work Sessions or other Council meetings must request time using the Citizens Comments Request. Citizens granted time to speak may do so following recognition by the Presiding Officer. Individuals wishing to speak are asked to abide by the following procedures:

1. Wait to speak until recognized by the Presiding Officer.
2. Approach the microphone and state your name and address.
3. Address remarks to the Presiding Officer.
4. Respond to questions from Councilmembers through the Presiding Officer (if the item being discussed is on the agenda).
5. Limit comments to subject under discussion (if

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speaking on an agenda item).

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6. Limit comments to three (3) minutes.
7. Avoid complaints and/or remarks directed against individual employees or Councilmembers. (These types of complaints and/or remarks will be ruled out of order by the Presiding Officer and should be handled instead through the proper procedures for filing complaints).

Public statements on agenda items by other than properly registered or properly recognized citizens will generally not be allowed during the discussion and/or decision of such agenda items. Public statements will be accepted during public hearings, citizens' comments agenda time, and at other times as allowed by the Presiding Officer.

~~O.~~N. **Minutes:** The minutes shall record actions taken at the meeting and shall not be a verbatim transcript of what is said at the meeting. Council may, by a simple majority vote, direct that more detailed minutes be kept for all or part of a meeting.

~~P.~~O. **Councilmember Decorum:** During all official meetings of the Council, whether Committee Meetings, Council Work Sessions, Regular City Council Meetings, or Special City Council Meetings, the members of Council in attendance will represent the City in a professional manner by directing their comments to the business of the Council and the policy implications of such business.

Disparaging comments about a specific member of Council's personhood, political affiliations, or matters of a personal nature will be ruled out of order by the Presiding Officer. For repeated offenses, the Presiding Officer shall put the question of whether the offender shall be removed from the meeting which shall be determined by a vote of three-fourths (3/4) of Councilmembers then present (excluding the offender) without debate.

In no way is this section designed to eliminate the natural and appropriate disagreement or communication of such disagreements between Councilmembers on particular views, positions, directions, or political and/or philosophical positions of individual Councilmembers. Additionally, this section is not designed to limit any First Amendment rights of individual Councilmembers in their private or political capacities outside of official City meetings.

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III. LEGISLATION

A. **The Legislative Process:** Actions of the Council are by ordinance, resolution, or motion. A motion is used to make or approve appointments of personnel, to conduct the business of Council in procedural matters, to conduct elections required by Council, and for other similar matters provided by the Charter. All motions of Council require seconds. Voting records by individual Councilmembers on each item voted on are to be kept by the City Secretary.

Article III of the City Charter prescribes procedures that must be adhered to in regard to legislation. The City Attorney assures that any proposed legislation fulfills all legal requirements.

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B. The City Council shall legislate by ordinance only, and the enacting clause of every ordinance shall be "Be it ordained by the City Council of the City of Iowa Colony, Texas…." Each proposed ordinance shall be introduced in the written or printed form required for adoption. Each ordinance shall contain a title or caption that identifies the subject(s) addressed in the ordinance. General appropriation ordinances may contain various subjects and accounts for which monies are to be appropriated. After adoption, an ordinance shall not be amended or repealed except by the adoption of another ordinance amending or repealing the original ordinance. Copies of any proposed ordinance, in the form required for adoption, shall be furnished timely to the City Council. Copies of the proposed ordinance, in the form required for adoption, shall be available at the City offices and shall be furnished to the public upon request to the City Secretary from and after the date on which such proposed ordinance is posted as an agenda item for a City Council meeting and, if amended, shall be available and furnished in amended form for as long as the proposed ordinance is before the City Council.

C. Unless otherwise required by law, every ordinance shall become effective upon adoption or at any later time(s) specified in the ordinance, except that every ordinance imposing any penalty, fine or forfeiture shall become effective only after the caption has been published once after adoption, in a newspaper designated as the official newspaper of the City.

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D. If a majority of the City Council present request that the ordinance title and caption or its entirety be read, it must be read.

E. **Emergency Legislation:** The City Council may adopt emergency ordinances only to meet public emergencies affecting life, health, property or the public peace. In particular, such ordinances shall not levy taxes, grant or renew or extend a franchise, or regulate the rate charged by any public utility for its services. Neither shall they authorize the borrowing of money except as provided elsewhere in the Charter. An emergency ordinance shall be introduced in the form and manner generally prescribed for ordinances, except that they shall be plainly designated in the title as an emergency ordinance and shall contain after the enacting clause a declaration stating that an emergency exists and describing the emergency in clear and specific terms. An emergency ordinance may be introduced at any City Council meeting and can be adopted

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with or without amendment or rejected at the meeting at which it is introduced. The majority vote of members of the City Council shall be required for adoption.

Emergency ordinances shall become effective upon adoption and shall be published as soon thereafter as practicable. Every emergency ordinance so adopted, except one authorizing the borrowing of money as described herein, is automatically repealed as of the sixty-first (61st) day following the day on which it became effective. The ordinance may be re-enacted if the emergency still exists. (Section 3.15, City Charter)

F. **Copies of Ordinances and Resolutions:** The City Secretary shall provide copies of ordinances and resolutions adopted by Council to persons requesting such copies. Copies of proposed ordinances and resolutions shall also be provided to persons requesting such copies. The City Secretary shall charge the established rate in the Iowa Colony Public Records Policy for such copies. Per the Charter, copies shall be provided on the website.

IV. MOTIONS

Unless there is a conflict with these Rules of Council or the City Charter, Roberts Rules of Order will be used as guidance during Council meetings. The following specific procedures shall be followed during Council meetings:

1. **Main Motions:** A motion to introduce a subject **(requires majority vote)**.

2. **Motions When Question Is Before Council:** When a question or proposition is before or under debate by Council or when a motion has been made, only the following motions can be accepted:

a. To adjourn **(requires majority vote)**.
b. To recess **(requires majority vote)**.
c. To raise a question of privilege. Questions of privilege have precedence over all other questions except adjournment. Questions of privilege are those affecting the rights of the Council collectively, its safety, dignity, comfort, and the integrity of its proceedings and those rights, reputations, and conduct of Councilmembers in the capacity as members of Council **(decision of Presiding Officer)**.
d. To call for orders of the day to require the Council to conform to its agenda, program, or order of business, or to take up a general or special order **(decision of Presiding Officer)**.
e. To lay on the table to set aside the pending question

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when something else of immediate urgency has arisen or when something else needs to be adopted before consideration of the pending question is resumed **(requires majority vote)**.

f. To call the previous question and request that discussion end and that the motion being considered be voted on **(requires two thirds vote)**.

g. To limit or extend limits of debate **(requires two thirds vote)**.

h. To postpone any action to a certain time (or definitely) **(requires majority vote)**.

i. To commit or refer the proposal to a committee or special meeting of Council for further investigation or to put into better condition for consideration **(requires majority vote)**.

j. To amend. A motion to amend is to modify the main motion by inserting or adding; striking out; or striking out and inserting. No motions can be made to amend an amendment. A rejected amendment may not be moved again in the same form **(requires majority vote)**.

k. To postpone indefinitely. When motions to postpone indefinitely are passed, the principle question is declared lost. The motion rejects or "kills" the main motion for the duration of the session **(requires majority vote)**.

l. To postpone any action indefinitely **(requires majority vote)**.

Note: These motions have precedence in the order given. Motions listed above in "a", "b", "c" and "f" are decided without debate.

3. **Motion to Take Matter From Committee:** When ordinances, resolution, or other matters have been referred to a committee and said committee fails within a reasonable or specified time to report or offer a valid reason for failure to report, any member of Council has a right to move that ordinance, resolution, or matter of concern be taken from that committee and placed before Council for action **(requires majority vote)**.

4. **Motion to Reconsider:** Motions to reconsider an approved item must be made before adjournment of that session of Council for those items of legislation that are effective immediately; motions to reconsider other legislation must be made prior to the close of the next following regular meeting of Council. A motion to reconsider may be made only by a Councilmember who voted with the

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prevailing side. A motion to reconsider, being laid on the table, may be taken up and acted upon at any time when the Council is engaged in the transaction of other business. No motion to reconsider may be made more than once on any matter and the same number of votes is required to reconsider the action of Council as was required to pass or adopt the matter **(requires majority vote)**.

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V. ***COUNCIL WORKSESSIONS/COMMITTEES***

A. **Council Work Sessions:** Council Work Sessions are working committee meetings of Council and are not utilized for legislative action or other formal Council actions appropriate to Regular or Special City Council Meetings. The Council Work Sessions shall consist of the Mayor and all of the Councilmembers. Council Work Sessions shall be supported by the City Secretary, the City Manager, the City Attorney, and City Staff as directed by the City Manager.

Proposed legislation/motions and/or other matters of significance will generally be reviewed initially through assignment to a Council Work Session. Exceptions to the review of proposed legislation/motions and/or other matters of significance through assignment to a Council Work Session can be made by Council for routine matters, including approval of expenses legislation and end of the year legislation. Council may also opt to review proposed legislation/motions and/or other matters of significance that arise in emergency situations at Regular City Council Meetings or Special City Council Meetings without assignment to a Council Work Session.

All Council Work Sessions shall comply with the requirements of Texas Revised Code Section 121.22 under Texas's Open Meetings Act. It shall be the responsibility of the Presiding Officer to advise the Office of the City Secretary of all scheduled meetings so that public notice can be given. It shall also be the responsibility of the Office of the City Secretary to ensure and/or prepare written minutes of all such meetings and to maintain a copy of all meeting notices, information, and minutes in the Office of the City Secretary's records.

B. **Committee of the Whole:** The working business of the Council may also be conducted through Committee of the Whole meetings. The Committee of the Whole shall consist of the Mayor and all of the Councilmembers. The Committee of the Whole meetings shall be supported by the City Secretary, the City Manager, the City Attorney, and City Staff as directed by the City Manager.

C. **Special Committees:** The Mayor may appoint temporary special committees, unless objected to by Council, as may be appropriate to gather information, conduct surveys, make findings and recommendations on proposed legislation, or perform other specified tasks. The work of the special committees shall be confined to specific assignments and these committees shall have only the authority granted by Council. These special committees shall be temporary and terminate upon presentation of their final reports to the Council. All special committees appointed by the Mayor shall be advisory only. The Mayor

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shall be a non-voting ex-officio member of all special committees. A Special Committee Chair will be elected by the members of the special committee to act as the Presiding Officer of meetings of the special committee. The Special Committee Chair shall advise the Mayor of all committee meetings at the same time that members are notified of such meetings.

All special committee/subcommittee meetings shall comply with the requirements of Texas Revised Code Section 121.22 under the Texas's Open Meetings Act. It shall be the responsibility of each such Chair to advise the Office of the City Secretary of all scheduled meetings so that public notice can be given. It shall also be the responsibility of the Office of the City Secretary to ensure and/or prepare written minutes of all such meetings and to maintain a copy all meeting notices, information, and minutes in the Office of the City Secretary's records.

D. **Outside Committees:** For those Councilmembers selected to serve as individual representatives of City Council on outside committees or organizations, ongoing reports shall be provided to City Council in a timely manner. Representation of City Council on outside committees or organizations should be made by a motion of Council and approval by a simple majority vote of Council.

VI. COMPENSATION AND EXPENSES

Councilmembers shall be reimbursed their actual expenses incurred in the performance of authorized travel on official business of the City for approved training seminars, conferences, etc. The mode of travel and types of expenses covered (meals, tips, lodgings, fees, materials, etc.) for Council must first be approved by the Mayor before such expenses are reimbursable. The Mayor's mode of travel and types of expenses covered (meals, tips, lodgings, fees, materials, etc.) must first be approved by the Mayor Pro Tem before such expenses are reimbursable. Those who use a personal vehicle during authorized travel will be reimbursed at the same rate as that authorized for City employees. Travel vouchers requesting reimbursement for approved travel expenses shall be submitted to the Office of the City Secretary after approval by the Mayor (or Mayor Pro Tem for the Mayor's travel expenses) for processing by the Finance Department.

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VII. *IN-SERVICE TRAINING*

The Mayor and Councilmembers may avail themselves of educational opportunities by attendance at professional meetings, conferences, educational institutions, and purchases of information that enhance a Councilmember's ability to perform Council duties. The Finance Department will process payment for any advance registration expenses and councilmembers shall be reimbursed for any other expenses.

VIII. *CITY ATTORNEY AND OTHER LEGAL COUNSEL*

No legal services shall be performed by the City Attorney except as authorized by the City Charter and City Council, or as requested by the City Manager, the City Secretary, and Senior City Staff. City Council, through the Council Work Sessions or any other Council meetings as determined by City Council, shall be responsible for administration and management of the City Attorney. All administrative matters involving the City Attorney shall be brought before the appropriate Council meeting including the Council Work Session or the Committee of the Whole. Conflicts of interest shall be resolved between City Attorney and City Council through the appropriate Council meeting including the Council Work Sessions.

The City Attorney shall attend all Council meetings, including Executive Sessions, unless unable to do so because of a conflict in court scheduling or other business related to the conduct of official business. The City Attorney shall attend meetings of other City bodies when, in the City Attorney's judgment, the subject matter at those meetings is such that a presence is required or appropriate. The chairs of City boards, committees, and commissions generally should request, through the City Manager, the attendance of the City Attorney at any meetings, if necessary. Communication will also be forwarded to City Council by the City Manager regarding the attendance of the City Attorney regarding such meetings.

Preliminary drafts of legislation should be submitted to the City Attorney for review as part of the legislative process established in Section III of the Rules of Council. In addition, the City Attorney will draft legislation at the specific direction of the City Manager, the City Secretary, or from Council meetings and shall review all legislation for legal form and propriety.

The City Attorney will provide Council, the City Manager, and the City Secretary with copies of each significant legal document issued; however, entire briefs, etc. too bulky for reproduction will not be reproduced in their entirety except upon request or will be provided in electronic format.

The City Attorney will provide Council with a quarterly activity report, including a verbal update on all significant active legal actions (such as civil suits,

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etc.). Between these reports, the City Attorney will advise Council and the City Manager of any

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matters warranting immediate attention. Additionally, to ensure the City's best interest are always protected, the City Attorney will attend other City meetings, as requested, and coordinate day-to-day activities with the City Manager.

The Council may employ additional legal counsel to provide supplemental legal services and to represent the City. These services are to be paid for from the City's legal budget.

IX. COUNCIL/ADMINISTRATION COMMUNICATIONS

Official communications between Council or its individual members and City officers and employees are to be conducted solely through the City Manager.

Requests to the City Manager for routine information, which involve minimal extra work by City Staff, can be handled without approval of Council as a whole (for example; a copy of existing information, brief project status reports, opinions, etc.).

The City Manager may determine that a request for information is not routine or will require more than minimal effort, in which case the requesting Councilmember will be informed and has the option of taking the matter before the entire Council for consideration. Similarly, routine complaints or requests received by the City Manager from elected officials will be handled promptly without Council approval.

On matters pending before Council, any new information that is developed by the City Staff will be shared by the City Manager with all Councilmembers prior to the discussion of the matter. Additionally, all Councilmembers inquiries to the City Attorney for non-routine requests (greater than one hour of work) shall be approved by a majority of Council before the work begins and will be detailed on the City Attorney's billing statements.

If a request for new information on matters not presently before Council is received that would suggest the issue would be a policy matter for the entire Council to consider, the City Manager shall inform all members of Council and seek approval for the City Staff work necessary to respond to the request (with majority approval of Council necessary). Requests for information or reports which will interrupt the established day-to-day utilization of City Staff time must be approved and authorized by Council. If the request is approved, all information compiled will be shared with all Councilmembers.

In order to assure that the City Manager's time is directed to implementing a common agenda reflecting the wishes of Council, a goal setting session shall be held not less than every two (2) years. The City Manager shall report progress on the goals

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not less than three (3) times per year..

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X. ***INVESTIGATIONS***

Council may make investigations in coordination with the City Manager into the affairs of the City and the conduct of any City office, department, division, board, commission, or committee. Such investigations must be authorized by a majority of the Councilmembers. Councilmembers who request such investigations shall bring the request and the reasons for the request to Council in Executive Session. Such investigations shall be carried out within parameters established by the City Charter, federal and state law, and in consultation with the City Attorney. (Section 3.12, City Charter)

XI. ***BOARDS AND COMMISSIONS***

Council is empowered to create City boards and commissions, in addition to those established by the City Charter. Council also appoints members to City boards and commissions. A simple majority vote of Councilmembers currently holding office at the time of appointment is required to appoint. Appointments will be made in accordance with the process set forth in the City of Iowa Colony Board and Commission Handbook. (Section 3.07 (f), City Charter)

XII. ***CONFLICTS OF INTEREST AND ETHICS***

Councilmembers are subject to all Texas and local statutes and federal and state law regarding conflicts of interest, criminal misbehavior, ethics, and financial disclosure by municipal officials (Chapter 171, Local Government Code, V.T.C.A.). Members of Council shall abstain from voting on and the formal discussion of any motion or issue wherein the member might have a conflict of interest. Members having conflicts are expected to notify other members of the conflict as soon as such conflict becomes evident.

XIII. ***COMPLAINTS***

Complaints against employees are to be made to the City Manager and handled in accordance with the City Personnel Policy Manual. Complaints against Councilmembers, the City Manager, the City Attorney, the Municipal Court Judge, or members of City boards or commissions appointed by Council are to be made to the Mayor. Complaints against the Mayor are to be made to the Mayor Pro Tem. Complaints are required to be in writing.

Upon receipt of a complaint against the City Manager, the City Attorney, the Municipal Court Judge, or members of City boards or commissions appointed by Council, the Mayor or Mayor Pro Tem shall distribute a copy of the complaint to all members of the City Council. All actions taken to investigate and resolve the complaint shall be documented as a matter of record. The Mayor or Mayor Pro Tem will complete a written response as soon as possible advising the initiator

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and the City Council of the disposition of the complaint. In those cases where resolution requires longer than ten (10) business days, an interim written response and target date for completion will be provided to the initiator of the complaint and the City Council.

Oral complaints against individual employees by the public or Councilmembers at City Council Meetings are out of order. The Presiding Officer shall rule the complaint out of order and explain the proper procedure for filing complaints.

The above are not to be construed to deny the rights of the public to criticize, state dissatisfaction, or complain about Council or City services, but to protect individuals from public censure without the chance to answer specific complaints.

XIV. ***EVALUATION OF CITY OFFICIALS***

It shall be the responsibility of Council to provide a written evaluation of the performance of the City Manager, the City Attorney, and the City Secretary annually. There shall be a formal Executive Session discussion of these evaluations by Council prior to the finalization of these evaluations. The Mayor or the Mayor Pro Tem shall consolidate and present final evaluations to all City Officials. The City Manager, City Attorney and City Secretary have the right to have their evaluation in public outside of an Executive Session. The request for a public evaluation must provided in writing to the Mayor, City Secretary and City Attorney.

XV. ***SUSPENSION OR WAIVER OF THE RULES OF COUNCIL***

Council may suspend or waive the adopted Rules of Council, in full or in part, for a specified time by a motion. The motion to suspend or waive the Rules of Council must be properly seconded and approved by a simple majority vote of Councilmembers currently holding office.

XVI. ***SOCIAL MEDIA GUIDELINES AND STANDARDS FOR COUNCIL***

These Guidelines and Standards apply to City Councilmembers ("Elected Officials") that may maintain and use personal web pages, websites, blogs, and social networking sites (collectively "Internet Platform").

Elected Official's Internet Platforms are not controlled by the City of Iowa Colony. The City does not require or promote such sites, nor provides web space or access (links) for such sites through any official City channels. Communications on Elected Official's Internet Platforms are not created, received, maintained or used by the City. Nor are they meant to document the organization, functions, policies, decisions, procedures, operations, or other activities of the City or its Council as a whole.

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Social Media Guidelines

1. The site should NOT be designated as a "governmental" page.

2. The site should NOT appear to be an official City internet platform.

3. The site should have a disclaimer predominantly featured on the site, such as:

   This is a private page under the sole control of_____. The comments expressed by me are my own and do not reflect the opinions and/or position of the City of Iowa Colony or its officers and employees. This page is not sanctioned or monitored by the City. This Page cannot be used for service of any legal notice, administrative notice or any other legal process directed to the City. As this site is not monitored by the City, do not use this site to request City records.

4. Elected Officials should NOT promote their private Internet Platforms at official City meetings or in official City correspondence.

5. If the Internet Platform is interactive (allows third parties to post) the site should expressly provide that it is not intended to be a public forum and that posts that are vulgar, off topic, hate speech etc. will be deleted according to a posted policy advising of such. A sample provision is:

   I reserve the right to remove or edit any posts that are unlawful, threatening, libelous, defamatory, obscene, pornographic, invasive of privacy, infringing of intellectual property rights, or otherwise violate any law. This includes comments or content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, genetics, status with regard to public assistance, national origin, physical or intellectual disability, or sexual orientation. Spam, links to other sites, information that is clearly off topic, and/or apparent spamming or trolling will be removed.

Social Media Standards

1. Elected Officials should not disclose information that is considered privileged or confidential. By way of example, such information may include but is not limited to certain personnel information, non-public information from criminal investigations and business trade secrets.

2. Elected Officials should be honest and accurate when posting information or news, and should quickly correct any mistakes, misstatements and/or factual

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errors in content upon discovery.

3. Elected Officials should never represent themselves as a spokesperson for the City Council, board, committee, or commission.

4. Elected Officials should consider the potential impact of social media statements prior to posting.

5. Elected Officials should not post information about matters involving pending or threatened litigation, items that are or may be appealed to them in their official capacity or to City boards or commissions.

6. Elected Officials should not use internet platforms to communicate with city employees about City-related matters.

7. Elected Officials should not "tag" a matter to a City employee's personal internet platform site.

8. Elected Officials should be mindful of the risks of electronic communication in relation to the Texas Public Records Laws and the Open Meeting Law; communication between elected officials should be avoided on internet platforms.

9. Elected Officials should not reference any document(s) as a basis for making an official decision unless that document is available through the City as a public record.

10. Removing a user's comment or post because the person is criticizing some government action is not advisable.

11. When an Elected Official desires to have a matter posted to an Official City Internet Platform, the Elected Official shall provide the item or link to the City Secretary who will then forward it to the designated person in charge of the City Internet Platform for posting consistent with the City's Social Media Policy.

XVIII Code of Conduct

Policy Statement

The citizens and businesses of Alvin are entitled to have fair, ethical and accountable local government, which has earned the public' s full confidence in integrity. In keeping with the City of Iowa Colony's commitment to treasuring our past while forging our future, the effective functioning of democratic government therefore requires that:

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Public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government;
Public officials be independent, impartial and fair in their judgment and actions;
Public office be used for the public good, not for personal gain; and

Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Iowa Colony City Council has adopted a Code of Conduct for members of the City

Council and of the City's boards and commissions to assure public confidence in the integrity of local government and its effective and fair operation.

1. **Act in the Public Interest**. Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of Alvin and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before the Iowa Colony City Council, boards and commissions of Texas and the City of Alvin in the performance of their public duties. These laws include but are not limited to: the United States and Texas constitutions; the Alvin City Charter; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, open processes of government, and City ordinances and policies.
2. **Conduct of Members**. The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, boards and commissions, the staff or public. Members should dedicate themselves to the highest ideals of honor and integrity in all public and personal relationships.
3. **Respect for Process**. Members shall perform their duties in accordance with the processes and rules of order established by the City Council and boards and commissions governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the City Council by City staff, even when the member has voted in the minority.
4. **Conduct of Public Meetings**. Members shall prepare themselves for public issues, listen courteously and attentively to all public discussions before the body, and focus on the business at hand. They shall refrain from interrupting other speakers, making personal comments not germane to the business of the body, or otherwise interfering with the orderly conduct of meetings.
5. **Conduct Business in Open**. Members shall conduct business in open and publicized meetings in order to be transparent to the citizens of Alvin. It is recognized that certain exceptions are made by the State for closed sessions and any action as a result of that type of meeting will be addressed in the open session as noted on the agenda. Communications made during a public meeting or closed session are subject to the Texas Public Information Act. Members will not use " electronic communication devices" to communicate either internally or externally during meetings.
6. **Decisions Based on Merit**. Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations. Members will not withhold information that is pertinent to the decision-making process.
7. **Communication**. Members shall publicly share substantive information that is relevant to a matter under consideration by the Council or boards and commissions, which they may have received from sources outside of the public decision-making process. Members will not withhold information that is pertinent to the decision-making process.

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8. **Comply with the Law**. Members shall comply with the laws of the nation, the State of Texas and the Iowa Colony City Charter.
9. **Use of Electronic Devices**. Members will not use electronic devices other than what is necessary for conducting business during a meeting. Members will not text, email, make phone calls, use social media, and play games during the course of a meeting. Members shall not communicate or participate in a discussion with a quorum of the city council relative to city business via electronic mail, text or other social media tool. Use of personal emails, cell phones or computers may subject members to Public Information Act disclosure requirements.
10. **Smoking or Use of Tobacco Products**. Members will not smoke or use tobacco products, electronic cigarettes and/or smokeless tobacco during the course of a meeting.
11. **Use of Alcohol**. Members shall not be impaired due to the use of alcohol prior to or while conducting city business within our outside of a formal meeting.
12. **Conflict of Interest**. In order to assure their independence and impartiality on behalf of the common good members shall not use their official positions to influence government decisions in which they have a material financial interest or where they have an organizational responsibility or personal relationship which may give the appearance of a conflict of interest. In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts, and they shall abstain from participating in deliberations and decision-making where conflicts may exist, because these areas WILL exist. When these issues arise, it is simply imperative that we mitigate those issues appropriately.
13. **Gifts and Favors**. Members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office that are not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgement or action or give the appearance of being compromised.
14. **Confidential information**. Members shall respect the confidentiality of information concerning the property, personnel or affairs of the City. They shall neither disclose confidential information without proper legal authorization nor use such information to advance their personal, financial or other private interests. A member shall not intentionally or knowingly disclose any confidential information gained by reason of said official position concerning the property, operations, policies or affairs of the city.
15. **Use of Public Resources**. Members shall not use public resources not available to the public in general, such as City staff time, equipment, supplies or facilities, for private gain or personal purposes.
16. **Representation of Private Interests**. In keeping with their role as stewards of the public interest, member of the City Council shall not appear or speak specifically on behalf of the private interests, including both private and nonprofit entities, of third parties before the Council or any board, commission or proceeding of the City in, nor shall members of boards or commissions appear before their own bodies or before the Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.
17. **Advocacy**. Members shall represent the official policies or positions of the City Council, board or commission to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, embers shall explicitly state they do not represent their body or the City of Iowa Colony, nor will they allow the inference that they do.
18. **Policy Role of Members**. Members shall respect and adhere to the Council-Manager structure of the Iowa Colony City government, as outlined by the Iowa Colony City Charter. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by the public, boards, commissions and City staff. Except as provide by the City Charter,

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members therefore shall not interfere with the administrative functions of the City or the professional duties of the City staff, nor shall they impair the ability of staff to implement Council policy decisions.

19. **Independence of Boards and Commissions**. Because of the value of the independent advice of boards and commissions to the public decision0making process, members of the City Council shall refrain from using their positions to unduly influence the deliberations or outcomes of board and commission proceedings.
20. **Positive Workplace Environment**. Members shall support the maintenance of a positive and constructive workplace environment for City employees and for citizens and businesses dealing with the City. Members shall recognize their special role in dealing with City employees to in no way create the perception of inappropriate directions or comments to City staff.
21. **Political Endorsements**. When publicly endorsing a candidate for any elected office, members will not use their title as a councilperson, board or commission members nor use a City meeting forum to endorse a candidate. Council is prohibited from endorsing any candidate for City elections as it is deemed inappropriate.
22. **Implementation**. As an expression of the standards of conduct for members expected by the City, the Iowa Colony Code of Conduct is intended to be self-enforcing. It therefore is most effective when members are thoroughly familiar with it and embrace its provisions. For this reason, code of conduct standards shall be included in the regular orientations for candidates for City Council, applicants to boards and commissions, and newly elected and appointed officials. Members entering office shall sign a statement affirming they read and understood the City of Iowa Colony Code of Conduct and Rules of Procedure. The City Council shall consider recommendations from boards and commissions and Council members and update this document as necessary.
23. **Compliance and Enforcement**. The Iowa Colony Code of Conduct expresses standards of ethical conduct expected for members of the Iowa Colony City Council, boards and commissions. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of their government in Iowa Colony. The chairs of board and commissions and the Mayor have the additional responsibility to intervene when actions of members that appear to be in violation of the Code of Conduct and these Rules of Procedure are brought to their attention. The second in line, when the Mayor's or chair's actions come into question, would assume the duty of intervening. The City Council may impose sanctions on members whose conduct does not comply with this Code of Conduct or these Rules of Procedure, such as reprimand, formal censure, loss of seniority or committee assignments.

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CITY OF IOWA COLONY

Job Description

Job Title: City Manager

Department: City Manager
Reports To: Mayor / Council

FLSA Status: Exempt

Location: 12003. Iowa Colony Blvd.

Revision Date:

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PURPOSE OF THE JOB:

- To plan, organize, and direct all City affairs as assigned by City charter, ordinance, or directive.
- To promote City interests through direct community involvement or indirectly, through the management of Department Directors.
- To provide advice and consultation to City Council, and as liaison between Council and City staff.

WORK PERFORMED:

1. Directs and engages in short term and strategic planning for the development, acquisition, and use of the City's human, capital, and financial resources.
2. Prepares or directs the preparation of policy and procedural proposals for review and adoption by City Council.
3. Monitors the implementation and progress of policies, procedures, programs, and projects.
4. Appoints / hires Department Directors (as provided by City Charter) and City Manager's staff, and other City employees through subordinates; Evaluates performances, resolves grievances and develops staff.
5. Directs the preparation of City's budget, monitors execution of the budget throughout the year, to include and review approval of expenditures, check registers, and overtime reports.
6. Advises the Council of the City's financial status.
7. Directs the preparation of City Council meeting agendas; Determines items to be included in the agenda.
8. Receives and responds to public inquiries; Resolves or delegates the resolution of problems presented by citizens.

9. Represents the City's interests in a variety of settings, both inside and outside of the City; conducts on-site visits of City projects.

10. Directs staff meetings, reviews status of staff projects, and reviews recommendations and projects completed by staff.

11. Attends evening City Council meetings, committee meetings, social, civic, and volunteer association meetings.

12. Actively participates in professional associations.

13. Consults with City attorney to seek legal advice and legal opinions.

14. Attends workshops and seminars to stay abreast of latest developments in topics bearing on effective City management, to include, but not limited to, Federal and State regulatory changes.

15. May perform other related duties.

SUPERVISION EXERCISED:

1. Position Directly Supervised:

   All Department Directors that may now or in the future exist

   Any assistants positions that may be established

2. Positions Indirectly Supervised:

   > All full-time employees

   > All part-time employees

SUPERVISION RECEIVED:

1. Title of Supervisor:
   Mayor and City Council

2. Nature of Supervision:
   Performs work under general supervision; Receives annual performance evaluation.

RESPONSIBILITY AND AUTHORITY:

1. Decision Making:

   - Decisions to be made are far reaching, thus requiring the ability to forecast consequences. Conditions surrounding the problems are uncertain and involve highly sensitive matters.

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Decisions affect the well being of the organization, or the well being of the public. Decisions require extensive and broad experience in municipal government, and in-depth knowledge of relevant laws and ordinances, and public practices.

Examples:

- Exercises total authority and discretion in daily interpretation and execution of citywide policies, procedures, and programs.
- Independent judgment and discretion is utilized in exercising the responsibilities of Chief Executive.

2. Equipment:

- Frequently uses computer, Cell Phone and vehicle.

3. Finances:

- Responsible for complete oversight of City budget

4. Public Contacts (Nature and Identity):

- Interacts with Federal and State agencies to obtain information concerning rules, regulations, and grants, as well as other matters.
- Provides or receives advice and guidance to / from Federal and State elected officials, statewide organizations and elected officials' staffs concerning legislation. Shares information with City and County elected officials.
- Provides quotes and press releases for television, radio and newspaper media.
- Exchanges information concerning programs and projects of mutual benefit with Chamber directors and board members.
- Consults with City Attorney.
- Discusses common issues with other City Managers throughout the State.
- Consults with school officials of F.I.S.D. and C.C.I.S.D. to share projects, concerns, and exchange information.
- Interacts with consultants concerning project status.
- Interacts with the public, both individuals and organizations, concerning a wide range of issues bearing on City policies, procedures, and programs.

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5. Internal Contacts (Nature and Identity):

- Principal contacts are with the Mayor, City Council, and Department Heads to exchange routine information, coordinate work activities, provide advice and consultation, and negotiate policies and procedures; Provides direct orders to Department Heads.

SKILLS, KNOWLEDGE AND ABILITIES:

1. Minimum Education and Experience Expected to Perform the Job:

- Undergraduate degree in business, public administration, or related field; Master's degree in political science, business, public administration, or related field is preferred.

- Four years of progressively responsible City Management experience in a City with an undergraduate degree, two years with a master's degree, or eight years in lieu of a graduate degree preferred.

2. Knowledge or Skill Proficiencies:

- Knowledge of Federal, State and local laws / regulations bearing on City programs.

- Knowledge of business practices and protocol.

- In depth understanding of municipal operations.

3. Special Aptitudes and Abilities Required:

- Excellent verbal skills, both oral and writing. Must be able to make effective presentations to City Council, Social and Civil group, negotiate with high-ranking officials, and represent the City in formal, as well as informal, settings.

- Outstanding managerial skills, to include ability to plan, organize, and direct multiple projects of significant importance to the public.

- Ability to create a motivating work environment for managers of diverse talents and personalities.

- Philosophy oriented toward serving the public and acting as role model for other employees' interactions with the public.

- Outstanding problem-solving and analytical skills; Must be able to find solutions to problems for which there may be no precedent.

4. Required Licenses, Registries and Certifications:

  - Valid Texas Drivers License and a good driving record.

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COMPETENCIES REQUIRED

To perform the job successfully, an individual should demonstrate the following competencies:

- **Analytical** - Synthesizes complex or diverse information; Uses intuition and experience to complement data.

- **Problem Solving** - Identifies and resolves problems in a timely manner; Gathers and analyzes information skillfully; Develops alternative solutions; Works well in group problem solving situations; Uses reason even when dealing with emotional topics.

- **Project Management** - Communicates changes and progress; Manages project team activities.

- **Customer Service** - Responds to requests for service and assistance; Meets commitments.

- **Interpersonal Skills** - Focuses on solving conflict, not blaming; Maintains confidentiality.

- **Oral Communication** - Speaks clearly and persuasively in positive or negative situations; Listens and gets clarification; Responds well to questions; Demonstrates group presentation skills; Participates in meetings.

- **Written Communication** - Writes clearly and informatively; Edits work for spelling and grammar; Presents numerical data effectively; Able to read and interpret written information.

- **Teamwork** - Exhibits objectivity and openness to others' views; Contributes to building a positive team spirit; Able to build morale and group commitments to goals and objectives.

- **Visionary Leadership** - Inspires respect and trust; Provides vision and inspiration to peers and subordinates.

- **Change Management** - Communicates changes effectively; Builds commitment and overcomes resistance.

- **Delegation** - Delegates work assignments; Matches the responsibility to the person; Sets expectations and monitors delegated activities; Provides recognition for results.

- **Leadership** - Exhibits confidence in self and others; Effectively influences actions and opinions of others.

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- **Managing People** - Includes staff in planning, decision-making, facilitating and process improvement; Takes responsibility for subordinates' activities; Makes self available to staff.

- **Quality Management** - Looks for ways to improve and promote quality; Demonstrates accuracy and thoroughness.

- **Business Acumen** - Understands business implications of decisions; Aligns work with strategic goals.

- **Cost Consciousness** - Works within approved budget; Conserves organizational resources.

- **Diversity** - Promotes a harassment-free environment.

- **Ethics** - Treats people with respect; Keeps commitments; Inspires the trust of others; Works with integrity and ethically; Upholds organizational values.

- **Organizational Support** - Follows policies and procedures; Supports organization's goals and values.

- **Strategic Thinking** - Develops strategies to achieve organizational goals; Adapts strategy to changing conditions.

- **Professionalism** - Approaches others in a tactful manner; Reacts well under pressure; Treats others with respect and consideration regardless of their status or position; Accepts responsibility for own actions; Follows through on commitments.

- **Adaptability** - Adapts to changes in the work environment; Manages competing demands; Changes approach or method to best fit the situation.

- Negotiation ability – ability to negotiate contracts and agreements.

- Community minded – Is a part of the community he/she lives in. Attends regular community festivals and events. Makes regular reports to citizens and groups interested in city government.

WORKING CONDITIONS (GENERAL):

- Position may involve extended periods of sitting and standing with some lifting; Frequently exposed to odors and fumes; Occasionally exposed to heat, cold, dampness, and bad lighting. Unlikely to sustain physical injury if care is exercised when traveling and arranging meeting room, or while engaged in other physical activity.

- Position incumbent is subject to considerable stress due to workload, budgetary responsibilities, and total management responsibility under uncertain or unstable economic

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conditions; Stressors include the management of highly charged political situations and negotiating with individuals who may have conflicting personal agendas or views (City Council Members or City Council-Staff members).

- Position is required to attend evening meetings and is expected to work beyond a 40-hour workweek to accomplish all objectives.

NOTE:
Any applicant receiving a bona fide job offer for this position will be required to undergo and pass a pre-employment physical examination, illegal drug screening and criminal background check prior to employment.

All positions at the City of Iowa Colony require documentation of employment eligibility in accordance with Federal employment law.

Communication skills in English are required for some specific assignments based upon job-related needs for communication with the general public and/or co-workers. Bilingual skills (Spanish/English) are encouraged, but not required.

The above statements are intended to describe the general nature and level of work being performed by the person assigned to this job. They are not intended to be an exhaustive list of all responsibilities, duties, skills and physical demands required of the personnel so classified.

The Job Description does not constitute an employment agreement between the City of Iowa Colony and the employee. This position is subject to change by the employer as the needs of the employer and requirements of the job change.

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City Manager
Position Profile
Approved February 15, 2021

Introduction

The City of Iowa Colony, Texas is seeking applicants for their first City Manager position. The City of Iowa Colony is a home rule city. The Home Rule Charter was approved by voters in November, 2020. The City appointed an Interim City Manager in November as well upon approval of the vote, and is now ready to hire its first full time City Manager.

The following profile is intended to provide applicants with a balanced view of the community, its governance, and the expectations of the Mayor and City Council relative to the City Manager position to be filled.

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The Community

Iowa Colony was established as a community in the early 1900's. It was founded by the Immigration Land Commpany of Des Moines, Iowa, thus its name. Rice farming was introduced in 1920 and it remained an agricultural community until the urbanization started in the early 2000's. Iowa Colony lies in mid-Brazoria County on State Highway 288 in Brazoria County. It was incorporated in 1973 as a General Law City. In 1990 the population was just over 600 and in 2010 it had grown very little to just under 1,200 people

The current estimated population is approximately 8,000 people. The rapid growth has been due to the development of a master planned community, Meridiana, inside the city limits, and the recent annexation of another planned community Sterling Lakes. There are additional planned communities in the area that will ensure continued growth for many years to come. Iowa Colony is primarily a residential and agricultural community, although economic growth is one of its primary goals. The city consists of 14.25 square miles. The average age of the population is 38 years. The mmedian household income is $47,019. Iowa Colony is poised for significant economic development. It has significant frontage road along State Highway 288 and State Highway 6. This is one of the last undeveloped major corridors in the entire Houston metro area. It is positioned between Lake Jackson and Freeport, home of Dow Chemical and other major petrochemical plants and a major port, and the Houston Medical Center and downtown Houston. A new toll road has been built from Pearland into the Medical Center to better carry the traffic, placing Iowa Colony in an even better growth position.

The City of Iowa Colony has a property tax of $0.469209/$100. The City does assess the full 8.25% sales tax rate, of which a full 2% goes to the City for general government - ½% for crime

prevention and control district, 1% for general government. The remaining ½% goes to Brazoria County and was originally instituted for property tax reduction. Property taxes generally are equal as the primary revenue sources for the city. The property tax base (taxable value) for 2020 was roughly $270 million. A copy of the budget is available on the website.

Iowa Colony students are served by the Alvin ISD. AISD has high academic standards and achievements no matter where the city manager may choose to live. There are two elementary schools inside the city limits. AISD is currently constructing its fourth high school in Iowa Colony and recently completed its 10,000 seat District stadium, Freedom Field inside the city limits as well. AISD has a huge presence in Iowa Colony.

Commercial/retail growth is limited but the potential is significant as rooftops develop. Importantly, Iowa Colony is a zoned city. The City Council adopted the City's first Comprehensive Plan in 2020. It is available for review on the city's website.

The major medical facilities are in the City of Pearland, Angleton and Lake Jackson, with the world class Medical Center in Houston in close commuting distance. Major industries include petrochemical plants Freeport and Houston Ship Channel, and the Freeport, Galveston and Houston Ports (three of the largest in the world) are also within close commuting distance.

Governance Structure

- **Mayor and City Council.** The City of Iowa Colony is a Home Rule City governed by a Mayor and six City Council members. The Mayor is elected at large from the voters throughout the city. The election of the full seven member Council is in transition as a result of the approve of the Home Rule Charter. When competed, there will be three Council members are elected from districts and three elected at large, along with the Mayor. The first district elections will be held in 2023.

  All members are elected for two-year terms. There are no term limits.

  The Mayor serves as the head of the City Council and is a voting member of the Council. The entire City Council appoints the City Manager, City Attorney, Municipal Court Judge. The City Council approves the City Manager's appointment of the department heads including the city secretary.

  The Charter does require Council concurrence of appointments of department directors. The Charter does not require Council concurrent of dismissal of any employee under the supervision of the City Manager. The Charter does require Council approval of the creation or reorganization of departments within the city.

  Following is a list of the current Mayor and City Councilmembers:

  - **Michael Byrum-Bratsen, Mayor** – 1st full term
  - **Sydney Hargroder, Position 1** – 1st term
  - **Arnetta Murray, Position 2** – 1st term
  - **Robin Bradbery, Position 3** – 2nd term
  - **Kacy Smajstrla, Position 4** – 2nd term
  - **Chad Wilsey, Mayor Pro Tem, Position 5** – 2nd term
  -

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- **Governance Model**. The City Council has established its governance model includes the following.

  - **Key Vision Elements and Guiding Principles**

    - *Quality of Life* Protect and promote a quality of life for our citizens that maintains and promotes the rural small town feel of the community.

    - *Transportation* Ensure a transportation system where people can travel safely and efficiently throughout the community and beyond.

    - *Goods and Services* Promote the provision of goods and services for our citizens.

    - *Governance* Ensure the highest level of governance, through elected officials, boards and commissions members, and employees.

    - *Safe community* Provide a safe environment for citizens of all ages.

    - *Municipal Services* Provide municipal services and infrastructure that promotes the health, safety, welfare and quality of life for our community.

  - **Leadership Philosophy for Council and Staff**
    - Be approachable and accessible.
    - Be available to speak to everyone.
    - Be transparent to the community.
    - Be informed with as much information and knowledge as possible before acting.
    - Be responsive
    - Be respectful to one another.
    - Find consensus and have the ability to compromise.
    - Be willing to make adjustments when needed.

  - **Communication Philosophy for Council and Staff**
    - Listen more than we talk.
    - To listen and be informed.
    - Provide regular reports to Council.
    - Take the time to meet and talk having all the information possible.
    - Be responsive to the people as the main point of contact.
    - Provide information regularly on status of projects, potential concepts, etc. to allow the Council to be prepared earlier when they are asked to decide.
    - Continue to expand the communication with the cities through electronic media.
    - Be respectful and open-minded during deliberations.

  - **Expectations for Council and Staff**
    - Work with other cities around us – do not be an isolationist
    - Work with larger governments – county, state and federal for the good of the City.
    - Grow in your ability as the city grows.

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- Find ways to meet in the middle.
- Have negotiation skills.
- Know that it is OK to disagree, but maintain dignity. Don't have malice about decisions that may not go your way.

- **Values of Council and staff**

  - Manage with respect.
  - Have Respect for others.
  - Positive reinforcement rather than fear and punishment.
  - Have integrity to do what is right, whether one is looking or not.
  - Be honest.
  - Be trusting and trustworthy.
  - Not a micromanager – give people autonomy and responsibility
  - Have faith they will do their job well.
  - Set expectations for the departments and staff – and give responsibility.
  - Remember we are all spending the citizens dollars.
  - Remember that no matter where we are we always represent the city.
  - Be a servant leader – the person looks out for the common good.

- **Council Expectations for City Manager**

  - Be globally minded, and an informed thinker.
  - Be excited about the growth of the city and what the city manager can do to contribute.
  - Be responsive, clear and concise.
  - Display a commitment toward hiring and managing in a responsive and responsible way, acknowledging the diversity of the community.
  - Work with and be responsive to all citizens equally through all means of communication.
  - Be pro-economic development – working to improve the downtown area and blighted neighborhoods.
  - Work closely with the Mayor and Council on economic development initiatives.
  - Help the community grow and manage that growth to meet the expectations of the City Council and staff.
  - Treat everyone (citizens, council and staff) equally and with respect.
  - Be transparent and expect transparency at all levels of the organization.
  - Allow the Council to "inquire" of department directors, realizing that Council is not allowed to direct, per Charter.
  - Be straightforward.
  - Be willing to say, "I don't know".
  - Keep all Council informed – no blind-siding.
  - Ability to have difficult conversations without being confrontive or combative.
  - Be able to compromise to find solutions.
  - Encourage an atmosphere of trust and teamwork among the staff.
  - Be familiar with and known to city staff.
  - Encourage and establish training and cross-training programs at all levels is necessary including the city manager.
  - Display an enthusiasm for the job and the community.

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- Be a strong leader with a tradition for success.
- Make recommendations for action.
- To feel empowered, but not entitled when working with others.
- Negotiation ability – ability to negotiate contracts and agreements.
- Community minded – Is a part of the community he/she lives in. Attends regular community festivals and events. Makes regular reports to citizens and groups interested in city government.

- **Duties of the Mayor and City Council.** Home rule cities in Texas must follow the principles established in the City's Charter. Iowa Colony is a Council/Manager City. While the Mayor maintains responsibility as the head of the Council and is a voting member, the Charter established the position of City Manager as the chief administrative officer, appointed by a majority vote of the entire City Council. The City's Charter, Code of Ordinances, and the position Job Description outlines the duties and qualifications of the position. A thorough search and review of duties and responsibilities as outlined in the Home Rule Charter and Code of Ordinances (available on the City's website) is recommended. This profile serves as a summary and overview to give the reader a flavor for the structure.

- **Duties of City Manager.** The City Manager is the highest-ranking administrative officer of the city. The City Manager is responsible for the day-to-day operation of City activities, the implementation of policies set by Council, and is responsible for the hiring and dismissal of all subordinate employees. The City Manager is responsible for the preparation and submission of the budget and for financial administration and reporting.

  Following are relevant sections of the City Charter and City Code outlining the City Manager's role and responsibilities.

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  City Charter Requirements

  - **Section 4.03. – Appointment and Qualifications.**
    - The city manager shall be chosen by the city council solely on his/her executive and administrative training, experience and ability.
    - The city manager must become a resident of the city within a time to be set by the Council.
    - No member of the city council shall be appointed city manager during the time for which he/she is elected and for one year thereafter.
  - **Section 4.03b. – Terms and Salary.**
    - The council shall set the terms of employment and compensation
    - May enter into an employment agreement with the city manager.
    - The city manager shall receive compensation as may be fixed by the Council.
    - The Council shall perform an annual performance review (Section 4.03c).
  - **Section 4.03d. - Powers and duties.**
    - Appoint and remove any employee except as provided in Section 4.01
    - Hires all department heads with the concurrence of council (4.01a).
    - Prepare and submit the budget annually.
    - Prepare and submit an end of year report of finances and activities.
    - Keep council advised of the financial condition and future needs.
    - Supervise all employees including department heads.
    - Perform such duties as may be prescribed by the charter and city council.

- **City Staff/Organization.** Although the Charter does provide for some of the key staff positions, it does allow the creation and deletion of departments at the discretion of the City Manager, subject to the approval of the City Council.

  Although small in number, the City has a very stable and capable staff. The Council is very pleased with the organization as a whole and is not in favor of wholesale replacement of the leadership. However, it is recognized that the city is growing. The current organization structure, and the number of employees will change as growth occurs. It will be up to the City Manager to anticipate that growth and recommend departments and positions to meet the service needs of the city.

  Following is a list of current City departments under the supervision of the City Manager.

  - **City Secretary/Human Resources**
  - **Police Chief and officers**
  - **Public Works Foreman**
  - **Senior Accountant**
  - **Fire Marshal/Building Official**
  - **Municipal Court Clerk**
  - **Permits Clerk**

  An organizational chart for the City of Iowa Colony can be found on the City's Comprehensive Plan.

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- **Standing Committees**. The City has a few standing committees. Although not required to attend all committee meetings, the City Manager is expected to remain abreast of issues and concerns related to each of the committees. It is expected that the number of committees will expand as growth occurs. The committees are as follows.

  - **Planning & Zoning Commission**
  - **Zoning Board of Adjustment and Appeals**
  - **Building Codes Board of Adjustments and Appeals**
  - **Parks and Recreation Advisory Committee**
  - **Minority Relations Committee**
  - **Districts Boundary Commission**
  - **Charter Review Committee (ad hoc every five years)**
  - **Iowa Colony Crime Prevention District**
  - **Iowa Colony Development Authority Board**
  - **Iowa Colony Tax Increment Reinvestment Zone Board**

City Manager Profile

- **Personal Characteristics**

  The Mayor and City Council has developed its expectations for the incoming City Manager with regard to the qualities and characteristics they expect.

- **Personality.** The City Manager should be outgoing, friendly and present a professional appearance. The person should be candid and straightforward, confident, strong and assertive when needed. Possess a level of self-confidence to make difficult recommendations, while showing compassion in times of high stress. The person must be approachable by all, direct, but not confrontational. The City Manager shall adhere to the policies of the City of Iowa Colony with regard to the use of tobacco and vapor e-cigarette products.

- **Values.** The City Manager is expected to be honest, with high morals, integrity and character. He/she should treat others as they expect to be treated. He/she should have a good work ethic, yet successfully balance work with family.

- **Management Style/Leadership Skills**

  - **Leadership Style.** The City Manager should fully understand and be able to work within the governance model of the City of Iowa Colony. He/she is expected to be a proactive problem solver by anticipating issues, working closely with the City staff to anticipate, plan for, and work toward the resolution of issues, and then be prompt and forthright when informing the Mayor and Councilmembers of the status of resolution of the issues. This person must possess and promote the motivation to succeed.

    The City Manager is to provide leadership to the City Council through proactive, strategic thinking and planning. Make decisions based on long term planning, impact on the environment, and its effect on the growth and vitality of the City. Be active in proposing and defending policy recommendations in a thoughtful professional way. Be committed to implementing in a thorough and professional way the actions of the Council. Work as a team with Council and staff to anticipate and resolve issues that may arise.

    The person should be politically astute, but never engage in political activities. He/she must be pragmatic, yet proactive.

    He/she must be fiscally conservative and a good manager of both the city's and personal finances.

    The City Manager must possess a can-do attitude of finding solutions rather than building barriers. This person must be a problem solver with the ability to conduct or direct research on issues of importance to the City.

    He/she must hire and develop key staff to ensure fully trained, professional employees sensitive to the cultural diversity of the City. Training and development of staff at all levels should be implemented and monitored.

    The City Manager must be able to delegate to key staff, allowing them to carry out their duties, while monitoring the duties, maintaining a working knowledge of their work, and holding staff accountable for their actions, while being sensitive to issues of employee morale. He/she must be able to develop and mentor staff, motivate them, and encourage them to work as a team for the good of the City.

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He/she must be customer service oriented with citizens and staff alike. Promote customer relations between staff and citizens, ensuring the prompt reply to citizen inquiries and requests. Be willing to encourage citizen input in the process of identifying and resolving issues. He/she must see and be seen.

The City Manager must present himself/herself in a professional manner, well-dressed and presentable during office hours and at public functions.

- **Communication Skill/Style.** The City Manager should have the ability to communicate with people at all levels of service in the City and may serve as the Public Information Officer (PIO) for the City, especially in times of declared emergencies.

  - **Written/Verbal.** The City Manager should possess good writing and speaking skills in order to convey accurately issues to the citizens, Council and staff. Must be able to show a command of the English language in writing, as well as speak clearly and concisely to small and large groups of people and be technically proficient with word processing software. Must be able to handle him or herself well before the media in times of high stress, particularly during times of emergency. He/she must have a message delivery style that is clear and not flamboyant, professionally delivered, that instills confidence and trust among those receiving the message.

    He/she must be able to document issues and concerns for future reference.

  - **With citizens.** The City Manager should not just say but have an open-door policy. He/she must be accessible, open and available to meet with the citizens. The City Manager must be a good listener, be able to show empathy to other problems, and be receptive to suggestions and constructive criticisms.

  - **With Council.** The City Manager should anticipate events that will be of significance to the City Council and inform them accordingly. Communication should be in the form of regular reports of activities and events that have public interest or that may become public knowledge. Reports should include administrative decisions that have been made which may affect the overall organizations, and the reasons for those decisions. Information provided should be thorough, well prepared, and provided well in advance of the decision point to Council.

    The City Manager should have the ability to determine which issues are of a sensitive nature and should communicate in an appropriate format in a timely manner in order to keep Council well informed. He/she should take a "no surprises/not being blindsided" attitude about sharing information with Council.

    He/she should be forthcoming, out front, and transparent in dealing with issues of a public nature, yet discreet when dealing with sensitive employee or legal issues.

  - **With Staff.** Be direct, yet not confrontational, working and communicating as a team to provide quality services to the City. Work with staff to objectively identify problems, set out expectations to staff for resolving those problems, and hold staff accountable to do the work, while monitoring and mentoring where appropriate. Be a role model, supporting, leading and mentoring the staff at every opportunity. Be willing to delegate where appropriate, but pitch in as well, given the number of employees. Be accountable

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to the staff. Lead by example. As with Council be transparent with staff, sharing goals, ideas, initiatives and issues with staff as a member of the City team. Be consistent and fair in the application of rules and procedures.

- **Community Involvement.** Desire and develop an understanding of the local history and culture, possess sensitivity to the diversity represented in the community and in Brazoria County. Be willing to participate in and provide leadership in community affairs. Engage the public at community events and represent the City in a professional manner at all times. Be and show accountability to the public. Must value and celebrate the volunteers and the volunteer spirit in the community. Be involved with and maintain positive relationships with neighboring cities.

  Make Iowa Colony more than just a job; make Iowa Colony home.

- **Qualifications**

  - **Education.** The City Manager should possess at least a bachelor's degree from an accredited college or university in business, public administration or a related field. (Exceptional work experience may substitute for a college degree.) Possession of a master's degree in a related field is a plus, or in the alternative a history of continued growth in management and leadership responsibilities, such as but not limited to City Manager, Assistant City Manager or Department Director, and a record of and continued desire for personal and professional growth opportunities. Is or will become an active member of Texas City Management Association (TCMA).

    NOTE: Four years of broad Administrative/Managerial experience in a related or similar field may suffice for a college degree or two years with a master's degree.

  - **Experience.** The City Manager should have at least 4 years' broad experience in local government or business upper management. Knowledge of finance (municipal preferred), public works operations, infrastructure operations, water and wastewater treatment and planning preferred. Experience in engineering and planning and experience in managing growth and growth projects will be an important consideration.

    The Council will weigh experience over higher education.

  - **Driver's License.** The City Manager must have a valid Texas driver's license, or be able to acquire one shortly after residency, if from out of state. And, the City Manager must maintain reliable transportation.

- **Residency**

  The City Charter requires the City Manager to be a resident and live within the city limits. The City Council does have the ability to negotiate the timeframe for becoming a resident.

- **Compensation**

  - **Salary.** Negotiable depending on qualifications and experience.

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- **Benefits.** The City of Iowa Colony participates in the Texas Municipal Retirement System (7%, 2:1). The City provides health/dental/vision insurance at 100% for the employee with dependent coverage available to the employee. The City participates in the Social Security System. A car allowance ($1,000/mo.) will be provided. The City will provide a phone for official use only, or a phone allowance. The City will pay for professional association dues, and participation in limited civic club membership.

  Other benefits to participate in on a voluntary basis include: Deferred compensation, Accidental and Long-Term Disability insurance; basic term life insurance, etc.

- **Moving Expenses.** The City will provide reasonable moving expense should they be needed.

Other Opportunities

Iowa Colony Crime Prevention District. The Iowa Colony Crime Prevention District oversees a 1/2% sales tax program. The Board is appointed by the City Council. The City Manager is expected to coordinate and assist in the development of the budget and implementation of programs and projects promoted by the Board. The Chief of Police also serves to administer the programs as well.

Iowa Colony Development Authority and Tax Reinvestment Zone. In 2010 the City entered into a development agreement with Rise DP for the development of a master planned community called Meridiana. The entire project spans across the city limits of Iowa Colony into Manvel. Both cities created a Development Authority and a tax increment reinvestment zone (TIRZ). The developer created a municipal development district, and this launched the first and only master planned community south of Highway 6. Since development began, the city has issued approximately $16.5 million in tax revenue bonds to reimburse the developer. This has been a highly successful development that has served notice to competitive developers of the style and quality of development expected in the City.

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Emergency Management. The City Manager should be aware that all cities in Texas have emergency management duties and responsibilities in times of natural or man-made disasters. The Mayor of the City is the designated official to declare an emergency within the City limits, but the emergency management coordinator is responsible for day-to-day planning and action before, during and after an emergency. The City Manager may or may not be designated as the Emergency Management Coordinator by the Mayor and City Council. However, he/she will an integral part of the emergency management team and may be designated as the Public Information Officer (PIO) during an emergency situation and will be required to interface with the media both personally, in print, and by other media forms. The City Manager should take advantage of training opportunities provided in the region and state for emergency management purposes, should he/she not already be trained.

To Apply

Apply at once by sending the following via email.

- A cover letter of interest.
- Complete resume of experience, education and background.
- Current salary.
- List of three personal references with contact information.

Send to:

Ron Cox
Ron Cox Consulting
120 St. Andrews
Friendswood, Texas 77546
281.543.0042
mailto:rcox@roncoxconsulting.com

Sending the information via email is required.

Inquiries on a confidential basis to Ron Cox are welcome.

Information from a candidate's resume may be subject to public disclosure under the Texas Open Records Act.

Finalist candidates will be subject to a thorough background check to verify credentials, experience, history of financial responsibility, driving and criminal background history. Hiring policies outlined in the Employee handbook will be followed.

Additional information about the City of Iowa Colony is available on their website at http://www.Iowa Colonytx.gov/. The City of Iowa Colony is an equal opportunity employer and does not discriminate on the basis of race, color, national origin, gender, religion, age and/or disability status in employment or provision of services.

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Appendix A – Approved Job Description

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Appendix B – Organizational Chart

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HOME RULE CHARTER
OF THE
CITY OF IOWA COLONY, TEXAS

PREAMBLE

We, the citizens of Iowa Colony, Texas, in order to establish a home rule municipal government, provide for the future progress of our city, obtain more fully the benefits of local self-government, and provide for the public health, safety, and welfare, hereby adopt this Home Rule Charter in accordance with the constitution and statutes of the State of Texas.

ARTICLE 1. INCORPORATION, FORM OF GOVERNMENT, AND BOUNDARIES

Sec. 1.01. Incorporation

All inhabitants of the City of Iowa Colony, Texas, within the boundaries of this city as now established or as later amended, shall continue to constitute a municipal body politic and shall be incorporated forever as a home rule city under the name "City of Iowa Colony" (sometimes herein called the "city") with all powers, rights, authority, privileges, obligations, and immunities provided herein or by law.

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Sec. 1.02. Form of Government

The municipal government provided by this charter shall be known as the "Council-Manager Government." Pursuant to its provisions and subject only to the limitations imposed by the state constitution, the statutes of this state, and this charter, all powers of the city shall be vested in an elective council, hereinafter referred to as the "City Council," which shall enact local legislation, adopt budgets, determine policies, and appoint the city manager, who in turn shall execute the laws and administer the government of the city. All powers of the city shall be exercised in the manner prescribed by this charter, or if the manner be not prescribed, then in such manner as may be prescribed by ordinance, the state constitution or the statutes of the state.

Sec. 1.03. The Boundaries

a. Establishment of Boundaries. The boundaries and extraterritorial jurisdiction of the city shall be as they exist when this charter is adopted, until changed as provided by law. Any authority or provision herein to establish or change the city's boundaries shall also establish and authorize changes to the extraterritorial jurisdiction.

b. Official Map. The City Secretary shall at all times keep on file a correct and complete description and official map of the city boundaries and extraterritorial jurisdiction.

Sec. 1.04. Extension of Boundaries

The extraterritorial jurisdiction and boundaries of the city may hereafter be enlarged and extended authorized under the terms and provisions of Texas Local Government Code chapters 42 and 43, as now existing or later amended, or as otherwise provided by law.

Sec. 1.05. Contraction of Boundaries

a. Authority from Charter. Whenever the City Council determines that any territory within the corporate limits of the city is not suitable or necessary for city purposes, the City Council may disannex that territory by ordinance, upon a petition signed by a majority of the qualified voters residing in that territory if it is inhabited, or without any such petition if that territory is uninhabited. That petition and ordinance shall specify accurately the metes and bounds of the territory sought to be eliminated from the city and shall contain a plat designating that territory, so that it can be definitely ascertained. When the disannexation ordinance has been duly passed, it shall be entered upon the minutes and records of the city, and from and after the passage of that ordinance, that territory shall cease to be a part of the city, but that territory shall still be liable for its pro rata share of any debts incurred while that territory was a part of the city, and the city shall continue to levy, assess, and collect taxes on the property within that territory to pay the indebtedness incurred while that territory was a part of the city, as though that territory had not been excluded from the boundaries of the city.

b. Authority from Other Law. In addition, the city may remove territory from the extraterritorial jurisdiction or city limits as provided by law.

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ARTICLE 2. POWERS OF THE CITY

Sec. 2.01. General

The city may use a corporate seal; may sue and be sued; may contract and be contracted with; may implead and be impleaded in all courts in all matters whatsoever; may cooperate with the government of the State of Texas or any agency thereof, the federal government or any agency thereof, or any political subdivision of the State of Texas; and shall have all the powers granted to cities by the constitution and laws of the State of Texas, together with all the implied powers necessary or convenient to carry into execution all the powers granted. The city may acquire property within or without its boundaries for any municipal purpose in fee simple or in any lesser interest or estate, by purchase, gift, devise, lease or condemnation and may sell, lease, hold, manage and control any property now owned by it or which it may later acquire; and may construct, own, lease, operate and regulate public utilities; may assess, levy and collect taxes for general and special purposes on all lawful subjects of taxation; may borrow money on the faith and credit of the city by the issuance and sale of bonds, notes, or other lawful debt instruments of

the city; may appropriate the money of the city for all lawful purposes; may regulate and control the use, for whatever purpose, of the streets and other public places; may make and enforce all police, health, sanitary and other regulations; and may pass such ordinances as may be expedient for the protection and maintenance of good government, peace and welfare of the city, for the performance of the functions thereof, for the order and security of its residences; and may provide suitable penalties for the violation of any ordinance enacted by the city; and, except as prohibited by the constitution and laws of this state or restricted by this charter, the city may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever.

Sec. 2.02. General Powers Adopted

The enumeration of the particular powers in this charter shall not be held or deemed to be exclusive, but in addition to the powers enumerated herein, implied hereby, or appropriate to the exercise of those powers, the city shall have and may exercise all powers of local self-government and all other powers which, under the constitution and laws of the State of Texas, it would be competent for this charter specifically to enumerate. The city shall have and may exercise all the powers enumerated in the laws of the State of Texas, as now or later amended.

Sec. 2.03. Eminent Domain

The city shall have the full power of eminent domain, subject to all limitations and restrictions provided by law.

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ARTICLE 3. THE CITY COUNCIL

Sec. 3.01. Number, Selection, and Term

a. General. The legislative and governing body of the city shall consist of a mayor and six councilmembers and shall be known as the "City Council of the City of Iowa Colony" and is sometimes herein called the “council” or “City Council.”

b. Mayor. The mayor shall be elected to office from the city at large. The mayor shall be a member of the city council for all purposes.

c. At Large and District Council Places. There shall be three at large council places, which shall be designated Position One, Position Two, and Position Three. These three positions shall be elected as at large positions. There shall also be three council places, which shall be designated District A, District B. and District C, and the council members in those places shall reside in and shall be elected from districts to be established and determined as herein provided in compliance with applicable law. Each council place shall constitute a separate office. A person may not be a candidate for more than one place on the council at one time, and a candidate must

specify that place at the time of officially becoming a candidate. Every qualified voter in the city shall be entitled to vote on a candidate for the Mayor and for each at large council position. Only qualified voters who reside within a council district shall be eligible to vote for a candidate for the council place for that district.

d. Staggered Terms

1. Transition Provisions

i. At the general election of city officers in 2020, persons shall be elected to Council Member Positions 1 and 2, which shall be the same as the current Council Member Positions 1 and 2, for two year terms and until their respective successors are rightfully sworn in.

ii. At the general election of city officers in 2021, persons shall be elected to the offices of Mayor and Council Member Positions 4 and 5, which shall be the same as the current positions of Mayor and Council Member Positions 4 and 5, for two year terms and until their respective successors are rightfully sworn in, and a person shall be elected to the office of Council Member Position 3 for a transitional one year term and until his or her successor is rightfully sworn in. For the sole purpose of determining when a successor is sworn in, Council Member District A shall be considered the successor to Council Position 4, and Council Member District B shall be considered the successor to Council Position 5.

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2. After the Transition

i. At the general election of city officers in 2022, and in each even numbered year after that, persons shall be elected to the offices of Council Member Positions 1, 2, and 3 for two year terms and until their respective successors are rightfully sworn in.

ii. At the general election of city officers in 2023, and in each odd numbered year after that, persons shall be elected to the offices of Mayor and Council Members Districts A, B, and C for two year terms and until their respective successors are rightfully sworn in.

3. Uniform Election Dates. The annual election of city officers shall be held on the statutory uniform election date in May of each year, except as otherwise provided in response to the COVID-19 pandemic or other emergency measures. If an election of officers is postponed from the May uniform election date because of an emergency, the reference herein to a two year term shall mean two years from the May election date when the election would have been held without the emergency postponement, except as otherwise provided by law.

e. Term of Office. Elections. Each council member shall hold office for a period of two years and until his or her successor is rightfully sworn in. A council member whose term ends early due to a resignation or any other reason shall not hold over in office after the resignation or other early termination becomes effective. All elections shall be held in the manner provided in article 5 of this charter and in compliance with law.

f. District Boundaries

1. Initial Districts. The initial council district boundaries shall be drawn by the Charter Commission members, and they are hereby constituted as the initial District Boundaries Commission for that purpose. The initial district boundaries drawn by the District Boundaries Commission shall be delivered to the mayor and shall not be changed until after the City Council election of May 2022.

2. Redistricting

i. Beginning after the City Council election of May 2022, the council may at its discretion review and revise council district boundaries from time to time, and the council must review the district boundaries for possible revision as soon as practicable after the release of data from each decennial federal census. After the initial district boundaries are established, the Charter Review Commission appointed under Section 11.12 shall advise the council on redistricting.

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ii. Changing district boundaries shall not require an amendment of this charter and may be done by ordinance, but the number of districts shall not be changed except by an amendment of this charter.

iii. The city must consult with one or more independent experts to ensure the district boundaries are drawn in accordance with applicable law; however, the boundaries shall not be subject to challenge on the grounds that such consultation was not done.

iv. Promptly following the addition of territory to the city by a boundary change, the City Council shall by ordinance add that territory to an adjacent district or districts.

Sec. 3.02. Qualifications. Resign-to-Run

a. Qualifications. To be eligible to be a candidate for, elected to, or appointed to the City Council, a person must:

1. Be a United States citizen;

2. Be 21 years of age or older on the first day of the term to be filled at the election or on the date of appointment, as applicable;

3. Have not been determined by a court exercising probate jurisdiction to be:

i. Totally mentally incapacitated; or

ii. Partially mentally incapacitated without the right to vote;

4. Be a qualified voter of the city, whether registered to vote or not;

5. Have been a resident of the territory from which the office is elected or appointed for 12 months immediately preceding the following date:

i. The date of the regular filing deadline for a candidate's application for a place on the ballot;

ii. For a write-in candidate, the date of the election for which the candidate's name is written in; or

iii. For an appointee to the council, the date of the appointment;

iv. If territory is annexed into the city within the 12 month period described in this section, then the person's residence in that territory before the annexation counts toward the residency requirement; and

6. Meet all requirements of applicable law.

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b. Resign-to-Run

1. Any of the following events shall constitute an automatic resignation from the office on the council already being held by a person:

i. that person officially becomes a candidate for a different office on the council, which act entitles that person to a place on the ballot for that office or to receive write-in votes for that office, unless the term of the earlier office is scheduled to expire at or before the beginning of the term of the office for which the person becomes a candidate; or

ii. that person is sworn in to a different office on the council.

2. This subsection "b" does not apply to the office of mayor pro-tem or any office other than council member, which as always in this charter includes the mayor.

3. The city secretary shall give notice on the city's internet website of a vacancy created under this subsection promptly when the vacancy is created. The city secretary shall give notice on that website of any filing period for any special election to fill that vacancy, promptly when the election is ordered.

Sec. 3.03. Council to be Judge of Election and Qualification

The city council shall be the judge of the election and qualification of its own members and other elected officers of the city.

Sec. 3.04. Compensation

a. No Compensation for Services. City council members shall not receive compensation for their services as council members.

b. Expenses. City ordinances may provide for and regulate payments to council members for reasonable expenses incurred in the performance of their official duties.

Sec. 3.05. Mayor and Mayor Pro Tem

a. Mayor. The mayor shall be the presiding officer of the City Council and may make and second motions, participate in discussions, and vote on all matters under consideration by the council, subject to the same restrictions as any other council member. The mayor shall be the head of the city government for all ceremonial purposes but shall have no regular administrative duties. The mayor shall be the official head of the city for purposes of martial law and of other emergency powers, except to the extent otherwise provided by law. The mayor shall annually present to the council a written report on the state of the city. The mayor shall perform such other duties consistent with the office as may be imposed upon the mayor by this charter, ordinances and resolutions passed pursuant hereto, or other law.

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b. Mayor Pro Tem. The City Council, at its first meeting after installation of council members after each regular election of council members, shall elect a council member as mayor pro-tem, and he or she shall perform all the duties of the mayor in the absence or disability of the mayor.

Sec. 3.06. Vacancies

a. Creation of Vacancy. A vacancy in the office of a council member occurs upon any of the following:

1. The council member fails to maintain the qualifications for that office throughout the term of office, as determined by the council;

2. The council member is absent from three consecutive regularly scheduled council meetings without valid excuse, as determined by the council;

3. The council member resigns voluntarily or involuntarily;

4. The council member is removed from office; or

5. A vacancy otherwise exists by law.

b. Filling Vacancy by Appointment. The council must fill a vacancy on the council by appointment for the remainder of the unexpired term, except as otherwise provided in subsection c.

c. Special Election to Fill Vacancy. However, this subsection applies in either of the following circumstances:

1. There are three or more appointed members on the council; or

2. The vacancy is created by a resignation but not by an automatic resignation, not by a resignation while a recall petition is pending, and not by a disqualification.

Where this subsection applies, the council may fill the vacancy by appointment until the next regularly scheduled date for the election of municipal officers occurring long enough after the creation of the vacancy for an election to fill the vacancy to be held lawfully on that date, and on that date an election must be held to fill the vacancy for the remainder of the unexpired term.

Sec. 3.07. Powers of the City Council. All powers of the city and the determination of all matters of policy shall be vested in the City Council, except as otherwise specifically provided in this charter. Without limitation of the foregoing and among the other powers that may be exercised by the city council, the following are hereby enumerated for greater certainty:

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a. Appoint and remove from any office or position of employment in the city government any officer, employee, or member of any board or commission, except as otherwise provided in Sections 4.1, 4.2, or any other provision of this charter.

b. Establish and consolidate any offices or administrative departments and abolish offices or departments established by the council but not by this charter.

c. Adopt the budget of the city.

d. Authorize the issuance of bonds by a bond ordinance.

e. Inquire into the conduct of any office, department or agency of the city and make investigations as to municipal affairs.

f. Provide for any boards and commissions and appoint the members thereof. Such boards and commissions shall have all powers and duties now or later conferred and created by this charter, by city ordinance, or by law.

g. Adopt and modify the zoning plan and the building code of the city.

h. Adopt and modify the official map of the city.

i. Adopt, modify, and carry out plans for urban renewal and economic development.

j. Adopt, modify, and carry out plans proposed by the planning commission for the planning, improvement, and redevelopment of any area destroyed in whole or in part by disaster.

k. Regulate, license, and fix the charges or fares made by any person, firm or corporation owning, operating, or controlling any vehicle of any character used for the carrying of passengers for hire or the transportation of freight for hire on the public streets and alleys of the city.

l. Provide for the establishment and designation of fire limits and prescribe the kind and character of buildings, structures, or improvements to be erected, and provide for the erection of fireproof buildings within those limits, and provide for the condemnation of buildings or structures that are dangerous, dilapidated, or likely to increase the fire hazard, and prescribe the manner of their removal or destruction within those limits.

m. Set the salaries and compensation of the city officers and employees, except to the extent that the council delegates that authority to the city manager.

n. The council may provide for sanitary garbage disposal, set fees and charges therefor, and provide penalties for failure to pay those fees and charges.

o. Exercise exclusive dominion, control, and jurisdiction in, upon, over, and under the public streets, avenues, sidewalks, alleys, highways, boulevards, and public grounds of the city and provide for the improvement of those as provided in Texas Transportation Code Ch. 313, as now or later amended, or in any applicable law.

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p. Compromise and settle any and all claims and lawsuits of every kind and character in favor of or against the city, its officers, or its employees in their official capacity.

Sec. 3.08. Meetings of the City Council

The City Council shall hold at least one regular meeting in each month at a time to be fixed by it for such regular meetings and may hold additional or special meetings when called by the mayor or any two members of the council. All meetings of the City Council shall be public, except to the extent otherwise allowed by law. All council meetings shall be held at the city hall, except that the council or the mayor and two other council members may designate another place for those meetings, and notice of any meeting at a place other than city hall shall be posted at city hall, at the place of that meeting, and on the internet website of the city, in the manner provided by law for notice of council meetings.

Sec. 3.09. Rules of Procedure

The City Council shall determine its own rules of procedure and may compel the attendance of its members. A majority of the qualified members of the City Council shall constitute a quorum to do business, and the affirmative vote of a majority of the qualified

members present shall be necessary to adopt any ordinance or resolution. Minutes of the proceedings of all meetings of the City Council shall be kept, to which any person may have access at all reasonable times and which shall constitute one of the archives of the city. The vote upon the passage of all ordinances and resolutions shall be entered upon the minutes, and every ordinance or resolution, upon its final passage, shall be recorded in a book or other suitable, lawful medium kept for that purpose, and shall be authenticated by the signature of the presiding officer and the city secretary.

Sec. 3.10. Procedure for Passage of Ordinances

a. The City Council shall only pass ordinances and resolutions that are in written or printed form.

b. All ordinances, except ordinances making appropriations, codifying or rearranging existing ordinances, or enacting a code of ordinances, shall state the general subject matter in the caption or title.

c. The enacting clause of all ordinances shall be: "Be it ordained by the City Council of the City of Iowa Colony." The enacting clause need not be included in a codification of ordinances.

d. No ordinance shall be finally passed unless either:

1. The general subject matter caption or title has been read at two regular council meetings on separate days;

2. The passage of the ordinance requires either a public hearing or more notice than normally required by the Texas Open Meetings Act; or

3. The council finds that an emergency, an urgent public necessity, or an imminent and unusual threat of substantial property damage or of other substantial economic loss requires the passage of the ordinance without two readings. The council must clearly identify in the ordinance the emergency, the urgent public necessity, or the imminent and unusual threat of substantial property damage or of other substantial economic loss. An emergency or an urgent public necessity exists only if immediate action is required of the council because of:

i. an imminent threat to public health and safety, including a threat described by paragraph "ii" below if imminent; or

ii. a reasonably unforeseeable situation, including:

A. fire; explosion; chemical release; flood; earthquake; hurricane; tornado; wind, rain, hail, ice, or snow storm; or other natural or human-caused disaster;

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B. power failure; transportation failure; or interruption of water, sewage treatment, or communication services;

C. epidemic;

D. riot, civil disturbance, enemy attack, or other actual or threatened act of lawlessness or violence; or

E. the sudden relocation of a large number of residents from the area of a declared disaster to this city or its extraterritorial jurisdiction.

4. Amending a proposed ordinance between the first reading and the final passage shall not require restarting the process of two readings.

5. Each ordinance of the city passed after this charter takes effect shall be posted on the internet website of the city, unless that ordinance has been included in a codification of the city's ordinances appearing on the internet with a link from the city's website to that codification.

e. Notice of Passage of Ordinances

1. Posting on Website. The city secretary shall post every ordinance on the city's internet website promptly after final passage.

2. Publication in Newspaper. Except as otherwise required by law or by this charter, the city secretary shall give notice of the enactment of every penal ordinance and, to the extent required by law, every other ordinance promptly after final passage thereof, by causing the general subject matter title or caption of the ordinance, including a summary of the penalty for violation, to be published one time in a newspaper of general circulation in the city.

3. Proof of Notice. An affidavit of that publication by a printer or publisher of that newspaper, or an affidavit of that posting by an administrator of that website, filed with the city secretary shall be conclusive evidence in all courts and elsewhere of the legal publication and posting, respectively, of that ordinance.

4. Effective Date of Penalty. The penalty, fine, or forfeiture shall apply five days after publication, or at a later time provided in the ordinance.

Sec. 3.11. Official Bonds for City Officers and Employees

The city manager, the city secretary, and such other city officers and employees as the City Council may require, shall before entering upon the duties of their offices, enter into a good and sufficient fidelity bond in a sum to be determined by the City Council, payable to the city and conditioned upon the faithful discharge of the duties of those persons and upon the faithful

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accounting for all monies, credits, and things of value coming into the hands of those persons, and those bonds shall be signed as surety by a company authorized to do business under the laws of the State of Texas, and the premium on those bonds shall be paid by the city, and those bonds must be acceptable to the City Council.

Sec. 3.12. Investigation by City Council

The City Council shall have power to inquire into the conduct of any office, department, agency, officer, or employee of the city and to make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths, and compel the production of books, papers, and other evidence. Failure to obey that subpoena or to produce books, papers or other evidence as ordered under the provisions of this section shall constitute a misdemeanor and shall be punishable by fine not to exceed two hundred dollars.

Sec. 3.13. Audit and Examination of City Books and Accounts

The City Council may require a special audit to be made of the books and accounts of each and every department of the city at any time during the year. At the close of each fiscal year a complete audit shall be made by a certified public accountant, who shall be selected by the City Council, and that audit shall include a recapitulation of all audits made during the course of that fiscal year, and all audit reports shall be presented to the City Council, shall be available for public inspection, and shall be made a part of the records of the city. The accountant so selected shall not maintain or keep any of the city's accounts or records.

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ARTICLE 4. ADMINISTRATIVE SERVICES

Sec. 4.01. Appointment and Removal of Personnel

a. Action by Council. The council appoints and removes the city manager, city attorney, municipal judge, and members of any board or commission. In the event of any conflicting terms concerning the authority to appoint or remove personnel, the authority of the council shall take precedence.

b. Action by City Manager with Concurrence of Council

1. Appointments. The city manager appoints, with the concurrence of the council, all department heads except the city manager, city attorney, and municipal judge.

2. Removal. Not applicable.

c. Action by City Manager

1. Appointments. The city manager hires all employees except the city manager, city attorney, municipal judge, and other department heads. Those exceptions are appointed as described in subsections (a) and (b) (1).

2. Removal. The city manager removes all employees, including department heads, except the city manager, city attorney, and municipal judge.

Sec. 4.02. Restrictions on Personnel Authority of Council

a. Appointments. Except as otherwise provided in Section 4.01, neither the City Council nor any of its members shall direct the appointment of any person to office by the city manager or by any of his or her subordinates.

b. Dealing through City Manager. Except for the purpose of inquiry, the City Council and its members shall deal with the administrative services solely through the city manager. Neither the council nor any member thereof shall give orders to any subordinate of the city manager, either publicly or privately.

c. Mayor's Emergency Powers. However, the emergency powers of the mayor are an exception to this section.

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Sec. 4.03. City Manager

a. Appointment and Qualifications. The City Council shall appoint a city manager who shall be the chief administrative and executive officer of the city and shall be responsible to the city council for the administration of all the affairs of the city. He or she shall be chosen by the City Council solely on the basis of his or her executive and administrative training, experience and ability. The city manager must become a resident of the city within a time to be set by the council. No member of the City Council shall be appointed city manager during the time for which he or she is elected or appointed and for one year thereafter.

b. Term and Salary. The council shall set the terms of employment and compensation of the city manager and may enter into an employment agreement with the city manager. In case of the absence or disability of the city manager, the city council may designate a person or persons to perform the duties of the office during that absence or disability. The city manager shall receive such compensation as may be fixed by the council.

c. Annual Performance Review. The council shall cause a performance review of the city manager to be done annually.

d. Powers and Duties of the City Manager. The City Manager shall have the following powers and duties:

1. Appoint and remove any employee of the city, except as otherwise provided by Section 4.01, any other provision of this charter or any ordinance consistent with this charter.

2. Prepare the budget annually and submit it to the City Council, and be responsible for its administration after adoption.

3. Prepare and submit to the City Council as of the end of the fiscal year a complete report on the finances and administrative activities of the city for the preceding year.

4. Keep the City Council advised of the financial condition and future needs of the city and make such recommendation as may seem desirable.

5. Supervise all employees of the city, including department heads.

6. Perform such duties as may be prescribed by this charter or may be required of him or her by the City Council, not inconsistent with this charter.

Sec. 4.04. Police Department

The city shall establish and maintain a Police Department to preserve order within the city, to secure the residents of the city from violence and the property therein from injury or loss, and for all other lawful purposes.

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Sec. 4.05. City Secretary

a. Duties. The city secretary is subject to appointment and removal as provided in Section 4.01. The city secretary or an assistant city secretary shall give notice of council meetings, shall keep the minutes of the proceedings of those meetings, shall authenticate those minutes by his or her signature, and shall keep all those minutes, all ordinances, and all resolutions in records indexed for the purpose. The city secretary or an assistant city secretary shall perform such other duties as the city manager shall assign to him/her, and those elsewhere provided for in this charter or by law.

b. Assistants, Deputies, and Substitutes. Any reference to the city secretary in this charter or in an ordinance passed pursuant hereto shall mean the person performing the duties of the city secretary, unless the reference expressly excludes anyone other than the city secretary.

Sec. 4.06. Municipal Court

a. Court Established. There shall be established and maintained a court designated as the Municipal Court for the trial of misdemeanor offenses, with all powers and duties now or later prescribed by the laws of the State of Texas relative to municipal courts.

b. Municipal Judge. The judge of that court shall:

1. be a citizen of the United States,

2. be a resident of the State of Texas,

3. not meet any of the disqualifications to vote under either the Texas Constitution or state law,

4. be a duly licensed attorney in the State of Texas, unless that person has continuously served as a municipal judge of this city since the adoption of this charter, and

5. hold no other city office or city employment with this city during the term for which that person is appointed judge of the municipal court.

c. Appointment and Removal of Judge. The judge shall be appointed by the council, shall hold this office at the pleasure of the council, and shall receive such salary as may be fixed by the council.

d. Alternate Judges. To provide for adequate judicial service, the City Council may appoint temporary, alternate, or relief judges in case of the disability, absence, or other unavailability of the municipal judge. All temporary, alternate, or relief judges must meet the same qualifications as the municipal judge.

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e. Municipal Court Clerk

1. The clerk of the municipal court shall be appointed and removed as provided in Section 4.1.

2. The clerk of the court and his or her deputies shall have the power to administer oaths and affidavits, make certificates, affix the seal of the court thereto, and generally perform any and all acts usual and appropriate by the clerk of a court in issuing process of a court and conducting its business.

Sec. 4.07. City Attorney

The City Council shall appoint a competent attorney licensed to practice law in the State of Texas, who shall be the city attorney. He or she shall receive for his or her services such compensation as may be fixed by the City Council and shall hold office at the pleasure of the City Council. The city attorney, or such other attorneys selected by him or her with the approval of the City Council, shall represent the city in all litigation. He or she shall be the legal advisor, attorney, and counsel for the city and all officers and departments thereof.

ARTICLE 5. NOMINATIONS AND ELECTIONS

Sec. 5.01. Elections

Regular municipal elections shall be conducted by the appointed election authorities and shall be held on a uniform election date set out in state law. The City Council shall fix the hours and place for holding those elections. The City Council may order a special election in a manner provided by law.

Sec. 5.02. Regulation of Elections

The City Council shall make all regulations which it considers needful or desirable, not inconsistent with this charter or the laws of the State of Texas, for the conduct of municipal elections, for the prevention of fraud in those elections, and for the recount of ballots in case of doubt or fraud. Municipal elections shall be conducted by the appointed election authorities, who shall also have power to make regulations not inconsistent with this charter, any regulations made by the council, or the laws of the State of Texas.

Sec. 5.03. Filing for Election to Office

Any person having the qualifications set forth for council members under section 3.02 of this charter shall have the right to file an application in writing for any elective office of the city as provided by law.

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Sec. 5.04. Official Ballot

Ballots shall be as provided by the Texas Election Code. No party designation shall appear on the ballot in connection with the name of a candidate for city office.

Sec. 5.05. Election by Plurality

To be elected to city office, a person must receive more votes than any other candidate for that office, except that ties shall be resolved as provided by law.

Sec. 5.06. Laws Governing City Elections

All city elections shall be governed, except as otherwise provided by this charter, by the laws of the State of Texas governing general and municipal elections.

Sec. 5.07. Conducting and Canvassing Elections

The election judges and other necessary election officials for conducting all city elections shall be appointed by the City Council. The election judges shall conduct the elections and perform all duties as provided by the general election laws of Texas. Within the time set by state law, the City Council shall canvass the elections as provided by law

Sec. 5.08. Oath of Office

Every officer of the city shall, before entering upon the duties of office, take the oaths or affirmations of office as set forth in the Texas Constitution.

ARTICLE 6. RECALL OF OFFICERS

Sec. 6.01. Scope of Recall

Any city officer holding an elective office, whether elected by the voters or appointed to fill a vacancy, shall be subject to removal from office by a recall election only on the grounds of incompetency, corruption, misconduct, or malfeasance in office, and only in compliance with the requirements of this Article.

Sec. 6.02. Procedures Before Circulating Petition

a. Filing Petition for Preliminary Review. Before an election is ordered on the question of the recall of an officer, a petition with the number of valid signatures required by this charter and demanding that recall must be filed with the city secretary. Before a recall petition is circulated for multiple signatures, one petitioner must sign the proposed petition and submit it to the city secretary.

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b. Review by City Attorney. Upon receipt of a petition under subsection "a," the city secretary shall promptly transmit it to the city attorney for an advance determination of the legal sufficiency of the alleged grounds for removal and of the form and content of the petition. The city attorney must, within ten days after receiving the petition, notify one petitioner who filed the petition with the city secretary ("the submitting petitioner") of the city attorney's determination concerning the legal sufficiency, form, and content of the petition. That notice shall state the reasons for any insufficiency.

c. Consequence of Insufficiency. The city shall not consider a petition that the city attorney determines is insufficient.

d. No Fee for Review. No fee shall be due from a petitioner for the review of a petition.

Sec. 6.03. Contents of Petition

a. Addressed to Council. Statement of Grounds. The recall petition must be addressed to the City Council and must distinctly and specifically state each separate ground for which the petition seeks removal, with sufficient certainty to give the officer sought to be removed notice of the charges against him or her.

b. Multiple Counterparts. The petition may consist of one or more counterparts, and the petitioners may sign the same or separate counterparts. The petitioners' signatures may be on the same page as the charges or on other pages firmly attached to the pages containing the charges.

c. Sworn Declaration by Petitioners. Each page bearing one or more signatures must state at the top of the page in conspicuous lettering distinct from the other writing on the page:

> **"BY SIGNING THIS PETITION, EACH SIGNER SWEARS OR AFFIRMS UNDER PENALTY OF PERJURY AS FOLLOWS:**
>
> **"1. I HAVE READ THE CHARGES IN THIS PETITION, AND I HAVE GOOD REASON TO BELIEVE AND DO BELIEVE THOSE CHARGES ARE TRUE.**
>
> **"2. I AM NOW A REGISTERED VOTER OF THE CITY OF IOWA COLONY.**
>
> **"3. ALL OF THE INFORMATION ABOUT ME ON THIS PETITION IS TRUE."**

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d. Number of Signatures. The petition must be signed by at least the following numbers of registered voters of the area from which the officer sought to be removed was selected:

1. at least twenty percent of the number of registered voters in that area as of the voter registration deadline for the most recent general election date for officers of the city for that area before the petition is filed with the city secretary, as shown on the voter registration records of the Brazoria County Clerk; but

2. in any event, not less than:

i. 900 such petitioners for a recall of an officer selected from the entire city; or

ii. For an officer selected from a council district, a number of such petitioners equal to 900 divided by the number of council districts in the city at the time of the most recent general election of officers of the city before the petition is filed with the city secretary.

A reference in this subsection to the most recent general election date shall also include the date such an election would have been held if it had not been cancelled.

e. Information on Signers. Each signer of the recall petition must personally handwrite the following information on the petition in ink: his or her printed name; his or her signature; his or her place of residence, including the street name and number; and the day, month, and year he/she signed the petition.

f. Oath of Circulators. Each signature page of the petition shall also bear the signed, notarized oath of any signer of any page of the petition, as follows:

> "I, _____(printed name of affiant), being first duly sworn, on oath state that I am one of the signers of the above petition, although I may have signed a different page or counterpart of this same petition; and that each signature appearing on this page was made in my presence on the day and date it purports to have been made; and I solemnly swear that each signature on this page is the genuine signature of the person whose name it purports to be."

Sec. 6.04. Procedures upon Filing of Petition with City Secretary

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a. Time for Filing Signed Petition. A petition must be filed with the city secretary no later than 45 days after being signed, and no signature on the petition shall remain effective or be counted if it was placed on the petition more than forty-five days before the filing of the petition with the city secretary; however, the one signature required before the preliminary review of the petition shall not be subject to this 45 day limit. All papers comprising a recall petition shall be filed with the city secretary on the same day.

b. Notice by City Secretary. Upon receipt of a petition under subsection "a," the city secretary shall promptly notify in writing the city attorney and the officer to be removed.

c. Review by City Attorney. Within ten days after receipt of a petition from the city secretary, the city attorney shall determine the legal sufficiency of anything changed on the petition since the city attorney previously reviewed it, and the city attorney shall notify the city secretary and the submitting petitioner of the city attorney's determination, stating the reasons for any insufficiency.

d. Review by City Secretary. If the city attorney finds the petition legally sufficient, then within thirty days after that determination, the city secretary shall review the petition to determine the existence of the requisite number of valid, genuine, qualifying signatures of registered voters, and the city secretary shall notify the submitting petitioner of that determination, including a statement of the reasons for any insufficiency.

e. Presentation of Petition to Council. If the city attorney and city secretary find the petition sufficient, the city secretary shall present it to the City Council at its next regular meeting with a certification from the city secretary to that effect.

Sec. 6.05. Manner of Notice from City Officers

Any notice from a city officer under this article must be in writing, and if it is to the submitting petitioner, it must be by United States Mail, certified or registered mail, postage prepaid, addressed to the submitting petitioner at the address stated on the petition, unless the submitting petitioner signs and delivers to the city a document acknowledging receipt of the notice.

Sec. 6.06. Public Hearing to Be Held

The officer whose removal is sought may, within five days after the recall petition has been presented to the City Council, request that the council hold a public hearing to permit him or her to present matters pertinent to the charges specified in the recall petition. In this event, the City Council shall hold a public hearing not less than ten days nor more than thirty days after receiving the request for a public hearing. The hearing cannot change the requirement that the council order an election if the officer does not resign, as provided in this article.

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Sec. 6.07. Resignation. Recall Election

a. Election Ordered if No Timely Recall. Except as otherwise provided in subsection "b," the council must order a recall election to be held on the next uniform election date for which all advance requirements can be satisfied:

1. if the officer whose removal is sought does not resign within five days after the hearing by the council; or

2. if that officer does not timely request, as provided in Section 6.06, a hearing by the council, he or she does not resign within ten days after the recall petition has been presented to the council.

b. Timing and Consequences of Resignation with Recall Pending. If the officer resigns at any time after the circulated, signed recall petition is filed with the city secretary and before the recall election is ordered, then the election shall not be held, and the consequences of the resignation shall be the same as if the officer were recalled by the voters on the first uniform election date after the resignation. If the officer resigns after the recall election is ordered, then the election shall still be held, and if a majority of the votes are for a recall, then the officer is subject to the disqualification resulting from a recall.

c. Area of Election. The recall election shall be for the same area from which the officer was selected.

Sec. 6.08. Ballot in Recall Election

The ballot in a recall election shall state:

"Shall [name of officer] be removed from the office of [name of office] by recall?

"FOR the recall of [name of person].

"AGAINST the recall of [name of person]."

Sec. 6.09. Result of Recall Election

If a majority of the votes cast at a recall election are for the recall of the person named on the ballot, he or she shall be deemed removed from office, and the vacancy shall be filled as provided in Section 3.06 of this charter. An officer recalled shall be ineligible to hold or run for city office for the area of the office from which he or she was recalled, until after the next regular city election of officers after the recall election.

Sec. 6.10. Restrictions on Recall

No recall petition shall be filed against any officer of the city within six months after the start of that officer's current term of office, nor within six months after an election for that officer's recall.

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Sec. 6.11. Failure of City to Comply Concerning Recall

If all requirements of this charter concerning a recall petition have been met by the petitioners, and the city fails to comply with this charter concerning that recall, then any petitioner may bring suit in the appropriate district court to require the city to comply with this charter concerning the recall.

ARTICLE 7. INITIATIVE AND REFERENDUM

Sec. 7.01. General Power

a. Power of Initiative and Referendum. The registered voters of the city shall have the power of direct legislation by initiative and referendum, only as provided in this article.

1. Initiative is begun by petition to the council demanding that the council enact a proposed ordinance.

2. Referendum is begun either (i) by petition to the council demanding that the council repeal an ordinance, or (ii) by the council on its own motion ordering an election on the passage or repeal of an ordinance or resolution or on the approval or disapproval of a measure.

b. Exceptions. The powers of initiative and referendum shall not apply to ordinances approving franchises or agreements, authorizing any utilities, levying taxes (but this shall not be construed to limit the right to a statutory tax rollback election), appropriating funds, setting any fees or rates, annexing or disannexing territory, amending the extraterritorial jurisdiction, approving or issuing bonds that have been approved by the voters, approving or issuing certificates of obligation after the time established by law for the petitioners to challenge those certificates of obligation, or concerning personnel and administrative matters.

c. Review of Petition and Ordinance Together. Any reference in this article to review of a petition shall also include review of any proposed ordinance attached to that petition. Any reference in this article to the sufficiency of a petition shall also include the sufficiency and lawfulness of the proposed ordinance or repeal.

Sec. 7.02. Procedures Before Circulating Petition

a. Filing for Preliminary Review. Before an election is ordered on the question of an initiative or referendum, except as provided by section 7.07 on voluntary action by the council, a petition must be filed with the city secretary and must have the number of valid signatures required by this charter, a demand to pass or repeal the ordinance in question, and the proposed ordinance, if any, stated in the petition or attached to it. Before such a petition is circulated for multiple signatures, one petitioner (the "submitting petitioner") must sign the proposed petition and submit it to the city secretary.

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b. Review by City Attorney. Upon receipt of a petition under subsection "a," the city secretary shall promptly transmit it to the city attorney for an advance determination of: (1) the legal sufficiency, form, and content of the petition; and (2) the lawfulness of the proposed ordinance or repeal. The city attorney must, within ten days after receiving the petition, notify the submitting petitioner of that determination, including the reasons for any insufficiency or unlawfulness.

c. Consequence of Insufficiency or Unlawfulness. The city shall not consider the petition if the city attorney determines that the petition is insufficient or that the proposed ordinance or repeal would be unlawful.

d. No Fee for Review. No fee shall be due from a petitioner for the review of a petition.

Sec. 7.03. Contents of Petition

a. Addressed to Council. The petition must be addressed to the City Council.

b. Multiple Counterparts. The petition may consist of one or more counterparts, and the petitioners may sign the same or separate counterparts. Each signature must be either on

the same page as, or on a page firmly attached to, the demand for council action and any proposed ordinance.

c. Sworn Declaration by Petitioners. Each page bearing one or more signatures must state at the top of the page in conspicuous lettering distinct from the other writing on the page:

> "**BY SIGNING THIS PETITION, EACH SIGNER SWEARS OR AFFIRMS UNDER PENALTY OF PERJURY AS FOLLOWS**:
>
> **"1. I AM NOW A REGISTERED VOTER OF THE CITY OF IOWA COLONY.**
>
> **"2. ALL OF THE INFORMATION ABOUT ME ON THIS PETITION IS TRUE."**

d. Number of Signatures. The petition must be signed by at least the following numbers of registered voters of the city:

1. at least twenty percent of the number of registered voters in the city as of the voter registration deadline for the most recent general election date for officers of the city before the petition is filed with the city secretary, as shown on the voter registration records of the Brazoria County Clerk; but

2. in any event, not less than 900 such petitioners.

3. A reference in this subsection to the most recent general election date shall also include the date such an election would have been held if it had not been cancelled.

e. Information on Signers. Each signer of the petition must personally handwrite the following information on the petition in ink: his or her printed name; his or her signature; his or her place of residence, including the street name and number; and the day, month, and year he or she signed the petition.

f. Oath of Circulators. Each signature page of the petition shall also bear the signed, notarized oath of any signer of any page of the petition, as follows:

> "I, _____(printed name of affiant), being first duly sworn, on oath state that I am one of the signers of the above petition, although I may have signed a different page or counterpart of this same petition; and that each signature appearing on this page was made in my presence on the day and date it purports to have been made; and I solemnly swear that each signature on this page is the genuine signature of the person whose name it purports to be."

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Sec. 7.04. Procedures upon Filing of Petition with City Secretary

a. Time for Filing Petition. A petition must be filed with the city secretary no later than 45 days after being signed, and no signature on the petition shall remain effective or be counted if it was placed on the petition more than forty-five days before the filing of the petition with the city secretary; however, the one signature required before the preliminary review of the petition shall not be subject to this 45 day limit. All papers comprising a petition under this article shall be filed with the city secretary on the same day.

b. Notice by City Secretary. Upon receipt of a petition under subsection "a," the city secretary shall promptly notify the city attorney.

c. Review by City Attorney. Within ten days after receipt of a petition from the city secretary, the city attorney shall determine the legal sufficiency of anything changed on the petition since the city attorney previously reviewed it, and the city attorney shall notify the city secretary and the submitting petitioner of the city attorney's determination, stating the reasons for any insufficiency.

d. Review by City Secretary. If the city attorney finds the petition legally sufficient, then within thirty days after that determination, the city secretary shall review the petition to determine the existence of the requisite number of valid, genuine, qualifying signatures of registered voters, and the city secretary shall notify the submitting petitioner of that determination, including a statement of the reasons for any insufficiency.

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e. Presentation to City Council. If the city attorney and city secretary find the petition sufficient and the proposed ordinance or repeal lawful, then the city secretary shall present the petition to the City Council at its next regular meeting with a certification from the city secretary to that effect.

Sec. 7.05. Manner of Notice from City Officers

Any notice from a city officer under this article must be in writing, and if it is to the submitting petitioner, it must be by United States Mail, certified or registered mail, postage prepaid, addressed to the submitting petitioner at the address stated on the petition, unless the submitting petitioner signs and delivers to the city a document acknowledging receipt of the notice.

Sec. 7.06. Council Action Upon Presentation of Petition for Initiative or Referendum

a. Initiative. Upon presentation of an initiative petition with the draft of the proposed ordinance, the City Council must, within thirty days after that presentation, enact that ordinance without alteration as to meaning or effect or order a special election, to be held on the next uniform election date for which all advance requirements can be satisfied, at which the qualified voters of the city shall vote for or against adopting the proposed ordinance.

b. Referendum. Upon presentation of a referendum petition, the City Council must, within thirty days after that presentation, either entirely repeal the ordinance specified in the petition or order a special election, to be held on the next uniform election date for which all advance requirements can be satisfied, at which the qualified voters of the city shall vote on the question of repealing that ordinance. Pending the holding of that election, that ordinance shall be suspended from taking effect and shall not later take effect, unless a majority of the votes in that election are for the ordinance.

Sec. 7.07. Voluntary Submission of Legislation by the Council

The City Council, upon its own motion, may submit to popular vote at any city election the adoption of any proposed ordinance, resolution, or measure, or the repeal of any existing ordinance, resolution, or measure, in the same manner and with the same force and effect as provided in this article for submission by petition, and the council may in its discretion order a special election for this purpose.

Sec. 7.08. Form of Ballot

The proposition on the ballot in an election on an initiative or referendum shall be drafted by the City Council and shall set forth the nature of the ordinance, resolution, or measure in question sufficiently to identify it and shall also set forth upon separate lines the words:

"FOR THE ORDINANCE," AND

"AGAINST THE ORDINANCE", OR

"FOR THE RESOLUTION," AND

"AGAINST THE RESOLUTION."

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Sec. 7.09. Posting of Proposed and Referred Ordinances

The city secretary shall post the proposed or referred ordinance, resolution, or measure, together with a notice of the proposed passage or repeal by initiative or referendum, on the city's internet website from no later than fifteen days after the election is called through election day, in addition to any other notices required by law for that election.

Sec. 7.10. Effect of Election

If a majority of the qualified votes in an election under this article are in favor of the proposed or referred ordinance, resolution, or measure, it shall take or remain in effect immediately or at such other time stated therein.

7.11. Inconsistent Results

If the provisions of two or more proposed ordinances, resolutions, measures or any combination thereof approved at the same election are inconsistent, the ordinance, resolution, or measure receiving the highest number of votes shall prevail.

Sec. 7.12. Ordinances Passed by Popular Vote, Repeal, or Amendment

No legislative action taken by the council in response to a petition for initiative or referendum or by the voters in an election under this article shall be repealed or amended except pursuant to a petition for initiative or referendum or by a voluntary referendum under this article.

7.13. Further Regulations by City Council

The City Council may pass ordinances or resolutions providing other and further regulations for carrying out the provisions of this article consistent with this article.

Section 7.14. Failure of City to Comply

If all requirements of this charter concerning an initiative or referendum by petition have been met by the petitioners, and the city fails to comply with this charter concerning that initiative or referendum, then any petitioner may bring suit in the appropriate district court to require the city to comply with this charter concerning the initiative or referendum.

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ARTICLE 8. MUNICIPAL ZONING

Sec. 8.01. Zoning.

The City of Iowa Colony shall be a zoned city in accordance with applicable law.

ARTICLE 9. MUNICIPAL FINANCE

Sec. 9.01. Fiscal Year

The fiscal year of the city shall begin on the first day of October and shall end on the last day of September of each calendar year. That fiscal year shall also constitute the budget and accounting year.

Sec. 9.02. Preparation and Submission of Budget

The city manager, at least 45 days prior to the beginning of each fiscal year, shall submit to the council a proposed budget.

Sec. 9.03. Vote Required for Adoption

The budget shall be adopted by the favorable vote of a majority of the members of the whole City Council.

Sec. 9.04. Budget as Appropriations

Adoption of the budget shall constitute an appropriation of the amounts specified therein as expenditures from the funds indicated, except as otherwise provided by ordinance.

Sec. 9.05. Date of Final Adoption

The budget shall be finally adopted prior to the beginning of the fiscal year, and if the City Council fails to adopt a budget, then the existing budget shall remain in effect for the ensuing fiscal year, but only until such time as the council passes a budget for the new fiscal year or amends the budget as provided by law.

Sec. 9.06. Amendment of Budget

The city budget may be amended as provided by law.

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Sec. 9.07. Power to Tax

The City Council shall have the power to levy, assess, and collect an annual property tax within the city as provided by law.

ARTICLE 10. FRANCHISES AND PUBLIC UTILITIES

Sec. 10.01. Powers of the City

The city shall have the power to buy, own, construct, lease, maintain, operate, and regulate public services and utilities and to manufacture, distribute, and sell the output of those services and utility operations, and the city shall have further powers as may now or later be granted by law.

Sec. 10.02. Franchises. Power of City Council

a. Franchises. The City Council shall have power by ordinance to grant, amend, renew, and extend all franchises of all public utilities of every character.

b. Additional Procedure for Passing Franchise Ordinance. The title or caption stating the general subject matter of an ordinance granting, amending, renewing, or extending a franchise for public utilities shall be read at two separate regular meetings of the City Council, and that ordinance shall not be finally passed until twenty-eight days after the first reading. The repeal of a franchise after a hearing shall not require two readings. Passage of a franchise ordinance is subject to the same requirements as other ordinances, except as otherwise provided in this subsection.

Sec. 10.03. Transfer of Franchise

No public utility franchise shall be transferable except with the approval of the City Council expressed by ordinance. The term "transferable" herein shall not be construed to prevent the franchise holder from pledging the franchise as security for a bona fide debt or mortgage.

Sec. 10.04. Right of Regulation

All grants, removals, extensions, or amendments of public utility franchises shall be subject to the following rights of the City Council:

a. To repeal the same by ordinance at any time, after due notice and opportunity for a hearing, upon the failure of the grantee to comply with any provision of the franchise, any ordinance, or other applicable law;

b. To require proper and adequate extension of plant and service, and the maintenance of the plant and fixtures at the highest reasonable standard of efficiency;

c. To establish reasonable standards of service and quality of products;

d. After due notice and opportunity for a hearing, to regulate by ordinance the rates, charges, and fares of all public utility franchise holders operating in the city as authorized by applicable law;

e. At any time to examine and audit the accounts and other records of any such utility and to require annual and other reports, including reports on operations within the city;

f. To require such compensation and rental as not prohibited by law; and

g. To impose any regulations and restrictions as the city considers desirable or conducive to the health, safety, welfare, or accommodation of the public.

Sec. 10.05. Franchise Not Exclusive

No grant or franchise to construct, maintain, or operate a public utility and no renewal or extension of such grant shall be exclusive.

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Sec. 10.06. Consent of Property Owners

The consent of abutting and adjacent property owners shall not be required for the construction, extension, maintenance, or operation of any public utility; but nothing in this charter or in any franchise granted hereunder shall deprive any such property owner of any right of action for damage or injury to his or her property as provided by law.

Sec. 10.07. Extensions

Any extension of a public utility within the city limits shall become a part of the aggregate property of the public utility, shall be operated as such, and shall be subject to all obligations, reserved rights, and other terms of this charter and of any then-existing franchise to that utility, whether granted before or after the adoption of this charter. The right to use and maintain any such extension shall terminate with that pre-existing franchise and shall be terminable as provided in this charter.

Sec. 10.08. Other Conditions

a. Franchises as Contracts. All franchises existing when this charter is adopted are recognized as contracts between the city and the grantee, and the contractual rights contained in any such franchise shall not be impaired by this charter, except that the city fully reserves:

1. the power of the city to exercise the right of eminent domain in the acquisition of utility property; and

2. all powers of the city to regulate the rates and services of a grantee, which shall include the right to require proper and adequate extension of plant and service and the maintenance of the plant and fixtures at the highest reasonable standard of efficiency.

b. Applicability of Charter Provisions. Every public utility franchise granted after this charter is adopted shall be subject to all the terms and conditions of this article, whether or not such terms and conditions are specifically mentioned in the franchise.

c. Discretion of City. Nothing in this charter shall limit in any way the discretion of the City Council or voters of the city in imposing terms and conditions as may be reasonable in connection with any franchise grant.

Sec. 10.09. Accounts of Municipally Owned Utilities

Accounts shall be kept for each public utility owned or operated by the city and shall show the true and complete financial results of such city ownership and operation including but not limited to the contents listed in this section. The accounts shall show actual capital and operating costs to the city of each public utility owned and the sources and amounts of funds expended for those purposes. The accounts shall show as nearly as possible the cost of any

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service furnished by any such utility to any department of this city and to any other governmental entity.

Sec. 10.10. Sales of Water, Sewer, and Other Services

a. Power of City. The city shall have the power to sell and distribute water, sewer services, any other city utilities, and any other city services to any persons within or outside the city limits. The city may permit those persons to connect with those systems under contract with the city, under terms and conditions that the city considers for the best interests of the city.

b. Advance Notice Required. At least two years before the following requirements take effect, the city must deposit notice of the applicable requirement and the earliest date the requirement will take effect in the United States Mail, addressed to the owner of the premises at the owner's address according to the records of the Brazoria County Tax Assessor-Collector:

1. A requirement that any residence lawfully connected to a lawful water well must connect to city-owned water services; or

2. A requirement that any residence lawfully connected to a lawful sewage treatment system must connect to city-owned sewer services.

c. Regulations by City Council. The City Council shall have the power and authority: (1) to regulate and prescribe the specifications for utility infrastructure where the city furnishes the service, within or beyond the city limits; (2) to inspect that infrastructure and require it to be kept in good order and condition at all times; and (3) to make such rules and regulations as shall be necessary and proper, and prescribe penalties for noncompliance with those rules and regulations.

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Sec. 10.11. Regulation of Rates and Service

The City Council shall have the power, after due notice and opportunity for a hearing, to regulate by ordinance the rates and services of every public utility operating in the city. The council shall have power to employ at the expense of the grantee expert assistance and advice in determining a reasonable rate and equitable profit to the grantee, all as provided by law. The council may choose to cede to an agency of the State of Texas the authority to regulate rates of a particular utility, as provided by law.

ARTICLE 11. GENERAL PROVISIONS

Sec. 11.01. Publicity of Records and Open Meetings. Internet or Website Malfunctions

a. Public Records and Meetings. Records of the city shall be open to inspection by any person as provided by law, including but not limited to the Texas Public Information Act.

Meetings of the council and boards or commissions appointed by the council shall be held in accordance with the applicable provisions of the laws of the State of Texas, including but not limited to the Texas Open Meetings Act. Minutes of all such open meetings shall be kept, and those minutes shall constitute public records. This section shall not be construed to require any action or measure beyond that required by state law.

b. Internet or Website Malfunctions. When this charter or other applicable law requires any type of information to be posted on the city's internet website, and an outage or malfunction of the website or internet, which was not deliberately caused by the city, prevents or interrupts the required posting, then such failure or interruption of the internet posting shall not be a violation of that posting requirement. The city shall use good faith efforts to resolve the malfunction and post the information as soon as reasonably practicable.

Sec. 11.02. Conflict of Interest and Nepotism

All city officers and employees must comply with applicable state law related to conflicts of interest and nepotism.

Sec. 11.03. Drilling Operations

The City Council may, by ordinance, regulate the drilling and use of water wells, subject to the restrictions on mandatory connections to city water and sewer in Section 10.10.

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Sec. 11.04. Assignment, Execution, and Garnishment

No property of any kind owned or held by the city shall be subject to any garnishment, sequestration, attachment, seizure, forced sale, or execution of any kind. No property, funds, or debt held by the city shall be subject to garnishment, and the city shall never be required to answer in any garnishment proceeding. The city shall not be obligated to recognize any assignment of wages or funds by its employees, agents, or contractors.

Sec. 11.05. City Not Required to Give Security or Execute Bond

a. City. It shall not be necessary in any action, suit, or proceeding in which the city is a party, for any bond, undertaking, or security to be demanded or executed by or on behalf of the city in any of the state courts, but all such actions, suits, appeals, or proceedings shall be conducted in the same manner as if such bond, undertaking, or security had been given as required by law.

b. City Officers and Employees. The exemption from a bond, undertaking, or security in subsection "a" shall also apply in favor of any city officer or employee in his or her official capacity, except in a suit by the city against that officer or employee.

Sec. 11.06. Notice of Claim Required. Immunities

a. Notice of Claim. The city shall not be subject to liability for any death, personal injury, property damage, economic loss, or any other liability, loss, damage, or costs of any nature, and no suit shall be filed against the city on such claim, where the claimant fails to notify the city manager or city secretary in writing within six months of the initial incident or condition allegedly causing such damage or loss. That notice must include:

1. when, where, and how the death, injury, damage, or loss was sustained;
2. the amount of the damage, injury, or loss incurred, as accurately as possible;
3. the name and address of:
  i. each person who is dead, injured, or incurred property damage or any loss; and
  ii. all persons with knowledge of facts pertinent to the claim; and
4. a statement of how any fault of the city allegedly contributed to causing the incident or loss.

b. Not a Waiver. This section shall not be construed to create any liability of the city or as a waiver by the city of any rights, privileges, defenses, or immunities.

c. City Officers and Employees. Any right, privilege, defense, or immunity of the city under this charter or any other applicable law shall also apply in favor of all city officers and employees in their official capacity, except in a claim by the city against such officer or employee.

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Sec. 11.07. Severability Clause

If any section or part of a section of this charter is ever held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this charter nor the context in which such section or part of a section so held invalid may appear, except to the extent that an entire section or part of a section is inseparably connected in meaning and effect with the section or part of section to which that holding directly applies.

Sec. 11.08. Effect of this Charter on Existing Law

All ordinances, resolutions, rules, and regulations now in force under the city government of Iowa Colony and not in conflict with the provisions of this charter shall remain in force under this charter until altered, amended or repealed by the council after this charter takes effect; and all rights of the city under existing franchises and contracts are preserved in full force and effect to the city.

Sec. 11.09. Transition

The adoption of this charter shall neither end nor extend the term of office of any current officer or employee of the city.

Sec. 11.10. Applicability of General Laws

In addition to all powers and rights available to home rule cities in Texas, the city shall also have all powers of any other type of municipality in Texas not contrary to the laws governing home rule cities. However, the exercise of any those additional powers by the city shall be optional with the city, and the city shall not be required to conform to the law governing any other types of municipalities, unless by ordinance it adopts those laws.

Sec. 11.11. Use of Terms

Any term used herein, whether used in singular or plural form, shall be deemed to refer to the object of that term, regardless whether that object is singular or plural, as the context may suggest or require. Any pronoun, whether in masculine, feminine, or neuter form, shall be deemed to refer to the object of that pronoun, whether that object is masculine, feminine, or neuter in gender, as the context may suggest or require.

Sec. 11.12. Amending the Charter, Charter Review Commission, and District Boundaries Commission.

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a. Amendment of Charter by Voters. Amendments to this charter may be drafted and submitted to the voters of the city as provided by this charter and applicable law.

b. Charter Review Commission.

1. Appointment. The City Council shall appoint a Charter Review Commission every five years or more often as determined by the City Council. The Charter Review Commission shall consist of the same number of members as the City Council. Charter review commissioners must be residents of the city for one year at the time of appointment. Each council member shall have the opportunity for at least one nomination to the commission for consideration by the council, but the appointments by the council are not limited to those nominees.

2. Duties. The Charter Review Commission shall:

i. Inquire into the operation of the city government under the charter and determine whether any charter provisions should be revised. To this end public hearings may be held, and the commission shall have the power to compel the attendance of any officer or employee of the city and to require the submission of any city records it deems or helpful to the work of the commission;

ii. Propose any recommendations it may deem desirable to ensure compliance with the charter by the city government;

iii. Propose any charter amendments the commission deems desirable; and

iv. Report its findings and present its proposed amendments, if any, to the City Council.

c. District Boundaries Commission. After the initial adoption of district boundaries, the Charter Review Commission shall also serve as the District Boundaries Commission, to review and make recommendations to the City Council on amending the boundaries of the council districts, as provided in Section 3.01(f).

d. Action by City Council. The City Council shall:

1. receive and post on the city's website any report presented by the Charter Review Commission;

2. consider any recommendations made by the Charter Review Commission; and

3. if any charter amendment is presented as a part of that report, the council may choose to order that amendment to be submitted to the voters of the city in the manner provided by law.

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e. Term of Office. The term of office of the Charter Review Commission shall be six months, or longer if approved by the City Council. Upon the completion of the proceedings of the Charter Review Commission, or upon dissolution of the commission, all records of the proceedings of the commission shall be filed with the city secretary.

Sec. 11.13. Submission of Charter to Voters

a. The Charter Commission finds that it is impracticable to segregate each subject of this charter to be voted on separately, because the charter is so constructed that in order to function, it must be adopted in its entirety. Therefore, the Charter Commission directs that this charter shall be voted upon as a whole, and that it shall be submitted to the registered voters of the city at an election on May 2, 2020. [Editor's Note: This election was deferred to November 3, 2020, due to the COVID-19 emergency.]

b. Before the 30th day before the date of the election, the City Council shall order the city secretary to mail a copy of this charter to each registered voter of the city. If a majority of the qualified voters voting in that election vote in favor of the adoption of this charter, then it shall become the Home Rule Charter of the City of Iowa Colony, and it shall take effect when

the election returns have been canvassed, and when the council enters an order in the records of this city declaring this charter adopted.

c. The city secretary shall file an official copy of the charter with the records of the city and record it in a book or other appropriate, lawful medium for that purpose.

d. As soon as practicable after the city adopts this charter, the mayor shall certify to the secretary of state of Texas an authenticated copy of the charter under the city's seal showing approval by the voters of this city.

We, the undersigned officers of the Iowa Colony Charter Commission, duly selected to prepare a Home Rule Charter for the City of Iowa Colony, Texas, hereby certify that this document is the Home Rule Charter of the City of Iowa Colony, Texas, as duly approved by a majority of this Commission.

April 15, 2020

_____
Sydney Hargroder, Chairperson

_____
Rebecca Hester, Secretary

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IOWA COLONY CHARTER COMMISSION MEMBERS:

Rebecca Barnett
Steven Byrum-Bratsen
Douglas Chumley
Brenda Dillon
Rosie Flores
Sydney Hargroder
Rebecca Hester
Michael Holton
Brenda Ledbetter
Marge Madariaga
Perry Roberts
Diana Tahtinen
Timothy Varlack
Carol Wall
Robert Wall

January 27, 2021

Mayor and Council Members of the City of Iowa Colony
12003 Iowa Colony Blvd
City of Iowa Colony, TX 77583

Dear Mayor and Council Members of the City of Iowa Colony,

Please accept this notice of intent to introduce the attached legislation.

Respectfully,

Dennis Paul
State Representative

Larry Taylor
State Senator

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NOTICE OF INTENT TO INTRODUCE

This is to give notice of intent to introduce in the 87th Legislature, Regular Session, a bill to be entitled an Act relating to the creation of the Gulf Coast Protection District; providing authority to issue bonds; providing authority to impose fees; providing authority to impose a tax; granting the power of eminent domain. The territory of this district is comprised of Harris, Galveston, Brazoria, Chambers, Jefferson, and Orange counties. Paid for by Dennis Paul Campaign and Friends of Larry Taylor.

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A BILL TO BE ENTITLED
AN ACT

relating to the creation of the Gulf Coast Protection District; providing authority to issue bonds; providing authority to impose fees; providing authority to impose a tax; granting the power of eminent domain.

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

SECTION 1. Subtitle K, Title 6, Special District Local Laws Code, is amended by adding Chapter 9502 to read as follows:

CHAPTER 9502. GULF COAST PROTECTION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9502.0101. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Director" means a board member.

(3) "District" means the Gulf Coast Protection District.

(4) "Ecosystem restoration report" means the Sabine Pass to Galveston Bay, Texas Coastal Storm Risk Management and Ecosystem Restoration Final Integrated Feasibility Report-Environmental Impact Statement issued by the Galveston District, Southwestern Division, of the United States Army Corps of Engineers in May 2017.

(5) "Protection and restoration study" means the Coastal Texas Protection and Restoration Feasibility Study Final Integrated Feasibility Report and Environmental Impact Statement to be issued by the Galveston District, Southwestern Division, of the United States Army Corps of Engineers, the draft version of which was issued in October 2020.

Sec. 9502.0102. NATURE OF DISTRICT. The district is a special district created under Section 59, Article XVI, Texas Constitution.

Sec. 9502.0103. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The creation of the district is essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution, and other public purposes stated in this chapter.

(b) The creation of the district is necessary to establish an instrumentality for protecting the coast in Brazoria, Chambers, Galveston, Harris, Jefferson, and Orange Counties in the manner provided by this chapter.

(c) The district is created to serve a public use and benefit.

(d) All land and other property included in the boundaries of the district will benefit from the works and projects accomplished by the district.

Sec. 9502.0104. DISTRICT TERRITORY. (a) The district is composed of the territory in Brazoria, Chambers, Galveston, Harris, Jefferson, and Orange Counties and territory annexed to the district as described by Subsection (b).

(b) The governing body of the district by order shall annex to the district the territory of a county included in the protection and restoration study at the request of the commissioners court of that county.

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SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 9502.0151. GOVERNING BODY; TERMS. (a) This district is governed by a board of 11 directors appointed by the governor as follows:

(1) three directors nominated by the Commissioners Court of Harris County;

(2) one director nominated by the Commissioners Court of Brazoria County;

(3) one director nominated by the Commissioners Court of Chambers County;

(4) one director nominated by the Commissioners Court of Galveston County;

(5) one director nominated by the Commissioners Court of Jefferson County;

(6) one director nominated by the Commissioners Court of Orange County;

(7) one director to represent the public;

(8) one director to represent environmental interest groups; and

(9) one director to represent ports.

(b) Directors serve staggered four-year terms.

(c) When a director's term expires, the governor shall appoint a successor.

(d) If a director's office becomes vacant by death, resignation, or removal, the governor shall appoint a director to serve for the remainder of the unexpired term.

Sec. 9502.0152. REMOVAL. The governor may remove a director at any time and appoint a replacement director to serve the remainder of the unexpired term.

Sec. 9502.0153. QUALIFICATION. To qualify for office, a director must be a registered voter who resides in the district.

Sec. 9502.0154. CERTAIN CONFLICTS PROHIBITED. (a) An individual is not eligible to serve as a director if, in the preceding 24 months, the individual had an interest in or was employed by or affiliated with a person who has submitted a bid or entered into a contract for a district project.

(b) The board may not employ or appoint an individual described by Subsection (a) to work for the district.

(c) A director may not be employed professionally for remuneration in a profession related

to the operation of the district during the director's term of office.

Sec. 9502.0155. REIMBURSEMENT. A director is not entitled to compensation but is entitled to reimbursement for necessary expenses incurred in carrying out the duties and responsibilities of the board.

Sec. 9502.0156. VOTING. A concurrence of all of the following is required for transacting any business of the district:

(1) a majority of the directors; and

(2) a majority of the directors nominated by the commissioners court of a county.

Sec. 9502.0157. MEETINGS. (a) Notwithstanding Chapter 551, Government Code, or any other law, the board may hold an open or closed meeting by telephone conference call, videoconference, or other similar telecommunication method. The board may use a telephone conference call, videoconference, or other similar telecommunication method for purposes of establishing a quorum, for voting, or for any other meeting purpose. This subsection applies without regard to the subject matter discussed or considered by the board at the meeting.

(b) A meeting held by telephone conference call, videoconference, or other similar telecommunication method:

(1) is subject to the notice requirements applicable to other board meetings;

(2) may not be held unless notice of the meeting specifies the location of the meeting at which at least one director will be physically present; and

(3) during the open portions of the meeting, must be open and audible to the public at the location specified in the notice under Subdivision (2).

SUBCHAPTER C. POWERS AND DUTIES

Sec. 9502.0201. GENERAL DISTRICT POWERS. (a) Except as provided by Subsection (b), the district may:

(1) establish, construct, extend, maintain, operate, or improve a coastal barrier or storm surge gate in the manner provided by Chapter 571, Local Government Code, for a county to establish, construct, extend, maintain, or improve a seawall;

(2) exercise the authority granted to counties to conduct any project described by Chapter 571, Local Government Code;

(3) establish, construct, and maintain recreational facilities for public use and environmental mitigation facilities related to a project described by Subdivision (1) or (2); and

(4) establish, construct, maintain, or operate a project recommended in the ecosystem restoration report or the protection and restoration study.

(b) Sections 571.006, 571.007, 571.008, 571.009, and 571.010, Local Government Code, do not apply to the district.

Sec. 9502.0202. ELECTIONS REGARDING TAXES AND BONDS. (a) The district must hold an election in the manner provided by Chapter 49, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(b) The district, without an election, may issue bonds, notes, or other obligations secured by revenue other than ad valorem taxes.

Sec. 9502.0203. REQUIREMENTS FOR CERTAIN PROJECTS. If the district enters into an agreement with another entity to implement a project recommended in the ecosystem restoration report or the protection and restoration study, the district:

(1) shall develop a maintenance and operation plan for the project;

(2) may enter into a partnership with a private entity to fund a local share of the cost of the project; and

(3) may use any available money to provide matching funds to the United States Army Corps of Engineers to implement the project.

Sec. 9502.0204. ACQUISITION AND DISPOSITION OF PROPERTY AND RIGHTS. (a) The district may purchase, lease, acquire by gift, maintain, use, and operate property of any kind appropriate for the exercise of the district's functions.

(b) The district may acquire permits, licenses, and rights related to the exercise of the district's functions.

Sec. 9502.0205. AGREEMENTS. (a) The district may enter into a cooperative agreement with a political subdivision, state agency, or federal agency for a purpose related to the operation or maintenance of a district project.

(b) The district may enter into an interlocal agreement with a political subdivision for a purpose related to the construction, operation, or maintenance of a district project.

Sec. 9502.0206. CONTRACTS GENERALLY. (a) The district may enter into contracts and execute instruments that are necessary or convenient to the exercise of the district's powers, rights, duties, and functions. A contract may be for any term, including for the life of any facility or structure in the territory of the district.

(b) The district and another governmental entity may enter into a contract for the operation or maintenance of an authorized project in the same way that a political subdivision may contract with another governmental entity under Chapter 472, Transportation Code, to construct or maintain a road or highway.

(c) A public agency or political subdivision is authorized to:

Also

(1) enter into a contract with the district;

(2) determine, agree, and pledge that all or any part of its payments under a contract with the district shall be payable from any source, subject only to the authorization by a majority vote of the governing body of such public agency or political subdivision of the contract, pledge, and payments;

(3) use and pledge any available revenues or resources for and to the payment of amounts due under a contract with the district as an additional source of payment or as the sole source of payment and agree with the district to assure the availability of revenue and resources when required; and

(4) fix, charge, and collect impact fees and utility charges, if the public agency or political subdivision is otherwise authorized to impose the fees and charges, and to use and pledge revenue from the fees or charges to make payments to the district required under a contract with the district.

Sec. 9502.0207. CERTAIN CONTRACTS. (a) This section applies only to a contract for:

(1) construction or repair;

(2) purchase of material, equipment, or supplies; or

(3) services other than technical, scientific, legal, fiscal, or other professional services.

(b) If a contract will require an estimated expenditure of more than $25,000, or if a contract is for a term of more than five years, the district shall:

(1) publish a notice to bidders once each week for three consecutive weeks before the date set for awarding the contract; and

(2) award the contract to the lowest and best bidder.

(c) The notice under Subsection (b) must:

(1) state the time and place the bids will be opened;

(2) describe:

(A) the general nature of the work to be done;

(B) the material, equipment, or supplies to be purchased; or

(C) the nonprofessional services to be rendered; and

(3) state the terms on which copies of the plans, specifications, or other pertinent information may be obtained.

(d) The notice must be published in a newspaper of general circulation in the county or counties in which the contract is to be performed. In addition to publishing notice in a newspaper of general circulation, the notice may also be published in any other appropriate publication.

(e) A person desiring to bid on the construction of any work advertised as provided by this section shall, on written application to the board, be furnished with a copy of the detailed plans and specifications or other detailed engineering and architectural documents showing the work to be done. The district may charge a fee to cover the cost of providing the copy.

(f) All bids must be in writing, sealed and delivered to the board, and accompanied by a certified check on a bank located in this state, or a bid bond from a company approved by the board, in an amount equal to at least one percent of the total amount bid.

(g) The amount of the check or bond shall be forfeited to the district if the successful bidder fails or refuses to:

(1) enter into a proper contract; or

(2) furnish bond as required by law.

(h) The board may reject any or all bids.

(i) Bids shall be opened at the time and place specified in the notice and shall be announced by the board. The place where the bids are opened and announced must be open to the public.

(j) The contract price of all construction contracts of the district may be made in partial payment as the work progresses, but the payments may not exceed 90 percent of the amount due at the time of each payment. The board shall, during the progress of the work, inspect the work or cause the work to be inspected by a district employee. On the completion of any contract in accordance with the contract's terms, the board shall pay the balance due on the contract.

(k) The person to whom a contract is awarded shall provide the performance and payment bonds required by law.

(l) This section does not prohibit the district from purchasing surplus property from the United States by contract and without advertising for bids.

(m) An officer, agent, or employee of the district who has a financial interest in a contract of the types described by Subsection (a) shall disclose that fact to the board before the board votes on the acceptance of the contract.

(n) Notwithstanding any provision of any charter of any municipality, contracts between the authority and a municipality are not required to be approved by the voters of the municipality at an election.

(o) In an emergency, the district is not required to comply with the bidding procedures described by this section and may award a contract necessary to protect and preserve the public health and welfare or the properties of the district.

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Sec. 9502.0208. NAVIGATION DISTRICT AUTHORITY. Except as provided by Section 9502.0209(b), an order or action of a navigation district relating to the operation or maintenance of a district project supersedes an order or action of the district to the extent of any conflict.

Sec. 9502.0209. AUTHORITY TO DEVELOP BARRIER CLOSURE PROCEDURES. (a) If the district implements a project to create a coastal barrier, the district shall develop closure procedures in conjunction with each navigation district affected by the barrier or closure.

(b) A navigation district may not unilaterally stop a closure that is proceeding in accordance with procedures developed under this section.

Sec. 9502.0210. ANNUAL REPORT REQUIRED. The district shall annually submit a report to the legislature, the Legislative Budget Board, the General Land Office, and the commissioners court of each county in which the district is located. The report must:

(1) describe the district's financial condition and operations during the preceding year;

(2) propose a budget for the following year; and

(3) describe generally the work proposed for the following year.

Sec. 9502.0211. EMINENT DOMAIN. The district may exercise the power of eminent domain to acquire a fee simple or other interest in any type of property if the interest is necessary or convenient for the exercise of the district's functions. The district must exercise the power of eminent domain in the manner provided by Chapter 21, Property Code.

SECTION 2. Notwithstanding Section 9502.0151(b), Special District Local Laws Code, as added by this Act:

(1) the initial directors nominated by the Commissioners Courts of Chambers County and Jefferson County serve two-year terms;

(2) two of the initial directors nominated by the Commissioners Court of Harris County serve two-year terms;

(3) the initial director appointed by the governor to represent the public serves a two-year term; and

(4) the initial director appointed by the governor to represent ports serves a two-year term.

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 4. (a) Section 9502.0211, Special District Local Laws Code, as added by Section 1 of this Act, takes effect only if this Act receives a two-thirds vote of all the members elected to each house.

(b) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 9502, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 9502.0211 to read as follows:

Sec. 9502.0211. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(c) This section is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c), Article I, Texas Constitution.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

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ADICO
CONSULTING ENGINEERS

MEMORANDIUM

Date: February 11, 2021

To: Mayor Michael Byrum-Bratsen

City Council Members

From: Dinh V. Ho, P.E.

RE: COIC Council Meeting – February 2021 Engineer's Report

cc: Ron Cox, Kayleen Rosser

The following is a status report of various engineering items:

1. TxDOT Overpasses – TxDOT has recently completed the 60% design phase for the overpass at the following roadways: Iowa Colony Blvd., Cedar Rapids Parkway, Davenport Parkway and Dubuque Parkway though Iowa Colony. They are also building an overpass at County Road 60.

   The proposed schedule is completion of engineering design by September 2021. Construction is expected to start 2nd Quarter of 2022. We are awaiting confirmation from TxDOT if funding is available for CR 57 and CR 63. This is significant has it will provide safe access across SH 288 for the City.

2. Crystal Lagoon- City staff met with the developer for Crystal Lagoon earlier this month to discuss the project design progress and planning for the remainder of the site. Staff review included Ron, Kent, Albert, Jim S. and myself.

   The layout of the lagoon is now covers approximately 3.3 acres from the originally planned +/- 4.0 acres. The first phase of the development will include the lagoon infrastructure and areas reserved for the Community. Phase Two plans include areas for an event center and beach area for private use. At this time, there is no plan for public access. However, there are acreage for future development at the west side of the reserves along Ames Blvd.

   Below is the latest Development Schedule (DRAFT):

A.	Phase One: Groundbreaking for Mass Grading Plan	TBD
B.	Phase Two: Crystal Lagoon infrastructure construction	February 2021 – November 2021
C.	Phase Three: Amenities Construction	June 2021 – April 2022
D.	Grand Opening:	May 2022

3. AMES ROAD BRIDGE
   - Subject to Environmental Clearance – Expected to start bidding in Summer 2021.

4. ROADWAY REPAIRS
   - Interlocal with BC Agreement for FY 2020-2021 has been submitted and approved by Commissioners Court. County has requested the City to reduce the total mileage to a total of 2 miles.

5. FIBER SERVICE
   - Citywide Service – FastFiber – On hold awaiting legal review.

6. CITY HALL
   - City Hall Renovation – Complete

7. GRANTS
   - We will be submitting the following grants

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i. GLO-CDBG MITIGATION GRANT – HURRICANE HARVEY
   1. Proposed grant will provide for acquisition and funding for a Flood Mitigation Basin
   2. Total Grant funds is estimated to approximately $7.23 mil.
   3. Grant Application submitted. Expect 1st Qtr 2021 determination.

ii. TWBD- FIF GRANT –
   1. Proposed grant will fund the City first Master Drainage Plan
   2. Total amount will by $300k, of which $150k will be matching funds.
   3. Approved. Currently working on application documents for funding.

8. CONSTRUCTION PROJECT STATUS:

A. MERIDIANA SUBDIVISION – RISE COMMUNITIES

- Active construction projects
  - Meridiana Commercial Utility and Paving – Starting on 2/14/2021.
  - Meridiana Ph 3 Well Site Park – 99% complete. Punchlist items being completed.
  - Merdiana 76A- Complete- on agenda for acceptance.
  - BCMUD 55 MER WWTP Exp to 0.48 MGD- 65% complete.
  - Merdiana 81B- Under construction. 70% complete

B. STERLING LAKES – LAND TEJAS

- Active construction projects.
  - Sterling Lakes Lift Station Expansion– Complete. Need closeout documents.
  - BCMUD 31 WWTP Expansion Ph IV – Ongoing @ 90% complete.
  - BCMUD 31 GST Replacement – 100% complete- awaiting closeout documents.
  - BCMUD 31 Trail System – 100% complete. Awaiting final walkthrough.

C. SIERRA VISTA - LAND TEJAS

- Active construction projects
  - Meridiana Parkway Phase 5 – 95% complete
  - Meridiana Parkway Phase 6 – 95% complete
  - Lane switch on 12/17/2020. Final Completion by February 2021 due to power pole.
  - Karsten Phase IV- 100% complete- awaiting closeout documents.
  - Karsten Blvd North Ph I – 100% complete- awaiting closeout documents.

D. SIERRA VISTA WEST - LAND TEJAS

- Active construction projects:
  - BCMUD 53 Water Well Plant – Plant is 90% complete.
  - Sierra Vista West Mass Grading and Detention Phase II – 80% complete.
  - BCMUD 53 WWTP- 50% complete.
  - BCMUD 53 Offsite Lift Station – 80% complete.
  - Crystal View Drive Phase III – 85% complete
  - Sierra Vista West Section 4 – 20%
  - Sierra Vista West Section 5 – 0%
  - Sierra Vista West Section 6 – 15%

E. OTHER CONSTRUCTION PROJECTS

- AISD H.S. No. 4 – 90% of civil complete

9. OTHER ITEMS:

A. Baymark Pipeline/ South Texas NGL Pipeline – Crossings

Copy

IOWA COLONY
POLICE DEPARTMENT

12003 Iowa Colony Blvd.
Iowa Colony, Texas 77583

Aaron I. Bell
Chief of Police

Phone: (281) 369-3444
Fax: (281) 406-3722

Monthly Report
January 2021

Offense	Reported
Burglary	1
Theft	2
Robbery	0
Total Index Crimes Reported	3
Traffic Enforcement	
Citations	286
Warnings	12
Accident Investigations	
Minor Crashes	5
Major Crashes	3
Fatality Crashes	0
Calls for Service	
Alarms	23
Assist Other Agency	52
Disturbance	3
Fire	3
Other	120
Security Checks	624
Suspicious Activity/Persons	15

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Significant Events

- January 2021 – Staff have continued to participate in conference calls with local and county officials and monitoring the response to COVID-19. Staff have provided guidance and information to various stakeholders for response and mitigation.
- January 6 – Officers were dispatched to a minor crash at Meridiana Pkwy/Sterling Lakes Dr. During the crash investigation illegal narcotics were located in a vehicle. An adult female was arrested for Possession of a Controlled Substance.
- January 10 – A vehicle left the roadway on Meridiana Pkwy and struck the stone exterior wall of Sterling Lakes. The driver fled the scene leaving the vehicle on scene. The driver, an adult male, was later located and arrested for Duty Upon Striking a Fixture.
- January 23 – Officers were dispatched to a verbal disturbance at a residence in the 9400 block of Turquoise Meadow Ln. During the course of the investigation an adult female was arrested for Possess of a Controlled Substance and 15 outstanding arrest warrants for various locations around the Houston area. An adult male was also arrest for Felon in Possession of a Firearm.

IOWA COLONY
POLICE DEPARTMENT

12003 Iowa Colony Blvd.
Iowa Colony, Texas 77583

Aaron I. Bell
Chief of Police

Phone: (281) 369-3444
Fax: (281) 406-3722

January 2021

Completed a total of 20 Calls for Service, for Code Compliance and Animal Control.

CODE COMPLIANCE

City Ordinance	**3**	Calls for Service – Karsten Blvd check area for illegal dumps and change SD cards on trial camera's
Stake Sign	**3**	Calls for Service, each call was a different location Stake Signs / Bandit Signs removed – total of **36** signs picked up & disposed of

ANIMAL CONTROL

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Animals at Large	**8**	Calls for Service of animals at large, each call different location
Animals Impound	**3**	Owner Turn In 1 dog, and 2 cats impounded taken to Houston Humane
Animal Complaint	**3**	Returning the citizens their animal traps

IOWA COLONY
POLICE DEPARTMENT

12003 Iowa Colony Blvd.
Iowa Colony, Texas 77583

Aaron I. Bell
Chief of Police

Phone: (281) 369-3444
Fax: (281) 406-3722

February 02, 2021

To: Honorable Mayor Michael Byrum-Bratsen
Members of Council
Interim City Manager Ron Cox

From: Chief of Police Aaron I. Bell

Ref: 2020 Racial Profiling Report

In accordance with the Code of Criminal Procedure Article 2.134 Compilation and Analysis of Information Collected; I am presenting to you, the Racial Profiling report for 2020. Attached with this letter you will find the compilation of data collected as well as they analysis of the data conducted by Dr. Alex del Carmen for the 2020 reporting year.

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Article 2.133 of the code of Criminal Procedure requires law enforcement agencies that routinely make traffic stops collect data related to these stops. Motor vehicle stops are self-initiated stops the officers conduct not relating to calls for service. Prior to the introduction of Senate Bill 1849 (Sandra Bland Act) agencies had three ways to collect and report the data. The levels of reporting were "Tier 1 - Full Reporting"; agencies who did not have audio/visual recording equipment installed in their patrol units and could not keep video for 90 days have to submit a full report. "Tier 2 – Partial Exemption"; agencies that had audio/visual recording equipment installed in their patrol units and had storage capabilities of 90 days submitted a partial exemption report. Agencies that did not make traffic stops filed the "Exemption" report.

The Texas legislature passed the Sandra Bland Act in September 2017. With this new legislation it changed the way agencies compiled and reports racial profiling data; effective January 1, 2018 these changes went into effect. Agencies are now required to complete and submit full reports of the racial profiling data. Along with the reporting changes there were changes made in the collection of data.

The attached report will also be reported to the Texas Commission on Law Enforcement (TCOLE) as well as being placed on the city website for anyone to access.

Fee free to contact me, should you have any questions.

Aaron I. Bell
Chief of Police

DEL CARMEN Consulting, LLC.
LAW ENFORCEMENT EXPERTS

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Iowa Colony POLICE DEPARTMENT 2020

RACIAL PROFILING REPORT

SANDRA BLAND ACT

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

-Quote by Geneva Reed (Mother of Sandra Bland)

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January 28, 2021
Iowa Colony City Council
12003 Iowa Colony Blvd.
Iowa Colony, Texas 77583

Dear Distinguished Members of the City Council,

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

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

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The last section of this report includes statistical data relevant to contacts, made during the course of motor vehicle stops and in accordance with the law, between 1/1/20 and 12/31/20. In addition, this section contains the TCOLE Tier 2 form, which is required to be submitted to this particular organization by March 1st of each year. The data in this report has been analyzed and compared to data derived from the U.S. Census Bureau's Fair Roads Standard. The final analysis and recommendations are also included in this report. The findings in this report serve as evidence of the Iowa Colony Police Department's commitment to comply with the Texas Racial Profiling Law.

Sincerely,

Alex del Carmen, Ph.D.

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Responding to the Law

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Public Education on Filing Compliments and Complaints

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

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

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

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

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

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

Racial Profiling

Course Number 3256

Texas Commission on Law Enforcement

September 2001

Racial Profiling 3256

Instructor's Note:

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

Abstract

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

Target Population: Licensed law enforcement personnel in Texas

Prerequisites: Experience as a law enforcement officer

Length of Course: A suggested instructional time of 4 hours

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

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

Evaluation Process and Procedures

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

Reference Materials

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

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1.0 RACIAL PROFILING AND THE LAW

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

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

Racial Profiling Requirements:

Racial profiling CCP 3.05
Racial profiling prohibited CCP 2.131
Law enforcement policy on racial profiling CCP 2.132
Reports required for traffic and pedestrian stops CCP 2.133
Liability CCP 2.136
Racial profiling education for police chiefs Education Code 96.641
Training program Occupations Code 1701.253
Training required for intermediate certificate Occupations Code 1701.402
Definition of "race or ethnicity" for form Transportation Code 543.202

A. Written departmental policies

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

B. Not prima facie evidence

C. Feasibility of use of video equipment

D. Data does not identify officer

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

F. Vehicle stop report

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

G. Compilation and analysis of data

H. Exemption from reporting – audio/video equipment

I. Officer non-liability

J. Funding

K. Required training in racial profiling

1. Police chiefs

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

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

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

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

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

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

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C. Other cases

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

2.0 RACIAL PROFILING AND THE COMMUNITY

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

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

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

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

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

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

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

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3.0 RACIAL PROFILING VERSUS REASONABLE SUSPICION

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

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

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

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

C. A typical traffic stop resulting from racial profiling

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

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

3. The driver and passengers are ordered out of the vehicle

4. The officers visually check all observable parts of the vehicle

5. The officers proceed on the assumption that drug courier work is involved by detaining the driver and passengers by the roadside

6. The driver is asked to consent to a vehicle search – if the driver refuses, the officers use other procedures (waiting on a canine unit, criminal record checks, license-plate checks, etc.), and intimidate the driver (with the threat of detaining him/her, obtaining a warrant, etc.)

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

A. Drug courier profile (adapted from a profile developed by the DEA)

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

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

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

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

B. Vehicle exterior

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

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C. Pre-stop indicators

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

D. Vehicle interior

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

Resources

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

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

Report on Compliments and Racial Profiling Complaints

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Report on Complaints

The following table contains data regarding officers that have been the subject of a complaint, during the time period of 1/1/20 - 12/31/20, based on allegations outlining possible violations related to the Texas Racial Profiling Law. The final disposition of the case is also included.

☐

A check above indicates that the Iowa Colony Police Department has not received any complaints, on any members of its police force, for having violated the Texas Racial Profiling Law during the time period of 1/1/20 - 12/31/20.

Complaints Filed for Possible Violations of The Texas Racial Profiling Law

Complaint Number	Alleged Violation	Disposition of the Case
20-RP-01	Racial Profiling	Unfounded
20-RP-02	Racial Profiling	Unfounded

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Additional Comments:

Tables Illustrating Motor Vehicle-Related Contacts

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Tier 2 Data

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TIER 2 DATA

TOTAL STOPS: 1,650

STREET ADDRESS OR APPROXIMATE LOCATION OF STOP.

City Street	856
US Highway	6
County Road	4
State Highway	781
Private Property	3

WAS RACE OR ETHNICITY KNOWN PRIOR TO STOP?

Yes	2
No	1,648

RACE OR ETHNICITY

Alaska Native/American Indian	1
Asian/Pacific Islander	70
Black	678
White	354
Hispanic/Latino	547

GENDER

Female Total: 559

Alaska Native/American Indian	0
Asian/Pacific Islander	21
Black	256
White	124
Hispanic/Latino	158

Male Total: 1,091

Alaska Native/American Indian	1
Asian/Pacific Islander	49
Black	422
White	230
Hispanic/Latino	389

REASON FOR STOP?

Violation of Law Total: 110

Alaska Native/American Indian	0
Asian/Pacific Islander	4
Black	46
White	22
Hispanic/Latino	38

Pre-existing Knowledge Total: 9

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	4
White	2
Hispanic/Latino	3

Moving Traffic Violation Total: 1,266

Alaska Native/American Indian	1
Asian/Pacific Islander	58
Black	497
White	278
Hispanic/Latino	432

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Tables Illustrating Motor Vehicle-Related Contacts
TIER 2 DATA continued

Vehicle Traffic Violation Total: 265

Alaska Native/American Indian	0
Asian/Pacific Islander	7
Black	131
White	53
Hispanic/Latino	74

WAS SEARCH CONDUCTED?

	YES	NO
Alaska Native/American Indian	0	1
Asian/Pacific Islander	1	69
Black	8	670
White	4	350
Hispanic/Latino	4	543
TOTAL	**17**	**1,633**

REASON FOR SEARCH?

Consent Total: 1

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

Contraband (in plain view) Total: 0

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

Probable Cause Total: 12

Alaska Native/American Indian	0
Asian/Pacific Islander	1
Black	7
White	2
Hispanic/Latino	2

Inventory Total: 2

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

Incident to arrest Total: 2

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

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Tables Illustrating Motor Vehicle-Related Contacts
TIER 2 DATA continued

WAS CONTRABAND DISCOVERED?

	YES	NO
Alaska Native/American Indian	0	1
Asian/Pacific Islander	1	69
Black	2	676
White	1	353
Hispanic/Latino	2	545
TOTAL	**6**	**1,644**

Did the finding result in arrest (total should equal previous column)?

	YES	NO
Alaska Native/American Indian	0	0
Asian/Pacific Islander	0	1
Black	0	2
White	0	1
Hispanic/Latino	0	2
TOTAL	**0**	**6**

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DESCRIPTION OF CONTRABAND

Drugs Total: 5

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

Weapons Total: 0

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

Currency Total: 0

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

Alcohol Total: 1

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

Tables Illustrating Motor Vehicle-Related Contacts
TIER 2 DATA continued

Stolen Property Total: 0

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

Other Total: 0

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

RESULT OF THE STOP

Verbal Warning Total: 7

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

Written Warning Total: 440

Alaska Native/American Indian	0
Asian/Pacific Islander	29
Black	177
White	116
Hispanic/Latino	118

Citation Total: 1,200

Alaska Native/American Indian	1
Asian/Pacific Islander	41
Black	497
White	236
Hispanic/Latino	425

Written Warning and Arrest Total: 2

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

Citation and Arrest Total: 1

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

Arrest Total: 0

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

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Tables Illustrating Motor Vehicle-Related Contacts
TIER 2 DATA continued

ARREST BASED ON

Violation of Penal Code Total: 1

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

Violation of Traffic Law Total: 0

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

Violation of City Ordinance Total: 0

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

Outstanding Warrant Total: 2

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

WAS PHYSICAL FORCE RESULTING IN BODILY INJURY USED DURING STOP?

Yes Total: 0

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

No Total: 1,650

Alaska Native/American Indian	1
Asian/Pacific Islander	70
Black	678
White	354
Hispanic/Latino	547

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NUMBER OF COMPLAINTS OF RACIAL PROFILING

Total	2
Resulted in disciplinary action	0
Did not result in disciplinary action	2

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Table 1. Motor Vehicle Contacts Including Tickets, Citations and Warnings. (1/1/20-12/31/20)

Race/Ethnicity	All Motor Vehicle Contacts		Tickets or Citations*		Verbal Warnings		Written Warnings	
	N	%	N	%	N	%	N	%
Alaska Native or American Indian	1	0	1	0	0	0	0	0
Asian or Pacific Islander	70	4	41	3	0	0	29	7
Black	678	41	498	41	2	29	178	40
White	354	21	236	20	2	29	116	26
Hispanic or Latino	547	33	425	35	3	43	119	27
TOTAL	1,650	100	1,201	100	7	100	442	100

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*Includes stops for alleged violation of a law or ordinance, tickets/citations, and verbal and written warnings

"N"represents"number"of all motor vehicle-related contacts

** Race/Ethnicity is defined by HB 3051

Table 2. Motor Vehicle Contacts and Fair Roads Standard Comparison

Comparison of motor vehicle-related contacts with households that have vehicle access (in percentages). (1/1/2020 -12/31/20)

Race/Ethnicity*	Contacts (in percentages)	Households With Vehicle Access (in percentages)
Alaska Native or American Indian	0	0
Asian or Pacific Islander	4	6
Black	41	26
White	21	50
Hispanic or Latino	33	17
TOTAL	100	99

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"N" represents "number" of all motor vehicle contacts
** Race/Ethnicity is defined by HB 3051

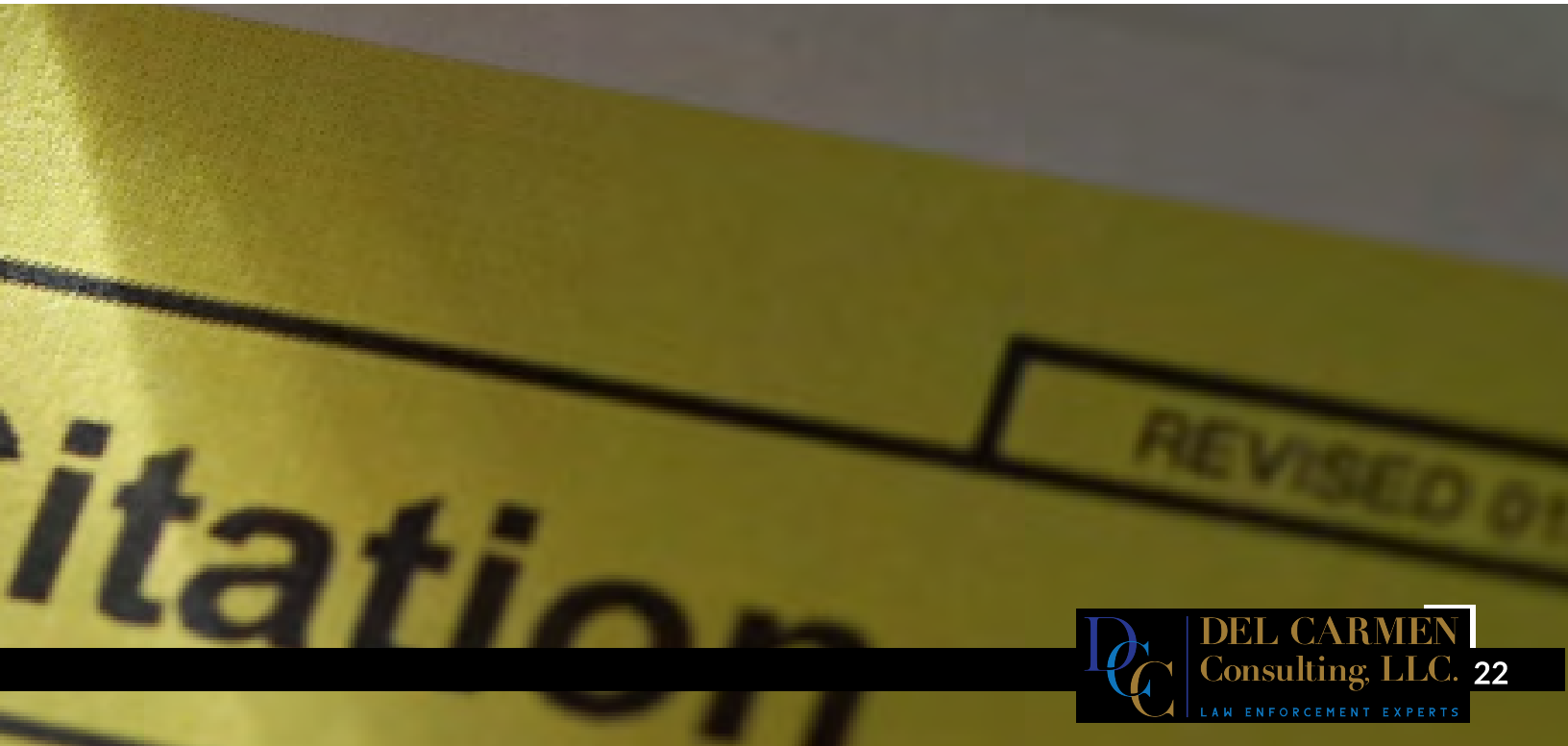

Table 3. Motor Vehicle Searches and Arrests. (1/1/20-12/31/20)

Race/Ethnicity	Searches		Consensual Searches		Custody Arrests	
	N	%	N	%	N	%
Alaska Native or American Indian	0	0	0	0	0	0
Asian or Pacific Islander	1	6	0	0	0	0
Black	8	47	0	0	2	67
White	4	24	0	0	0	0
Hispanic or Latino	4	24	1	100	1	33
TOTAL	17	100	1	100	3	100

"N" represents "number" of all motor vehicle contacts
** Race/Ethnicity is defined by HB 3051

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Table 4. Instances Where Peace Officers Used Physical Force that Resulted in Bodily Injury
(1/1/20-12/31/20)

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

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Table 5. Search Data (1/1/20-12/31/20)

Race/Ethnicity	Searches		Contraband/ Evidence Found		Contraband/ Evidence Not Found		Arrests	
	N	%	N	%	N	%	N	%
Alaska Native or American Indian	0	0	0	0	1	0	0	0
Asian or Pacific Islander	1	6	1	17	69	4	0	0
Black	8	47	2	33	676	41	2	67
White	4	24	1	17	353	21	0	0
Hispanic or Latino	4	24	2	33	545	33	1	33
TOTAL	17	100	6	100	1,644	100	3	100

"N" represents "number" of all motor vehicle contacts

** Race/Ethnicity is defined by HB 3051

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Table 6. Report on Audits.

The following table contains data regarding the number and outcome of required data audits during the period of 1/1/20-12/31/20.

Data Audits on Racial Profiling Data

Number of Data Audits Completed	Date of Completion	Outcome of Audit
1	January 20, 2020	Data reviewed is valid and reliable.
2	April 20, 2020	Data reviewed is valid and reliable.
3	August 20, 2020	Data reviewed is valid and reliable.
4	December 20, 2020	Data reviewed is valid and reliable.

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Additional Comments:

Table 7. Instances Where Use of Force Was Used Which Caused Bodily Injury During a Motor Vehicle Contact. (1/1/20-12/31/20)

Race/Ethnicity	Use of Force Causing Bodily Injury	
	N	%
Alaska Native or American Indian	0	0
Asian or Pacific Islander	0	0
Black	0	0
White	0	0
Hispanic or Latino	0	0
TOTAL	0	0

"N" represents "number" of all motor vehicle contacts
** Race/Ethnicity is defined by HB 3051

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Table 8. Reason for Arrests Resulting From a Motor Vehicle Contact. (1/1/20-12/31/20)

Race/Ethnicity	Violation of Penal Code		Traffic Law		City Ordinance		Outstanding Warrant	
	N	%	N	%	N	%	N	%
Alaska Native or American Indian	0	0	0	0	0	0	0	0
Asian or Pacific Islander	0	0	0	0	0	0	0	0
Black	0	0	0	0	0	0	2	100
White	0	0	0	0	0	0	0	0
Hispanic or Latino	1	100	0	0	0	0	0	0
TOTAL	1	100	0	0	0	0	2	100

"N" represents "number" of all motor vehicle contacts
** Race/Ethnicity is defined by HB 3051

Analysis and Interpretation of Data

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Analysis and Interpretation of Data

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

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

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

In 2017, the Texas Legislators passed H.B. 3051 which removed the Middle Eastern data requirement while standardizing the racial and ethnic categories relevant to the individuals that came in contact with the police. In addition, The Sandra Bland Act (S.B. 1849) was passed and became law. Thus, the most significant legislative mandate (Sandra Bland Act) in Texas history regarding data requirements on law enforcement contacts, became law and took effect on

January 1, 2018. The Sandra Bland Act not only currently requires the extensive collection of data relevant to police motor vehicle contacts, but it also mandates for the data to be analyzed while addressing the following:

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

a. Evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities;

b. Examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction;

c. Evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches.

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

In an effort to comply with The Texas Racial Profiling/Sandra Bland Law, the Iowa Colony Police Department commissioned the analysis of its 2020 contact data. Hence, two different types of data analyses were performed. The first of these involved a careful evaluation of the 2020 motor vehicle-related data. This particular analysis measured, as required by the law, the number and percentage of Whites, Blacks, Hispanics or Latinos, Asians and Pacific Islanders, Alaska Natives and American Indians (Middle Easterners and individuals belonging to the "other" category, as optional categories), that came in contact with the police in the course of a motor vehicle related contact, and were either issued a ticket, citation, warning were issued or an arrest was made. Also, included in this data were instances where a motor vehicle contact took place for an alleged violation of the law or ordinance. The Tier 2 data analysis included, but was not limited to, information relevant to the number and percentage of contacts by race/ethnicity, gender, reason for the stop, location of stop, searches while indicating the type of search performed, result of stop, basis of an arrest and use of physical force resulting in bodily injury. It is important to recognize that the department opted to report its data in a more detailed manner (new template) which allows for a better and more reliable analysis.

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It should be noted that the additional data analysis performed was based on a comparison of the 2020 motor vehicle contact data with a specific baseline. When reviewing this particular analysis, one should consider that there is disagreement, in the literature, regarding the appropriate baseline to be used when analyzing motor vehicle-related contact information. Of the baseline measures available, the Iowa Colony Police Department opted to adopt, as a baseline measure, the Fair Roads Standard. This particular baseline is based on data obtained through the U.S. Census Bureau (2010) relevant to the number of households that have access to vehicles while controlling for the race and ethnicity of the heads of households. It is anticipated that next year, when the 2020 Census findings are available, this information will be updated, accordingly.

There is no question that census data presents challenges to any effort made at establishing a fair and accurate racial profiling analysis. That is, census data contains information on all residents of a particular community, regardless of the fact they may or may not be among the driving population. Further, census data, when used as a baseline of comparison, presents the challenge that it captures information related to city residents only. Thus, excluding individuals who may have come in contact with the Iowa Colony Police Department in 2020 but live outside city limits. In some cases, the percentage of the population that comes in contact with the police but lives outside city limits represents a substantial volume of all motor vehicle-related contacts made in a given year.

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

Tier 2 (2020) Motor Vehicle-Related Contact Analysis

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When analyzing the enhanced and more detailed Tier 2 data collected in 2020, it was evident that most motor vehicle-related contacts were made with Blacks. This was followed by Hispanics and Whites. Of those that came in contact with the police, most tickets or citations were issued to Blacks; this was followed by Hispanics. However, in terms of written warnings, most of these were issued to Blacks; followed by Hispanics.

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

Comparative Analysis

The data analysis of motor vehicle contacts to the census data relevant to the number of "households" in the Houston-Baytown CSA who indicated, in the 2010 census, that they had access to vehicles, produced interesting findings. Specifically, the percentage of Whites, Asians and American Indians that came in contact with the police was the same or lower than the percentage of White, Asian and American Indian households in the Houston-Baytown CSA that

claimed, in the 2010 census, to have access to vehicles. The opposite was true of Blacks and Hispanics. That is, a higher percentage of Blacks and Hispanics came in contact with the police than the percentage of Black and Hispanic households in the Houston-Baytown CSA that claimed, in the 2010 census, to have access to vehicles.

The analysis of the searches performed shows that most of the searches did not produce contraband. This is consistent with national law enforcement trends. In addition, of those searches that produced contraband, the majority of them involved Black and Hispanic contacts.

Summary of Findings

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

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

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

1) Perform an independent analysis on contact and search data in future years.

2) Commission data audits in 2021 in order to assess data integrity; that is, to ensure that the data collected is consistent with the data being reported.

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

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Checklist

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

- ☑ Implement a Racial Profiling Policy citing act or actions that constitute racial profiling.
- ☑ Include in the racial profiling policy, a statement indicating prohibition of any peace officer employed by the Iowa Colony Police Department from engaging i n racial profiling.
- ☑ Implement a process by which an individual may file a complaint regarding racial profiling violations.
- ☑ Provide public education related to the compliment and complaint process.
- ☑ Implement disciplinary guidelines for officers found in violation of the Texas Racial Profiling Law.
- ☑ Collect, report and analyze motor vehicle data (Tier 2).
- ☑ Commission Data Audits and a Search Analysis.
- ☑ Indicate total number of officers who knew and did not know, the race/ethnicity of individuals before being detained.
- ☑ Produce an annual report on police contacts (Tier 2) and present this to the local governing body and TCOLE by March 1, 2021.
- ☑ Adopt a policy, if video/audio equipment is installed, on standards for reviewing video and audio documentation.

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Legislative & Administrative Addendum

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TCOLE GUIDELINES

Guidelines for Compiling and Reporting Data under Senate Bill 1074

Background

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

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

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

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Standard 1

Each law enforcement agency has a detailed written directive that:

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

Commentary

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

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

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

Standard 2

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

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

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Commentary

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

Standard 3

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

Commentary

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

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

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

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

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

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

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

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

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

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

Standard 4

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

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

Commentary

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

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Standard 5

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

Commentary

None

Standard 6

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

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

Commentary

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

Standard 7

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

Commentary

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

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

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The Texas Law on Racial Profiling

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

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

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

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

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

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

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

(1) clearly define acts constituting racial profiling;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) the person's gender; and

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

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

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

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

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

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

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

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

Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT.

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

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

(2) smaller jurisdictions; and

(3) municipal and county law enforcement agencies.

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

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

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

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

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

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

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

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

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

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

(3) analyzing and reporting collected information.

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

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

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

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

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

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

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

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

(2) the registration number of the vehicle involved;

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

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

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

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

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

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

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

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

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

SECTION 9. Not later than January 1, 2002:

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

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

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

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

SECTION 12. This Act takes effect September 1, 2001

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President of the Senate Speaker of the House

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

_____
Secretary of the Senate

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

_____
Chief Clerk of the House

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Approved:

_____
Date

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Governor

Modifications to the Original Law (H.B. 3389)

Amend CSHB 3389 (Senate committee report) as follows:

(1) Strike the following SECTIONS of the bill:

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

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

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

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

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

(a) In this article:

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

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

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

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

(1) clearly define acts constituting racial profiling;

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

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

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

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

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

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

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

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

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

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~~municipality served by the agency~~] an annual report of the information collected under Subdivision (6) to:
(A) the Commission on Law Enforcement Officer Standards and Education; and
(B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.
(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make motor vehicle [~~traffic~~] stops and transmitter activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle [~~traffic~~] stops. If a law enforcement agency installs video or audio equipment as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.
(e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a motor vehicle [~~traffic~~] stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).
(g) On a finding by the Commission on Law Enforcement Officer Standards and Education that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b)(7), the commission shall begin disciplinary procedures against the chief administrator.
SECTION ____. Article 2.133, Code of Criminal Procedure, is amended to read as follows:
Art. 2.133. REPORTS REQUIRED FOR MOTOR VEHICLE [~~TRAFFIC AND PEDESTRIAN~~] STOPS. (a) In this article, "race[~~:~~
[~~(1) "Race~~] or ethnicity" has the meaning assigned by Article 2.132(a).
[~~(2) "Pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.~~]
(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance [~~regulating traffic or who stops a pedestrian for any suspected offense~~] shall report to the law enforcement agency that employs the officer information relating to the stop, including:
(1) a physical description of any [~~each~~] person operating the motor vehicle who is detained as a result of the stop, including:
(A) the person's gender; and
(B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;
(2) the initial reason for the stop [~~traffic law or ordinance alleged to have been violated or the suspected offense~~];
(3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;
(4) whether any contraband or other evidence was discovered in the course of the search and a description [~~the type~~] of the contraband or evidence [~~discovered~~];
(5) the reason for the search, including whether:
(A) any contraband or other evidence was in plain view;
(B) any probable cause or reasonable suspicion existed to perform the search; or

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(C) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle [~~existed and the facts supporting the existence of that probable cause~~];
(6) whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;
(7) the street address or approximate location of the stop; and
(8) whether the officer issued a written warning or a citation as a result of the stop[~~, including a description of the warning or a statement of the violation charged~~].
SECTION ____. Article 2.134, Code of Criminal Procedure, is amended by amending Subsections (a) through (e) and adding Subsection (g) to read as follows:
(a) In this article:
(1) "Motor vehicle[~~, "pedestrian~~] stop" has the meaning assigned by Article 2.132(a) [~~means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest~~].
(2) "Race or ethnicity" has the meaning assigned by Article 2.132(a).
(b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each [~~local~~] law enforcement agency shall submit a report containing the incident-based data [~~information~~] compiled during the previous calendar year to the Commission on Law Enforcement Officer Standards and Education and, if the law enforcement agency is a local law enforcement agency, to the governing body of each county or municipality served by the agency [~~in a manner approved by the agency~~].
(c) A report required under Subsection (b) must be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, and must include:
(1) a comparative analysis of the information compiled under Article 2.133 to:
(A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities [~~determine the prevalence of racial profiling by peace officers employed by the agency~~]; and
(B) examine the disposition of motor vehicle [~~traffic and pedestrian~~] stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from [~~the~~] stops within the applicable jurisdiction; and
(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.
(d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a motor vehicle [~~traffic or pedestrian~~] stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133(b)(1).
(e) The Commission on Law Enforcement Officer Standards and Education, in accordance with Section 1701.162, Occupations Code, shall develop guidelines for compiling and reporting information as required by this article.

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

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

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

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

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

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

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

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

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

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

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

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

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

data as required by Article 2.134 shall remit to the comptroller the amount of $1,000 for each violation.
(c) Money collected under this article shall be deposited in the state treasury to the credit of the general revenue fund.
SECTION ____. Subchapter A, Chapter 102, Code of Criminal Procedure, is amended by adding Article 102.022 to read as follows:
Art. 102.022. COSTS ON CONVICTION TO FUND STATEWIDE REPOSITORY FOR DATA RELATED TO CIVIL JUSTICE. (a) In this article, "moving violation" means an offense that:
(1) involves the operation of a motor vehicle; and
(2) is classified as a moving violation by the Department of Public Safety under Section 708.052, Transportation Code.
(b) A defendant convicted of a moving violation in a justice court, county court, county court at law, or municipal court shall pay a fee of 10 cents as a cost of court.
(c) In this article, a person is considered convicted if:
(1) a sentence is imposed on the person;
(2) the person receives community supervision, including deferred adjudication; or
(3) the court defers final disposition of the person's case.
(d) The clerks of the respective courts shall collect the costs described by this article. The clerk shall keep separate records of the funds collected as costs under this article and shall deposit the funds in the county or municipal treasury, as appropriate.
(e) The custodian of a county or municipal treasury shall:
(1) keep records of the amount of funds on deposit collected under this article; and
(2) send to the comptroller before the last day of the first month following each calendar quarter the funds collected under this article during the preceding quarter.
(f) A county or municipality may retain 10 percent of the funds collected under this article by an officer of the county or municipality as a collection fee if the custodian of the county or municipal treasury complies with Subsection (e).
(g) If no funds due as costs under this article are deposited in a county or municipal treasury in a calendar quarter, the custodian of the treasury shall file the report required for the quarter in the regular manner and must state that no funds were collected.
(h) The comptroller shall deposit the funds received under this article to the credit of the Civil Justice Data Repository fund in the general revenue fund, to be used only by the Commission on Law Enforcement Officer Standards and Education to implement duties under Section 1701.162, Occupations Code.
(i) Funds collected under this article are subject to audit by the comptroller.
SECTION ____. (a) Section 102.061, Government Code, as reenacted and amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, is amended to conform to the amendments made to Section 102.061, Government Code, by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, and is further amended to read as follows:
Sec. 102.061. ADDITIONAL COURT COSTS ON CONVICTION IN STATUTORY COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a statutory county court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:
(1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . $20;
(2) a fee for services of the clerk of the court (Art. 102.005, Code of Criminal Procedure) . . . $40;

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(3) a records management and preservation services fee (Art. 102.005, Code of Criminal Procedure) . . . $25;
(4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . $3;
(5) a juvenile delinquency prevention and graffiti eradication fee (Art. 102.0171, Code of Criminal Procedure) . . . $50 [~~$5~~]; [~~and~~]
(6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed $5; and
(7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . $0.10.
(b) Section 102.061, Government Code, as amended by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, is repealed. Section 102.061, Government Code, as reenacted and amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, to reorganize and renumber that section, continues in effect as further amended by this section.
SECTION ____. (a) Section 102.081, Government Code, as amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, is amended to conform to the amendments made to Section 102.081, Government Code, by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, and is further amended to read as follows:
Sec. 102.081. ADDITIONAL COURT COSTS ON CONVICTION IN COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a county court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

(1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . $20;
(2) a fee for clerk of the court services (Art. 102.005, Code of Criminal Procedure) . . . $40;
(3) a records management and preservation services fee (Art. 102.005, Code of Criminal Procedure) . . . $25;
(4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . $3;
(5) a juvenile delinquency prevention and graffiti eradication fee (Art. 102.0171, Code of Criminal Procedure) . . . $50 [~~$5~~]; [~~and~~]
(6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed $5; and
(7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . $0.10.
(b) Section 102.081, Government Code, as amended by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, is repealed. Section 102.081, Government Code, as amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, to reorganize and renumber that section, continues in effect as further amended by this section.
SECTION ____. Section 102.101, Government Code, is amended to read as follows:
Sec. 102.101. ADDITIONAL COURT COSTS ON CONVICTION IN JUSTICE COURT: CODE OF CRIMINAL PROCEDURE. A clerk of a justice court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:
(1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . $3;
(2) a fee for withdrawing request for jury less than 24 hours before time of trial (Art. 102.004, Code of Criminal Procedure) . . . $3;
(3) a jury fee for two or more defendants tried jointly (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of $3;

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(4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . $4;
(5) a fee for technology fund on a misdemeanor offense (Art. 102.0173, Code of Criminal Procedure) . . . $4;
(6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed $5;
(7) a fee on conviction of certain offenses involving issuing or passing a subsequently dishonored check (Art. 102.0071, Code of Criminal Procedure) . . . not to exceed $30; [~~and~~]
(8) a court cost on conviction of a Class C misdemeanor in a county with a population of 3.3 million or more, if authorized by the county commissioners court (Art. 102.009, Code of Criminal Procedure) . . . not to exceed $7; and
(9) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . $0.10.
SECTION ____. Section 102.121, Government Code, is amended to read as follows:
Sec. 102.121. ADDITIONAL COURT COSTS ON CONVICTION IN MUNICIPAL COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a municipal court shall collect fees and costs on conviction of a defendant as follows:
(1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . $3;
(2) a fee for withdrawing request for jury less than 24 hours before time of trial (Art. 102.004, Code of Criminal Procedure) . . . $3;
(3) a jury fee for two or more defendants tried jointly (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of $3;
(4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . $3;
(5) a fee for technology fund on a misdemeanor offense (Art. 102.0172, Code of Criminal Procedure) . . . not to exceed $4; [~~and~~]
(6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed $5; and
(7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . $0.10.
SECTION ____. Subchapter D, Chapter 1701, Occupations Code, is amended by adding Section 1701.164 to read as follows:
Sec. 1701.164. COLLECTION OF CERTAIN INCIDENT-BASED DATA SUBMITTED BY LAW ENFORCEMENT AGENCIES. The commission shall collect and maintain incident-based data submitted to the commission under Article 2.134, Code of Criminal Procedure, including incident-based data compiled by a law enforcement agency from reports received by the law enforcement agency under Article 2.133 of that code. The commission in consultation with the Department of Public Safety, the Bill Blackwood Law Enforcement Management Institute of Texas, the W. W. Caruth, Jr., Police Institute at Dallas, and the Texas Police Chiefs Association shall develop guidelines for submitting in a standard format the report containing incident-based data as required by Article 2.134, Code of Criminal Procedure.
SECTION ____. Subsection (a), Section 1701.501, Occupations Code, is amended to read as follows:
(a) Except as provided by Subsection (d), the commission shall revoke or suspend a license, place on probation a person whose license has been suspended, or reprimand a license holder for a violation of:
(1) this chapter;

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

(3) a commission rule.

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

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

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Racial and Ethnic Designations (H.B. 3051)

H.B. No. 3051 - An Act relating to the categories used to record the race or ethnicity of persons stopped for or convicted of traffic offenses.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Article 2.132(a)(3), Code of Criminal Procedure, is amended to read as follows:
(3) "Race or ethnicity" means the following categories:
(A) Alaska native or American Indian;
(B) [~~of a particular descent, including Caucasian, African, Hispanic,~~] Asian or Pacific Islander;
(C) black;
(D) white; and
(E) Hispanic or Latino [~~, Native American, or Middle Eastern descent~~].

SECTION 2. Section 543.202(a), Transportation Code, is amended to read as follows:
(a) In this section, "race or ethnicity" means the following categories:
(1) Alaska native or American Indian;
(2) [~~of a particular descent, including Caucasian, African, Hispanic,~~] Asian or Pacific Islander;
(3) black;
(4) white; and
(5) Hispanic or Latino [~~, or Native American descent~~].
SECTION 3. This Act takes effect September 1, 2017.

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_____ _____
President of the Senate Speaker of the House

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

_____
Chief Clerk of the House

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

_____
Secretary of the Senate
APPROVED: _____
Date

_____
Governor

The Sandra Bland Act (S.B. 1849)

S.B. No. 1849
An Act relating to interactions between law enforcement and individuals detained or arrested on suspicion of the commission of criminal offenses, to the confinement, conviction, or release of those individuals, and to grants supporting populations that are more likely to interact frequently with law enforcement.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
ARTICLE 1. SHORT TITLE

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

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

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

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

(2), shall order the local mental health or intellectual and developmental disability [mental retardation] authority or another qualified mental health or intellectual disability [mental retardation] expert to:
(A) collect information regarding whether the defendant has a mental illness as defined by Section 571.003,
Health and Safety Code, or is a person with an intellectual disability [mental retardation] as defined by Section 591.003, Health and Safety Code, including information obtained from any previous assessment of the defendant; and
(B) provide to the magistrate a written assessment of the information collected under Paragraph (A).

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

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

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

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

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

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

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

(3) recommended treatment.

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

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

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

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

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

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

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

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

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

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

(2) it is reasonable to divert the person;

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

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

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

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

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

(1) establishing [a] new collaboratives; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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otherwise if the:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) The commission shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) common issues concerning jail administration;

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

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standards, and procedures of the commission; and
(C) solutions to operational challenges for jails;

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

(18) adopt reasonable rules and procedures establishing minimum requirements for jails to:
(A) determine if a prisoner is pregnant; and
(B) ensure that the jail's health services plan addresses medical and mental health care, including nutritional requirements, and any special housing or work assignment needs for persons who are confined in the jail and are known or determined to be pregnant;

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

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

(21) [(20)] require the sheriff of each county to:
(A) investigate and verify the veteran status of each prisoner by using data made available from the Veterans Reentry Search Service (VRSS) operated by the United States Department of Veterans Affairs or a similar service; and
(B) use the data described by Paragraph (A) to assist prisoners who are veterans in applying for federal benefits or compensation for which the prisoners may be eligible under a program administered by the United States Department of Veterans Affairs;

(22) [(20)] adopt reasonable rules and procedures regarding visitation of a prisoner at a county jail by a guardian, as defined by Section 1002.012, Estates Code, that:
(A) allow visitation by a guardian to the same extent as the prisoner's next of kin, including placing the guardian on the prisoner's approved visitors list on the guardian's request and providing the guardian access to the prisoner during a facility's standard visitation hours if the prisoner is otherwise eligible to receive visitors; and
(B) require the guardian to provide the sheriff with letters of guardianship issued as provided by Section 1106.001, Estates Code, before being allowed to visit the prisoner; and

(23) adopt reasonable rules and procedures to ensure the safety of prisoners, including rules and procedures that require a county jail to:
(A) give prisoners the ability to access a mental health professional at the jail through a telemental health service 24 hours a day;
(B) give prisoners the ability to access a health professional at the jail or through a telehealth service 24 hours a day or, if a health professional is unavailable at the jail or through a telehealth service, provide for a prisoner to be transported to access a health professional; and
(C) if funding is available under Section 511.019, install automated electronic sensors or cameras to ensure accurate and timely in-person checks of cells or groups of cells confining at-risk individuals.

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

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as follows:

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

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

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

(b) The prisoner safety fund consists of:

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

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

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

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

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

(1) a suicide;

(2) an attempted suicide;

(3) a death;

(4) a serious bodily injury, as that term is defined by Section 1.07, Penal Code;

(5) an assault;

(6) an escape;

(7) a sexual assault; and

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

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

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

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

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

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

(b) The commission shall adopt any rules necessary relating to the appointment of a law enforcement agency under Subsection (a), including rules relating to cooperation between law enforcement agencies and to procedures for handling evidence.

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

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

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

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

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

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

ARTICLE 4. PEACE OFFICER AND COUNTY JAILER TRAINING

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

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

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

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

section.

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

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

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

SECTION 4.03. Section 1701.310(a), Occupations Code, is amended to read as follows:
(a) Except as provided by Subsection (e), a person may not be appointed as a county jailer, except on a temporary basis, unless the person has satisfactorily completed a preparatory training program, as required by the commission, in the operation of a county jail at a school operated or licensed by the commission. The training program must consist of at least eight hours of mental health training approved by the commission and the Commission on Jail Standards.

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

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

(1) topics selected by the agency; and

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

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

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

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

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

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

(ii) issues concerning sex offender characteristics.

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

as follows:

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

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

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

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

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

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

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

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

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

(1) clearly define acts constituting racial profiling;

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

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

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

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

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

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

(7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:
(A) the Texas Commission on Law Enforcement; and
(B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

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

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

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

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

(1) a physical description of any person operating the motor vehicle who is detained as a result of the stop, including:
(A) the person's gender; and
(B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;

(2) the initial reason for the stop;

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

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

and a description of the contraband or evidence;

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

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

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

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

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

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

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

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

(c) The chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is responsible for auditing reports under Subsection (b)
to ensure that the race or ethnicity of the person operating the motor vehicle is being reported.

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

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

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

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

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

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

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

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

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

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

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

(2) smaller jurisdictions; and

(3) municipal and county law enforcement agencies.

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

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

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

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

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

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

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

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

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

(2) make accessible online:

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

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

_____ _____ President of the Senate Speaker of the House

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

_____

Secretary of the Senate

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

ARTICLE 6. EFFECTIVE DATE

SECTION 6.01. Except as otherwise provided by this Act,

Approved:

_____

Date

_____

Governor

_____

Chief Clerk of the House

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IOWA COLONY POLICE DEPARTMENT
RACIAL PROFILING POLICY

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	Iowa Colony Police Department	
	Subject: **Bias-Based Profiling and Racial Profiling**	Number: 4.00
	Category: Law Enforcement	
	Effective Date: August 07, 2019	Revision Date: 11/05/19
	Issuing Authority: Aaron I. Bell, Chief of Police	
	References:	

PURPOSE:

The purpose of this policy is to reaffirm the commitment of the Iowa Colony Police Department to unbiased policing in all encounters between a police officer and any person; to reinforce procedures that ensure public confidence and mutual trust by providing services in a fair and equitable fashion; and to protect police officers from unwarranted accusations of misconduct when they act within the dictates of this policy and the law.

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POLICY:

It is the policy of the Iowa Colony Police Department to police in a proactive manner and to investigate suspected violations of law. Within that mandate, Iowa Colony Police Offices shall actively enforce local, state, and federal laws in a responsible and professional manner, without unlawful regard to race, gender, sexual orientation, ethnicity, or national origin. Moreover, the Iowa Colony Police Department strictly prohibits its officers from engaging in bias-based profiling or racial profiling as those terms are defined in this policy.

Two of the fundamental rights guaranteed by the Unites States and Texas constitutions are equal protection under the law and freedom from unreasonable searches and seizures by government agents. Accordingly, Iowa Colony Police Officers shall conduct themselves in a dignified and respectful manner at all times when dealing with the public. Finally, bias-based profiling and racial profiling, in particular, are unacceptable policing tactics and are strictly prohibited.

This policy shall not preclude police officers from offering assistance, such as when they observe a substance leaking from a vehicle, a flat tire, or someone who appears to be ill,

lost or confused. Nor does this policy prohibit an officer from stopping a person suspected of a crime based upon observed actions and/or information received about the person.

This policy applies to all police officers commissioned under the authority of the Iowa Colony Police Department, the Chief of Police, and to all other employees of the Iowa Colony Police Department. Moreover, this policy applies to police officers' actions with respect to all persons, whether those persons are drivers, passengers or pedestrians.

DEFINITIONS:

BIAS:

The selection of an individual based solely on a common trait of a group, including, but not limited to, race, ethnicity, gender, sexual orientation, religion, economic status, age, and/or cultural background.

BIAS-BASED PROFILING:

A law enforcement-initiated action, detention or interdiction based solely on a trait common to a group of people, rather than on the individual's behavior and/or information tending to identify the individual as having engaged in criminal activity.

LAW ENFORCEMENT AGENCY:

Means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make motor vehicle stops in the routine performance of the officers' official duties.

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MOTOR VEHICLE STOP:

Means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.

POLICE OFFICER:

Any person licensed by the Texas Commission on Law Enforcement and commissioned as a peace officer under the authority of the Iowa Colony Police Department and the Chief of Police who is defined as a peace officer under Article 2.1 of the Texas Code of Criminal Procedure.

RACE OR ETHNICITY

Means of a particular descent, including Alaskan Native or American Indian, Asian or Pacific Islander, Black, Caucasian/White, or Hispanic/Latino.

RACIAL PROFILING

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

PROHIBITION:

A. The use of bias-based and/or racial profiling by police officers in any law enforcement encounters with persons viewed as suspects and/or potential suspects in criminal activities is strictly prohibited. The encounters to which this prohibition applies include, but are not limited to, motor vehicle stops, field contacts, and asset seizure and forfeiture operations.

B. The prohibition against bias-based profiling and racial profiling does not preclude the Iowa Colony Police from using race, ethnicity, or national origin as factors in a detention decision. For instance, a suspect's race, ethnicity, or national origin may be legitimate factors in deciding whether to detain the suspect when those factors are used as of a physical description of a specific suspect for whom a police officer is searching.

Detaining a person and inquiring into that person's activities solely because of that person's race, ethnicity, or national origin, or solely because of bias, is prohibited bias-based profiling or racial profiling.

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

- Citing a driver who is speeding in a stream of traffic where most other drivers are speeding, solely because of the cited driver's race, ethnicity, or national origin.
- Detaining the driver of a vehicle solely based on the determination that a person of that race, ethnicity, or national origin is unlikely to own or possess that specific make or model of vehicle.
- Detaining a person solely based on the determination that a person of that race, ethnicity, or national origin does not belong in a specific geographic area or a specific place.

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TRAINING:

A police officer shall complete the Texas Commission on Law Enforcement ("TCOLE") training and education program on racial profiling not later than (1) the second anniversary of the date the officer is licensed under Chapter 1701 of the Texas Occupations Code or (2) the date the officer applies for an intermediate proficiency certificate, whichever is earlier.

As needed, the Iowa Colony Police Department may schedule and require police officers to attend in-service training on bias-based profiling.

COMPLAINT INVESTIGATION:

The Iowa Colony Police Department shall accept complaints from any person who believes that an Iowa Colony Police Officer has engaged in bias-based profiling or racial profiling with respect to him or her. No person shall be discouraged, intimidated, or coerced from filing a complaint, nor discriminated against because he or she files such a complaint.

In addition, any Iowa Colony Police Officer or Iowa Colony police department employee who receives an allegation of bias-based profiling or racial profiling shall record the name, address and telephone number of the person who lodges the allegation, and shall (1) forward the complaint to the Chief of Police or his/her designee, or (2) direct the person how to do so. To direct the person on the filing of such a complaint, the officer or employee shall provide the person a copy of the complaint form and describe the process for filing a complaint.

All Iowa Colony Police Officers and its employees shall report any allegations of bias-based profiling or racial profiling to their respective superiors prior to the end of their shifts.

In processing and investigating any complaint alleging that an Iowa Colony Police Officer has engaged in bias-based profiling or racial profiling, the Iowa Colony Police Department shall follow General Order #10 titled Citizen Complaints.

At the commencement of the investigation into the complaint, the Chief of Police or his/her designee shall determine whether there is a video and/or audio recording of the event upon which the complaint is based. If a recording exists, the department shall promptly provide a copy of it to the police officer who is the subject of the complaint on his or her written request.

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At the conclusion of the investigation, if not investigated by the Chief of Police, all findings and/or disciplinary action, retraining, or policy change, recommendations shall be forwarded to the Chief of Police for his/her approval.

If a bias-based profiling or racial profiling complaint is sustained against an Iowa Colony Police Officer and in violation of this policy, that officer shall be subject to corrective action, which may include reprimand; diversity, sensitivity or other appropriate training or counseling; paid or unpaid suspension; termination of employment, or other appropriate action as determined by the Chief of Police.

PUBLIC EDUCATION OF THE COMPLIMENT AND COMPLAINT PROCESS

The Iowa Colony Police Department will 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.

The Iowa Colony complement and complaint process will be advertised by using one or more of the following venues: the news media, service or organization presentations,

the internet (to include, but not limited to, social media and city websites), and or the Police Department website whose internet link is “http://cityofiowacolony.com”.

COLLECTION, ANALYSIS, AND REPORTING OF INFORMATION

The Iowa Colony Police Department shall collect information relating to (1) motor vehicle stops in which a citation (or warning) is issued and (2) arrests made as a result of these stops. The information collected shall include:

1. The race or ethnicity of the person detained as stated by the person or as determined by the standard of any reasonable police officer to the best of his/her ability and whether the officer knew or did not know the race or ethnicity of the per detained before the detention occurred;
   a) The race or ethnicity of the individual includes:
      (1) Alaskan Native or American Indian
      (2) Asian or Pacific Islander
      (3) Black
      (4) Caucasian/White
      (5) Hispanic/Latino
2. The number of Contacts, Total Searches (combination of Consensual and Probable Cause Searches), Consensual Searches, Probable Cause Searches, Custodial Arrests, Racial Profiling Complaints received, and complaint outcomes to include sustained, Not Sustained, Unfounded, Exonerated.
3. Whether a search was conducted and whether the individual consented to the search.
4. Whether the officer made an arrest
5. Whether the officer issued a ticket, citation, or warning
6. Whether the officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code (“means physical pain, illness, or any impairment of physical condition), during the stop;
7. The location of the stop
8. The reason for the stop

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Not later than March 1 of each year, the Chief of Police Shall submit a report of the information collected under Paragraph A to TCOLE and to the City Council of the City of Iowa Colony.

The report shall not include identifying information about the peace officer who makes a motor vehicle stop or about the person who is stopped or arrested by the peace officer. However, this does not affect the duty of an Iowa Colony Police Officer to collect the information.

USE OF VIDEO AND AUDIO EQUIPMENT

The policy of the Iowa Colony Police Department is that all police vehicles regularly used by a police officer to make motor vehicle stops shall be equipped with a video camera and transmitter-activated equipment. If possible, officers may be equipped with body worn cameras. (See General Order 49 - Body Worn Digital Recording Systems)

Each motor vehicle stop made by a police officers shall be recorded by video and audio equipment and audio equipment.

If a complaint is filed alleging that a Police Officer has engaged in bias-based profiling or racial profiling with respect to a motor vehicle stop, the video and audio shall be retained until a final disposition of the complaint has been reached.

Supervisors shall ensure that police officers record all motor vehicles stops.

The Chief of Police or his/her designee shall periodically conduct reviews of a randomly selected sampling of video/audio recordings to determine if patterns of biased based profiling exist.

If the equipment used to record motor vehicle stops is malfunctioning or otherwise not operable, the officer making the stop shall report the malfunction to his/her supervisor immediately and manually collect the data and properly record and report the information as required by this policy and Article 2.133, Texas Code of Criminal Procedure, “Reports Required for Motor Vehicles Stops”. Repairs deemed necessary should be made as soon as possible.

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Changes/Amendments since last publication:
11/05/19 Rewrite of the entire General Order to reflect requirements of The Sandra Bland Act (SB 1849, 85th Legislative Session, 2017)

Contact Information

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

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MONTHLY REPORT- JANUARY 2021

February 8, 2021

Mayor and Council,

See December 2020 monthly report for both the Building Department and Fire Marshal's Office below.

Building Department

Inspections Conducted-

Building Inspections-	454
Plumbing Inspections -	381
Mechanical Inspections-	149
Electrical Inspections-	371
Total-	**1355**

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Total Fees Collected-

Initial Fees-	$148,747.63
Re- Inspection Fees-	$3,650.00
Convenience Fee-	$198.57
Total-	**$152,596.20**

Fire Marshal

Conducted fire sprinkler pipe size and fire damper size verification at the new high school. These were partial inspection to a 1/3 of the building.

No other information to report.

Thanks,

Albert Cantu

Albert Cantu,
Fire Marshal/Building Official

City of Iowa Colony
Balance Sheet
As of January 31, 2021

		Jan 31, 21
ASSETS		0.00
LIABILITIES & EQUITY		
Equity		
Baymark Pipleine LLC		
Baymark P - Engr/Inspctn/Legal	21,544.49	
Baymark Pipleine LLC - Other	183,037.50	
Total Baymark Pipleine LLC		204,581.99
Bond 1 - Series 2020		1,203,980.00
Cherry Crushed Concrete		23,200.00
Early Plat- Merid Sec 68		507,670.79
Early Plat- SVW Section 3		-0.01
Formosa/Lav pipeline-TRC		10,826.04
M2E3/EnterprisePipeline		5,466.76
Meridiana Escrow		4,615.00
Old Airline Market- Axis Dev.		207.50
Sierra Vista- Land Tejas		51,867.55
Sierra Vista West- Land Tejas		44,442.37
South Texas NGL Pipeline, LLC		
South TX NGL -Engr/Inspct/Legal	22,032.01	
South Texas NGL Pipeline, LLC - Other	183,622.50	
Total South Texas NGL Pipeline, LLC		205,654.51
Sterling Lakes - Land Tejas		1,005.34
1002401 · Capital Contribution-CR 64		1,731,000.00
1002406 · Earlt Platting Escrow Sec. 13		-0.01
1002501 · Property Delq Tax - TIF 100%		3,159.70
1002502 · Property Tax TIF-100%		-105,691.73
1003600 · Opening Balance Equity		753,437.07
1003601 · Retained Earnings		-95,189.00
Total Equity		4,550,233.87
TOTAL LIABILITIES & EQUITY		**4,550,233.87**

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City of Iowa Colony
Profit & Loss Budget vs. Actual
October 2020 through January 2021

	Oct '20 - Jan 21	Budget	$ Over Budget	% of Budget
Income				
4100 · GENERAL REVENUE				
4109 · Mixed Beverage Tax	379.44	2,000.00	-1,620.56	19.0%
4110 · City Sales Tax	130,527.61	350,000.00	-219,472.39	37.3%
4120 · Property Tax	1,653,272.77	1,164,165.53	489,107.24	142.0%
4121 · Delinquent Property Tax	10,770.95	35,000.00	-24,229.05	30.8%
4130 · Property Tax - TIF - 70%	648,589.96	0.00	648,589.96	100.0%
4131 · Delinquent Tax - TIF - 70%	-366.82	0.00	-366.82	100.0%
4132 · City Property TIF 30%	277,967.14	0.00	277,967.14	100.0%
4133 · City Property Deliquent TIF 30%	-157.21	0.00	-157.21	100.0%
4134 · Intermodel Ship. Container	891.00	2,000.00	-1,109.00	44.6%
Total 4100 · GENERAL REVENUE	2,721,874.84	1,553,165.53	1,168,709.31	175.2%
4122 · OTHER REVENUE				
4124 · Accident Reports	35.00	0.00	35.00	100.0%
4126 · MUD 31 Annexation				
MUD 31 Pub. Safety Contr.	0.00	250,000.00	-250,000.00	0.0%
MUD 32 Pub. Safety Contr.	0.00	250,000.00	-250,000.00	0.0%
4126 · MUD 31 Annexation - Other	0.00	0.00	0.00	0.0%
Total 4126 · MUD 31 Annexation	0.00	500,000.00	-500,000.00	0.0%
4122 · OTHER REVENUE - Other	3,274.68	0.00	3,274.68	100.0%
Total 4122 · OTHER REVENUE	3,309.68	500,000.00	-496,690.32	0.7%
4125 · Arrest Fees	39.76	0.00	39.76	100.0%
4200 · BUILDING & CONSTRUCTION PERMITS				
4201 · Building Construction Permits	571,468.08	1,375,000.00	-803,531.92	41.6%
4202 · Trade Fees	9,504.32	40,000.00	-30,495.68	23.8%
4203 · Reinspection Fees	13,375.00	25,000.00	-11,625.00	53.5%
4204 · Signs	100.00	2,500.00	-2,400.00	4.0%
4205 · Misc Permits	1,606.10	1,000.00	606.10	160.6%
4206 · Dirt Work Permits	0.00	1,500.00	-1,500.00	0.0%
4207 · Driveway Permits	1,000.00	3,000.00	-2,000.00	33.3%
4210 · Culvert Permit	0.00	1,000.00	-1,000.00	0.0%
4211 · Commercial Vehicle Permit	500.00	3,000.00	-2,500.00	16.7%
4212 · Park Use Permit	30.00			
Total 4200 · BUILDING & CONSTRUCTION PERMITS	597,583.50	1,452,000.00	-854,416.50	41.2%
4300 · PLAT FEES				
4301 · Preliminary Plat Fees	4,710.00	75,000.00	-70,290.00	6.3%
4302 · Final Plat Fees	1,540.00	40,000.00	-38,460.00	3.9%
4303 · Abbreviated Plat Fees	1,500.00	2,000.00	-500.00	75.0%
4304 · Plat Re-Check Fee	0.00	0.00	0.00	0.0%
4305 · Admin Fee- Early Plat Recording	10,153.42	300,000.00	-289,846.58	3.4%
Total 4300 · PLAT FEES	17,903.42	417,000.00	-399,096.58	4.3%

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City of Iowa Colony
Profit & Loss Budget vs. Actual
October 2020 through January 2021

	Oct '20 - Jan 21	Budget	$ Over Budget	% of Budget
4400 · ENGINEERING FEES				
4401 · Infastructure Plan Review Fee	19,240.52	150,000.00	-130,759.48	12.8%
4402 · Recheck Fee	0.00	0.00	0.00	0.0%
4403 · Civil Site Plan Review Fee	75,437.43	300,000.00	-224,562.57	25.1%
4404 · Other	0.00	0.00	0.00	0.0%
Total 4400 · ENGINEERING FEES	94,677.95	450,000.00	-355,322.05	21.0%
4500 · ZONING FEES				
4501 · Rezoning Fees	0.00	3,000.00	-3,000.00	0.0%
4502 · Misc Zoning Fees	0.00	0.00	0.00	0.0%
4503 · Specific Use Permit	0.00	2,000.00	-2,000.00	0.0%
Total 4500 · ZONING FEES	0.00	5,000.00	-5,000.00	0.0%
4600 · FRANCHISE				
4601 · Franchise Tax - Electric	0.00	110,000.00	-110,000.00	0.0%
4602 · Franchise Tax - Gas	0.00	20,000.00	-20,000.00	0.0%
4603 · Telecomunications Fee-Sales Tax	84.53	10,000.00	-9,915.47	0.8%
4600 · FRANCHISE - Other	0.00	0.00	0.00	0.0%
Total 4600 · FRANCHISE	84.53	140,000.00	-139,915.47	0.1%
4700 · CITATIONS				
4701 · Citations / Warrants	119,587.99	200,000.00	-80,412.01	59.8%
4702 · Deliquent Court Collection	465.00	5,000.00	-4,535.00	9.3%
4703 · Court Security Fee	1,902.64	2,000.00	-97.36	95.1%
4704 · Court Technology Fee	2,138.87	2,500.00	-361.13	85.6%
4700 · CITATIONS - Other	241.00			
Total 4700 · CITATIONS	124,335.50	209,500.00	-85,164.50	59.3%
4800 · SPECIAL FUNDS				
4803 · Miscellaneous Grants	5,920.50	0.00	5,920.50	100.0%
4805 · Park Reserves	0.00	35,000.00	-35,000.00	0.0%
Total 4800 · SPECIAL FUNDS	5,920.50	35,000.00	-29,079.50	16.9%
4900 · INVESTMENT INCOME				
4910 · Interest Income	25.19	1,000.00	-974.81	2.5%
Total 4900 · INVESTMENT INCOME	25.19	1,000.00	-974.81	2.5%
Total Income	3,565,754.87	4,762,665.53	-1,196,910.66	74.9%
Gross Profit	3,565,754.87	4,762,665.53	-1,196,910.66	74.9%
Expense				
UNKNOWN EXPENSE				
1105110 · Payroll Expenses	268.12	0.00	268.12	100.0%
Total UNKNOWN EXPENSE	268.12	0.00	268.12	100.0%

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City of Iowa Colony
Profit & Loss Budget vs. Actual
October 2020 through January 2021

	Oct '20 - Jan 21	Budget	$ Over Budget	% of Budget
10 · ADMINISTRATION				
10-5111 · Payroll - City Secretary	18,500.00	62,831.00	-44,331.00	29.4%
10-5112 · Payroll - Clerk	0.00	17,680.00	-17,680.00	0.0%
10-5113 · Payroll-City Manager	13,210.19	100,000.00	-86,789.81	13.2%
10-5114 · Merit pool (For all employees)	0.00	0.00	0.00	0.0%
10-5115 · Payroll Clerk - Overtime	0.00	0.00	0.00	0.0%
10-5120 · Payroll Taxes	1,429.01	13,248.88	-11,819.87	10.8%
10-5127 · TMRS	2,517.44	18,202.06	-15,684.62	13.8%
10-5130 · Texas Workforce Commission	74.00	486.00	-412.00	15.2%
10-5132 · Insurance - Health	0.00	11,660.00	-11,660.00	0.0%
10-5200 · Professional Services	0.00	0.00	0.00	0.0%
10-5210 · Legal Delinquent Citations	0.00	0.00	0.00	0.0%
10-5211 · Legal	6,402.40	100,000.00	-93,597.60	6.4%
10-5212 · Audit	3,218.00	22,000.00	-18,782.00	14.6%
10-5213 · Tax Appraisal & Collection	0.00	0.00	0.00	0.0%
10-5219 · Management Professional Service	5,816.50	10,000.00	-4,183.50	58.2%
10-5220 · Website - Professional				
Website Domain	434.99	400.00	34.99	108.7%
10-5220 · Website - Professional - Other	2,500.00	5,500.00	-3,000.00	45.5%
Total 10-5220 · Website - Professional	2,934.99	5,900.00	-2,965.01	49.7%
10-5225 · Equipment Maintenance	277.00			
10-5227 · Hosting BCCA Meeting	0.00	0.00	0.00	0.0%
10-5228 · Property Taxes Collection Fee	0.00	7,000.00	-7,000.00	0.0%
10-5229 · BCAD Fee	5,912.99	6,000.00	-87.01	98.5%
10-5240 · Building Maintenance				
Prof Cleaning Services	4,050.00			
10-5240 · Building Maintenance - Other	4,348.31	50,000.00	-45,651.69	8.7%
Total 10-5240 · Building Maintenance	8,398.31	50,000.00	-41,601.69	16.8%
10-5245 · Technology	5,123.14	16,000.00	-10,876.86	32.0%
10-5246 · Software Maintenance / License	4,083.04	7,500.00	-3,416.96	54.4%
10-5250 · Utilities	1,577.78	9,000.00	-7,422.22	17.5%
10-5260 · Equipment Rentals	1,072.32	3,000.00	-1,927.68	35.7%
10-5320 · Supplies / Printing	2,005.75	12,000.00	-9,994.25	16.7%
10-5321 · Postage	105.95	750.00	-644.05	14.1%
10-5322 · Advertising & Legal Notices	2,120.16	5,000.00	-2,879.84	42.4%
10-5323 · Telephone Expense	6,202.59	10,000.00	-3,797.41	62.0%
10-5325 · Miscellaneous	591.11	0.00	591.11	100.0%
10-5326 · Well Permit Fee	0.00	30.00	-30.00	0.0%
10-5411 · Travel & Training	1,072.37	2,400.00	-1,327.63	44.7%
10-5412 · Seminars/BCCA	0.00	1,200.00	-1,200.00	0.0%
10-5439 · Election Costs	2,061.94	8,000.00	-5,938.06	25.8%
10-5481 · Mayor's Special Expense	26.82	1,500.00	-1,473.18	1.8%
10-5495 · Dues	200.00	2,000.00	-1,800.00	10.0%
10-5630 · Equipment	2,122.10	500.00	1,622.10	424.4%
10-5710 · Insurance - Windstorm	911.00	7,500.00	-6,589.00	12.1%
10-5720 · Insurance - Liability/Prop/ WC	14,705.50	20,000.00	-5,294.50	73.5%
10-5721 · Bank Fees	0.00	100.00	-100.00	0.0%
10-5722 · credit card fees	402.82	4,000.00	-3,597.18	10.1%
10-5723 · Certificate Pay	0.00	0.00	0.00	0.0%
10-5724 · Longevity PAy	180.00	240.00	-60.00	75.0%
10-5725 · Grant Admin	0.00	15,000.00	-15,000.00	0.0%
10-5730 · Building Renovations	0.00	0.00	0.00	0.0%

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City of Iowa Colony
Profit & Loss Budget vs. Actual
October 2020 through January 2021

	Oct '20 - Jan 21	Budget	$ Over Budget	% of Budget
5113 · Payroll - Office Manager	0.00	0.00	0.00	0.0%
10 · ADMINISTRATION - Other	4,863.05			
Total 10 · ADMINISTRATION	118,118.27	550,727.94	-432,609.67	21.4%
15 · FINANCE				
15-5112 · Payroll - Senior Accountant	23,333.36	70,004.00	-46,670.64	33.3%
15-5127 · TMRS	3,175.09	7,357.42	-4,182.33	43.2%
15-5128 · FICA	1,730.09	5,355.31	-3,625.22	32.3%
15-5129 · TWC	93.33	162.00	-68.67	57.6%
15-5130 · WC	0.00	3,052.00	-3,052.00	0.0%
15-5132 · Health Insurance	1,817.60	5,830.00	-4,012.40	31.2%
15-5320 · Supplies/Printing	156.57	2,000.00	-1,843.43	7.8%
15-5321 · Postage	46.50	200.00	-153.50	23.3%
15-5410 · Technology	444.89	8,000.00	-7,555.11	5.6%
15-5411 · Training & Travel	0.00	5,000.00	-5,000.00	0.0%
15-5495 · Dues	0.00	2,500.00	-2,500.00	0.0%
15-5630 · Equipment	0.00	0.00	0.00	0.0%
15-5723 · Certificate Pay	0.00	0.00	0.00	0.0%
15-5724 · Longevity Pay	0.00	0.00	0.00	0.0%
Total 15 · FINANCE	30,797.43	109,460.73	-78,663.30	28.1%
20 · POLICE DEPARTMENT				
20-5112 · Payroll - Police Chief	33,160.88	99,495.00	-66,334.12	33.3%
20-5113 · Payroll - Full Time Officer	129,257.70	490,614.50	-361,356.80	26.3%
20-5114 · Telecommunications Operator	0.00	17,680.00	-17,680.00	0.0%
20-5115 · Humane/Code Enf. Officer	12,764.50	41,600.00	-28,835.50	30.7%
20-5125 · Payroll - Overtime	5,157.26	10,000.00	-4,842.74	51.6%
20-5126 · Professional Services	5,600.00	7,000.00	-1,400.00	80.0%
20-5127 · TMRS	27,008.37	73,810.63	-46,802.26	36.6%
20-5128 · FICA	12,271.64	53,725.15	-41,453.51	22.8%
20-5129 · TWC	985.77	2,106.00	-1,120.23	46.8%
20-5130 · WC	0.00	28,313.38	-28,313.38	0.0%
20-5131 · Certification Pay	4,569.21	42,100.00	-37,530.79	10.9%
20-5132 · Health Insurance	14,202.24	69,960.00	-55,757.76	20.3%
20-5320 · Supplies & Printing	919.45	3,500.00	-2,580.55	26.3%
20-5321 · Postage	26.95	100.00	-73.05	27.0%
20-5322 · Recruiting and Hiring Expenses	679.16	1,500.00	-820.84	45.3%
20-5324 · Cell Phone	2,111.71	7,000.00	-4,888.29	30.2%
20-5325 · Miscellaneous	791.92	4,900.00	-4,108.08	16.2%
20-5326 · Uniforms	2,499.09	7,500.00	-5,000.91	33.3%
20-5327 · Charitable	0.00	0.00	0.00	0.0%
20-5410 · Technology	3,882.81	18,000.00	-14,117.19	21.6%
20-5411 · Travel & Training	262.99	5,000.00	-4,737.01	5.3%
20-5412 · Radio Service	3,258.00	3,300.00	-42.00	98.7%
20-5413 · Radio Equipment	564.72	2,000.00	-1,435.28	28.2%
20-5415 · Building Maintenance	1,605.45	2,600.00	-994.55	61.7%
20-5450 · Vehicle Equipment	-869.00	5,000.00	-5,869.00	-17.4%
20-5495 · Association Dues	368.88	1,000.00	-631.12	36.9%
20-5496 · Dues - TCLDS	0.00	0.00	0.00	0.0%
20-5497 · Animal Control	665.00	2,000.00	-1,335.00	33.3%
20-5498 · Hospital Expense - Suspects	0.00	1,000.00	-1,000.00	0.0%
20-5499 · Investigations	551.00	2,900.00	-2,349.00	19.0%
20-5724 · Longevity Pay	300.00	300.00	0.00	100.0%
20-5810 · Vehicle Insurance	4,255.50	5,000.00	-744.50	85.1%

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City of Iowa Colony
Profit & Loss Budget vs. Actual
October 2020 through January 2021

	Oct '20 - Jan 21	Budget	$ Over Budget	% of Budget
20-5820 · Vehicle Repairs & Maint	3,475.77	13,000.00	-9,524.23	26.7%
20-5830 · Fuel	6,863.12	30,000.00	-23,136.88	22.9%
20-5840 · Equipment	2,326.46	10,000.00	-7,673.54	23.3%
20-5850 · Vehicle Replacement Fund	0.00	47,200.00	-47,200.00	0.0%
Total 20 · POLICE DEPARTMENT	279,516.55	1,109,204.66	-829,688.11	25.2%
25 · MUNICIPAL COURT				
25-5112 · Payroll- Municipal Court Clerk	12,557.65	45,001.00	-32,443.35	27.9%
25-5125 · Payroll - Clerk Overtime	1,641.42	2,500.00	-858.58	65.7%
25-5127 · TMRS	2,386.83	5,118.48	-2,731.65	46.6%
25-5128 · FICA	983.93	3,725.63	-2,741.70	26.4%
25-5129 · TWC	59.92	162.00	-102.08	37.0%
25-5130 · WC	0.00	1,962.04	-1,962.04	0.0%
25-5131 · Certification Pay	415.35	1,200.00	-784.65	34.6%
25-5132 · Health Insurance	1,783.21	5,830.00	-4,046.79	30.6%
25-5210 · Legal Delinquent Citations	0.00	5,000.00	-5,000.00	0.0%
25-5216 · Judge Court Fees	6,212.50	25,000.00	-18,787.50	24.9%
25-5217 · Prosecutor Fees	21,850.00	35,500.00	-13,650.00	61.5%
25-5218 · Interperter	0.00	1,500.00	-1,500.00	0.0%
25-5219 · Professional Services - Muni Co	15,212.50	10,000.00	5,212.50	152.1%
25-5222 · Court Security Exp.	558.61	0.00	558.61	100.0%
25-5223 · Court Technology Exp.	0.00	0.00	0.00	0.0%
25-5315 · Payroll - Clerk	1,236.52	0.00	1,236.52	100.0%
25-5321 · Postage	27.80	500.00	-472.20	5.6%
25-5411 · Travel & Training	0.00	1,000.00	-1,000.00	0.0%
25-5414 · Jury Trial Expense	0.00	1,500.00	-1,500.00	0.0%
25-5415 · State Criminal Cost & Fees	37,262.38	80,000.00	-42,737.62	46.6%
25-5500 · Supplies & Equipment	167.64	4,200.00	-4,032.36	4.0%
25-5730 · Contract Services	5,361.00	4,735.12	625.88	113.2%
Total 25 · MUNICIPAL COURT	107,717.26	234,434.27	-126,717.01	45.9%
30 · PUBLIC WORKS DEPARTMENT				
30-5115 · Payroll - Public Works	16,921.60	55,000.00	-38,078.40	30.8%
30-5125 · Payroll - Public Works Overtime	858.65	2,000.00	-1,141.35	42.9%
30-5127 · TMRS	2,738.41	5,990.70	-3,252.29	45.7%
30-5128 · FICA	1,128.15	4,600.00	-3,471.85	24.5%
30-5129 · TWC	73.71	162.00	-88.29	45.5%
30-5130 · WC	0.00	2,400.00	-2,400.00	0.0%
30-5131 · Certification Pay	0.00	0.00	0.00	0.0%
30-5132 · Health Insurance	1,783.21	5,830.00	-4,046.79	30.6%
30-5320 · Supplies	915.39	7,440.00	-6,524.61	12.3%
30-5326 · Uniforms	10.81			
30-5451 · Roads./ Bridges/ Drainage	3,817.00	325,000.00	-321,183.00	1.2%
30-5452 · Mowing Roads	21,200.00	60,000.00	-38,800.00	35.3%
30-5454 · Bridge Replacement	0.00	30,000.00	-30,000.00	0.0%
30-5455 · Signs & Postings	2,889.33	8,000.00	-5,110.67	36.1%
30-5456 · Public Works Maintenance	2,685.74	25,000.00	-22,314.26	10.7%
30-5461 · Park Improvements	0.00	35,000.00	-35,000.00	0.0%
30-5462 · Park Maintenance	14,304.37	70,000.00	-55,695.63	20.4%
30-5810 · Vehicle Insurance	454.50			
30-5820 · Vehicle Repairs & Maint	1,437.27	6,800.00	-5,362.73	21.1%
30-5830 · Fuel	763.48	5,000.00	-4,236.52	15.3%
30-5840 · Equipment	14,747.27	24,000.00	-9,252.73	61.4%

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City of Iowa Colony
Profit & Loss Budget vs. Actual
October 2020 through January 2021

	Oct '20 - Jan 21	Budget	$ Over Budget	% of Budget
30-5850 · Vehicle Replacement Fund	0.00	3,500.00	-3,500.00	0.0%
30-5860 · ROW Maintenance	0.00	5,000.00	-5,000.00	0.0%
Total 30 · PUBLIC WORKS DEPARTMENT	86,728.89	680,722.70	-593,993.81	12.7%
35 · COMMUNITY DEVELOPMENT				
35-5111 · Payroll-Building Official	19,375.02	80,000.00	-60,624.98	24.2%
35-5112 · Payroll-Permits Clerk	12,320.00	40,040.00	-27,720.00	30.8%
35-5125 · Payroll-Clerk Overtime	573.75	1,500.00	-926.25	38.3%
35-5127 · TMRS	4,549.77	12,773.85	-8,224.08	35.6%
35-5128 · FICA	2,238.28	9,297.81	-7,059.53	24.1%
35-5129 · TWC	296.61	324.00	-27.39	91.5%
35-5130 · WC	0.00	5,234.05	-5,234.05	0.0%
35-5131 · Certification Pay	0.00	480.00	-480.00	0.0%
35-5132 · Health Insurance	3,752.27	8,745.00	-4,992.73	42.9%
35-5212 · Early Platting Escrow Exp. INV	0.00	0.00	0.00	0.0%
35-5214 · Engineering Services				
35-5216 · Platting	14,322.74	150,000.00	-135,677.26	9.5%
35-5217 · Plan Review	17,839.32	100,000.00	-82,160.68	17.8%
35-5218 · Permits/Inspections	68,495.90	195,000.00	-126,504.10	35.1%
35-5214 · Engineering Services - Other	23,910.20	80,000.00	-56,089.80	29.9%
Total 35-5214 · Engineering Services	124,568.16	525,000.00	-400,431.84	23.7%
35-5215 · Building Inspector Fees	264,466.21	295,500.00	-31,033.79	89.5%
35-5219 · Professional Services - Plannin	13,575.81	85,000.00	-71,424.19	16.0%
35-5220 · TIF Fund (70% of TIF revenue t	0.00	0.00	0.00	0.0%
35-5221 · ICVFD Contract Services/Equip	0.00	6,000.00	-6,000.00	0.0%
35-5246 · Software Subscription/License	2,156.78			
35-5320 · Supplies	1,386.75			
35-5326 · Uniforms	1,467.64			
35-5455 · Signage & Postings	0.00	4,000.00	-4,000.00	0.0%
35-5722 · Credit Card Fees	8,652.64	10,000.00	-1,347.36	86.5%
35-5724 · Longevity Pay	120.00	240.00	-120.00	50.0%
35-5820 · Vehicle Repairs & Maint	1,221.39			
35-5830 · Fuel	151.08			
35-5840 · Equipment	8,058.57			
35-5850 · Vehicle Replacement Fund	0.00	3,500.00	-3,500.00	0.0%
Total 35 · COMMUNITY DEVELOPMENT	468,930.73	1,087,634.71	-618,703.98	43.1%
90 · CAPITAL AND PLANNING PROJECTS				
Parking and Storage Lot	0.00	0.00	0.00	0.0%
Public Safety Building Reserve	0.00	500,000.00	-500,000.00	0.0%
Purchase of Prop. Next to CH	0.00	0.00	0.00	0.0%
990 · Contingency	0.00	35,000.00	-35,000.00	0.0%
991 · PD - Vehicle	0.00	35,000.00	-35,000.00	0.0%
992 · PW Loader/Backhoe/Brush Truck	0.00	20,000.00	-20,000.00	0.0%
993 · Planning Projects	8,835.00	200,000.00	-191,165.00	4.4%

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City of Iowa Colony
Profit & Loss Budget vs. Actual
October 2020 through January 2021

	Oct '20 - Jan 21	Budget	$ Over Budget	% of Budget
994 · Public Works Vehicle	0.00	0.00	0.00	0.0%
90 · CAPITAL AND PLANNING PROJECTS - Other	0.00	175,000.00	-175,000.00	0.0%
Total 90 · CAPITAL AND PLANNING PROJECTS	8,835.00	965,000.00	-956,165.00	0.9%
Total Expense	1,100,912.25	4,737,185.01	-3,636,272.76	23.2%
Net Income	**2,464,842.62**	**25,480.52**	**2,439,362.10**	**9,673.4%**

Copy

NO.	LOCATION	DESCRIPTION
A	SIGNAGE	
1	Meridiana pkwy@Iowa Colony Blvd.	Cross walk sign straighten
2	Cedar Rapids @Pursley	replaced stop sign
3	Meridiana Pkwy @Iowa Colony	fix Park Sign
4	Thoreau Dr. @Faulkner	Fix Leaning sign
5	Bullard pkwy@ 288	needs sign
6	Bullard pkwy@ 288	street marker
7	Iowa Colony Blvd.@Davenport pkwy	Straighten 40 M.P.H
8		
9		
10		
11		
12		
13		
14		
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18		
19		
20		
21		
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23		
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25		
26		
27		
28		
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B.	DEBRIS REMOVAL	
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14		
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19		
C.	MOWING/TREE TRIMMING	
1	3034 Cedar Ripids pkwy	trim trees
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
D.	STREET REPAIRS	
1	10227 Coastal ct	water is backing up
2	Iowa Colony @bullard	Pothole
3	Meraidana €	gurd rail
4		
5		
6		
7		
8		
9		
E.	POWER LINES MAINTENANCE	
1		
	Ditch Drainage issue	
1	9206 Coleridge	put the manhole cover back on
2	20601 CR62	water backing up in driveway
3	3034 Cedar Ripid pkwy	Dig ditches
4	3034 Cedar Ripid pkwy	Clean Covers
5	Acklen Run .Dr	Manhole cover

Copy

	Parks	
1	Park	fix the water fountain
2	Park	MLK Day
3	Park	soccer goals
4	Park	Soccer goals
5	Park	rake baseball fields 1
6	Park	rake baseball fields 2
7	Park	rake baseball field 3
8	Park	rake baseball field 4
9	Park	Grass Cut
10	Park	Treat Ants
	Miscellaneous Works	
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15		
16		

Copy

NOTES	STATUS	DATE COMPLETED
	Done	1/7/2021
	Done	1/11/2021
	Done	1/12/2021
	Done	1/12/2021
right next to the southview baptist church	Done	1/23/2021
bullard and iowa colony	Done	1/21/2021
	Done	1/21/2021

email the brazoria county	Done	1/19/2021
called HOA	Done	1/4/2021
Fix the pothole	Done	1/19/2021
set up with the County to replace the rail	Done	1/20/2021
	Done	1/11/2021
called the DD5 Robert will take care of it	Done	1/13/2021
Email Brazoria County	Done	1/19/2021
Email Brazoria County	Done	1/19/2021
Put the manhole cover back on	Done	1/21/2021

Copy

	Done	1/16/2021
	Done	1/16/2021
Remove them badly damage	Done	1/16/2021
new soccer goals	Done	1/20/2021
	Done	1/4/2021
	Done	1/4/2021
	Done	1/4/2021
	Done	1/4/2021
	Done	1/28/2021
	Done	1/28/2021

Copy

NO.	LOCATION	DESCRIPTION
A	SIGNAGE	
1	Pursley Blvd@Duduque Pkwy	Replace Street maker
2	Bullard pkwy@Iowa colony blvd.	Replace 45 M.P.H
3	Bullard pkwy@Iowa colony blvd.	Remove pole
4	Bullard pkwy@Iowa colony blvd.	Remove Sleeve
5	Bullard pkwy@Iowa colony blvd.	Replace Sleeve
6	Bullard pkwy@Iowa colony blvd.	Replace wage
7	Bullard pkwy@Iowa colony blvd.	Placed brick
8	Bullard pkwy@Iowa colony blvd.	Replaced No truck sign
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B.	DEBRIS REMOVAL	
1	Pursley Blvd.	Remove bed
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C.	MOWING/TREE TRIMMING	
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10		
11		
12		
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14		
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16		
D.	STREET REPAIRS	
1		
2		
3		
4		
5		
6		
7		
8		
9		
E.	POWER LINES MAINTENANCE	
1		
	Ditch Drainage issue	
1	9542 Ruth Rd.	Remove Culvert
2	9542 Ruth Rd.	New Culverts
3	9542 Ruth Rd. to 9532Ruth Rd.	Grade Ditch
4	6540 Ruth Rd.	remove Culvert
5	6540 Ruth Rd.	Replace Culvert
6	6540 Ruth Rd.	Remove Culvert

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7	6540 Ruth Rd.	Replace Culvert
8	9535 Ruth Rd. to 9445 Ruth.Rd	Grade Ditch
9	9235 Ruth rd. to 9411 Ruth Rd.	Grade Ditch
10	8707Cactus ln	Remove Culvert
11	8707 Cactus ln.	Replace Culvert
12	3819 Cactus ln.	Grade Ditch
13		
	Parks	
1	Park	rake baseball fields 1
2	Park	rake baseball fields 2
3	Park	rake baseball field 3
4	Park	rake baseball field 4
5	Park	Grass cut
6	Park	Treat for Ant
7	Park	new Mutch
8	Baseball Field	Grass cut
	Miscellaneous Works	
1	City Hall	Temp. tester
2	City Hall	Landscaping
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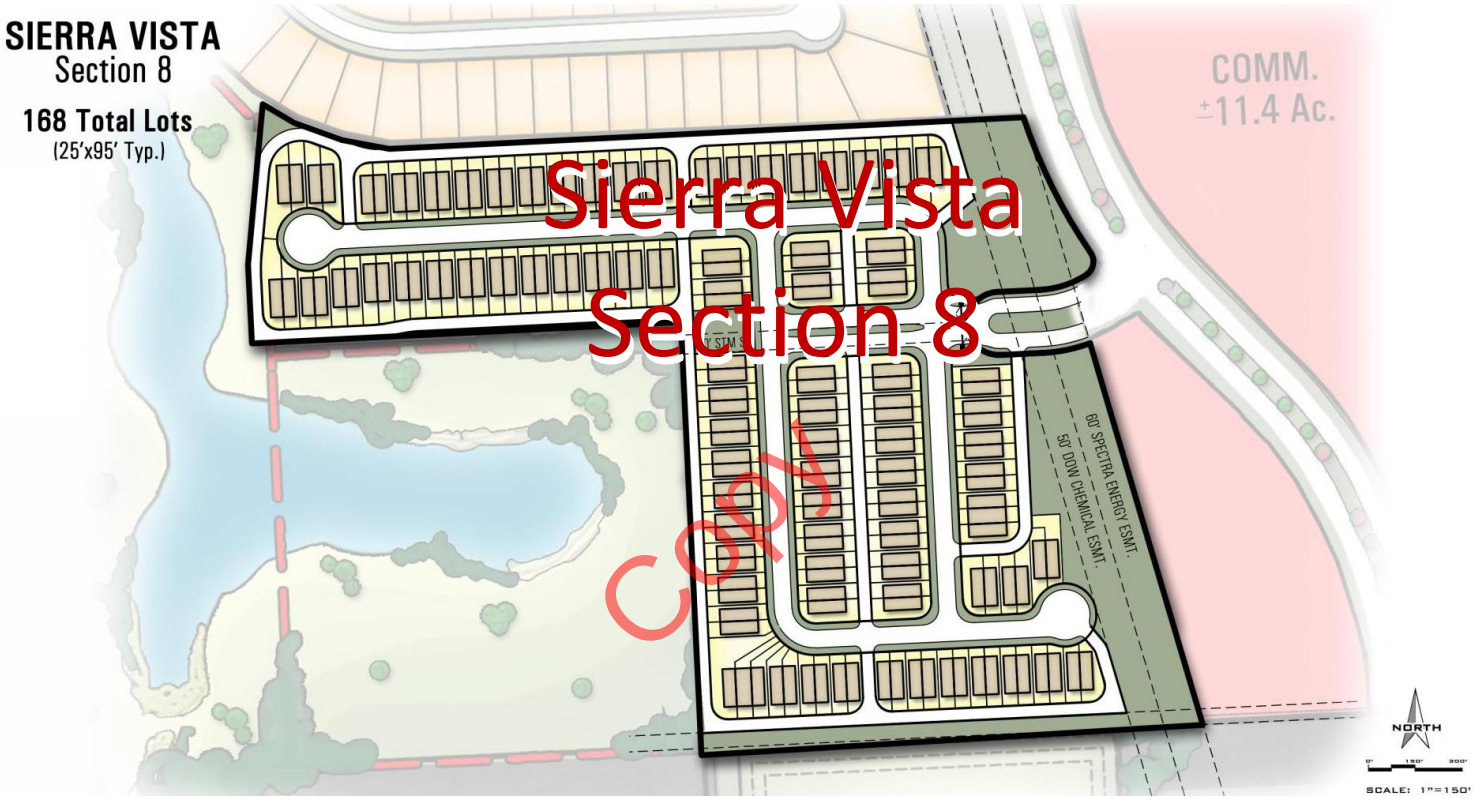
NOTES	STATUS	DATE COMPLETED
	Done	2/1/2021
	Done	2/3/2021
	Done	2/3/2021
	Done	2/3/2021
	Done	2/3/2021
	Done	2/3/2021
	Done	2/3/2021
	Done	2/3/2021

In Driveway 2	Done	2/2/2021
Going (E) to 9445 Ruth RD.	Done	2/2/2021
Going (W) to 9411Ruth Rd.	Done	2/2/2021
	Done	2/2/2021
	Done	2/2/2021
	Done	2/2/2021
	Done	2/1/2021
	Done	2/2/2021
	Done	2/2/2021
	Done	2/5/2021
Move to new location	Done	2/2/2021
Clean flower beds	Done	2/2/2021

Copy

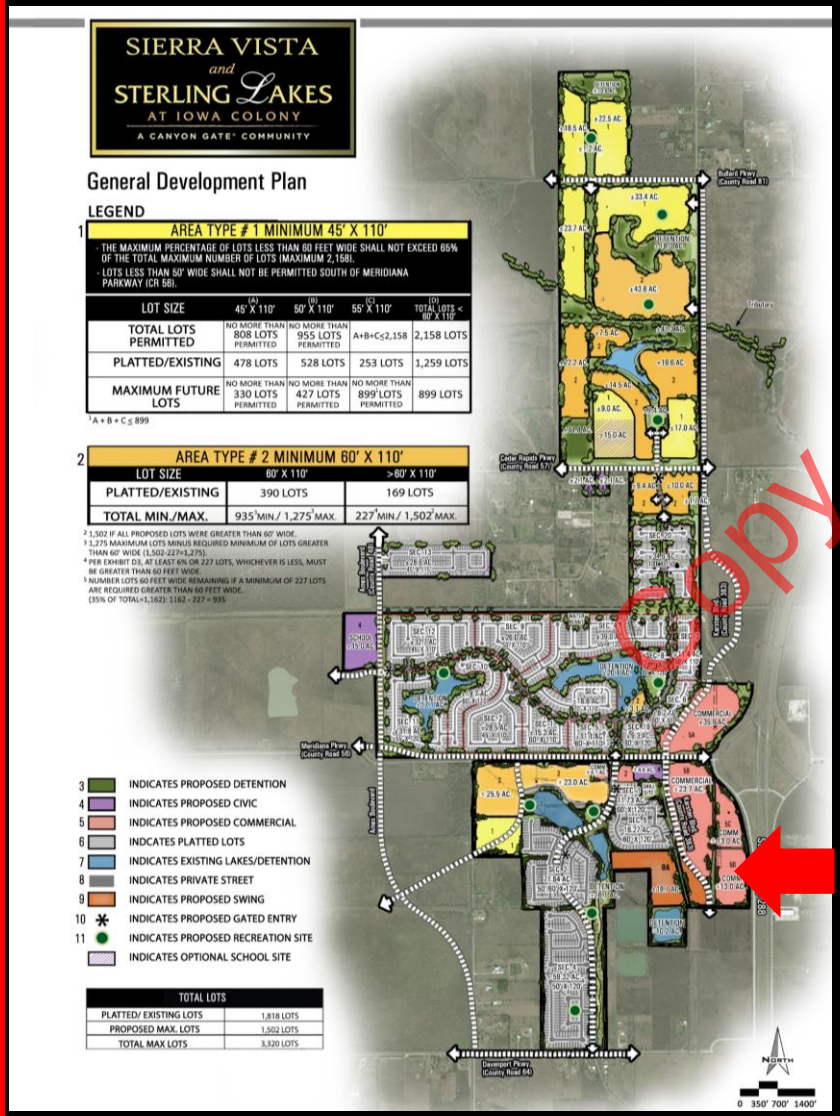


Sierra Vista
Section 8
copy

City of Iowa Colony Planning Commission

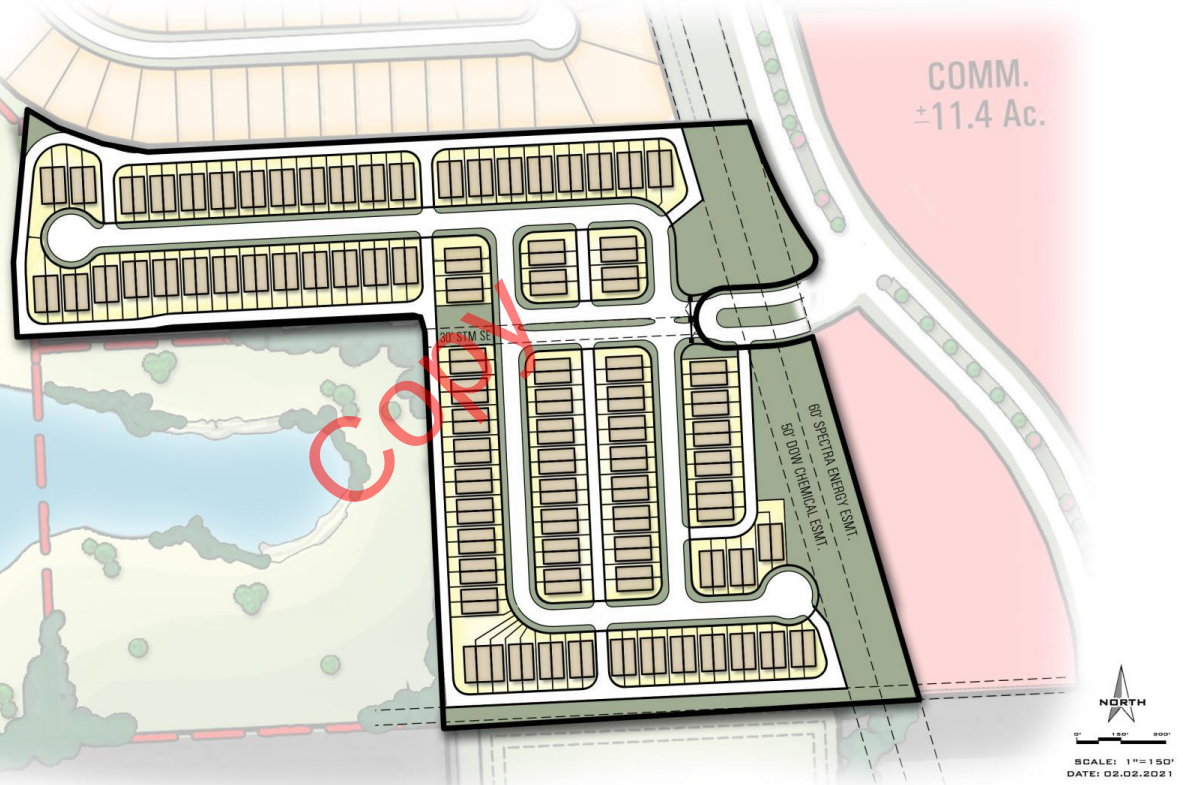
02/02/2021

Revised General Development Plan



SIERRA VISTA
Section 8

168 Total Lots
(25'x95' Typ.)



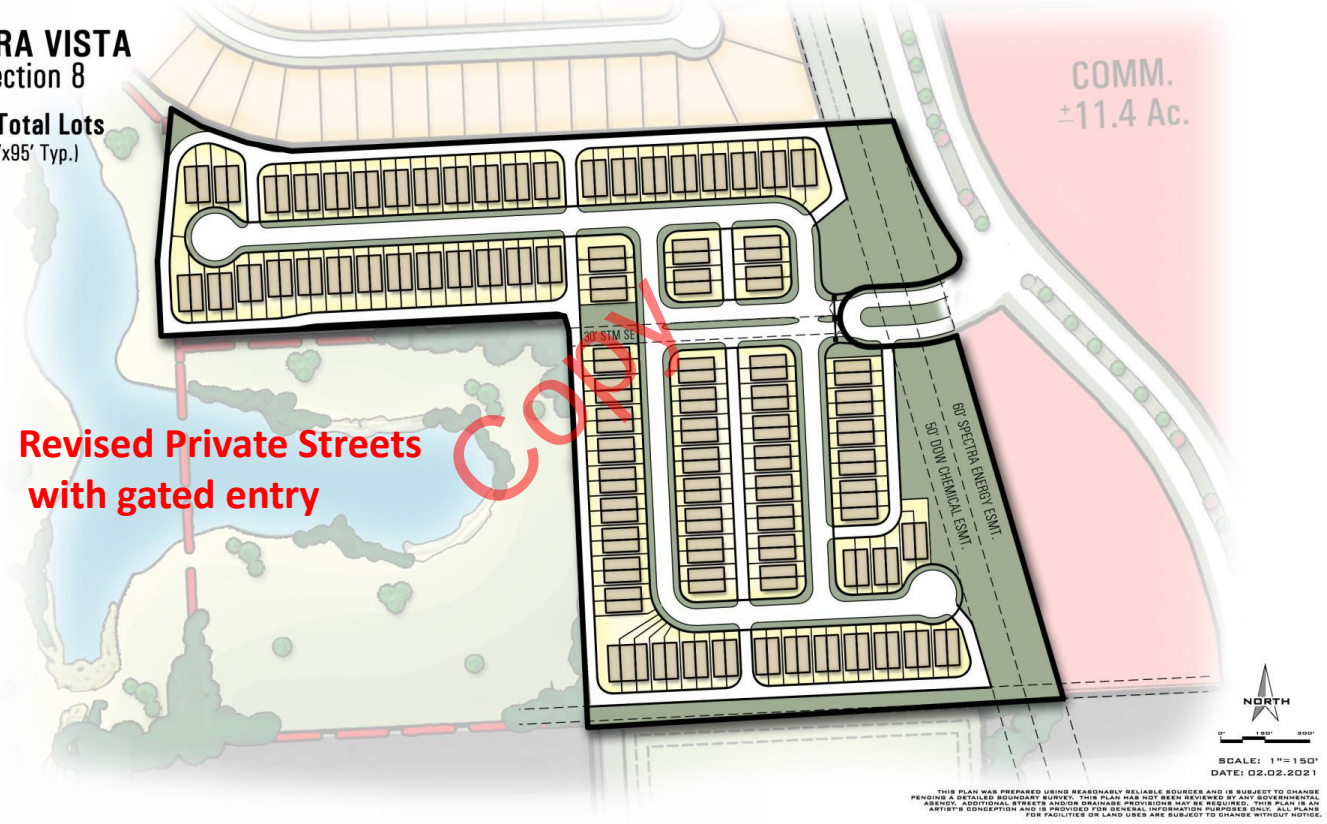
SCALE: 1"=150'
DATE: 02.02.2021

THIS PLAN WAS PREPARED USING REASONABLY RELIABLE SOURCES AND IS SUBJECT TO CHANGE PENDING A DETAILED BOUNDARY SURVEY. THIS PLAN HAS NOT BEEN REVIEWED BY ANY GOVERNMENTAL AGENCY. ADDITIONAL STREETS AND/OR DRAINAGE PROVISIONS MAY BE REQUIRED. THIS PLAN IS AN ARTIST'S CONCEPTION AND IS PROVIDED FOR GENERAL INFORMATION PURPOSES ONLY. ALL PLANS FOR FACILITIES OR LAND USES ARE SUBJECT TO CHANGE WITHOUT NOTICE.

JONES | CARTER

SIERRA VISTA
Section 8

168 Total Lots
(25'x95' Typ.)

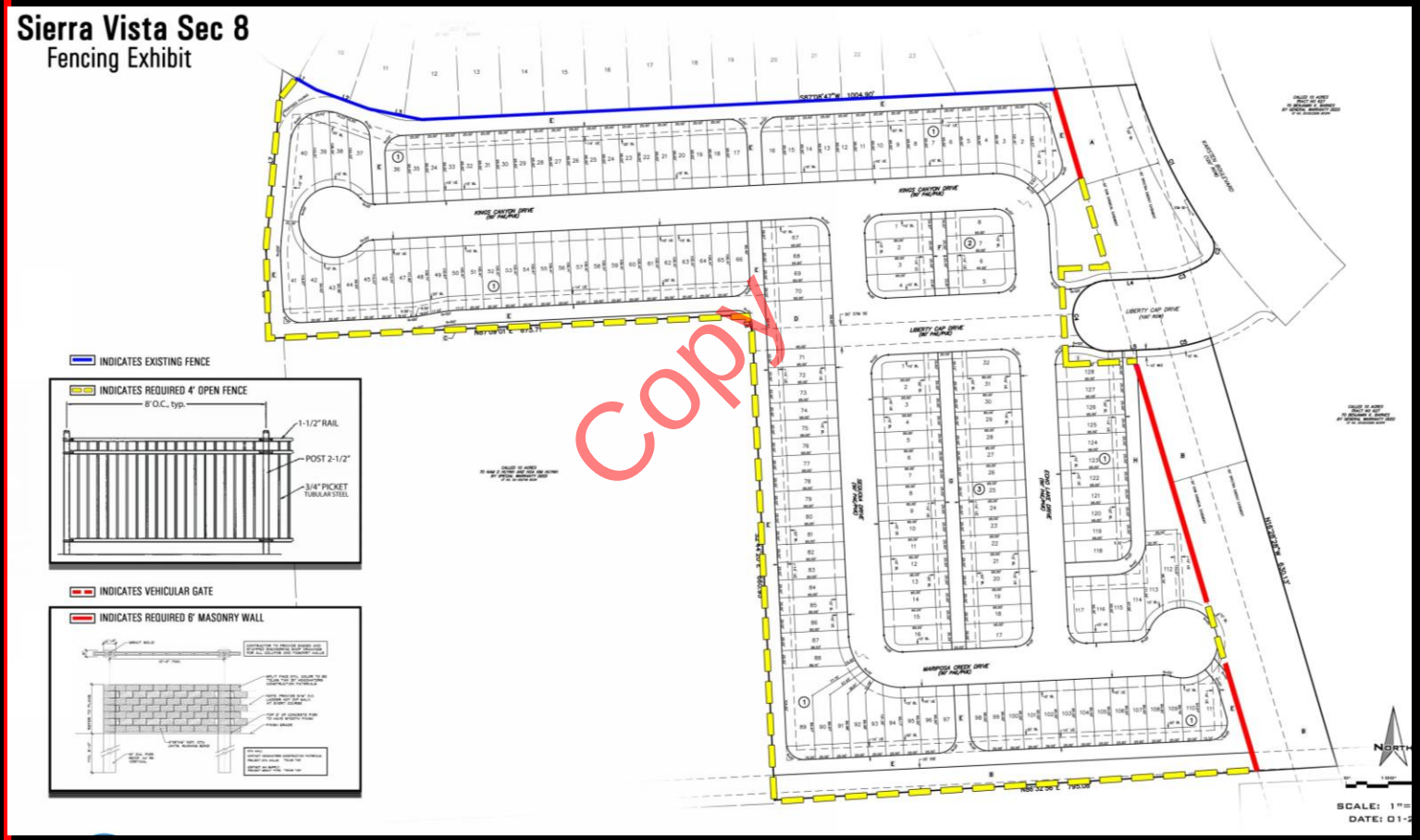


Revised Private Streets with gated entry

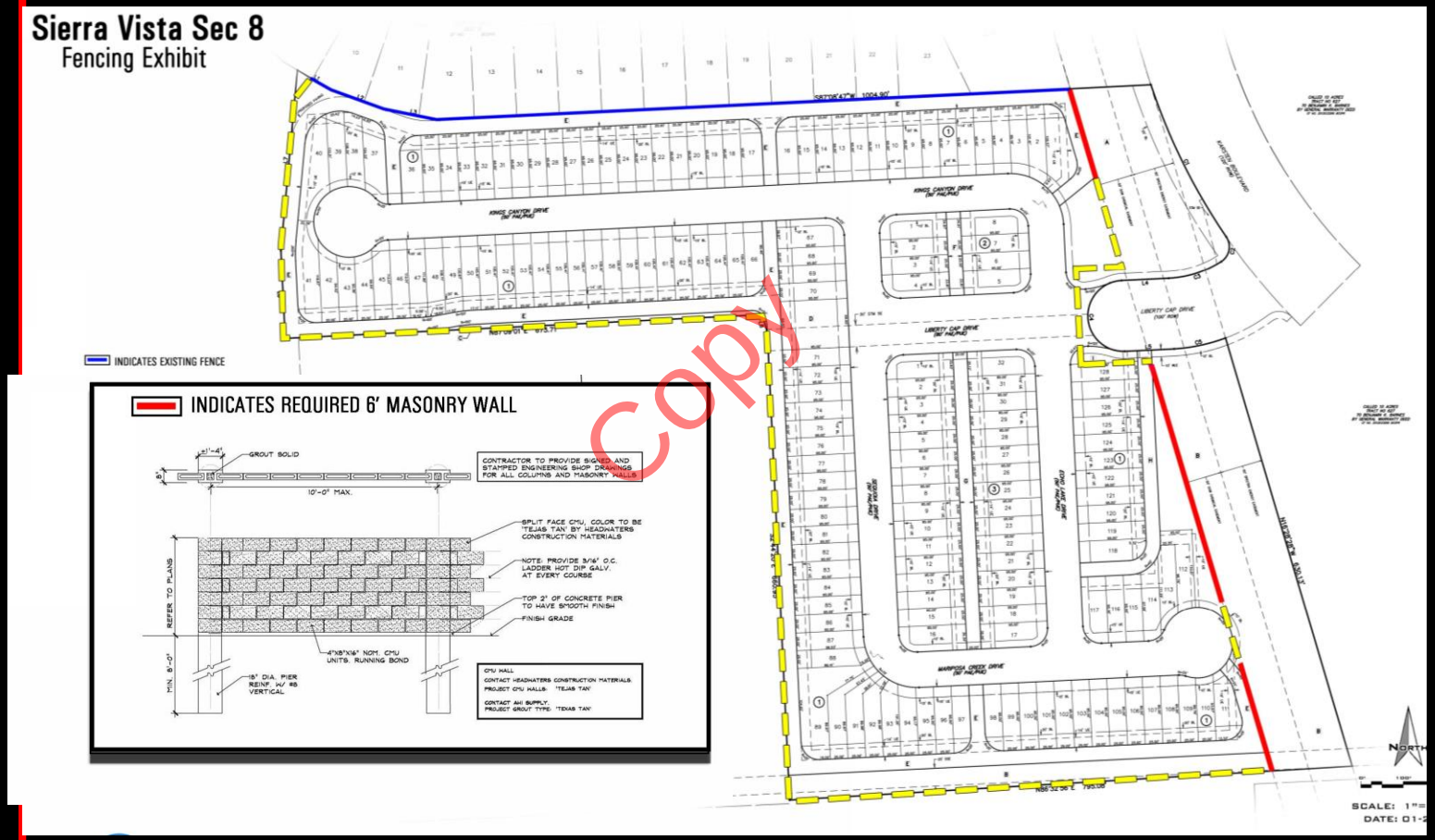
COPY

JONES | CARTER

Fence Exhibit



Fence Exhibit



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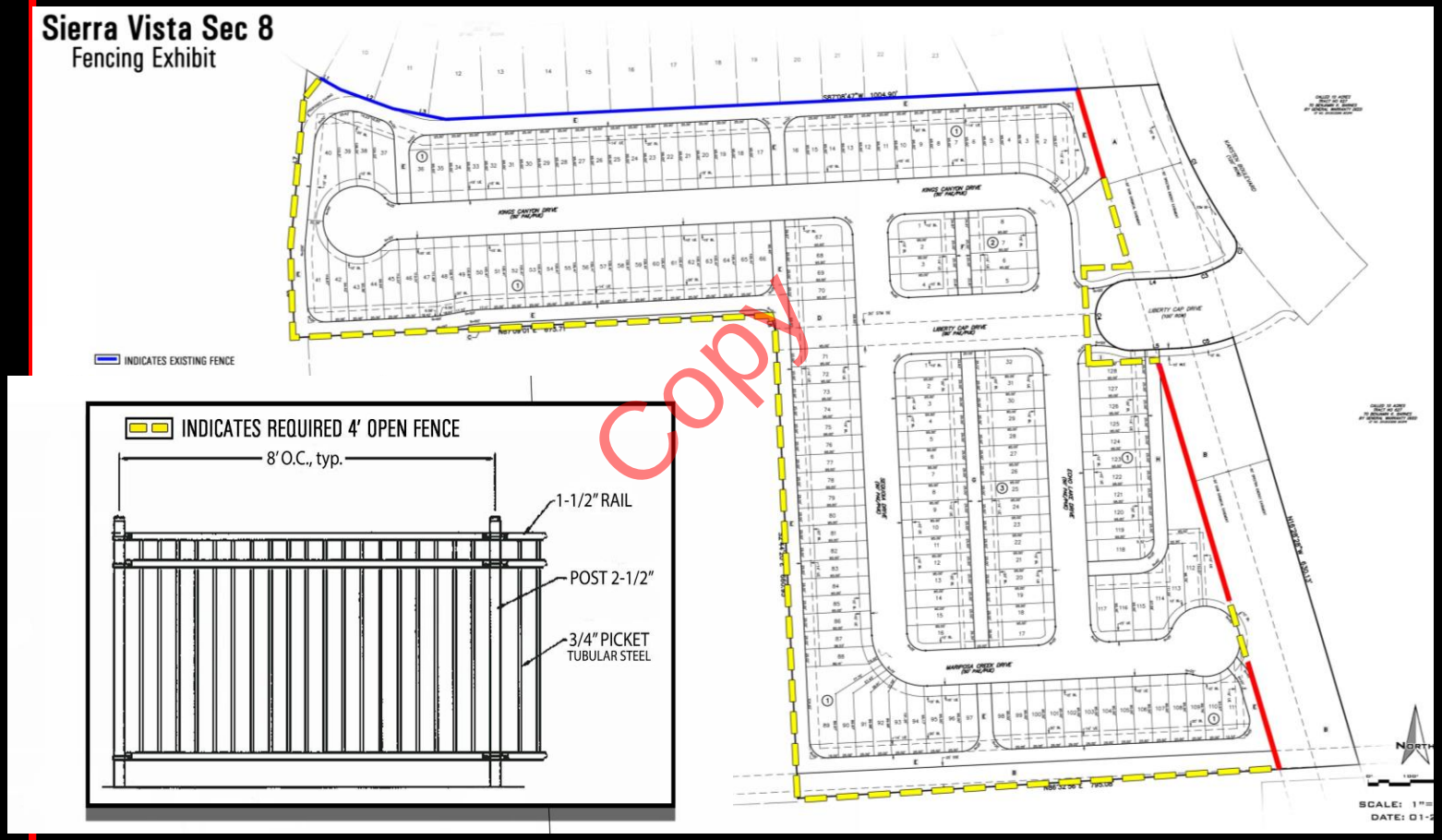
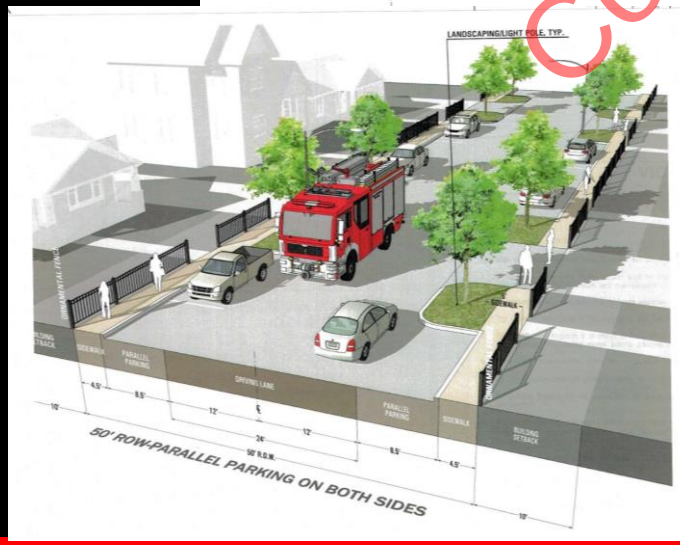
Fence Exhibit

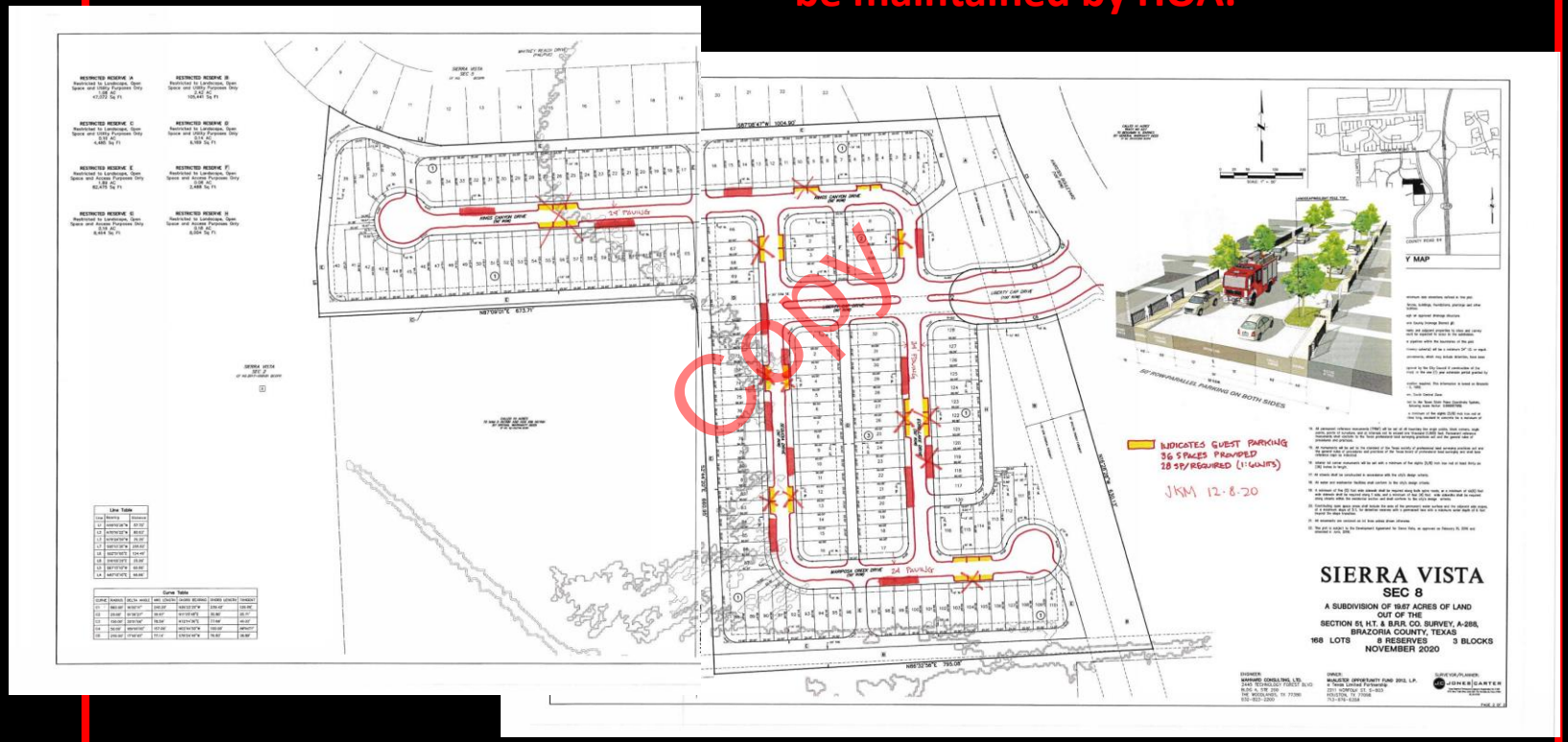


Guest Parking



Guest Parking - revised

Streets and parking reserves will be maintained by HOA.



Flag lots- alley served Mews lots

Minimum 10' wide "legal" street frontage, no driveways or building shall be permitted on the stem portion of the lot.

General Provisions

- All units will be corporately owned and managed by TBD Management, LLC. TBD is under the same umbrella as the building company and is part of Wan Bridge Group.

Copy

General Provisions

- Maintenance and service includes:
  - Front and back yard landscaping mowing and maintenance
  - High ceiling light bulb replacement
  - Air filter delivery
  - Plumbing and sewer service
  - Pest Control
  - Trash pick-up
  - Cabinet, window and door repair

Copy

General Provisions

- Management on-site, during normal business hours
- 24/7 video surveillance.

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General Provisions

- Estimated rent: $1,800.00/mo.
- Estimated assessed value: $250,000.00/unit.
- Total value added: $42,000,000.00

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Building Elevations

Copy

Building Elevations

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5 different elevations and a 3-plex elevation creates a varied street scene.

Building Elevations (photos – Balmoral)

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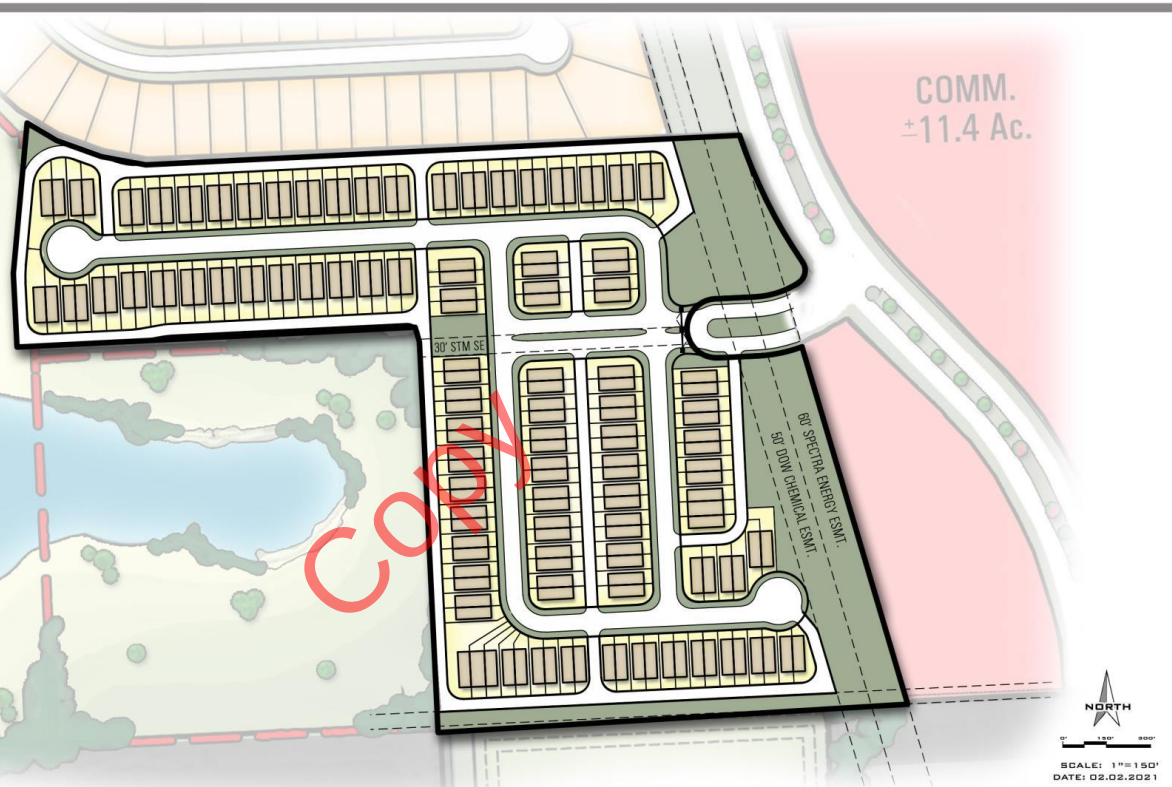
SIERRA VISTA
Section 8

168 Total Lots
(25'x95' Typ.)



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SCALE: 1"=150'
DATE: 02.02.2021

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JONES | CARTER

marshdarcy
partners

December 30, 2020 REV 2

LETTER OF RECOMMENDATION

Sierra Vista Section 8 and Amended Plan of Development

Staff received a request to approve a preliminary plat for Sierra Vista Sec 8 on November 6, 2020. Staff noted that the proposed preliminary plat did not conform to the current Sierra Vista Plan of Development regarding the proposed duplex units. A submission that included a proposed Amendment of the Sierra Vista Plan of Development with a revised preliminary plat drawing was received on December 17, 2020. Staff review of the Sierra Vista Amended Plan of Development and the proposed preliminary plat of Sierra Vista Sec 8 is as follows:

LOT WIDTH: Note that this building type will be a duplex/triplex unit that is attached along a common lot line (the middle unit of a triplex will be attached on both sides and the outside units will be attached only on one side. The Amended Plan of Development indicates in Sec C, 3, b that the minimum lot width for townhouse, duplex, and triplex lots shall be 25 feet. Portions of lots (generally the "flag" lots on the outside of 90 degree angle streets and at the end of cul-de-sacs) are less than 25 feet. The Amended Plan of Development should reflect this difference. Staff recommends a minimum of 10 feet for the staff portion of flag lots taking legal, but not driveway access, to a public street. No driveways or building shall be allowed on the portion of the front of the lot that is less than 25 feet wide.

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PERIMETER FENCING: City of Iowa Colony regulations require a minimum 8 feet high masonry fence along Karsten Boulevard. This requirement should be addressed when civil/landscape plans are submitted for this section. It is Staff understanding from the Plan of Development exhibits, that the remainder of adjacent property to the west and south will be future detention use. As such, no fence is required along the common boundary of detention areas and the Section 8 plat boundary. However, as garages will be facing the detention areas, it is recommended that either a minimum 6 feet high solid wood fence be constructed along this boundary condition or a minimum 6 feet high vegetative buffer be placed within the detention pond area along the common boundary of the detention areas with Section 8 plat boundary to provide a visual buffer.

FRONT BUILDING LINE: The Amended Plan of Development indicates (C, 3, b, 3) the minimum front building setback line to be 20 feet. The proposed preliminary plat indicates a 15 feet front building setback line. Since there will be no driveway access to the front of the lots and garage access will be by rear public alley, Staff supports the reduced building line to 15 feet but the Amended Plan of Development should reflect this reduced setback for townhouse/duplex/triplex lots that have rear public alley garage access.

8955 Katy Freeway, Suite 215 | Houston, Texas 77024
tel 713.647.9880 | fax 713.647.6448 | marshdarcypartners.com

SUMMARY AND RECOMMENDATION: Staff is in support of this proposed development type that will provide a wider range of housing opportunity in Iowa Colony. The added visual protection to the public street side by not having driveways along the front property line and the benefit for parallel parking bays to be located in pods along the public street travel-way as a result of rear loaded garages with minimum 20 feet deep driveways along the public alley will allow for guest parking both at the rear of lots and along the street side.

STAFF RECOMMENDS THAT THE PLANNING COMMISSION APPROVE AND RECOMMEND CITY COUNCIL APPROVAL OF THE PROPOSED SIERRA VISTA SECTION 8 PRELIMINARY PLAT AND AMENDED PLAN OF DEVELOPMENT SUBJECT TO THE STAFF RECOMMENDED MODIFICATIONS TO THE AMENDED PLAN OF DEVELOPMENT.

J. Kent Marsh, AICP CUD
Staff Planner for the City of Iowa Colony

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EXHIBIT B
PLAN of DEVELOPMENT

Sterling Lakes at Iowa Colony
And
Sierra Vista

A. Introduction.

1. The property is comprised of 1,285.64 acres, consisting of residential and commercial uses with community facilities such as parks, lakes, trails, open space and other general public facilities.

2. This PD includes the following sections:

   - General Provisions
   - Land Uses
   - Development Regulations for Single Family Lots
   - Development Regulations for Commercial Tract
   - Parks, Recreation and Trails
   - School and Community Facility Sites
   - Street Plan & Cross-Sections
   - Project Phasing
   - Specific Conditions

Copy

B. General Provisions.

1. The PD approved herein must be constructed, developed, and maintained in compliance with this Agreement and other applicable ordinances of the City. If any provision or regulation of any City ordinance applicable in District MU (Mixed Use District) is not contained in this Agreement, all the regulations contained in the Development Code applicable to District MU in effect on the effective date of this Agreement apply to this PD as though written herein, except to the extent the City regulation or provision conflicts with a provision of this Agreement.
   In the event that there are discrepancies between the text of this document and the exhibits attached, the text shall prevail.

2. The project shall be developed in accordance with the following figures that are attached to and made part of this PD:

Figure 1:	*Boundary Exhibit*
Figure 1a:	*Jurisdiction Map*
Figure 2:	*General Development Plan*
Figure 3:	*Landscape and Open Space Plan*
Figure 4:	*Thoroughfare Exhibit*
Figure 5:	*Street cross section for Spine Road, (divided)*
Figure 6:	*Street cross section for Spine Road, (undivided)*
Figure 7:	*Local Street – Alley Served*

Figure 8: *Phasing Plan of Development*

The project is located west of State Highway 288, between County Roads 573, Alloy Road and 64, Davenport Parkway. The property is within the William Pettus Survey, H.T. & B.R.R. Company Survey No. 68, 288, and 289, Brazoria County, Texas. As shown on Figure 1a: *Jurisdiction Map,* parts of the proposed development lie within the City Limit, extra-territorial jurisdiction of the City of Iowa Colony, and part of the site is only within the jurisdiction of Brazoria County.

3. A homeowners' association shall be established and made legally responsible to maintain all common areas, private streets, recreation reserves and community amenities not otherwise dedicated to the public. All land and facilities dedicated to a Municipal Utility District shall be maintained by said District.

4. All future building permits shall be reviewed for conformance with this PD.

5. Access to Valley Glen Road (SH 288 frontage road) shall be limited to one public street or private non-exclusive driveway. The spacing of the intersection to Valley Glen Road shall be a minimum 1,200 feet apart and shall connect to another public street or an internal driveway network to provide mutual use, non-exclusive access to multiple users.

   An additional driveway connection to Valley Glen Road may be permitted no closer than 600 feet apart with the approval of the Planning Commission upon review of a Traffic Impact Analysis, TIA, prepared specifically for the commercial use(s) proposed fronting on Valley Glen Road. The TIA shall:
   - Clearly show and distinguish between all existing, proposed and future facilities on the site
   - Clearly delineate and distinguish between all existing and proposed traffic improvements, including turn lanes
   - Show all applicable traffic counts at all existing and proposed intersections and driveways
   - Provide comparative analysis of ingress, egress and trip distribution pre and post development with and without the proposed driveway intersections on Valley Glen Road.

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C. Land Uses.

1. Permitted land uses for tracts identified as Single Family Residential (SFR) on Figure 2 shall be those uses permitted within District SFR of the Zoning Ordinance.

2. Permitted land uses for the Commercial tract on Figure 2 shall be those uses permitted within District MU of the Zoning Ordinance. Any other commercial or non-residential use may be allowed, but only if the city council exercises its discretion to grant appropriate approval for said use.

3. Permitted land uses for the tracts identified as "Swing" on Figure 2 shall be either of those uses permitted in District SFR or District MU of the Zoning Ordinance, including multi-family, townhouse residential, tri-plex and duplex units.
   a) Multi-Family Residential: Subject to City Council approval at the time multi-family is proposed for development.

1. Multi-Family use is limited to two separate projects with each project containing no more than 300 units.
2. No building or structure shall exceed 3 stories or 45 feet.
3. There shall be no more than 22 units per net platted acre. Except that if all required parking is provided within a parking garage that is screened from view of any public street, there shall be no limit on density as long as the total number of units do not exceed 300 units.
4. At least 50% of all required parking shall be covered parking.
5. All surface parking lots shall be screened from view of any adjacent public streets with a minimum 3 foot berm or landscape hedge.
6. A minimum 6% of the gross area of the site shall be required as landscaping.

b) Townhouse, tri-plex and duplex residential

1. Townhouse, tri-plex and duplex residential is limited to no more than 15 units to the acre
2. No building or structure shall exceed 35 feet.
3. Front Yard: minimum 20 feet
4. Rear Yard: minimum 10 feet, with a minimum 25 foot rear yard if the lot is backing to a street that is a major thoroughfare
5. Side Yard: there shall be no less than a ten-foot side yard on the street side of a corner lot, with a minimum 25 foot side yard if the side street is a major thoroughfare.
6. The minimum lot width shall be 25 feet.
7. The minimum lot area shall be 2,250 square feet.
8. A minimum 6% of the gross area of the site shall be required as open space / landscaping. Off-street parking area, service drives, shall not be included in any calculation of the required open space.
9. Guest parking shall be provided on the site at a minimum 1 space per every 6 units.

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4. Within the boundary of the proposed Plan of Development, a minimum 5% of the total project acreage (65 acres) will be required for Parks/Recreation/Open Space. In addition, approximately 20 acres of land located outside the boundary of the Plan of Development shall be dedicated to the City as public park area. Land used for public park area shall have a minimum frontage of 60 feet on a public street. Portions of open space that do not have any additional man-made improvements provided by the developer, such as hiking/running trail, benches or shelters that facilitate an active human recreational role will not be considered contributing to the minimum public park area requirement.
   Contributing open space areas must be adjacent to and/or have frontage on public street right-of-way. Landscape buffers adjacent to public street right-of-way must be at least fifteen (15) feet wide and contain an average density of (1) tree, a minimum caliper of one and one-half inch (1-1/2") for every thirty (30') feet of street frontage, or portion thereof, measured along the street-facing lot line in order to count to contributing open space. The trees may be clustered or spaced linearly; they need not be placed evenly.

5. Should the surface rights of any designated drill sites revert to the private land owner, and that land owner desires to sell that land, the City will have the first right-of-refusal to purchase the land formerly designated as drill site land at fair market value.

D. **Development Regulations for Single Family Lots** – Maximum 3,320 lots permitted. Lots less than 60 feet wide = maximum 65% of 3,320 lots or a maximum 2,158 lots. (Maximum 808 lots at 45 feet wide, maximum 955 lots at 50 feet wide and minimum 395 lots at 55 feet wide or greater) Lots 60 feet wide or greater = minimum of 35% of 3,320 lots or minimum 1,162 lots. (A minimum 935 lots at 60 feet wide and a minimum 227 lots shall be greater than 60 feet wide) Single-family home sites within the PD shall be developed in accordance with the following regulations:

1. Within the areas indicated as Area Type #1 on Figure 2;
   The minimum lot width shall be 45 feet wide. Except: the maximum percentage of lots less than 60 feet wide shall not exceed 65 percent of the total maximum number of lots. (Maximum 2,158 lots)

   No more than 808 lots shall be 45 feet wide.
   No more than 955 lots shall be 50 feet wide.

2. No lots less than 50 feet wide shall be permitted south of County Road 56, Meridiana Parkway.

3. Within the areas indicated as Area Type #2 on Figure 2, the minimum lot width shall be 60 feet wide. A minimum 35 percent of the total maximum number of lots (Minimum 1,162 lots) shall be 60 feet wide or greater and at least 6.0% or 227 lots must be greater than 60 feet wide.

4. Minimum lot depth: 110 feet or 90 feet for lots fronting on the bulb portion of a cul-de-sac.

5. Maximum lot coverage: Sixty (60%) percent calculated as the ground covered by building structures, principal or accessory, of the gross lot surface area.

6. Maximum height: Two (2) stories. Roof gables, chimneys, and vent stacks may extend to a height not to exceed 35 feet above the average level of the base of the foundation of the building. Height regulations prescribed herein shall not apply to satellite earth station antennas or any personal communication electronic facilities protected by the Federal Telecommunications Act of 1996.

7. Minimum front yard building setback: 25 feet; 20 feet on cul-de-sac bulbs as measured from the front property / right-of-way line.

8. Minimum side yard building setbacks: 5 feet for interior, non-corner lots and the non-street side of corner lots; 10 feet exterior side yard for corner lots if a minimum fifteen (15) feet by fifteen (15) feet visibility triangle, as measured from the property line / street right-of-way line, that restricts the placement or maintenance of any vertical obstruction, either natural or man-made, within a vertical distance of between three (3) feet and eight (8) feet of the natural ground elevation, is provided on the platted lot subdivision at any street, public or private, intersection. A street side setback of twenty-five (25) feet minimum will be required for all lots siding on a designated major arterial, minor arterial or major collector.

9. Minimum rear yard building setback: 10 feet, except when the rear utility easement width is greater than ten (10) feet, the greater width is the minimum rear yard building setback. When a lot or a reserve is either directly adjacent to a major or minor arterial right-of-way or directly adjacent to a reserve less than fifteen (15) feet wide that is adjacent to a major or minor arterial, the minimum rear yard building setback is twenty –five (25) feet measured from the street right-of-way line and a minimum of ten (10) feet from the rear property line. When a residential lots backs to a designated major or minor arterial and a detached one-story garage is constructed on the residential lot, the rear yard between the detached one-story garage and the rear property line may be reduced to a minimum of three (3) feet if a minimum of twenty –five (25) feet is maintained between the rear of the one-story detached garage and the right-of-way line of the major or minor arterial.

10. All lots shall have a minimum of two (2) trees, planted in the front yard setback. The trees must be a minimum of one and one-half (1-1/2) inches in caliper width and a minimum height of six (6) feet as measured at the tree trunk from the ground as planted. The trees must be located between five (5) feet and fifteen (15) feet from a side lot line and between five (5) feet

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and twenty (20) feet from the front property line with a minimum of ten (10) feet between tree trucks.

E. **Development Regulations for Commercial Tract** – Area regulations, yard requirements, and maximum lot coverage, height, and floor area per District MU in the Zoning Ordinance shall apply to the Commercial tract within the PD. At the time of the preliminary plat of any commercial land, a draft of the protective covenants whereby the Developer proposes to regulate the use of the land shall be submitted to the City. The restrictive covenants, conditions or limitations shall never be less than the minimum requirements of the City as specified in the City's applicable ordinance(s).

F. **Parks, Recreation and Trails** – As shown on Figure 3, an integrated network of open space and recreational amenities shall be provided in accordance with the following regulations:

1. A landscape buffer with a minimum 15-foot width shall be located along each side of the central spine road, as shown on Figure 3, where lots side or rear to the spine road. The buffer is in addition to the minimum street right-of-way width and shall include trees, benches, plazas and landscape screening. No on-street parking will be allowed along the designated spine road.

2. Recreational sites will be strategically located along the central spine road, and shall include the following:

   (a) A recreational site north of Meridiana Parkway (County Road 56) near the main project entry shall include water recreation i.e., "splash pad", and a swimming pool with dressing rooms, playground and picnic facilities.
   (b) A recreational site south of Meridiana Parkway (County Road 56) near the main project entry shall include a club building that provides a meeting place for the community, swimming pool with dressing rooms, playground and picnic facilities.
   (c) A recreational site north of Cedar Rapids Parkway (County Road 57).
   (d) Additional Recreation Sites, strategically located near the entries of various neighborhood pods, as shown on Figure 2. A contributing park, recreation and/or open space area must be located a maximum of one-quarter (1/4) mile from all residential lots.
   (e) A contributing park / recreation / open space area of a minimum area of one-quarter (1/4) acre must be contained within each private gated section.
   (f) In addition to the three recreation sites identified above, six additional recreation sites shall be provided with the following minimum improvements.
      - Recreation sites shall provide a variety of recreation uses both passive and active. At a minimum, a recreation site shall include a paved plaza area a minimum of 500 square feet and shall include a decorative paving pattern.
      - Each site shall include at least 2 benches, 2 shade trees, a drinking fountain and bicycle parking. Bicycle parking shall include racks or other structures intended for parking bicycles, with a minimum of 4 spaces.
      - At least 2 parks shall include ball field facilities for informal play, including baseball back stops and soccer goals.
      - At least 1 park shall include a fenced area with double gates for use as a dog park.

3. On-site storm water detention designed as permanent lakes will be provided within the project, providing additional open space with recreational amenities. A large lake will be located near the project entry.

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Contributing open space areas shall include the area of the permanent water surface and the adjacent side slopes, at a maximum slope of 5:1, for the permanent lake with a minimum water depth of six (6) feet beyond the slope transition. On-site storm water detention area that do not contain a permanent lake area or do not contain permanent man-made improvements, such as hike/bike trails with benches/structures, and that are not accessible with a minimum of one access point directly from a street (public or private) will not be included in the calculation for the minimum amount of required parks / recreation / open space.

(a) A minimum of two (2) view corridors per lake with an unobstructed view from the adjacent streets with a minimum combined width of 60 feet, per lake, shall be provided to each permanent lake. The minimum width of a single view corridor is 20 feet. Views to the permanent lakes from the view corridors shall not be obstructed by fences, structures, screening or landscaping that would prevent seeing the lake area.
(b) View corridors shall be separated by a minimum of one thousand (1,000) feet as measured along the lake water edge. Unless the lake is less than one thousand (1,000) feet in length in which case the view corridors shall be separated by at least 4/5 the total length of the lake.
(c) A concrete pedestrian path a minimum of five (5) feet in width shall connect the required street sidewalk with the lake water edge.

4. Minimum 4-foot width sidewalks shall be provided along both sides of local residential streets. All sidewalks shall be constructed in accordance with the City of Iowa Colony standard details and shall meet the State of Texas ADA standards.

5. Minimum 5-foot width sidewalks shall be provided along both sides of major arterials, minor arterials, major collectors and the central spine road (as depicted in Figure 4 attached) within and adjacent to the property. At the discretion of the developer, a six-foot wide sidewalk may be constructed on only one side of the right-of-way in lieu of two 5 foot wide sidewalks on both sides of the right-of-way. In either case, the sidewalks may meander out of the right-of-way and into an adjacent landscape reserve if so provided.

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G. School and Community Facility Sites

1. As shown on Figure 2, in addition to the existing fifteen (15) acre elementary school site an additional fifteen (15) acre elementary school site shall be provided for purchase at the option of the Alvin Independent School District. If the AISD chooses not to purchase the site, the site is limited to the same uses as for tracts identified as Single Family Residential (SFR) on Figure 2. In addition a 39 acre site located outside the proposed Plan of Development shall be provided by the Developer for purchase at the option of the Alvin Independent School district for a junior high school site.
2. At no cost to the City of Iowa Colony, a 4.66 acre site located south of CR 56, and west of CR 383 shall be provided to the City, for the purpose of an EMS / Fire Station Site. As the land adjacent to the 4.66 acres provided to the City become available for development, the land shall be offered to the City of Iowa Colony as a first right-of-refusal at fair market value.

H. Street Plan and Cross Sections.

1. Street improvements shall be built in phases as the project develops in accordance with the City's Engineering Design Criteria Manual, Developers Agreement, street plan and cross sections listed below.

- Figure 4: *Thoroughfare Exhibit*
- Figure 5: *Street cross section for the spine road (divided) and greenbelt*

- Figure 6: *Street cross section for the spine road (undivided) and greenbelt*
- Figure 7: *Local Street – Alley Served*

I. **Project Phasing –** Figure 8 indicates the general time and location of the proposed development phasing**.** The precise dates of each phase is subject to change due to general economic variables and market demand**.**

J. **Specific Conditions** – Implementation of this master-planned community will require consideration of site conditions that necessitate granting the following variances from specific sections of the Subdivision Ordinance and Engineering Design Criteria Manual:

1. Section 36 (D): *No block shall exceed a length of one thousand two hundred (1,200) feet in residential or commercial developments*.

   All streets within the gated areas shall be private and access will be limited to local residential traffic only. Entry points will be limited for security purposes. Consequently, streets will not be stubbed to adjacent acreage, resulting in external block lengths greater than 1,200 feet. Some internal blocks will exceed 1,200 feet, to a maximum distance of 2,600 feet, to accommodate detention lakes and reserves. This variance does not apply to areas of the development that do not include private residential streets.

2. Section37 (B)(5): *Access to Public Streets. The subdividing of land shall be such as to provide each lot with satisfactory access to a public street*.

   All the streets in the gated portions of the community will be private with access limited to local traffic only. Gated private street neighborhoods will connect to public streets. All gated sections containing more than 35 lots shall have at least two connections to a public street. If a future second point of access is not yet constructed a temporary connection shall be provided until the permanent connection is constructed. All private streets will be constructed to the City's public street standards. A homeowners' association will assume all responsibility to repair and maintain the private streets. As such, the adherence to this requirement for the private street portions of the development will not be required.

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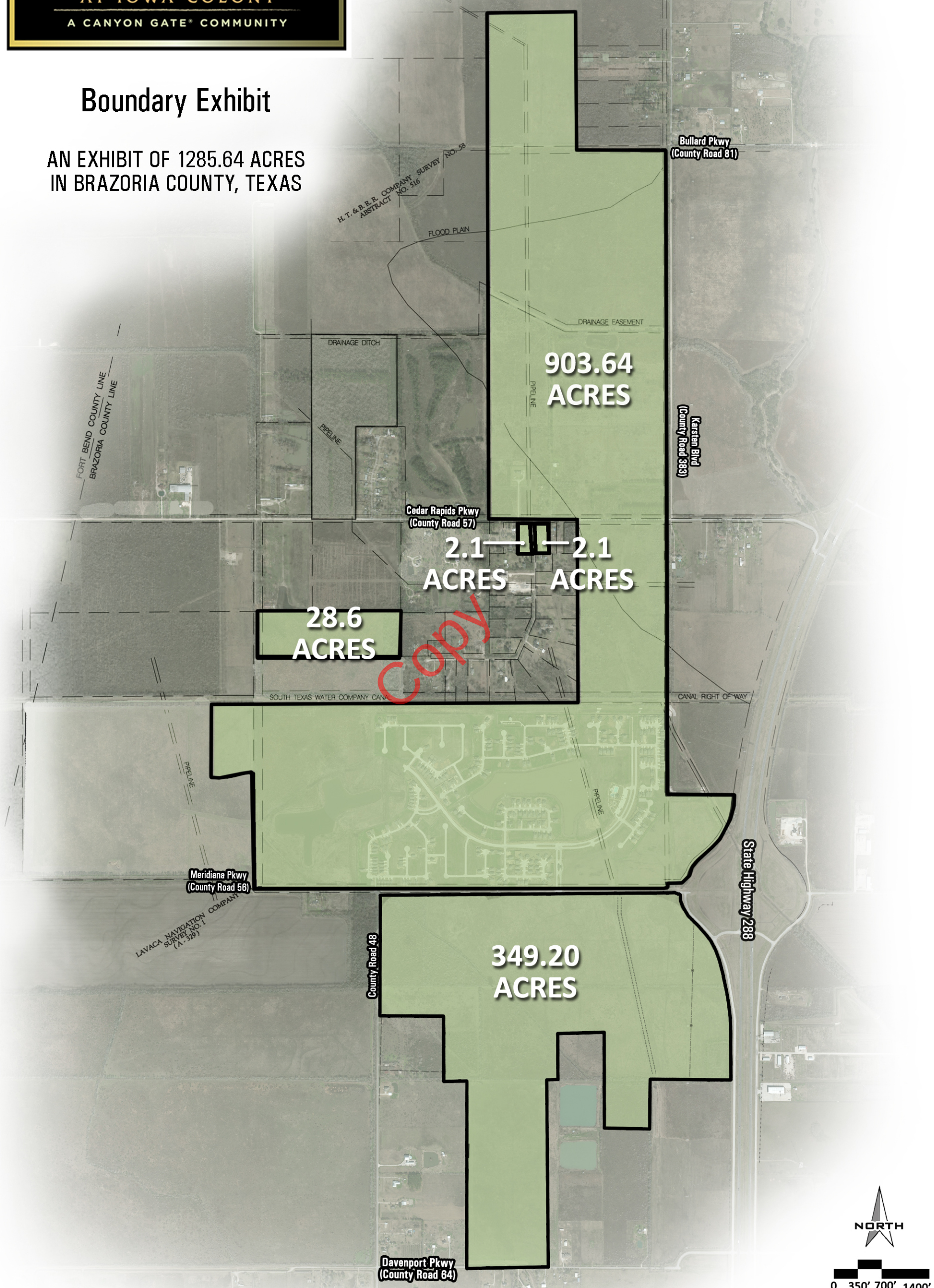
SIERRA VISTA
and
STERLING LAKES
AT IOWA COLONY
A CANYON GATE® COMMUNITY

Boundary Exhibit

AN EXHIBIT OF 1285.64 ACRES
IN BRAZORIA COUNTY, TEXAS



SCALE: 1" =1400
DATE: 5.1.2018

THIS PLAN WAS PREPARED USING REASONABLY RELIABLE SOURCES AND IS SUBJECT TO CHANGE PENDING A DETAILED BOUDARY SURVEY. THIS PLAN HAS NOT BEEN REVIEWED BY ANY GOVERNMENTAL AGENCY. ADDITIONAL STREETS AND/OR DRAINAGE PROVISIONS MAY BE REQUIRED. THIS PLAN IS AN ARTIST'S CONCEPTION AND IS PROVIDED FOR GENERAL INFORMATION PURPOSES ONLY. ALL PLANS FOR FACILITIES OR LAND USES ARE SUBJECT TO CHANGE WITHOUT NOTICE.

FIGURE 1

JONES | CARTER

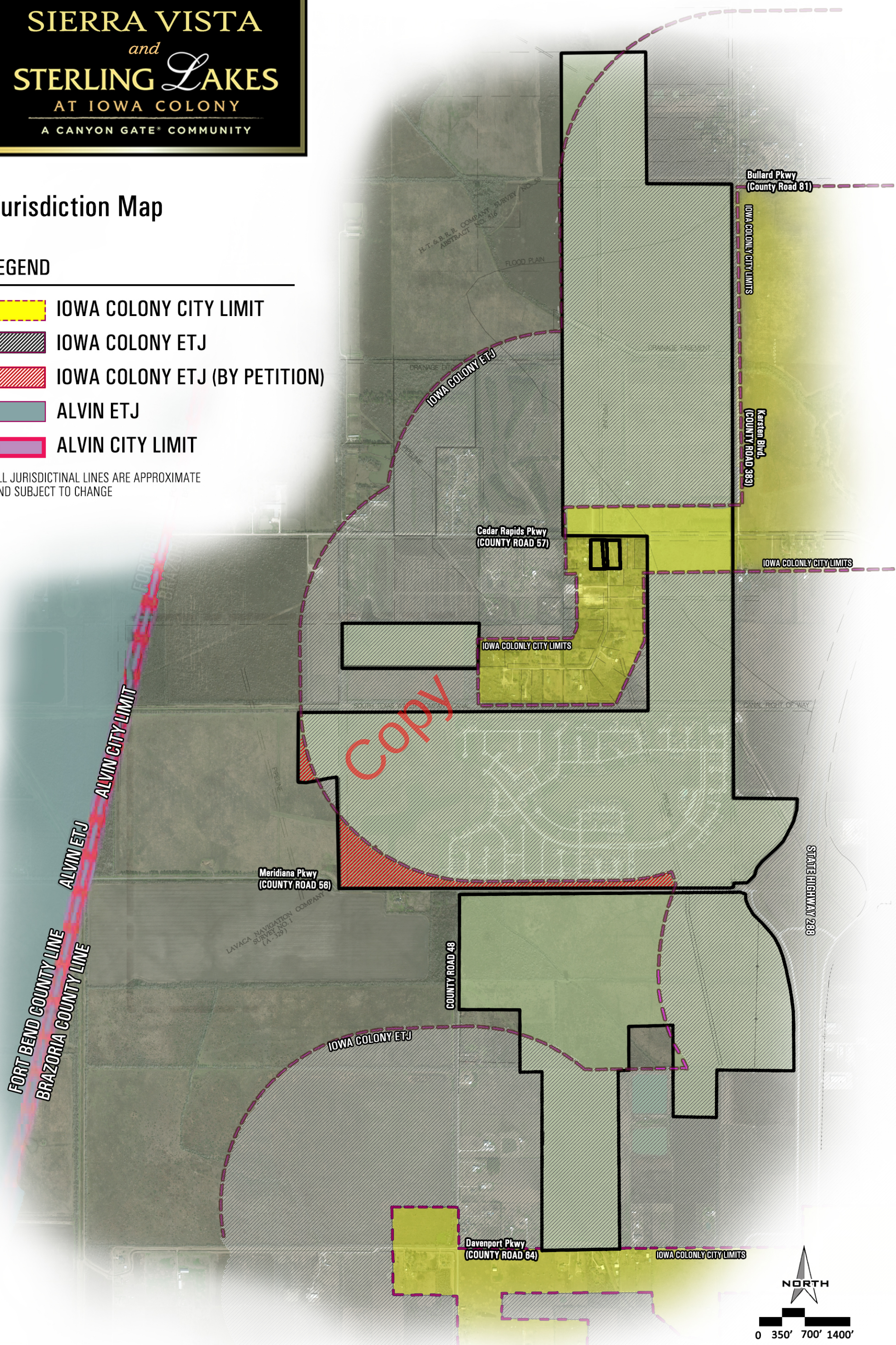
SIERRA VISTA
and
STERLING LAKES
AT IOWA COLONY
A CANYON GATE® COMMUNITY

Jurisdiction Map

LEGEND

- IOWA COLONY CITY LIMIT
- IOWA COLONY ETJ
- IOWA COLONY ETJ (BY PETITION)
- ALVIN ETJ
- ALVIN CITY LIMIT

ALL JURISDICTINAL LINES ARE APPROXIMATE
AND SUBJECT TO CHANGE



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DATE: 05.01.2018

THIS PLAN WAS PREPARED USING REASONABLY RELIABLE SOURCES AND IS SUBJECT TO CHANGE PENDING A DETAILED BOUDARY SURVEY. THIS PLAN HAS NOT BEEN REVIEWED BY ANY GOVERNMENTAL AGENCY. ADDITIONAL STREETS AND/OR DRAINAGE PROVISIONS MAY BE REQUIRED. THIS PLAN IS AN ARTIST'S CONCEPTION AND IS PROVIDED FOR GENERAL INFORMATION PURPOSES ONLY. ALL PLANS FOR FACILITIES OR LAND USES ARE SUBJECT TO CHANGE WITHOUT NOTICE.

FIGURE 1A

JONES | CARTER

SIERRA VISTA and STERLING LAKES AT IOWA COLONY

A CANYON GATE® COMMUNITY

General Development Plan

LEGEND

1 **AREA TYPE # 1 MINIMUM 45' X 110'**

- THE MAXIMUM PERCENTAGE OF LOTS LESS THAN 60 FEET WIDE SHALL NOT EXCEED 65% OF THE TOTAL MAXIMUM NUMBER OF LOTS (MAXIMUM 2,158).
- LOTS LESS THAN 50' WIDE SHALL NOT BE PERMITTED SOUTH OF MERIDIANA PARKWAY (CR 56).

LOT SIZE	(A) 45' X 110'	(B) 50' X 110'	(C) 55' X 110'	(D) TOTAL LOTS < 60' X 110'
TOTAL LOTS PERMITTED	NO MORE THAN 808 LOTS PERMITTED	NO MORE THAN 955 LOTS PERMITTED	A+B+C≤2,158	2,158 LOTS
PLATTED/EXISTING	478 LOTS	528 LOTS	253 LOTS	1,259 LOTS
MAXIMUM FUTURE LOTS	NO MORE THAN 330 LOTS PERMITTED	NO MORE THAN 427 LOTS PERMITTED	NO MORE THAN 899[1] LOTS PERMITTED	899 LOTS

[1] A + B + C ≤ 899

2 **AREA TYPE # 2 MINIMUM 60' X 110'**

LOT SIZE	60' X 110'	>60' X 110'
PLATTED/EXISTING	390 LOTS	169 LOTS
TOTAL MIN./MAX.	935[5] MIN./ 1,275[3] MAX.	227[4] MIN./ 1,502[2] MAX.

[2] 1,502 IF ALL PROPOSED LOTS WERE GREATER THAN 60' WIDE.
[3] 1,275 MAXIMUM LOTS MINUS REQUIRED MINIMUM OF LOTS GREATER THAN 60' WIDE (1,502-227=1,275).
[4] PER EXHIBIT D3, AT LEAST 6% OR 227 LOTS, WHICHEVER IS LESS, MUST BE GREATER THAN 60 FEET WIDE.
[5] NUMBER LOTS 60 FEET WIDE REMAINING IF A MINIMUM OF 227 LOTS ARE REQUIRED GREATER THAN 60 FEET WIDE. (35% OF TOTAL=1,162): 1162 - 227 = 935

3 INDICATES PROPOSED DETENTION
4 INDICATES PROPOSED CIVIC
5 INDICATES PROPOSED COMMERCIAL
6 INDCATES PLATTED LOTS
7 INDICATES EXISTING LAKES/DETENTION
8 INDICATES PRIVATE STREET
9 INDICATES PROPOSED SWING
10 INDICATES PROPOSED GATED ENTRY
11 INDICATES PROPOSED RECREATION SITE
INDICATES OPTIONAL SCHOOL SITE

TOTAL LOTS	
PLATTED/ EXISTING LOTS	1,818 LOTS
PROPOSED MAX. LOTS	1,502 LOTS
TOTAL MAX LOTS	3,320 LOTS

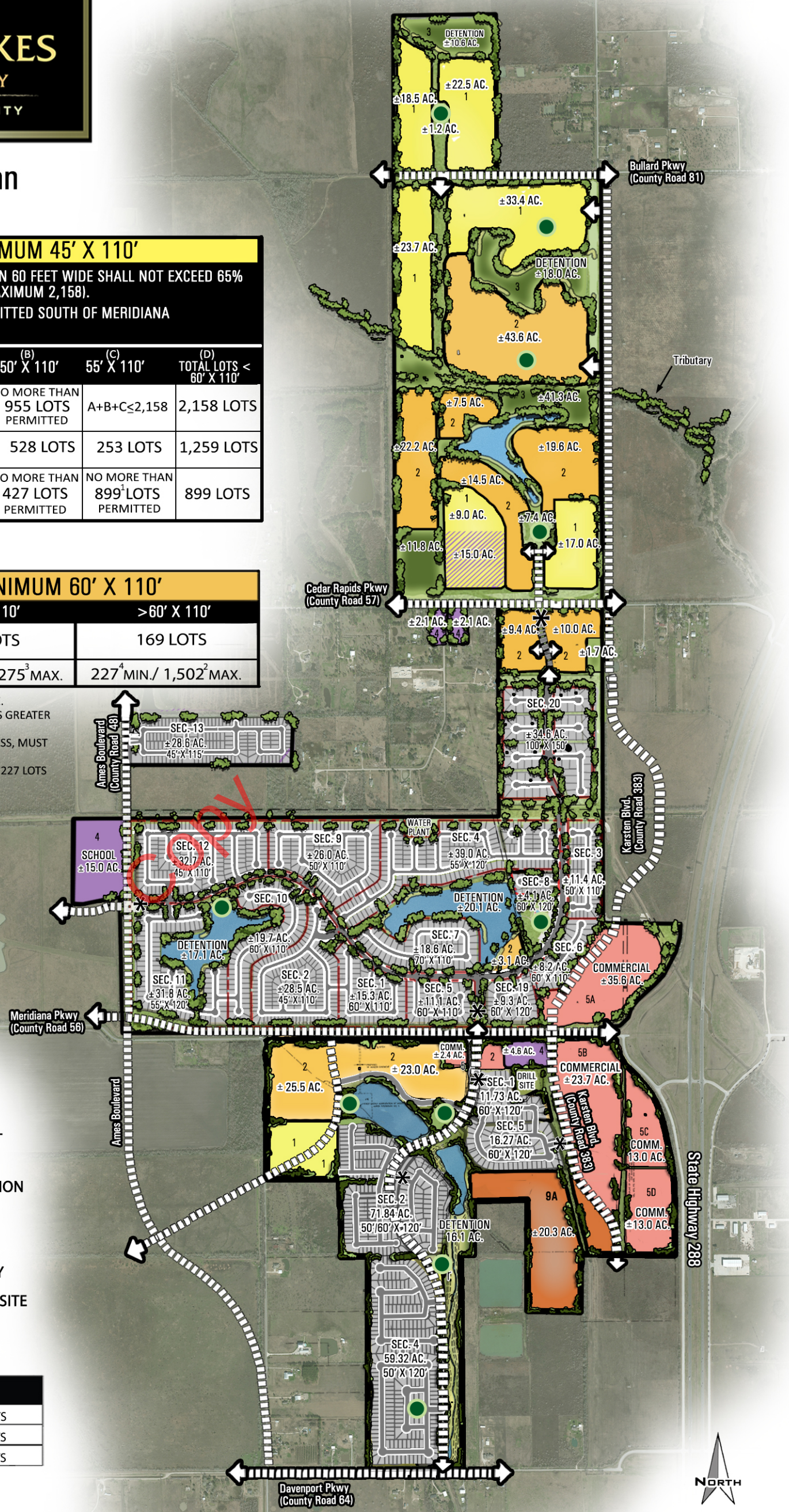

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FIGURE 2

JONES | CARTER

SIERRA VISTA
and
STERLING LAKES
AT IOWA COLONY
A CANYON GATE® COMMUNITY

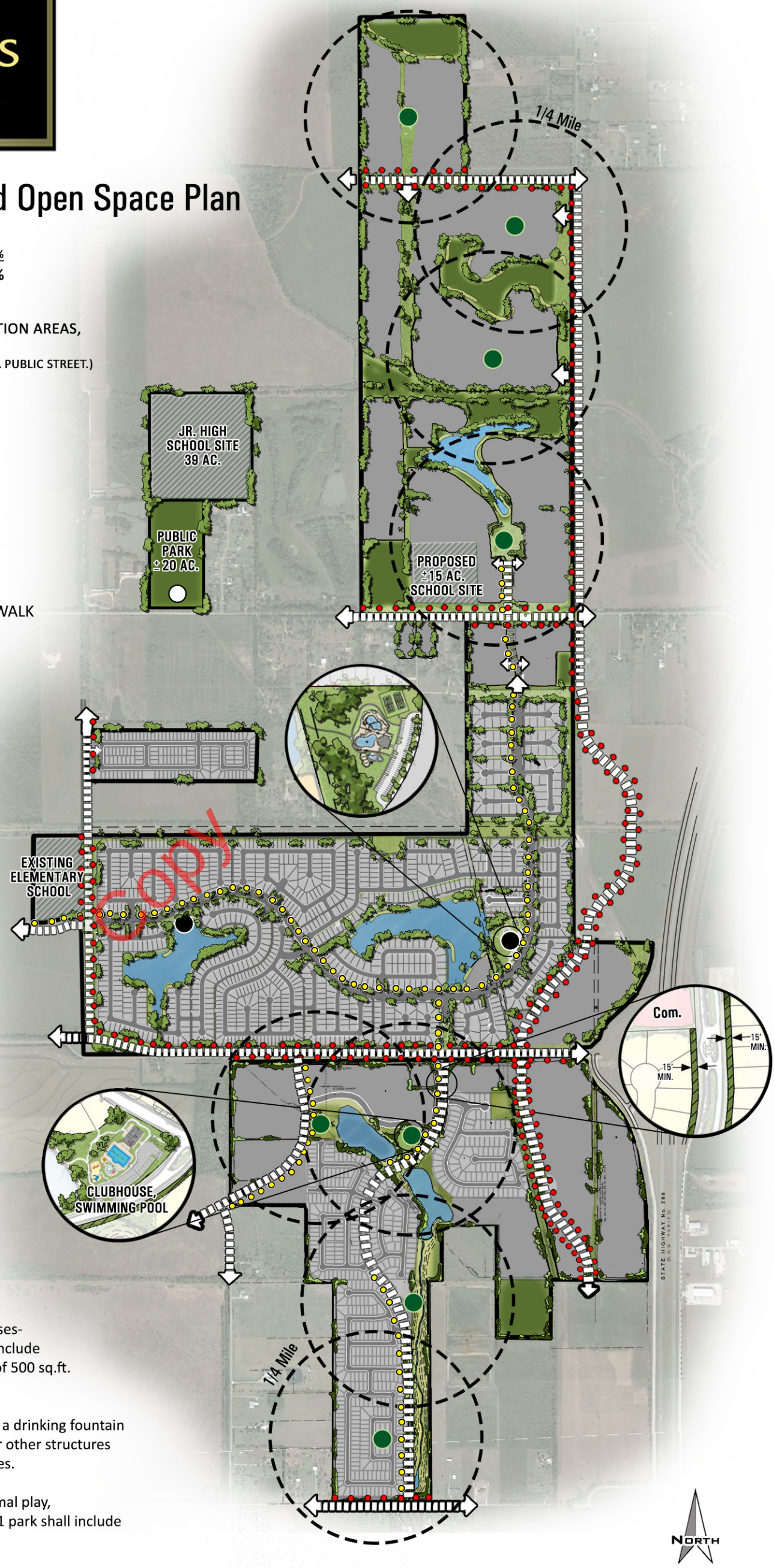
Contributing Landscape and Open Space Plan

LEGEND

	ACREAGE	TOTAL %
REQUIRED OPEN SPACE	65 ACRES	5%

OPEN SPACE INCLUDES LANDSCAPE BUFFERS, DETENTION AREAS, GREEN BELTS AND RECREATION SITES.
(CONTRIBUTING RECREATION SITES SHALL BE ACCESSIBLE FROM A PUBLIC STREET.)

- ● INDICATES PRIVATE NON-CONTRIBUTING RECREATION SITES
- ● INDICATES PROPOSED RECREATION SITE MINIMUM 1/4 AC. (SEE NOTE)
- ◌ 1/4 MILE RADIUS SERVICE AREA
- ○ PROPOSED PUBLIC PARK NOT INCLUDED IN LANDSCAPE/OPEN SPACE AREA CALCULATIONS
- ○○○ INDICATES 15' MINIMUM GREENBELT/ LANDSCAPE BUFFER WITH SIDEWALK
  NOTE: 6' MINIMUM SIDEWALK REQUIRED ON ONE SIDE OF THE SPINE ROAD
- ●●● INDICATES MINIMUM 5' WIDE PUBLIC STREET SIDEWALK
  - LANDSCAPE BUFFERS TO COUNT AS REQUIRED OPEN SPACE SUBJECT TO:
    MINIMUM 15' WIDE AND CONTAINING REQUIRED 1½" CALIPER TREES
  - DETENTION LAKE TO COUNT AS REQUIRED OPEN SPACE SUBJECT TO:
    5:1 MAXIMUM SIDE SLOPE, PERMANENT WATER SURFACE AND MINIMUM 6' WATER DEPTH



● Note:
Recreation sites shall provide a variety of recreational uses- passive and active. At minimum, a recreation site shall include a paved plaza area. The plaza area shall be a minimum of 500 sq.ft. and shall include a decorative paving pattern.

Each site shall include at least 2 benches, 2 shade trees, a drinking fountain and bicycleparking. Bicycle parking shall include racks or other structures intendedfor parking bicycles, with a minimum of 4 spaces.

At least 2 parks shall include ball field facilities for informal play, including baseball back stops and soccer goals. At least 1 park shall include a fenced area with double gates for use as a dog park.

0 350' 700' 1400'
SCALE: 1" =1400
DATE: 05.01.2018

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FIGURE 3

JONES | CARTER

SIERRA VISTA
and
STERLING LAKES
AT IOWA COLONY
A CANYON GATE® COMMUNITY

Thoroughfare Exhibit

LEGEND

- **MAJOR ARTERIAL** (TO BE WIDENED) (120' R.O.W. MIN. - 45 M.P.H. DESIGN SPEED)
- **MAJOR ARTERIAL** (PROPOSED) (120' R.O.W. MIN. - 45 M.P.H. DESIGN SPEED)
- **MINOR ARTERIAL** (PROPOSED) (120' R.O.W. MIN. - 40 M.P.H. DESIGN SPEED)
- **MAJOR COLLECTOR** (80' R.O.W. MIN. - 35 M.P.H. DESIGN SPEED)
- **MAJOR COLLECTOR** (PROPOSED) (80' R.O.W. MIN. - 35 M.P.H. DESIGN SPEED)
- **MINOR COLLECTOR** (PROPOSED) (80' R.O.W. MIN. - 30 M.P.H. DESIGN SPEED)
- **SUPER ARTERIAL** (PUBLIC) (S.H. 288, R.O.W. VARIES)
- **SPINE ROAD** (PRIVATE) (80' R.O.W. MIN.)
- **SPINE ROAD** (PUBLIC) (80' R.O.W. MIN.)
- **SPINE ROAD** (PROPOSED) (80' R.O.W. MIN.)
- **LOCAL STREET** (PUBLIC) (60' R.O.W. MIN.)
- **LOCAL STREET** (PRIVATE) (60' R.O.W. MIN.)
- **GATED ENTRY**
- **SIGNALIZED INTERSECTION**

Bullard Pkwy (County Road 81)
IOWA COLONY CITY LIMITS
Karsten Blvd. (COUNTY ROAD 383)
Cedar Rapids Pkwy (COUNTY ROAD 57)
AMES BOULEVARD
Meridiana Pkwy (COUNTY ROAD 56)
COUNTY ROAD 48
STATE HIGHWAY 288
Davenport Pkwy (COUNTY ROAD 64)

copy

NORTH

0 350' 700' 1400'

SCALE: 1" =1400

DATE: 05.30.2018

THIS PLAN WAS PREPARED USING REASONABLY RELIABLE SOURCES AND IS SUBJECT TO CHANGE PENDING A DETAILED BOUDARY SURVEY. THIS PLAN HAS NOT BEEN REVIEWED BY ANY GOVERNMENTAL AGENCY. ADDITIONAL STREETS AND/OR DRAINAGE PROVISIONS MAY BE REQUIRED. THIS PLAN IS AN ARTIST'S CONCEPTION AND IS PROVIDED FOR GENERAL INFORMATION PURPOSES ONLY. ALL PLANS FOR FACILITIES OR LAND USES ARE SUBJECT TO CHANGE WITHOUT NOTICE.

FIGURE 4

JONES | CARTER

SIERRA VISTA
and
STERLING LAKES
AT IOWA COLONY
A CANYON GATE® COMMUNITY

SPINE ROAD (DIVIDED)
PROPOSED STREET CROSS SECTION

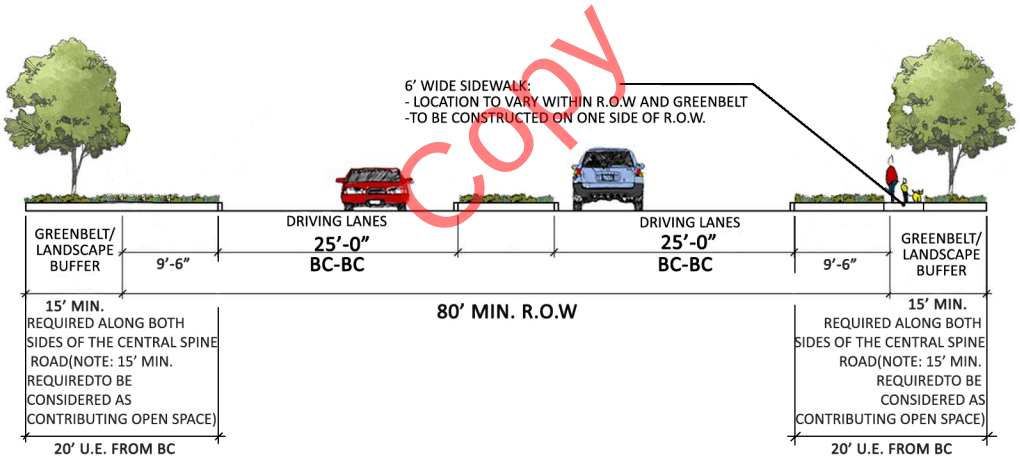

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FIGURE 5

0' 5' 10' 15' 20'

SCALE 1"= 20'
DATE: 05.01.2018

JONES | CARTER

SIERRA VISTA
and
STERLING LAKES
AT IOWA COLONY
A CANYON GATE® COMMUNITY

SPINE ROAD (UNDIVIDED)
PROPOSED STREET CROSS SECTION

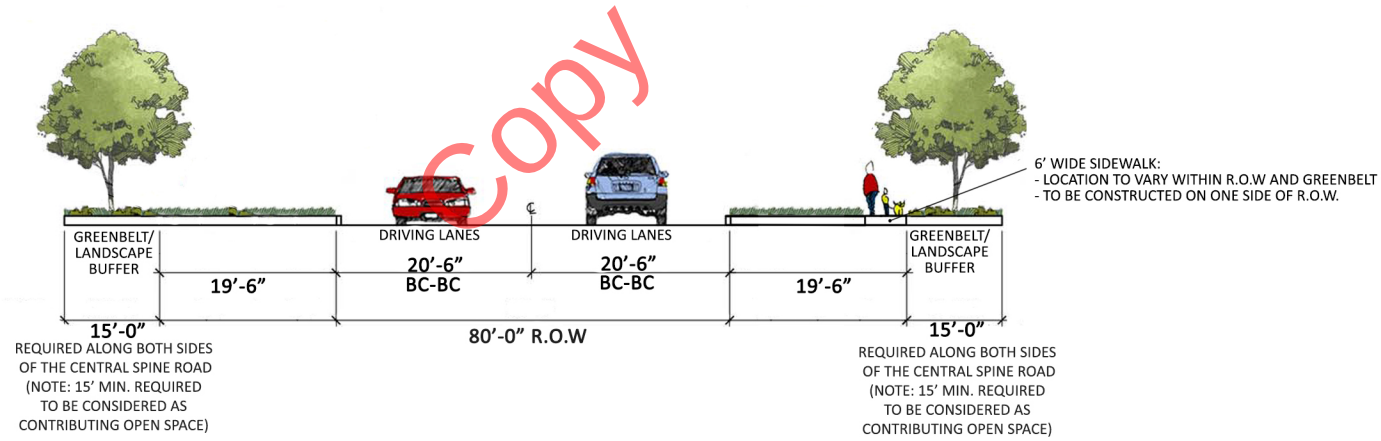

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FIGURE 6

0' 5' 10' 15' 20'

SCALE 1"= 20'
DATE: 05.01.2018

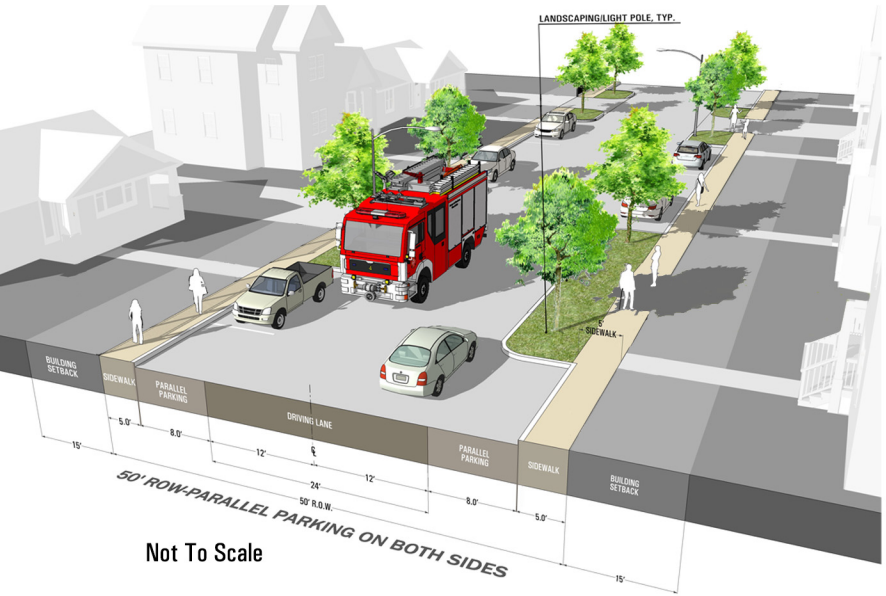
JONES | CARTER

SIERRA VISTA
and
STERLING LAKES
AT IOWA COLONY
A CANYON GATE® COMMUNITY

LOCAL STREET

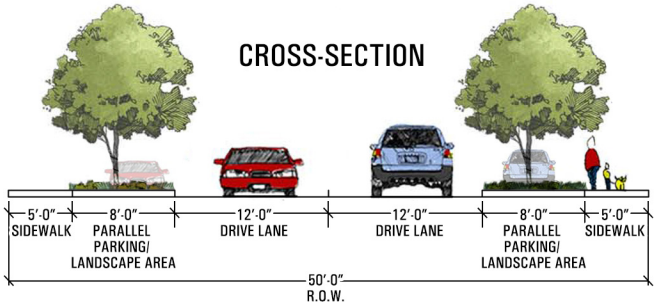
ALLEY SERVED LOTS ONLY

PERSPECTIVE

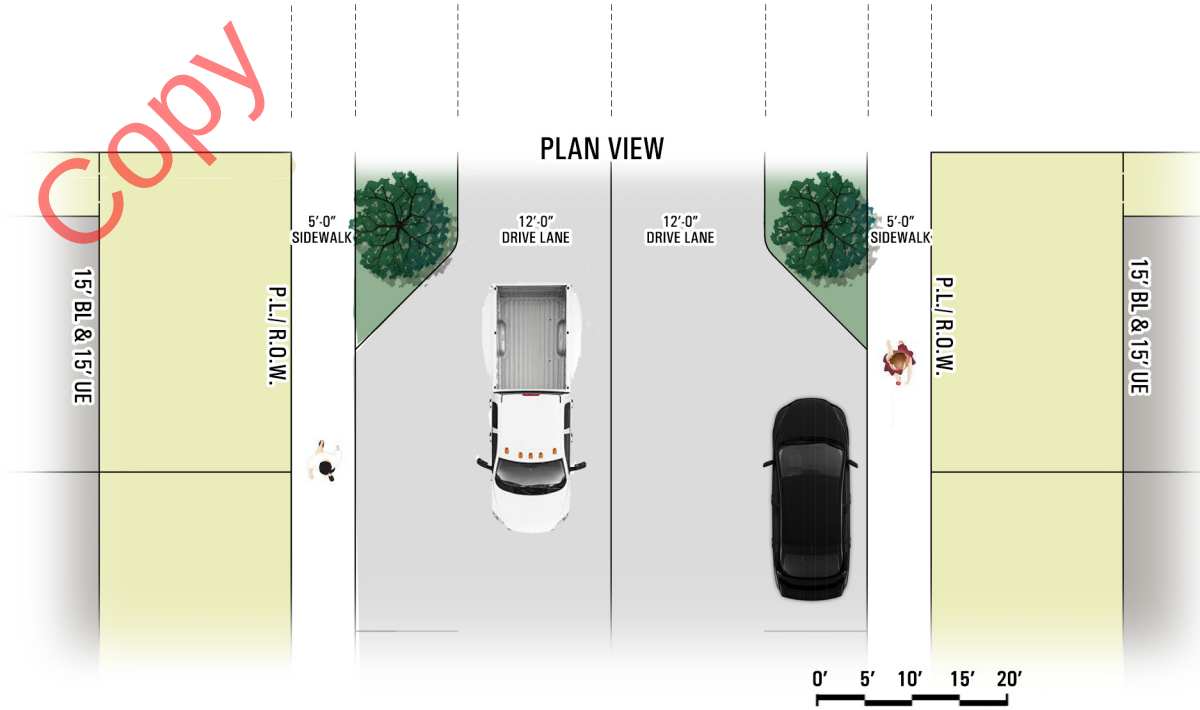


Not To Scale

CROSS-SECTION



PLAN VIEW



SCALE 1" = 10'
DATE: 12-17-2020

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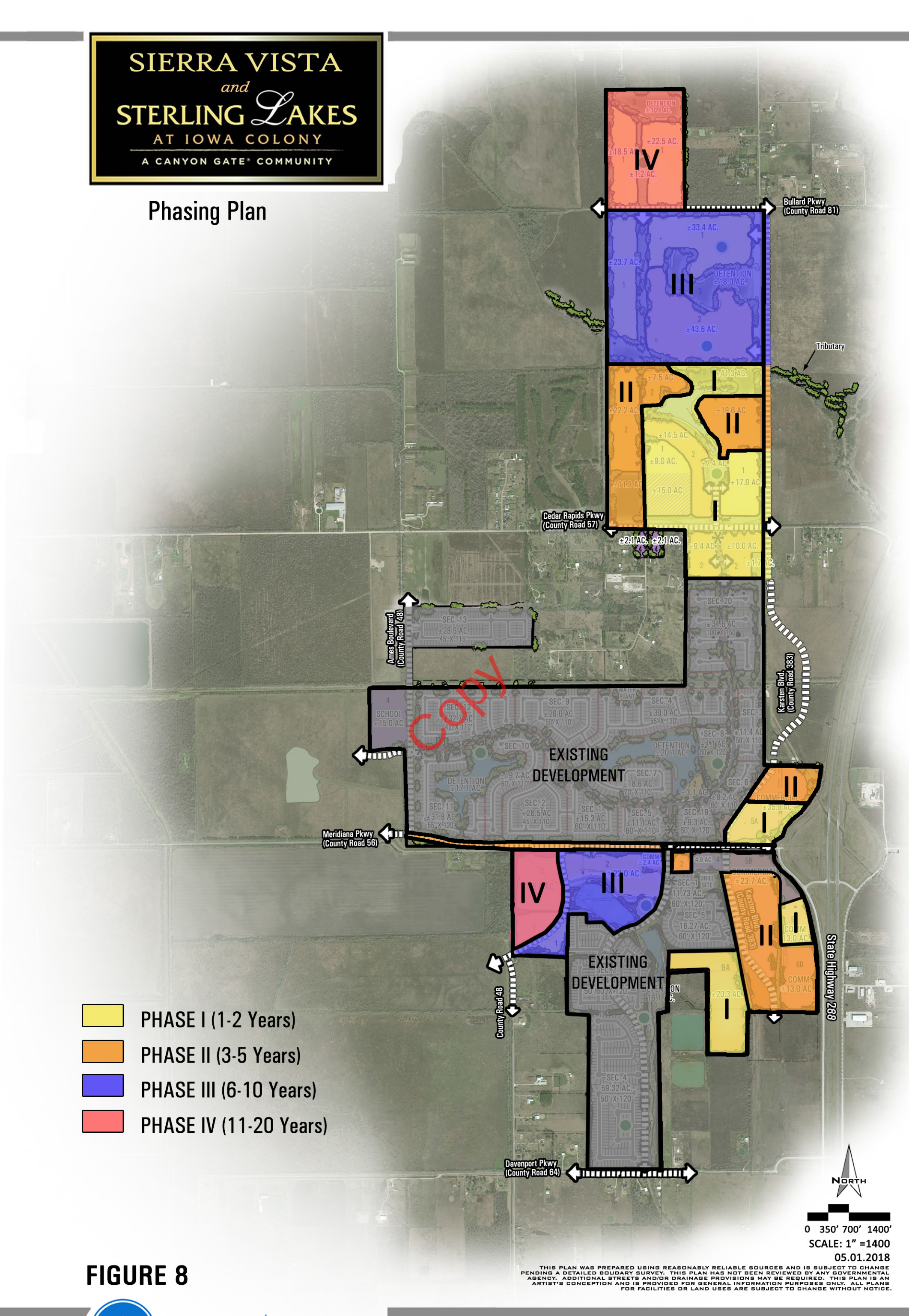
FIGURE 7

JONES | CARTER

SIERRA VISTA *and* STERLING LAKES AT IOWA COLONY

A CANYON GATE® COMMUNITY

Phasing Plan



- PHASE I (1-2 Years)
- PHASE II (3-5 Years)
- PHASE III (6-10 Years)
- PHASE IV (11-20 Years)

FIGURE 8

JONES | CARTER

CITY OF IOWA COLONY

MEMORANDUM

To: **Mayor Michael Byrum-Bratsen and City Council**

RE: **Planning and Zoning Meeting February 2, 2021**

- ***Consider approval of the following meeting minutes***
  December 1, 2020
  January 5, 2021

  Approved the meeting minutes of December 1st and January 5th.

- ***Discussion and possible recommendation to city council regarding amending the zoning ordinance on 24-hour business operations.***

  Kent Marsh presented the amendments to the Zoning Ordinance. The Planning and Zoning Commission approved the amendments to the zoning ordinance also to include removing the letter "h" under section 7, removing the word restaurant from letter "d" section 7, and adding the additional wording to section 73 as provided by Larry Boyd, City Attorney. The Planning and Zoning Commission are recommending approval to City Council with the modifications as listed above.

Copy

- ***Consideration and possible action to amend the plan of development for Sierra Vista.***

  Recommending approval to the City Council to approve the Plan of Development with the removal of Multi Family.

- ***Consideration and possible action for Sierra Vista Section 8 Preliminary Plat, subject to approval of the plan of development.***

  Recommending approval of the Sierra Vista Section 8 preliminary plat subject to the recommendations by staff presented in the presentation and comments. The comments include that one company provides maintenance and operations of facility and grounds of the entire section, the city will require a copy of the deed restrictions prior to recording the plat, a 6-foot-high masonry fence along the front, and they provide an updated and modified preliminary plat before the council meeting.

- ***Consideration and possible action for the Sanchez-Lagunas Abbreviated Plat.***

  Recommend approval of the Sanchez-Lagunas Abbreviated Plat.

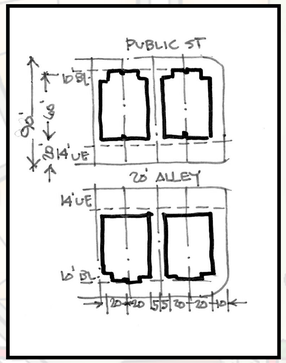
Approved and Signed by:

David Hurst, Chairman

SIERRA VISTA

DUPLEX ALTERNATIVE
19.7 ACRES

161 UNITS - 8.2 du/ac.



NORTH

0' 100' 200'

SCALE: 1"=200'
DATE: 10.13.2020

THIS PLAN WAS PREPARED USING REASONABLY RELIABLE SOURCES AND IS SUBJECT TO CHANGE PENDING A DETAILED BOUNDARY SURVEY. THIS PLAN HAS NOT BEEN REVIEWED BY ANY GOVERNMENTAL AGENCY. ADDITIONAL STREETS AND/OR DRAINAGE PROVISIONS MAY BE REQUIRED. THIS PLAN IS AN ARTIST'S CONCEPTION AND IS PROVIDED FOR GENERAL INFORMATION PURPOSES ONLY. ALL PLANS FOR FACILITIES OR LAND USES ARE SUBJECT TO CHANGE WITHOUT NOTICE.

JONES | CARTER

ADICO
CONSULTING ENGINEERS

Wednesday, December 30, 2020

Stan Winter
Jones Carter
1575 Sawdust Road, Suite 400
The Woodlands, TX 77380

Re: Sierra Vista Section 8 Preliminary Plat
Letter of Recommendation to Approve with Conditions
CIOC Project No. SPP 201116-1306
ALLC Project No. 16007-2-173

Dear Mr. Winter;

On behalf of the City of Iowa Colony, Adico, LLC has received the second submittal for Sierra Vista Section 8 Preliminary Plat received on or about December 7, 2020. The review of the plat is based on the City of Iowa Colony Subdivision Ordinance, dated August 2002 and amended April 17, 2015 by Ordinance No. 2015-09.

Based on our review, we recommend to Approve with Conditions the Sierra Vista Section 8 Preliminary Plat. The conditions are noted on the attached review comments.

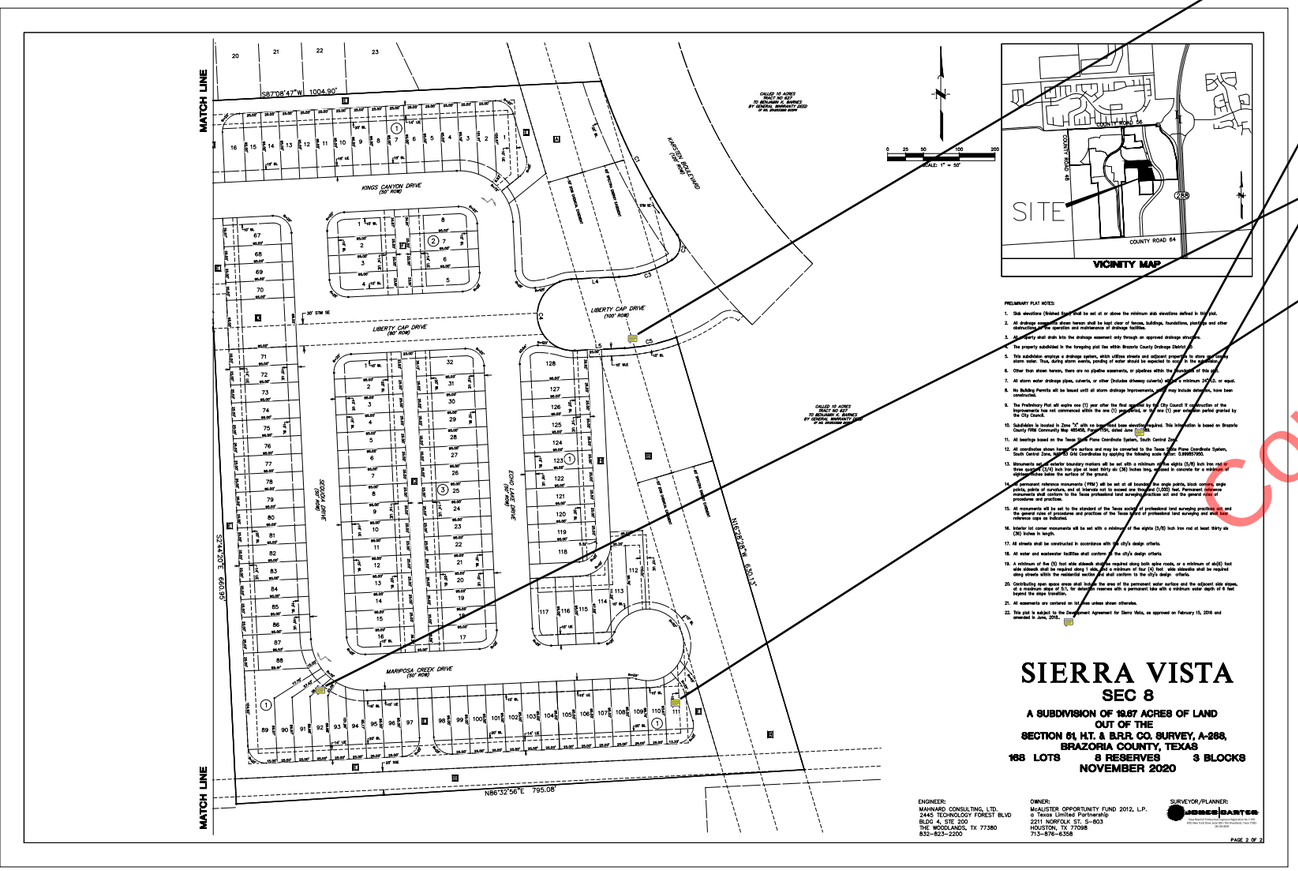
Should you have any questions, please do not hesitate to call our office.

Sincerely,
Adico, LLC

Dinh Ho, P.E.
Dinh V. Ho, P.E.
TBPE Firm No. 16423

Copy

Cc: Kayleen Rosser, City Secretary (krosser@cityofiowacolony.com)
Ron Cox, City Manager (rcox@rcoxconsulting.com)
File: 16007-2-171



Copy

Summary of comments: Plat_Sierra Vista Sec 8-rev-Layout1_DVH Commens.pdf

Page:1

Author: Dinh Subject: Note Date: 2020-12-29 06:54:25

Author: Dinh Subject: Note Date: 2020-12-29 06:51:57

Update Floodplain data to December 2020.

Author: Dinh Subject: Note Date: 2020-12-29 06:53:29

Add note, subject to approval of amendment to Development Agreement, January _, 2021/

Author: Dinh Subject: Note Date: 2020-12-29 07:02:15

These lots does not comply with minimum lot width at building lines. The subdivision ordinance does not allow for "flag lots".

Author: Dinh Subject: Note Date: 2020-12-29 07:04:17

What type of fencing is proposed? Address in the Plan of Development.

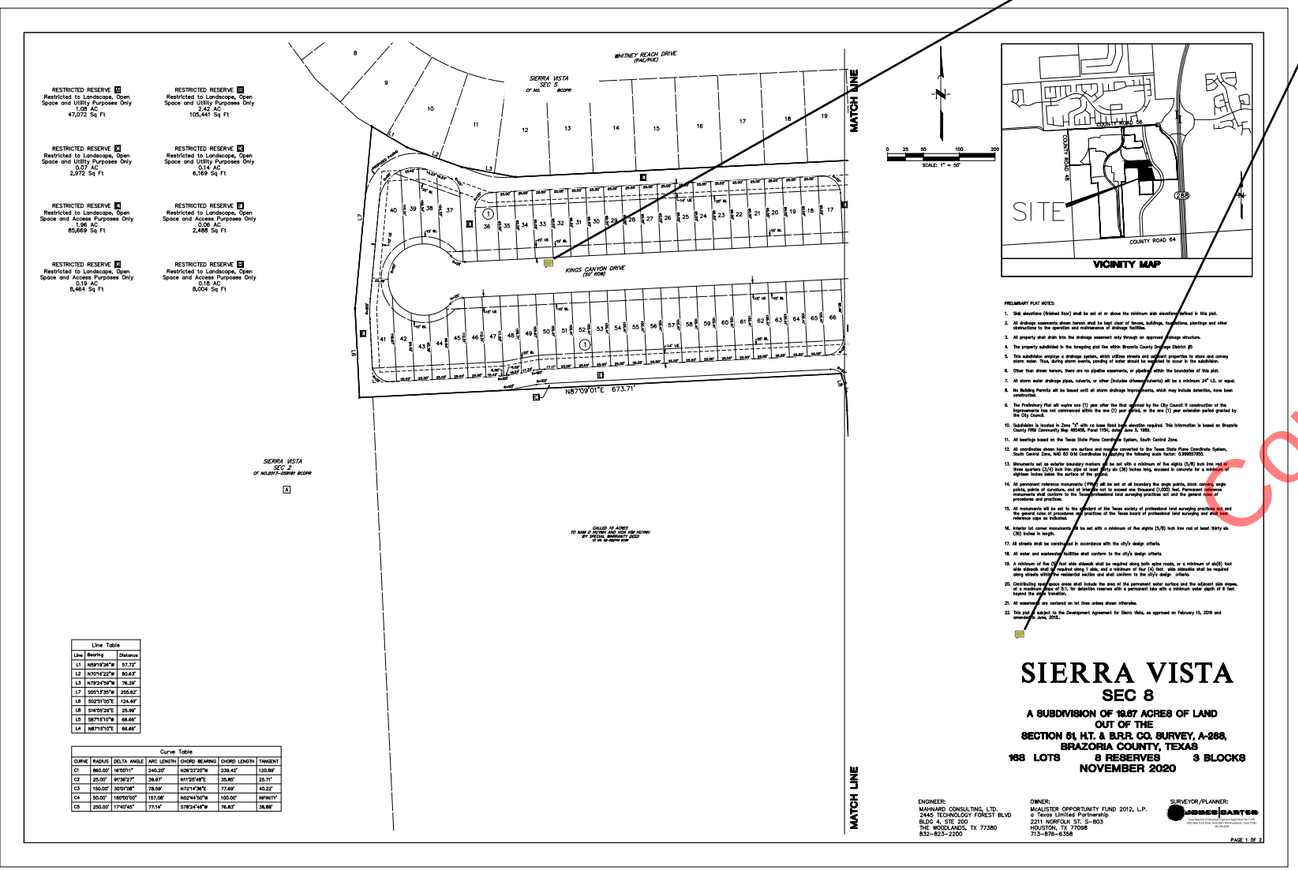
Page:2

Author: Dinh Subject: Note Date: 2020-12-29 06:56:06

Locate all areas where off street parking is provided as a reserve. Parking shall be maintained by the HOA.

Author: Dinh Subject: Note Date: 2020-12-29 06:57:22

Add note, parking reserves shalll be maintained by HOA.



Line Table		
Line	Bearing	Distance
L1	N59°09'36"W	57.72'
L2	N70°09'22"W	80.63'
L3	N79°24'56"W	76.33'
L7	S50°13'30"W	239.62'
L8	S02°51'10"E	124.49'
L9	S16°00'28"E	25.99'
L5	S87°01'01"W	66.66'
L4	N87°01'01"E	66.66'

Curve Table						
CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD BEARING	CHORD LENGTH	TANGENT
C1	860.00'	16°00'11"	240.10'	N26°23'25"W	239.42'	120.89'
C2	25.00'	91°36'27"	39.97'	N11°25'48"E	35.85'	25.71'
C3	150.00'	30°01'06"	78.59'	N75°14'36"E	77.69'	40.23'
C4	50.00'	180°00'00"	157.08'	N02°44'50"W	100.00'	INFINITY
C5	250.00'	17°40'45"	77.14'	S78°24'48"W	76.83'	38.88'

PRELIMINARY PLAT NOTES:

1. Slab elevations (finished floor) shall be set at or above the minimum slab elevations defined in this plat.
2. All drainage easements shown hereon shall be kept clear of fences, buildings, foundations, plantings and other obstructions to the operation and maintenance of drainage facilities.
3. All property shall drain into the drainage easement only through an approved drainage structure.
4. The property subdivided in the foregoing plat lies within Brazoria County Drainage District #1.
5. This subdivision employs a drainage system, which utilizes streets and adjacent properties to store and convey storm water. Thus, during storm events, ponding of water should be expected to occur in the subdivision.
6. Other than storm sewers, there are no pipeline easements, or pipelines within the boundaries of this plat.
7. All storm water drainage pipes, culverts, or other (includes drainage culverts) will be a minimum 24" I.D. or equal.
8. No Building Permits will be issued until all storm drainage improvements, which may include detention, have been constructed.
9. The Preliminary Plat will expire one (1) year after the final approval by the City Council if construction of the improvements has not commenced within the one (1) year period, or the one (1) year extension period granted by the City Council.
10. Subdivision is located in Zone "X" with no base flood level elevation required. This information is based on Brazoria County FIRM Community Map 480469, Panel 0150, dated June 5, 1989.
11. All bearings based on the Texas State Plane Coordinate System, South Central Zone.
12. All coordinates shown hereon are surface and may be converted to the Texas State Plane Coordinate System, South Central Zone, NAD 83 Grid Coordinate by applying the following scale factor: 0.99987500.
13. Monuments set on exterior boundary markers shall be set with a minimum of five eighths (5/8) inch iron rod at three quarters (3/4) inch iron pipe at least thirty six (36) inches long, encased in concrete for a minimum of eighteen inches below the surface of the ground.
14. All permanent reference monuments (PRM) will be set at all boundary line angle points, block corners, angle points, points of curvature, and at intervals not to exceed one thousand (1,000) feet. Permanent reference monuments shall conform to the Texas Professional land surveying practices act and the general rules of procedures and practices.
15. All monuments will be set to the standard of the Texas society of professional land surveying practices act and the general rules of procedures and practices of the Texas board of professional land surveying and shall bear reference caps as indicated.
16. Interior lot corner monuments (IRS) to be set with a minimum of five eighths (5/8) inch iron rod at least thirty six (36) inches in length.
17. All streets shall be constructed in accordance with the city's design criteria.
18. All water and wastewater facilities shall conform to the city's design criteria.
19. A minimum of the (5) foot site sidewalk shall be required along both spine roads, or a minimum of six(6) foot site sidewalk shall be required along 1 side, and a minimum of four (4) foot site sidewalks shall be required along streets within the residential section and shall conform to the city's design criteria.
20. Contributing drainage area shall include the area of the permanent water surface and the adjacent side slopes, to the ridge line (HEL), for detention reserves with a permanent lake with a minimum water depth of 6 feet beyond the shelf elevation.
21. All easements are centered on lot lines unless shown otherwise.
22. This plat is subject to the Development Agreement for Sierra Vista, as approved on February 15, 2016 and amended June, 2020.

SIERRA VISTA

SEC 8

A SUBDIVISION OF 19.67 ACRES OF LAND
OUT OF THE
SECTION 61, H.T. & B.R.R. CO. SURVEY, A-288,
BRAZORIA COUNTY, TEXAS
168 LOTS 8 RESERVES 3 BLOCKS
NOVEMBER 2020

ENGINEER:
MAHMARO CONSULTING, LTD.
2445 TECHNOLOGY FOREST BLVD
BLDG 4, STE 200
THE WOODLANDS, TX 77380
832-823-2200

OWNER:
McALISTER OPPORTUNITY FUND 2012, L.P.
a Texas Limited Partnership
2211 NORFOLK ST, S-803
HOUSTON, TX 77098
713-876-6358

SURVEYOR/PLANNER:
JONES|CARTER
6330 West Loop South, Suite 150 Houston, Texas 77401
(713) 784-1212 FIRM No. 10561 TBPE Registration No. F-439
JOB No. 0120-0000

PAGE 1 OF 2

Copy

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF IOWA COLONY, TEXAS, CONCERNING AUTHORIZATION TO SIGN ON BANK ACCOUNTS AT **FIRST STATE BANK OF MANVEL**.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF IOWA COLONY, TEXAS:

1. Mayor Michael Byrum-Bratsen, Mayor Pro Tem Chad Wilsey, and Interim City Manager Ronald Cox are hereby authorized to sign on all accounts of the City of Iowa Colony at First State Bank of Manvel.

2. This resolution does not change the number of signatures required for the withdrawal or transfer of funds from any account.

3. City Secretary Kayleen Rosser and City Accountant Sandra Castro are hereby authorized to obtain information from First State Bank of Manvel about a City account, but not to move or withdraw funds from such account.

4. The persons named herein are hereby authorized to sign a bank's standard form resolution to implement the authority granted by this resolution.

READ, PASSED AND ADOPTED ON FEBRUARY 15, 2021.

Copy

_____
MICHAEL BYRUM-BRATSEN, MAYOR
CITY OF IOWA COLONY, TEXAS

ATTEST:

_____
KAYLEEN ROSSER, CITY SECRETARY
CITY OF IOWA COLONY, TEXAS

TexSTAR

AMENDING RESOLUTION

WHEREAS, The City of Iowa Colony

(the "Government Entity") by authority of the Application for Participation in TexSTAR (the "Application") has entered into an Interlocal Agreement (the "Agreement") and has become a participant in the public funds investment pool created there under known as TexSTAR Short Term Assert Reserve Fund ("TexSTAR");

WHEREAS, the Application designated on one or more "Authorized Representatives" within the meaning of the Agreement;

WHEREAS, the Government Entity now wishes to update and designate the following persons as the "Authorized Representatives" within the meaning of the Agreement;

NOW, THEREFORE, BE IT RESOLVED:

Copy

SECTION 1. The following officers, officials or employees of the Government Entity specified in this document are hereby designated as "Authorized Representatives" within the meaning of the Agreement, with full power and authority to open accounts, to deposit and withdraw funds, to agree to the terms for use of the website for online transactions, to designate other authorized representatives, and to take all other action required or permitted by Government Entity under the Agreement created by the application, all in the name and on behalf of the Government Entity.

SECTION 2. This document supersedes and replaces the Government Entity's previous designation of officers, officials or employees of the Government Entity as Authorized Representatives under the Agreement

SECTION 3. This resolution will continue in full force and effect until amended or revoked by Government Entity and written notice of the amendment or revocation is delivered to the TEXSTAR Board.

SECTION 4. Terms used in this resolution have the meanings given to them by the Application.

Authorized Representatives. Each of the following Participant officials is designated as Participant's Authorized Representative authorized to give notices and instructions to the Board in accordance with the Agreement, the Bylaws, the Investment Policy, and the Operating Procedures:

1. Name: Michael Byrum-Bratsen Title: Mayor
   Signature: _____ Phone: 346-395-4520
   Email: mikebyrum@iowacolonytx.gov
2. Name: Chad Wilsey Title: Council Member
   Signature: _____ Phone: 281-369-2471
   Email: chad@iowacolonytx.gov
3. Name: _____ Title: _____
   Signature: _____ Phone: _____
   Email: _____
4. Name: _____ Title: _____
   Signature: _____ Phone: _____
   Email: _____

{REQUIRED} PRIMARY CONTACT: List the name of the Authorized Representative **listed above** that will be designated as the Primary Contact and will receive all TexSTAR correspondence including transaction confirmations and monthly statements

Name: Michael Byrum-Bratsen

Copy

*{**OPTIONAL**} **INQUIRY ONLY CONTACT:*** In addition, the following additional Participant representative (***not listed above***) is designated as an ***Inquiry Only*** Representative authorized to obtain account information:

Name: Sandra Castro Title: Accountant
Signature: _____ Phone: 346-395-4527
Email: scastro@iowacolonytx.gov

Participant may designate other authorized representatives by written instrument signed by an existing Participant Authorized Representative or Participant's chief executive officer.

DATED 2/15/2021

City of Iowa Colony
(NAME OF PARTICIPANT)

SIGNED BY: _____
(Signature of official)

_____
(Printed name and title)

ATTESTED BY: _____
(Signature of official)

_____
(Printed name and title)

REQUIRED
PLACE OFFICIAL SEAL OF ENTITY HERE

FOR INTERNAL USE ONLY
APPROVED AND ACCEPTED: TEXAS SHORT TERM ASSET RESERVE FUND

……
AUTHORIZED SIGNER

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF IOWA COLONY, TEXAS FOR THE PURPOSE OF REGULATING NOISE; PROVIDING OFFENSES AND PENALTIES UP TO $2,000.00 PER DAY FOR VIOLATIONS; PROVIDING MAXIMUM SOUND LEVELS, OTHER PROHIBITIONS OF NOISE, DEFENSES, METHODS OF MEASUREMENT, PERMITS, OTHER REGULATIONS, AND RELATED PROVISIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IOWA COLONY, TEXAS:

Sec.1. Findings of Fact

The City Council of the City of Iowa Colony, Texas ("the City") hereby finds that the following facts and all other facts stated in any part of this ordinance are true:

a. This ordinance promotes the public health, safety, and general welfare of the people of Iowa Colony.
b. A violation of this ordinance is a public nuisance.
c. A violation of this ordinance is a danger to public health.
d. This ordinance is authorized by Section 217.042 of the Texas Local Government Code, the Home Rule Charter of the City, and all applicable law.

Copy

Sec. 2. Definitions

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, unless the context of their usage clearly indicates another meaning:

Daytime hours means the hours between 7:00 a.m. on one day and 11:00 p.m. the same day.

dB(A) means the intensity of a sound expressed in decibels.

Emergency means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage or loss that demands immediate action.

Emergency work means any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency, or which is otherwise necessary to restore property to a safe condition following a fire, accident, or natural disaster, or which is required to protect persons or property from exposure to danger, or which is required to restore public utilities.

Nighttime hours means the hours between 11:00 p.m. on one day and 7:00 a.m. the following day.

Person means any individual, association, partnership, or corporation, governmental unit, or other legal entity.

Property line means the line along the ground surface, and its vertical extension, which separates the real property owned, leased, or occupied by one person from that owned, leased, or occupied by another person and the imaginary line which represents the legal limits of property of any person who owns, leases, or otherwise occupies an apartment, condominium, hotel or motel room, office, or any other type of occupancy.

Public right-of-way means any street, avenue, boulevard, highway, road, thoroughfare, sidewalk, alley, or any other property that is owned or controlled by a governmental entity.

Sec. 3. Maximum Sound Levels

(a) No person shall conduct, assist, allow, or cause any activity or sound source that produces a noise that exceeds any one or more of the following decibel levels:

(1) a decibel level of 85dB(A) during daytime hours;

(2) a decibel level of 65 dB(A) during nighttime hours.

(b) The dB(A) levels set forth in this section apply to the property where the sound is being received. Any sound that when measured at the property where the sound is being received exceeds the dB(A) levels set forth in this section is a violation of this ordinance.

(c) Evidence that an activity or sound source produces a sound that exceeds the dB(A) levels specified in this section, when measured at the site where the sound is being received, if available, shall be prima facie evidence that the sound is unreasonable, is a nuisance, and violates this ordinance.

Copy

Sec. 4. Other Prohibitions

(a) It shall be unlawful for any person to make, cause, assist, or allow the making or continuance of any sound that:

(1) exceeds the maximum permitted sound levels specified in this ordinance;

(2) is an unreasonable noise in a public place other than a sport shooting range, as defined by Section 250.001, Local Government Code, or in or near a private residence that the person has no right to occupy; or

(3) otherwise violates this ordinance.

(b) For purposes of this ordinance:

(1) An act is deemed to occur in a public place or in or near a private residence, if it produces its offensive or proscribed consequences in the public place or near a private residence.

(2) Each prohibition of a sound means the sound as received or receivable in a public place or in or near a private residence that the person making the sound has no right to occupy, regardless of where the sound originates.

(3) Nothing in this ordinance shall require a complaint as a condition of a violation.

(c) Any noise that by its character, intensity, or duration, whether by one of those factors or by more than one in combination, either: (1) substantially interferes with the peaceful and comfortable enjoyment of a private home, business, or property by a person of ordinary sensibilities; or (2) otherwise violates this ordinance; is hereby declared to be a nuisance and is hereby prohibited. The following acts, among others, are declared to be examples of loud, disturbing, and unnecessary noises that are nuisances in violation of this section, but this is not a complete list of such violations:

(1) *Horns or other signaling devices.* The sounding of any horn or signaling device on any automobile or other vehicle on any street or public place of the city, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time.

(2) *Exhausts.* The discharge into the open air of the exhaust of any internal combustion engine, other engine, or motor vehicle except through a muffler or other device that effectively prevents loud or explosive noise from that source.

(3) *Defect in vehicle or load.* The use of any automobile or other vehicle so out of repair, loaded, modified, or used as to create loud grating, grinding, rattling, or other noise.

(4) *Loading and unloading vehicles; opening boxes.* The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates, and containers.

(5) *Construction or excavation.* The erection, excavation, demolition, alteration, or repair of any building or structure other than during daytime hours, except in case of an emergency or urgent necessity in the interest of public health and safety, and then only with permission from the City building official, which shall not exceed the duration of the emergency need.

Copy

(6) *Noise near schools, courts, churches, or hospitals.* The creation of any excessive noise on any street adjacent to any school, church, or court while in use, or adjacent to any hospital, which unlawfully interferes with the workings of such institution, or which unreasonably disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in adjoining streets to indicate the presence of a school, church, hospital or court.

(7) *Pile drivers, hammers and other machinery.* The operation between the hours of 11:00 p.m. and 7:00 a.m. of any pile driver, excavator, earth moving equipment, powered hammer, derrick or other appliance or machinery that produces loud or unusual noise.

(8) *Vehicular sound systems.* Any radio or other device made, adapted, or used to produce or play music or other sound, which device is connected to, located in, or located on a motor vehicle, and which device is operated at a volume that causes material distress, discomfort, or injury to a person of ordinary sensibilities in the vicinity thereof. If the sound is audible at a distance of thirty (30) feet from the source or causes a person to be aware of or feel the vibration accompanying the sound at a distance of thirty (30) feet from the source, a prima facie case is established that the device is being operated at a volume that causes material distress, discomfort, or injury to a person of ordinary sensibilities.

Sec. 5. Agricultural Operations

This ordinance does not apply to an agricultural operation to the extent the operation is protected by Texas Agriculture Code chapter 251, which partially exempts certain agricultural operations established before the passage of this ordinance on February 15, 2021.

Sec. 6. Defenses

The following defenses shall apply to any offense established in this ordinance:

(a) The emission of the sound was for the purpose of alerting persons to the existence of an emergency, danger, or attempted crime.

(b) The sound was produced by an authorized emergency vehicle.

(c) The sound was produced by emergency work as herein defined.

(d) The sound was generated:

(1) At a lawfully scheduled stadium event, and the sound was normal and customary for that type of event;

(2) By a permitted parade and spectators or participants on the parade route during that parade, and the sound was normal and customary for that type of event;

(3) By spectators or participants at a lawfully scheduled amphitheater event, and the sound was normal and customary for that type of event;

(4) By patrons and participants using cannons and gunfire during historical battle reenactments for which a pyrotechnic permit was obtained, and for which the explosives were inspected by the fire marshal;

(5) By a pyrotechnic display that was inspected and approved by the fire marshal;

(6) By spectators or participants of any outdoor event, fun run, race, festival, fiesta, or concert that was sponsored, cosponsored, or permitted by the city, and the sound was normal and customary for that type of event; or

(7) In a manner that constitutes protected expression pursuant to the First Amendment of the United States Constitution, despite the noise level.

(e) The sound was produced by aircraft in flight or in operation at an airport, or by railroad equipment in operation on railroad rights-of-way.

(f) The sound was produced by a type of power equipment such as a mechanically powered saw, drill, sander, router, grinder, lawn or garden tool, lawnmower, or any other similar device used between the hours of 7:00 a.m. and 11:00 p.m., and which device did not produce a sound exceeding 85 dB(A) when measured from the nearest residential property where the sound is being received, and which device was being used for the maintenance or upkeep of the property on which it was used.

Copy

(g) The sound was generated as authorized under the terms of a permit issued under **section 8**.

(h) The sound was produced by the operation of any air conditioning unit that did not produce a sound exceeding 65 dB(A) when measured at least 15 feet from that air conditioning unit.

(i) The sound was produced by church bells or church chimes, when used as part of a genuine religious observance or service during daytime hours, and which did not exceed five continuous minutes in duration in any one-hour period.

Sec. 7. Methods of Sound Measurement

(a) Whenever portions of this ordinance prohibit sound over a certain decibel limit, measurement of that sound shall be made with a Type 1 or Type 2 calibrated sound level meter utilizing the A-weighting seals and the slow meter response as specified by the American National Standards Institute (ANSI S1.4-1984/85A).

(b) Noise levels shall be measured in decibels and A-weighted. The unit of measurement shall be designated as dB(A). Meters shall be maintained in calibration and good working order. Calibrations shall be employed which meet ANSI Sl.40-1984 prior to and immediately after every sampling of sound. Measurements recorded shall be taken so as to provide a proper representation of the sound being measured. The microphone of said meter shall be positioned so as not to create any unnatural enhancement or diminution of the measured sound. A windscreen for said microphone shall be used. Measurements shall be taken at or near the nearest property line of the property where the sound is being received.

(c) However, regardless of any other provision, nothing in this ordinance shall require measurement or proof of a decibel level in order to establish a violation of any provision of this ordinance that is not stated in terms of a specific maximum number of decibels allowed.

Copy

Sec. 8. Permits

(a) No person shall use or cause to be used any loudspeaker, loudspeaker system, sound amplifier, or any other machine or device that produces, reproduces, or amplifies sound outside of buildings or other enclosed structures in a manner that violates this ordinance, without first obtaining a permit to do so.

(1) Such permit may be obtained by making application to the director of the city department so designated by the city manager.

(2) Such permit requires payment of a $20.00 fee for the administrative costs of issuing the permit.

(3) Such permit is valid for one period not to exceed 14 hours and not between the hours of 11:00 p.m. and 7:00 a.m.

(4) Such permit shall not be issued for the same location more than twice during any 30-day period.

(5) Such permit shall not authorize, allow, or otherwise permit the production, reproduction, or amplification of sound that exceeds 75 dB(A) when measured from the nearest receiving property.

(b) The use of any loudspeaker, loudspeaker system, sound amplifier, or any other similar machine or device pursuant to a permit under this ordinance is subject to the following regulations:

(1) The only sound permitted shall be music and human speech.

(2) The volume of the sound amplified pursuant to this section shall not exceed 75 dB(A) when measured from the nearest receiving property.

(3) No equipment permitted pursuant to this section shall be operated during the hours between 11:00 p.m. and 7:00 a.m.

(c) The application for the permit under this section shall contain the following information:

(1) The date of the application and the date and hours for which the permit is requested.

(2) The name and address of the applicant.

(3) The name and address of the person who will have charge of the sound amplifying equipment at the permitted event.

(4) The purpose for which the sound equipment will be used.

(5) The address and a description of the location where the sound equipment will be used.

(6) A description of the type of sound amplifying equipment to be used.

(7) Any other information reasonably pertinent to the permit and requested by the city official administering the permit application.

(d) If an applicant for a permit under this section is unable to pay the full amount of the permit fee pursuant to **subsection (a)** of this section, then the fee shall be reduced to that amount the applicant is able to pay, provided the applicant submits a sworn affidavit containing the following information:

(1) A statement that the applicant and the group or organization on whose behalf the applicant is making the application are unable to pay the full amount of the permit fee.

(2) A statement that the applicant and the group or organization on whose behalf the applicant is making the application have made diligent efforts to raise money to pay the permit fee.

(3) A statement of the exact amount the applicant and the group or organization, on whose behalf he is making the application are able to pay for the permit fee.

Copy

Sec. 9 Conflicts in Terms

In the event of a conflict of terms between this ordinance and any other ordinance or other law, the more restrictive provision shall govern and control.

Sec. 10. Offenses, Penalties, and Remedies

(a) Any references in this Ordinance to "the penalty provisions of this Ordinance" or similar phrases shall refer to this section and the penalties herein.

(b) Any person who intentionally, knowingly, recklessly, or with criminal negligence violates any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be fined in an amount not to exceed $2,000.00. Each calendar day or portion of a calendar day a violation continues, occurs, or recurs shall constitute a separate offense.

(c) The City shall have the right to enforce this ordinance and the Codes hereby adopted by injunction and by other actions in a civil court and/or by any and all remedies from any and all sources.

(d) All rights and remedies of the City provided in this ordinance shall be cumulative of all other rights and remedies provided herein, by other ordinances, or by any applicable law. Furthermore, the exercise of one right or remedy by the City shall not be construed as an election of remedies and shall not impair any other right or remedy of the City. The City may exercise any right or remedy herein either alone or together with any other right or remedy under this ordinance, any other ordinance, or any applicable law. Without limiting the generality of the foregoing, pursuing or receiving any civil remedy for any violation of this ordinance shall not preclude the pursuit or receipt of any criminal penalty for any violation hereof.

Copy

Sec. 11. Nonwaiver

The failure or omission of the City, upon one or more occasions, to enforce any right, obligation, or remedy under this Ordinance or any other law concerning utilities shall never be construed as a waiver of the City's right to strictly enforce such right, obligation, or remedy, and the City may resume such strict enforcement without advance notice.

Sec. 12. Nonwaiver of Immunity

Nothing in this Ordinance or in any other law concerning utilities shall ever be construed as a full or partial waiver of governmental immunity, official immunity, or any other immunity of the City or its officers, agents, employees, or representatives.

Sec. 13. Nonliability

Neither the City, nor its officers, employees, agents, or representatives shall be liable to any person, other than the City, for any act, omission, or condition in any way concerning this ordinance or the subject matter hereof.

Sec. 14. Severance Clause

If any portion, of any size, of this ordinance is for any reason invalid, then the remainder of this ordinance shall remain valid.

Sec. 15. Effective Date

This ordinance shall be effective upon passage, approval, and adoption.

PASSED AND APPROVED on first reading on **January 25, 2021**.

PASSED, APPROVED, AND ADOPTED on second and final reading on **February 15, 2021**.

CITY OF IOWA COLONY, TEXAS

By: _____
MICHAEL BYRUM-BRATSEN, MAYOR

ATTEST:

_____
KAYLEEN ROSSER, CITY SECRETARY

Iowa/Ordinance/Regulating Noise (02-11-21)

Copy

Redline 2-11-21

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF IOWA COLONY, TEXAS FOR THE PURPOSE OF REGULATING NOISE; PROVIDING OFFENSES AND PENALTIES UP TO $2,000.00 PER DAY FOR VIOLATIONS; PROVIDING MAXIMUM SOUND LEVELS, OTHER PROHIBITIONS OF NOISE, DEFENSES, METHODS OF MEASUREMENT, PERMITS, OTHER REGULATIONS, AND RELATED PROVISIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IOWA COLONY, TEXAS:

Sec.1. Findings of Fact

The City Council of the City of Iowa Colony, Texas ("the City") hereby finds that the following facts and all other facts stated in any part of this ordinance are true:

a. This ordinance promotes the public health, safety, and general welfare of the people of Iowa Colony.
b. A violation of this ordinance is a public nuisance.
c. A violation of this ordinance is a danger to public health.
d. This ordinance is authorized by Section 217.042 of the Texas Local Government Code, the Home Rule Charter of the City, and all applicable law.

Copy

Sec. 2. Definitions

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, unless the context of their usage clearly indicates another meaning:

Daytime hours means the hours between 7:00 a.m. on one day and ~~9:00~~11:00 p.m. the same day.

dB(A) means the intensity of a sound expressed in decibels.

Emergency means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage or loss that demands immediate action.

Emergency work means any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency, or which is otherwise necessary to restore property to a safe condition following a fire, accident, or natural disaster, or which is required to protect persons or property from exposure to danger, or which is required to restore public utilities.

Nighttime hours means the hours between ~~9:00~~11:00 p.m. on one day and 7:00 a.m. the following day.

Person means any individual, association, partnership, or corporation, governmental unit, or other legal entity.

Property line means the line along the ground surface, and its vertical extension, which separates the real property owned, leased, or occupied by one person from that owned, leased, or occupied by another person and the imaginary line which represents the legal limits of property of any person who owns, leases, or otherwise occupies an apartment, condominium, hotel or motel room, office, or any other type of occupancy.

Public right-of-way means any street, avenue, boulevard, highway, road, thoroughfare, sidewalk, alley, or any other property that is owned or controlled by a governmental entity.

Sec. 3. Maximum Sound Levels

(a) No person shall conduct, assist, allow, or cause any activity or sound source that produces a noise that exceeds any one or more of the following decibel levels:

(1) a decibel level of ~~65~~ 85dB(A) during daytime hours;

(2) a decibel level of ~~58~~65 dB(A) during nighttime hours.

(b) The dB(A) levels set forth in this section apply to the property where the sound is being received. Any sound that when measured at the property where the sound is being received exceeds the dB(A) levels set forth in this section is a violation of this ordinance.

(c) Evidence that an activity or sound source produces a sound that exceeds the dB(A) levels specified in this section, when measured at the site where the sound is being received, if available, shall be prima facie evidence ~~of a sound nuisance that unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others within the limits of the city in violation of this ordinance.~~that the sound is unreasonable, is a nuisance, and violates this ordinance.

Copy

Sec. 4. Other Prohibitions

(a) It shall be unlawful for any person to make, cause, assist, or allow the making or continuance of any sound that:

(1) exceeds the maximum permitted sound levels specified in this ordinance;

(2) ~~otherwise unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety or others within the limits of the city; or~~is an unreasonable noise in a public place other than a sport shooting range, as defined by Section 250.001, Local Government Code, or in or near a private residence that the person has no right to occupy; or

(3) otherwise violates this ordinance.

(b) For purposes of this ordinance:

(1) An act is deemed to occur in a public place or in or near a private residence, if it produces its offensive or proscribed consequences in the public place or near a private residence.

(2) Each prohibition of a sound means the sound as received or receivable in a public place or in or near a private residence that the person making the sound has no right to occupy, regardless of where the sound originates.

(3) Nothing in this ordinance shall require a complaint as a condition of a violation.

(~~b~~c) Any noise that by its character, intensity, or duration, whether by one of those factors or by more than one in combination, either: (1) substantially interferes with the peaceful and comfortable enjoyment of a private home, business, or property by a person of ordinary sensibilities; or (2) otherwise violates this ordinance; is hereby declared to be a nuisance and is hereby prohibited. The following acts, among others, are declared to be examples of loud, disturbing, and unnecessary noises that are nuisances in violation of this section, but this is not a complete list of such violations:

(1) *Horns or other signaling devices.* The sounding of any horn or signaling device on any automobile or other vehicle on any street or public place of the city, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time.

~~(2) *Animals, birds, etc.* The keeping of any animal or bird that by causing frequent or long-continued noise disturbs the comfort or repose of any person.~~

(2~~3~~) *Exhausts.* The discharge into the open air of the exhaust of any internal combustion engine, other engine, or motor vehicle except through a muffler or other device that effectively prevents loud or explosive noise from that source.

(3~~4~~) *Defect in vehicle or load.* The use of any automobile or other vehicle so out of repair, loaded, modified, or used as to create loud grating, grinding, rattling, or other noise.

(4~~5~~) *Loading and unloading vehicles; opening boxes.* The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates, and containers.

(5~~6~~) *Construction or excavation.* The erection, excavation, demolition, alteration, or repair of any building or structure other than during daytime hours, except in case of an emergency or urgent necessity in the interest of public health and safety, and then only with permission from the City building official, which shall not exceed the duration of the emergency need.

(6~~7~~) *Noise near schools, courts, churches, or hospitals.* The creation of any excessive noise on any street adjacent to any school, church, or court while in use, or adjacent to any hospital, which unlawfully interferes with the workings of such institution, or which unreasonably disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in adjoining streets to indicate the presence of a school, church, hospital or court.

(7~~8~~) *Pile drivers, hammers and other machinery.* The operation between the hours of ~~9:00~~11:00 p.m. and 7:00 a.m. of any pile driver, excavator, earth moving equipment, powered hammer, derrick or other appliance or machinery that produces loud or unusual noise.

(8~~9~~) *Vehicular sound systems.* Any radio or other device made, adapted, or used to produce or play music or other sound, which device is connected to, located in, or located on a motor vehicle, and which device is operated at a volume that causes material distress, discomfort, or injury to a person of ordinary sensibilities in the vicinity thereof. If the sound is audible at a distance of thirty (30) feet from the source or causes a person to be aware of or feel the vibration accompanying the sound at a distance of thirty (30) feet from the source, a prima facie case is established that the

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device is being operated at a volume that causes material distress, discomfort, or injury to a person of ordinary sensibilities.

Sec. 5. Agricultural Operations

This ordinance does not apply to an agricultural operation to the extent the operation is protected by Texas Agriculture Code chapter 251, which partially exempts certain agricultural operations established before the passage of this ordinance on February 15, 2021.

Sec. 6~~5~~. Defenses

The following defenses shall apply to any offense established in this ordinance:

(a) The emission of the sound was for the purpose of alerting persons to the existence of an emergency, danger, or attempted crime.

(b) The sound was produced by an authorized emergency vehicle.

(c) The sound was produced by emergency work as herein defined.

(d) The sound was generated:

(1) At a lawfully scheduled stadium event, and the sound was normal and customary for that type of event;

(2) By a permitted parade and spectators or participants on the parade route during that parade, and the sound was normal and customary for that type of event;

(3) By spectators or participants at a lawfully scheduled amphitheater event, and the sound was normal and customary for that type of event;

(4) By patrons and participants using cannons and gunfire during historical battle reenactments for which a pyrotechnic permit was obtained, and for which the explosives were inspected by the fire marshal;

(5) By a pyrotechnic display that was inspected and approved by the fire marshal;

(6) By spectators or participants of any outdoor event, fun run, race, festival, fiesta, or concert that was sponsored, cosponsored, or permitted by the city, and the sound was normal and customary for that type of event; or

(7) In a manner that constitutes protected expression pursuant to the First Amendment of the United States Constitution, despite the noise level.

(e) The sound was produced by aircraft in flight or in operation at an airport, or by railroad equipment in operation on railroad rights-of-way.

(f) The sound was produced by a type of power equipment such as a mechanically powered saw, drill, sander, router, grinder, lawn or garden tool, lawnmower, or any other similar device used between the hours of 7:00 a.m. and ~~9:00~~11:00 p.m., and which device did not produce a sound exceeding 85 dB(A) when measured from the nearest residential property where the sound is

Copy

being received, and which device was being used for the maintenance or upkeep of the property on which it was used.

(g) The sound was generated as authorized under the terms of a permit issued under **section 8~~7~~**.

(h) The sound was produced by the operation of any air conditioning unit that did not produce a sound exceeding 65 dB(A) when measured at least 15 feet from that air conditioning unit.

(i) The sound was produced by church bells or church chimes, when used as part of a genuine religious observance or service during daytime hours, and which did not exceed five continuous minutes in duration in any one-hour period.

Sec. 7~~6~~. Methods of Sound Measurement

(a) Whenever portions of this ordinance prohibit sound over a certain decibel limit, measurement of that sound shall be made with a Type 1 or Type 2 calibrated sound level meter utilizing the A-weighting seals and the slow meter response as specified by the American National Standards Institute (ANSI S1.4-1984/85A).

(b) Noise levels shall be measured in decibels and A-weighted. The unit of measurement shall be designated as dB(A). Meters shall be maintained in calibration and good working order. Calibrations shall be employed which meet ANSI Sl.40-1984 prior to and immediately after every sampling of sound. Measurements recorded shall be taken so as to provide a proper representation of the sound being measured. The microphone of said meter shall be positioned so as not to create any unnatural enhancement or diminution of the measured sound. A windscreen for said microphone shall be used. Measurements shall be taken at or near the nearest property line of the property where the sound is being received.

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(c) However, regardless of any other provision, nothing in this ordinance shall require measurement or proof of a decibel level in order to establish a violation of any provision of this ordinance that is not stated in terms of a specific maximum number of decibels allowed.

Sec. 8~~7~~. Permits

(a) No person shall use or cause to be used any loudspeaker, loudspeaker system, sound amplifier, or any other machine or device that produces, reproduces, or amplifies sound outside of buildings or other enclosed structures in a manner that violates this ordinance, without first obtaining a permit to do so.

(1) Such permit may be obtained by making application to the director of the city department so designated by the city manager.

(2) Such permit requires payment of a $20.00 fee for the administrative costs of issuing the permit.

(3) Such permit is valid for one period not to exceed 14 hours and not between the hours of ~~9:00~~11:00 p.m. and 7:00 a.m.

(4) Such permit shall not be issued for the same location more than twice during any 30-day period.

(5) Such permit shall not authorize, allow, or otherwise permit the production, reproduction, or amplification of sound that exceeds 75 dB(A) when measured from the nearest receiving property.

(b) The use of any loudspeaker, loudspeaker system, sound amplifier, or any other similar machine or device pursuant to a permit under this ordinance is subject to the following regulations:

(1) The only sound permitted shall be music and human speech.

(2) The volume of the sound amplified pursuant to this section shall not exceed 75 dB(A) when measured from the nearest receiving property.

(3) No equipment permitted pursuant to this section shall be operated during the hours between ~~9:00~~11:00 p.m. and 7:00 a.m.

(c) The application for the permit under this section shall contain the following information:

(1) The date of the application and the date and hours for which the permit is requested.

(2) The name and address of the applicant.

(3) The name and address of the person who will have charge of the sound amplifying equipment at the permitted event.

(4) The purpose for which the sound equipment will be used.

(5) The address and a description of the location where the sound equipment will be used.

(6) A description of the type of sound amplifying equipment to be used.

(7) Any other information reasonably pertinent to the permit and requested by the city official administering the permit application.

(d) If an applicant for a permit under this section is unable to pay the full amount of the permit fee pursuant to **subsection (a)** of this section, then the fee shall be reduced to that amount the applicant is able to pay, provided the applicant submits a sworn affidavit containing the following information:

(1) A statement that the applicant and the group or organization on whose behalf the applicant is making the application are unable to pay the full amount of the permit fee.

(2) A statement that the applicant and the group or organization on whose behalf the applicant is making the application have made diligent efforts to raise money to pay the permit fee.

(3) A statement of the exact amount the applicant and the group or organization, on whose behalf he is making the application are able to pay for the permit fee.

Sec. 9~~8~~ Conflicts in Terms

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In the event of a conflict of terms between this ordinance and any other ordinance or other law, the more restrictive provision shall govern and control.

Sec. 10~~9~~. Offenses, Penalties, and Remedies

(a) Any references in this Ordinance to "the penalty provisions of this Ordinance" or similar phrases shall refer to this section and the penalties herein.

(b) Any person who intentionally, knowingly, recklessly, or with criminal negligence violates any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be fined in an amount not to exceed $2,000.00. Each calendar day or portion of a calendar day a violation continues, occurs, or recurs shall constitute a separate offense.

(c) The City shall have the right to enforce this ordinance and the Codes hereby adopted by injunction and by other actions in a civil court and/or by any and all remedies from any and all sources.

(d) All rights and remedies of the City provided in this ordinance shall be cumulative of all other rights and remedies provided herein, by other ordinances, or by any applicable law. Furthermore, the exercise of one right or remedy by the City shall not be construed as an election of remedies and shall not impair any other right or remedy of the City. The City may exercise any right or remedy herein either alone or together with any other right or remedy under this ordinance, any other ordinance, or any applicable law. Without limiting the generality of the foregoing, pursuing or receiving any civil remedy for any violation of this ordinance shall not preclude the pursuit or receipt of any criminal penalty for any violation hereof.

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Sec. 11~~10~~. Nonwaiver

The failure or omission of the City, upon one or more occasions, to enforce any right, obligation, or remedy under this Ordinance or any other law concerning utilities shall never be construed as a waiver of the City's right to strictly enforce such right, obligation, or remedy, and the City may resume such strict enforcement without advance notice.

Sec. 12~~11~~. Nonwaiver of Immunity

Nothing in this Ordinance or in any other law concerning utilities shall ever be construed as a full or partial waiver of governmental immunity, official immunity, or any other immunity of the City or its officers, agents, employees, or representatives.

Sec. 13~~11~~. Nonliability

Neither the City, nor its officers, employees, agents, or representatives shall be liable to any person, other than the City, for any act, omission, or condition in any way concerning this ordinance or the subject matter hereof.

Sec. 14~~10~~. Severance Clause

If any portion, of any size, of this ordinance is for any reason invalid, then the remainder of this ordinance shall remain valid.

Sec. 15~~11~~. Effective Date

This ordinance shall be effective upon passage, approval, and adoption.

PASSED AND APPROVED on first reading on **January 25, 2021**.

PASSED, APPROVED, AND ADOPTED on second and final reading on **February 15, 2021**.

CITY OF IOWA COLONY, TEXAS

By: _____
MICHAEL BYRUM-BRATSEN, MAYOR

ATTEST:

_____
KAYLEEN ROSSER, CITY SECRETARY

Iowa/Ordinance/Regulating Noise (~~01-22-21~~02-11-21)

Copy

GRAPHIC SCALE

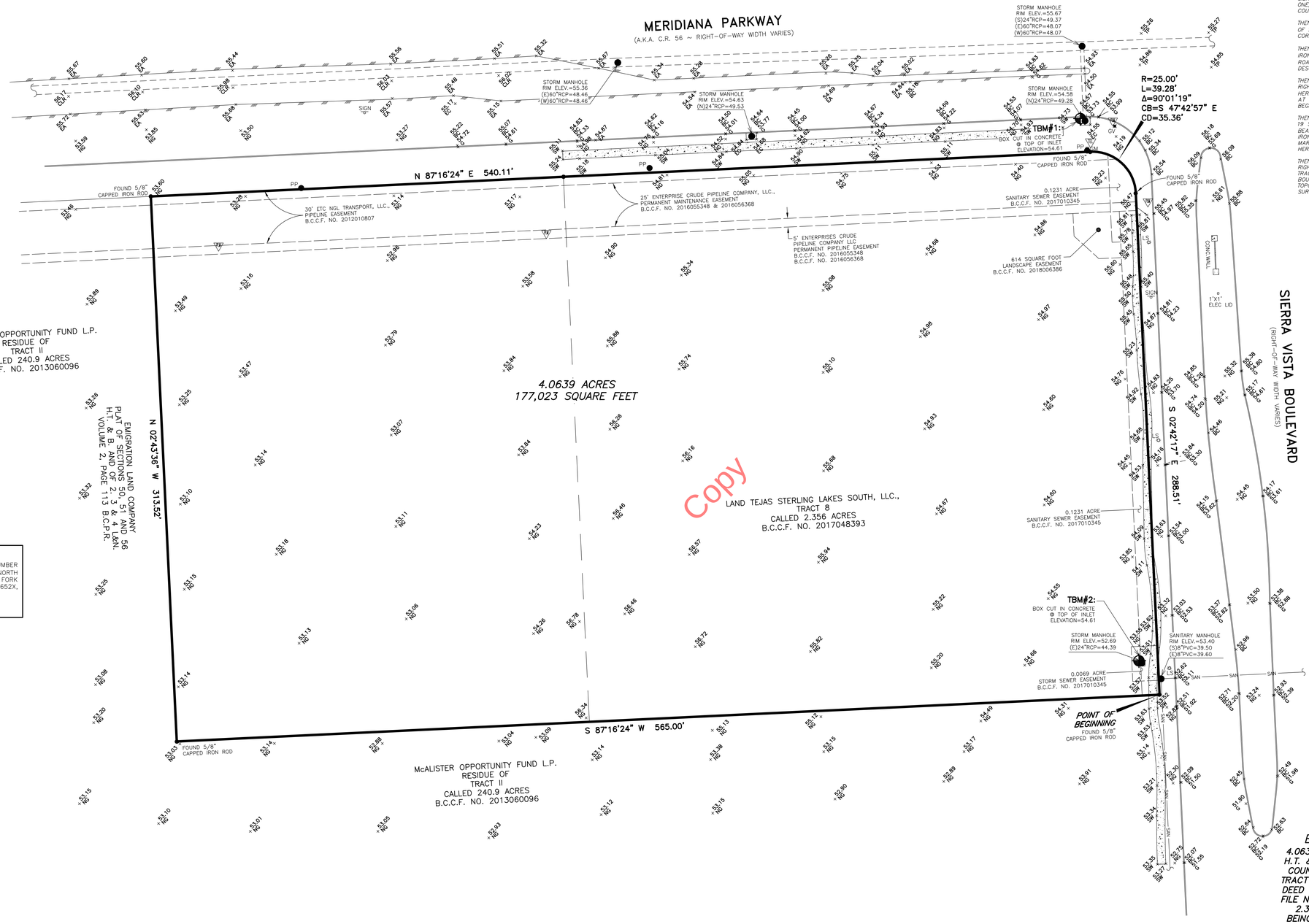
30 0 15 30 60 120

(IN FEET)
1 inch = 30 ft.

LEGEND:
AC. – ACRES
A/C – AIR CONDITION
A.E. – AERIAL EASEMENT
B.L. – BUILDING LINE
BLDG. – BUILDING
BO. – BOLLARD
CB – CATCH BASIN
CONC. – CONCRETE
COV'D. – COVERED
CP – CRIMPED PIPE
DA – DUMPSTER AREA
ELEC. – ELECTRIC
ESMT. – EASEMENT
FC – FILM CODE
FH – FIRE HYDRANT
FND. – FOUND
GM – GAS METER
BCCF – BRAZORIA COUNTY CLERKS FILE
BCDR – BRAZORIA COUNTY DEED RECORDS
BCMR – BRAZORIA COUNTY MAP RECORDS
HCPS – HANDICAP PARKING SPACE
HL&P – HOUSTON LIGHTING & POWER
I.P. – IRON PIPE
I.R. – IRON ROD
LP – LIGHT POST
MH – MANHOLE
MW – MONITORING WELL
P.O.B. – POINT OF BEGINNING
P.O.C. – POINT OF COMMENCING
PP – POWER POLE
PS – PARKING SPACES
PTP – PINCHED TOP PIPE
R.O.W. – RIGHT OF WAY
RR – RAILROAD
SAN. – SANITARY
SP – SERVICE POLE
SQ. FT. – SQUARE FEET
S.S.E. – SANITARY SEWER EASEMENT
STM. – STORM
STM.S.E. – STORM SEWER EASEMENT
SWBT – SOUTHWESTERN BELL TELEPHONE
TEL. – TELEPHONE
TLP – TRAFFIC LIGHT POLE
TSB – TRAFFIC SIGNAL BOX
U.E. – UTILITY EASEMENT
WM – WATER METER
WV – WATER VALVE
CONCRETE
COVERED CONCRETE
WROUGHT IRON FENCE LINE
WOOD FENCE LINE
CHAIN LINK FENCE LINE
BARBED WIRE FENCE LINE
OVERHEAD UTILITY LINE
EDGE OF ASPHALT LINE

BENCHMARK:
BRAZORIA DRAINAGE DISTRICT NO. 4 BENCHMARK NUMBER CB–2 IS A BRASS CAP STAMPED 'CB–2' SET IN THE NORTH SIDE OF COUNTY ROAD 81 BRIDGE OVER WEST FORK CHOCOLATE BAYOU, AT STREAM CENTERLINE, IN KEYMAP 652X, NEAR UNIT CB100–00–00.

ELEV. 56.51 FEET NAVD 1988, 2001 ADJUSTED.



LEGAL DESCRIPTION: 4.0639 ACRES (177,023 SQUARE FEET)

BEING A 4.0639 ACRE TRACT OF LAND SITUATED IN SECTION 51 OF THE H.T. & B. R.R COMPANY SURVEY, ABSTRACT NO. 288, BRAZORIA COUNTY, TEXAS, BEING A PART OF THAT CERTAIN 240.9 ACRE TRACT OF LAND DESIGNATED AS TRACT II AND DESCRIBED IN THE DEED TO MCALISTER OPPORTUNITY FUND 2012, L.P. RECORDED IN FILE NUMBER 2013060096, TOGETHER WITH ALL OF THAT CERTAIN 2.356 ACRE TRACT OF LAND DESIGNATED AS TRACT 8 AND DESCRIBED IN DEED TO LAND TEJAS STERLING LAKES SOUTH, L.L.C., BEING A PART OF LOT 603 OF EMIGRATION LAND COMPANY PLAT OF SECTIONS 50, 51 & 56 H.T. & B. AND OF 2, 3 & 4 L&N., A SUBDIVISION RECORDED IN VOLUME 2, PAGE 113 OF THE PLAT RECORDS OF BRAZORIA COUNTY, TEAS, SAID 4.0639 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOW:

BEGINNING AT, A 5/8 INCH CAPPED IRON ROD FOUND ON THE WEST RIGHT–OF–WAY LINE OF SIERRA VISTA BOULEVARD (WIDTH VARIES) AS DEDICATED BY THE PLAT OF SIERRA VISTA, SECTION ONE, SUBDIVISION RECORDED IN DOCUMENT NO. 2017058170, OF THE PLAT RECORDS OF BRAZORIA COUNTY, TEXAS, BEING THE SOUTHEAST CORNER OF SAID 2.356 ACRE TRACT;

THENCE, SOUTH 87 DEGREES 16 MINUTES 24 SECONDS WEST, 565.00 FEET ALONG THE SOUTH LINE OF SAID 2.356 ACRE TRACT, TO A 5/8 INCH CAPPED IRON ROD FOUND MARKING THE SOUTHWEST CORNER OF THE TRACT HEREIN DESCRIBED;

THENCE, NORTH 02 DEGREES 43 MINUTES 36 SECONDS WEST, 313.52 FEET TO A 5/8 INCH CAPPED IRON ROD FOUND IN THE SOUTH RIGHT–OF–WAY LINE OF MERIDIANA PARKWAY (A.K.A. COUNTY ROAD NO. 56–WIDTH VARIES), MARKING THE NORTHWEST CORNER OF THE TRACT HEREIN DESCRIBED;

THENCE, NORTH 87 DEGREES 16 MINUTES 24 SECONDS EAST, 540.11 FEET ALONG THE SOUTH RIGHT–OF–WAY LINE OF SAID MERIDIANA PARKWAY, COMMON WITH THE NORTH LINE OF THE TRACT HEREIN DESCRIBED, TO A 5/8 INCH CAPPED IRON ROD FOUND MARKING A POINT OF CURVATURE AT THE MOST NORTHERLY NORTHEAST CORNER OF THE TRACT HEREIN DESCRIBED AND THE BEGINNING OF CURVE TO THE RIGHT;

THENCE, WITH SAID CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 90 DEGREES 01 MINUTES 19 SECONDS, A RADIUS OF 25.00 FEET, AN ARC LENGTH OF 39.28 FEET AND A CHORD WHICH BEARS SOUTH 47 DEGREES 42 MINUTES 57 SECONDS EAST, 35.36 FEET TO A 5/8 INCH CAPPED IRON ROD FOUND IN THE WESTERLY RIGHT–OF–WAY LINE OF SAID SIERRA VISTA BOULEVARD MARKING A POINT OF TANGENCY AND THE MOST EASTERLY NORTHEAST CORNER OF THE TRACT HEREIN DESCRIBED;

THENCE, SOUTH 02 DEGREES 42 MINUTES 17 SECONDS EAST, 288.51 FEET ALONG THE WESTERLY RIGHT–OF–WAY LINE OF SAID SIERRA VISTA BOULEVARD, COMMON WITH THE EASTERLY LINE OF THE TRACT HEREIN DESCRIBED TO THE POINT OF BEGINNING AND CONTAINING WITHIN THESE METES AND BOUNDS 4.0639 ACRES OR 177,023 SQUARE FEET OF LAND AS SHOWN ON A BOUNDARY AND TOPOGRAPHIC SURVEY DATED NOVEMBER 8, 2018 AND FILED IN THE OFFICES OF ADVANCE SURVEYING INC., UNDER PROJECT NUMBER 109220–18–01.

BOUNDARY AND TOPOGRAPHIC SURVEY OF

4.0639 ACRE TRACT OF LAND SITUATED IN SECTION 51 OF THE H.T. & B. R.R COMPANY SURVEY, ABSTRACT NO. 288, BRAZORIA COUNTY, TEXAS, BEING A PART OF THAT CERTAIN 240.9 ACRE TRACT OF LAND DESIGNATED AS TRACT II AND DESCRIBED IN THE DEED TO MCALISTER OPPORTUNITY FUND 2012, L.P. RECORDED IN FILE NUMBER 2013060096, TOGETHER WITH ALL OF THAT CERTAIN 2.356 ACRE TRACT OF LAND DESIGNATED AS TRACT 8 AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS SHOWN HEREON.

NOTES:
1. THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE REPORT.
2. SURVEYOR HAS NOT ABSTRACTED SUBJECT PROPERTY. THERE MAY BE EASEMENTS, BUILDING LINES AND OTHER MATTERS OF RECORD NOT SHOWN HEREON.
3. FENCES DO NOT FOLLOW PROPERTY LINES AS SHOWN.

FLOOD NOTE:
SUBJECT PROPERTY IS NOT LOCATED IN A FEDERAL INSURANCE ADMINISTRATION DESIGNATED FLOOD HAZARD AREA AND IS IN ZONE X, MAP # 480339C, PANEL 0110H, DATED 06–05–1989. This information is based on graphic plotting only. We do not assume responsibility for exact determination.

SURVEYOR'S CERTIFICATION:

I, hereby certify that this survey was made on the ground and completed on this 19th day of October, 2018 and that this plat correctly represents the facts found at the time of survey showing any improvements. There are no encroachments apparent on the ground, except as shown. This survey complies with the current Texas Society of Professional Surveyors Standards and Specifications for Category 1A, Condition II Survey. Surveyor did not abstract property. Easements, building lines, etc., shown are as identified by:

GF N/A of N/A

Henry M. Santos

HENRY M. SANTOS, Registered Professional Land Surveyor No. 5450

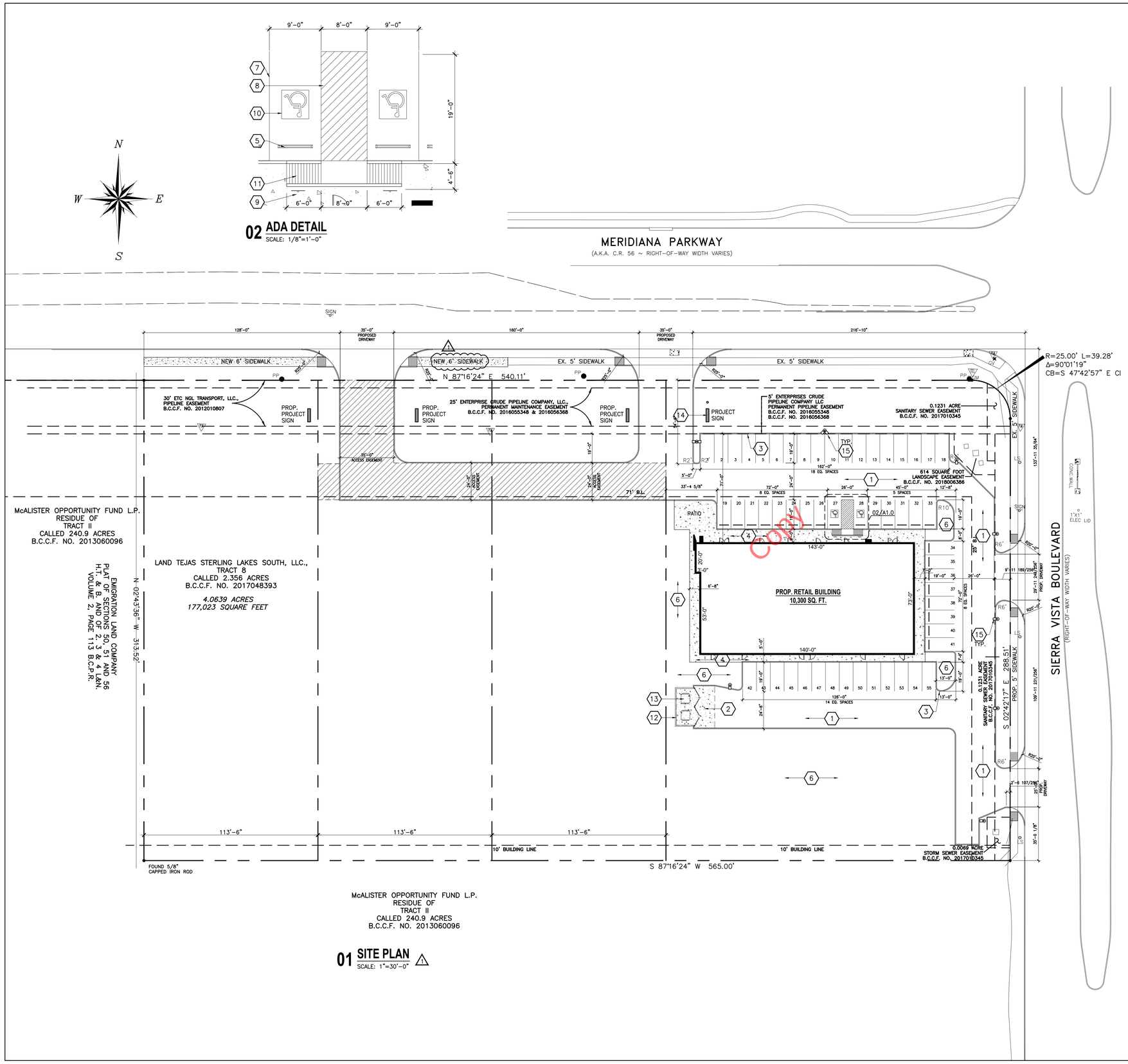
STATE OF TEXAS REGISTERED HENRY M. SANTOS 5450 PROFESSIONAL LAND SURVEYOR

•ABSTRACTING BY TITLE COMPANY.
•ALL BEARINGS ARE BASED ON RECORDED PLAT OF SAID SUBDIVISION.
• COPYRIGHT 2018, Advance Surveying, Inc.(Email: advance_survey@asi23.com)

PURCHASER: –	SCALE: 1" = 30'
ADDRESS: 0 MERIDIANA PARKWAY (CR 56) ROSHARON, TEXAS 77583	FIELD WORK: 10–19–18/DB
	DRAFTING: 11–07–18/JG
LENDER: N/A	FINAL CHECK: 11–07–18/AT
TITLE CO.: N/A	REVISIONS:
JOB NO.: 109220–18–01	
G.F. NO.: N/A	
KEY MAP: –	

PHONE: 281 530–2939
FAX: 281 530–5464

ADVANCE SURVEYING, INC.
10518 KIPP WAY SUITE A–2 • HOUSTON, TEXAS 77099 • TBPLS FIRM NO. 10099200

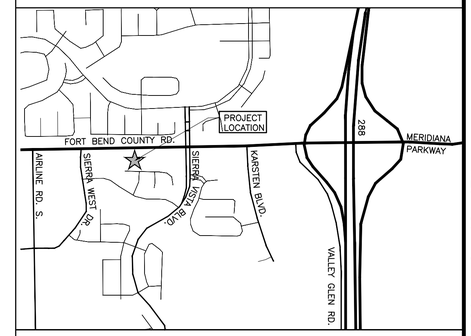


02 ADA DETAIL
SCALE: 1/8"=1'-0"

01 SITE PLAN
SCALE: 1"=30'-0"

VICINITY MAP N.T.S.

KEY MAP #: 290-H



LEGEND:

	PROPERTY LINE	B.L.	BUILDING LINE
	WALL LINE	H.C.C.F.	HARRIS COUNTY CLERK'S FILE
	EASEMENT OR LOT DIVISION LINE	D.R.H.C.	DEED RECORDS OF HARRIS COUNTY
	MISC. IMPROVEMENTS	M.R.H.C.	MAP RECORDS OF HARRIS COUNTY
	COVERED CONCRETE	F.C.	FILM CODE
	EXISTING FENCE	L.S.	LIGHT STANDARD
COVERED CONCRETE	COV. CONC.	SB	STEEL BOX
U.E.	UTILITY EASEMENT	EB	ELECTRIC BOX
A.E.	AERIAL EASEMENT		

PARKING ANALYSIS

OCCUPANCY	SQUARE FOOTAGE	RATIO	
TOTAL SF RETAIL	10,299 SF	4.0 PER 1,000 SQ. FT.	42
TOTAL REQUIRED PARKING SPACES:			42
TOTAL PROVIDED PARKING SPACES:		(INCLUDING 2 ADA P.S.)	55

KEYED NOTES:

1. 6" THICK CONCRETE PAVING. REFER TO CIVIL DWG.
2. 8" THICK CONCRETE PAVING
3. 6" CONCRETE CURB. REFER TO DETAIL 01, 06, 19/A1.1
4. CONCRETE SIDEWALK REFER TO DETAIL 11 & 16/A1.1
5. CONCRETE WHEEL STOP. REFER TO DETAIL 02/A1.1
6. GREEN AREA. REFER TO LANDSCAPING PLAN
7. 4" WIDE STRIPES, PAINTED WHITE (TYP.)
8. 4" WIDE STRIPES, PAINTED WHITE SPACING 2'-0" O.C. (TYP.)
9. HANDICAP SIGN. REFER TO DETAIL 07/A1.1
10. HANDICAP SYMBOL. REFER TO DETAIL 08/A1.1
11. ACCESSIBLE RAMP. REFER TO DETAIL 12 & 13/A1.0
12. DUMPSTER ENCLOSURE (SEE DETAIL – 05/A1.1)
13. DUMPSTER (BY OTHERS)
14. PROJECT SIGN (BY OTHERS); SIGN COMPANY SHALL COMPLY WITH CODES, REGULATIONS, ORDINANCES AND EASEMENTS WITH THE CITY/COUNTY DEPT. BEFORE PERFORMING THE WORK. PROJECT SIGN BY SEPARATE PERMIT 1
15. PARKING LIGHT POLE (TYP.)

DOAN
ASSOCIATES

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Drawing scales as indicated are for reference only and are not intended to accurately depict actual or designed conditions. Written dimensions shall govern.

DATE ISSUED	REMARKS
2019-07-29	1st SUBMITTAL
2020-11-18 1	2nd SUBMITTAL

STAMP

REGISTERED ARCHITECT SIU-HONG CHEUNG 16996 STATE OF TEXAS

11-18-2020

PROJECT NAME

SIERRA VISTA PLAZA

2944 Meridiana Pkwy.
Rosharon, Texas 77583

DRAWING TITLE

MASTER SITE PLAN

PROJECT #	18-071
SCALE	AS SHOWN
DATE	11/03/2018
DRAWN BY	JD
CHECKED BY	JD
SHEET #	

A1.0

02 RENDERING
N.T.S.

EXTERIOR FINISH LEGEND

#	DESCRIPTION
1	1" DOUBLE PANE. CLEAR TEMPERED GLASS IN ALUMINUM FRAME DARK BRONZE COLOR . REF. TO WINDOW SCHEDULE
2	GLASS STOREFRONT DOOR. DARK BRONZE ALUMINUM FRAME REF. TO DOOR SCHEDULE
3	HOLLOW METAL DOOR REF. TO DOOR SCHEDULE. PAINTED COLOR MATCH WITH WALL
4	ALUMINUM CANOPY ALUMINUM FASCIA FINISH ANODIZED IN COLOR #1, DARK BRONZE COLOR
5	ALUMINUM LOUVER SCREEN #1, DARK BRONZE COLOR
6	ALUMINUM LOUVER SCREEN #2, CLEAR ANODIZED ALUMINUM COLOR
7	G.C. TO PROVIDE 5/8" FIRE RETARDANT TREATED PLYWOOD SHEATHING IN LIEU OF DENSGLASS FOR SIGNAGE AS SHOWN
8	STORE LOGO SIGN BY OTHERS
9	ROOF LADDER. PRIMED AND PAINTED TO MATCH WALL COLOR
10	12" X 24" X 1.25" ADHERED CAST STONE VENEER TYPE 1 COLOR: CREAM
11	12" X 24" X 1.25" ADHERED CAST STONE VENEER TYPE 2
12	LONGBOARD SOFFIT & SIDING ALUMINUM CLADDING WOODGRAIN COLOR: ITALIAN ROSEWOOD
13	1/2" STUCCO REVEAL
14	METAL COPING PREFINISHED IN SILVER COLOR
15	METAL COPING PREFINISHED IN PARCHMENT
16	7/8" STUCCO FINISH, INTEGRAL PAINT
17	8"x8"x16" SPIT-FACE CMU, PREFINISHED
18	ROOF LINE BEYOND
19	WALL PACK LIGHT
20	SCUPPER & CONDUCTOR BOX DOWNSPOUTS PREFINISHED IN BUCKSKIN. CONNECT TO STORM LINE/SYSTEM REF TO CIVIL PLAN
21	OVERFLOW SCUPPER, PRE-FINISHED IN BUCKSKIN

COLOR CHART

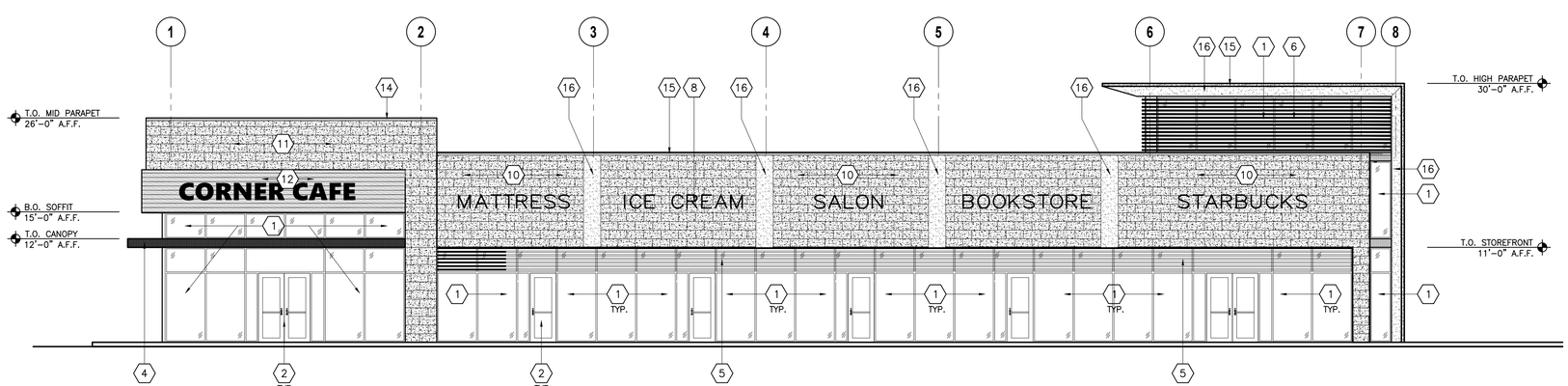
#1	SHERWIN WILLIAMS - SW 7004 SNOWBOUND	

MATERIAL SPECIFICATIONS

CMU	8"X8"X16" PREFINISHED SPLIT-FACE CMU. GREY BURNISHED W/ BLOCKGUARD SEALER
ALUMINUM CLADDING	VERTICAL CLADDING BY MAC. ARCHITECTURAL MAC Metal Architectural - MS14 - Silver Metallic
CAST STONE TYPE 1	12"x24"x1.25" (THK) CAST STONE PANEL BY ROCKCAST LATICRETE HI BOND ADHESIVE MORTAR TO CEMENT BACKER BOARD. REF. TO WALL SECTION DETAILS COLOR CREAM
CAST STONE TYPE 2	12"x24"x1.25" (THK) CAST STONE PANEL BY ROCKCAST LATICRETE HI BOND ADHESIVE MORTAR TO CEMENT BACKER BOARD. REF. TO WALL SECTION DETAILS COLOR VEL BLACK

CAST STONE ADHERED VENEER BY ACME BRICK COMPANY
JOSH JAMES
TEL: 281-989-2945

NOTES:
- COLOR SELECTIONS SUBJECT TO OWNER'S APPROVAL
- ALL PAINT SHALL BE "SHERWIN WILLIAM" EXTERIOR TYPE WITH 2 COATS
- THE COLORS NEED TO BE FINALIZED WITH THE OWNER, AND THE SAMPLE BOARD SHALL BE SUBMITTED FOR APPROVAL



01 FRONT ELEVATION
SCALE: 1/8"=1'-0"

NOTE:
BUILDING SIGNAGE BY SEPARATE PERMIT.

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REGISTERED ARCHITECT
SU-HONG CHEUNG
16996
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11-18-2020

PROJECT NAME

SIERRA VISTA PLAZA

2944 Meridiana Pkwy.
Rosharon, Texas 77583

DRAWING TITLE

EXTERIOR ELEVATIONS

PROJECT #	18-071
SCALE	AS SHOWN
DATE	11/03/2018
DRAWN BY	JD
CHECKED BY	JD
SHEET #	

A3.0

GENERAL NOTES

A. STUCCO:
1. THREE COAT (7/8 INCH) PLASTER ASSEMBLY OVER FRAMING: SILICONE CORE/FIBERGLASS FACE OR WOOD BASED SHEATHING (PER APA) EXTERIOR SHEATHING BOARD, WITH ONE SHEET OF A SELF–ADHERED FLASHING (SAF) APPLIED AT ALL HORIZONTAL SURFACES, UNDER TWO SHEETS OF BLACK GRADE "D" BUILDING (KRAFT) PAPER AS A WEATHER–RESISTIVE BARRIER, GALVANIZED PLASTER ACCESSORIES, METAL LATH, A CONVENTIONAL PLASTER SCRATCH AND BROWN COAT MEETING ASTM STANDARD C 926, WITH AN INTEGRALLY COLORED FINISH.
2. TWO–COAT (5/8 INCH) PLASTER OVER CMU SUBSTRATE: A 3/8" TO 1/2" ASTM C 926 BASECOAT DIRECTLY APPLIED TO PROPERLY–PREPARED CONCRETE MASONRY UNITS, WITH AN INTEGRALLY COLORED FINISH. A METAL LATH (NO WRB) IS REQUIRED FOR APPLICATIONS OVER 5/8 INCH THICK.
3. FINISH COAT: CEMENT. SMOOTH FINISH SHALL BE PRE–BLENDED BASE MATERIAL WITH PRE–PACKAGED COLOR BOXES (IF REQUIRED). TEXTURE SHALL BE SMOOTH UNLESS NOTICE OTHERWISE.

B. PAINTING OVER STUCCO
1 TOPCOATS A–100® EXTERIOR LATEX
PRIMER: ONE (1) COAT; FINISH COAT SHERWIN WILLIAMS DURATION SATIN, TWO (2) COATS.
2 EXTERIOR CMU & BLOCK AREAS (POROUS):
FLAT FINISH FILLER: LOXON BLOCK SURFACER, A24W200
1ST COAT: A–100 EXTERIOR LATEX FLAT, A6 SERIES
2ND COAT: A–100 EXTERIOR LATEX FLAT, A6 SERIES
3 EXTERIOR PLASTER/STUCCO/EIFS:
FLAT FINISH
PRIMER: LOXON CONCRETE & MASONRY PRIMER SEALER, 24W8300
1ST COAT: A–100 EXTERIOR LATEX FLAT, A6 SERIES
2ND COAT: A–100 EXTERIOR LATEX FLAT, A6 SERIES

C. PAINTING OVER EXPOSED GALVANIZED STEEL:
1. SURFACE PREPARATION ***IMPORTANT***
SSPC SP–1 SOLVENT CLEANING TO REMOVE OIL/GREASE CONTAMINATION.
2. PRIMER COAT: WATERBORNE ACRYLIC PRODUCTS DESIGNED FOR GALVANIZED SURFACES
SUCH AS MPI #134 – SHERWIN–WILLIAMS PRO INDUSTRIAL – PRO–CRYL UNIVERSAL
ACRYLIC PRIMER – OFF WHITE – PRODUCT #B66N00310
3. TOP COAT (2 COATS): FINISH WITH SHER–CRYL HIGH PERFORMANCE ACRYLIC PAINT – MATTE FINISH

C. RELATED ITEMS:
– SHEATHING: REFER TO SECTIONS FOR INFORMATION.
– WATER–RESISTANT BARRIER (WRB) SHALL BE MINIMUM 60 MINUTE WATER RESISTIVE GRADE D AND COMPLY WITH FED. SPEC. UU–B–790A. ALTERNATE WRB MUST BE APPROVED BY THE ARCHITECT.
– SELF ADHERED FLASHING (SAF) MUST BE COMPATIBLE WITH THE WRB, MINIMUM 25 MILS THICK, SELF SEALING AND WATERPROOF.
– COLD–ROLLED CHANNEL (CRC): 1 ½ INCH AND 3/4 INCH WITH A MINIMUM OF 33,000 PSI YIELD STRENGTH AND A MINIMUM OF .0538 INCH BARE STEEL THICKNESS, COMPLY WITH ASTM A 653.
NOTE: FOR SUSPENDED SOFFITS AND CEILINGS USE 1½ INCH CRC AS MAIN CARRYING CHANNELS AND 3/4 INCH CRC AS CROSS FURRING. REFER TO SECTIONS FOR DETAILS.
– LATH: TYPE AND STYLE APPROPRIATE USE. PAPER–BACKED LATH MUST BE APPROVED BY ARCHITECT PRIOR TO USE.
EXPANDED METAL: GALVANIZED (DIAMOND MESH, 3.4 LBS/SY, SELF–FURRED, COMPLYING WITH ASTM C 847 (FOR METAL FRAMING, CONCRETE AND/OR MASONRY SUBSTRATES).
–ACCESSORIES:
FOUNDATION WEEP SCREEDS: MINIMUM 26 GAGE GALVANIZED STEEL WITH A 3 ½ INCH ATTACHMENT FLANGE. MUST BE TYPE THAT IS DESIGNED TO ALLOW MOISTURE TO WEEP OUT. INDUSTRY GENERIC NAME– #7 WEEP SCREED.

CONTROL JOINTS: SINGLE–PIECE MINIMUM 26 GAGE GALVANIZED STEEL WITH A FLANGE DESIGNED TO ENGAGE PLASTER. GROUNDS TO PROVIDE FULL 7/8 INCH THICKNESS OF CEMENT PLASTER. INDUSTRY GENERIC NAME– XJ –15
EXPANSION JOINT: TWO–PIECE JOINT DESIGNED TO ALLOW FOR MOVEMENT IN MULTIPLE DIRECTIONS. MADE FROM ALUMINUM OR GALVANIZED STEEL. INDUSTRY GENERIC NAME– #40 2–PIECE JOINT.
DRIP SCREED: MINIMUM 26 GAGE GALVANIZED STEEL WITH GROUND AND HOLES TO ALLOW FOR DRAINAGE. INDUSTRY GENERIC NAME #10 DRIP.
CASING BEADS: MINIMUM 26 GAGE GALVANIZED STEEL WITH 7/8 INCH GROUNDS. EXPANDED FLANGE CASING BEADS. INDUSTRY GENERIC NAMES: MILCOR, J–MOLDOR #66.
REVEALS: SIZE, SHAPE AND PROFILE AS DESIGNATED ON DRAWINGS. ALUMINUM REVEALS SHALL HAVE 4 WAY INTERSECTIONS SHALL BE FACTORY MITERED. CONTRACTOR TO USE INTERSECTION AND TERMINATION CLIPS AS SUPPLIED BY MANUFACTURER.

APPROVED CORROSION–RESISTIVE FLASHING THAT EXTENDS TO THE SURFACE OF EXTERIOR WALL FINISH AND IS INSTALLED TO PREVENT WATER FROM RE–ENTERING THE EXTERIOR WALL ENVELOPE.

D. ROCKCAST THIN CAST STONE VENEER:
THIN ADHERED CALCIUM SILICATE MASONRY UNITS (THIN ADHERED CSMU) (GEORGIA): TO ASTM C73, GRADE SW; SOLID UNITS THAT HAVE BEEN PRESSURE FORMED AND AUTOCLAVED; AND THEN CUT TO [1 1/4'] THICKNESS; SPECIAL SHAPES AS INDICATED; AND AS FOLLOWS:
1. MODULAR SIZE: AS SCHEDULED;
2. TEXTURE: SMOOTH FINISH ON EXPOSED FACES AND ENDS;
3. COLOR: AS SCHEDULED;FABRICATE CALCIUM SILICATE MASONRY UNITS TO THE FOLLOWING TOLERANCES:
4. UNIT LENGTH: PLUS OR MINUS 1/16".
5. UNIT HEIGHT: PLUS OR MINUS 1/16".
6. DEVIATION FROM SQUARE: PLUS OR MINUS 1/16", WITH MEASUREMENT TAKEN USING THE LONGEST EDGE AS THE BASE.
7. CUSTOM UNIT DIMENSIONS: PLUS OR MINUS 1/8". COMPLY WITH ASTM C73–10, STANDARD SPECIFICATION FOR CALCIUM SILICATE FACE BRICK.

INSTALL IN ACCORDANCE WITH CURRENT VERSIONS OF AMERICAN NATIONAL STANDARDS INSTITUTE, INC. (ANSI) "A108 AMERICAN NATIONAL STANDARD SPECIFICATIONS FOR INSTALLATION OF CERAMIC TILE" AND TCNA "HANDBOOK FOR CERAMIC TILE INSTALLATION APPLIED OVER LISTED SUBSTRATES. DESIGN SUBSTRATE FOR MAX ALLOWABLE DEFLECTION OF L/600 (L/720 PREFERRED). MAX THICKNESS 3/4" FOR ROCKED FINISHES, 1–3/8" FOR SMOOTH FINISHES

SUBSTRATE FRAMING:
STEEL STUD/ CMU
CEMENT BOARD
–BACKER BOARD: CEMENTITIOUS, WATER DURABLE, BOARD: SURFACED WITH FIBERGLAS REINFORCING MESH ON FRONT AND BACK; LONG EDGES WARPPED; AND COMPLYING WITH ANSI A118.9 AND ASTM C 1325
FASTENERS:
–SCREWS: HI–LO THREAD SCREWS (NO. 8) WAFER HEAD, CORROSION RESISTANT, COMPLYING WITH ASTM C 1002
JOINT TREATMENT
–TAPE: ALKALI–RESISTANT FIBERGLASS MESH TAPE INTENDED FOR USE WITH CEMENT BOARD
BONDING MATERIALS: LATEX–PORTLAND CEMENT MORTAR IN ACCORDANCE WITH ANSI A118.4

INSTALLATION MATERIALS AND ACCESSORIES:

LATICRETE AIR&WATER BARRIER: THIN, COLD APPLIED, SINGLE COMPONENT LIQUID AND LOAD BEARING. WATERPROOF MEMBRANE TO BE NON–TOXIC, NON–FLAMMABLE, AND NON–HAZARDOUS DURING STORAGE, MIXING, APPLICATION AND WHEN CURED. INSTALL IN COMPLIANCE WITH CURRENT REVISIONS OF ANSI A108 AND ANSI 108.13

LATAPOXY WATERPROOF FLASHING MORTAR: TO BE 3 COMPONENT EPOXY, TROWEL APPLIED SPECIFICALLY DESIGNED TO BE USED UNDER ADHERED MASONRY VENEER:
LATEX–PORTLAND CEMENT MORTAR FOR LEVELING BEDS AND SCRATCH/PLAST COATS: LATICRETE PREMIUM MORTAR BED.

LATEX PORTLAND CEMENT MORTAR: LATICRETE HI BOND MASONRY VENEER MORTAR TO BE WEATHER, FROST, SHOCK RESISTANT, NON–FLAMMABLE.
LATEX PORTLAND CEMENT POINTING MORTAR/GROUT: LATICRETE HI PREMIUM MASONRY POINTING MORTAR TO BE WEATHER, FROST, AND SHOCK RESISTANT. INSTALL LATEX PORTLAND CEMENT MORTAR IN COMPLIANCE WITH CURRENT REVISIONS OF ANSI A108.02 (3.11), A108.1B AND ANSI A108.5
EXPANSION AND CONTROL JOINT SEALANT: LATICRETE LATASIL, TO BE A ONE COMPONENT, NEUTRAL CURE, EXTERIOR GRADE SILICONE SEALANT.
SPOT BONDING EPOXY ADHESIVE: LATAPOXY 310 STONE ADHESIVE (STANDARD OR RAPID–GRADE) FOR INSTALLING ADHERED ADHERED MASONRY VENEER, BRICK AND STONE OVER VERTICAL AND OVERHEAD SURFACES SHALL BE HIGH STRENGTH, HIGH TEMPERATURE RESISTANT, NON–SAG

E. ALUMINUM CANOPY
1. REFER TO STRUCTURAL FOR STEEL FRAME DETAIL. FINISH FASCIA SHALL BE ALUMINUM SHEET W/ PROFILE PER DESIGN. IF G.C. CHOOSES A CANOPY COMPANY TO INSTALL THE CANOPY AS A SEPARATE STRUCTURE, THE CANOPY DESIGN IS SUBJECT TO ARCHITECT'S APPROVAL. CANOPY COMPANY SHALL FOLLOW STRUCTURAL REQUIREMENTS REGARDING WIND LOAD RESISTANCE CRITERIA PER CITY/COUNTY CODE.

F. ALUMINUM/ METAL RAINSCREEN CLADDING

METAL WALL PANEL MATERIAL:

METALLIC–COATED STEEL FACE SHEET: COIL–COATED, ASTM A 755/A 755M.

ZINC–COATED (GALVANIZED) STEEL SHEET: ASTM A 653/A 653M, G90 (CLASS Z275), STRUCTURAL STEEL QUALITY.

ALUMINUM–ZINC ALLOY–COATED STEEL SHEET: ASTM A 792/A 792M, CLASS AZ50 GRADE 50 (CLASS AZM150, GRADE 275), STRUCTURAL STEEL QUALITY.

FACE SHEET: MINIMUM [(0.024 INCH/24 GAGE) (0.60 MM)] [(0.030 INCH/22 GAGE) (0.76 MM)] [(0.036 INCH/20 GAGE) (0.91 MM)] [(0.047 INCH/18 GAGE) (1.19 MM)] NOMINAL UNCOATED THICKNESS.

SURFACE: SMOOTH, NON–DIRECTIONAL EMBOSSED

ALUMINUM FACE SHEET: SMOOTH SURFACE COIL–COATED, ASTM B 209, 3003–H14 OR 5052–H32 ALLOY.

FACE SHEET: [(0.032 INCH) (0.8 MM)] [(0.040 INCH) (1.0 MM)] [(0.050 INCH) (1.27 MM)] NOMINAL THICKNESS.

SURFACE: SMOOTH; NON–DIRECTIONAL EMBOSSED

METAL WALL PANEL ACCESSORIES, GENERAL
PROVIDE COMPLETE METAL WALL PANEL ASSEMBLY INCORPORATING TRIM, COPINGS, FASCIA, PARAPET CAPS, SOFFITS, SILLS, INSIDE AND OUTSIDE CORNERS, AND MISCELLANEOUS FLASHINGS. PROVIDE MANUFACTURER'S FACTORY–FORMED CLIPS, SHIMS, FLASHINGS, GASKETS, LAP TAPES, CLOSURE STRIPS, AND CAPS FOR A COMPLETE INSTALLATION.
EXTRUDED TRIM
MANUFACTURER'S COMPLEMENTARY ALUMINUM EXTRUSIONS FOR HEAD, JAMB, SILL, BASE, FLUSH, REVEAL, INSIDE AND OUTSIDE CORNER, ENDWALL, AND EXPANSION JOINT DETAILS. FINISH TO MATCH METAL WALL PANELS.
MITERED CORNERS
STRUCTURALLY–BONDED HORIZONTAL INTERIOR AND EXTERIOR TRIMLESS CORNERS MATCHING METAL WALL PANEL MATERIAL, PROFILE, AND FACTORY–APPLIED FINISH, FABRICATED AND FINISHED BY METAL WALL PANEL MANUFACTURER. WELDED, RIVETED, FASTENED, OR FIELD–FABRICATED CORNERS DO NOT MEET THE REQUIREMENTS OF THIS SPECIFICATION.
FORMED FLASHING AND TRIM
MATCH MATERIAL, THICKNESS, AND COLOR OF METAL WALL PANEL FACE SHEETS.
SEALANTS
TYPE RECOMMENDED BY METAL WALL PANEL MANUFACTURER FOR APPLICATION, MEETING REQUIREMENTS OF DIVISION 07 SECTION "JOINT SEALANTS."

FLASHING TAPE
4–INCH WIDE SELF–ADHERING BUTYL FLASHING TAPE.
FASTENERS, GENERAL
SELF–TAPPING SCREWS, BOLTS, NUTS, AND OTHER ACCEPTABLE FASTENERS RECOMMENDED BY PANEL MANUFACTURER. WHERE EXPOSED FASTENERS CANNOT BE AVOIDED FOR MISCELLANEOUS APPLICATIONS, SUPPLY CORROSION–RESISTANT FASTENERS WITH HEADS MATCHING COLOR OF METAL WALL PANELS BY MEANS FACTORY–APPLIED COATING.
CONCEALED CLIPS
GALVANIZED STEEL, (0.051 INCH/16 GA.) (1.29 MM) THICK, DESIGNED TO ALLOW UNIMPEDED THERMAL MOVEMENT OF PANEL AND CONFIGURED TO HOLD PANEL MINIMUM (1/2 INCH) (12.7 MM) FROM SUBSTRATE.

G. PRE–FINISHED SINGLE WYTHE MASONRY WALL :
PRE–FINISHED CONCRETE MASONRY UNIT TO REFER TO ARCH ELEVATIONS FOR SPECIFICATION.
ALL UNITS SHALL BE SPECIFIED AND MANUFACTURED WITH AN INTEGRAL WATER REPELLENT.
REFER TO STRUCTURAL DRAWINGS FOR REBAR REINFORCEMENT & DETAILS FOR LOAD BEARING WALL
PROVIDE GROUT THAT CONFORMS TO THE REQUIREMENTS OF ASTM C476. DO NOT USE ADMIXTURES UNLESS ACCEPTABLE.
MORTAR MATERIAL: PROVIDE INTEGRAL WATER–REPELLENT MORTAR ADMIX "KRETE" BY KRETE INDUSTRIES, OR "BLOCKTITE" BY EUCLID CHEMICAL COMPANY, FOR ALL EXTERIOR WALLS. REFER TO ELEVATION FOR COLOR SPEC.

STONE VENEER: 1 1/2" STONE VENEER:
ADHERED MANUFACTURED STONE VENEER (AMSV)

REFER TO ELEVATION NOTES FOR TYPES

INSTALL CULTURED STONE PRODUCTS IN ACCORDANCE WITH MANUFACTURER'S CULTURED STONE INSTALLATION INSTRUCTIONS USING GROUTED TIGHT FITTED JOINTS.
INSTALL ARCHITECTURAL TRIM PRODUCTS IN ACCORDANCE WITH MANUFACTURER'S CULTURED STONE INSTALLATION INSTRUCTIONS.
INSTALL/APPLY RELATED MATERIALS SPECIFIED ABOVE IN ACCORDANCE WITH TYPE OF SUBSTRATE AND MANUFACTURED STONE CLADDING MANUFACTURER'S INSTALLATION INSTRUCTIONS.
INSTALL WEATHER RESISTANT BARRIER IN ACCORDANCE WITH AS4200–1 PLIABLE BUILDING MEMBRANES AND UNDERLAYS – INSTALLATION REQUIREMENTS

WATER RESISTIVE BARRIER:
MANUFACTURED IN ACCORDANCE WITH AS4200–1 PLIABLE BUILDING MEMBRANES AND UNDERLAYS – MATERIALS

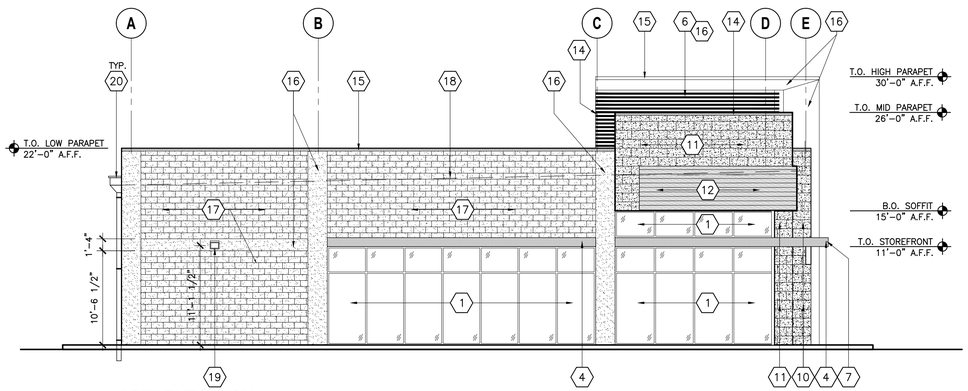
METAL LATH:
1.4 KG/M2 GALVANIZED EXPANDED METAL LATH SECURED TO EXTERIOR WALL SYSTEM.

FASTENERS:
INTO TIMBER STUDS: 40MM GALVANISED CLOUTS OR SCREWS. MINIMUM LENGTH TO PENETRATE 25MM MINIMUM INTO THE TIMBER STUD. INTO METAL STUDS: MINIMUM 11.1 MM HEAD DIAMETER, CORROSION–RESISTANT, SELF–DRILLING, SELF TAPPING, PANCAKE HEAD SCREWS OF SUFFICIENT LENGTH TO PENETRATE 10 MM MINIMUM INTO THE STUD.

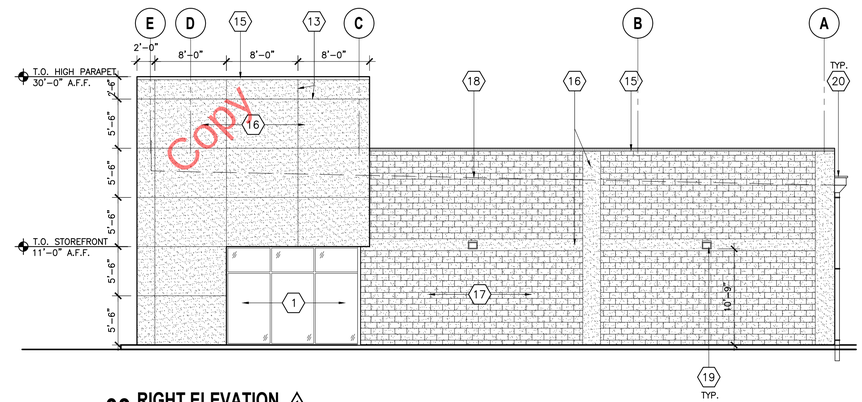
MORTAR:
MIXED FOLLOWING MANUFACTURED MASONRY MANUFACTURER'S INSTALLATION INSTRUCTIONS.

MORTAR COLOR:
IRON OXIDE PIGMENTS. TAN MORTAR WITH EARTH–TONE STONES

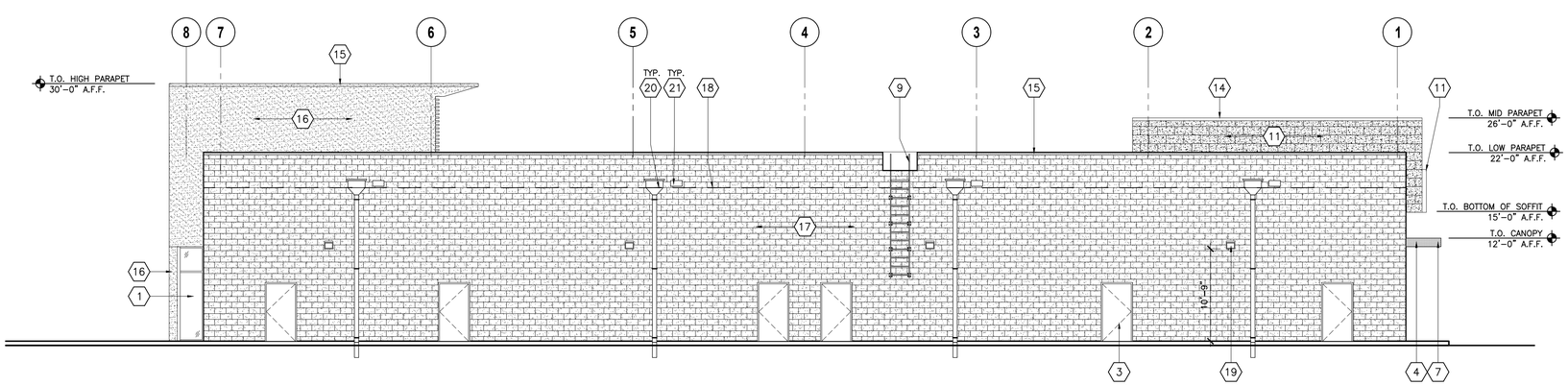
WATERTABLES/SILLS PROVIDE A TRANSITION PIECE BETWEEN A STONE WAINSCOT AND OTHER EXTERIOR FINISHES AND FOR WATER RUNOFF. INSTALL USING GALVANIZED METAL SUPPORT BRACKETS (SIMPSON STRONG TIE A–21 OR OTHER GALVANIZED RIGHT ANGLE BRACKET WITH HOLDING CAPACITY MINIMUM 5 LBS./F) FASTENED WITH GALVANIZED NAILS OR SCREWS PENETRATING STUDS 1" AT A MINIMUM OF 16" ON CENTER. CAULK AND FLASH AS REQUIRED AT WATERTABLE/SILL LOCATIONS USING AN APPROVED CORROSION–RESISTIVE FLASHING THAT EXTENDS TO THE SURFACE OF EXTERIOR WALL FINISH AND IS INSTALLED TO PREVENT WATER FROM RE–ENTERING THE EXTERIOR WALL ENVELOPE.



02 LEFT ELEVATION 1
SCALE: 1/8"=1'–0"



03 RIGHT ELEVATION 1
SCALE: 1/8"=1'–0"



01 REAR ELEVATION 1
SCALE: 1/8"=1'–0"

EXTERIOR FINISH LEGEND

#	DESCRIPTION
1	1" DOUBLE PANE. CLEAR TEMPERED GLASS IN ALUMINUM FRAME DARK BRONZE COLOR . REF. TO WINDOW SCHEDULE
2	GLASS STOREFRONT DOOR. DARK BRONZE ALUMINUM FRAME REF. TO DOOR SCHEDULE
3	HOLLOW METAL DOOR REF. TO DOOR SCHEDULE. PAINTED COLOR MATCH WITH WALL
4	ALUMINUM CANOPY ALUMINUM FASCIA FINISH ANODIZED IN COLOR #1, DARK BRONZE COLOR
5	ALUMINUM LOUVER SCREEN #1, DARK BRONZE COLOR
6	ALUMINUM LOUVER SCREEN #2, CLEAR ANODIZED ALUMINUM COLOR
7	G.C. TO PROVIDE 5/8" FIRE RETARDANT TREATED PLYWOOD SHEATHING IN LIEU OF DENSGLASS FOR SIGNAGE AS SHOWN
8	STORE LOGO SIGN BY OTHERS
9	ROOF LADDER. PRIMED AND PAINTED TO MATCH WALL COLOR
10	12" X 24" X 1.25" ADHERED CAST STONE VENEER TYPE 1 COLOR: CREAM
11	12" X 24" X 1.25" ADHERED CAST STONE VENEER TYPE 2
12	LONGBOARD SOFFIT & SIDING ALUMINUM CLADDING WOODGRAIN COLOR: ITALIAN ROSEWOOD
13	1/2" STUCCO REVEAL
14	METAL COPING PREFINISHED IN SILVER COLOR
15	METAL COPING PREFINISHED IN PARCHMENT
16	7/8" STUCCO FINISH, INTEGRAL PAINT
17	8"x8"x16" SPIT–FACE CMU, PREFINISHED
18	ROOF LINE BEYOND
19	WALL PACK LIGHT
20	SCUPPER & CONDUCTOR BOX DOWNSPOUTS PREFINISHED IN BUCKSKIN. CONNECT TO STORM LINE/SYSTEM REF TO CIVIL PLAN
21	OVERFLOW SCUPPER, PRE–FINISHED IN BUCKSKIN

COLOR CHART

#1	SHERWIN WILLIAMS – SW 7004 SNOWBOUND	

MATERIAL SPECIFICATIONS

CMU	8"x8"x16" PREFINISHED SPLIT–FACE CMU. GREY BURNISHED W/ BLOCKGUARD SEALER
ALUMINUM CLADDING	VERTICAL CLADDING BY MAC. ARCHITECTURAL MAC Metal/ Architectural – MS14 – Silver Metallic
CAST STONE TYPE 1	12"x24"x1.25" (THK) CAST STONE PANEL BY ROCKCAST LATICRETE HI BOND ADHESIVE MORTAR TO CEMENT BACKER BOARD. REF. TO WALL SECTION DETAILS COLOR CREAM
CAST STONE TYPE 2	12"x24"x1.25" (THK) CAST STONE PANEL BY ROCKCAST LATICRETE HI BOND ADHESIVE MORTAR TO CEMENT BACKER BOARD. REF. TO WALL SECTION DETAILS COLOR VEL BLACK

CAST STONE ADHERED VENEER BY ACME BRICK COMPANY
JOSH JAMES
TEL: 281–989–2945

NOTES:
- COLOR SELECTIONS SUBJECT TO OWNER'S APPROVAL
- ALL PAINT SHALL BE "SHERWIN WILLIAM" EXTERIOR TYPE WITH 2 COATS
- THE COLORS NEED TO BE FINALIZED WITH THE OWNER, AND THE SAMPLE BOARD SHALL BE SUBMITTED FOR APPROVAL

DOAN
ASSOCIATES
11700 Southwest Fwy, Ste. 205
Houston, TX 77031
T 281 564 2200
F 281 564 2700
doan@doanassociates.com
www.doanassociates.com

This Drawing is an instrument of service and is the sole property of Doan & Associates, any use of this drawing without written consent by Doan & Associates is prohibited.

The designer shall not have control or charge of and shall not be responsible for construction means, methods, deviations, techniques, sequences, or procedures, or for safety precautions and programs in connection with the work, for the acts or omissions of the contractor, subcontractors or any other persons performing ay of the work, or failure of any of them to carry out the work in accordance with the contract documents. Always use dimensions as shown. Drawings are not to be scaled.

Drawing scales as indicated are for reference only and are not intended to accurately depict actual or designed conditions. Written dimensions shall govern.

DATE ISSUED	REMARKS
2019-07-29	1st SUBMITTAL
2020-11-18	1 2nd SUBMITTAL

STAMP

REGISTERED ARCHITECT SUI HONG CHEUNG 16996 STATE OF TEXAS

11-18-2020

PROJECT NAME

SIERRA VISTA PLAZA

2944 Meridiana Pkwy.
Rosharon, Texas 77583

DRAWING TITLE

EXTERIOR ELEVATIONS

PROJECT #	18-071
SCALE	AS SHOWN
DATE	11/03/2018
DRAWN BY	JD
CHECKED BY	JD
SHEET #	

A3.1

marshdarcy
PARTNERS

December 30, 2020

LETTER OF RECOMMENDATION

2942 Meridiana Parkway

Staff received a variance request for 2942 Meridana Parkway on December 10, 2020. The variance request is for a reduction in the transparency area of a building wall facing a public street and a variance for the location of a 71 feet build-to line measurement.

BACKGROUND

This proposed development is to be located at 2942 Meridiana Parkway on the southwest corner of the intersection of Meridiana Parkway and Sierra Vista Boulevard. The overall tract size is 4.0639 acres. The current building is proposed at 10,300 square feet. The provided elevation indicates a second future building of approximately the same size. Strict interpretation of the transparency regulation in the Unified Development Code has been an issue in the past with standard retail building types and a variance has been granted to the CVS to allow the 65% measurement to be made as a linear distance of frontage rather than a total building face area. The build-to line regulation is applicable to all major arterials. Meridiana Parkway is unique in that it has parallel pipeline easements to the street right-of-way preventing development at the typical distance from the street. Also, a variance has been granted to CVS to allow the measurement of the build-to line to be from the pipeline easement rather than the street right-of-way. The Meridiana Parkway street right-of-way conforms with the ultimate requirement of 120 feet. Additional development along Meridiana Parkway before enactment of the UDC is also located, in most instances, farther away from the Meridiana Parkway right-of-way than the 71 feet build-to regulation.

Copy

REVIEW

The subject tract is located within the Sierra Vista PUD. The adopted General Plan of Development indicates this first phase of 2.3 acres to be commercial and is in conformance with the adopted General Plan of Development for Sierra Vista. Single family residential is indicated in the General Plan of Development along the south and west boundaries of this site. In the City of Iowa Colony Unified Development Code, Section 3.5.3.12 Storefronts, subsection (b) Transparency indicates “each exterior wall of a commercial/retail/office building facing a public street must contain at least sixty-five (65) percent transparent material to allow visual penetration of at least three (3) feet into the building. Transparency includes stationary glass, windows, and the glass area of doors.” This development is on the corner of a street intersection so this regulation would be applicable to both the north and the east façade of the building. Proposed elevation exhibits (front elevation and left elevation) submitted with the variance application indicate a minimum of 65% of the total linear length of both the north and the east elevation individually are transparent for a height of approximately 10 to 11 feet.

8955 Katy Freeway, Suite 215 | Houston, Texas 77024
tel 713.647.9880 | fax 713.647.6448 | marshdarcypartners.com

In the City of Iowa Colony Unified Development Code, Section 3.5.3.1. Setback, Driveways, Sidewalks, and Parking for Commercial/Retail/Office/Industrial Use Buildings, subsection (a) (4) indicates "If both (i) property frontage is on a designated major arterial; and (ii) either (a) the tract size is two (2) acres or larger or (b) the proposed building size is greater than twenty-five thousand (25,000) square feet of Gross Leasable Area (GLA); then the front wall of the building shall be located on a build-to building setback line of seventy-one (71) feet from the ultimate right-of-way line of the street along the front of the property." The pipeline easements along Meridiana Parkway total thirty-five (35) feet in width. The proposed location of the building face will be one-hundred and six (106) feet from the Meridiana Parkway right-of-way with a remainder of seventy-one (71) feet between the pipeline easements and the building face.

SUMMARY AND RECOMMENDATION

The proposed development is in general conformance with the intent of the UDC regulations related to the requested variances. Granting of the variances would not be detrimental to the health, safety, and welfare of the public. STAFF RECOMMENDS THE PLANNING COMMISSION APPROVE AND RECOMMEND APPROVAL TO THE CITY OF IOWA COLONY CITY COUNCIL.

J. Kent Marsh, AICP CUD
Staff Planner for the City of Iowa Colony

Copy

CITY OF IOWA COLONY

APPLICATION FOR VARIANCE REQUEST or APPEAL

Please use this application to request a variance/appeal within the Subdivision Ordinance, Zoning Ordinance, Unified Development Code (UDC) and Sign Ordinance. An Application for Variance Request/Appeal shall be considered by Planning Commission and Planning Commission shall make a recommendation to City Council, who has the authority to grant or deny variance requests. Considerations are made at the monthly Planning Commission and City Council meetings. Refer to the www.cityofiowacolony.com for Planning Commission and City Council scheduled meeting dates and all ordinances and development guidelines affecting the City. Provide hard copies and digital files (cd or usb drive) of application and any supporting documentation to the City Secretary. This application may be used for several requests but only one property or one section of a subdivision. The application fee for Variance Requests/Appeal is $1,000, due at the time of submission and is non-refundable. Applications received without the required fee shall be considered incomplete.

TYPE OF VARIANCE REQUEST (SELECT ONE): **[ ] ZONING** **[ ] UDC** **[ ] ZONING ORDINANCE** **[ ] SIGN ORDINANCE** **[ ] APPEAL**

APPLICANT INFORMATION:

Name of Applicant: JULIE DOAN

Address of Applicant: 11700 SOUTH WEST FWY, STE 205 HOUSTON, TX 77031

Phone: 281-564-2200

Email: doan@doanassociates.com

Name of Owner: SIERRA VISTA VENTURES, LLC - CONTACT: NIZAR ALI

Address of Owner: 800 BONAVENTURE WAY, STE 131 SUGAR LAND, TX 77479

Phone: 832-520-3239

Email: forefundersllc@gmail.com

PROPERTY INFORMATION:

Address Of Subject Property: 2942 MERIDIANA PKWY, ROSHARON, TX 77583

Legal Description Of Subject Property: 2942 MERIDIANA PKWY, ROSHARON, TX 77583

Brazoria County Tax No(s): 02880011005

Current Zoning: ALL-2

Water and Sanitary Serviced by: BRAZORIA COUNTY MUD 32

Street Frontage Type (Circle One): Private or Public

FIRM Map Panel Number: #48039C PANEL 011OH

Copy

VARIANCE REQUST/APPEAL INFORMATION: *Requestor must identify specific Chapter and Section of the Subdivision Ordinance, Zoning Ordinance, Unified Development Code or Sign Ordinance that the Variance Request applies to. If additional space is needed, please attach to this application.*

List Ordinance or Code: Section 3.5.3.12 STORE FRONT

Request and reason: Request: Glass area shall be 65% of linear feet of exterior wall facing the public street in lieu of 65% of areas of exterior wall (see attached reasons)

List Ordinance or Code: Section 3.5.3.1. Setback

Request and reason: Request: 71' built-to-line setback line from the easement instead of property due to the 30' pipe line easement (see attached reasons)

List of supplemental documentation provided: SITE PLAN, SURVEY, & BUILDING ELEVATIONS

Planning Commission Date Requested: 05-01-2021

City Council Date Requested: _____

Requestor Signature or Owner and Date: _____ 12-10-2020

FOR CITY USE ONLY: Application Received By: _____

Date Received: _____

Planning Commission Date: _____

Fee Received: _____

City Council Date: _____

Notifications Required:

Date Approved or Denied: _____

[ ] Published Notice [ ] Posting on Property *(applicant responsibility)*

[ ] Personal Notice [ ] Written Notice of Decision

DOAN & ASSOCIATES, LLC

11700 Southwest Freeway, Suite# 205. Houston, Texas 77031. Tel: (281) 564-2200 Fax: (281) 564-2700

DECEMBER 12 2020

Reference: SIERRA VISTA PLAZA
2944 Meridiana Pkwy
Rosharon, TX 77515

To whom it may concern:

This letter is to list all the reasons for the variance request:

Section 3.5.3.12 STORE FRONT

"Transparency – Each exterior wall of a commercial/retail/office building facing a public street must contain at least sixty-five (65) percent transparent material to allow visual penetration of at least three (3) feet into the building. Transparency includes stationary glass, windows, and the glass area of doors."

Request: Glass area shall be 65% of linear feet of exterior wall facing the public street in lieu of 65% of areas of exterior wall on the side (see attached reasons)

Copy

Reason: Having the glass area to be 65% on the side for our design creates an issue where the end cap height produces a larger surface area. The glass area restricts the interior build-out from utilizing the space for programs which require all (4) wall to be enclosed or opaque such as kitchen, storage, restrooms, etc…

Section 3.5.3.1. BUILDING SETBACK

Request: 71' built-to-line setback line from the easement instead of property due to the 30' pipe line easement (see attached reasons)

Reasons: Due to the 30′ pipeline easement at the frontage of Meridiana Pkwy, if the building is set at 71′ from the property, there would be no space for parking and traffic path way (circulation, fire lane etc.) in front of the building and the site plan will not be functional. We request to have the 71′ build-to-line setback line counting from the easement line instead of the property line.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF IOWA COLONY, TEXAS GRANTING A WAIVER AND **VARIANCE TO CERTAIN TRANSPARENCY AND BUILD-TO LINE REQUIREMENTS** AT **2942/2944 MERIDIANA PARKWAY**; FINDING FACTS; AND PROVIDING AN EXCEPTION, SAVINGS CLAUSE, SEVERANCE CLAUSE, AND EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IOWA COLONY, TEXAS:

1. Legal Requirements

a. Section 3.5.3.12(b) of the Iowa Colony Unified Development Code provides:

> "(b) Transparency – Each exterior wall of a commercial/retail/office building facing a public street must contain at least sixty-five (65) percent transparent material to allow visual penetration of at least three (3) feet into the building. Transparency includes stationary glass, windows, and the glass area of doors."

b. Section 3.5.3.1(a)(4) of the Iowa Colony Unified Development Code provides:

> "(4) If both (i) property frontage is on a designated major arterial; and (ii) either (a) the tract size is two (2) acres or larger or (b) the proposed building size is greater than twenty-five thousand (25,000) square feet of Gross Leasable Area (GLA); then the front wall of the building shall be located on a build-to building setback line of seventy-one (71) feet from the ultimate right-of-way line of the street along the front of the property.

Copy

2. Background

The City has received an application for a variance from the above provisions for a structure to be located at 2942/2944 Meridiana Parkway. The background is more fully stated in the Letter of Recommendation attached hereto and incorporated herein in full.

3. Findings of Fact

The City Council has determined that a waiver or variance should be granted, because the criteria in Section 1.3.4.3 of the Unified Development Code have been satisfied.

4. Grant of Waiver and Variance

Accordingly, the City Council hereby grants a waiver and variance to the requirements of Sections 3.5.3.12(b) and 3.5.3.1(a)(4) of the Uniform Development Code, concerning transparency and the build-to line for the proposed structure at 2942/2944 Meridiana Parkway; provided, however, that this variance is granted:

a. only to the extent shown in the **attached drawings**;

b. but only to the extent stated in the **Letter of Recommendation attached hereto**;

c. in reliance upon the statements of fact in that Letter of Recommendation; and

d. subject to the conditions stated in that Letter of Recommendation.

5. Limit on Scope of Waiver and Variance

a. Transparency. This waiver and variance as to transparency applies only to the building in the application and not to any future expansion or remodeling of that building, after the initial construction of that building.

b. Build-To Line. However, this waiver and variance as to the build-to line apply to any structures to be built now or in the future at this address at the location of that line.

c. Address and Location. At the time of this ordinance, the street number of the property in this waiver and variance has not been finally determined. This ordinance applies to the property and structure shown on the attached drawings, as herein stated and limited, regardless whether the street number is 2942 or 2944.

Copy

6. Savings Clause

The Unified Development Code and all other ordinances of the City shall remain in full force and effect except as specifically provided herein.

7. Severance Clause

If any part of this ordinance, of whatever size, is ever declared invalid or unenforceable for any reason, the remainder of this ordinance shall remain in full force and effect.

8. Effective Date

This ordinance shall be effective immediately upon its passage and approval.

PASSED AND APPROVED ON FEBRUARY 15, 2021.

CITY OF IOWA COLONY

By: _____
MICHAEL BYRUM-BRATSEN,
MAYOR

ATTEST:

_____
KAYLEEN ROSSER, CITY SECRETARY

Copy

Iowa Colony/Ordinances/Variances/2942 Meridiana Parkway

Copy

DRAWINGS
AND
LETTER OF RECOMMENDATION

ATTACHMENTS TO ORDINANCE GRANTING
VARIANCE TO UNIFIED DEVELOPMENT CODE FOR
2942/2944 MERIDIANA PARKWAY

Copy

2021 ELECTION DAY POLLING PLACE RESERVATION FORM

TO: Kayleen Rosser, City Secretary
City of Iowa Colony

VOTE CENTER NUMBER: 11
POLLING PLACE: Iowa Colony City Hall
12003 Iowa Colony Blvd, Iowa Colony

The Brazoria County Elections Office requests the location named above as a polling place for the following elections in 2021:

Saturday, May 1	Joint City/School/Other Election
Tuesday, November 2	Constitutional Amendment Election

TIME NEEDED ON ELECTION DAY – 6 AM-8:30 PM.

DELIVERY DATES
April 28th for May Election
October 29th for November Election

Pick Up: First business day after election

Copy

TELEPHONE AVAILABILITY – Calls will be local from anywhere in the county.

TELEPHONE QUESTIONNAIRE (For your use, answer Yes or No)

If the answer to **any** of these questions is **NO,** please check **Phone is not available** on the reservation forms.

1. Is the telephone in the room where the election will be taking place?
2. Can the phone ring be heard in the election area?
3. Will the phone be available from 6 AM-8 PM?
4. Can the phone be used for incoming AND outgoing calls?

DEADLINE FOR RETURNING THE RESERVATION FORMS: JANUARY 22

- Please return the forms even if your facility is not available.
- Please check the pre-printed information and make any necessary changes.

Please return by scanning and emailing to johnathane@brazoria-county.com, by faxing to 281-756-1011, or by mailing to this address:

Joyce Hudman, County Clerk
111 E Locust, Suite 200
Angleton, TX 77515-4654

VOTE CENTER NUMBER: 11
POLLING PLACE: **Iowa Colony City Hall, 12003 Iowa Colony Blvd, Iowa Colony**

ELECTION	2021 DATES	RESERVED	NOT AVAILABLE
Joint Local Election	Saturday, May 1, 2021	X	
General Election	Tuesday, November 2, 2021		X

On Election Day: Phone is available ☐ Phone is NOT available ☒

Phone number **for use on Election Day**:

Comments:

ROOM INFORMATION
Room(s) to be used: Council Chambers

Approximate dimensions: 24 1/2 ft x 39ft Flooring: Carpet _____ Tile X

Copy

Date of Authorization: 2/9/2021

Authorized Signature: Kayleen Rosser

Authorized by: Kayleen Rosser

Title: City Secretary

Business/Organization: City of Iowa Colony

Mailing Address: 12003 Iowa Colony Blvd
Iowa Colony, TX 77583

Telephone Number: 346-395-4526

DELIVERY INFORMATION
Days your office is open: M-TH Friday

Regular office hours: 8-5 8-12

Contact name: Kayleen Rosser

After-hours contact & phone:
Aaron Bell
832-210-4166

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF IOWA COLONY, TEXAS, AMENDING THE ORDINANCE CALLING FOR THE **2021** ANNUAL GENERAL ELECTION OF OFFICERS FOR SAID CITY; DESIGNATING THE POLLING PLACE THEREOF; PROVIDING FOR THE QUALIFICATION OF ELECTORS; PROVIDING FOR OFFICERS OF SAID ELECTION; PROVIDING FOR EARLY VOTING; CALLING FOR A JOINT ELECTION; AUTHORIZING A JOINT ELECTION AGREEMENT; PROVIDING FOR SHARING OF EXPENSES OF THE JOINT ELECTION; AND PROVIDING A SEVERANCE CLAUSE AND EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IOWA COLONY, TEXAS:

SECTION ONE - Annual General Election Called.

A general election shall be held in and throughout the City of Iowa Colony, Texas, on the **first** Saturday in **May, 2021**, being the **1st day of May, 2021**, between the hours of 7:00 a.m. and 7:00 p.m., for the purpose of electing persons to the following offices of the City for a **two-year term: Mayor; Alderman Position 4; and Alderman Position 5;** and to the following office of the City for a **one-year transitional term: Alderman Position 3.**

Copy

SECTION TWO - Municipal Election Precinct and Polling Place.

For the purpose of the election called and ordained by this ordinance, the polling places for the City of Iowa Colony, Texas, shall be all of the county-wide vote centers listed on the attachment to the Joint Contract for Election Services with the Brazoria County Clerk for this election.

SECTION THREE - Electors.

Every person eligible to vote under the provisions of Chapter 11 of Title 2 of the Texas Election Code who is a resident of the City of Iowa Colony, Texas, and who is duly registered to vote in this election shall be entitled to vote in this election.

SECTION FOUR-Officers of Election and Compensation Thereof.

The appointments, compensation, and duties of all election officers and personnel shall be as provided in the Joint Contract for Election Services with the Brazoria County Clerk for this election.

SECTION FIVE - Early Voting.

a. The Early Voting Clerk is hereby authorized to conduct early voting by personal appearance beginning on the **twelfth (12th)** day preceding and ending on the **fourth (4th)** day preceding the day hereinabove specified for said Election, being **Monday, April 19, 2021**, through **Tuesday, April 27, 2021**, respectively, said early voting by personal appearance to be conducted between the hours of 8:00 a.m. and 5:00 p.m. on every day except Saturday, Sunday and State legal holidays. In addition, early voting by personal appearance shall be conducted between the hours of **7:00 a.m. and 7:00 p.m. on Saturday, April 24, 2021.** In addition, early voting by personal appearance shall be conducted for twelve hours on each of two weekdays, as follows: from **7:00 a.m.** to **7:00 p.m. on Monday, April 26, 2021,** and **Tuesday, April 27, 2021.**

Copy

b. The main early voting place is:

East Annex (Old Walmart)
1524 E. Mulberry #144, Angleton

c. The locations for early voting by personal appearance are as follows:

Angleton Main Location:	East Annex (Old WalMart Building) 1524 E. Mulberry Angleton
Alvin Branch Location:	Alvin Library 105 S. Gordon, Alvin
Brazoria Branch Location:	Brazoria Library 620 S. Brooks, Brazoria

Freeport Branch Location:	Freeport Library 410 Brazosport Blvd., Freeport
Lake Jackson Branch Location:	Lake Jackson Library 250 Circle Way, Lake Jackson
Manvel Branch Location:	Courthouse North Annex 7313 Corporate Dr., Manvel
Pearland East Branch Location:	Tom Reid Library 3522 Liberty Dr., Pearland
Pearland West Branch Location:	Westside Event Center 2150 Countryplace Pkwy., Pearland
Shadow Creek Branch Location:	Pearland Westside Library 2803 Business Center Dr. #101 Pearland
Sweeny Location:	Sweeny Community Center 205 W. Ashley Wilson Rd., Sweeny
West Columbia Branch Location:	Precinct 4 Building 2 121 N. 10th Street, West Columbia

Copy

d. Early voting by mail shall be as provided by applicable law. The mailing address of the **Early Voting Clerk is Joyce Hudman, County Clerk, 111 East Locust, Suite 200, Angleton, Texas 77515-4654.** The email address of the **Early Voting Clerk is cclerkelections@brazoria-county.com.**

SECTION SIX - Method of Voting and Conducting Election.

All early voting by personal appearance and all voting on the day named above for the holding of said general annual election shall be by means of whatever type of voting machine or electronic voting system is available from the voting machine department of Brazoria County, Texas. The manner of holding said election will be governed by the laws of the State of Texas governing general elections and as provided in this ordinance.

SECTION SEVEN - Notice of Election.

a. The Mayor shall cause notice of said election to be posted for at least twenty-one (21) days prior to the date named above for the holding of said general annual election (1) on the bulletin board used for posting notices of meetings of the City Council and (2) on the internet website of the City.

b. The Mayor shall also cause notice of said election to be published in The Alvin Sun, a newspaper published in the City of Alvin, in Brazoria County, Texas, having a general circulation within the corporate limits of the City of Iowa Colony, not earlier than thirty (30) days and not later than ten (10) days before the date named above for the holding of said general annual election.

SECTION EIGHT - Call for Joint Election.

a. This election shall be held jointly with Brazoria County and any other participating entities, pursuant to Chapter 271 of the Texas Election Code.

Copy

b. The City Council hereby approves the attached Joint Contract for Election Services between the City and the Brazoria County Clerk for this election. The Mayor and City Secretary are hereby authorized to execute that contract on behalf of the City.

c. Costs of this election shall be shared as provided in the Joint Contract for Election Services with the Brazoria County Clerk for this election.

SECTION NINE - Severance Clause

If any part of this order or ordinance, of whatever size, is ever declared invalid or unenforceable for any reason, the remainder of this order shall remain in full force and effect.

SECTION TEN - Effective Date

This ordinance shall be effective immediately upon its passage and approval.

READ, PASSED, and APPROVED on the FIRST READING on JANUARY 25, 2021.

READ, PASSED, and APPROVED on SECOND and FINAL READING ON FEBRUARY 15, 2021.

_____
Michael Byrum-Bratsen, Mayor
City of Iowa Colony, Texas

ATTEST:

_____
Kayleen Rosser, City Secretary
City of Iowa Colony, Texas

Copy

ATTACHMENT TO ELECTION ORDINANCE

JOINT CONTRACT FOR ELECTION SERVICES

Copy

JOINT CONTRACT FOR ELECTION SERVICES

THIS CONTRACT (this "Agreement") is made effective as of the Effective Date (as defined below), by and between the CITY OF IOWA COLONY, TEXAS, acting by and through its governing body, hereinafter referred to as " Political Subdivision," and County Clerk of Brazoria County, Texas, hereinafter referred to as "County," and by authority of Section 31.092(a), Texas Election Code, and Chapter 791, Texas Local Government Code, for the conduct and supervision of the Political Subdivision's election to be held on MAY 1, 2021. Political Subdivision and County may be referred to individually as a "Party" and collectively as "the Parties."

This contract is made by and between the CITY OF IOWA COLONY, TEXAS, acting by and through its governing body, hereinafter referred to as "Political Subdivision," and the County Election Officer of Brazoria County, defined by statute as the County Clerk through the authority set forth in Texas Election Code §§31.091 and 31.092. The purpose of this contract is for the performance of election services as authorized by statute. This contract shall serve as the general contract for each election for which the Political Subdivision requests the assistance of the County Clerk. Provisions specific to each particular election will be included as an attachment to the original contract. Political Subdivision and County Clerk may be referred to individually as "Party" or collectively as "Parties."

RECITALS

The County Clerk has care, custody, and control over the electronic voting system, the Hart InterCivic Verity Voting System (Version 2.4), which has been duly approved by the Secretary of State pursuant to Texas Election Code Chapter 122, as amended, and is compliant with the accessibility requirements set forth by Texas Election Code Section 61.012. Political Subdivision desires to use the electronic voting system and to compensate the County Clerk for such use and to share in certain other expenses connected with joint elections in accordance with the applicable provisions of Chapters 31 and 271 of the Texas Election Code.

Copy

NOW, THEREFORE, in consideration of the mutual covenants, agreements, and benefits to the parties, IT IS AGREED as follows:

I. ADMINISTRATION

The Parties agree to hold a "Joint Election" in accordance with Chapter 271 of the Texas Election Code and this Agreement. The County Clerk shall coordinate, supervise, and handle all aspects of administering the Joint Election as provided in this Agreement. Political Subdivision agrees to pay County Clerk for equipment, supplies, services, and administrative costs as provided in this Agreement. The County Clerk shall serve as the administrator for the Joint Election; however, the Political Subdivision shall remain responsible for the decisions and actions of its officers necessary for the lawful conduct of its election. The County Clerk shall provide advisory services in connection with decisions to be made and actions to be taken by the officers of the Political Subdivision.

It is understood that other political subdivisions may wish to participate in the use of the electronic voting system and polling places, and it is agreed that the County Clerk may enter into

other joint election agreements and contracts for election services for those purposes on terms and conditions set forth in the Election Code. Political Subdivision agrees that County Clerk may enter into joint election agreements with other political subdivisions that may have territory located partially or wholly within the boundaries of Political Subdivision, and, in such case, all parties sharing common territory shall share a joint ballot on the electronic voting system at the applicable polling places. In such cases, total costs shall be divided among the participants.

At each polling location, joint participants shall share voting equipment and supplies to the extent possible. The participating parties shall share a mutual ballot in those precincts where jurisdictions overlap. However, in no instance shall a voter be permitted to receive a ballot containing an office or proposition stating a measure on which the voter is ineligible to vote. Multiple ballot styles shall be available in those shared polling places where jurisdictions do not overlap.

II. LEGAL DOCUMENTS

Political Subdivision shall be responsible for the preparation, adoption, and publication of all required election orders, resolutions, notices, and any other pertinent documents required by the Texas Election Code or Political Subdivision's governing body, charter, or ordinances. With reference to publications, the County Clerk will publish the "Notice of Test of Automatic Tabulating Equipment" and the "Notice of Election." If a Political Subdivision is holding any type of Special Election, the Political Subdivision may have to publish their own "Notice of Election" in order to meet additional requirements. Please advise the County Clerk's Elections Office if the Political Subdivision must publish a separate notice so the Political Subdivision's notice is not included in the Notice published by the County Clerk.

Copy

Preparation of the necessary materials for notices and the official ballot shall be the responsibility of each participating authority, including translation to languages other than English. Each participating authority shall provide a copy of their respective election orders and notices to the County Clerk's Election Department.

III. STATUTORY COMPLIANCE

Political subdivisions shall follow all applicable State and Federal laws related to elections, including, but not limited to, Section 52.072 of the Election Code, which states in part, "A proposition shall be printed on the ballot in the form of a single statement…" **Failure to do so may prohibit the political subdivision's participation in a Joint Election.**

IV. VOTING LOCATIONS

The County Clerk's Election Office shall select and arrange for the use of and payment for all election day voting locations. Voting locations will be, whenever possible, the usual voting location for each election precinct in elections conducted by the county. The proposed voting locations are listed in Attachment "A" of this agreement. In the event a voting location is not available, the Elections Department will arrange for use of an alternate location with the approval of the Political Subdivision. The Elections Department shall notify the Political Subdivision of any changes from the locations listed in Attachment "A".

If polling places for the joint election in Attachment “A” are different from the polling place(s) used by Political Subdivision in its most recent election, Political Subdivision agrees to post a notice no later than the date of the election described in Attachment “A”, at the entrance to any previous polling places in the jurisdiction, stating that the polling location has changed, and stating the political subdivision’s polling place name(s) and address(s) in effect for the election described in Attachment “A”. Any changes in voting location from those that were used in the most recent COUNTYWIDE JOINT election will be posted by the County Clerk’s Election Office.

V. ELECTION JUDGES, CLERKS, AND OTHER ELECTION PERSONNEL

The Brazoria County Commissioners Court shall be responsible for the appointment of the presiding judge and alternate judge for each polling location in accordance with Chapter 32 of the Texas Election Code. In the event an emergency appointment is necessary, appointment shall be made in accordance with Election Code §32.007, which authorizes the presiding officer of the Brazoria County Commissioners Court to make an emergency appointment. Should that officer not be available, the County Clerk’s office shall make emergency appointments of election officials. Upon request by the County Clerk, Political Subdivision agrees to assist in recruiting polling place officials who are bilingual (fluent in both English and Spanish).

The County’s Elections Department shall notify all election judges of the eligibility requirements of Subchapter C of Chapter 32 of the Texas Election Code, and will take the necessary steps to ensure that all election judges appointed for the Joint Election are eligible to serve.

Copy

The County Clerk shall arrange for the training and compensation of all election judges and clerks. The Elections Department shall arrange for the date, time, and place for the presiding election judge to pick up their election supplies. Each presiding election judge will be sent a letter from the Elections Department notifying him of his appointment, the time and location of training and distribution of election supplies, and the number of election clerks that the presiding judge may appoint.

Each election judge will receive compensation at an hourly rate of $14.00. Each election clerk will receive compensation at an hourly rate of $12.00. The election judge will receive an additional sum of $25.00 for picking up the election supplies prior to Election Day and for returning the supplies and equipment to the central counting station after the polls close. All judges and clerks who attend training will be compensated at an hourly rate of $8.00 as compensation for same.

It is agreed by all Parties that at all times and for all purposes hereunder, all election judges, clerks, and all other personnel involved in this election are temporary part-time employees subject only to those benefits available to such employees.

VI. PREPARATION OF SUPPLIES AND VOTING EQUIPMENT

The County Clerk Elections Department shall arrange for all election supplies and voting equipment including, but not limited to, official ballots, sample ballots, voter registration lists, and all forms, signs and other materials used by the election judges at the voting locations. At each polling location, joint participants shall share voting equipment and supplies to the extent possible. The participating parties shall share a mutual ballot in those precincts where jurisdictions overlap. However, in no instance shall a voter be permitted to receive a ballot containing an office or proposition stating a measure on which the voter is ineligible to vote. Multiple ballot styles shall be available in those shared polling places where jurisdictions do not overlap. The County Clerk Elections Department shall provide the necessary voter registration information, instructions, and other information needed to enable the election judges in the voting locations that have more than one ballot style to conduct a proper election. If special maps are needed for a particular Political Subdivision, the County Clerk Election Department will order the maps and pass that charge on to that particular Political Subdivision.

Political Subdivision shall furnish the County Clerk a list of candidates and/or propositions showing the order and the exact manner in which the candidate names and/or proposition(s) are to appear on the official ballot (including titles and text in each language in which the authority's ballot is to be printed). THE POLITICAL SUBDIVISION SHALL ALSO PROVIDE A COPY OF EACH CANDIDATE'S APPLICATION TO THE COUNTY CLERK ELECTIONS OFFICE. This list shall be delivered to the County Clerk Elections Department as soon as possible after ballot positions have been determined by each of the participating authorities. Each participating authority shall be responsible for proofreading and approving the ballot insofar as it pertains to that authority's candidates and/or propositions.

Copy

VII. EARLY VOTING

The Parties agree to conduct joint early voting and to appoint the County Clerk as the Early Voting Clerk in accordance with Sections 31.097 and 271.006 of the Texas Election Code. Political Subdivision agrees to appoint the County Clerk's permanent county employees as deputy early voting clerks. The Parties further agree that each Early Voting Location will have an "Officer in Charge" who will receive compensation at an hourly rate of $14.00. The clerks at each location will receive compensation at an hourly rate of $12.00. Early Voting by personal appearance will be held at the locations, dates, and times listed in Attachment "B" of this document. Any qualified voter of the Joint Election may vote early by personal appearance at any one of the joint early voting locations.

As Early Voting Clerk, the County Clerk shall receive applications for early voting ballots to be voted by mail in accordance with Chapter 86 of the Texas Election Code. Any requests for early voting ballots to be voted by mail received by the Political Subdivision shall be forwarded immediately by fax or courier to the Elections Department for processing.

The County Clerk Elections Department shall, upon request, provide the Political Subdivision a copy of the early voting report on a daily basis and a cumulative final early voting report following the election.

VIII. EARLY VOTING BALLOT BOARD

The County Clerk shall appoint an Early Voting Ballot Board (EVBB) to process early voting results from the Joint Election. The Presiding Judge, with the assistance of the County Clerk Elections Department, shall appoint two or more additional members to constitute the EVBB. The County Clerk Elections Department shall determine the number of EVBB members required to efficiently process the early voting ballots.

IX. CENTRAL COUNTING STATION AND ELECTION RETURNS

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

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

Counting Station Manager:	Lisa Mujica
Alternate Counting Station Manager:	Brandy Pena
Tabulation Supervisor:	Susan Cunningham
Alternate Tabulation Supervisor:	Johnathan Escamilla
Presiding Judge:	Tamara Reynolds
Alternate Presiding Judge:	Dottie Cornett

Copy

The County Clerk Elections Department will prepare the unofficial canvass reports after all precincts have been counted, and will deliver a copy of the unofficial canvass to the Political Subdivision as soon as possible after all returns have been tabulated. All participating authorities shall be responsible for the official canvass of their respective elections.

The County Clerk Elections Department shall be responsible for conducting the post-election manual recount required by Section 127.201 of the Texas Election Code unless a waiver is granted by the Secretary of State. Notification and copies of the recount, if waiver is denied, will be provided to each participating authority and the Secretary of State's Office.

The County Clerk Elections Department shall submit all Cities' precinct by precinct returns to the Texas Secretary of State's Office electronically.

The County Clerk Elections Department shall post all election night results to County website on election night. http://www.Brazoriacountyvotes.com.

X. ELECTION EXPENSES AND ALLOCATION OF COSTS

The Parties agree to share the costs of administering the Joint Election. Allocation of costs, unless specifically stated otherwise, is mutually agreed to be shared. The County participates in "Vote Centers," therefor all political subdivisions can vote at any location.

It is agreed that the normal rental rate charged for the County's voting equipment used on election day shall be calculated per polling locations and among the participants utilizing each polling location. (See "Exhibit 1" for rental rates.) Total cost will be calculated, and then multiplied by the Political Subdivisions percentage number of registered voters or with the minimum of $1500.00, for those with lesser amount, additional cost associated will be itemized and billed.

Costs for Early Voting by Personal Appearance will also be charge with the same formula as Election Day. Those political subdivisions with the percentage of registered voters less than amount equal to $1500.00 charged will be a minimum amount of $1500.00.

Political Subdivision contracting for a runoff shall be responsible for all associated costs.

XI. WITHDRAWAL FROM CONTRACT DUE TO CANCELLATION OF ELECTION

Political Subdivision may withdraw from this agreement and the Joint Election should it cancel its election in accordance with Sections 2.051 - 2.053 of the Texas Election Code, or should it be later ruled that the election is not needed. Political Subdivision is fully liable for any expenses incurred by County Clerk on behalf of the Political Subdivision. Any monies deposited with the county by the withdrawing authority shall be refunded, minus the aforementioned expenses.

XII. RECORDS OF THE ELECTION

The County Clerk is hereby appointed general custodian of the voted ballots and all records of the Joint Election as authorized by Section 271.010 of the Texas Election Code.

Copy

Access to the election records shall be available to each participating authority, as well as to the public, in accordance with applicable provisions of the Texas Election Code and the Texas Public Information Act. The election records shall be stored at the offices of the County Clerk or at an alternate facility used for storage of county records. The County Clerk Elections Department shall ensure that the records are maintained in an orderly manner so that the records are clearly identifiable and retrievable.

Records of the election shall be retained and disposed of in accordance with the provisions of Section 66.058 of the Texas Election Code. If records of the election are involved in any pending election contest, investigation, litigation, or open records request, the County Clerk shall maintain the records until final resolution or until final judgment, whichever is applicable. It is the responsibility of each participating authority to bring to the attention of the County Clerk any notice of pending election contest, investigation, litigation or open records request which may be filed with the participating authority.

XIII. RECOUNTS

A recount may be obtained as provided by Title 13 of the Texas Election Code. Political Subdivision agrees that any recount shall take place at the offices of the County Clerk and that the County Clerk shall serve as Recount Supervisor and the Political Subdivision's official or employee who performs the duties of a secretary under the Texas Election Code shall serve as Recount Coordinator.

The County Clerk Elections Department agrees to provide advisory services to the Political Subdivision as necessary to conduct a proper recount and cost of the recount depends on the size of the election and number of precincts to be recounted.

XIV. MISCELLANEOUS PROVISIONS

1. It is understood that to the extent space is available, that other districts and political subdivisions may wish to participate in the use of the election equipment and voting places; it is agreed that the County Clerk may contract with such other districts or political subdivisions for such purposes, and that in such event, there may be an adjustment of the pro-rata share to be paid to the County by the participating authorities.

2. The County Clerk shall file copies of this document with the County Treasurer and the County Auditor in accordance with Section 31.099 of the Texas Election Code.

3. In the event that legal action is filed contesting the Political Subdivision's election under Title 14 of the Texas Election Code, Political Subdivision shall choose and provide, at its own expense, legal counsel for the County, the County Clerk, and additional election personnel as necessary.

4. Nothing in this contract prevents any party from taking appropriate legal action against any other party and/or other election personnel for a breach of this contract or a violation of the Texas Election Code; however, any action taken is subject to any immunity provided by statute or common law to governmental entities. For purposes of this contract, the County Clerk's office is acting as a governmental entity covered by any immunity available to Brazoria County.

5. The parties agree that under the Constitution and laws of the State of Texas, neither Brazoria County nor Political Subdivision can enter into an agreement whereby either party agrees to indemnify or hold harmless another party; therefore, all references of any kind, if any, to indemnifying or holding or saving harmless for any reason are hereby deleted.

6. This agreement shall be construed under and in accord with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Brazoria County, Texas.

7. In the event of one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof and this agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

8. All parties shall comply with all applicable laws, ordinances, and codes of the State of Texas, all local governments, and any other entities with local jurisdiction.

9. The waiver by any party of a breach of any provision of this agreement shall not operate as or be construed as a waiver of any subsequent breach.

Copy

10. Any amendments of this agreement shall be of no effect unless in writing and signed by all parties hereto.

11. **Authorization of Agreement**. This Agreement has been approved and authorized by the governing body of the Political Subdivision.

12. **Purpose, Terms, Rights, and Duties of the Parties**. The purpose, terms, rights, and duties of the Parties shall be as set forth in this Agreement.

13. **Payments from Current Revenues**. Each Party paying for the performance of governmental functions or services must make those payments from current revenues available to that paying Party.

14. **Fair Compensation**. The Parties acknowledge and agree that each of the payments contemplated by this Agreement fairly compensate the performing Party.

15. **Termination**. At any time and for any reason, either Party may terminate this Agreement by providing thirty (30) days' written notice of termination to the other Party.

16. **Funding**. The Parties understand and acknowledge that the funding of this Agreement is contained in each Party's annual budget and is subject to the approval of each Party in each fiscal year. The Parties further agree that should the governing body of any Party fail to approve a budget that includes sufficient funds for the continuation of this Agreement, or should the governing body of any Party fail to certify funds for any reason, then and upon the occurrence of such event, this Agreement shall automatically terminate as to that Party and that Party shall then have no further obligation to the other Party. When the funds budgeted or certified during any fiscal year by a Party to discharge its obligations under this Agreement are expended, the other Party's ***sole and exclusive remedy*** shall be to terminate this Agreement.

Copy

17. **No Joint Enterprise**. The Agreement is not intended to, and shall not be construed to, create any joint enterprise between or among the Parties.

18. **Public Information**. This Agreement is public information. To the extent, if any, that any provision of this Agreement is in conflict with Texas Government Code Chapter 552, et seq., as amended (the "Texas Public Information Act"), such provision shall be void and have no force or effect.

19. **No Third-Party Beneficiaries**. This Agreement is entered solely by and between, and may be enforced only by and among the Parties. Except as set forth herein, this Agreement shall not be deemed to create any rights in, or obligations to, any third parties.

20. **No Personal Liability**. Nothing in this Agreement shall be construed as creating any personal liability on the part of any employee, officer, or agent of any Party to this Agreement.

21. Nothing in this Agreement requires that either the Political Subdivision or County incur debt, assess or collect funds, or create a sinking fund.

22. **Sovereign Immunity Acknowledged and Retained**. **THE PARTIES EXPRESSLY ACKNOWLEDGE AND AGREE THAT NO PROVISION OF THIS AGREEMENT IS IN ANY WAY INTENDED TO CONSTITUTE A WAIVER BY ANY PARTY OF ANY IMMUNITY FROM SUIT OR LIABILITY THAT A PARTY MAY HAVE BY OPERATION OF LAW. THE CITY AND THE COUNTY RETAIN ALL GOVERNMENTAL IMMUNITIES**.

XV. COST ESTIMATES AND DEPOSIT OF FUNDS

It is estimated that the Political Subdivision's obligation under the terms of this agreement shall be DETERMINED AFTER THE ELECTION. Political Subdivision agrees to pay to County a deposit of $1,500.00. This deposit shall be paid to County within 10 business days after the final candidate filing deadline. The final candidate filing deadline is February 16, 2021. Therefore, deposit is due by **MARCH 3, 2021**. The exact amount of the Political Subdivision's obligation under the terms of this Agreement shall be calculated after the MAY 1, 2021, election; and if the amount of the Political Subdivision's obligation exceeds the amount deposited, the Political Subdivision shall pay to County the balance **due within thirty (30) days after receipt of the final invoice from the County's Election Department**. However, if the amount of the Political Subdivision's obligation is less than the amount deposited, County shall refund to the Political Subdivision the excess amount paid within thirty (30) days after final costs are calculated.

IN TESTIMONY HEREOF, this agreement, its multiple originals all of equal force, has been executed on behalf of the parties.

Copy

(1) On the _____ day of _____, 2021 been executed on behalf of the County Clerk by the County Clerk pursuant to the Texas Election Code;

(2) On the _____ day of _____, 2021 been executed on behalf of the Political Subdivision by its Mayor or authorized representative, pursuant to an action of the Political Subdivision.

BRAZORIA COUNTY, COUNTY CLERK by

_____
Joyce Hudman, County Clerk

ATTEST:

CITY OF IOWA COLONY, TEXAS

_____ By _____
Presiding Officer or Authorized Representative
CITY OF IOWA COLONY

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF IOWA COLONY, TEXAS, CLOSING A PORTION OF KARSTEN BOULEVARD; CONTAINING FINDINGS OF FACT; PRESERVING ALL EASEMENTS AND RIGHTS OF WAY; RESERVING THE RIGHT TO REOPEN THAT STREET; AND PROVIDING A SAVINGS CLAUSE, SEVERANCE CLAUSE, AND EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IOWA COLONY, TEXAS:

1. The term "the Closed Street" herein shall mean only the portion of Karsten Boulevard from the southern edge of its intersection with Bullard Parkway (former County Road 81) south to the current termination of Karsten Boulevard at the northern edge of its intersection with Cedar Rapids Parkway (former County Road 57), in the City of Iowa Colony, Brazoria County, Texas.

2. The City Council of the City of Iowa Colony, Texas ("the City") hereby finds that the following facts and all other facts stated in any part of this ordinance are true:

a. The Closed Street is not necessary for access to any property.
b. All properties adjoining the Closed Street have adequate access without the Closed Street.
c. The Closed Street is being used unlawfully as a dumping ground for rubbish and litter.
d. That rubbish and litter constitute an unlawful nuisance.
e. Public convenience and necessity do not require that the Closed Street remain open at this time.
f. This ordinance promotes the public health, safety, and general welfare.
g. This ordinance is authorized by Section 311.007 of the Texas Transportation Code, Section 217.042 of the Texas Local Government Code, the Home Rule Charter of the City, and all applicable law.

Copy

3. The Closed Street shall be closed until further order of the City Council.

4. As a matter of law, this ordinance and the closure of the Closed Street do not substantially impair access to any property.

5. The Public Works Department of the City is hereby authorized and directed to physically block access to the Closed Street and to provide a method for access by emergency vehicles.

6. This ordinance shall not waive, release, vacate, or transfer any right of way or easement of any nature, including but not limited to the right of way and easement of the Closed Street. All easements and rights of way of any nature, including but not limited to the Closed Street, shall remain in full force and effect and shall continue to be held by the City.

7. The City reserves the right to reopen all or any portion of the Closed Street.

8. If any part of this ordinance, of whatever size, is ever declared invalid or unenforceable for any reason, the remainder of this order shall remain in full force and effect.

9. The City Secretary is authorized and directed to record a duplicate original or certified copy of this ordinance in the Official Records of the Brazoria County Clerk.

10. This ordinance shall be effective immediately upon its passage and approval.

READ, PASSED, and APPROVED on the FIRST READING on JANUARY 25, 2021.

READ, PASSED, and APPROVED on the SECOND and FINAL READING ON FEBRUARY 15, 2021.

_____
Michael Byrum-Bratsen, Mayor
City of Iowa Colony, Texas

ATTEST:

Copy

_____
Kayleen Rosser, City Secretary
City of Iowa Colony, Texas

THE STATE OF TEXAS §

COUNTY OF BRAZORIA §

This instrument was acknowledged before me, on the ____ day of _____, 2021, by Michael Byrum-Bratsen, as Mayor, of the City of Iowa Colony, Texas.

_____
Notary Public in and for the State of Texas

THE STATE OF TEXAS §

COUNTY OF BRAZORIA §

This instrument was acknowledged before me, on the ____ day of _____, 2021, by Kayleen Rosser, as City Secretary, of the City of Iowa Colony, Texas.

_____
Notary Public in and for the State of Texas

Copy

From: **Aaron I. Bell** abell@iowacolonypd.org
Subject: Employee Handbook Change Request
Date: January 5, 2021 at 2:47 PM
To: Ronald Cox (City) rcox@iowacolonytx.gov

AB

Mr. Ron,

Per our discussion, I would like to add the phrase “Officers assigned to the patrol division, holiday time off is considered time worked when figuring overtime.” to the city employee handbook under the 7k exemption section.

Policy: Under current city policy, an officer, working under the 7k exemption, has a bank of holidays each quarter. Banked holidays must be taken during that quarter or they lose the time.

Issue: An officer takes a scheduled banked holiday off and then gets called in to cover a shift during that same pay period, the officer does not accrue any overtime and loses the holiday.

Here is what I found in reference to vacation:
Employee handbook VII(8.05)(c) states that unused personal leave (vacation) can deferred for 30 days by the Department Director only if scheduled and called back or denied the vacation after it is scheduled.

Copy

Aaron I. Bell
Chief of Police

Iowa Colony Police Department
12003 Iowa Colony Blvd.
Iowa Colony, Texas 77583
Cell: (832) 210-4166
Office: (281) 369-3444
Dispatch: (281) 756-2392
Fax: (281) 406-3722
www.iowacolonytx.gov
Sign up for Emergency Notifications
Connect with us on NextDoor

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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF IOWA COLONY, TEXAS, AMENDING THE EMPLOYEE PERSONNEL POLICIES AND PROCEDURES HANDBOOK AS TO HOLIDAY LEAVE TIME; PROVIDING FOR OTHER POLICIES; AND PROVIDING A SAVINGS CLAUSE, SEVERANCE CLAUSE AND EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IOWA COLONY, TEXAS:

SECTION ONE. **Section 8.08** of the Employee Personnel Policies and Procedures Handbook of the City of Iowa Colony, Texas, is hereby amended and adopted as follows:

"8.08 Holiday Leave

"The City provides paid holidays to employees serving in the initial orientation period and regular full-time. Every other employee is extended the official holiday, but without pay. The following official holidays will be observed:

New Year's Day (January 1)
Martin Luther King Day (third Monday in January)
Presidents' Day (third Monday in February)
Good Friday
Memorial Day (last Monday in May)
Independence Day (July 4)
Labor Day (first Monday in September)
Columbus Day (second Monday in October)
Veterans' Day (November 11)
Thanksgiving Day (fourth Thursday in November)
Day after Thanksgiving (Friday after Thanksgiving)
Christmas Eve (December 24)
Christmas Day (December 25)

Copy

"If one of the designated holidays occurs on Saturday, then the City shall observe the preceding Friday as such holiday. When any designated holiday occurs on Sunday, then the City shall observe the following Monday as such holiday

"Holidays. A holiday is a period of 8 hours, paid at the employee's regular rate.

"Scheduling of Holiday. Holidays occurring on Saturday normally will be observed on the preceding Friday and holidays occurring on Sunday will normally be observed on the following Monday.

"Temporary and Seasonal Employees. Temporary and seasonal employees will be paid their regular hourly rates for a holiday only if required to work on a holiday. No holiday pay is authorized for seasonal or temporary employees who do not work on a holiday.

"Employees required to work on a Holiday. Employees required to work on a holiday will be given an alternate day off with pay or will be paid 8 hours for the holiday at their regular rate of pay, in addition to the hours worked, at the employee's request.

"A nonexempt employee's threshold for overtime shall be reduced for the pay period in which that employee takes a paid day off for a holiday, regardless whether that day off is the actual holiday or an alternate day off when allowed by this policy. The amount of that reduction of the overtime threshold shall be the number of hours in the normal shift for that employee for the day the employee took off for the paid holiday or alternate.

Example 1: A nonexempt employee whose overtime threshold is normally 40 hours takes a paid day off for a holiday or alternate day. The day taken off is a Tuesday for which the employee would have had a normal 9 hour shift, if the employee had worked that day. That employee actually works 33 hours during that same pay period. That employee shall be paid:

a. 9 hours at straight time for the holiday or alternate day not worked; plus
b. 31 hours (40 – 9) at straight time for time actually worked; plus
c. 3 hours of overtime pay (or compensatory time off, to the extent provided by this policy) for 2 hours of overtime worked, in excess of the 31 hour overtime threshold.

Example 2: A nonexempt employee whose overtime threshold is normally 40 hours takes a paid day off for a holiday or alternate day. The day taken off is a Friday for which the employee would have had a normal 4 hour shift, if the employee had worked that day. That employee actually works 39 hours during that same pay period. That employee shall be paid:

a. 4 hours at straight time for the holiday or alternate day not worked; plus
b. 36 hours (40 – 4) at straight time for time actually worked; plus
c. 4.5 hours of overtime pay (or compensatory time off, to the extent provided by this policy) for 3 hours of overtime worked, in excess of the 36 hour overtime threshold.

Example 3: A nonexempt police patrol employee whose overtime threshold is normally 84 hours takes a paid day off for a holiday or alternate day. The day taken off is a day for which the employee would have had a normal 12 hour shift, if the employee had worked that day. That employee actually works 78 hours during that same pay period. That employee shall be paid:

a. 12 hours at straight time for the holiday or alternate day not worked; plus
b. 72 hours (84 – 12) at straight time for time actually worked; plus
c. 9 hours of overtime pay (or compensatory time off, to the extent provided by this policy) for 6 hours of overtime worked, in excess of the 72 hour overtime threshold.

"The Mayor or his/her designee will permit as many employees as possible to observe each holiday, consistent with the maintenance of essential City functions. No employee shall work more than one regularly scheduled shift on a holiday without approval of the Mayor or his/her designee.

Copy

"Employees Scheduled "Off Duty" on a Holiday. When a holiday and an employee's regularly scheduled day off occur on the same day, the employee will accrue 8 hours of holiday leave to be taken at a later date, but no later than the end of the fiscal year.

"Nonexempt Emergency Personnel Called Back on a Holiday. Non-exempt employees called in on an emergency basis to work a holiday for which they are not scheduled to work will be paid for all hours worked on the holiday at the regular rate and will be given an alternate day off with pay or will be paid 8 hours for the holiday at the employee's request.

"Ineligibility for Holiday Pay. Employees on unpaid leave the day before and/or the day after the holiday are not eligible for holiday pay. Likewise, nonexempt employees who are absent without authorized leave on the day immediately preceding or following a scheduled holiday will not be paid for the holiday.

"Holiday Occurring During Personal Leave. A holiday that falls within an employee's personal period will be counted as holiday in lieu of a day of personal leave.

"Separating Employees. Except in extraordinary situations, separating employees will not be allowed to use a holiday as their final day of employment. Exceptions must be scheduled and authorized in advance by the Department Director.

"Paid Leave Status. An employee on a paid leave status will normally be paid holiday pay in lieu of the leave status pay they would ordinarily receive at the time of the holiday.

"Other Religious Holidays. Employees may request an approved absence to celebrate a religious holiday that is not a scheduled City holiday. If approved, the employee must charge the time to personal, compensatory time, or an excused absence without pay.

"Holiday Pay During Workers' Compensation Leave. An employee on worker's compensation leave will not receive holiday pay."

Copy

SECTION TWO. Subsection 8.02(e) of the Employee Personnel Policies and Procedures Handbook of the City of Iowa Colony, Texas, is hereby amended and adopted as follows:

"(e) Overtime. Overtime compensation is paid to non-exempt employees in accordance with federal and state wage and hour requirements, but **Section 8.08** provides for additional overtime pay in **certain holiday circumstances**. Exempt employees are not paid overtime compensation."

SECTION THREE. All references to the Mayor in the Employee Personnel Policies and Procedures Handbook are amended to refer to the City Manager, except as otherwise required by the Home Rule Charter or state or federal law.

SECTION FOUR. The Employee Personnel Policies and Procedures Handbook shall remain in full force and effect, as hereby amended.

SECTION FIVE. The Employee Personnel Policies and Procedures Handbook as hereby amended supersedes any prior personnel policies, by any name, of the City of Iowa Colony; provided, however, that any personnel policies and manuals of the Police Department shall remain in effect, to the extent that they do not contradict the Employee Personnel Policies and Procedures Handbook.

SECTION SIX. If any part, of whatever size, of this ordinance or the Employee Personnel Policies and Procedures Handbook, as hereby amended, is ever declared invalid or unenforceable for any reason, the remainder of this ordinance and the Employee Personnel Policies and Procedures Handbook shall remain in full force and effect.

SECTION SEVEN. This ordinance shall take effect as of the date of its passage, approval, and adoption.

Copy

PASSED AND APPROVED ON THE FIRST READING ON JANUARY 25, 2021.

PASSED, APPROVED, AND ADOPTED ON THE SECOND AND FINAL READING ON FEBRUARY 15, 2021.

CITY OF IOWA COLONY, TEXAS

By: _____
MICHAEL BYRUM-BRATSEN,
MAYOR

ATTEST:

_____

KAYLEEN ROSSER, CITY SECRETARY

Copy

Amendments to 2018 International Plumbing Code

The 2018 edition of the International Plumbing Code adopted in **XXXXXXXX** is hereby amended in the following respects:

(1) *Subsection 101.1* is hereby amended to provide as follows:

101.1 Title. These regulations shall be known as the Plumbing Code of the City of Iowa Colony, Texas, hereinafter referred to as "this code."

(2) ***Section 103*** is hereby deleted.

(3) ***Subsection 106.2*** is hereby amended to provide as follows:

106.2 Exempt work. The following work shall be exempt from the requirement for a permit:

1. The repairing of leaks.

2. The clearing of stoppages in pipes, valves or fixtures, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.

3. The replacement of lavatory or kitchen faucets.

4. The replacement of ballcocks or water control valves.

5. The replacement of garbage disposals.

6. The replacement of water closets.

Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

Copy

(4) ***Subsections 106.3.3 and 106.5.3*** are hereby deleted.

(5) ***Subsection 106.5.7*** is hereby amended to provide as follows:

106.5.7 Previous approvals. This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized before the effective date of this code, provided that such construction has not been abandoned.

(6) ***Subsections 106.6.2 and 106.6.3*** are hereby deleted.

(7) ***Subsections 108.2, and 108.3*** are hereby deleted.

(8) ***Subsection 108.4*** *is hereby amended to provide as follows:*

108.4 Violation Penalties. Any person who violates any provision of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not to exceed Five Hundred Dollars ($500.00). Each day during which said violation shall exist or occur shall constitute a separate offense.

(9) ***Subsection 108.5*** *is hereby amended to provide as follows*:

108.5 Stop Work Orders. Upon notice from the code official, work on any plumbing system that is being performed contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's authorized agent, or to the person performing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with

a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine.

(10) ***Section 109*** is hereby deleted.

(11) ***Section 305.1*** Protection against contact is hereby amended to provide the following:

305.1 Protection against contact. In addition to the written section, all plastic pipe in contact with concrete or cinder walls and floors or other masonry (for example, brick) shall be wrapped with an 8 mil (0.008 inch) (0.203 mm) minimum thickness or an approved sleeving material used for that type of application. The use of tar, mastic or similar material is ***prohibited.***

(12) ***Subsection 305.4.1*** is hereby amended to provide as follows:

305.4.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall be installed not less than 12 inches (305 mm) below finished grade at the point of septic tank connection. Building sewers shall be installed not less than 12 inches (305 mm) below grade.

(13) ***Subsection 903.1*** is hereby amended to provide as follows:

903.1 Roof extension. Open vent pipes that extend through a roof shall be terminated at least six inches (152 mm) above the roof. Where a roof is to be used for assembly or as a promenade, observation deck, sunbathing deck or similar purposes, open vent pipes shall terminate not less than seven feet (2,134 mm) above the roof.

(Ord. No. XXXXXXXX)

Copy

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF IOWA COLONY, TEXAS, ADOPTING AND AMENDING THE INTERNATIONAL **PLUMBING CODE**; REPEALING AND REPLACING PART THREE, PLUMBING CODE, OF ORDINANCE NO. 2019-40; PROVIDING A SAVINGS CLAUSE, A SEVERANCE CLAUSE, AND AN EFFECTIVE DATE; AND BY REFERENCE TO ORDINANCE NO. 2019-40, PROVIDING A PENALTY OF UP TO $2,000 PER DAY FOR A VIOLATION OF THIS ORDINANCE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IOWA COLONY, TEXAS:

SECTION A. Adoption and Amendment of Plumbing Code.

Part Three, Plumbing Code, of Ordinance No. 2019-40 of the City of Iowa Colony is hereby amended to read as stated on Exhibit "A" which is attached hereto and incorporated herein in full.

SECTION B. Savings Clause, Fines, and Other Provisions.

1. Except as specifically provided herein, the remainder of Ordinance 2019-40, all other ordinances, and all other portions of ordinances of the City shall remain in full force and effect.

2. The provisions repealed by this ordinance shall nevertheless remain in full force and effect as to violations and acts occurring before the effective date of this ordinance.

3. As a part of Ordinance No. 2019-40, this ordinance is subject to all provisions of PART XII, GENERAL, of Ordinance No. 2019-40, including but not limited to a penalty of up to $2,000 per day for a violation of this ordinance.

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SECTION C. Severability.

In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Iowa Colony Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

SECTION D. Effective Date.

This ordinance shall take effect as of the date of its passage, approval, and adoption.

PASSED AND APPROVED ON THE FIRST READING ON JANUARY 25, 2021.

PASSED, APPROVED, AND ADOPTED ON THE SECOND AND FINAL READING ON FEBRUARY 15, 2021.

CITY OF IOWA COLONY, TEXAS

By: _____
MICHAEL BYRUM-BRATSEN, MAYOR

ATTEST:

_____
KAYLEEN ROSSER, CITY SECRETARY

Copy

EXHIBIT "A"

PART THREE, PLUMBING CODE, OF CITY OF IOWA COLONY ORDINANCE NO. 2019-40, AS AMENDED THROUGH FEBRUARY 15, 2021

PART THREE. PLUMBING CODE.

Sec. III-1. Adoption of International Plumbing Code.

The *International Plumbing Code,* 2018 Edition, hereinafter sometimes referred to as the "Code," as published by the International Code Council, Inc., is hereby adopted. A copy of said Code has been filed with the City Secretary.

Sec. III-2. Amendments to International Plumbing Code.

The 2018 edition of the International Plumbing Code is hereby amended in the following respects:

(1) *Subsection 101.1* is hereby amended to provide as follows:

101.1 Title. These regulations shall be known as the Plumbing Code of the City of Iowa Colony, Texas, hereinafter referred to as "this code."

(2) ***Section 103*** is hereby deleted.

(3) ***Subsection 106.2*** is hereby amended to provide as follows:

106.2 Exempt work. The following work shall be exempt from the requirement for a permit:

1. The repairing of leaks.

2. The clearing of stoppages in pipes, valves or fixtures, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.

3. The replacement of lavatory or kitchen faucets.

4. The replacement of ballcocks or water control valves.

5. The replacement of garbage disposals.

6. The replacement of water closets.

Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

(4) ***Subsections 106.3.3 and 106.5.3*** are hereby deleted.

(5) ***Subsection 106.5.7*** is hereby amended to provide as follows:

106.5.7 Previous approvals. This code shall not require changes in the construction documents, construction, or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized before the effective date of this code, provided that such construction has not been abandoned.

(6) **Sections 106.6.2 and 106.6.3** are hereby deleted, and a new **Section 106.6.2** is substituted therefor as follows:

Copy

Section 106.6.2 Fee Schedule. The fees for all plumbing work shall be paid as required, in accordance with the City of Iowa Colony's Fee Schedule, as it may be amended from time to time by City Council."

(7) **Sections 108.2 and 108.3** are deleted in their entirety.

(8) **Section 108.4** of the Code is hereby deleted, and the penalty provision of this Ordinance is substituted in its place.

(9) ***Subsection 108.5*** *is hereby amended to provide as follows*:

108.5 Stop Work Orders. Upon notice from the code official, work on any plumbing system that is being performed contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's authorized agent, or to the person performing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine.

(10) ***Section 109*** is hereby deleted.

(11) ***Section 305.1,*** Protection against contact, is hereby amended to provide the following:

305.1 Protection against contact. In addition to the written section, all plastic pipe in contact with concrete or cinder walls and floors or other masonry (for example, brick) shall be wrapped with an 8 mil (0.008 inch) (0.203 mm) minimum thickness or an approved sleeving material used for that type of application. The use of tar, mastic or similar material is ***prohibited.***

(12) ***Subsection 305.4.1*** is hereby amended to provide as follows:

305.4.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall be installed not less than 12 inches (305 mm) below finished grade at the point of septic tank connection. Building sewers shall be installed not less than 12 inches (305 mm) below grade.

(13) ***Subsection 903.1*** is hereby amended to provide as follows:

903.1 Roof extension. Open vent pipes that extend through a roof shall be terminated at least six inches (152 mm) above the roof. Where a roof is to be used for assembly or as a promenade, observation deck, sunbathing deck or similar purposes, open vent pipes shall terminate not less than seven feet (2,134 mm) above the roof.

Copy

CITY OF IOWA COLONY

12003 Iowa Colony Blvd.
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Fax: 281-369-0005
www.iowacolonytx.gov

STATE OF TEXAS
COUNTY OF BRAZORIA
CITY OF IOWA COLONY

BE IT REMEMBERED ON THIS, the 25th day of January, 2021, the City Council of the City of Iowa Colony, Texas, held a Work session at 6:00 P.M. and a Public Meeting at 7:00 P.M. via teleconference/videoconference, there being present and in attendance the following members to wit:

Mayor Michael Byrum-Bratsen
Councilwoman Arnetta Murray
Councilwoman Sydney Hargroder
Councilwoman Robin Bradbery
Councilwoman Kacy Smajstrla
Councilman Chad Wilsey

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And none being absent, <u>constituting a quorum at which time the following business was transacted.</u>

WORKSESSION- 6:00 P.M.
1. Mayor Byrum-Bratsen called the work session to order at 6:01 P.M.
2. Staff and City Council members discussed proposed rules of procedure.
3. Staff and City Council members discussed the City Manager search process. The council set a special meeting to discuss this further on Wednesday, February 3rd at 6:00 P.M.
4. The work session was adjourned at 7:06 P.M.

REGULAR MEETING – 7:00 P.M.
1. Mayor Byrum-Bratsen called the meeting to order at 7:10 P.M.
2. Pledge of Allegiance and Texas Pledge were recited.
3. **PUBLIC HEARING**
   - Hold a public hearing for a variance request for a business to operate for 24 hours at the northeast corner of Highway 288 Access Road and Meridiana Parkway. Mayor Byrum-Bratsen opened the public hearing at 7:12 P.M. Rebecca Hester at 3612 Lister Drive stated that she wants City Council to carefully consider not giving a blanket approval for businesses to be open for 24 hours and to carefully consider the variance for this

particular business. Her concern is that the business is close to the residential area and we have particular areas zoned commercial for these businesses to be located. She is also concerned with the potential of increased crime in the area. She feels as thought these businesses looking to be open for 24 hours should be located along the SH 288 corridor. Mayor Byrum-Bratsen closed the public hearing at 9:41 P.M.

- Hold a public hearing on amending the zoning ordinance concerning allowing and redistricting 24-hour business operations. Mayor Byurm-Bratsen opened the public hearing at 7:16 P.M. No comments from the public. Mayor Byrum-Bratsen closed the public hearing at 10:27 P.M.
- Hold a public hearing on amending the Zoning Ordinance and Unified Development Code concerning the Zoning Board of Adjustments, the Planning and Zoning Commission, and various authorities and procedures. Mayor Byrum-Bratsen opened the public hearing at 7:16 P.M. There were no comments from the public. Mayor Byrum-Bratsen closed the public hearing at 10:27 P.M.

4. Citizens Comments and Presentations.
    - Timothy Varlack, 9942 Clear Diamond continued to ask the Council's forbearance with regard to issuing permits for food trucks. He asked that Council consider the owner certify they don't owe more than $30,000 in taxes and that they are not under suspension for any adjacent counties. He also commented on new standards regarding the noise ordinance from 85 db. to 65 db. and the bands may be over 85 decibels even in your house. He recommended stricter time limits rather than drop the decibel down.
    - Bob David, a Missouri City resident. He is interested in buying property in the city. He asked how to get street names and addresses. Dinh Ho will follow up regarding the property.
5. Mayor's comments or reports
    - Mayor Byrum-Bratsen stated that February is African American History Month. He stated that we have a long way to go when it comes to race relations. Mayor Byrum-Bratsen read the proclamation aloud.
6. Council comments or reports.
    - Councilwoman Hargroder thanked Councilwoman Murray for coordinating the first MLK celebration.
    - Councilwoman Murray thanked the city for being on board with the MLK celebration. She thanked multiple people for their attendance and bringing their family members to the MLK event.
    - Councilwoman Bradbery stated for everyone to stay safe and be good to one another.
    - Councilwoman Smajstrla apologized for not being able to attend the MLK event. She appreciates that the community is growing and how everyone is bonding to build a great community.
    - Councilman Wilsey had the opportunity to attend the MLK celebration. He stated that having the community together and meeting their neighbors was great. He met some really great people and had the opportunity to speak with other representatives.
7. Staff Reports.
    A. City Manager
    B. City Engineer

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C. Police Department- Chief Bell reported that the Police Department is fully staffed at this time. They are expecting two more positions to be released mid-year. They are getting all the dispatch equipment ready.
D. Building Official/Fire Marshal- Rachel and him have put together a master contact list of all builders. They will reach out quarterly to keep the names updated.
E. City Secretary- reminded everyone that Friday, February 12th at 5:00 P.M. is the deadline to file an application for a place on the ballot for Mayor, Council Position 3, Council Position 4, and Council Position 5 on the May 1, 2021 general election ballot.
F. Senior Accountant
G. Public Works- Mayor Byrum-Bratsen asked Jeremy about street sweeping. Jeremy stated he will follow up with the county to get that done. Councilwoman Murray thanked Jeremy for helping with the MLK celebration. She asked about trash on the streets in front of the neighborhoods. Jeremy says he picks it up as he sees it. Chief Bell stated to please notify the Police Department and they will take care of it. Councilwoman Bradbery thanked Jeremy for going above and beyond with his work.

8. Consideration and possible action regarding the COVID-19 emergency. Councilman Wilsey made a motion to discuss the COVID-19 emergency. Seconded by Councilwoman Hargroder. Chief Bell provided the report of the number of cases including 101 residents within the city limits, 41 in the ETJ, 354 in the ESD 3 region. He stated that all recoveries can be seen on the Brazoria County Health Department website. Chief will begin to track the number of deaths in the City and ESD 3 regions. Mayor Byrum-Bratsen mentioned he would love to see a vaccine clinic in the city. Chief responded that the County does not yet know how many vaccines they will be receiving. So, they will start at their location of their site. If Iowa Colony is able to have one, they would do a drive thru at Freedom Field. Other than that, there is not a location to store the supplies needed. Chief Bell also mentioned that an email was sent to Council and Staff that they can be vaccinated as essential personnel. If they would like to, they will need to contact Chief Bell.

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9. Consideration and possible action to authorize city staff to proceed with annexation of County rights of way, the AISD Bel Sanchez school property, the ESD, and other city properties. Councilman Wilsey moved to authorize city staff to proceed with annexation of County rights of way, the AISD Bel Sanchez school property, the ESD, and other city properties. Seconded by Councilwoman Bradbery. Approved unanimously.

10. Consideration and possible action to approve an ordinance on first reading calling for the general election of officers for May 1, 2021 and approving a joint election contract with Brazoria County. Councilwoman Hargroder moved to approve an ordinance on first reading calling for the general election of officers for May 1, 2021 and approving a joint election contract with Brazoria County. Seconded by Councilwoman Smajstrla. Approved unanimously.

11. Consideration and possible action to approve an ordinance on first reading closing Karsten Blvd. from Bullard south to its current termination. Councilwoman Murray moved to approve an ordinance on first reading closing Karsten Blvd. from Bullard south to its current termination. Seconded by Councilwoman Bradbery. Approved unanimously.

12. Consideration and possible action to approve an ordinance on first reading amending the employee handbook. Councilman Wilsey made a motion to approve an ordinance with the amendment in the ordinance on first reading amending the employee handbook. Seconded by Councilwoman Smajstrla. Approved unanimously.

13. Consideration and possible action to approve an ordinance on first reading approving a variance request for 2942/2944 Meridiana Parkway regarding the UDC transparency and build-to lines regulation as recommended by the Planning and Zoning Commission. Councilwoman Murray moved to approve the variance based on the letter of recommendation provided by staff. Seconded by Councilman Wilsey. Approved with five ayes. Mayor Byrum-Bratsen opposed.

14. Consideration and possible action to approve an ordinance on first reading adopting the 2018 International Plumbing Code with amendments. Councilwoman Bradbery moved to approve approve an ordinance on first reading adopting the 2018 International Plumbing Code with amendments. Seconded by Councilwoman Smajstrla. Approved unanimously.

15. Consideration and possible action to approve an ordinance on first reading establishing standards for noise. Councilwoman Hargroder made a motion to approve the ordinance establishing standards for noise. Seconded by Councilwoman Bradbery. Council members and Staff discussed the reason for the ordinance and possible amendments to the ordinance. Councilwoman Hargroder amended her motion to amend the ordinance to include 85 decibels during the day and 65 decibels at night, adjust the hours from 7:00 A.M to 11:00 P.M., remove all references to animals, and add clarifying language from Larry Boyd to state that it is not illegal unless it affects the person on another person's property and he will adjust the language accordingly. Seconded by Councilwoman Bradbery. Approved with four ayes. Councilwoman Murray and Councilwoman Bradbery voted against the motion.

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16. Consideration and possible action to approve an ordinance on first and final reading authorizing a variance to allow 24-hour operation to a building located at the northeast corner of Highway 288 Access Road and Meridiana Parkway. Councilman Wilsey moved to approve the ordinance with the amendment to designate the site as the particular location of the site of the applicant. Seconded with the amendment by Councilwoman Bradbery. Approved with five ayes and one noe. Councilwoman Smajstrla voted against the motion.

17. Consideration and possible action to approve an ordinance on second and final reading establishing a permitting process for food truck vendors. Councilwoman Murray moved to approve the ordinance with amendments provided by Larry Boyd including the zoning to refer to a cross reference in subsection 2-14 to refer to subsection 18 3-6 of this ordinance removed. Seconded by Councilman Wilsey. Approved unanimously.

18. **Consent Agenda for Ordinances-** Consideration and possible action to approve the following ordinances by consent on second and final reading. Larry Boyd, City attorney requested that item A on the consent agenda for ordinances be removed off the consent and discussed separately. Councilwoman Smajstrla moved to approve items B, C, and D on the consent agenda for ordinances. Seconded by Councilman Wilsey. Approved unanimously.

A. Approve an ordinance on second and final reading establishing a Zoning Board of Adjustments and Appeals. Larry Boyd, City Attorney explained that he made the change in the ordinance to add the 75% requirement for a quorum to make it clear. Councilman Wilsey moved to approve as amended by the City Attorney. Seconded by Councilwoman Bradbery. Approved unanimously.
B. Approve an ordinance on second and final reading adopting the International Fire Code, 2018 Edition, and Appendices B, C, D, E, F, and G thereto, as published by the International Code Council, Inc., with certain amendments.
C. Approve an ordinance on second and final reading amending the fee schedule.
D. Approve an ordinance on second and final reading amending the FY 21 City Budget.

19. **Consent Agenda-** Consideration and possible action to approve the following consent agenda items. Councilwoman Smajstrla moved to approve consent agenda items A-G. Seconded by Councilman Wilsey. Approved unanimously.

A. Approval of Minutes of the following meetings.
December 21, 2020 - Regular Meeting

B. Approval of a resolution authorizing submission of a grant application under the Rifle Resistant Body Armor Vest Program to the Texas Governor's office, Criminal Justice Division for 100% funding.

C. Approve and early plat agreement with Rise Development for Meridiana Section 68 Commercial tract.

D. Approve and agreement with Mr. Robert Bowers to lease city property for mowing and hay production.

E. Approval of revised Traffic Signal cost sharing agreement with Land Tejas.

F. Approval of the quarterly investment report.

G. Approval and consent for MUD 55 to annex AISD property into the District.

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EXECUTIVE SESSION- 10:31 P.M.

Executive Session in accordance with 551.071, 551.072, and 551.074 Texas Gov't Code to deliberate on the following:

- Sale of property to MUD 31
- Planning and Zoning Commission Members
- Zoning Board of Adjustments and Appeals Members
- Building Codes Board of Adjustment and Appeals Members
- Parks and Recreation Committee Members

RETURN TO OPEN SESSION- 10:41 P.M.

20. Consideration and possible action regarding the sale of property to MUD 31. Councilwoman Murray made a motion to authorize the Mayor to extend the time of the contract to MUD 31 at his discretion. Seconded by Councilwoman Smajstlra. Approved with five ayes. Mayor Byrum-Bratsen abstained from the vote.

21. Consideration and possible action to appoint members of the Planning and Zoning Commission. Deferred until next meeting.

22. Consideration and possible action to appoint members to the Zoning Board of Adjustments and Appeals. Deferred until next meeting.

23. Consideration and possible action to appoint members to the Parks and Recreation Committee in light of resignations of original members. Deferred until next meeting.

24. Consideration and possible action to appoint members of the Building Codes Board of Adjustments and Appeals. Deferred until next meeting.

25. The meeting was adjourned at 10:50 by a unanimous vote.

APPROVED THIS 15th DAY OF FEBRUARY, 2021.

Copy

ATTEST:

_____ _____

Kayleen Rosser, City Secretary Michael Byrum-Bratsen, Mayor

CITY OF IOWA COLONY

12003 Iowa Colony Blvd.
Iowa Colony, Tx. 77583
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www.iowacolonytx.gov

STATE OF TEXAS
COUNTY OF BRAZORIA
CITY OF IOWA COLONY

BE IT REMEMBERED ON THIS, the 3rd day of February, 2021, the City Council of the City of Iowa Colony, Texas, held a Work session at 6:00 P.M. via teleconference/videoconference, there being present and in attendance the following members to wit:

Mayor Michael Byrum-Bratsen
Councilwoman Arnetta Murray
Councilwoman Sydney Hargroder
Councilwoman Robin Bradbery
Councilwoman Kacy Smajstrla
Councilman Chad Wilsey

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And none being absent, constituting a quorum at which time the following business was transacted.

WORKSESSION- 6:00 P.M.
1. Mayor Pro-Tem Wilsey called the meeting to order at 6:11 P.M.
2. Citizens Comments. There were no comments from the public.
3. City Council Members discussed with Staff the qualities they are looking for in the City Manager search process. Items discussed are in the attached document.
4. The meeting was adjourned by a unanimous vote at 8:27 P.M.

APPROVED THIS 15th DAY OF FEBRUARY, 2021.

ATTEST:

_____ _____

Kayleen Rosser, City Secretary Michael Byrum-Bratsen, Mayor

January 27, 2021

To: Mayor and City Council

From: Ron Cox

Subject: February 3, 2021 City Council Agenda Memorandum

The following are my memos for key agenda items for Council consideration at the February 3, 2021 Special City Council meeting. I have comments on each item to inform Council members about the key issues, and to let each of you know what attachments are available to assist you in your deliberations. Finally, in several instances I have included a recommendation from staff.

Note: Since I am doing this memo before the Agenda is finalized or posted, some items may drop off, and some items might be in a different order than the posted agenda. The actual wording of the agenda item may change as I used general descriptions in this memo as headings for the item.

Also, note that each of the attachments are numbered to keep them in order for the agenda item.

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Work Session – 6:00 - 6:30

- **Discussion with City Council regarding city manager search process.**

  Memo: At this meeting, I want to discuss these topics related to the city manager search process. As I discussed at the last Council meeting, generally, I recommend the following:

  - **Establish Governance Model** – This outlines the Council's leadership and communication philosophy and establishes expectations for the Council and the staff. Expectations are particularly important in order to relay them to the City Manager and staff and to hold the city manager accountable for those expectations.
    - **Lead**?
      - Be approachable and accessible
      - Transparency
      - Be available to speak to everyone
      - Listen more than we talk.
      - Be an informed leader with as much knowledge and information as possible before acting.
    - **Communicate**?
      - To listen and be informed

        - CM provide reports and meeting minutes of major meetings to keep the Council informed. Quick bullet points
        - Take the time to meet and talk with all the information possible.
        - Be responsive to the people as the main point of contact.
        - Work with other cities around us – not an isolationist approach. Work together with our neighbors to get larger projects done.
        - Work with larger governmental entities – state, county.
        - Be responsive.
        - Provide information on new projects, potential concepts, etc. to allow the Council to be more prepared when they are asked to decide. OK with emails.
        - Continue and expand communication with the website and Facebook has increased the ability to communicate – information is more available.
        - Have respectful decorum
        - Find consensus and have the ability to compromise.
        - Listen to each other and make adjustments where needed.
        - Listen with an open mind and respect differing opinions.
    - **Expectations**?
        - Keep our eyes open about their ability as opposed to experience only.
        - Be able to grow with the City and the City Council.
        - Be excited about the growth of the city and what they can contribute to the growth.
        - Open minded who wants to sit down, negotiate and do the right things. Find ways to meet int eh middle
        - Negotiation skills.
        - It is OK to disagree but maintain dignity. And don't have malice about it later on.
        -

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- **Establish a City Manager Profile** – The profile becomes the basis for what type person and the qualities you want for your city manager.
    - **Comments**
        - Keep our eyes open about their ability as opposed to experience only.
        - Be able to grow with the City and the City Council.
        - Be excited about the growth of the city and what they can contribute to the growth
        - Don't worry so much about their experience or criteria about city management.
        - Be a globally minded, informed thinker – be able to see the big picture.
        - Be responsive clearly and concisely.

        - Provide information on new projects, potential concepts, etc. to allow the Council to be more prepared when they are asked to decide. OK with emails.
        - Partner with others for community events. Take the opportunity to meet not only the people in the subdivisions, but to meet those who live on tracts of land.
        - Communicate - what our city is doing and osting and participating in events.
        - Have your data, tell me why, don't get mad.
    - Values
        - Rule with respect
        - Have Respect for others
        - Positive reinforcement rather than fear and punishment
        - Have integrity to do what is right, whether one is looking or not.
        - Honesty
        - Be trusting and Trustworthy
        - Not a micromanager – give people autohomy and responsibility
        - Have faith they will do their job well.
        - Set expectations for the departments and staff – and give responsibility.
        - We are all spending the citizens dollars.
        - Important to note that no matter where we are we represent the city.
        - A servant leader – the person looks out for the common good.

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- **Review and approve the CM Job Description** – Although somewhat standard, the job description will outline the job duties, education and other selection criteria for the new hire. The salary range will also be finally determined.
    - **Comments**?
- **Establish the timeframe –** We would just discuss the average timeframe, process for advertising, and selection and interview process.
    - **Reviewed and follow?**

We need to schedule a special meeting for this discussion before we leave.

Action: None

Attachment:

- 0.2b City Manager folder

Reliable transportation required.

Governance

Lead?

-

Communicate?

-

Expectations?

-

Copy

ADICO
CONSULTING ENGINEERS

Tuesday, January 26, 2021

Cathy Fontenot
Survey 1, Inc.
PO Box 2543
Alvin, TX 77511

Re: Sanchez-Lagunas Abbreviated Plat
Letter of Recommendation to Approve
COIC Project No. SMAP 201102-1263
Adico, LLC Project No. 16007-2-172

Dear Ms. Fontenot,

On behalf of the City of Iowa Colony, Adico, LLC has reviewed the second submittal of Sanchez-Lagunas Abbreviated plat received on or about January 26, 2021. The review of the replat is based on the City of Iowa Colony Subdivision Ordinance, dated August 2002 and amended April 17, 2015 by Ordinance No. 2015-09.

Based upon our review, we have no objections to the plat as resubmitted on January 26, 2021. Please provide Kayleen Rosser, City Secretary, with ten (10) print copies and two (2) sets of mylars for signature before January 28, 2021 for placement on the February 2, 2021 Planning and Zoning Commission agenda.

Should you have any questions, please do not hesitate to call our office.

Copy

Sincerely,
Adico, LLC

Dinh Ho, P.E.

Dinh V. Ho, P.E.
TBPE Firm No. 16423

Cc: Kayleen Rosser, City Secretary (krosser@cityofiowacolony.com)
Ron Cox, City Manager (rcox@rcoxconsulting.com)
File: 16007-2-174

APPROVED, ADICO, LLC, 01262021

STATE OF TEXAS
COUNTY OF BRAZORIA

WE, MIGUEL SANCHEZ, AND SPOUSE, MARIA U. SANCHEZ, OWNERS OF THE PROPERTY SUBDIVIDED IN THIS PLAT OF (INSERT COMPLETE NAME OF PLAT), 5.00 ACRES OUT OF THE H.T. & B. R.R. SURVEY, A–561, BRAZORIA COUNTY, TEXAS, DO HEREBY MAKE SUBDIVISION OF SAID PROPERTY FOR AND ON BEHALF OF SAID (PARTNERSHIP, CORPORATION, OR INDIVIDUAL), ACCORDING TO THE LINES, LOTS, STREETS, ALLEYS, RESERVES, PARKS, AND EASEMENTS AS SHOWN HEREON AND DEDICATE FOR PUBLIC USE AS SUCH THE STREETS, ALLEYS, PARKS, AND EASEMENTS SHOWN HEREON FOREVER, AND DO HEREBY WAIVE ALL CLAIMS FOR DAMAGES OCCASIONED BY THE ESTABLISHMENT OF GRADES AS APPROVED FOR THE STREETS AND DRAINAGE EASEMENTS DEDICATED, OR OCCASIONED BY THE ALTERATION OF THE SURFACE, OR ANY PORTION OF THE STREETS OR DRAINAGE EASEMENTS TO CONFORM TO SUCH GRADES, AND DO HEREBY BIND OURSELVES, OUR HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND DEFEND THE TITLE TO THE LAND SO DEDICATED.

WITNESS OUR HAND IN _____, _____ COUNTY, TEXAS, THIS _____ DAY OF _____, 20_____.

_____
MIGUEL SANCHEZ, OWNER

_____
MARIA U. SANCHEZ, OWNER

STATE OF TEXAS
COUNTY OF _____

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED MIGUEL SANCHEZ, AND SPOUSE, MARIA U. SANCHEZ, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED

THIS _____DAY OF _____, 20_____.

_____
NOTARY PUBLIC IN AND FOR THE STATE OF _____
MY COMMISSION EXPIRES _____

THIS IS TO CERTIFY THAT I, RICHARD FUSSELL, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4148, OF THE STATE OF TEXAS, HAVE PLATTED THE ABOVE SUBDIVISION FROM AN ACTUAL SURVEY ON THE GROUND; AND THAT ALL BLOCK CORNERS, LOT CORNERS, AND PERMANENT REFERENCED MONUMENTS HAVE BEEN SET, THAT PERMANENT CONTROL POINTS WILL BE SET AT THE COMPLETION OF CONSTRUCTION AND THAT THIS PLAT CORRECTLY REPRESENTS THAT SURVEY MADE BY ME.

_____
RICHARD FUSSELL
REGISTERED PROFESSIONAL LAND SURVEYOR #4148

WE CERTIFY THAT THE ABOVE AND FOREGOING MINOR PLAT OF SUBDIVISION NAME, WAS APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF IOWA COLONY, TEXAS, THIS _____DAY OF _____, 20_____.

_____ _____
DAVID HURST STEVEN BYRUM–BRATSEN

_____
LESS HOSEY

_____ _____
STEVEN BRADBERY VINCE PATTERSON

WE CERTIFY THAT THE ABOVE AND FOREGOING MINOR PLAT OF SUBDIVISION NAME, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF IOWA COLONY, TEXAS, THIS _____DAY OF _____, 20_____.

_____ _____
MICHAEL BYRUM–BRATSEN SYDNEY HARGRODER
MAYOR COUNCIL POSITION 1

_____ _____
ARENETTA HICKS–MURRAY ROBIN BRADBERY
COUNCIL POSITION 2 COUNCIL POSITION 3

_____ _____
KACY SMAJSTRLA CHAD WILSEY
COUNCIL POSITION 4 COUNCIL POSITION 5

APPROVED BY THE CITY ENGINEER THIS _____DAY OF _____, 20_____.

_____
DIHN V. HO, P.E.

STATE OF TEXAS
COUNTY OF BRAZORIA

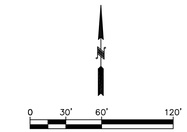
I, JOYCE HUDMAN, COUNTY CLERK, BRAZORIA COUNTY, TEXAS DO HEREBY CERTIFY THAT THE WRITTEN INSTRUMENT WITH ITS AUTHENTICATION WAS FILED FOR REGISTRATION IN MY OFFICE ON _____, 20_____, AT _____ O'CLOCK _____M. IN DOCUMENT NUMBER _____BRAZORIA COUNTY MAP RECORDS.

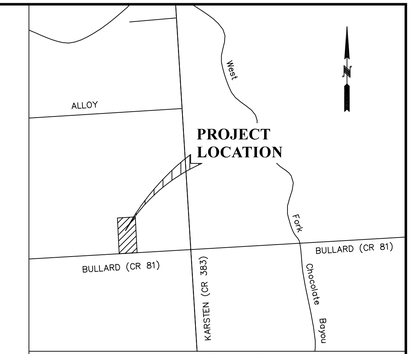
WITNESS MY HAND AND SEAL OF OFFICE, AT ANGLETON, BRAZORIA COUNTY, TEXAS, THE DAY AND DATE LAST WRITTEN ABOVE.

_____
JOYCE HUDMAN
COUNTY CLERK
BRAZORIA COUNTY, TEXAS

BY_____
DEPUTY

Copy





VICINITY MAP
SCALE: 1"=1/4 MILE

KEY MAP
NO. 652X

GENERAL NOTES

1. THIS PLAT HAS BEEN PREPARED TO MEET THE REQUIREMENTS OF THE STATE OF TEXAS, IOWA COLONY, AND BRAZORIA COUNTY.
2. THIS PLAT WAS PREPARED FROM INFORMATION PROVIDED BY FIRST AMERICAN TITLE COMPANY, (GUARANTEE FILE) G.F. NO. 2578268-099, EFFECTIVE DATE 12/09/2020
3. THE BEARINGS AND COORDINATES SHOWN HEREON ARE BASED ON TEXAS SOUTH CENTRAL ZONE 4204 (NAD 83). COORDINATES ARE GRID AND MAY BE BROUGHT TO SURFACE BY APPLYING THE FOLLOWING COMBINED SCALE FACTOR 0.9998675990920220. POINTS (A) & (B) WERE HELD FOR HORIZONTAL CONTROL.
4. FIVE-EIGHTHS INCH (5/8") IRON RODS THREE FEET IN LENGTH ARE SET ON ALL PERIMETER BOUNDARY CORNERS, UNLESS OTHERWISE NOTED. BLOCK CORNERS OR STREET RIGHT-OF-WAYS HAVE NOT BEEN MONUMENTED.
5. ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) MAP NO. 48039C0110K WITH THE EFFECTIVE DATE OF DECEMBER 30, 2020, THE PROPERTY IS LOCATED IN ZONE "X" - AREAS DETERMINED TO BE OUTSIDE OF THE 100-YEAR FLOODPLAIN.
6. ALL FLOODPLAIN INFORMATION NOTED IN THE PLAT REFLECTS THE STATUS PER THE FEMA FIRM MAP THAT IS EFFECTIVE AT THE TIME THAT THE PLAT IS RECORDED. FLOODPLAIN STATUS IS SUBJECT TO CHANGE AS FEMA FIRM MAPS ARE UPDATED.
7. ALL MONUMENTS SHALL BE SET TO THE STANDARDS OF THE CITY OF IOWA COLONY'S SUBDIVISION ORDINANCES.
8. ALL WATER AND WASTEWATER FACILITIES SHALL CONFORM TO THE CITY'S DESIGN CRITERIA.
9. A MINIMUM OF FIVE (5) FOOT WIDE SIDEWALKS SHALL BE REQUIRED ALONG ALL STREETS AND SHALL CONFORM TO THE CITY'S DESIGN CRITERIA.
10. THE OWNER WILL PROVIDE EASEMENTS FOR POWER LINES WHERE SUCH ARE REQUIRED, EITHER AS SHOWN ON THE PLAT OR BY SEPARATE INSTRUMENT DEDICATION.
11. THE OWNER WILL PROVIDE STREET NAME SIGNS AND TRAFFIC CONTROL DEVICES IN ACCORDANCE WITH THE TEXAS MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.
12. ALL STREETS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY'S DESIGN CRITERIA.
13. MONUMENTS SET AS EXTERIOR BOUNDARY MARKERS SHALL BE SET WITH A MINIMUM OF FIVE EIGHTS (5/8) INCH IRON ROD OR THREE QUARTERS (3/4) INCH IRON PIPE AT LEAST THIRTY SIX (36) INCHES LONG, ENCASED IN CONCRETE FOR A MINIMUM OF EIGHTEEN (18) INCHES BELOW THE SURFACE OF THE GROUND.
14. ALL PERMANENT REFERENCE MONUMENTS ("PRM") SHALL BE SET AT ALL BOUNDARY LINE ANGLE POINTS, BLOCK CORNERS, ANGLE POINTS, POINTS OF CURVATURE, AND AT INTERVALS NOT TO EXCEED ONE THOUSAND (1,000) FEET. PERMANENT REFERENCE MONUMENTS SHALL CONFORM TO THE TEXAS PROFESSIONAL LAND SURVEYING PRACTICES ACT AND THE GENERAL RULES OF PROCEDURES AND PRACTICES.
15. THIS SITE WILL REQUIRE A PRIVATE WATER WELL AND SEPTIC SYSTEM FOR EACH LOT.
16. THIS PLAT CLOSES WITHIN THE ALLOTTED AREA (1:15,000).
17. THE FINAL PLAT WILL EXPIRE TWO (2) YEARS AFTER FINAL APPROVAL BY COUNCIL IF CONSTRUCTION OF THE IMPROVEMENTS HAS NOT COMMENCED WITHIN THE TWO-YEAR INITIAL PERIOD OR THE ONE-YEAR EXTENSION PERIOD GRANTED BY COUNCIL.
18. ALL SITE AND DRAINAGE PLANS FOR THE FUTURE DEVELOPMENT OF THIS PROPERTY SHALL BE SUBMITTED TO THE CITY OF IOWA COLONY AND BRAZORIA COUNTY DRAINAGE DISTRICT 4 FOR REVIEW AND APPROVAL PRIOR TO THE ISSUANCE OF BUILDING PERMITS.
19. DETENTION WILL BE REQUIRED FOR EACH INDIVIDUAL LOT AT THE TIME OF PERMITTING.

LEGEND:

B.L.	=	BUILDING LINE
U.E.	=	UTILITY EASEMENT
A.E.	=	AERIAL EASEMENT
D.E.	=	DRAINAGE EASEMENT
D.R.B.C.	=	DEED RECORDS OF BRAZORIA COUNTY
P.R.B.C.	=	PLAT RECORDS OF BRAZORIA COUNTY
R.O.W.	=	RIGHT OF WAY
VOL.	=	VOLUME
PG.	=	PAGE
⊗	=	SET 1/2" IR W/CAP MARKED "SURVEY 1"
P.O.B.	=	POINT OF BEGINNING
I.R.	=	IRON ROD
I.P.	=	IRON PIPE

DESCRIPTION OF A TRACT OF LAND CONTAINING
5.000 ACRES (217,800 SQUARE FEET) SITUATED
IN THE HT & B RR COMPANY SURVEY, SECTION 68 ABSTRACT 561
BRAZORIA COUNTY, TEXAS

BEING A TRACT OF LAND CONTAINING 5.000 ACRES (217,800 SQUARE FEET), SITUATED IN THE HT & B RR COMPANY SURVEY, SECTION 68 ABSTRACT 561, BRAZORIA COUNTY, TEXAS, BEING ALL OF A TRACT OF LAND CONVEYED UNTO MARIA U. SANCHEZ AND MIGUEL A. SANCHEZ BY DEED RECORDED IN COUNTY CLERK'S FILE NO. 2020038756 OF THE OFFICIAL RECORDS OF BRAZORIA COUNTY, TEXAS, BEING OUT OF "TRACT 3 (CALLED 10.016 ACRES) RECORDED IN VOLUME 997, PAGE 187 OF THE DEED RECORDS OF BRAZORIA COUNTY, TEXAS, AND "TRACT 4" (CALLED 10.021 ACRES) RECORDED IN COUNTY CLERK'S FILE NO. 2003072289 OF THE OFFICIAL RECORDS OF BRAZORIA COUNTY, TEXAS, BEING OUT OF A CALLED 40.072 ACRE TRACT RECORDED IN COUNTY CLERK'S FILE NO. 85219 (595) OF THE OFFICIAL RECORDS OF BRAZORIA COUNTY, TEXAS. SAID 5.000–ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID "TRACT 3" AND THE SOUTHEAST CORNER OF "TRACT 2" RECORDED IN VOLUME 997, PAGE 187 OF THE DEED RECORDS OF BRAZORIA COUNTY, TEXAS, BEING THE CENTERLINE OF COUNTY ROAD 383 (60 FEET WIDE) AND THE EAST LINE OF SAID ABSTRACT 561;

THENCE SOUTH 86°42'46" WEST, ALONG THE COMMON LINE OF SAID "TRACT 2" AND "TRACT 3" A DISTANCE OF 992.06 FEET TO A FOUND 1/2–INCH IRON ROD FOR THE NORTHEAST CORNER AND POINT OF BEGINNING OF THE SAID TRACT HEREIN DESCRIBED;

THENCE SOUTH 02°53'32" EAST, PASSING A FOUND 1/2–INCH IRON ROD IN THE NORTH RIGHT–OF–WAY LINE OF COUNTY ROAD 81 (ALSO KNOWN AS BULLARD ROAD) (40.00 FEET WIDE) AT A DISTANCE OF 640.26 FEET, AND CONTINUING FOR A TOTAL DISTANCE OF 660.26 FEET TO THE SOUTHEAST CORNER OF THE SAID TRACT HEREIN DESCRIBED;

THENCE SOUTH 86°41'52" WEST, ALONG THE CENTERLINE OF SAID COUNTY ROAD 81 A DISTANCE OF 329.55 FEET TO THE SOUTHWEST CORNER OF THE SAID TRACT HEREIN DESCRIBED;

THENCE NORTH 02°56'45" WEST, PASSING A POINT IN THE NORTH RIGHT–OF–WAY LINE OF SAID COUNTY ROAD 81 (FROM WHICH A FOUND 5/8–INCH IRON ROD BEARS SOUTH 21°18' WEST, A DISTANCE OF 1.5 FEET), AND CONTINUING FOR A TOTAL DISTANCE OF 660.34 FEET TO A FOUND 1/2–INCH IRON ROD FOR THE NORTHWEST CORNER OF THE SAID TRACT HEREIN DESCRIBED;

THENCE NORTH 86°42'46" EAST, A DISTANCE OF 330.17 FEET TO THE POINT OF BEGINNING AND CONTAINING 5.000 ACRES (217,800 SQUARE FEET), MORE OR LESS.

MINOR PLAT OF
SANCHEZ -LAGUNAS

A SUBDIVISION OF 5.000 ACRES (217,800 SQ FT)
IN THE HT & B RR SURVEY, SECTION 68, A–561
BRAZORIA COUNTY, TEXAS

www.survey1inc.com
survey1@survey1inc.com
Survey 1, Inc.
Your Land Survey Company
Firm Registration No. 100758–00
P.O. Box 2543 | Alvin, TX 77512 | (281)393–1382

PROJECT NO. 10–90098–20

1 BLOCK 2 LOT
JANUARY 6, 2020

OWNER:
MIGUEL SANCHEZ
AND SPOUSE, MARIA U. SANCHEZ
7921 CR 383
ROSHARON, TX 77583

ADICO
CONSULTING ENGINEERS

Monday, February 8, 2021

Mayor Michael Byrum-Bratsen
City Council
City of Iowa Colony
12003 Iowa Colony Blvd.
Iowa Colony, TX 77553

Re: Meridiana Section 76A Storm and Paving Facilities
Brazoria County Municipal Utility District No. 55
Recommendation for Acceptance into One-Year Maintenance Period
City of Iowa Colony Project No. CSW 200909-1027
Adico, LLC Project No. 16007-4-319

Dear Mayor Byrum-Bratsen and City Council;

On behalf of the City of Iowa Colony, Adico, LLC has completed its final inspection of Meridiana Section 76A Storm and Paving Facilities. The final inspection was held January 12, 2021 with all punch list items completed on or about February 4, 2021.

Based on our review of the closeout documents provided, Adico, LLC recommends acceptance of facilities into the One-Year Maintenance Period. The maintenance period shall be effective February 15, 2021, if approved by City Council.

In compliance with the City of Iowa Colony Public Works and Engineering Subdivision Acceptance Checklist, please find included in the One-Year Maintenance acceptance package the following items:

1. Engineer of Record Certification Letter
2. Maintenance Bond
3. As-Builts (cover only)

Copy

Should you have any questions, please do not hesitate to call our office.

Sincerely,
Adico, LLC

Dinh V. Ho, P.E.
TBPE Firm No. 16423

Cc: Kayleen Rosser, City of Iowa Colony, (krosser@cityofiowacolony.com)
Ron Cox, City Manager (rcox@rcoxconsulting.com)
File: 16007-4-319

DocuSign Envelope ID: FADC6FB7-B6D1-4BAA-B28F-18120C7EC36C

EHRA
ENGINEERING THE FUTURE
SINCE 1936

TBPE No. F-726
TBPLS No. 10092300

Engineers Certificate of Completion

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
ENGINEER'S CERTIFICATE OF COMPLETION OF WATER DISTRICT PROJECT

Name of District:
Brazoria County Municipal Utility District No. 55

Owner of property, if other than District:
GR-M1, Ltd.

Kind of project, contract identification:
Water Distribution, Wastewater Collection, Storm Water Facilities and Paving to serve Meridiana, Section Seventy Six-A

Name of contractor:
Hurtado Construction Company.

Name of consulting engineer:
Edminster, Hinshaw, Russ & Associates, Inc.

Address of consulting engineer:
10011 Meadowglen Lane, Houston, Texas 77042

Copy

I certify this project was at least 100% complete on February 5, 2021; that the project was under continual observation; that all observation of the work was performed by or under the supervision of Jared R. Bowlin, P.E., a Licensed Professional Engineer; that to the best of my knowledge the project was in accordance with and includes all items in plans and specifications approved by all authorities having jurisdiction; and "record drawings" will be furnished to the District.

Signed and Sealed,

DocuSigned by:
Jared Bowlin
0DEEAEB89ACC4EF...

Jared R. Bowlin, P.E.
Registration No. 103429

STATE OF TEXAS
JARED R. BOWLIN
103429
LICENSED
PROFESSIONAL ENGINEER

DocuSigned by:
Jared Bowlin
0DEEAEB89ACC4EF...
2/5/2021 | 12:14:33 PM CST

CITY OF IOWA COLONY
MAINTENANCE BOND

1. The following terms shall have the following meanings in this document:

   a. Bond Number: 58S214298

   b. Principal: **Hurtado Construction Company**

   c. Surety:

      Name: **Liberty Mutual Insurance Company**

      State Where Surety is Incorporated: **Massachusetts**

   d. Obligee(s): **Brazoria County Municipal Utility District No. 55; and the City of Iowa Colony, Texas** (If the Principal contracted directly with a general contractor rather than with the City of Iowa Colony, then list that general contractor here. If the Principal contracted directly with the City of Iowa Colony, then the City of Iowa Colony is the only Obligee, so leave this line blank.)

      If there is more than one Obligee, then the terms "Obligee" and "Obligees" shall mean any and all Obligees hereunder, jointly and severally.

Copy

   e. Contract: The Contract described as follows:

      Date:_____
      Parties: Principal and Brazoria County Municipal Utility District No. 55
      Subdivision involved: Meridiana, Section Seventy Six A

      General subject matter (e.g. drainage, excavation, grading, paving, utilities, etc.): Water Distribution, Wastewater Collection, Storm Water Facilities and Paving to serve Meridiana, Section Seventy Six A

      This description of the subject matter is intended only to identify the Contract and shall not be construed to restrict the scope of the Contract.

   f. Bond Amount: **$952,929.05**

   g. Maintenance Period:

      Starting Date **of Maintenance Period**: _____
      (Fill in **date of completion and acceptance** of the work performed or required to be performed under the Contract.)

      Ending Date of Maintenance Period: two years after the Starting Date

h. Covered Defect: Any defect in the work or materials provided or required to be provided by Contractor under the Contract, provided that such defect develops during or before the Maintenance Period, and provided that such defect is caused by defective or inferior materials or workmanship.

2. Principal has entered into the Contract.

3. Principal, as Principal, and Surety, a corporation duly licensed to do business in the State of Texas, as Surety, are held and firmly bound unto Obligee, in the penal sum of the Bond Amount, and we hereby bind ourselves and our heirs, executors, administrators, and assigns, jointly and severally, to the payment of such Bond Amount.

4. The condition of this obligation is that if the Principal shall remedy without cost to the Obligee any Covered Defect, then this obligation shall be null and void; otherwise, this obligation shall be and remain in full force and effect.

5. However, any suit under this bond must be commenced no later than one year after the expiration date of the Maintenance Period.

6. If there is more than Obligee under this bond, then the Bond Amount applies to the Surety's aggregate liability to all Obligees.

Copy

DATED: _____

SURETY:
Liberty Mutual Insurance Company

By: _____
Signature

Carlos A. Albelo
Print or Type Signer's Name

Attorney-in-Fact
Signer's Title

PRINCIPAL:
Hurtado Construction Company

By: _____
Signature

Miguel Hurtado
Print or Type Signer's Name

President
Signer's Title

ATTACH POWER OF ATTORNEY

CERTIFICATE AS TO CORPORATE PRINCIPAL

I, Rosa Hurtado, certify that I am the secretary of the corporation named as Principal in the Bond; that Miguel Hurtado, who signed the Bond on behalf of Principal, was then President of the corporation; that I know his or her signature, and his or her signature is genuine; and that the Bond was duly signed for and on behalf of the corporation by authority of its governing body.

Rosa Hurtado (Corporate Seal)
Signature of Corporate Secretary

ATTACH POWER OF ATTORNEY

Copy

This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

Liberty Mutual. SURETY

Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

Certificate No: 8202437-022026

POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Carlos A. Albelo, Stephanie Gunderson, David Stephen Wightman

all of the city of Houston state of Texas each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 25th day of October, 2019.

LIBERTY MUTUAL INSURANCE COMPANY INCORPORATED 1912 MASSACHUSETTS — THE OHIO CASUALTY INSURANCE COMPANY INCORPORATED 1919 NEW HAMPSHIRE — WEST AMERICAN INSURANCE COMPANY INCORPORATED 1991 INDIANA

Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

By: David M. Carey, Assistant Secretary

State of PENNSYLVANIA
County of MONTGOMERY ss

On this 25th day of October, 2019 before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at King of Prussia, Pennsylvania, on the day and year first above written.

TERESA PASTELLA COMMONWEALTH OF PENNSYLVANIA NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Teresa Pastella, Notary Public
Upper Merion Twp., Montgomery County
My Commission Expires March 28, 2021
Member, Pennsylvania Association of Notaries

By: Teresa Pastella, Notary Public

Copy

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

ARTICLE IV – OFFICERS: Section 12. Power of Attorney.
Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

ARTICLE XIII – Execution of Contracts: Section 5. Surety Bonds and Undertakings.
Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

Certificate of Designation – The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization – By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Renee C. Llewellyn, the undersigned, Assistant Secretary, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this _____ day of _____, _____.

LIBERTY MUTUAL INSURANCE COMPANY INCORPORATED 1912 MASSACHUSETTS — THE OHIO CASUALTY INSURANCE COMPANY INCORPORATED 1919 NEW HAMPSHIRE — WEST AMERICAN INSURANCE COMPANY INCORPORATED 1991 INDIANA

By: Renee C. Llewellyn, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, currency rate, interest rate or residual value guarantees.

To confirm the validity of this Power of Attorney call 1-610-832-8240 between 9:00 am and 4:30 pm EST on any business day.

Liberty Mutual.
SURETY

TEXAS
IMPORTANT NOTICE

To obtain information or make a complaint:

You may call toll-free for information or to make a complaint at
1-877-751-2640

You may also write to:

2200 Renaissance Blvd., Ste. 400
King of Prussia, PA 19406-2755

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You may write the Texas Department of Insurance
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Austin, TX 78714-9091
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UNA ESTE AVISO A SU POLIZA:

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APPROVED, ADICO, LLC, 03032020

E. Bridges 1-21-21
E.B.C.A. Schneider
D. Kennedy
N. Salinas
R/LPS DL/2008/081-011-76/CTRL_PLTS 1-20-21 GB
PLTS 1-21-21 GB

Checked - GA 1/19/21

BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 55

PLANS FOR CONSTRUCTION OF WATER DISTRIBUTION, WASTEWATER COLLECTION, PAVING AND STORM WATER FACILITIES TO SERVE

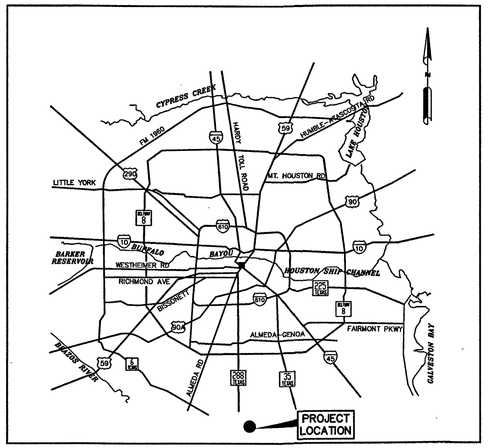
MERIDIANA SECTION SEVENTY-SIX A

IOWA COLONY, TEXAS

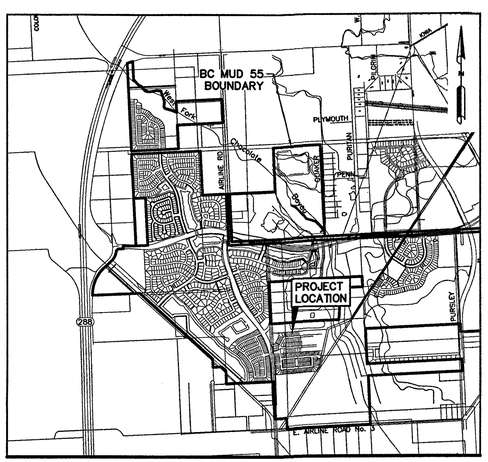
PRINTED
JAN 19 2021

MERIDIANA SECTION SEVENTY-SIX A P-3943

"AS BUILT"
J. R. Bowlin
2.9.21



LOCATION MAP
N.T.S.



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VICINITY MAP
SCALE: 1"=2000'
KEY MAP NO. 692 K,L

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COPY

CITY OF IOWA COLONY

CITY OF IOWA COLONY
DEPARTMENT OF PUBLIC WORKS AND ENGINEERING
THIS IS TO CERTIFY THAT THESE PLANS HAVE BEEN FOUND TO BE IN GENERAL COMPLIANCE WITH THE CURRENT REQUIREMENT ESTABLISHED BY THE CITY OF IOWA COLONY.

MICHAEL BYRAM-BRASTEN, MAYOR — DATE 03032020
DINH HO, P.E., CITY ENGINEER — DATE 03032020

CITY OF IOWA COLONY

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FEBRUARY 2020

EHRA
10011 Meadowglen Lane
Houston, Texas 77042
EHRAinc.com | 713.784.4500
TBPE No. F-726 | TBPLS No. 10092300
ENGINEERING THE FUTURE SINCE 1936

JOB NO.081-011-76

STATE OF TEXAS
JARED R. BOWLIN
103429
LICENSED
PROFESSIONAL ENGINEER
02.22.2020

NOTE:
CONTRACTOR SHALL NOTIFY THE CITY OF IOWA COLONY c/o Adico, LLC (Dinh V. Ho, P.E. @ 832-895-1093 OR inspections@adico-llc.com) 48 HOURS BEFORE COMMENCING WORK.

CIOC Project No. EPR2 200130-0147
Adico, LLC Project No. 16007-3-225

P-3943

ADICO
CONSULTING ENGINEERS

Monday, February 8, 2021

Mayor Michael Byrum-Bratsen
City Council
City of Iowa Colony
12003 Iowa Colony Blvd.
Iowa Colony, TX 77553

Re: Meridiana Section 76A Water Distribution and Wastewater Collection
Brazoria County Municipal Utility District No. 55
Recommendation for Approval into One-Year Maintenance Period
City of Iowa Colony Project No. CSW 200909-1027
Adico, LLC Project No. 16007-4-319

Dear Mayor Byrum-Bratsen and City Council;

On behalf of the City of Iowa Colony, Adico, LLC has completed its final inspection of Meridiana Section 76A Water and Wastewater Collection. The final inspection was held January 12, 2021 with all punch list items completed on or about February 4, 2021.

Based on our review of the closeout documents provided, Adico, LLC recommends approval of facilities into the One-Year Maintenance Period. The maintenance period shall be effective February 15, 2021, if approved by City Council.

In compliance with the City of Iowa Colony Public Works and Engineering Subdivision Acceptance Checklist, please find included in the One-Year Maintenance acceptance package the following items:

1. Engineer of Record Certification Letter
2. Maintenance Bond
3. As-Builts (cover only)

Copy

Should you have any questions, please do not hesitate to call our office.

Sincerely,
Adico, LLC

Dinh V. Ho, P.E.
TBPE Firm No. 16423

Cc: Kayleen Rosser, City of Iowa Colony, (krosser@cityofiowacolony.com)
Ron Cox, City Manager (rcox@rcoxconsulting.com)
File: 16007-4-319

DocuSign Envelope ID: FADC6FB7-B6D1-4BAA-B28F-18120C7EC36C

EHRA
ENGINEERING THE FUTURE
SINCE 1936

TBPE No. F-726
TBPLS No. 10092300

Engineers Certificate of Completion

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
ENGINEER'S CERTIFICATE OF COMPLETION OF WATER DISTRICT PROJECT

Name of District:
Brazoria County Municipal Utility District No. 55

Owner of property, if other than District:
GR-M1, Ltd.

Kind of project, contract identification:
Water Distribution, Wastewater Collection, Storm Water Facilities and Paving to serve Meridiana, Section Seventy Six-A

Name of contractor:
Hurtado Construction Company.

Name of consulting engineer:
Edminster, Hinshaw, Russ & Associates, Inc.

Address of consulting engineer:
10011 Meadowglen Lane, Houston, Texas 77042

Copy

I certify this project was at least 100% complete on February 5, 2021; that the project was under continual observation; that all observation of the work was performed by or under the supervision of Jared R. Bowlin, P.E., a Licensed Professional Engineer; that to the best of my knowledge the project was in accordance with and includes all items in plans and specifications approved by all authorities having jurisdiction; and "record drawings" will be furnished to the District.

Signed and Sealed,

DocuSigned by:
Jared Bowlin
0DEEAEB89ACC4EF...

Jared R. Bowlin, P.E.
Registration No. 103429

STATE OF TEXAS
JARED R. BOWLIN
103429
LICENSED
PROFESSIONAL ENGINEER

DocuSigned by:
Jared Bowlin
0DEEAEB89ACC4EF...
2/5/2021 | 12:14:33 PM CST

CITY OF IOWA COLONY
MAINTENANCE BOND

1. The following terms shall have the following meanings in this document:

   a. Bond Number: 58S214298

   b. Principal: **Hurtado Construction Company**

   c. Surety:

      Name: **Liberty Mutual Insurance Company**

      State Where Surety is Incorporated: **Massachusetts**

   d. Obligee(s): **Brazoria County Municipal Utility District No. 55; and the City of Iowa Colony, Texas** (If the Principal contracted directly with a general contractor rather than with the City of Iowa Colony, then list that general contractor here. If the Principal contracted directly with the City of Iowa Colony, then the City of Iowa Colony is the only Obligee, so leave this line blank.)

      If there is more than one Obligee, then the terms "Obligee" and "Obligees" shall mean any and all Obligees hereunder, jointly and severally.

Copy

   e. Contract: The Contract described as follows:

      Date:_____
      Parties: Principal and Brazoria County Municipal Utility District No. 55
      Subdivision involved: Meridiana, Section Seventy Six A

      General subject matter (e.g. drainage, excavation, grading, paving, utilities, etc.): Water Distribution, Wastewater Collection, Storm Water Facilities and Paving to serve Meridiana, Section Seventy Six A

      This description of the subject matter is intended only to identify the Contract and shall not be construed to restrict the scope of the Contract.

   f. Bond Amount: **$952,929.05**

   g. Maintenance Period:

      Starting Date **of Maintenance Period**: _____
      (Fill in **date of completion and acceptance** of the work performed or required to be performed under the Contract.)

      Ending Date of Maintenance Period: two years after the Starting Date

h. Covered Defect: Any defect in the work or materials provided or required to be provided by Contractor under the Contract, provided that such defect develops during or before the Maintenance Period, and provided that such defect is caused by defective or inferior materials or workmanship.

2. Principal has entered into the Contract.

3. Principal, as Principal, and Surety, a corporation duly licensed to do business in the State of Texas, as Surety, are held and firmly bound unto Obligee, in the penal sum of the Bond Amount, and we hereby bind ourselves and our heirs, executors, administrators, and assigns, jointly and severally, to the payment of such Bond Amount.

4. The condition of this obligation is that if the Principal shall remedy without cost to the Obligee any Covered Defect, then this obligation shall be null and void; otherwise, this obligation shall be and remain in full force and effect.

5. However, any suit under this bond must be commenced no later than one year after the expiration date of the Maintenance Period.

6. If there is more than Obligee under this bond, then the Bond Amount applies to the Surety's aggregate liability to all Obligees.

Copy

DATED: _____

SURETY:
Liberty Mutual Insurance Company

By: _____
Signature

Carlos A. Albelo
Print or Type Signer's Name

Attorney-in-Fact
Signer's Title

PRINCIPAL:
Hurtado Construction Company

By: _____
Signature

Miguel Hurtado
Print or Type Signer's Name

President
Signer's Title

ATTACH POWER OF ATTORNEY

CERTIFICATE AS TO CORPORATE PRINCIPAL

I, Rosa Hurtado, certify that I am the secretary of the corporation named as Principal in the Bond; that Miguel Hurtado, who signed the Bond on behalf of Principal, was then President of the corporation; that I know his or her signature, and his or her signature is genuine; and that the Bond was duly signed for and on behalf of the corporation by authority of its governing body.

Rosa Hurtado (Corporate Seal)
Signature of Corporate Secretary

ATTACH POWER OF ATTORNEY

Copy

This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

Liberty Mutual. SURETY

Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

Certificate No: 8202437-022026

POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Carlos A. Albelo, Stephanie Gunderson, David Stephen Wightman

all of the city of Houston state of Texas each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 25th day of October, 2019.

LIBERTY MUTUAL INSURANCE COMPANY INCORPORATED 1912 MASSACHUSETTS — THE OHIO CASUALTY INSURANCE COMPANY INCORPORATED 1919 NEW HAMPSHIRE — WEST AMERICAN INSURANCE COMPANY INCORPORATED 1991 INDIANA

Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

By: David M. Carey, Assistant Secretary

State of PENNSYLVANIA
County of MONTGOMERY ss

On this 25th day of October, 2019 before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at King of Prussia, Pennsylvania, on the day and year first above written.

TERESA PASTELLA COMMONWEALTH OF PENNSYLVANIA NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Teresa Pastella, Notary Public
Upper Merion Twp., Montgomery County
My Commission Expires March 28, 2021
Member, Pennsylvania Association of Notaries

By: Teresa Pastella, Notary Public

Copy

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

ARTICLE IV – OFFICERS: Section 12. Power of Attorney.
Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

ARTICLE XIII – Execution of Contracts: Section 5. Surety Bonds and Undertakings.
Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

Certificate of Designation – The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization – By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Renee C. Llewellyn, the undersigned, Assistant Secretary, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this _____ day of _____, _____.

LIBERTY MUTUAL INSURANCE COMPANY INCORPORATED 1912 MASSACHUSETTS — THE OHIO CASUALTY INSURANCE COMPANY INCORPORATED 1919 NEW HAMPSHIRE — WEST AMERICAN INSURANCE COMPANY INCORPORATED 1991 INDIANA

By: Renee C. Llewellyn, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, currency rate, interest rate or residual value guarantees.

To confirm the validity of this Power of Attorney call 1-610-832-8240 between 9:00 am and 4:30 pm EST on any business day.

Liberty Mutual.
SURETY

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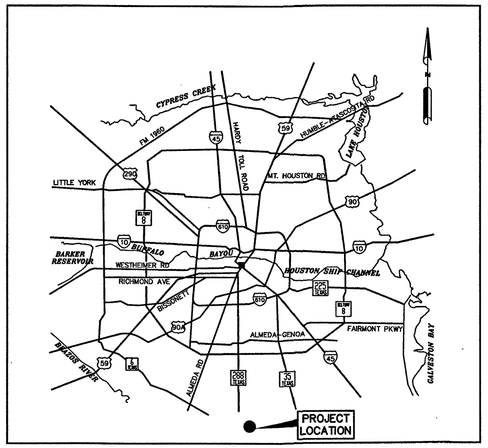

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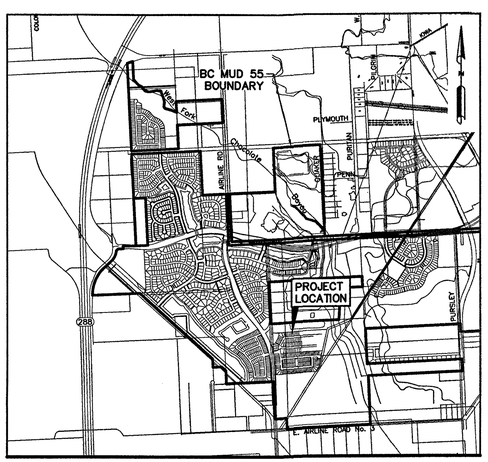

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