



**THE CITY COUNCIL OF THE CITY OF HENDERSON, TEXAS, WILL MEET ON TUESDAY, THE 17th DAY OF FEBRUARY 2026, AT 5:30 P.M. FOR A REGULAR COUNCIL MEETING, IN THE THOMAS WARD COUNCIL CHAMBERS AT THE MUNICIPAL SERVICES COMPLEX, 300 W. MAIN STREET, FOR THE FOLLOWING PURPOSES:**

**Mayor:**  
Henry Pace

**Council Members:**  
Stephen Strong  
Michael Searcy  
Greg Jackson  
Lee Scoggins

**City Manager:**  
Jay Abercrombie

**Mayor Pro Tem**  
Gina Juarez

**City Secretary**  
Cheryl Jimerson

[IGNORE\_INDENT]

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

**INVOCATION AND PLEDGE OF ALLEGIANCE:**

**CITIZENS COMMENTS**

Comments shall be limited to three (3) minutes and taken in the order they are received. By State law, no action may be taken on items not on the agenda.

**PRESENTATIONS/ANNOUNCEMENTS**

**EXECUTIVE SESSION:**

1. Convene into executive session to consult with the City Attorney in accordance with Vernon's Texas Government Code, Chapter 551, section 087.

**REGULAR SESSION:**

2. Convene into regular session and take necessary action as a result of the closed session.
3. Consideration and possible action upon a Chapter 312 tax abatement agreement for Velvin Productions located in the reinvestment zone known as the Henderson Industrial Park.
4. Consideration and possible action upon an amendment to the UT EMS renewal contract with the City of Henderson.

**CONSENT AGENDA**

5. Consideration of possible action upon the minutes of the January 20, 2026, Council Meeting. (Jimerson)
6. Consideration and possible action upon a request for street closures downtown on Saturday, March 14, 2026 (Duke)
7. Consideration and possible action upon the HEDCO financial's for the month of December 2025. (Gardella)
8. Consideration and possible action upon the annual Statement of Compliance for West Fraser Wood Products located at 600, 700 and 800 Blocks of Industrial Drive. (Jimerson)

**REGULAR COUNCIL BUSINESS**

9. Consideration and possible action upon the Amended Performance Agreement for First Methodist Church Preschool. (Gardella)
10. Consideration and possible action upon the HEDCO 2026 By-Law Amendments. (Gardella)

11. Consideration and possible action to approve the waiver and release for Brasso Development & Construction, LLC. (Gardella)
12. Consideration and possible action on approval of the City of Henderson becoming a member of Sourcewell. (Hortman)
13. Consideration and possible action upon a minor plat application to combine two lots at 418 Broadway St for purposes of development (Breitenberg)
14. Consideration and possible action upon the Main Street Advisory Board By-Law Amendments. (Duke)

**DEPARTMENTAL REPORTS:**

15. The City Council may deliberate and make inquiry into any item listed in the Departmental Reports.
  - A. City Manager
  - B. Fire Department
  - C. Police Department
    - PD Racial Profile Report
  - D. Animal Center
  - E. Community Development
  - F. Public Services/Parks and Recreation Department
  - G. Public Utilities
  - H. Finance Department
  - I. City Secretary
  - J. Communications and Marketing
  - K. HEDCO
    - Sales Tax Revenue for December 2025.
  - L. Director of Operations Departmental Reports below.
    - Civic Center
    - Main Street/Tourism
    - Municipal Court

**BOARDS AND COMMISSIONS**

- Board of Adjustments Minutes
- Planning and Zoning Minutes
- Cemetery Board Meeting Minutes
- Main Street Meeting Minutes
- Preservation Minutes
- HEDCO meeting minutes for January 2026.

**ADJOURNMENT**

16. Adjourn

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

**ACCESSIBILITY STATEMENT**

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

**CERTIFICATE**

I certify the foregoing notice was posted on the notice board in front of the Municipal Services Complex, Henderson, Texas, on this 11th day of February 2026.

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Cheryl Jimerson, City Secretary



# City Council

## Agenda Item # 6.

**SUBJECT:** Consideration and possible action upon a request for street closures downtown on Saturday, March 14, 2026 (Duke)

**MEETING DATE:** February 17, 2026

**DEPARTMENT:** Main Street/Tourism

**CONTACT:** Alexa Duke, Main Street/Tourism Coordinator

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**RECOMMENDED CITY COUNCIL ACTION:**

**ITEM SUMMARY:**

**BACKGROUND INFORMATION:**

**SPECIAL CONSIDERATIONS:**

**SUPPORTING MATERIALS:**

1. Vintage Day Street Closures March 14



**I** Barricade      ☁ Vendor

*Vintage Day*

# Street Closures

## Saturday, March 14, 2026



# City Council

## Agenda Item # 7.

**SUBJECT:** Consideration and possible action upon the HEDCO financial's for the month of December 2025. (Gardella)

**MEETING DATE:** February 17, 2026

**DEPARTMENT:** HEDCO

**CONTACT:** Bret Gardella, HEDCO Director

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**RECOMMENDED CITY COUNCIL ACTION:** To review and approve 12.2025 financials.

**ITEM SUMMARY:**

**BACKGROUND INFORMATION:**

**SPECIAL CONSIDERATIONS:**

**SUPPORTING MATERIALS:**

1. HEDCO Financials (Updated thru 12-31-2025)

HEDCO - APPROVED BUDGET 2024-2025

A	B	C	D	E	F	G	H	I	J	K
1	Last Edit Date:	1.14.26	<b>TYPE B EDC</b>							
2	Budget approved by HEDCO	08.19.2025								
3	Budget approved by Council	09.16.2025								
4	Budget amended:		12.31.25 Checking Acct. #1963 Bal. \$ 4,614,604.96							
5										
6			Approved	Final Budget	Approved Budget		Y-T-D			
7			Budget	Budget	BUDGET	3-Month Ended	2025-2026	% Of		
8	Acct.#	Description	2024-2025	2024-2025	2025-2026	12/31/2025	12/31/2025	Budget	Notes	
9					12	3	3	0	Percent of year completed	
10	<b>REVENUE</b>									
11	3010	Sales Tax Revenues Type B	\$ 1,900,000.00	\$ 2,017,371.10	\$ 1,900,000.00	\$ 355,983.38	\$ 507,303.88	27%		
12	3025	Interest Income	\$ 115,000.00	\$ 18,859.51	\$ 115,000.00	\$ 13,990.19	\$ 43,232.59	38%		
13	3030	Land Sales	\$ 923,599.00	\$ -	\$ -	\$ -	\$ -	0%		
14	3090	Other (Misc) Revenue	\$ 5,000.00	\$ -	\$ 50,000.00		\$ 2,886.25	6%	Predicted Revenue from Timber being cut on (Jenkins/Jim Allen Estate Tracts)	
15		<b>TOTAL REVENUE</b>	<b>\$ 2,943,599.00</b>	<b>\$ 2,036,230.61</b>	<b>\$ 2,065,000.00</b>	<b>\$ 369,973.57</b>	<b>\$ 553,422.72</b>	<b>27%</b>		
16										
17	* Footnote	Note Recivable from Rusk County Rural Rail District - Not Included in Budget Totals								Notes receivable accrue on the balance sheet vs. the budget at \$6,666.67 per month. <b>Pmt. Deferred for 15 years until 2037.</b>
18										

HEDCO - APPROVED BUDGET 2024-2025

	A	B	C	D	E	F	G	H	I	J	K
6				Approved	Final Budget		Approved Budget		Y-T-D		
7				Budget	Budget		BUDGET	3-Month Ended	2025-2026	% Of	
8	Acct.#		Description	2024-2025	2024-2025		2025-2026	12/31/2025	12/31/2025	Budget	Notes
19	<b>EXPENDITURES</b>										
20	<b>Economic Development Expenses</b>										
21	6101		Sadlers Performance	\$ -	\$ -		\$ -	\$ -	\$ -	0%	next and final payment due to be paid out in 2027
22	6102		Wiseman Performance	\$ -	\$ -		\$ 50,000.00	\$ -	\$ -	0%	3yrs @50k a yr (years 2026, 2027, 2028)
23	6116		Henderson Canvas Products, Inc.	\$ -	\$ -		\$ 30,000.00	\$ -	\$ -	0%	Job creation incentive. 6-jobs @ \$5,000 /job. Forgivable loan
24	6119		High Demand Job Training Grant	\$ 100,000.00	\$ 30,788.50		\$ 150,000.00	\$ -	\$ -	0%	executed March 2021. \$30,000 forgivable Loan in A/R
25	6126		Scout Crossing	\$ 99,000.00	\$ 99,000.00		\$ -	\$ 24,000.00	\$ 44,320.00		will need BUDGET Amendment 25-26
26	6190		Matching Grants for Business Retention - Industrial Park	\$ 150,000.00	\$ 106,209.21		\$ 150,000.00	\$ 62,584.81	\$ 62,584.81	42%	
27	6191		Small Business Matching Grant	\$ 100,000.00	\$ 76,475.85		\$ 250,000.00	\$ -	\$ 16,205.85	6%	
28	6200		Business Incentives for new or existing businesses	\$ 500,000.00	\$ 22,000.00		\$ 1,000,000.00	\$ -	\$ -	0%	
29			<b>Total Economic Development Expenses</b>	<b>\$ 949,000.00</b>	<b>\$ 334,473.56</b>		<b>\$ 1,630,000.00</b>	<b>\$ 86,584.81</b>	<b>\$ 123,110.66</b>	<b>8%</b>	
30											

HEDCO - APPROVED BUDGET 2024-2025

	A	B	C	D	E	F	G	H	I	J	K
6				Approved	Final Budget		Approved Budget		Y-T-D		
7				Budget	Budget		BUDGET	3-Month Ended	2025-2026	% Of	
8	Acct.#		Description	2024-2025	2024-2025		2025-2026	12/31/2025	12/31/2025	Budget	Notes
31	<b>Supplies, Office Expenses and Professional Services</b>										
32	6501		Accounting (Monthly Bookkeeping + Annual Audit)	\$ 14,000.00	\$ 13,970.00		\$ 20,000.00	\$ 600.00	\$ 1,200.00	6%	
33	6502		Insurance - General Liability	\$ 1,500.00	\$ 1,189.00		\$ 3,000.00	\$ 1,189.00	\$ 1,180.85	39%	(11.17.25-received \$8.15 refund back from insurance)
34	6503		Legal (Attorney)	\$ 25,000.00	\$ 4,312.50		\$ 25,000.00	\$ 300.00	\$ 2,050.00	8%	
35	6504		Office Expenses	\$ 8,744.17	\$ 8,744.17		\$ 15,000.00	\$ 265.01	\$ 535.74	4%	
36	6505		Postage & Shipping	\$ 400.00	\$ 146.00		\$ 400.00	\$ 156.00	\$ 156.00	39%	
37	6506		Property Tax	\$ 85.00	\$ (3,859.30)		\$ 85.00		\$ -	0%	
38	6507		Cell Phone(s)	\$ 1,560.00	\$ 1,471.88		\$ 2,000.00	\$ 144.02	\$ 478.05	24%	
39	6508		Utilities				\$ -	\$ 136.26	\$ 226.67		will need BUDGET Amendment 25-26
40	6509		Professional Services - Consulting Fees, Engineering, Design, Architectural (Part of Capital Expenses)	\$ 100,000.00	\$ 3,464.97		\$ 100,000.00	\$ 1,750.00	\$ 14,090.00	14%	
41			<b>Subtotal - Supplies, Office Expenses and Professional Services</b>	\$ 151,289.17	\$ 29,439.22		\$ 165,485.00	\$ 4,540.29	\$ 19,917.31	13%	

HEDCO - APPROVED BUDGET 2024-2025

	A	B	C	D	E	F	G	H	I	J	K
6				Approved	Final Budget		Approved Budget		Y-T-D		
7				Budget	Budget		BUDGET	3-Month Ended	2025-2026	% Of	
8	Acct.#		Description	2024-2025	2024-2025		2025-2026	12/31/2025	12/31/2025	Budget	Notes
42											
43	Personnel Expenses			\$ -	\$ -		\$ -	\$ -	\$ -	0%	
44	7001		Contract Labor - Executive Director (with City)	\$ 229,758.13	\$ 229,758.13		\$ 220,947.79	\$ 19,058.36	\$ 19,058.36	9%	
45	7010		Contract Labor - Dir. of Marketing/Business Dev.	\$ 106,469.30	\$ 106,469.30		\$ 99,154.67	\$ 9,601.38	\$ 9,601.38	10%	
46	7020		Contract Labor - Office Manager	\$ 90,467.86	\$ 90,467.86		\$ 81,696.91	\$ 7,842.97	\$ 7,842.97	10%	
47	7021		Contract Labor - Grant Research/Writer	\$ 30,000.00	\$ 360.00		\$ 30,000.00	\$ -	\$ -	0%	
48	7022		Contract Labor-Lawyer	\$ 36,000.00	\$ 23,076.82		\$ 36,000.00	\$ -	\$ -	0%	
49			Subtotal - Personnel Expenses	\$ 492,695.29	\$ 450,132.11		\$ 467,799.37	\$ 36,502.71	\$ 36,502.71	8%	
50											

HEDCO - APPROVED BUDGET 2024-2025

	A	B	C	D	E	F	G	H	I	J	K
6				Approved	Final Budget		Approved Budget		Y-T-D		
7				Budget	Budget		BUDGET	3-Month Ended	2025-2026	% Of	
8	Acct.#		Description	2024-2025	2024-2025		2025-2026	12/31/2025	12/31/2025	Budget	Notes
51	<b>Program Expenses</b>										
52	7201		Website Annual License Fees	\$ 5,000.00	\$ 2,525.00		\$ 5,000.00	\$ -	\$ -	0%	
53	7202		Website Development, Maintenance, Upgrades, etc.	\$ 22,500.00	\$ 22,500.00		\$ 10,000.00	\$ -	\$ -	0%	
54	7203		Advertising and Marketing	\$ 132,613.94	\$ 132,613.94		\$ 120,000.00	\$ 4,532.39	\$ 21,899.37	18%	
55	7204		Meetings and Entertainment	\$ 10,000.00	\$ 2,958.54		\$ 10,000.00	\$ 2,641.78	\$ 3,722.55	37%	
56	7205		Dues, Memberships & Subscriptions	\$ 41,609.47	\$ 41,609.47		\$ 65,000.00	\$ 5,492.22	\$ 9,372.22	14%	
57	7206		Confrences & Training	\$ 52,479.02	\$ 52,479.02		\$ 60,000.00	\$ 1,000.00	\$ 4,289.24	7%	
58	7210		Business Recruitment	\$ -	\$ -		\$ 100,000.00	\$ 2,301.79	\$ 24,620.99	25%	
59			<b>Subtotal - Program Expenses</b>	<b>\$ 264,202.43</b>	<b>\$ 254,685.97</b>		<b>\$ 370,000.00</b>	<b>\$ 15,968.18</b>	<b>\$ 63,904.37</b>	<b>17%</b>	
60											

HEDCO - APPROVED BUDGET 2024-2025

	A	B	C	D	E	F	G	H	I	J	K
6				Approved	Final Budget		Approved Budget		Y-T-D		
7				Budget	Budget		BUDGET	3-Month Ended	2025-2026	% Of	
8	Acct.#		Description	2024-2025	2024-2025		2025-2026	12/31/2025	12/31/2025	Budget	Notes
61	<b>Repairs and Maintenance (Non-Capital Expenses)</b>										
62	7303		Property Maintenance - Taylor Street/Greenbelt	\$ 500.00	\$ -		\$ 500.00	\$ -	\$ -	0%	
63	7305		Property Maintenance - Henderson Innovation Park	\$ 225,000.00	\$ 187,822.80		\$ 250,000.00	\$ 6,100.00	\$ 6,100.00	2%	
64	7310		Property Maintenance-Jim Allen Estate	\$ 400,000.00	\$ -		\$ 150,000.00	\$ -	\$ -	0%	
65	7309		Property Maintenance - Old City Hall Complex	\$ 5,000.00	\$ 745.00		\$ 5,000.00	\$ -	\$ -	0%	
66			<b>Subtotal - Repairs and Maintenance (Non-Capital)</b>	<b>\$ 630,500.00</b>	<b>\$ 188,567.80</b>		<b>\$ 405,500.00</b>	<b>\$ 6,100.00</b>	<b>\$ 6,100.00</b>	<b>2%</b>	
67											
68	<b>TOTAL EXPENSES</b>			<b>\$ 2,487,686.89</b>	<b>\$ 1,257,298.66</b>		<b>\$ 3,038,784.37</b>	<b>\$ 149,695.99</b>	<b>\$ 249,535.05</b>	<b>8%</b>	
69											

HEDCO - APPROVED BUDGET 2024-2025

	A	B	C	D	E	F	G	H	I	J	K
6				Approved	Final Budget		Approved Budget		Y-T-D		
7				Budget	Budget		BUDGET	3-Month Ended	2025-2026	% Of	
8	Acct.#	Description		2024-2025	2024-2025		2025-2026	12/31/2025	12/31/2025	Budget	Notes
70	<b>CAPITAL OUTLAY</b>										
71	7501	Purchase of Property for New Business Park		\$ 230,000.00	\$ -		\$ 230,000.00	\$ -	\$ -	0%	
72	7502	East Texas Reg. Business Park - Capital Expenditures - Utilities & Street Improvements, Land Clearing, Sidewalks, Pond Improvements		\$ 1,572,000.00	\$ 1,387,586.18		\$ 1,000,000.00	\$ 57,402.90	\$ 97,702.90	10%	
73	7504	Contracted Building-Design & Construction		\$ 2,500,000.00	\$ -		\$ 2,500,000.00	\$ -	\$ -	0%	
74		<b>Total Capital Outlay</b>		\$ 4,302,000.00	\$ 1,387,586.18		\$ 3,730,000.00	\$ 57,402.90	\$ 97,702.90	3%	
75											
76	<b>TOTAL EXPENDITURES (Expenses + Capital Outlay)</b>			\$ 6,789,686.89	\$ 2,644,884.84		\$ 6,768,784.37	\$ 207,098.89	\$ 347,237.95	5%	
77	<b>Totals</b>										
78		Total Revenues		\$ 2,943,599.00	2,036,230.61		\$ 2,065,000.00	\$ -	\$ 553,422.72	27%	
79		(Less) Total Expenditures		\$ 6,789,686.89	2,644,884.84		\$ 6,768,784.37	\$ 206,184.77	\$ 206,184.77	3%	
80	<b>Net Increase/Decrease In Unrestricted Net Assets</b>			\$ (3,846,087.89)	(608,654.23)		\$ (4,703,784.37)	\$ (206,184.77)	\$ 347,237.95	-7%	
81		Receivable for Loan - Rusk County Rural Rail District		\$ -	\$ -		\$ -	\$ -	\$ -	0%	Agreement to defer for 15 years until the year 2037.
82		<b>Total Available to Contribute to Fund Balance</b>		\$ (3,846,087.89)	(608,654.23)		\$ (4,703,784.37)	\$ (206,184.77)	\$ 347,237.95	-7%	Operating income less operating expenses
83											
84	<b>Potential Transfer From Fund Balance</b>										
85											
86	<b>FINAL BALANCE</b>			\$ (3,846,087.89)	\$ (608,654.23)		\$ (4,703,784.37)	\$ (206,184.77)	\$ 347,237.95	-7%	



# City Council

## Agenda Item # 8.

**SUBJECT:** Consideration and possible action upon the annual Statement of Compliance for West Fraser Wood Products located at 600, 700 and 800 Blocks of Industrial Drive. (Jimerson)

**MEETING DATE:** February 17, 2026

**DEPARTMENT:** City Secretary

**CONTACT:** Cheryl Jimerson

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**RECOMMENDED CITY COUNCIL ACTION:** Approval of the Certificate of Compliance for West Fraser Tax Abatement

**ITEM SUMMARY:** West Fraser shall certify to the City annually during the abatement period that is in compliance with each term of this agreement.

**BACKGROUND INFORMATION:** Tax Abatement Agreement 20220801 in the Henderson Industrial Park Reinvestment Zone of 2021, is attached.

**SPECIAL CONSIDERATIONS:**

**SUPPORTING MATERIALS:**

1. Certificate of Compliance for Tax Abatement 2025
2. West Fraser and City of Henderson Abatement Excuted

**ATTACHMENT "E"**

**CERTIFICATE OF COMPLIANCE**

**WITH TAX ABATEMENT AGREEMENT**

**BETWEEN THE CITY OF HENDERSON AND WEST FRASER WOOD PRODUCTS  
INC. A DELAWARE CORPORATION,**

**DATED APRIL 12, 2023**

**IN REINVESTMENT ZONE NO. 20220801**

**CITY OF HENDERSON, TEXAS**

**THE STATE OF TEXAS**

**COUNTY OF RUSK**

**West Fraser Wood Products INC.** (the "Company") hereby certifies that:

- (1) the real and/or personal property improvements on the property, described in the Tax Abatement Agreement have been completed and that all facilities and improvements have been constructed or acquired pursuant to said Agreement.
- (2) All ad valorem taxes have been paid to City and all other taxing entities.
- (3) All other terms and conditions of this Agreement have been complied with.

Signed the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Company representative Signature)

\_\_\_\_\_  
(Company representative printed name)

\_\_\_\_\_  
(co. rep.'s position)

## ***TAX ABATEMENT AGREEMENT 20220801***

This Tax Abatement Agreement (the "Agreement") is entered into by and between the City of Henderson, a Texas home rule municipality ("the City"), and West Fraser Wood Products, Inc., a Delaware corporation ("West Fraser") acting by and through their authorized representatives.

### ***WITNESSETH:***

***WHEREAS***, West Fraser owns certain real property in Rusk County, Texas, consisting of approximately 100 acres located between U.S. Highway 64 and Loop 571 in the City Henderson, Texas (the "City") as more fully depicted in Exhibit A attached hereto (the "Property");

***WHEREAS***, West Fraser intends to invest approximately \$270 million to develop the Property and construct a new, state of the art lumber mill that will increase its production capacity; grow the local market for timber; significantly increase its usage of the Henderson Overton Branch Railroad and create ten to fifteen (10-15) new, permanent employment positions and as many as 250 construction jobs with opportunities for local contractors, laborers, vendors and suppliers;

***WHEREAS***, the Property is located in an area designated by the City Council as the Henderson Industrial Park 2021 Reinvestment Zone as authorized by the Property Redevelopment & Tax Abatement Act codified as Chapter 312 of the Texas Tax Code (the "Act") and more particularly described in Exhibit B attached hereto (the "Reinvestment Zone");

***WHEREAS***, in compliance with the Act, the City Council held a public hearing to receive comments on the creation of the Reinvestment Zone and its benefits to the City and the property in the Reinvestment Zone and notified the governing body of each taxing unit that levies real property taxes within the Reinvestment Zone of its intent to establish the Reinvestment Zone;

***WHEREAS***, the City adopted guidelines containing criteria governing tax abatement agreements as contemplated by the Texas Tax Code that are current under Texas Tax Code § 312.002(b) (the "Tax Abatement Guidelines") and a resolution stating that it elects to be eligible to participate in tax abatement;

***WHEREAS***, the City Council has determined that in order to maintain and enhance commercial and industrial development and increase the employment base of the Henderson area, it is in the best interests of the taxpayers for the City to enter into this Agreement in accordance with the Reinvestment Zone ordinance, the Tax Abatement Guidelines and the Texas Tax Code;

**WHEREAS**, the City Council after a public hearing has found that the contemplated use & development of the Property is consistent with encouraging development of the Reinvestment Zone and that the proposed tax abatement will comply with the Tax Abatement Guidelines, the Texas Tax Code and all other applicable laws;

**WHEREAS**, the Property is not owned or leased by any member of the Henderson City Council or Henderson Planning & Zoning Commission;

**WHEREAS**, the Property is not in an improvement project financed by tax increment bonds;

**WHEREAS**, this Agreement is entered into subject to the rights of the holders of outstanding City bonds;

**WHEREAS**, a copy of this Agreement has been furnished in the manner prescribed by the Texas Tax Code to the presiding officers of the governing bodies of each of the taxing units in which the Property is located and

**WHEREAS**, the City approved this Agreement at a regularly scheduled meeting of the City Council of the City.

**NOW, THEREFORE**, in consideration of the mutual benefits and promises contained herein and for other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, including the attraction of significant investment in the Reinvestment Zone and the expansion of primary employment and economic development in the City of Henderson and the enhancement of its tax base, the Parties agree as follows —

## Article I

### DEFINITIONS

- 1.1 Wherever used in this Agreement, the following terms shall have the meanings ascribed to them:

**“Abatement Period”** shall mean the ten calendar years following the Effective Date of this Agreement unless terminated sooner as provided herein.

**“Additions & Improvements”** shall mean all Tangible Personal Property as defined by § 1.04 of the Texas Tax Code placed on or affixed to the Property. The term includes all realty improvements, buildings, structures, fixed machinery & equipment, storage tanks, process units (including all integral components necessary for operations), site improvements and infrastructure.

**“Bankruptcy or Insolvency”** shall mean the dissolution or termination of a party’s existence as a going business; insolvency; the appointment of a receiver for any part of a party’s property which is not terminated within ninety (90) days after such appointment is initially made; any general assignment for the benefit of creditors or the commencement of any proceeding under any bankruptcy or insolvency laws by or against such party with is not dismissed within ninety (90) days after the filing thereof.

**“City”** shall mean the City of Henderson, Texas.

**“Completion of Construction”** shall mean the date on which West Fraser has substantially completed construction of the Improvements and the City has issued a Certificate of Occupancy for the Improvements.

**“County”** shall mean Rusk County, Texas.

**“District”** shall mean the Rusk County Central Appraisal District.

**“Effective Date”** shall mean the day after all parties have executed this Agreement.

**“Expiration Date”** shall mean March 1 of the calendar year following the expiration of the last of the tax abatements provided herein.

**“Force Majeure”** shall mean (a) acts of God, earthquakes, tidal waves, lightning, floods and storms; (b) explosions and fires; (c) strikes and lockouts; (d) wars, riots, acts of the public enemy, civil disturbances, hostilities, sabotage, blockades, insurrections, terrorism and epidemics; (e) acts of expropriation, confiscation, nationalization, requisitioning or other taking and (f) any other event, condition or circumstance beyond the reasonable control of the party claiming relief as a consequence thereof. Financial distress and inability to make payments are not Force Majeure events.

**“Project”** shall mean the development and construction of new lumber mill on the Property together with such infrastructure and support structures as may be required for its operation including utilities, parking, landscaping and ancillary buildings & structures all as described in the building permit submittals filed by West Fraser with the City from time to time.

**“Taxable Value”** shall mean the appraised value of Tangible Personal Property as certified by the District, or its successor, as of January 1 of a given year.

## Article II.

### OWNER RESPONSIBILITIES

- 2.1 West Fraser shall commence the Project or before May 1, 2023 and complete construction of the Additions & Improvements within 24 months of commencement.
- 2.2 West Fraser shall ensure that qualified local labor, vendors, suppliers and sub-contractors are given a timely opportunity to bid on contracts in connection with the construction of the Project and give preference to local manufacturers, suppliers, vendors, contractors and labor except unless not reasonably possible due to significant inconvenience or sacrifice in operating efficiency.
- 2.3 West Fraser shall invoice all purchases locally to ensure that sales taxes are credited to the City of Henderson and Rusk County, Texas.
- 2.4 West Fraser shall report and certify to the City the date of Completion of Construction and the final cost of construction within 120 days after the completion of the Project.
- 2.5 West Fraser shall render the value of the Additions & Improvements to the District annually and provide a copy of the same to the City.
- 2.6 West Fraser shall use the Property in the manner that is consistent with (i) the City's Comprehensive Zoning Ordinance at the time of construction and (ii) the general purposes of encouraging development or redevelopment within the Reinvestment Zone during the period taxes are abated hereunder.
- 2.7 West Fraser shall maintain the Additions & Improvements during the term of this Agreement in accordance with all applicable state and local laws, codes & regulations and shall diligently pursue the cure of any material non-compliance.
- 2.8 West Fraser shall allow the City, its agents and employees access to the Property at reasonable times and upon reasonable notice to inspect the Additions & Improvements in order to ensure compliance with this Agreement and all applicable laws and regulations.
- 2.9 West Fraser shall certify to the City annually during the Abatement Period that it is in compliance with each term of this Agreement.

## Article III

### TAX ABATEMENT

- 3.1 Subject to the terms and conditions of this Agreement, the City hereby grants West Fraser an abatement of (a) ninety percent (90%) of City taxes on the Taxable Value of the Additions & Improvements for the first five years of the Abatement Period and (b) eighty percent (80%) of City taxes on the Taxable Value of the Additions & Improvements for each of the succeeding five years of the Abatement Period.

ABATEMENT YEAR	ABATEMENT RATE
1	90%
2	90%
3	90%
4	90%
5	90%
6	80%
7	80%
8	80%
9	80%
10	80%

- 3.2 The City will cooperate with the District to ensure that all Additions & Improvements are assigned an account number distinct from any other Tangible Personal Property for appraisal purposes and establish a mutually acceptable administrative method to ensure compliance with this Agreement.
- 3.3 On or before April 30 of each year of this Agreement, West Fraser shall file an annual exemption application form for the Additions & Improvements with the Rusk County Chief Appraiser pursuant to § 11.43 of the Texas Tax Code. A copy of the exemption application shall be submitted to the City.
- 3.4 During the period of tax abatement herein authorized, West Fraser shall be subject to all taxation not abated herein including *ad valorem* taxation on real property; supplies; inventory; vehicles; vessels; housing; any improvements that are not integral to the operation of the new facility; deferred maintenance or any property for which abatement is not allowed by state law.

## Article IV

### TERMINATION: RECAPTURE OF TAX REVENUE

- 4.1 West Fraser may terminate this Agreement without cause at any time upon thirty (30) days' written notice to the City. In such event, the City shall have to right to recapture all taxes previously abated by this Agreement as provided in Article IV.
- 4.2 The City may terminate this Agreement if the Additions & Improvements are completed but discontinue production for any reason excepting fire, explosion or other casualty, accident, natural disaster for a continuous twelve month period during the Abatement Period.
- 4.1 The City may terminate this Agreement if West Fraser fails to perform any obligation under this Agreement and fails to cure such default within thirty (30) days of its receipt of written of default from the City. If such default cannot reasonably be cured within thirty (30) days, West Fraser shall not be in default so long as it has commenced such cure within thirty (30) days after receiving notice of default and is diligently pursuing cure to completion.
- 4.4 In the event the City terminates this Agreement as a consequence of default by West Fraser, the City may pursue any remedy available at law or in equity for breach of the Agreement and shall be entitled to recover as liquidated damages all taxes previously abated by this Agreement together with penalties and interest as provided by the Texas Tax Code.
- 4.5 The parties acknowledge that in the event of default and termination by the City, actual damages would be speculative and difficult to determine. The parties further agree that the amount of abated tax, penalties and interest shall be recoverable against West Fraser as liquidated damages and shall constitute a tax lien against the Property and Improvements.
- 4.6 For clarity, it is understood and agreed by the parties that an action not performed by the required date in the first instance but completed before the end of the applicable cure period shall be deemed to have been timely performed in the first instance with no effect given to the initial delay.
- 4.7 Upon termination of this Agreement by City, the amount of liquidated damages set forth above shall become due and payable not later than thirty (30) days after a notice of termination is provided. The City shall have all remedies for the collection of the abated tax provided generally in the Texas Tax Code for the collection of delinquent property tax.

## Article V

### MISCELLANEOUS

- 5.1 This Agreement contains the entire agreement of the Parties with respect to the tax abatements provided for hereunder. This Agreement cannot be modified without written agreement of the parties.
- 5.2 This Agreement is authorized by the Property Redevelopment & Tax Abatement Act and by Order of the City of Henderson City Council in accordance with the City Tax Abatement Guidelines approved by resolution of the City Council no more than two (2) years before the Effective Date of this Agreement.
- 5.3 In the event a party is unable to perform any obligation hereunder due to a Force Majeure, that party shall be relieved of such obligation to the extent that and for so long as it is unable to perform such obligation as a result of the Force Majeure.
- 5.4 Except as expressly stated herein, the City assumes no responsibilities or liabilities in connection with the Project. West Fraser agrees to hold the City harmless and indemnify and defend the City from any claims, losses, damages, injuries, suits or judgments arising from any third party claims which result from West Fraser's operations on the Property.
- 5.5 Any notice required to be given under the provisions of this Agreement shall be in writing and shall be duly served when it shall have been deposited, enclosed in a wrapper with the proper postage prepaid thereon, and duly registered or certified, return receipt requested, in a United States Post Office, addressed to the City or West Fraser. If mailed, any notice or communication shall be deemed to be received three days after the date of deposit in the United States Mail. Unless otherwise provided in this Agreement, all notices shall be delivered to the following addresses —

Attn: Jay Abercrombie, City Manager  
City of Henderson, Texas  
300 West Main  
Henderson, Texas 75653

Attn: Chuck Watkins  
West Fraser Wood Products, Inc.  
1900 Exeter Road, Suite 105  
Germantown, TN 38138

- 5.6 In the event any section, subsection, paragraph, sentence, phrase or word herein is held invalid, illegal, unconstitutional or unenforceable, such invalidity, illegality, unconstitutionality or unenforceability shall not affect any other provisions. It is the intention of the Parties that in lieu of each provision that is held to be invalid, illegal, unconstitutional or unenforceable, a provision will be added to this Agreement which is valid, legal, constitutional and enforceable and is as similar in terms as possible to the provision held to be invalid, illegal, unconstitutional or unenforceable.
- 5.7 This Agreement shall be binding on and inure to the benefit of the parties to it and their respective heirs, executors, administrators, legal representatives, successors, and permitted assigns. This Agreement may not be assigned by West Fraser without the prior written consent of the City which shall not be unreasonably withheld, delayed or conditioned; provided that West Fraser may assign this agreement to an affiliate that is directly or indirectly controlled by or is under common control with West Fraser upon providing thirty (30) days written notice to the City. In the event of an assignment to which the City has consented, the assignee shall agree in writing to assume the obligations and liabilities of West Fraser in a form reasonably approved by the City.
- 5.8 This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument. This Agreement may be executed in facsimile or electronically transmitted portable document format ("PDF") or by electronic means, and such signatures shall have the same force of law as one executed and witnessed by the parties in person.
- 5.9 This Agreement shall be governed by the laws of the State of Texas without regard to any conflict of law rules. Exclusive venue for any action under this Agreement shall be the 4th Judicial District Court of Rusk County, Texas.

*[Signature pages to follow]*

Article VI  
RECORDATION OF AGREEMENT


A certified copy of Agreement 20220801 summarizing this agreement, in recordable form, may be recorded in the Real Property Records of Rusk County, Texas.

Article VII  
EFFECTIVE DATE

This agreement may be executed by the parties in multiple originals, and by different parties on separate originals, each of which shall have full force and effect as of the date set forth at the beginning of the agreement.

City of Henderson


John Fullen  
Printed Name

  
Signature

Mayor  
Title

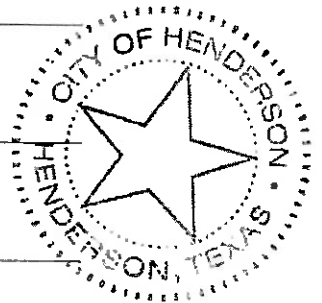
April 12, 2023  
Date

ATTEST: Cheryl Jimerson  
Printed Name

  
Signature


City Secretary  
Title

April 12, 2023  
Date



OWNER: West Fraser

Chuck Watkins  
Printed Name


  
Signature

VP, Capital & Technology  
Title

04/21/2023  
Date

OWNER: West Fraser

Anthony Ventrini  
Printed Name

  
Signature

Assistant Treasurer  
Title

04/21/2023  
Date



# City Council

## Agenda Item # 9.

**SUBJECT:** Consideration and possible action upon the Amended Performance Agreement for First Methodist Church Preschool. (Gardella)

**MEETING DATE:** February 17, 2026

**DEPARTMENT:** HEDCO

**CONTACT:** Bret Gardella, HEDCO Director

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**RECOMMENDED CITY COUNCIL ACTION:** To review and approve the amended performance agreement.

**ITEM SUMMARY:**

**BACKGROUND INFORMATION:**

**SPECIAL CONSIDERATIONS:**

**SUPPORTING MATERIALS:**

1. FMC PA & Amendment



## PERFORMANCE AGREEMENT

This Performance Agreement (herein referred to as the "Agreement") is entered into by HENDERSON ECONOMIC DEVELOPMENT CORPORATION ("HEDCO") of 300 West Main, Henderson, Texas 75652 and FIRST METHODIST CHURCH ("FMC") of 204 North Marshall Street, Henderson, Texas 75652.

### WITNESSETH

**WHEREAS**, HEDCO exists for the purposes of encouraging economic growth and expansion of business entities, and in the creation and retention of jobs for citizens of the City of Henderson, Texas; and

**WHEREAS**, FMC is an independent Methodist church and the home of the First Methodist Pre-School (the Pre-School") that employs 30-35 teachers & support staff and serves more than 120 families in Henderson, Texas; and

**WHEREAS**, FMC, subject to the terms and conditions of the Agreement, has agreed to invest up to \$65,000.00 to remove and re-construct the retaining wall supporting the Pre-School playground so that the Pre-School can continue to serve families in Henderson, Texas (the "Project"); and

**WHEREAS**, pursuant to § 501.101(1)-(2) of the Texas Local Government Code, the Project includes expenditures for land, buildings, equipment, facilities, expenditures, targeted infrastructure and improvements that are for the creation or retention of primary jobs and which the HEDCO Board of Directors finds to be required or suitable for the development, retention or expansion of manufacturing & industrial facilities; research & development facilities; transportation facilities; distribution centers; warehouse facilities and/or regional or national corporate headquarters facilities in Henderson, Texas.

**NOW, THEREFORE**, for and in consideration of the covenants, promises and conditions hereinafter contained, HEDCO and FMC agree as follows —

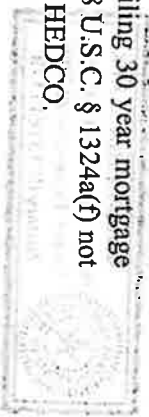
## DESIGN & CONSTRUCTION

1. Within ninety (90) days of the execution of this Agreement, FMC will remove and re-construct the retaining wall supporting the Pre-School playground at the rear of the property located at 204 North Marshall in Henderson, Texas at an expected cost of as much as \$65,000.00. The re-constructed retaining wall shall include footings not less than 2' below the surface grade.
2. FMC shall select all necessary design and construction professionals. To the extent commercially reasonable, FMC shall procure all construction labor and material from vendors and contractors within the City of Henderson.
3. Within thirty (30) days after FMC completes construction, it shall provide HEDCO with documentation of the sums expended to complete the Project.
4. Within ten (10) business days after its receipt of satisfactory documentation, HEDCO shall reimburse 50% of the sums expended by FMC to complete the Project up to \$32,500.00. In no event shall HEDCO contribute more than 50% of the total Project cost or a total of \$32,500.00.
5. HEDCO shall not make any contribution under this Agreement if FMC fails to timely submit the documentation required to verify the amount expended to complete the Project.
6. FMC further agrees that the Pre-School will maintain its current level of staffing and will not curtail services to client families for not less than five (5) years following the execution of this Agreement. In the event FMC fails to meet this obligation, it shall reimburse HEDCO a proportionate amount of the funds contributed to the Project.

## WARRANTIES & REPRESENTATIONS

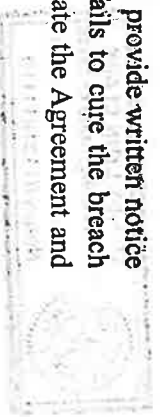
7. In further consideration for this Agreement and the covenants herein, FMC hereby warrants, represents, and covenants to HEDCO as follows —
  - (a) FMC is a Texas non-profit entity duly organized and authorized to conduct business in the State of Texas.
  - (b) FMC has and will hereafter timely file all state and federal tax reports and returns required by law and timely pay all taxes, assessments, fees and other governmental charges which are due and payable.

- (c) FMC is aware of the statutory limitations on funds paid under the Agreement and the use of the funds under Texas law including § 380 of the Local Government Code. Therefore, FMC expressly covenants that the funds herein granted have and shall be utilized solely for purposes authorized under such state law and by the terms of this Agreement.
  - (d) There have been and are no bankruptcy proceedings currently pending concerning FMC or its officer or directors nor are any such proceedings contemplated as of the date of this Agreement.
  - (e) FMC has and will comply with all conditions, covenants, agreements, representations, warranties and obligations set forth herein.
8. Pursuant to Texas Government Code § 2264.001, FMC expressly warrants that it does not and will not knowingly employ an undocumented worker and will repay the incentives provided under this Agreement together with interest at the prevailing 30 year mortgage rate if it is convicted of federal immigration violations under Title 8 U.S.C. § 1324a(f) not later than the 120th day after receiving notice of the violation from HEDCO.



### GENERAL PROVISIONS

- 9. This Agreement shall become effective upon execution by the parties.
- 10. Venue for any litigation between the parties concerning this Agreement, or the rights or duties of either in relation thereto, shall be in Rusk County, Texas. In the event it prevails in any such litigation, HEDCO shall be entitled, in addition to such other relief as may be granted, to recover its reasonable attorney's fees and expenses of litigation.
- 11. Any notices required to be given hereunder shall be in writing and shall be deemed to be duly given by personally delivering such notice, or by mailing same postage prepaid, by certified mail, return receipt requested, to the parties at the addresses shown herein. Either party may change its address for this purpose by giving written notice of such change to the other party.
- 12. In the event of a breach of this Agreement by FMC, HEDCO shall provide written notice of the breach and allow FMC thirty (30) days to cure. If FMC fails to cure the breach within thirty (30) days of the written notice, HEDCO may terminate the Agreement and seek all remedies available at law or in equity.
- 13. This Agreement constitutes the entire agreement of the parties. It may not be amended, or changed in any respect whatsoever, unless in writing and signed by all parties.



FIRST METHODIST CHURCH OF HENDERSON

B. William Michael Dreyfus

SWORN TO & SUBSCRIBED BEFORE ME, the undersigned authority, by the said

William Mayhugh in the capacity indicated above on this, the 10<sup>th</sup> day of February, 2025.



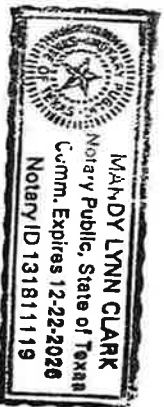
Mandy Clark  
NOTARY PUBLIC, STATE OF TEXAS

HENDERSON ECONOMIC DEVELOPMENT CORPORATION

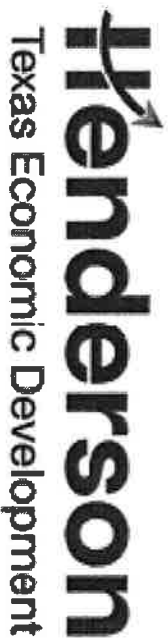
By: BAL  
Bret Gardella, Executive Director

SWORN TO & SUBSCRIBED BEFORE ME, the undersigned authority, by the said

Bret Gardella in the capacity indicated above on this, the 10<sup>th</sup> day of February, 2025.



Mandy Clark  
NOTARY PUBLIC, STATE OF TEXAS



## AMENDMENT TO PERFORMANCE AGREEMENT

This Amendment to Performance Agreement (hereinafter referred to as the "Amendment") is entered into by HENDERSON ECONOMIC DEVELOPMENT CORPORATION ("HEDCO") of 300 West Main, Henderson, Texas 75652 and FIRST METHODIST CHURCH ("FMC") of 204 North Marshall Street, Henderson, Texas 75652.

### WITNESSETH

**WHEREAS**, on February 10, 2025, HEDCO and FMC entered into a Performance Agreement by which HEDCO pledged to reimburse 50% of up to \$65,000.00 spent by FMC to remove and re-construct the retaining wall supporting the FMC Pre-School playground; and

**WHEREAS**, FMC has determined that it is in the best interest of FMC and the Pre-School to expand the scope of the project to repair & strengthen 153 linear feet of the existing retaining wall with gunite & rebar in accordance with the contractor's bid attached hereto at an expected cost of not less than \$71,500.00 (the "Expanded Project"); and

**WHEREAS**, pursuant to § 501.101(1)-(2) of the Texas Local Government Code, HEDCO finds that the Expanded Project continues to include expenditures for land, buildings, equipment, facilities, expenditures, targeted infrastructure and improvements that are for the creation or retention of primary jobs and which the HEDCO Board of Directors finds to be required or suitable for the development, retention or expansion of manufacturing & industrial facilities; research & development facilities; transportation facilities; distribution centers; warehouse facilities and/or regional or national corporate headquarters facilities in Henderson, Texas.

**NOW, THEREFORE**, for and in consideration of the covenants, promises and conditions hereinafter contained, HEDCO and FMC agree to amend the Design & Construction section of the Performance Agreement as follows —

**DESIGN & CONSTRUCTION**

1. Within one hundred eighty (180) days of the execution of this Agreement, FMC will repair and strengthen with rebar/gunite approximately 153 linear feet of the retaining wall supporting the Pre-School playground at the rear of the property located at 204 North Marshall in Henderson, Texas in accordance with the contractor’s bid attached hereto at an expected cost of not less than \$71,500.00.
2. FMC shall select all necessary design and construction professionals. To the extent commercially reasonable, FMC shall procure all construction labor and material from vendors and contractors within the City of Henderson.
3. Within thirty (30) days after FMC completes construction, it shall provide HEDCO with documentation of the sums expended to complete the Expanded Project.
4. Within ten (10) business days after its receipt of satisfactory documentation, HEDCO shall reimburse 50% of the sums expended by FMC to complete the Expanded Project up to \$35,750.00. In no event shall HEDCO contribute more than 50% of the total cost of the Expanded Project or a total of \$35,750.00.
5. HEDCO shall not make any contribution under this Agreement if FMC fails to timely submit the documentation required to verify the amount expended to complete the Expanded Project.
6. FMC further agrees that the Pre-School will maintain its current level of staffing and will not curtail services to client families for not less than five (5) years following the execution of this Amendment. In the event FMC fails to meet this obligation, it shall reimburse HEDCO a proportionate amount of the funds contributed to the Expanded Project.

All other provisions of the Performance Agreement are unchanged.

**[SIGNATURES ON FOLLOWING PAGE]**

**FIRST METHODIST CHURCH OF HENDERSON**

By: \_\_\_\_\_  
William Michael Mayhugh, Senior Pastor

**SWORN TO & SUBSCRIBED BEFORE ME**, the undersigned authority, by the said  
William Michael Mayhugh in the capacity indicated above on this, the \_\_\_\_ day of February  
2026.

\_\_\_\_\_  
**NOTARY PUBLIC, STATE OF TEXAS**

**HENDERSON ECONOMIC DEVELOPMENT CORPORATION**

By: \_\_\_\_\_  
Bret Gardella, Executive Director

**SWORN TO & SUBSCRIBED BEFORE ME**, the undersigned authority, by the said  
Bret Gardella in the capacity indicated above on this, the \_\_\_\_ day of February 2026.

\_\_\_\_\_  
**NOTARY PUBLIC, STATE OF TEXAS**





# City Council

## Agenda Item # 10.

**SUBJECT:** Consideration and possible action upon the HEDCO 2026 By-Law Amendments. (Gardella)

**MEETING DATE:** February 17, 2026

**DEPARTMENT:** HEDCO

**CONTACT:** Bret Gardella, HEDCO Director

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**RECOMMENDED CITY COUNCIL ACTION:** To review and approve the 2026 By-Law Amendments.

**ITEM SUMMARY:**

**BACKGROUND INFORMATION:**

**SPECIAL CONSIDERATIONS:**

**SUPPORTING MATERIALS:**

1. 8. November 18, 2025 3.0

# **HENDERSON ECONOMIC DEVELOPMENT CORPORATION AMENDED CORPORATE BYLAWS**

**Adopted \_\_\_\_\_, 2026**

These Bylaws (hereinafter referred to as the “Bylaws”) govern the affairs of the Henderson Economic Development Corporation, a public instrumentality and a non-profit Type B economic development corporation (hereinafter referred to as the “Corporation”) created under Chapter 505 of the Texas Local Government Code (hereinafter referred to as the “Act”).

## **ARTICLE I. Purpose**

**1.01** The Corporation is organized exclusively for the purpose of benefiting and accomplishing public purposes of the City of Henderson, Texas, by promoting, assisting and enhancing economic development activities for the City as provided by Chapter 505 of the Texas Local Government Code. The Corporation has no members and is a non-stock corporation.

## **ARTICLE II. Registered Office and Agent**

**2.01** The registered office of the Corporation shall be maintained in the City of Henderson Rusk County, Texas, where the Corporation shall maintain a registered office and the registered agent as provided in the Act. The Board of Directors shall be authorized to establish additional offices as well, and to change the location of any office of the Corporation.

## ARTICLE III. Board of Directors

### 3.01 Management of the Corporation & General Powers

The affairs of the Corporation shall be managed by a Board of Directors appointed by the City Council of Henderson. All voting rights shall be vested solely in the Board, whose members shall serve without compensation. In addition to the powers and authorities expressly conferred upon them by these Bylaws, the Board of Directors may exercise all such powers of the Corporation and do all lawful acts and things as are not prohibited by the statute or by the Charter of the City of Henderson or by these Bylaws. Without prejudice to such general powers and other powers conferred by statute, by the Charter and by these Bylaws, it is expressly declared that the Board of Directors shall have the following powers, to

wit —

- (A) To purchase or otherwise acquire for the Corporation any property, rights or privileges which the Corporation is authorized to acquire, at such price or consideration and generally on such terms and conditions as they think fit; and at their discretion to pay therefore either wholly or partly in money, bonds, debentures or other securities of the Corporation as may be lawful;
- (B) To create, make and issue notes, mortgages, bonds, deeds of trust, trust agreements and negotiable or transferrable instruments & securities secured by mortgage or deed of trust on any real property of the Corporation or otherwise, and to do every other act or thing necessary to effect the same;
- (C) To sell or lease the real or personal property of the Corporation on such terms as the Board may see fit and to execute all deeds, leases and other conveyances or contracts that may be necessary for carrying out the purposes of this Corporation;

- (D) To contract with other existing private corporations to carry out economic development programs consistent with the purposes and duties as set out in these Bylaws and the Act and
- (E) To exercise any and all other powers granted by Chapter 505 of the Texas Local Government Code and any amendments thereto.

### **3.02 Selection**

The Board shall be composed of seven (7) Directors who shall serve at the pleasure of the City Council. All Directors will be selected based on interest in the work of the Corporation, special expertise and civic service. One (1) Director shall be a person authorized to participate in the major policymaking functions of VeraBank, Henderson Federal Savings Bank or Texas Bank (the “Bank Director”). The Bank Director shall be appointed from the foregoing institutions (or their successors if also chartered in Rusk County, Texas) in succession. Additional banking institutions chartered in Rusk County, Texas may be added to the rotation upon application to the Board and approval by the Board and City Council.

### **3.03 Terms of Office**

The term of office for each Director shall be two (2) years. The terms of the Directors shall be staggered so that the terms of not less than three (3) Directors shall expire each year. No Director shall serve more than three (3) consecutive terms. The Bank Director shall serve a single term. Any Director may resign from the Board prior to the expiration of his or her term of office.

### **3.04 Vacancies**

Any vacancy occurring in the Board of Directors shall be filled by appointment of the City Council of Henderson so as to continue the staggered terms as set forth in Section 3.03 above.

### **Board Attendance**

**3.05** Unless special consideration is granted by the Board to accommodate Directors who are temporarily inactive for good cause, any Director who is absent from three (3) regular meetings of the Board in any twelve (12) month period may be asked to resign.

### **Duties of Directors**

**3.06** Directors shall exercise ordinary business judgment in managing the affairs of The Corporation. Directors shall act as fiduciaries with respect to the interest of the citizens of Henderson. In acting in their official capacity as Directors of this Corporation, Directors shall act in good faith and take actions they reasonably believe to be in the best interest of the Corporation and that are not unlawful. In all other instances, the Board of Directors shall not take any action that they should reasonably believe would be opposed to the Corporation's best interests or would be unlawful.

## **ARTICLE IV. Officers**

### **4.01 Officer Positions**

The officers of the Corporation shall be a President of the Board, a Vice-President, a Secretary and a Treasurer, all of whom shall be members of the Board. No two offices may be held by the same person. The officers shall have all powers specified in the Bylaws, as amended from time to time, and all powers authorized under the Act and the Texas Non-Profit Corporation Act or its successor.

### **4.02 Election & Terms of Office**

The officers of the Corporation shall be elected annually by the Board of Directors at the first meeting of the fiscal year or as soon thereafter as conveniently possible, provided the President shall be a hold-over director who has served at least one year. If there is no such hold-over Director eligible for President, the President shall be elected from the existing Board. Each officer shall hold office until a successor is duly elected and qualified. An officer may be elected to succeed himself or herself in the same office one (1) time. Vacancies in officer positions may be filled by the Board of Directors for their unexpired position of the officer's term.

#### **4.03 President**

The President shall be the chief executive officer of the Corporation. He or she shall generally supervise and control all of the business and affairs of the Corporation and shall preside at meetings of the Board of Directors. The President shall perform all duties incident to the office and other duties prescribed from time to time by the Board of Directors. He or she may execute deeds, mortgages, bonds, contracts or other instruments that the Board of Directors has authorized to be executed. However, he or she may not execute instruments on behalf of the Corporation if this power is expressly delegated to another office or agent of the Corporation by the Board of Directors, the Bylaws, or statute. The President shall appoint, with majority approval of the Board, the members of all standing and other committees, unless composition is otherwise provided for in the Bylaws, and all committee chairs.

#### **4.04 Vice-President**

In the absence of the President, or in the event of his or her inability to act, the Vice-President shall perform the duties of the President. When so acting, the Vice-President shall have all power of and be subject to all the same restrictions as upon the President. The Vice-President shall also perform other duties as from time to time may be assigned to him or her by the President.

#### 4.05 Secretary

The Secretary shall be the custodian of the corporate records. The Secretary shall record and keep or cause to be recorded and kept all votes and minutes of the meetings of the Board. The Secretary shall further give or cause to be given notice of all meetings of the Board of Directors and its committees and perform such other duties as may be prescribed by the Board of Directors or President. The Secretary may designate one or more Assistant Secretaries who may be employees of the Corporation to assist in the administration of the Corporate records.

#### 4.06 Treasurer

The **Bank Director shall be the Treasurer.** He or she shall (a) see that proper and accurate accounts are kept of the financial condition of the Corporation and proper books are maintained for their orderly entry; (b) insure that the financial decisions adopted by the Board are duly followed and an independent audit is made of the accounts of the Corporation at the end of each fiscal year; (c) report the financial condition of the Corporation **to the Board** at each regular meeting and **to City Council upon request and** (d) perform any other duties the President **may** assign. Disbursements of the funds of the Corporation shall be by **commercially reasonable means and dually-authorized** in a manner approved by the Board of Directors. **The Board of Directors may require all** persons authorized to disburse or manage the funds of the Corporation **to** be bonded.

#### **4.07 Executive Director**

The Board of Directors shall have the power to appoint an Executive Director. The Executive Director shall be the general manager and chief administrative officer of the Corporation, and subject to the supervision of the Board, shall perform such duties as may be incident to his or her office or specifically delegated to him or her by the Board. The Executive Director shall serve at the pleasure of the Board and receive such compensation as the Board may from time to time determine. The Executive Director, as general manager and, chief administrative officer, shall be responsible for policy and program implementation and for all operations of the Corporation, including hiring, supervising and dismissing employees as well as defining and assigning their work. The Executive Director shall be a non-voting, ex-officio member of the Board of Directors and any other committees created by the Board of Directors. The Executive Director shall compile and submit to the Board regular reports and recommendations regarding the programs, policies and business affairs of the Corporation.

### **ARTICLE V. Board Committees**

#### **5.01 Committees Authorized**

The Board of Directors may establish and delegate specified authority to additional standing and ad hoc committees from time to time. A committee may include persons who are not directors of the Corporation. The Board of Directors may establish qualifications for membership on a committee. Committee members

shall serve at the pleasure of the Board and may be removed by the Board of Directors. In addition, the Board of Directors may authorize subcommittees from time to time and charge them with clear and specific duties. Subcommittees will operate under the general rules governing the Board committees and the general oversight of the Executive Director and Vice-President or Board Committee Chair. The establishment of a committee shall not relieve the Board of Directors, or any individual Director of any responsibility imposed by law or these Bylaws. No committee shall have the authority of the Board of Directors to —

- (A) Amend the Articles of Incorporation.
- (B) Adopt a plan of merger or a plan of consolidation with another corporation.
- (C) Authorize the sale, lease, exchange or mortgage of any of the property and assets of the Corporation.
- (D) Authorize the voluntary dissolution of the Corporation.
- (E) Revoke proceedings for the voluntary dissolution of the Corporation.
- (F) Adopt a plan for the distribution of the assets of the Corporation.
- (G) Amend, alter, or repeal the Bylaws.
- (H) Elect, appoint or remove a member of a committee or director or officer of the Corporation.
- (I) Approve any transaction to which the corporation is a party or undertake any action that involves a potential conflict of interest as defined in paragraph 8.04 below.
- (J) Take any action outside the scope of authority delegated to it by the Board of Directors.
- (K) Take final action on a matter that requires approval of the Board of Directors.

- (L) Commit Corporation funds without the prior approval of the Board of Directors.
- (M) Undertake any other matters appropriate to the authority of the Board of Directors.

### **5.02 Committee Terms**

The members of each standing committee shall serve until the next annual meeting of the Board and/or until successors are appointed by an incoming President unless the Committee is terminated or a member is removed, resigns or ceases to qualify as a member. Vacancies on committees may be filled in the same manner as the original appointment.

### **5.03 Rules**

Each committee or subcommittee may adopt rules for its own operation not inconsistent with these Bylaws or with rules adopted by the Board of Directors. A decision or recommendation of any committee or subcommittee shall be subject to approval by a quorum of the full Board.

## **ARTICLE VI. Meetings**

### **6.01 Regular Meetings**

The Board of Directors shall provide for at least four (4) regular meetings annually by resolution stating the time and place of such meetings. All regular meetings will be held in the corporate city limits of the City of Henderson.

## 6.02 Annual Meeting

The first meeting of the Corporation's fiscal year shall be designated as the Annual Meeting. It shall be held at a time and place designated by the Board.

## 6.03 Special Meetings

Special meetings of the Board of Directors may be called by the Mayor or at the request of the President or upon written request of at least three (3) Directors. Any notice of a special meeting shall contain a summary of the business or proposals to be brought before the special meeting. Should a Director's request for a special meeting be submitted to the President and filed in the Executive Director's office by three (3) Directors, the President shall determine and notify all Directors in writing of the date, time and place of the special meeting within three (3) days of the receipt of the Directors' request. If at any time during a meeting a quorum does not exist, no business shall be transacted.

## 6.04 Notice

Notice of each regular meeting of the Board of Directors shall be delivered to each Director by email, **electronic message** or other **commercially reasonable** means not less than three (3) days before the date of the meeting. The notice shall state the place, date and time of the meeting. In the case of a special meeting, the notice shall **further identify** who called the meeting and the purpose for which **it has been** called. Attendance of a Director at a meeting shall constitute a waiver of notice of that meeting, except where a Director attends a meeting for the express purpose of

objecting to the transaction of any business on the ground that the meeting is not lawfully called or convened. Public notice of all meetings of the Board of Directors shall be provided in accordance with the Texas Open Meetings Act.

#### **6.05 Quorum**

Four (4) Directors currently serving shall constitute a quorum for the transaction of business at any meeting of the Board of Directors.

#### **6.06 Action of Board of Directors**

The vote of a majority of the Directors present and voting at a meeting at which a quorum is present shall be sufficient to constitute the act of the Board of Directors.

#### **6.07 Proxies**

A Director may not vote by proxy.

#### **6.08 Open Meetings**

All meetings and deliberations of the Board shall be called, convened, held and conducted in accordance with the Texas Open Meetings Act, TEX. GOV'T CODE § 551 (West 2025) and as it may be amended.

## **ARTICLE VII. Corporate Duties, Transactions & Responsibilities**

### **7.01 Program of Work**

The Board of Directors shall research, develop, prepare and submit to the City Council for its approval an annual Program of Work which shall set out goals and objectives of the Corporation for the economic development of the City, and any other similar goals and objectives deemed appropriate by the Board and the City Council. The Board shall review and update the Program of Work each year prior to submission of the annual budget required by other provisions of these Bylaws.

### **7.02 Annual Corporate Budget**

At least sixty (60) days prior to the commencement of each fiscal year of the Corporation, the Board shall adopt a proposed budget of expected revenues and proposed expenditures for the next ensuing fiscal year. The budget shall contain such classifications and shall be in such form as may be prescribed from time to time by the City Council. The budget shall not be effective until the same has been approved by the City Council.

### **7.03 Deposit & Investment of Corporate Funds**

All Proceeds from the issuance of bonds, notes or other debt instruments issued by the Corporation shall be deposited and invested as provided in the resolution, order, indenture or other documents authorizing or relating to their issuance. All other monies of the Corporation shall be deposited, secured and/or invested in the manner provided for the deposit, security and/or investment of the public funds of

the City of Henderson. The Board shall designate the accounts and depositories to be created and designated for such purposes, and the methods of withdrawal of funds therefrom for use by and for the purposes of the Corporation. The Board shall also provide for the reconciliation and investment of such funds and accounts. If agreed to by separate contract between the City and the Corporation, the accounts, reconciliation, and investment of such funds and accounts may be performed by the finance department of the City of Henderson. The Corporation shall pay reasonable compensation for such services to the City.

#### **7.04 Limitations on Expenditures**

The Corporation shall spend no more than ten percent (10%) of the annual Corporate revenues for promotional purposes. The Corporation may carry forward, year to year, the unused amounts set aside for promotional purposes.

#### **7.05 Contracts**

The Board of Directors may by official action authorize any officer or agent of the Corporation to enter into a contract or execute and deliver any instrument in the name of and on behalf of the Corporation. This authority may be limited to a specific contract or instrument or it may extend to any number and type of possible contracts and instruments. All contracts shall be approved by the Henderson City Council prior to acceptance and execution by HEDCO.

## 7.06 Gifts

The Board of Directors may accept on behalf of the Corporation any gift or bequest provided for the general purposes of or for any special purpose of the Corporation. Special funds shall include all funds from government contracts and gifts designated by a donor for special purposes. All other funds shall be general funds.

## 7.07 Potential Conflicts of Interest

The Directors shall be subject to the conflict of interest provisions of Chapter 22 of the Texas Business Organizations Code, the policies of the City of Henderson and other applicable state law conflict of interest provisions. The Corporation may not make a loan to a Director. In addition, in any contract or transaction between the Corporation and a Director or an organization in which a Director is an officer or member or in which the Director has a financial interest, the Board must know or be informed of the material facts as to the relationship and the contract or transaction. The interested Director may be present at and participate in the deliberations of the Board and vote on the contract or transaction only after such disclosures have been made.

## 7.08 Prohibited Acts

No Director, officer or committee member of the Corporation shall —

- (A) Do any act in violation of the Bylaws or a binding obligation of the corporation;
- (B) Do any act with the intention of harming the Corporation or any of its operations;
- (C) Do any act that would make it impossible or unnecessarily difficult to carry on the intended or ordinary business of the Corporation;
- (D) Receive an improper personal or business benefit from the operation of the Corporation;
- (E) Use the assets of the Corporation, directly or indirectly, for any purpose other than carrying on the business of the Corporation;
- (F) Wrongfully transfer or dispose of Corporation property, including intangible property such as goodwill;
- (G) Use the name of the Corporation (or any substantially similar name) or any trademark or trade name adopted by the Corporation, except on behalf of the Corporation in the ordinary course of the Corporation's business;
- (H) Disclose any of the Corporation business practices, trade secrets or any other information not generally known to the business community to any person not authorized to receive it;
- (I) Commit Corporation funds without the prior approval of the Board of Directors or
- (J) Commit any unauthorized act.

The Corporation shall not have the power to own or operate any project as a business other than as lessor, seller or lender or pursuant to the requirements of any trust agreement securing the credit transaction. In addition, the user pursuant to any lease, sale or loan agreement relating to a project shall be considered to be the

owner of the project for the purposes of the application of any ad valorem, sales & use taxes or any other taxes levied or imposed by the State of Texas or any political subdivision of the State of Texas. The purchase and holding of mortgages, deeds of trust or other security interests and contracting for any servicing thereof shall not be deemed the operation of a project.

## **ARTICLE VIII. Books, Records, Audits**

### **8.01 Maintenance of Records**

The Corporation shall keep and properly maintain, in accordance with generally accepted accounting principles, complete books, records, accounts and financial statements pertaining to its corporate funds, activities and affairs. In addition to proper financial records, the Corporation shall keep correct and complete minutes of all board and committee meetings and all records required by the City of Henderson, contracting agents or funding sources.

### **8.02 Compliance with State Law**

All records shall be kept and administered in accordance with the Texas Public Information Act, TEX. GOV'T CODE § 552 (West 2025) and Chapter 201 of the Texas Local Government Code (West 2025) and as they may be amended.

### 8.03 Inspection

Any member of the City Council of Henderson, director or officer of the Corporation may inspect and receive copies of all books and records of the Corporation required to be kept by these Bylaws. Any person entitled to inspect and copy the Corporation's books and records may do so through his or her attorney or other fully authorized representative. The Board of Directors may establish reasonable fees for copying the Corporation's books and records by members. The Corporation shall provide requested copies of books or records when and as required by the Texas Open Records Act.

### 8.04 Audit

The Corporation shall cause its books, records, accounts & financial statements and all other activities for the previous fiscal year to be audited at least once each year by an outside independent certified public accounting firm selected by the Directors. Any such audit shall be performed in accordance with generally accepted auditing procedures (GAAP) and shall include the auditor's report. Each audit shall be prepared and submitted annually to the City Council of the City of Henderson, Texas, for approval within one hundred eighty (180) days after the end of the Corporation's fiscal year. Any such audit shall be performed at the expense of the Corporation.

## **ARTICLE IX. Fiscal Year**

**9.01** The fiscal year of the Corporation shall run concurrently with the City of Henderson beginning of the first day of October and ending on the last day of September in each **calendar** year.

## **ARTICLE X. Amendments to Bylaws**

**10.01** The Board of Directors, by the affirmative vote of no less than **five (5) of its seven (7) members**, may alter, amend or repeal these Bylaws or adopt new Bylaws at any regular **or special** meeting provided that notice **and a copy of the proposed amendment or amendments** be given **to each Director** not less than three (3) days prior to any such meeting. **Any duly-adopted** amendments shall be effective only upon approval by the City Council of the City of Henderson, Texas.

### **10.02 Legal Construction**

If any Bylaw provision is held to be invalid, illegal or unenforceable in any respect, the invalidity, illegality or unenforceability of any such provision shall not affect any other provision and these Bylaws shall be construed as if such invalid, illegal or unenforceable provision had not been included.

## **ARTICLE XI. Indemnification & Insurance**

### **11.01 Corporation to Indemnify**

The Corporation shall indemnify any director or officer or former director or officer of the Corporation for expenses and costs (including attorney's fees) actually and necessarily incurred by said officer or director in connection with any claim asserted against said officer or director by action in court or otherwise by reason of such person being or having been a director or officer, except in relation to matters as to which said person shall have been guilty of gross negligence or gross misconduct in respect of the matter in which indemnity is sought.

### **11.02 Corporation May Provide Insurance**

The Corporation may purchase and maintain insurance on behalf of any person who is or was a director, officer, employee or agent of the Corporation to insure such person against any liability asserted against said person by reason of such person being or having been a director, officer, employee or agent of the Corporation. The premium for such insurance shall be paid for by the Corporation.

## **ARTICLE XII. Parliamentary Authority**

**12.01** Robert's Rules of Order, Newly Revised, shall be the parliamentary authority for all matters of procedure not specifically covered by these Bylaws or any specific rules of procedure adopted by the Board.

**ARTICLE XIII. Dissolution of the Corporation**

**13.01** The Corporation is a non-profit corporation. Upon dissolution, all of the Corporation’s debts shall be paid first and then the assets shall be distributed to the City of Henderson, Texas.

**Henderson Economic Development Corporation**

BY: \_\_\_\_\_ DATE: \_\_\_\_\_

Name: \_\_\_\_\_

Title: President of the Corporation

**ATTEST:**

BY: \_\_\_\_\_ DATE: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: Secretary of the Corporation

**APPROVED** by majority vote of the Henderson City Council present on the \_\_\_\_\_ day of \_\_\_\_\_, 2025, and made effective immediately.

BY: \_\_\_\_\_ DATE: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: Secretary of the City of Henderson



# City Council

## Agenda Item # 11.

**SUBJECT:** Consideration and possible action to approve the waiver and release for Brasso Development & Construction, LLC. (Gardella)

**MEETING DATE:** February 17, 2026

**DEPARTMENT:** HEDCO

**CONTACT:**

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**RECOMMENDED CITY COUNCIL ACTION:**

**ITEM SUMMARY:**

**BACKGROUND INFORMATION:**

**SPECIAL CONSIDERATIONS:**

**SUPPORTING MATERIALS:**

1. 12. Release & Assignment



## RELEASE & ASSIGNMENT

This Release & Assignment (herein referred to as the “Agreement”) is entered into by HENDERSON ECONOMIC DEVELOPMENT CORPORATION (“HEDCO”) of 300 West Main, Henderson, Texas 75652 and BRASSO DEVELOPMENT & CONSTRUCTION, LLC (“BRASSO”) of 11697 County Road 177, Bullard, Texas 75757.

### WITNESSETH

**WHEREAS**, on June 24, 2025, HEDCO & BRASSO entered into a Performance Agreement related to the development of certain property in Henderson, Texas; and

**WHEREAS**, the terms of the June 24, 2025 Performance Agreement granted BRASSO an exclusive eighteen (18) month option on certain additional property identified therein as the “East Tract” and prohibited any assignment of BRASSO’s rights & obligations without HEDCO’s written consent; and

**WHEREAS**, HEDCO & BRASSO agree that BRASSO should relinquish its option on the “East Tract” and that BRASSO’s rights and obligations under the June 24, 2025 Performance Agreement should be assigned to Brasso Development, LLC.

**NOW, THEREFORE**, for and in consideration of the covenants, promises and conditions hereinafter contained, HEDCO and BRASSO agree as follows —

### RELEASE

1. BRASSO hereby forever relinquishes & releases its option to purchase the “East Tract” as set forth in Paragraph 4 of the June 24, 2025 Performance Agreement. BRASSO understands and agrees that HEDCO shall be free to independently develop the East Tract and/or offer it for sale to other potential builders & developers. Nothing herein shall preclude BRASSO from extending an offer to buy and/or develop the East Tract.

## **ASSIGNMENT**

1. BRASSO hereby assigns all its rights and obligations under the June 24, 2025 Performance Agreement (save & except the eighteen month purchase option released herein) to Brasso Development, LLC. By its signature hereto, HEDCO expressly consents to this assignment.
  
2. Brasso Development, LLC hereby expressly accepts the assignment of BRASSO's rights & obligations under the June 24, 2025 Performance Agreement and assumes responsibility for compliance with its terms.

**AGREED —**

**BRASSO DEVELOPMENT & CONSTRUCTION, LLC**  
**BRASSO DEVELOPMENT, LLC**

By: \_\_\_\_\_  
Cortland Brasseaux, Managing Member

**SWORN TO & SUBSCRIBED BEFORE ME**, the undersigned authority, by the said  
Cortland Brasseaux in the capacity indicated above on this, the \_\_\_\_ day of January 2026.

\_\_\_\_\_  
**NOTARY PUBLIC, STATE OF TEXAS**

**HENDERSON ECONOMIC DEVELOPMENT CORPORATION**

By: \_\_\_\_\_  
Bret Gardella, Executive Director

**SWORN TO & SUBSCRIBED BEFORE ME**, the undersigned authority, by the said  
Bret Gardella in the capacity indicated above on this, the \_\_\_\_ day of January 2026.

\_\_\_\_\_  
**NOTARY PUBLIC, STATE OF TEXAS**



# City Council

## Agenda Item # 12.

**SUBJECT:** Consideration and possible action on approval of the City of Henderson becoming a member of Sourcewell. (Hortman)

**MEETING DATE:** February 17, 2026

**DEPARTMENT:** Public Utilities

**CONTACT:** David Hortman, Director of Utility Infrastructure and Delivery

---

**RECOMMENDED CITY COUNCIL ACTION:** Approval of becoming a member of Sourcewell.

**ITEM SUMMARY:** Sourcewell is a company compatible with Buy Board.

**BACKGROUND INFORMATION:**

[sourcewell-mn.gov](http://sourcewell-mn.gov)

Newly awarded contracts

Sourcewell cooperative purchasing offers choice, value, and peace of mind

You now have access to additional contracts recently awarded by Sourcewell following competitive solicitations for:

- Electric Vehicle Supply Equipment and Related Services

- Ice Rink and Arena Equipment with Related Supplies and Services
- Skatepark, Bike Ramp, Pump Track, and BMX Track Solutions with Related Equipment, Accessories, and Services
- Water Collection and Control Products for Community Infrastructure

These offerings are designed to expand your purchasing options, providing tailored solutions that are delivered through your local dealer or representative. Explore recently awarded contracts below, or search all awarded contracts.

Explore contracts

**SPECIAL CONSIDERATIONS:**

**SUPPORTING MATERIALS:** None



# City Council

## Agenda Item # 13.

**SUBJECT:** Consideration and possible action upon a minor plat application to combine two lots at 418 Broadway St for purposes of development (Breitenberg)

**MEETING DATE:** February 17, 2026

**DEPARTMENT:** Community Development

**CONTACT:**

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**RECOMMENDED CITY COUNCIL ACTION:**

**ITEM SUMMARY:**

**BACKGROUND INFORMATION:**

**SPECIAL CONSIDERATIONS:**

**SUPPORTING MATERIALS:**

1. 418 Broadway-Easley-Minor Plat Application With Survey

# CITY OF HENDERSON MINOR PLAT APPLICATION

APPLICANT NAME: BLAKE EALEY & JAVEN EALEY

MAILING ADDRESS: 109 KENSWICK ST, HENDERSON, TX 75654

PHONE NO: 253 359 7790 OTHER 678 308 2266

LOCATION OF PROPERTY: 418 Broadway

PROPERTY DESCRIPTION (attach certified tax certificates from Rusk County Tax Office):

LT 11 817 BLK 15/191 Miszner Addn

PURPOSE FOR REQUEST (be specific): Combine Lts 11 817 for the purposes of development (multifamily structure)

District # 2 District Representative: Michael Searcy  
ZONING CLASSIFICATION: R4

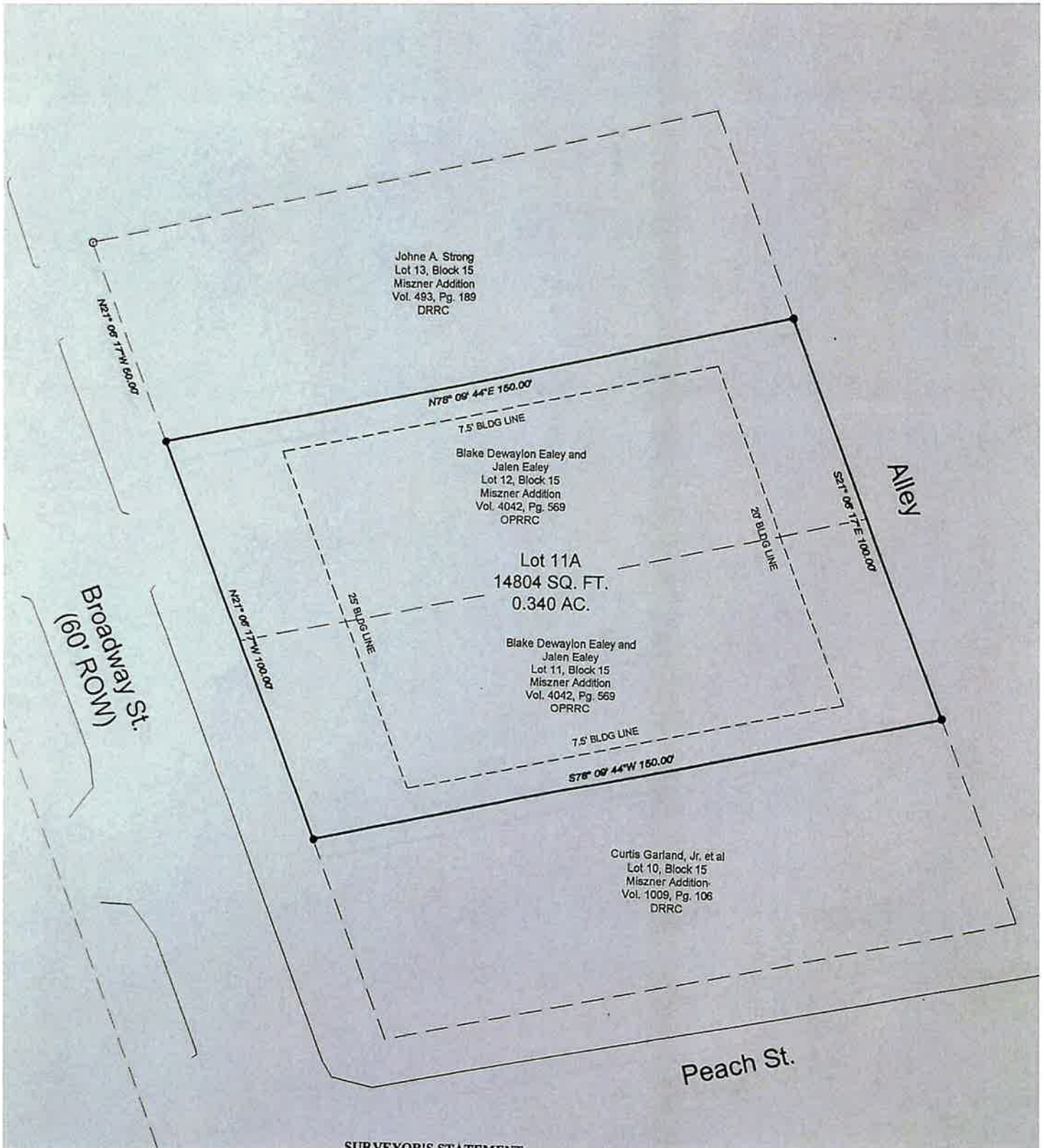
PROPERTY IS IMPROVED:  / N

WATER AND SEWER AVAILABLE:  / N

\*\*\* PLAT APPROVAL DOES NOT NECESSITATE APPROVAL FROM TXDOT FOR DRIVEWAY ACCESS ON STATE MAINTAINED HIGHWAY \*\*\*

BLAKE EALEY & JAVEN EALEY  
(Print Name)  
[Signature] SIGNATURE 1/15/20 DATE

Council Meeting for plat depends on date Application is received.  
Application fee of \$50.00 must be submitted with the application.  
Three (3) 8 1/2 x 14 plats and Two (2) 24x36 plats with Surveyor and Property Owner signatures required.



**TAX CERTIFICATE**

Please remit payment to:  
 Rusk County Tax Office  
 Nesha Partin  
 202 North Main Street  
 Henderson, TX 75653-0988  
 Phone: 903-657-0315

Fee: 10.00  
 Certificate Number: 44782

**This is to certify that, after a careful check of the tax records of this office, the following delinquent taxes, penalties, interest and any known costs and expenses as provided by Tax Code Section 33.48 are due on the described property for the following taxing unit(s):**

Owner Interest: 1.000000 Parcel ID/Seq: 28179/1 Suit: No  
 Owner: R100848 Account #: 02460-01120-00000-000000 Acres: 0.344  
 EALEY BLAKE DEWAYNE & JALEN Legals: LT 11 & 12 BLK 15/191 MISZNER Land Value: \$ 8000  
 811 MILLVILLE DR Pers Value: \$ 0  
 HENDERSON TX 75652 Ag/Timber: \$ 0

Property 418 BROADWAY Abst/Subdiv: HS Code:  
 Address: HENDERSON TX 75652 Block: Lot: Cat Code: C1  
 MH Label: MH Serial: MTG/Loan: -

Year	Entity	Value	Original Tax	Tax Due	Discount	Penalty/Interest	Total Due
2025	05 - RUSK COUNTY	3,900	\$19.17	\$0.00	\$0.00	\$0.00	\$0.00
2025	05R - SPEC RD	3,900	\$2.07	\$0.00	\$0.00	\$0.00	\$0.00
2025	22 - CITY OF HENDERSON	3,900	\$16.58	\$0.00	\$0.00	\$0.00	\$0.00
2025	22IS - CITY OF HENDERSON I&S	3,900	\$4.06	\$0.00	\$0.00	\$0.00	\$0.00
2025	46 - HENDERSON I.S.D. M&O	3,900	\$26.61	\$0.00	\$0.00	\$0.00	\$0.00
2025	46IS - HENDERSON I.S.D. I&S	3,900	\$5.46	\$0.00	\$0.00	\$0.00	\$0.00
2025	66 - RUSK CO GROUNDWATER CONSV	3,900	\$0.20	\$0.00	\$0.00	\$0.00	\$0.00
Totals:			\$74.15	\$0.00	\$0.00	\$0.00	<b>\$0.00</b>

**Parcel Total: \$74.15 \$0.00 \$0.00 \$0.00 \$0.00**

**PAID HISTORY (CURRENT TAX YEAR) 2025**

Jurisdiction	Tax	Discount	Penalty	Other Payment	Total Amount	Cod	Ref Number	Posting Date
05	\$19.17	\$0.00	0.00	\$0.00	\$19.17		836622	12/10/2025
05R	\$2.07	\$0.00	0.00	\$0.00	\$2.07		836622	12/10/2025
22	\$16.58	\$0.00	0.00	\$0.00	\$16.58		836622	12/10/2025
22IS	\$4.06	\$0.00	0.00	\$0.00	\$4.06		836622	12/10/2025
46	\$26.61	\$0.00	0.00	\$0.00	\$26.61		836622	12/10/2025
46IS	\$5.46	\$0.00	0.00	\$0.00	\$5.46		836622	12/10/2025
66	\$0.20	\$0.00	0.00	\$0.00	\$0.20		836622	12/10/2025
<b>\$74.15</b>		<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$74.15</b>			

If applicable, the above-described property has / is receiving special appraisal based on its use, and additional rollback taxes may become due based on the provisions of the special appraisal (Comptroller Rule 9.3040) or property omitted from the appraisal roll as described under Tax Code Section 25.21 is not included in this certificate [Tax Code Section 31.08(b)].

sign here → Barbara Harvey  
 Authorized Officer of Collecting Office

01/15/2026  
 Date of Tax Certificate

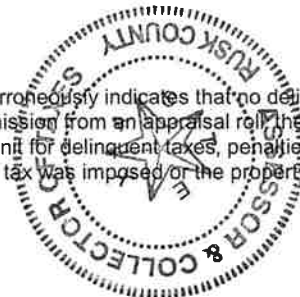
Issued By: barbara harvey

Issued To: jalen ealey

Issued Date: 1/15/2026 9:24:16AM DPIYRMO: 202601

Pursuant to Tax Code Section 31.08, if a person transfers property accompanied by a tax certificate that erroneously indicates that no delinquent taxes, penalties or interest are due a taxing unit on the property or that fails to include property because of its omission from an appraisal roll, the taxing unit's tax lien on the property is extinguished and the purchaser of the property is absolved of liability to the taxing unit for delinquent taxes, penalties or interest on the property or for taxes based on omitted property. The person who was liable for the tax for the year the tax was imposed or the property was omitted remains personally liable for the tax and for any penalties or interest.

A tax certificate issued through fraud or collusion is void.





# City Council

## Agenda Item # 14.

**SUBJECT:** Consideration and possible action upon the Main Street Advisory Board By-Law Amendments. (Duke)

**MEETING DATE:** February 17, 2026

**DEPARTMENT:** Main Street/Tourism

**CONTACT:**

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**RECOMMENDED CITY COUNCIL ACTION:**

**ITEM SUMMARY:**

**BACKGROUND INFORMATION:**

**SPECIAL CONSIDERATIONS:**

**SUPPORTING MATERIALS:**

1. Main Street By-Law Revision 2-17-2026 (2)



## City Council Agenda

### Item   10

**Subject:** Proposed Amendments to Bylaws  
**Meeting date:** February 17, 2026  
**Department:** Henderson Main Street Advisory Board, Inc  
**Contact:** Alexa Duke, Main Street Manager

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**Recommended City Council Action:** Approval of Proposed Bylaw Amendments

**Item Summary:** There are two (2) proposed Bylaw changes as follows:

a. Article IV – Section 3 – Ex-Officio Membership

**Current** – Ex-officio members of the Main Street Advisory Board will be: the Mayor of the City of Henderson, the City Manager of the City of Henderson, the Building Official of the City of Henderson, the Main Street Director of the City of Henderson, the Main Street Coordinator of the City of Henderson, the Chairman of the Henderson Historic Landmark Preservation Committee and the Tourism Coordinator of the City of Henderson.

**Proposed Revision** – Ex-officio members of the Main Street Advisory Board will include City employees responsible for Main Street oversight. Other ex officio members may be added at the discretion of a majority board vote with approval and appointment by City Council. Ex officio members will be limited to official representatives of city departments or agencies whose expertise is valuable for Main Street. Ex officio members who join the organization will join with a voice but will not have the ability to vote.

b. Article V – Section 1 – Term

**Current** – Henderson Main Street Advisory Board membership term shall consist of two (2) year consecutive terms with a total of six consecutive years, after such, board member will have two (2) years of absence from the board, with the ability to reapply when an eligible position is available.

**Proposed Revision** – Henderson Main Street Advisory Board membership term shall consist of two (2) year terms not to exceed six consecutive years, after such, board member will have two (2) years of absence from the board, with the ability to reapply when an eligible position is available.



## City Council Agenda

### Item 10

c. Article V – Section 2 – Absences

**Current** – Members with three (3) consecutive absences (other than personal illness or family illness) from regular meetings or meetings called with three (3) days prior notice, shall forfeit the unexpired portion of their term. The City Council will be advised of the vacancy. It is not the intent of this Article to limit or restrict any City Council appointment or reappointment of any individual.

**Proposed Revision** – Members with three (3) absences per year (other than personal illness or family illness) from regular meetings or meetings called with three (3) days prior notice, may forfeit the unexpired portion of their term. The City Council will be advised of the vacancy. It is not the intent of this Article to limit or restrict any City Council appointment or reappointment of any individual.

d. Article IX – Section 2 – Required Committees

**Current** – None

**Proposed Revision** – The following four committees are vital to Main Street America accreditation status and shall be maintained at all times:

- Organization
- Economic Vitality
- Promotion
- Design

Committees shall be led by members of the Main Street Advisory Board and may consist of volunteers and other members of the community.

e. Article IX – Section 3 – Other Committees

f. **Current** – None (This section was previously Section 2, which has been replaced with a new section.)

g. **Proposed Revision** – The President may appoint other committees, as authorized by the Board of Directors and with Board approval of committee membership, as needed.

h. Article XI – Section 1 – Fiscal Year

**Current** – The fiscal year shall begin the 1<sup>st</sup> day of October and end on the 30<sup>th</sup> day of September.

**Proposed Revision** – The fiscal year shall begin the 1<sup>st</sup> day of October and end on the 30<sup>th</sup> day of September each year, in accordance with the City of Henderson's fiscal calendar.



## City Council Agenda

### Item \_\_10\_\_

—  
i. Article XII – Section 2 – Expenditures

**Current** – None

**Proposed Revision** – Any expenditures over \$500 shall have board approval.

j. Article XII – Section 3 – Expenditures and Financial Reports

**Current** – None

**Proposed Revision** -- The board shall reserve the right to request detailed financial reports as well as detailed expenditure reports at any time.

**Background Information:** The Henderson Main Street Advisory Board, Inc. was established with a Resolution dated 12-08-1987. The Bylaws have been amended several times over the past as proposed and approved by the City Council.

**Special Considerations:** Recommendation for approval by the Henderson Main Street Board, Inc. to the City Council.

**Financial Impact:** None.

**Board Or Commission Recommendation:** Proposals as approved by the Henderson Main Street Board on February 3, 2026.

**Supporting Materials:** Copy of bylaws with current and proposed language follows.



**City Council Agenda**  
**Item \_\_10\_\_**  
**BY-LAWS**  
**HENDERSON MAIN STREET ADVISORY BOARD**

**ARTICLE I**  
**NAME OF CORPORATION**

Section 1. Name.

The name of the corporation shall be the Henderson Main Street Advisory Board, Inc.

**ARTICLE II**  
**PURPOSE OF CORPORATION**

Section 1. Purpose.

The purpose or purposes for which the corporation is organized are:

- (a) To create a program to revitalize the downtown business district into a regional marketplace, increase capital investment downtown, attract new business and improve the business mix, restore downtown to its earlier social significance and preserve the historic buildings on the square.
- (b) The downtown square has a unique concentration of period buildings. The restoration and preservation of this area will create a shopping experience in an attractive historic environment that will attract tourists.
- (c) To encourage industrial development in Henderson.
- (d) To encourage participation in the Henderson, Texas Main Street Downtown Revitalization Program.
- (e) To establish goals and priorities for the Henderson Main Street Program.
- (f) To evaluate the progress of said goals and priorities.
- (g) To coordinate activities coinciding with the Henderson Main Street Program.
- (h) To assist in the development of an annual report on the progress of the Henderson Main Street Program.

**ARTICLE III**  
**OFFICE OF CORPORATION**

Section 1. Registered Office and Registered Agent.

The corporation shall have and continuously maintain in the State of Texas, a registered office, and a registered agent whose office is identical with such registered office, as



## City Council Agenda

### Item \_\_10\_\_

required by the Texas non-profit corporation act. The registered office may be, but need not be identical with, the principal office of the corporation in the State of Texas, and the address of the registered office may be changed from time to time by the Board of Directors.

#### **ARTICLE IV MEMBERSHIP**

##### Section 1. Membership.

The Main Street Advisory Board shall be composed of seven (7) members and seven (7) ex-officio members.

##### Section 2. Determination and Appointment.

The membership shall be by appointment of the City Council based upon the recommendation of the Mayor and with recommendations of the Main Street Advisory Board.

##### Section 3. Ex-Officio Membership.

Ex-officio members of the Main Street Advisory Board ~~will be: the Mayor of the City of Henderson, the City Manager of the City of Henderson, the Building Official of the City of Henderson, the Main Street Director of the City of Henderson, the Main Street Coordinator of the City of Henderson, the Chairman of the Henderson Historic Landmark Preservation Committee and the Tourism Coordinator of the City of Henderson.~~ will include City employees responsible for Main Street oversight. Other ex officio members may be added at the discretion of a majority board vote with approval and appointment by City Council. Ex officio members will be limited to official representatives of city departments or agencies whose expertise is valuable for Main Street. Ex officio members who join the organization will join with a voice but will not have the ability to vote.

#### **ARTICLE V TERMS**

##### Section 1. Term.

Henderson Main Street Advisory Board membership term shall consist of two (2) year ~~consecutive~~ terms ~~with a total of~~ not to exceed six ~~consecutive~~ years, after such, board member will have two (2) years of absence from the board, with the ability to reapply when an eligible position is available.



## City Council Agenda

### Item \_\_10\_\_

#### Section 2. Absences.

Members with three (3) ~~consecutive~~ absences **per year** (other than personal illness or family illness) from regular meetings or meetings called with three (3) days prior notice, ~~shall~~ **may** forfeit the unexpired portion of their term. The City Council will be advised of the vacancy. It is not the intent of this Article to limit or restrict any City Council appointment or reappointment of any individual.

#### Section 3. Vacancies.

Any vacancy on the Board shall be filled by appointment of the Henderson City Council upon recommendation by the Henderson Main Street Advisory Board. The appointment of a successor shall be for the balance of the expired term.

#### Section 4. Resignation.

Resignation from the Board shall be presented to the Chairman.

## **ARTICLE VI POWERS AND DUTIES**

#### Section 1. Public Meetings.

The Main Street Advisory Board is empowered to hold and conduct public meetings; all meetings of the Board must be open to the public in accordance with the Texas Open Meetings Act, Vernon' Texas Civil Statutes.

#### Section 2. Time and Place.

The Main Street Advisory Board is empowered to establish the time and place of Main Street Advisory Board Meetings.

#### Section 3. Projects and Activities.

The Main Street Advisory Board is empowered to recommend projects and activities to include marketing, advertising, promotion, design, organization, economic restructuring as they directly relate to the achievement of the Main Street Project goal of a healthy, and vibrant central business district.

#### Section 4. Annual Report.

The Main Street Advisory Board is empowered to compile an annual report of the activities of Henderson's Main Street Project.



## City Council Agenda

### Item \_\_10\_\_

#### Section 5. Publicity.

The Main Street Advisory Board is empowered to publicize the Main Street Project in order to keep the community aware of progress.

#### Section 6. Main Street Administration Agreement.

Henderson Main Street Advisory Board has the duty to operate the Henderson Main Street Advisory Board, Inc. in accordance with terms, conditions and requirements of the contract with the City of Henderson, attached hereto and known as the Main Street Administration Agreement originally executed on the 28<sup>th</sup> day of April 2009 or as may be amended in the future.



## City Council Agenda

### Item \_\_10\_\_

#### **ARTICLE VII MEETINGS**

##### Section 1. Regularly Scheduled Meetings.

There shall be regularly scheduled monthly meetings unless otherwise determined by the Board.

##### Section 2. Special Meetings.

Special meetings may be called by the Chairman at his/her discretion, or upon petition by a simple majority of the Board Members.

##### Section 3. Quorum.

A simple majority of the Board Members constitutes a quorum and the concurrence of a majority of the quorum of the Board is necessary to authorize any action.

##### Section 4. Voting.

In order to vote on a proposal, a member must be physically present or personally contacted. There will be no proxy votes.

#### **ARTICLE VIII OFFICERS**

##### Section 1. Number and Election.

The officers of this corporation shall include a President, a Vice-President, a Secretary and such other officers as the Board of Directors shall from time to time determine and elect. Any officer may hold more than one office of the corporation, except as otherwise provided by law or these by-laws. The officers of the corporation shall be elected annually by the Board of Directors at the regular annual meeting of the Board of Directors. If the election of officers shall not be held at such meeting, such election shall be held as soon thereafter as conveniently may be. New offices may be created and filled at any meeting of the Board of Directors. Each officer shall hold office until his successor shall have been duly elected and shall have qualified.

##### Section 2. Duties of Officers.

The powers and duties of the officers of the corporation shall be such duties and powers as may be from time to time determined by the Board of Directors and the following duties and powers:



## City Council Agenda

### Item \_\_10\_\_

#### President

The President is responsible for ensuring that the Board members and other members are aware of and fulfill their governance responsibilities; comply with applicable Bylaws; and conduct Board business effectively and efficiently.

In order to fulfill these responsibilities, and subject to the Corporation's Bylaws, the President presides over meetings, prepares the agenda (Revised 7/21/20-assists with preparation of the monthly agenda), proposes policies and practices, sits on various committees, submits various reports to the Board, proposes the creation of sub-committees and may appoint members to such committees and performs other duties as the need arises and/or defined in the Bylaws

#### Vice-President

The Vice-President shall perform such duties and exercise such powers as shall be determined by the President and the Board of Directors, and during the absence or inability of the President to perform his/her duties and exercise his/her powers, the Vice-President shall perform the duties and exercise the powers of the President of the corporation.

#### Secretary/Treasurer

Minutes are recorded and transcribed by the Main Street Assistant. In the absence of the Main Street Assistant, the Secretary/Treasurer will record the minutes.

The Secretary/Treasurer will attest to the minutes and both the Main Street Assistant and the Secretary/Treasurer will sign the minutes after approval by the Board of Directors.

The Main Street Assistant shall be the custodian of all of the books and records of the corporation.

The Secretary/Treasurer and Main Street Assistant shall perform all duties incident to the office of Secretary/Treasurer and such other duties as assigned by the Main Street Coordinator and/or President of the Board; shall be responsible to send statements for monies due; receive and give receipts of such; deposit all such monies in the name of the corporation.



## City Council Agenda

### Item \_\_10\_\_

#### Section 3. Removal of Officers.

The Board of Directors may remove any officer, by a majority vote of the quorum present, at any time with or without cause.

#### Section 4. Vacancies.

All vacancies in any office shall be filled by temporary procedure as outlined heretofore, until the Board, without undue delay, at its next regularly scheduled meeting, or at a meeting called for the express purpose of election, elects a successor to the vacant office.

### **ARTICLE IX COMMITTEES**

#### Section 1. Executive Committee.

There shall be an Executive Committee, consisting of the President, the Vice-President, the Secretary, Main Street Director and Main Street Coordinator. This committee shall function at call of the President at times when it is impractical to call the entire Board for a meeting; actions taken by this committee shall be subject to approval or disapproval by the Board of Directors at its next regular meeting.

#### Section 2. Required Committees.

The following four committees are vital to Main Street America accreditation status and shall be maintained at all times:

- Organization
- Economic Vitality
- Promotion
- Design

Committees shall be led by members of the Main Street Advisory Board and may consist of volunteers and other members of the community.

#### Section 3. Other Committees.

The President may appoint other committees, as authorized by the Board of Directors and with Board approval of committee membership, as needed.



## City Council Agenda

### Item \_\_10\_\_

#### **ARTICLE X AMENDMENTS TO BY-LAWS**

##### Section 1. Amendments to By-Laws.

These by-laws may be altered, amended or repealed and new by-laws may be adopted by a majority of the directors present at any meeting or at any special meeting, if at least two days written notice is given of an intention to alter, amend or repeal these by-laws or to adopt new by-laws at such meeting.

#### **ARTICLE XI FISCAL YEAR**

##### Section 1. Fiscal Year.

The fiscal year shall begin the 1<sup>st</sup> day of October and end on the 30<sup>th</sup> day of September each year, in accordance with the City of Henderson's fiscal calendar.

#### **ARTICLE XII CONVEYANCES, BILLS, NOTES AND MORTGAGES**

##### Section 1. How Made.

All notes, checks, drafts or other negotiable instruments of the corporation shall be made in the name of the corporation and shall be signed by the President or Vice-President and countersigned or attested by the Secretary. No officer or agent of the corporation, either singly or acting jointly with others, shall have the power to make any note, check, draft or other negotiable instrument, or endorse same, in the name of the corporation or to bind the corporation or make it liable on such obligation, except as herein authorized and provided, except as otherwise expressly authorized by the Board of Directors.

Section 2. Expenditures. Any expenditures over \$500 shall have board approval.

Section 3. Expenditures and Financial Reports. The board shall reserve the right to request detailed financial reports as well as detailed expenditure reports at any time.

##### Section 4. Conveyances, Bills, Notes and Mortgages.

No contract of sale, conveyance, mortgage or lease of real property and no bill of sale, lease, mortgage or instrument granting a security interest in collateral or personal property shall be entered into by any officer or agent of the corporation, either singly or

jointly nor shall same be valid and binding on the corporation except pursuant to authority and direction of the Board of Directors concerning such transaction and the



## City Council Agenda

### Item \_\_10\_\_

execution as required by law of same by the President or Vice-President, and the attesting of same by the Secretary.

#### **ARTICLE XIII COMPENSATION OF OFFICERS**

##### Section 1. Determination.

There shall be no compensation of officers of the corporation.

#### **ARTICLE XIV RULES OF PROCEDURE**

##### Section 1. Method.

Meeting of the membership, Board of Directors and committees shall be governed by and conducted according to the latest edition of Roberts Manual of Parliamentary Rules.

#### **ARTICLE XV DISSOLUTION**

##### Section 1. Method.

The dissolution of the corporation may be authorized by majority of the members at any regular or called meeting providing the notice of the meeting contains the intention to consider dissolution.

##### Section 2. Dissolution.

Upon the dissolution of the corporation, the Board of Directors shall, after paying or making provision for the payment of all of the liabilities of the corporation, dispose of all of the assets of the corporation exclusively for the purposes of the corporation in such manner, or to such organization or organizations organized and operated exclusively for charitable, education, religious or scientific purposes as shall at the time qualify as an exempt organization or organizations under Section 501 (c) (3) of the Internal Revenue Code (or corresponding provision of any future United States Internal Revenue Law), as the Board of Directors shall determine. Any of such assets not so dispensed of shall be dispensed of by the City Council of the City of Henderson, Texas, in which the principal office of the corporation is located, exclusively for such purposes, or to such organization or organizations, which may include any political subdivision of the County of Rusk of the State of Texas as said court shall determine.



# HENDERSON FIRE DEPARTMENT

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

Sonny Ybarra, Fire Chief  
 Jeff Stoddard, Assistant Fire Chief

## MONTHLY REPORT FOR JANUARY 2026

<u>TYPE OF CALL</u>	<u>CITY</u>	<u>COUNTY</u>
<i>OTHER FIRES (Industrial/other)</i>	0	1
<i>STRUCTURE FIRES</i>	0	2
<i>VEHICLE FIRES</i>	0	1
<i>GRASS FIRES</i>	1	1
<i>ELECTRICAL FIRES</i>	0	0
<i>COOKING FIRES (KITCHEN)</i>	0	0
<i>POWER LINES</i>	7	3
<i>SMOKE CHECKS</i>	6	3
<i>ACCIDENTS (JAWS)</i>	0	0
<i>MVC'S (No Extrication)</i>	2	5
<i>AIRCRAFT STAND-BY</i>	1	0
<i>FUEL SPILLS/GAS LEAKS</i>	4	2
<i>RESCUE</i>	0	0
<i>MEDICAL CALLS</i>	17	11
<i>ALARM MALFUNCTIONS</i>	5	0
<i>FALSE ALARMS</i>	11	0
<i>DISPATCHED AND CANCELED ENROUTE</i>	2	3
<i>UNAUTHORIZED BURNING</i>	7	7
<i>CONTROL BURN (COUNTY ONLY)</i>	0	1
<i>ASSIST OTHER DEPARTMENTS</i>	0	6
<i>MISCELLANEOUS CALLS/PUBLIC SERVICE</i>	7	1
<b>TOTAL</b>	<b>70</b>	<b>47</b>
<b>MANHOURS</b>	<b>118.5</b>	<b>141</b>
<b>TOTAL CALLS</b>		<b>117</b>
<b>TOTAL MANHOURS</b>		<b>259.5</b>
<b>TRAINING</b>	<b>Paid 71 Vol 22</b>	<b>Total 93</b>
<b>INSPECTIONS</b>		<b>19</b>
<b>FIRE PREVENTION PROGRAMS</b>		<b>0</b>
<b>PUBLIC RELATIONS EVENTS</b>		<b>1</b>
<b>HYDRANT MAINTENANCE</b>		<b>0</b>
<b>WATER USAGE</b>		<b>5,000</b>

# HENDERSON FIRE DEPARTMENT



## Administration

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

### January 2026

#### Call Log

- Fire Calls 89
- Medical Calls: 28
- Total Calls: 117
- Inspections: 19
- Hydrants: 0



January 8, 2026, Chief Ybarra attended Mid Morning Coffee at Campfire Coffee. Always a good way to stay in touch with the community.

January 10, 2026, Chief Ybarra, Assistant Chief Stoddard, A shift along with several firefighters and volunteers attended “Homemade Explosives Class” that was organized by Alan Russell, one of our volunteers. Great information and what an eye opener.

January 15, 2026, we had our State Inspection by Texas Commission on Fire Protection (TCFP). They conduct an inspection every 2 years. During this inspection, the compliance officer checks everything from paperwork to bunker gear to training certificates. We are proud to announce that we had NO violations!!

January 16-17, 2026, A shift attended a Leadership in Supervision class.

\*\*\*\*\*

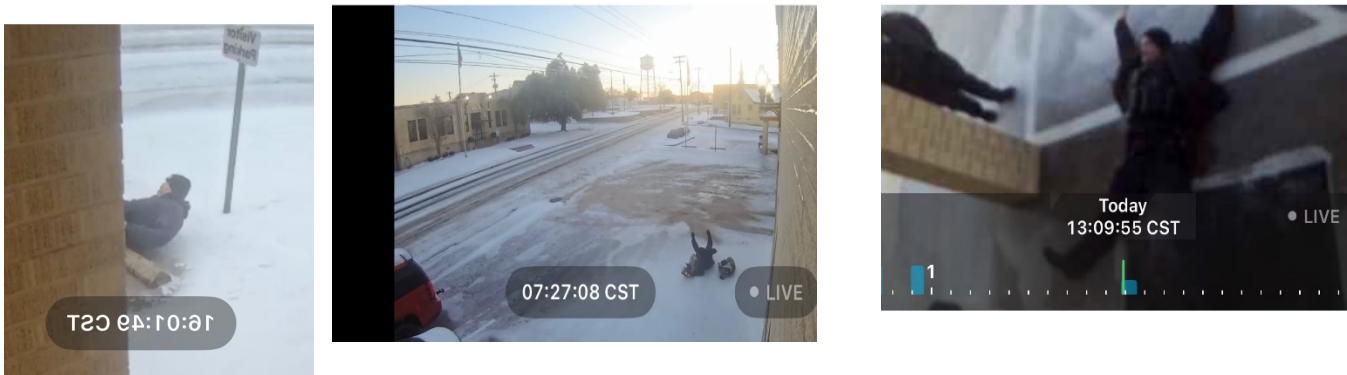
Training for this month:

Firefighter Austin Lee received his Investigator State Certificate.

Firefighters Garrett Williamson and Jaxon Jennings attended Intro to Wildland Fire Behavior 1 day class in Palestine, Texas.

\*\*\*\*\*

We are ready to slide into February!!





# UT Health East Texas

**City of Henderson**

**December 2025**

## **Emergency Calls Compliance**

**Compliance**  
95.5%

**Calls**  
110

**Late**  
5

**Run# - 126886 – Priority 1 – Breathing Problem  
Total Response Time – 11 minutes 42 seconds**

**Delay due to dispatch delay and long out of chute time.**

**Run# - 124686 – Priority 2 – Stroke  
Total Response Time – 16 minutes 16 seconds**

**Delay due to long out of chute time.**

**Run# - 127273 – Priority 2 – Assault  
Total Response Time – 10 minutes 45 seconds**

**Delay due to long out of chute time.**

**Run# - 128415 – Priority 2 – Inter-facility  
Total Response Time – 11 minutes 29 seconds**

**Delay due to diverting original unit to a higher priority call.**

**Run# - 128874 – Priority 2 – Inter-facility  
Total Response Time – 10 minutes 57 seconds**

**Delay due to long out of chute time.**



# Henderson Police Department

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

*Integrity ° Respect ° Accountability ° Courage ° Professionalism ° Dedication ° Service*

02/05/2026

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

## Training report for the month of January

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

Total number of officers moved from certificate to basic- 0

Total number of officers moved from basic to intermediate – 0

Total number of officers moved to advanced – 0

Total number of officers moved to master- 0

Total number of officers in the cadet program- 0

Total number of Telecommunicators with a temporary license – 0

Total number of Telecommunicators moved from temporary license to basic-**1**

Total number of Telecommunicators moved from basic to intermediate-0

Total number of Telecommunicators moved from advance to master-0

Total Proficiency level moves - 0

Approximate hours of training for the month of December-130

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



# Henderson Police Department

800 Lake Forest Parkway

Henderson, Texas 75652

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

*Integrity ° Accountability ° Professionalism ° Service*

## JANUARY 2026 OPEN RECORD REPORT

Request	ORR Received	ORR Completed	ORR Open
OAG Rulings	0	0	0
ORR US Gov.	8	8	0
ORR State Gov.	14	14	0
ORR Local Gov.	5	5	0
ORR Subpoena	2	2	0
ORR Civilian	66	66	0
ORR Attorney	6	6	0
CR-3 Crash Reports	56	56	0
<b>Total Requests</b>	<b>157</b>	<b>157</b>	<b>0</b>

Information Provided by Stacey Strong – Records Administrator

REV2026 SJS

# Open Records Report

Jan-26

DATE(S)	Record Requestor	MIN	Charges
1/8/26	OR26-12302025	20.00	COMPLETED
1/6/26	OR26-CR32512669 INV 7596	30.00	6.00
1/6/26	OR26-CR32512660 INV 7597	30.00	5.00
1/6/26	OR26-CR32512639 INV 7598	30.00	6.00
1/6/26	OR26-01062026	60.00	COMPLETED
1/6/26	OR26-2513312	30.00	COMPLETED
1/8/26	OR26-12122025BH	60.00	COMPLETED
1/8/26	OR26-DFPS	30.00	COMPLETED
1/8/26	OR26-DFPS	30.00	COMPLETED
1/8/26	OR26-DFPS	30.00	COMPLETED
1/8/26	OR26-01052026	300.00	COMPLETED
1/7/26	OR26-2512462	60.00	COMPLETED
1/8/26	OR26-1292025	45.00	COMPLETED
1/8/26	OR26-2512462	60.00	COMPLETED
1/8/26	OR26-2512078	30.00	COMPLETED
1/8/26	OR26-12222025	30.00	COMPLETED
1/8/26	OR26-12232025	30.00	COMPLETED
1/8/26	OR26-12232025	30.00	COMPLETED
1/8/26	OR26-12212025	30.00	COMPLETED
1/8/26	OR26-2512914	60.00	COMPLETED
1/8/26	OR26-01082026ARROW	45.00	COMPLETED
1/8/26	OR26-01062026	30.00	COMPLETED
1/8/26	OR26-RRS SUBPOENA	45.00	COMPLETED

DATE(S)	Record Requestor	MIN	Charges
1/8/26	OR26-USCOURTS1626	60.00	COMPLETED
1/8/26	OR26-01082026	45.00	COMPLETED
1/8/26	OR26-FBI12816392	60.00	COMPLETED
1/9/26	OR26-2513444	60.00	COMPLETED
1/9/26	OR26-01062026	60.00	COMPLETED
1/9/26	OR26-01092026KD	30.00	COMPLETED
1/9/26	OR26-CR42513257 INV 7599	30.00	6.00
1/9/26	OR26-01092026CW	30.00	COMPLETED
1/9/26	OR26-CR32513420	20.00	COMPLETED
1/9/26	OR26-2513168	30.00	COMPLETED
1/9/26	OR26-CPS010926KD	45.00	COMPLETED
1/13/26	OR26-RSS SUBPOENA 2	60.00	COMPLETED
1/21/26	OR26-CR32600231	20.00	COMPLETED
1/21/26	OR26-CR32304027	20.00	COMPLETED
1/21/26	OR26-CR32512086	35.00	COMPLETED
1/21/26	OR26-CR32513257	35.00	6.00
1/16/26	OR26-011626ARROW	45.00	COMPLETED
1/21/26	OR26-2600694	25.00	COMPLETED
1/21/26	OR26-VC26079118	60.00	COMPLETED
1/21/26	OR26-012126JG	40.00	COMPLETED
1/21/26	OR26-2600129	35.00	COMPLETED
1/21/26	OR26-012126USDC	120.00	COMPLETED
1/21/26	OR26-2511987 INV 7941	260.00	69.00
1/21/26	OR26-LN3869311951 INV 7907	45.00	5.00
1/21/26	OR26-MRB1121346820 INV 7903	45.00	5.00
1/21/26	OR26-MRB1121315426 7901	45.00	5.00
1/21/26	OR26-MRB1121357437 INV 7902	45.00	5.00
1/21/26	OR26-LN3842999052 INV 7927	45.00	5.00
1/21/26	OR26-LN3873634352 INV 7929	45.00	5.00
1/21/26	OR26-LN3806305751 INV 7915	45.00	5.00
1/21/26	OR26-LN3804787551 INV 7914	45.00	5.00
1/21/26	OR26-LN3812481452 INV 7913	45.00	5.00
1/21/26	OR26-LN3810719051 INV 7912	45.00	5.00
1/21/26	OR26-LN3802013451 INV 7911	45.00	5.00
1/21/26	OR26-LN3801273951 INV 7910	45.00	5.00

DATE(S)	Record Requestor	MIN	Charges
1/21/26	OR26-LN3865079651 INV 7909	45.00	5.00
1/21/26	OR26-LN3851507651 INV 7904	45.00	5.00
1/21/26	OR26-LN3774509456 INV 7905	45.00	5.00
1/21/26	OR26-LN3837990951 INV 7921	45.00	5.00
1/21/26	OR26-LN3835006951 INV 7923	45.00	5.00
1/21/26	OR26-LN3842226652 INV 7924	45.00	5.00
1/21/26	OR26-LN3843029551 INV 7925	45.00	5.00
1/21/26	OR26-LN3869107751 INV 7906	45.00	5.00
1/21/26	OR26-LN3869492851 INV 7908	45.00	5.00
1/21/26	OR26-LN3816448552 INV 7917	45.00	5.00
1/21/26	OR26-LN3789921252 INV 7919	45.00	5.00
1/21/26	OR26-LN379067253 INV 7922	45.00	5.00
1/21/26	OR26-LN3820864751 INV 7920	45.00	5.00
1/21/26	OR26-LN3820463552 INV 7919	45.00	5.00
1/21/26	OR26-LN3820283451 INV 7918	45.00	5.00
1/21/26	OR26-LN3877268451 INV 7932	45.00	5.00
1/21/26	OR26-LN3877373752 INV 7933	45.00	5.00
1/21/26	OR26-LN3887596451 INV 7935	45.00	5.00
1/21/26	OR26-LN3890532251 INV 7939	45.00	5.00
1/21/26	OR26-LN3878315952 INV 7931	45.00	5.00
1/21/26	OR26-LN3889794551 INV 7938	45.00	5.00
1/21/26	OR26-LN3877860252 INV 7930	45.00	5.00
1/21/26	OR26-LN3883963851 INV 7936	45.00	5.00
1/21/26	OR26-LN3886202352 INV 7934	45.00	5.00
1/21/26	OR26-LN3843319151 INV 7926	45.00	5.00
1/21/26	OR26-LN3871752851 INV 7928	45.00	5.00
1/21/26	OR26-2511853JG	50.00	COMPLETED
1/21/26	OR26-FBINIC12611499	50.00	COMPLETED
1/21/26	OR26-DFPS2600785	40.00	COMPLETED
1/21/26	OR26-2513065	30.00	COMPLETED
1/23/26	OR26-2600539	75.00	COMPLETED
1/23/26	OR26-2600599	20.00	COMPLETED
1/23/26	OR26-LN3789921253 INV 7943	35.00	5.00
1/23/26	OR26-LN3904979651 INV 7944	35.00	5.00
1/23/26	OR26-LN390817651 INV 7945	35.00	5.00

<b>DATE(S)</b>	<b>Record Requestor</b>	<b>MIN</b>	<b>Charges</b>
1/23/26	OR26-LN3908326151 INV 7946	35.00	5.00
1/23/26	OR26-01232026SCSO	60.00	COMPLETED
1/28/26	OR26-01282026FWPD	45.00	COMPLETED
1/28/26	OR26-012826RH	75.00	COMPLETED
1/28/26	OR26-2600388 1 BILLED 9.60	45.00	BILLED
1/28/26	OR26-2600388 2	45.00	COMPLETED
1/28/26	OR26-1282026CREED	30.00	COMPLETED
1/28/26	OR26-2209145 BILLED 5.00	30.00	BILLED
1/28/26	OR26-2600455 INV 7947	35.00	5.00
1/28/26	OR26-CR32513107 INV 7948	30.00	6.00
1/28/26	OR26-2409111	60.00	COMPLETED
1/29/26	OR26-2502426	60.00	COMPLETED
1/30/26	OR26-OAG2600388VC	35.00	COMPLETED
1/30/29	OR26-01292026	60.00	COMPLETED
1/30/26	OR26-2600933	60.00	COMPLETED
1/30/26	OR26-DFPS01302026	45.00	COMPLETED
1/30/26	OR26-CR42600892 INV 7949	40.00	6.00

INFORMATION PROVIDED BY STACEY STRONG - RECORDS ADMINISTRATOR

REV/2026



# Henderson Police Department

800 Lake Forest Parkway

Henderson, Texas 75652

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

*Integrity ° Accountability ° Professionalism ° Service*

## JANUARY 2026 ORD Revenue

Description	Qty	Unit price	Discount	Total
Police Report	1	\$5.00		\$5.00
Crash Reports	8	\$6.00		\$48.00
ORR Attorney	1	\$69.00		\$69.00
ORR Civilian	4	\$5.00		\$20.00
LexisNexis	40	\$5.00		\$200.00
<b>Total</b>				<b>\$342.00</b>

Information Provided by Stacey Strong – Records Administrator

REV2025 SJS

# Balance Sheet

Henderson PD Records

Balance summary	
No. 7596 CASH	\$6.00
NO. 7597 CASH	\$5.00
NO. 7598 CASH	\$6.00
<b>TURNED INTO SARA 1/08/26</b>	<b>\$17.00</b>
NO. 7599 CASH	\$6.00
NO. 7600 CASH	\$6.00
NO. 7901 CK 114326370	\$5.00
NO. 7902 CK 114325739	\$5.00
NO. 7903 CK 114359516	\$5.00
NO. 7904 CK 3851507651	\$5.00
NO. 7905 CK 3774509456	\$5.00
NO. 7906 CK 3869107751	\$5.00
NO. 7907 CK 3869311951	\$5.00
NO. 7908 CK 3869492851	\$5.00
NO. 7909 CK 3865079651	\$5.00
NO. 7910 CK 3801273951	\$5.00
NO. 7911 CK 3802013451	\$5.00
NO. 7912 CK 3810719051	\$5.00
NO. 7913 CK 3812481452	\$5.00
NO. 7914 CK 3804787551	\$5.00
NO. 7915 CK 3806305751	\$5.00
NO. 7916 CK 3789921252	\$5.00
NO. 7917 CK 3816448552	\$5.00

NO. 7918 CK 3820283451	\$5.00
NO. 7919 CK 3820463552	\$5.00
NO. 7920 CK 3820864751	\$5.00
NO. 7921 CK 3837990951	\$5.00
NO. 7922 CK 3790679253	\$5.00
NO. 7923 CK 3835006951	\$5.00
NO. 7924 CK 3842226652	\$5.00
NO. 7925 CK 3843029551	\$5.00
NO.7926 CK 3843319151	\$5.00
NO. 7927 CK 3842999052	\$5.00
NO. 7928 CK 3871752851	\$5.00
NO. 7929 CK 3873634352	\$5.00
NO. 7930 CK 3877860252	\$5.00
NO. 7931 CK 3878315952	\$5.00
NO. 7932 CK 3877268451	\$5.00
NO. 7933 CK 3877373752	\$5.00
NO. 7934 CK 3886202352	\$5.00
NO. 7935 CK 3887596451	\$5.00
NO. 7936 CK 3883963851	\$5.00
NO. 7937 CK 3885896951	\$5.00
NO. 7938 CK 3889794551	\$5.00
NO. 7939 3890532251	\$5.00
NO. 7940 CASH	\$6.00
NO. 7941 CK 217601	\$69.00
NO. 7942 CASH	\$6.00
NO. 7943 CK 3789921253	\$5.00
NO. 7944 CK 3904979651	\$5.00
NO. 7945 CK 390817651	\$5.00
NO. 7946 CK 3908326151	\$5.00
NO. 7947 cash	\$5.00
NO. 7948 CASH	\$6.00
<b>TURNED INTO SARA 1/30/26</b>	<b>\$319.00</b>
NO. 7949 CASH	\$6.00

<b>Balance</b>	<b>\$336.00</b>

Information Provided by Stacey Strong - Records Administrator

REV26 SJS

	Jan	Feb	Mar	April	May		July	Aug	Sept	Oct	Nov	Dec
	2024											
<b>CALLS FOR SERVICE</b>	1033	974	996	1134	1261	1104	1038	1081	1076	1255	1139	1163
<b>OFFICER INITIATED CFS</b>	393	435	435	418	500	411	358	372	356	457	428	531
<b>DISPATCHED CFS</b>	640	539	561	716	761	693	680	709	720	798	711	632
<b>TRAFFIC CITATIONS</b>	80	78	74	106	113	82	74	82	83	81	60	81
<b>WRITTEN WARNINGS</b>	244	262	263	245	320	233	198	217	183	311	320	483
<b>ARREST</b>	19	28	34	31	24	25	22	27	44	28	41	30
<b>ACCIDENTS</b>	45	23	35	39	36	34	28	33	36	38	38	39
<b>DWI ARREST</b>	2	2	2	1	1	4	0	2	2	1	1	5
<b>(included above)</b>												
<b>INCIDENT REPORTS</b>												
<b>SENT TO CID</b>	176	148	159	218	186	190	210	173	231	213	161	174
<b>ASSIGNED</b>	176	148	159	218	186	190	210	173	231	213	161	174
<b>SUSPENDED</b>	85	63	63	87	104	85	80	125	79	108	67	74
<b>CLEARED</b>	102	73	74	123	65	83	71	111	97	117	77	84
<b>BURGLARY</b>	1	10	9	6	7	6	11	13	11	16	8	7
<b>ROBBERY</b>	0	0	0	4	0	0	0	0	2	0	0	0
<b>ASSAULT</b>	29	24	23	22	23	32	12	19	30	19	33	20
<b>POCS / POM*</b>	2	5	4	0	3	2	4	0	0	1	4	5
<b>SEXUAL ASSAULT</b>	0	2	1	3	2	0	1	1	1	2	0	2

\* Includes marijuana, cocaine, etc.

Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct.	Nov	Dec	Jan
<b>2025</b>												<b>2026</b>
1162	1029	1182	1075	1286	1175	1198	1162	1282	1190	1128	1210	1216
541	451	510	465	591	514	552	594	745	631	607	680	614
621	578	672	610	695	661	646	568	537	559	521	530	602
68	51	72	73	88	87	76	101	113	125	103	105	108
384	309	329	333	433	364	374	421	547	464	447	503	442
30	33	47	41	27	38	43	42	42	34	37	43	39
24	22	28	20	41	20	19	26	28	27	42	32	28
1	1	5	2	1	1	2	5	8	3	3	6	6
164	173	204	167	161	133	183	118	142	131	94	109	122
164	173	204	167	161	133	183	118	142	131	94	109	122
72	70	98	77	55	88	68	40	72	57	47	36	45
70	71	73	69	92	58	94	63	51	49	32	35	51
5	13	18	6	5	7	8	3	2	6	5	4	2
0	1	0	1	0	0	0	0	1	2	0	0	0
22	21	17	18	21	19	22	12	15	20	14	20	20
9	9	15	13	7	5	9	6	9	11	13	14	8
0	1	2	1	4	0	0	1	0	0	1	0	1

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

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

**Minor loss of fidelity**

**# of  
occurrences**                      **Version**

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

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**To:** Jay Abercrombie, City Manager

**From:** Chad Taylor, Chief of Police

**cc:** Cheryl Jimerson, City Secretary

**Date:** February 2, 2026

**Re:** Henderson Police Department Monthly Report

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

The Henderson Police Department had a good start to the new year for January. Our Officers attended the Mid-Morning coffee at Campfire Coffee. We had several local businesses show their appreciation for the Police Department by bringing food for us to enjoy. We were able to celebrate Officers for Officer Appreciation Week. Our men and women worked extremally hard during the ice storm which pretty much shut our city down. We are forever thankful for all that they do.

**January 9, 2026** – Employees with Chic Fil A who brought the PD Breakfast for Officer Appreciation Week!



**January 9, 2026** – Dave Powell with Detectives Cory Downey, April Lafarr, and Officer Brittany Wright with snacks he brought for the department. (Officer Appreciation Week)



**January 9, 2026** – Garmon Funeral Home bringing the Department cookies for us to enjoy. (Officer Appreciation Week)



**January 25, 2026** – Officers Attended the Mid-Morning Coffee at Camp Fire Coffee.






# HENDERSON POLICE DEPARTMENT

## 2025 RACIAL PROFILING REPORT



**DEL CARMEN**  
**Consulting**®

LAW ENFORCEMENT EXPERTS



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

*-Quote by Geneva Reed (Mother of Sandra Bland)*

January 17, 2026

Henderson City Council  
320 Main St.  
Henderson, TX 75652



Dear Distinguished Members of the City Council,

The Texas Racial Profiling Law, originally enacted by the Texas Legislature in 2001, was designed to address concerns regarding racial profiling practices in law enforcement. Throughout the preceding calendar year, the Henderson Police Department, in full compliance with statutory requirements, systematically collected and reported traffic and motor vehicle-related contact data for the express purpose of identifying, evaluating, and addressing any potential concerns regarding racial profiling practices within the department.

Since its initial enactment, the Texas Racial Profiling Law has undergone significant legislative modifications. During the 2009 legislative session, the law was amended to incorporate additional data collection and reporting requirements. Subsequently, in 2017, the Texas Legislature passed two landmark pieces of legislation: House Bill 3051, which standardized racial and ethnic classification categories, and the Sandra Bland Act (Senate Bill 1849), which substantially expanded data collection mandates and analytical requirements. The Sandra Bland Act represents the most comprehensive legislative framework in Texas history pertaining to law enforcement contact data requirements. I am pleased to confirm that the Henderson Police Department has satisfied all statutory requirements, and the documentation contained herein demonstrates full compliance with these legislative mandates.

This annual report is organized into distinct sections, each addressing specific components of the compliance framework. Section One contains the table of contents, providing navigational guidance throughout the document. Section Two presents documentation demonstrating the Henderson Police Department's compliance with the procedural requirements established under the Texas Racial Profiling Law, including evidence of mandatory training protocols for all sworn personnel on racial profiling prevention, as well as the institutionalization of formal compliment and complaint processes as required by statute.

Section Three contains comprehensive statistical data pertaining to motor vehicle-related contacts, as defined by applicable law, occurring between January 1, 2025, and December 31, 2025. This section includes the Tier 2 reporting form, which must be submitted to the Texas Commission on Law Enforcement (TCOLE) and the local governing authority by March 1 of each calendar year. All data presented in this report was compared against the Fair Roads Standard, a baseline measure derived from U.S. Census Bureau data. The analytical findings and corresponding recommendations are presented in detail within this section.

The final section of this report contains reference materials, including the original text of Senate Bill 1074 (the Texas Racial Profiling Law) and the Sandra Bland Act (current governing law). Additionally, this section includes a comprehensive listing of compliance requirements established by TCOLE. The findings documented in this report substantiate the Henderson Police Department's ongoing commitment to full compliance with the Texas Racial Profiling Law and its commitment to constitutional policing practices.

Respectfully submitted,

Alex del Carmen, Ph.D.  
Criminologist

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

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

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

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

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

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



## **Racial Profiling 3256**

### **Instructor's Note:**

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

### **Abstract**

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

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

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

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

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

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

### **Evaluation Process and Procedures**

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

### **Reference Materials**

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

## **Racial Profiling 3256**

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

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

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

#### **Racial Profiling Requirements:**

Racial profiling CCP 3.05

Racial profiling prohibited CCP 2.131

Law enforcement policy on racial profiling CCP 2.132

Reports required for traffic and pedestrian stops CCP 2.133

Liability CCP 2.136

Racial profiling education for police chiefs Education Code 96.641

Training program Occupations Code 1701.253

Training required for intermediate certificate Occupations Code 1701.402

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

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

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

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

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

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

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

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

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

#### **G. Compilation and analysis of data**

#### **H. Exemption from reporting - audio/video equipment**

#### **I. Officer non-liability**

#### **J. Funding**

#### **K. Required training in racial profiling**

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

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

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

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

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

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

**C. Other cases**

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

**2.0 RACIAL PROFILING AND THE COMMUNITY**

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

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

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

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

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

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

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

### 3.0 RACIAL PROFILING VERSUS REASONABLE SUSPICION

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

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

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



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

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

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

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

**Resources**

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

Web address for legislation 77R-SB1074



**Report on Complaints**

The following table contains data regarding officers that have been the subject of a complaint, during the time period of 1/1/25-12/31/25 based on allegations outlining possible violations related to the Texas Racial Profiling Law. The final disposition of the case is also included.



A check above indicates that the Henderson Police Department has not received any complaints, on any members of its police services, for having violated the Texas Racial Profiling Law during the time period of 1/1/25-12/31/25.

**Complaints Filed for Possible Violations of The Texas Racial Profiling Law**

Complaint Number	Alleged Violation	Disposition of the Case

**Additional Comments:**

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# Tables Illustrating Motor\_Vehicle-Related Contacts

TIER 2 DATA

## TOTAL STOPS: 5,777

### STREET ADDRESS OR APPROXIMATE LOCATION OF STOP.

City Street	1,903
US Highway	3,291
State Highway	519
County Road	8
Private Property	56

### WAS RACE OR ETHNICITY KNOWN PRIOR TO STOP?

Yes	59
No	5,718

### RACE OR ETHNICITY

Alaska Native/American Indian	8
Asian/Pacific Islander	122
Black	1,750
White	3,475
Hispanic/Latino	422

### GENDER

#### Female Total: 2,850

Alaska Native/American Indian	6
Asian/Pacific Islander	38
Black	658
White	2,018
Hispanic/Latino	130

#### Male Total: 2,927

Alaska Native/American Indian	2
Asian/Pacific Islander	84
Black	1,092
White	1,457
Hispanic/Latino	292

### REASON FOR STOP?

#### Violation of Law Total: 133

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	41
White	66
Hispanic/Latino	26

#### Pre-existing Knowledge Total: 18

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	10
White	6
Hispanic/Latino	2

#### Moving Traffic Violation Total: 2,920

Alaska Native/American Indian	7
Asian/Pacific Islander	71
Black	776
White	1,856
Hispanic/Latino	210

**Vehicle Traffic Violation Total: 2,706**

Alaska Native/American Indian	1
Asian/Pacific Islander	51
Black	923
White	1,547
Hispanic/Latino	184

**Contraband (in plain view) Total: 0**

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

**WAS SEARCH CONDUCTED?**

	<b>YES</b>	<b>NO</b>
Alaska Native/American Indian	0	8
Asian/Pacific Islander	1	121
Black	187	1,563
White	107	3,368
Hispanic/Latino	11	411
<b>TOTAL</b>	<b>306</b>	<b>5,471</b>

**Probable Cause Total: 176**

Alaska Native/American Indian	0
Asian/Pacific Islander	1
Black	120
White	51
Hispanic/Latino	4

**Inventory Total: 0**

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

**REASON FOR SEARCH?**

**Consent Total: 70**

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

**Incident to Arrest Total: 60**

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	35
White	24
Hispanic/Latino	1

# TIER 2 DATA

## WAS CONTRABAND DISCOVERED?

	YES	NO
Alaska Native/American Indian	0	0
Asian/Pacific Islander	1	0
Black	71	116
White	42	65
Hispanic/Latino	2	9
<b>TOTAL</b>	<b>116</b>	<b>190</b>

## Did the finding result in arrest?

	YES	NO
Alaska Native/American Indian	0	0
Asian/Pacific Islander	1	0
Black	61	10
White	28	14
Hispanic/Latino	1	1
<b>TOTAL</b>	<b>91</b>	<b>25</b>

## DESCRIPTION OF CONTRABAND

### Drugs Total: 100

Alaska Native/American Indian	0
Asian/Pacific Islander	1
Black	64
White	34
Hispanic/Latino	1

### Currency Total: 0

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

### Weapons Total: 0

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

### Alcohol Total: 11

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	4
White	6
Hispanic/Latino	1

**Stolen Property Total: 0**

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

**Other Total: 10**

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

**RESULT OF THE STOP**

**Verbal Warning Total: 0**

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

**Written Warning Total: 4,760**

Alaska Native/American Indian	6
Asian/Pacific Islander	105
Black	1,389
White	3,009
Hispanic/Latino	251

**Citation Total: 874**

Alaska Native/American Indian	2
Asian/Pacific Islander	16
Black	271
White	416
Hispanic/Latino	169

**Written Warning and Arrest Total: 114**

Alaska Native/American Indian	0
Asian/Pacific Islander	1
Black	71
White	41
Hispanic/Latino	1

**Citation and Arrest Total: 29**

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	19
White	9
Hispanic/Latino	1

**Arrest Total: 0**

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

# TIER 2 DATA

## ARREST BASED ON

### Violation of Penal Code Total: 104

Alaska Native/American Indian	0
Asian/Pacific Islander	1
Black	66
White	36
Hispanic/Latino	1

### Violation of Traffic Law Total: 19

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	11
White	8
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: 20

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	13
White	6
Hispanic/Latino	1

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

	YES	NO
Alaska Native/American Indian	0	8
Asian/Pacific Islander	0	122
Black	0	1,750
White	0	3,475
Hispanic/Latino	0	422
<b>TOTAL</b>	<b>0</b>	<b>5,777</b>



**Table 1. Citations and Warnings**

Race/ Ethnicity	All Contacts	Citations	Verbal Warning	Written Warning	Contact Percent	Citation Percent	Verbal Percent	Written Percent
<b>Alaska Native/ American Indian</b>	8	2	0	6	0%	0%	0%	0%
<b>Asian/ Pacific Islander</b>	122	16	0	105	2%	2%	0%	2%
<b>Black</b>	1,750	290	0	1,389	30%	32%	0%	29%
<b>White</b>	3,475	425	0	3,009	60%	47%	0%	63%
<b>Hispanic/ Latino</b>	422	170	0	251	7%	19%	0%	5%
<b>TOTAL</b>	<b>5,777</b>	<b>903</b>	<b>0</b>	<b>4,760</b>	<b>100%</b>	<b>100%</b>	<b>0%</b>	<b>100%</b>



**Table 2. Motor Vehicle Contacts and Fair Roads Standard Comparison**

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

Race/Ethnicity	Contact Percentage	Households with Vehicle Access
<b>Alaska Native/American Indian</b>	0%	0%
<b>Asian/Pacific Islander</b>	2%	1%
<b>Black</b>	30%	6%
<b>White</b>	60%	77%
<b>Hispanic/Latino</b>	7%	14%
<b>TOTAL</b>	100%	98%

**Table 3. Motor Vehicle Searches and Arrests.**

Race/Ethnicity	Searches	Consent Searches	Arrests
<b>Alaska Native/American Indian</b>	0	0	0
<b>Asian/Pacific Islander</b>	1	0	1
<b>Black</b>	187	32	90
<b>White</b>	107	32	50
<b>Hispanic/Latino</b>	11	6	2
<b>TOTAL</b>	306	70	143

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

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

**Table 5. Search Data**

Race/Ethnicity	Searches	Contraband Found Yes	Contraband Found No	Arrests	Percent Searches	Percent Contraband Found	Percent No Contraband	Percent Arrest
Alaska Native/American Indian	0	0	0	0	0%	0%	0%	0%
Asian/Pacific Islander	1	1	0	1	0%	1%	0%	1%
Black	187	71	116	90	61%	61%	61%	63%
White	107	42	65	50	35%	36%	34%	35%
Hispanic/Latino	11	2	9	2	4%	2%	5%	1%
<b>TOTAL</b>	306	116	190	143	100%	100%	100%	100%

**Table 6. Report on Audits.**

The following table contains data regarding the number and outcome of required data audits during the period of 1/1/25-12/31/25.

<b>Audit Data</b>	<b>Number of Data Audits Completed</b>	<b>Date of Completion</b>	<b>Outcome of Audit</b>
1	1	03/01/25	Data was valid and reliable
2	1	06/01/25	Data was valid and reliable
3	1	09/01/25	Data was valid and reliable
4	1	12/01/25	Data was valid and reliable

<b>ADDITIONAL COMMENTS:</b>

**Table 7. Instance Where Force Resulted in Bodily Injury.**

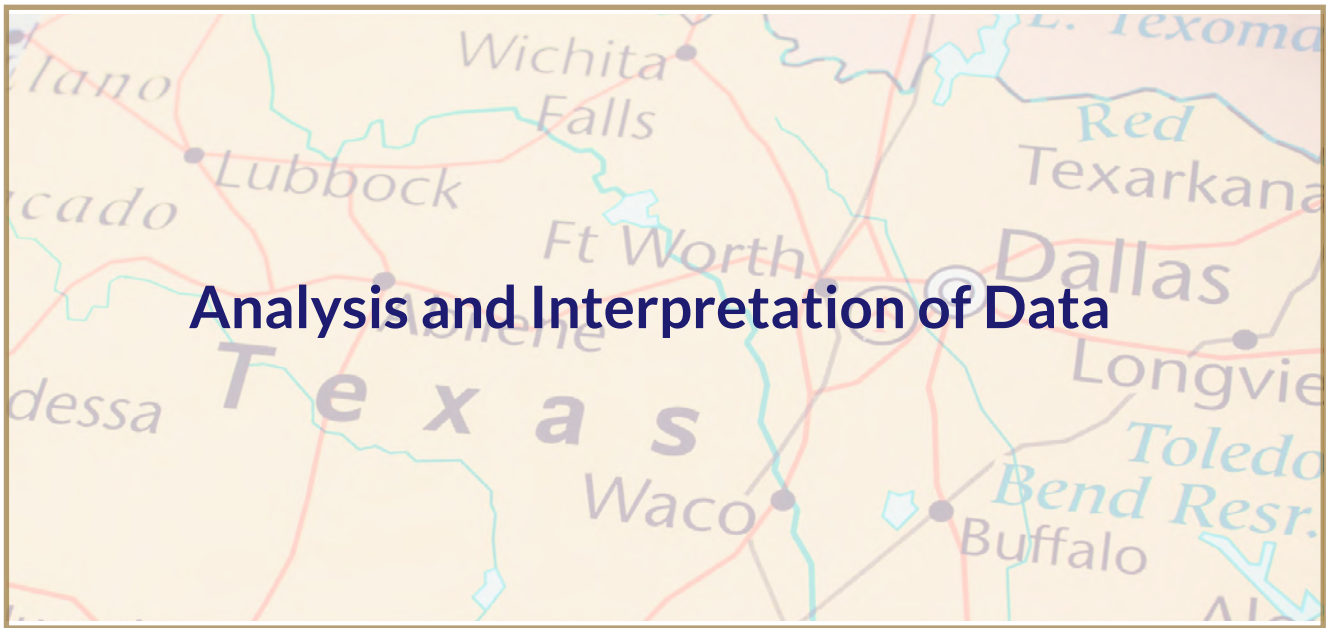
<b>Race/Ethnicity</b>	<b>Number</b>	<b>Percent</b>
<b>Alaska Native/American Indian</b>	0	0%
<b>Asian/Pacific Islander</b>	0	0%
<b>Black</b>	0	0%
<b>White</b>	0	0%
<b>Hispanic/Latino</b>	0	0%
<b>TOTAL</b>	0	0%

**Table 8. Reason for Arrests from Vehicle Contact**

Race/ Ethnicity	Violation of Penal Code	Violation of Traffic Law	Violation of City Ordinance	Outstanding Warrant	Percent Penal Code	Percent Traffic Law	Percent City Ordinance	Percent Warrant
Alaska Native/ American Indian	0	0	0	0	0%	0%	0%	0%
Asian/Pacific Islander	1	0	0	0	1%	0%	0%	0%
Black	66	11	0	13	63%	58%	0%	65%
White	36	8	0	6	35%	42%	0%	30%
Hispanic/ Latino	1	0	0	1	1%	0%	0%	5%
<b>TOTAL</b>	104	19	0	20	100%	100%	0%	100%

**Table 9. Contraband Hit Rate**

Race/ Ethnicity	Searches	Contraband Found Yes	Contraband Hit Rate	Search Percent	Contraband Percent
Alaska Native/ American Indian	0	0	0%	0%	0%
Asian/ Pacific Islander	1	1	100%	0%	1%
Black	187	71	38%	61%	61%
White	107	42	39%	35%	36%
Hispanic/Latino	11	2	18%	4%	2%



## Legislative Background and Statutory Framework

In 2001, the Texas Legislature enacted Senate Bill 1074, establishing the Texas Racial Profiling Law. This legislation became effective on January 1, 2002, and required all law enforcement agencies in Texas to collect traffic-related contact data and submit annual reports to their respective local governing authorities by March 1 of each calendar year. The original statutory framework remained substantially unchanged until 2009, when the Texas Legislature passed House Bill 3389, introducing significant amendments to the data collection and reporting requirements.

The 2009 legislative amendments, which took effect on January 1, 2010, expanded the definition of reportable contacts to include all motor vehicle-related encounters resulting in the issuance of a citation or custodial arrest. Additionally, the amended statute required law enforcement officers to document whether they possessed knowledge of the individual's race or ethnicity prior to initiating the detention. The 2009 legislation also mandated the inclusion of "Middle Eastern" as a distinct racial and ethnic classification category and established TCOLE as the central repository for annual data submissions.

In 2017, the Texas Legislature enacted two significant pieces of legislation affecting racial profiling data collection requirements. House Bill 3051 eliminated the Middle Eastern classification category and standardized racial and ethnic designations to align with federal reporting standards. Concurrently, the Sandra Bland Act (Senate Bill 1849) was passed and signed into law, representing the most comprehensive legislative mandate in Texas history regarding law enforcement contact data requirements. The Sandra Bland Act, which became effective on January 1, 2018, not only expanded data collection requirements but also mandated detailed analytical assessments addressing the following statutory elements:

1. *A comparative analysis of compiled information pursuant to Article 2.133, including:*
  - a. *Evaluation and comparison of motor vehicle stops within the applicable jurisdiction between persons recognized as racial or ethnic minorities and persons not recognized as racial or ethnic minorities;*
  - b. *Examination of the disposition of motor vehicle stops conducted by agency personnel, categorized according to the race or ethnicity of affected persons, including any searches resulting from stops within the applicable jurisdiction;*
  - c. *Evaluation and comparison of searches resulting from motor vehicle stops within the applicable jurisdiction and documentation of whether contraband or other evidence was discovered during the course of such searches.*
2. *Documentation of all complaints filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.*

## **Analytical Methodology and Baseline Considerations**

In accordance with the Texas Racial Profiling Law and Sandra Bland Act requirements, the Henderson Police Department commissioned an independent analysis of its 2025 motor vehicle contact data. The analytical framework employed in this study incorporated two distinct methodological approaches. The primary analysis involved a comprehensive evaluation of all motor vehicle-related contact data collected during the 2025 reporting period. This analysis measured, as required by statute, the number and percentage of contacts involving individuals classified as White, Black, Hispanic or Latino, Asian and Pacific Islander, and Alaska Native and American Indian, who encountered law enforcement during motor vehicle-related contacts resulting in the issuance of citations, warnings, or custodial arrests.

The Tier 2 data analysis encompassed multiple variables including, but not limited to: the number and percentage of contacts by race and ethnicity; gender distribution; documented reason for the stop; geographic location of the encounter; search activity including search type classification; outcome of the contact; legal basis for any resulting arrest; and any use of physical force resulting in bodily injury. This comprehensive data collection framework enables a thorough assessment of departmental practices and facilitates identification of any patterns warranting further examination.

The analytical framework employed in this report utilized a comparative methodology that assessed 2025 motor vehicle contact data against an established demographic baseline. It should be noted that considerable scholarly debate exists regarding the appropriate baseline measure for analyzing motor vehicle-related contact data. Among available baseline measures, the Henderson Police Department accepted the recommendation to employ the Fair Roads Standard as the primary comparative benchmark. This particular baseline is derived from U.S. Census Bureau data (2020) pertaining to the number of households with vehicle access, controlled for the race and ethnicity of heads of households.

It is important to acknowledge the methodological limitations inherent in utilizing census-derived baseline data for racial profiling analysis. Census data encompasses all residents within a given jurisdiction, regardless of their status within the driving population. Furthermore, census data captures information exclusively pertaining to municipal residents, thereby excluding individuals who may have encountered the Henderson Police Department during the reporting period but reside outside jurisdictional boundaries. In certain municipalities, contacts with non-residents constitute a substantial proportion of all motor vehicle-related encounters recorded during any given reporting period.

In 2002, prominent civil rights organizations in Texas advocated for the adoption of the Fair Roads Standard as the preferred baseline measure for all law enforcement agencies conducting racial profiling analyses. This standard compares census data specific to "households" with vehicle access against "contacts," which represent individual-level counts. This methodological approach introduces the potential for ecological fallacy, as household-level data is being compared with individual-level contact data. Notwithstanding these limitations, the Henderson Police Department elected to employ this comparison methodology to demonstrate institutional commitment to transparency and community accountability. The Fair Roads Standard data utilized in this analysis is specific to the jurisdiction of Henderson.

## **Tier 2 Motor Vehicle-Related Contact Analysis (2025)**

Examination of the enhanced Tier 2 data collected during the 2025 reporting period reveals distinct patterns in motor vehicle-related contacts. The demographic distribution of contacts indicates that the majority of motor vehicle-related encounters involved White individuals, followed by Black individuals. Among all individuals contacted by law enforcement, the greatest number of citations were issued to White and Black individuals, followed by Hispanic individuals. With respect to written warnings, the majority were issued to White individuals, with Black individuals representing the second largest recipient group.

Analysis of search and arrest data reveals that the majority of searches were conducted involving Black individuals. When examining search methodology, the greatest number of consent searches involved White and Black individuals. Similarly, the majority of custodial arrests involved Black individuals. Overall, the preponderance of searches did not result in the discovery of contraband. Among searches that yielded contraband, the majority involved Black individuals, followed by White individuals. Among searches that did not produce contraband, the majority involved Black individuals.

Arrest data indicates that the majority of custodial arrests involved Black individuals. Among arrests originating from alleged violations of the Texas Penal Code, the majority involved Black individuals. With respect to use of force, the department reports no instances where physical force was used resulting in bodily injury during the reporting period.

## **Comparative Analysis**

A comprehensive comparative analysis was conducted examining 2025 motor vehicle contact data against census data pertaining to households within Henderson that reported vehicle access in the 2020 Census. This analysis produced the following findings:

The percentage of White, Hispanic, and American Indian individuals who came into contact with law enforcement was equal to or lower than the percentage of White, Hispanic, and American Indian households within Henderson that reported vehicle access in the most recent census enumeration. Conversely, the data revealed that a higher percentage of Black and Asian individuals came into contact with law enforcement compared to the percentage of Black and Asian households that reported vehicle access. It should be noted that the percentage differential for Asian contacts relative to household representation is 1%, which may be considered statistically insignificant depending upon the analytical threshold employed.

The contraband discovery rate analysis reveals that among all searches conducted during the 2025 reporting period, Asian individuals demonstrated the highest contraband hit rate, followed by White and Black individuals respectively. This indicates that among all searches performed, the highest percentage of searches resulting in contraband discovery involved Asian individuals. The lowest contraband discovery rate was observed among Hispanic individuals.

## **Summary of Findings**

As mandated by the current Texas Racial Profiling Law, law enforcement agencies are required to conduct data audits to validate the accuracy and reliability of reported data. In compliance with this requirement, the Henderson Police Department engaged Del Carmen Consulting, LLC to perform independent data audits consistent with normative statistical practices and methodological standards. As documented in the accompanying audit report, the validation process confirms that the data submitted is both valid and reliable.

Furthermore, as required by statute, this report includes a comprehensive analysis of search activity, including documentation of whether contraband was discovered as a result of searches while controlling for the race and ethnicity of searched individuals. The search analysis demonstrates that the Henderson Police Department is engaging in search practices consistent with prevailing national trends in law enforcement and does not reveal patterns indicative of discriminatory practices.

Based upon the analytical findings presented in this report, the following recommendations are offered to ensure continued compliance and institutional best practices:

1. Continue to collect and evaluate supplementary motor vehicle contact data elements, including but not limited to documented bases for probable cause searches and detailed contraband classification, which may prove valuable in assessing the nature and circumstances of law enforcement contacts with all individuals.
2. Commission an independent analysis of contact and search data during the upcoming reporting period to maintain analytical continuity and identify any emerging trends.
3. Continue to commission periodic data audits to ensure data integrity and verify that collected data is consistent with reported data, thereby maintaining the validity and reliability of all submissions.

## **Conclusion**

The comprehensive data analysis presented in this report serves as documented evidence that the Henderson Police Department has achieved full compliance with the Texas Racial Profiling Law and all associated statutory requirements. This report demonstrates that the department has:

- Implemented and maintains a comprehensive racial profiling policy in accordance with statutory requirements;
- Established and publicized procedures for members of the public to file compliments or complaints regarding officer conduct;
- Commissioned periodic data audits to ensure the validity and reliability of all collected and reported data;
- Collected and commissioned independent analysis of all required Tier 2 data elements; and
- Ensured that the practice of racial profiling is expressly prohibited and will not be accepted or tolerated within the organization.

The Henderson Police Department remains committed to constitutional policing practices, equitable treatment of all individuals, and continued compliance with all applicable state and federal requirements pertaining to racial profiling prevention and reporting.

# APPENDICES

*[This section should include the following reference materials:]*

- ✓ Original text of Senate Bill 1074 (Texas Racial Profiling Law)
- ✓ Sandra Bland Act (Senate Bill 1849) - Current governing law
- ✓ TCOLE compliance requirements and guidelines
- ✓ Agency racial profiling policy documentation
- ✓ Training documentation and certifications
- ✓ Complaint and compliment procedure documentation
- ✓ Data audit methodology and validation results
- ✓ Tier 2 data collection forms and submission confirmation



# LEGISLATIVE & ADMINISTRATIVE

# TCOLE GUIDELINES

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

### Background

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

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

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

### Standard 1

Each law enforcement agency has a detailed written directive that:

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

### Commentary

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

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

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

## **Standard 2**

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

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

## **Commentary**

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

## **Standard 3**

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

## Commentary

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

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

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

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

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

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

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

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

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

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

#### **Standard 4**

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

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

#### **Commentary**

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

#### **Standard 5**

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

#### **Commentary**

None

#### **Standard 6**

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

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

#### **Commentary**

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

**Standard 7**

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

**Commentary**

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

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

# The Texas Law on Racial Profiling

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

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

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

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

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

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

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

(1) clearly define acts constituting racial profiling;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) the person's gender; and

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

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

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

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

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

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

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

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

Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT.

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

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

(2) smaller jurisdictions; and

(3) municipal and county law enforcement agencies.

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

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

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

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

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

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

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

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

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

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

(3) analyzing and reporting collected information.

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

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

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

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

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

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

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

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

(2) the registration number of the vehicle involved;

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

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

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

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

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

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

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

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

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

SECTION 9. Not later than January 1, 2002:

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

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

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

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

SECTION 12. This Act takes effect September 1, 2001

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President of the Senate

Speaker of the House

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

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Secretary of the Senate

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

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Chief Clerk of the House

Approved:

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Date

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Governor

# Modifications to the Original Law

## (H.B. 3389)

Amend CSHB 3389 (Senate committee report) as follows:

(1) Strike the following SECTIONS of the bill:

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

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

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

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

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

(a) In this article:

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

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

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

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

(1) clearly define acts constituting racial profiling;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) the person's gender; and

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

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

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

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

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

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

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

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

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

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

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

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

(a) In this article:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) a sentence is imposed on the person;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) a commission rule.

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

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

# Racial and Ethnic Designations (H.B. 3051)

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

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

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

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

(A) Alaska native or American Indian;

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

(C) black;

(D) white; and

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

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

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

(1) Alaska native or American Indian;

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

(3) black;

(4) white; and

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

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

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

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

\_\_\_\_\_  
Chief Clerk of the House

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

\_\_\_\_\_  
Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

\_\_\_\_\_  
Governor

# The Sandra Bland Act

## (S.B. 1849)

S.B. No. 1849

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

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

ARTICLE 1. SHORT TITLE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) recommended treatment.

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

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

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

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

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

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

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

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

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

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

(2) it is reasonable to divert the person;

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

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

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

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

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

(1) establishing [a] new collaboratives; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

otherwise if the:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

standards, and procedures of the commission; and

(C) solutions to operational challenges for jails;

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

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

(A) determine if a prisoner is pregnant; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

as follows:

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

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

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

(b) The prisoner safety fund consists of:

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

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

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

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

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

(1) a suicide;

(2) an attempted suicide;

(3) a death;

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

Section 1.07, Penal Code;

(5) an assault;

(6) an escape;

(7) a sexual assault; and

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

Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

#### ARTICLE 4. PEACE OFFICER AND COUNTY JAILER TRAINING

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

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

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

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

section.

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

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

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

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

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

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

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

(1) topics selected by the agency; and

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

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

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

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

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

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

(ii) issues concerning sex offender characteristics.

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

as follows:

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

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

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

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

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

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

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

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

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

(1) clearly define acts constituting racial profiling;

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

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

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

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

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

relating to:

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

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

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

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

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

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

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

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

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

(2) the initial reason for the stop;

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

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

and a description of the contraband or evidence;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) smaller jurisdictions; and

(3) municipal and county law enforcement agencies.

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

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

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

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

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

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

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

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

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

(2) make accessible online:

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

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

\_\_\_\_\_  
Senate Speaker of the House

\_\_\_\_\_  
President of the

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,


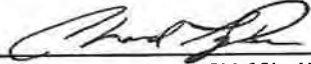
Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor

\_\_\_\_\_  
Chief Clerk of the House

**HENDERSON  
POLICE DEPARTMENT  
RACIAL PROFILING POLICY**

 <p><i>"Blessed are the peacemakers, for they shall Be called the children of God." Matthew 5:9</i></p>	<b>HENDERSON POLICE DEPARTMENT</b>	
	<b>Policy 2.2 Bias Based Policing</b>	
	<b>Effective Date: 01.23.2015</b>	<b>Replaces: 3.17</b>
	<b>Approved:</b>  <div style="text-align: center;">Chief Chad Taylor</div>	
	<b>Reference: TBP 2.01</b>	

**I. POLICY**

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

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

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

## **II. PURPOSE**

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

## **III. DEFINITIONS**

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

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

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

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

#### **IV. PROCEDURES**

##### **A. General responsibilities**

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

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

#### B. Supervisory responsibilities

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

Supervisors shall be held accountable for repeated instances of biased enforcement of their subordinates.

5. Supervisors shall ensure that all enforcement actions are duly documented per departmental policy. Supervisors shall ensure that all reports show adequate documentation of reasonable suspicion and probable cause, if applicable.
6. Supervisors shall facilitate the filing of any complaints about law enforcement service.
7. Police Supervisors or persons designated by the Chief of Police shall review video and audio recordings of traffic stops to ensure proper policies, procedures and conduct are being followed. Also, to ensure correct information regarding racial profiling is being collected. This review is part of monthly line inspections found in Policy 1.4 Inspections and Audits. Any improvements the Department could make in its practices or policies over all, and specifically regarding motor vehicle stops, will be forwarded to the Chief of Police via the chain of command for further review.

C. Disciplinary consequences

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

D. Training (TBP:2.01)

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

## V. COMPLAINTS

- A. The department shall publish the procedures for making a complaint and make them available at all Police facilities throughout the city. The department's complaint process and its bias-based profiling policy will be posted on the department's website. Whenever possible, the media will be used to inform the public of the department's policy and complaint process.
- B. Complaints alleging incidents of bias-based profiling will be fully investigated as described under Policy 2.4.
- C. Complainants will be notified of the results of the investigations when such investigation is completed.

## **VI. RECORD KEEPING**

- A. The department will maintain all required records on traffic stops where a citation or warning is issued or where an arrest is made subsequent to a traffic stop pursuant to state law. Information will include the following:
1. The race or ethnicity of the individual detained.
  2. Whether a search was conducted and, if so, whether the individual detained consented to the search.
  3. Whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual.
  4. Whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop.
  5. The location of the stop.
  6. The reason for the stop.
- B. The Chief of Police shall ensure the information collected above will be reported annually to the city council and TCOLE in the required format.



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

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

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# Animal Center and Protection Activity Report

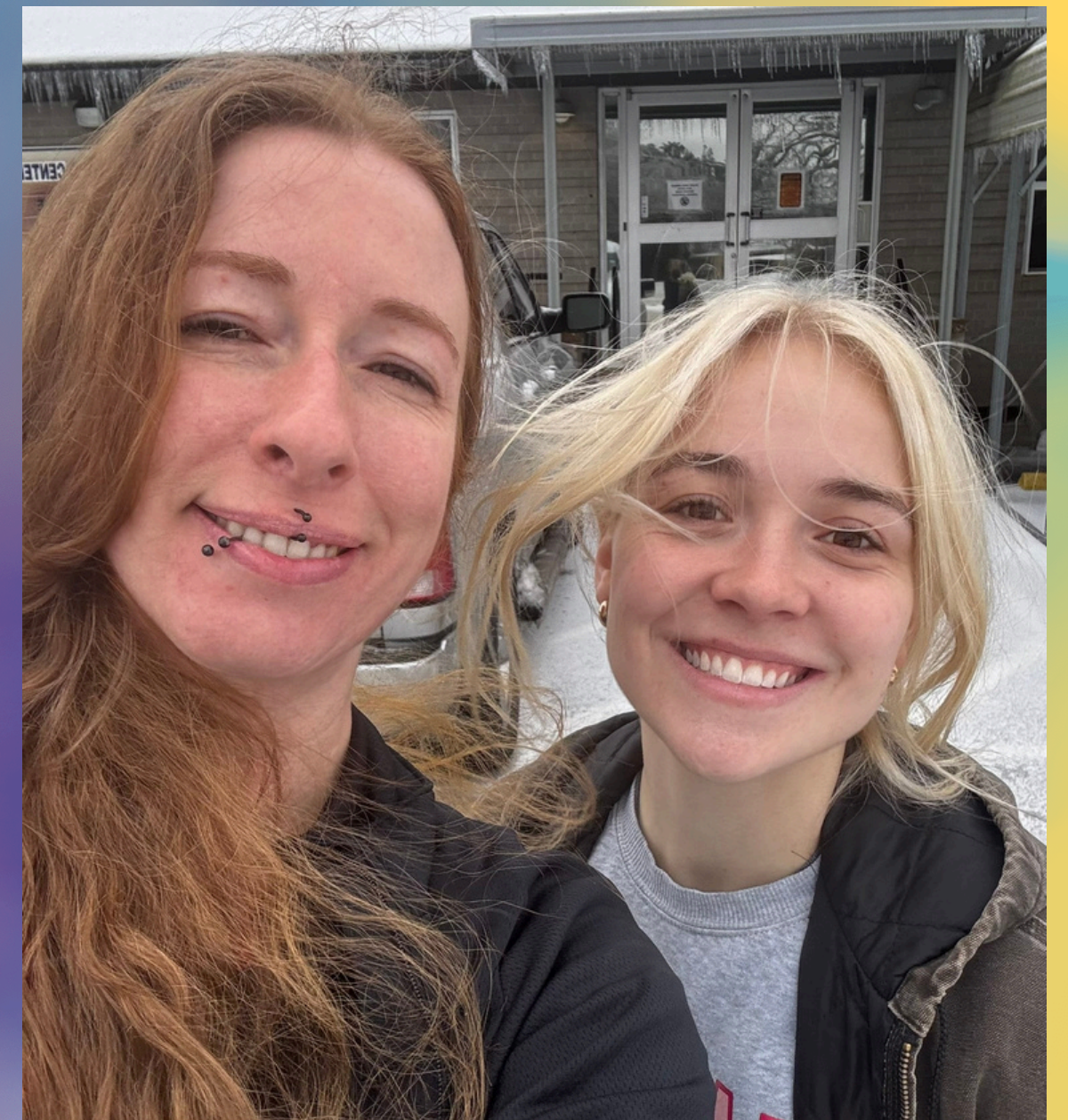


January  
2025

The logo for Henderson Animal Center and Protection is circular. It features a black paw print with a heart shape inside. The text "Henderson Animal Center and Protection" is written around the perimeter of the circle, with small stars separating the words.

# Ice Storm

The staff worked hard making sure all the animals were cared for and the center stayed operational during the cold weather despite road conditions.





The staff work tirelessly to keep the center and animals clean and content, which fosters a better environment for adopters and live outcomes.



# Adoptions

Here are a few happy moments from the month.



# Strays for Days

The center stays at, if not over, capacity at all times. We are constantly looking for new avenues to find our furry friends loving homes. Our officers find every way possible to keep them from having to come through our doors and stay busy responding to calls for stray animals, setting traps, and reaching out to rescues.





# Henderson Animal Center and Protection

## Monthly Report

Month of: January

Year: 2026

### Inside City Limits

Number of Dogs:	8	Year to Date:	17
Number of Cats:	2	Year to Date:	20
Number of Others:	0	Year to Date:	0
<b>TOTAL Number of Animals:</b>	<b>10</b>	<b>Year to Date:</b>	<b>37</b>

### ACOPU

Number of Dogs:	4	Year to Date:	34
Number of Cats:	11	Year to Date:	35
Number of Others:	2	Year to Date:	14
<b>TOTAL Number of Animals:</b>	<b>17</b>	<b>Year to Date:</b>	<b>83</b>

### Outside City Limits

Number of Dogs:	2	Year to Date:	6
Number of Cats:	4	Year to Date:	8
Number of Others:	0	Year to Date:	0
<b>TOTAL Number of Animals:</b>	<b>6</b>	<b>Year to Date:</b>	<b>14</b>

### Rusk County Sheriff's Department

Number of Dogs:	0	Year to Date:	0
Number of Cats:	0	Year to Date:	0
Number of Others:	0	Year to Date:	0
<b>TOTAL Number of Animals:</b>	<b>0</b>	<b>Year to Date:</b>	<b>0</b>

### City of Overton

Number of Dogs:	0	Year to Date:	1
Number of Cats:	0	Year to Date:	0
Number of Others:	0	Year to Date:	0
<b>TOTAL Number of Animals:</b>	<b>0</b>	<b>Year to Date:</b>	<b>1</b>

### City of Tatum

Number of Dogs:	0	Year to Date:	0
Number of Cats:	0	Year to Date:	0
Number of Others:	0	Year to Date:	0
<b>TOTAL Number of Animals:</b>	<b>0</b>	<b>Year to Date:</b>	<b>0</b>

### **City of New London**

Number of Dogs:	0	Year to Date:	0
Number of Cats:	0	Year to Date:	0
Number of Others:	0	Year to Date:	0
<b>TOTAL Number of Animals:</b>	<b>0</b>	<b>Year to Date:</b>	<b>0</b>

### **TOTAL of Animals Received**

Number of Dogs:	14	Year to Date:	57
Number of Cats:	17	Year to Date:	63
Number of Others:	2	Year to Date:	14
<b>TOTAL this Month:</b>	<b>33</b>	<b>Year to Date:</b>	<b>134</b>

### **Animals Reclaimed**

Number of Dogs:	5	Year to Date:	16
Number of Cats:	0	Year to Date:	0
Number of Others:	0	Year to Date:	0
<b>TOTAL this Month:</b>	<b>5</b>	<b>Year to Date:</b>	<b>16</b>

### **Animals Adopted**

Number of Dogs:	5	Year to Date:	32
Number of Cats:	15	Year to Date:	69
Number of Others:	0	Year to Date:	0
<b>TOTAL this Month:</b>	<b>20</b>	<b>Year to Date:</b>	<b>101</b>

<i>Monthly Adoption Breakdown:</i>	<i>Dogs Adopted:</i>	3	<i>Dogs Rescued:</i>	2
	<i>Cats Adopted:</i>	4	<i>Cats Rescued:</i>	11
	<i>Others Adopted:</i>	0	<i>Others Rescued:</i>	0

### **Animals Euthanized**

Number of Dogs:	3	Year to Date:	17
Number of Cats:	0	Year to Date:	2
Number of Others:	0	Year to Date:	0
<b>TOTAL this Month:</b>	<b>3</b>	<b>Year to Date:</b>	<b>19</b>

<i>Monthly Euthanasia Breakdown</i>	<i>Sick:</i>	<i>Injured:</i>	<i>Aggressive:</i>
<i>Dogs:</i>	0	0	3
<i>Cats:</i>	0	0	0
<i>Other: (Non-Wildlife)</i>	0	0	0

<b><u>Animals Held for Rabies Quarantine:</u></b>	<b>0</b>	<b>Year to Date:</b>	<b>0</b>
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<b><u>Animals Tested for Rabies:</u></b>	<b>0</b>	<b>Year to Date:</b>	<b>2</b>
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<b><u>Animal Complaints Received:</u></b>	<b>428+</b>	<b>Year to Date:</b>	<b>1,707+</b>
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<b><u>Deceased on Arrival (disposal):</u></b>	<b>5</b>	<b>Year to Date:</b>	<b>12</b>
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<b><u>Died in Care:</u></b>	<b>0</b>	<b>Year to Date:</b>	<b>1</b>
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### **Animal Protection Activity**

<b>Warnings Issued:</b>	<b>5</b>	<b>Year to Date:</b>	<b>34</b>
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<b>Citations:</b>	<b>0</b>	<b>Year to Date:</b>	<b>8</b>
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<b>Calls for Service during hours:</b>	<b>105</b>	<b>Year to Date:</b>	<b>341</b>
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<b>Calls for Service after hours:</b>	<b>3</b>	<b>Year to Date:</b>	<b>10</b>
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<b>Seizures:</b>	<b>0</b>	<b>Year to Date:</b>	<b>0</b>
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<b>Wildlife Euthanasia (sick or injured):</b>	<b>0</b>	<b>Year to Date:</b>	<b>0</b>
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<b>Wildlife Release:</b>	<b>0</b>	<b>Year to Date:</b>	<b>8</b>
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<b>Traps Set:</b>	<b>64</b>	<b>Year to Date:</b>	<b>140</b>
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**Community Development Department**

300 West Main Street  
Henderson, Tx 75652

Phone: 903-392-0786

# Monthly Report

**To:** Mayor and City Council Members  
**From:** Cliff McElfresh  
**RE:** Summary for the Month of January 2026

MONTHLY TOTALS BUILDING CONSTRUCTION VALUE:	January 2026	\$205,450.00
MONTHLY TOTALS BUILDING CONSTRUCTION VALUE:	January 2025	\$741,500.00
ANNUAL TOTAL BUILDING CONSTRUCTION VALUE:	TO DATE 2026	\$205,450.00
ANNUAL TOTAL BUILDING CONSTRUCTION VALUE:	THRU January 2025	\$741,500.00

**BUILDING INSPECTORS REPORT**

**CODE ENFORCEMENT REPORT**

Building Inspections	8	Food Establishment Inspections	68
Electrical Inspections	13	Food Truck/Trailer Permits/Temp Food Events	
Plumbing Inspections	22	High Grass & Weeds	0
Mechanical Inspections	5	Junk Vehicles	0
Meetings	18	Illegal Signs	27
Phone calls	36	Sub-Standard Structure Inspections/Notifications	
Residential Plan Review	6	Illegal Dumping /Road debris/Illegal storage	4
Commercial Plan Review	6	Restaurant Grease Trap Inspection	
Sign Permits Review	1	Meetings	4
Certificate of Occupancy	6	Zoning/Platting	5

Commercial Building Permits Issued	1
Residential Building Permits Issued	3
Commercial Roof Permits issued	0
Residential Roof Permits Issued	2
Demo Permits Issued	0
Residential Fence Permit Issued	0

Submitted by: Cliff McElfresh, Community Development Mgr.

Date: 02/02/2026

**INSPECTION DEPARTMENT  
END OF MONTH SUMMARY  
January 2026**

<b>MONTHLY TOTAL BUILDING CONSTRUCTION VALUE: January 2026</b>	<b>\$205,450.00</b>
<b>MONTHLY TOTAL BUILDING CONSTRUCTION VALUE: January 2025</b>	<b>\$741,500.00</b>
<b>ANNUAL TOTAL BUILDING CONSTRUCTION VALUE: TO DATE 2026</b>	<b>\$205,450.00</b>
<b>ANNUAL TOTAL BUILDING CONSTRUCTION VALUE: THRU January 2025</b>	<b>\$741,500.00</b>

8:16:33AM

For the Period 1/1/2026 to 1/31/2026

<u>Permit Number</u>	<u>Permit Type</u>	<u>Site Address</u>	<u>Valuation</u>	<u>Total Fees</u>	<u>Fees Paid</u>
COM2025-679	Commercial Building Permit Remodel/Repair	119 S MARSHALL ST	\$150,000.00	\$693.60	\$693.60
<u>Application Date</u>	<u>Issue Date</u>	<u>Status of Permit</u>	<u>Total SQFT</u>		
10/21/2025	01/05/2026	ISSUED	1,156.00		
Applicant		Davis Quality Homes			
Property Owner		Samuel Sadler			
<b>Contractors</b>					
RES2026-22	Residential Building Permit Accessory Structure Permit	503 S VAN BUREN ST	\$3,700.00	\$0.00	\$0.00
<u>Application Date</u>	<u>Issue Date</u>	<u>Status of Permit</u>	<u>Total SQFT</u>		
01/05/2026	01/06/2026	ISSUED			
Property Owner		MDG Investments			
<b>Contractors</b>					
RES2026-36	Residential Building Permit Roofing/ Reroofing	108 SOUTHVIEW DR	\$16,000.00	\$50.00	\$50.00
<u>Application Date</u>	<u>Issue Date</u>	<u>Status of Permit</u>	<u>Total SQFT</u>		
01/08/2026	01/08/2026	CLOSED			
Applicant		A-1 Roofing			
Property Owner		Maria Martinez			
<b>Contractors</b>					
General Contractor		Jonathan Blankenship	701 1/2 E Main	Henderson	TX 75654
RES2026-53	Residential Building Permit Roofing/ Reroofing	2436 N HWY 259	\$750.00	\$50.00	\$50.00
<u>Application Date</u>	<u>Issue Date</u>	<u>Status of Permit</u>	<u>Total SQFT</u>		
01/09/2026	01/09/2026	CLOSED			
Applicant		Burleson Tile			
Property Owner		Jason Burleson			
<b>Contractors</b>					
General Contractor		Jason Burleson	2436 HWY 259 N	75652	
RES2026-66	Residential Building Permit Addition	902 LAYLON AVE	\$15,000.00	\$203.40	\$203.40
<u>Application Date</u>	<u>Issue Date</u>	<u>Status of Permit</u>	<u>Total SQFT</u>		
01/13/2026	01/13/2026	ISSUED	392.00		

For the Period 1/1/2026 to 1/31/2026

<u>Permit Number</u>	<u>Permit Type</u>	<u>Site Address</u>	<u>Valuation</u>	<u>Total Fees</u>	<u>Fees Paid</u>
<hr/> Applicant Diego Ramos Property Owner Diego Ramos Contractors					
<b>RES2026-80</b>	<b>Residential Building Permit Remodel/Repair</b>	<b>607 ROBERTSON ST</b>	\$20,000.00	\$125.00	\$125.00
<u>Application Date</u>	<u>Issue Date</u>	<u>Status of Permit</u>	<u>Total SQFT</u>		
01/20/2026	01/20/2026	ISSUED	0.00		
<hr/> Applicant Cleveland Sanders Property Owner Cleveland Sanders Contractors					
			<b>Total Valuation: \$205,450.00</b>		
			<b>Total Fees: \$1,122.00</b>		
			<b>Total Fees Paid: \$1,122.00</b>		

6

cliff mcelfresh

Jan-26

	NO. OF LOCATIONS	inspection	meetings	C/O	PHONE CALLS	LETTERS
BUILDING INSP.	2					
ELECTRICAL INSP.	1					
MECHANICAL INSP.	0					
Other/Slab/Dr-way	7					
PLUMBING INSP	2					
SIGNS	1					
c/o	0					
phone calls	36					
TOTALS						

looked over several plans for new project and had weekly meetings with staff meet with contractor and city meeting. cliff mcelfresh

Jeff Pahlman

January 26

	NO. OF LOCATIONS	inspection	meetings	C/O	PHONE CALLS	LETTERS	Fail	FAIL
BUILDING INSP.		6						
ELECTRICAL INSP.		12					2	
meetings		6						
MECHANICAL INSP.		5						
Other/Slab/Dr-way		7						
PLUMBING INSP		20					3	
SIGNS Removed		15						
CERTIFICATE/OCCUPANCY	6						2	2
phone calls					29			
TOTALS	6	65			29		7	

CODE ENFORCEMENT MONTHLY REPORT

Name: **Wes Breitenberg**  
 month/year: **Jan-26**

	LOCATIONS	ABATEMENTS	PERSONAL CONTACTS	COURT APP.	DOOR NOTICES	LETTERS	PASS	FAIL
BUILDING INSP.								
ELECTRICAL INSP.								
SIGN PERMITS								
WEEDS/RUBBISH	4		6					
JUNKED VEHICLES								
MECHANICAL INSP.								
OTHER								
PLUMBING INSP.								
MEETINGS	4							
ILLEGAL SIGNS	2							
SUBSTANDARDS								
ZONING/PLATTING	5		10					
TOTALS	15	0	16	0	0	0	0	0

MONTHLY SUMMARY

- 1) Worked on minor plat applications. Presented 2 applications at the council meeting.
- 2) Responded to zoning questions. Completed zoning verification requests.
- 3) Followed up on code complaints involving junk/debris. Removed illegal signs.
- 4) Scheduled Board of Adjustments meeting for Feb 10th
- 5) Filed approved plats with County Clerk

CODE ENFORCEMENT MONTHLY REPORT

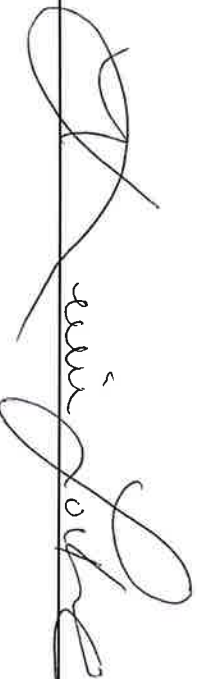
Name: KEVIN LOCKRIDGE

month/year: Jan-26

KEVIN LOCKRIDGE

	NO. OF LOCATIONS	ABATEMENTS	CITATIONS	COURT APP.	DOOR NOTICES	LETTERS	PASS	FAIL
ILLEGAL STORAGE								
SUB STD INSP/NTC								
SIGNS								
FOOD EST. INSP.	68						68	
HIGH GRASS/WEEEDS	0						0	
JUNK VEHICLES	0						0	
FOOD TRK PERMITS	1						1	
FOOD TRL INSP	0						0	
ABATEMENTS	0							
greasetraps/sewer	0							
ILLEGAL SIGNS	10						10	
DUMPING/RD DEBRIS	0							
<b>TOTALS</b>	<b>0</b>							

January 1-31 inspected 68 resturants , removed 10 advertisement signs from right away .inspected 1 food truck .



**Hotel-Motel Occupancy Tax  
Monthly Reporting for  
Nov 2025**

DATE RECEIVED	TAX FOR MONTH	HOTEL NAME	TAXABLE MONTHLY RECEIPTS	7% TAX	1% RETAINER	AMOUNT PAID
12/19/2025	Nov	Baymont Inn	104,457.57	7,312.03	73.12	7,238.91
12/5/2025	Nov	Budget Inn (Sawan LLC)	13,065.94	914.62	9.15	905.47
12/18/2025	Nov	Economy Inn	8,346.02	584.22	-	584.22
12/1/2025	Nov	Holiday inn Express(Jayani Investments)	225,871.00	15,810.97	158.11	15,652.86
12/1/2025	Nov	Woodlawn Hills (Patel & Sons LTD)	19,675.00	1,377.25	13.77	1,363.48
12/12/2025	Nov	Motel 6	59,622.52	4,173.58	41.74	4,131.84
		<b>Totals</b>	431,038.05	30,172.66	295.88	29,876.78



To: City of Henderson Council Members  
Jay Abercrombie, City Manager

From: Stephanie Kimbrell, Finance Director

Subject: Monthly Report

Date: February 10, 2026

- Investment Report for Nov 2025-see attached report
- Hotel-Motel Occupancy Tax for Nov 2025-see attached report

**Water/Sewer/Garbage Billing Recap  
Month Ending 11/30/2025**

Type of service	Amount Billed	Consumption Billed	Count
Garbage	\$ 178,539.60	-	5,469
Sales tax on garbage	\$ 13,396.26	-	?
Sewer Charges	\$ 251,509.42	38,751,072	4,472
Water Charges	\$ 291,251.74	68,879,972	4,801
Sprinkler	\$ 18,061.92	3,123,200	372
Penalty	\$ 10,744.99	-	868
Water Taps	\$ 750.00	-	1
Sewer Taps	\$ 400.00	-	1
Service Chg/Back Flow	\$ 506.30	-	7
<b>Total Billing</b>	<b>\$ 765,160.23</b>	<b>110,754,244</b>	<b>15,991</b>

## HEDCO SALES TAX RECEIPTS HISTORY

Sales Month	Check Received Month								
		2016-2017	2017-2018	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024
AUGUST	OCTOBER	108,069	99,446	113,001	94,789	119,769	136,754	163,729	172,110
SEPTEMBER	NOVEMBER	132,067	124,141	138,028	142,246	141,434	177,944	208,295	210,169
OCTOBER	DECEMBER	100,965	95,324	114,866	113,405	113,333	143,064	167,491	189,000
NOVEMBER	JANUARY	96,254	100,353	110,701	110,843	112,738	145,911	168,489	204,304
DECEMBER	FEBRUARY	123,378	147,969	139,736	141,342	161,211	185,516	227,918	198,983
JANUARY	MARCH	101,565	97,139	105,806	113,262	116,200	140,154	138,614	158,683
FEBRUARY	APRIL	97,772	102,039	102,197	106,063	99,301	127,489	169,500	163,252
MARCH	MAY	151,778	148,855	141,682	147,519	168,499	230,335	229,210	209,555
APRIL	JUNE	99,509	128,332	111,569	130,329	143,875	157,730	180,538	168,813
MAY	JULY	98,978	111,018	118,162	150,050	147,755	155,829	206,674	177,461
JUNE	AUGUST	111,408	141,389	135,709	169,353	168,612	192,135	235,730	222,159
JULY	SEPTEMBER	93,383	114,001	124,498	115,717	139,587	161,760	178,760	198,941
TOTAL		1,315,126	1,410,006	1,455,955	1,534,918	1,632,314	1,954,621	2,274,948	2,273,431
Average Monthly Sales Tax:		109,594	117,501	121,330	127,910	136,026	162,885	189,579	189,453
Annual % Change Over the Previous Year		-0.09	7.21%	3.26%	5.42%	6.35%	19.75%	16.39%	-0.07%

Sales Month	Check Received Month								
		2024-2025	2025-2026	2026-2027	2027-2028	2028-2029	2029-2030	2030-2031	2031-2032
AUGUST	OCTOBER	185,605	151,321	-	-	-	-	-	-
SEPTEMBER	NOVEMBER	192,044	192,210	-	-	-	-	-	-
OCTOBER	DECEMBER	213,187	<b>163,774</b>	-	-	-	-	-	-
NOVEMBER	JANUARY	183,825	-	-	-	-	-	-	-
DECEMBER	FEBRUARY	245,441	-	-	-	-	-	-	-
JANUARY	MARCH	150,107	-	-	-	-	-	-	-
FEBRUARY	APRIL	132,824	-	-	-	-	-	-	-
MARCH	MAY	190,562	-	-	-	-	-	-	-
APRIL	JUNE	156,711	-	-	-	-	-	-	-
MAY	JULY	180,487	-	-	-	-	-	-	-
JUNE	AUGUST	186,578	-	-	-	-	-	-	-
JULY	SEPTEMBER	161,738	-	-	-	-	-	-	-
TOTAL		2,179,109	507,304	-	-	-	-	-	-
Average Monthly Sales Tax:		181,592	42,275	-	-	-	-	-	-
Annual % Change Over the Previous Year		-0.04	-23.18%	-100.00%	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!

# CIVIC CENTER/PAVILION MONTHLY REPORT

January

2026

## CIVIC CENTER

### Rental

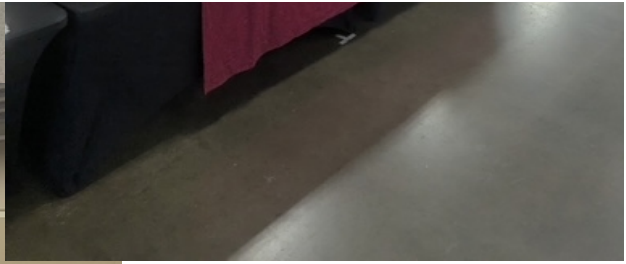
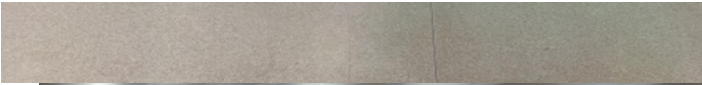
Entire Hall	5	Local Vendor Market, Region 7 x 2, Senior Celebrity, Mardi Gras
1/3 Hall	3	Cross, FD Training, Lions Club
2/3 Hall	2	Veermeer x 2
Reception Room	4	Renaissance Club, Greer x 2, Gossett
Board Room	2	Duke x 2
TOTAL	<b>16</b>	

## PAVILIONS

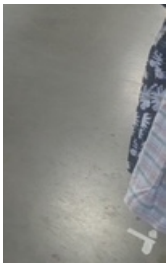
### Rental

Yates Park	0	
Fair Park		
Lake Forest-Lion	1	Gough
Lake Forest-Mann	0	
Lake Forest-Azalea	0	
Lake Forest-Gazebo	0	
Lake Forest-Plaza		
TOTAL	<b>1</b>	











## MAIN STREET

January is the month for Main Street reporting – our fourth quarter report to the state was due January 12 and our annual assessment to the national office was due January 23. I spent a great deal of time meeting with Main Street board members to work through those two reports, reviewing our successes and analyzing areas for improvement.

Our January meeting was originally scheduled for the 27<sup>th</sup> and had to be postponed due to Winter Storm Fern.

## TOURISM

Our downtown Mardi Gras celebration was moved to the Civic Center due to expected weather conditions. Despite extensive advertising exceeding what we did last year, attendance at the event was abysmal. Everyone who came appeared to have a wonderful time and the band (who drove 4+ hours to be here) continues to rave about what a great event it was and how they can't wait to come back next time we do something. We will be meeting in February to critique the evening and determine if we continue with Mardi Gras or look at some other event to replace it.

I have begun meetings with Vickie Armstrong at The Depot for 2026 Heritage Syrup Festival and am meeting with designers of a new festival-planning platform to see if we can simplify online registration for our 300+ vendors. Vendor registration begins in June, so we are already in the thick of our planning.

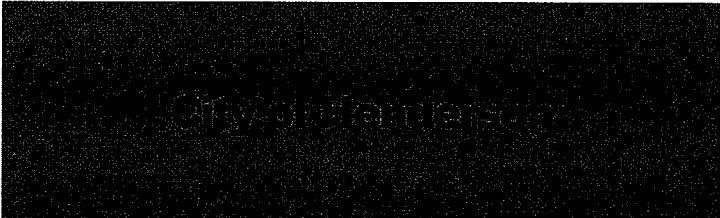
The new 2026 Northeast Texas tourism guide is out and is being distributed to travel centers and DMOs across the state. The new website for the Northeast Texas Tourism Council should be going live any day at [www.ExploreNortheastTexas.com](http://www.ExploreNortheastTexas.com). I continue to work with a new tourism group, the Deep East Texas Marketing and Advertising Workgroup, which promises to be a very effective partnership in the future. The Northeast Texas group focuses on partnerships with cities from Lufkin to Texarkana and from the Louisiana line to Greenville, while the Deep East Texas group focuses on communities and DMOs within a 60-mile radius of Angelina County and is being shepherded through formation by the Communities United nonprofit foundation.

I continue to try to find time to revamp our travel brochures, particularly as we regularly receive requests for them from travel centers across the state.

## CALENDAR EVENTS

- January 6 Mardi Gras planning meeting
- 6 Annual assessment workshop with board members
- 7 Annual assessment workshop with board members
- 8 Chamber Midmorning Coffee
- 8 TMSP Annual Assessment office hours meeting
- 15 Deep East Texas Marketing and Advertising Workgroup meeting
- 16 Parade postmortem and 2026 planning
- 20 Council meeting
- 21 Northeast Texas Tourism Council meeting – Kilgore
- 22 Annual assessment workshop with board members
- 26 Closed due to ice
- 27 Closed due to ice
- 29 Historic Landmark Preservation Committee meeting
- 31 Mardi Gras





# Monthly Report

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**To:** Mayor and City Council Members

**From:** Monica Session on behalf of:  
Cristina Soriano, Juvenile Case Manager and Court Administrator

**Date:** February 11, 2026

**Re:** January 2026 Monthly Report

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## MUNICIPAL COURT

Fines collected for 2025-2026 year – \$55,634.40 from 2069 transactions

Fines collected for 2024-2025 year- \$44,009.10 from 1735 transactions

Fines Collected January 2026 - \$8,961.10 from 329 transactions

Fines Collected January 2025 – \$10,830.00 from 397 transactions

Virtual open Court Cases Scheduled 84 Appeared 23 by virtual and including walk-ins



**MINUTES**  
**HENDERSON MAIN STREET ADVISORY BOARD**  
**RESCHEDULED REGULAR MEETING**

Tuesday, Feb. 3, 2026 – 12:00 p.m.  
Council Chambers, Henderson City Hall  
300 W. Main St., Henderson Tx 75652

**Board Members Attending:**

Kelly Bumgardner

Leon Harris, President

**Ex-Officio Members Attending:**

Alexa Duke, Main St. Coord.

Henry Pace, City Mayor

Misty Evans

Riese Duty

Bonnie Geddie

Ben Patterson

Lisa McConnell

Christina Gray, Civic Center Manager

Jay Abercrombie, City Manager

Gina Juarez, City Council

Mayor Henry Pace administered the oath of office for new members Riese Duty and Lisa McConnell.

The meeting was called to order by President Harris at 12:03 p.m.

1. Jennifer Culpepper spoke under Citizen Presentation, asking the board to get more involved with and supportive of the downtown merchants and their planned activities, specifically suggesting a map of downtown and event advertising.
2. There were no Presentations/Announcements.
3. November and December 2025 Minutes were unanimously approved on a motion from Bumgardner and a second from Geddie.
4. November and December 2025 Financials were unanimously approved on a motion from Bumgardner and a second from McConnell.
5. City Manager Jay Abercrombie reviewed proposed changes to bylaws, pointing out that the board serves at the pleasure of Council, clarifying why language should include “may” instead of “shall”, and stressing that any policy or membership changes must be ratified by City Council before taking effect. After reviewing all proposed changes, Geddie moved to accept the proposed changes and send them to Council for approval. Evans seconded and the measure passed unanimously.
6. Patterson offered an update on progress toward the downtown Arts & Culture District (ACD). He has scheduled meetings with the chair of each Main Street Committee to review their goals and objectives and help get each ACD committee organized and operating. During the discussion, Council Member Gina Juarez volunteered to contact TxDOT about obtaining permission to wrap downtown utility boxes to improve their appearance.
7. Harris led a discussion about the fee for a service call for the Strand Sign. He obtained an estimate of approximately \$600 for a technician from Leon’s Neon of Longview to travel here to diagnose and perhaps repair the sign. If parts are needed, it could cost more so he asked for a motion to approve up to \$750 for the service call and repair. Because the sign has been turned off, we won’t know what needs to be repaired until it is inspected. Bumgardner added that any work must include at least a one-year warranty and that official ownership of the sign itself needs to be researched, because no one can recall if Stephen Strong officially donated it to the Main Street Advisory Board. Patterson moved to approve up to \$750 for inspection and repair. Geddie seconded and the motion carried unanimously.
8. Harris presented the latest design sketches for the Heritage Square redesign project. Consensus was that members liked the design incorporating Henderson’s downtown clock into the entry arch. Juarez suggested incorporating sponsorship recognition in the design, perhaps engraved bricks or plaques. Harris will request

a final rendering from the architect that can be presented to the public for input and to City Council for approval.

9. The sign grant application for 101 N. Main, Village on Main, was approved on a motion from Geddie and a second from Patterson. With Bumgardner abstaining, all were in favor.
10. After reviewing upcoming schedules, the annual board planning retreat was set for April 2. The location will be determined soon, with options including the Henderson Country Club, Culpepper's, or some other downtown location.
11. Committee Reports:
  - a. Organization – Evans reported she is still working on revisions to the grant application.
  - b. Economic Revitalization – Patterson shared visitation numbers generated by software purchased by HEDCO. There is an option that will allow the software to track retail sales numbers, but it is mainly for big businesses like Lowes, Walmart, etc. Shelby in the HEDCO office is researching to see if there is an option that would track small business retail sales numbers.
  - c. Promotion & Design – Geddie reported that Christmas on Main was a lot of fun and that she is looking forward to helping more next year. She will work with Jennifer Culpepper to ensure the announcement board in front of the library stays updated. Bumgardner reported that she is still trying to source letters for the front of Alley on Main.
12. The Main Street Coordinator's Report is attached. Duke also clarified that the only budget line with funds remaining to pay for the sign repair is Special Events, unless the board raises more money.
13. Harris did not have anything additional for a President's Report.
14. The meeting was adjourned at 1:19 p.m. on a motion from Geddie and a second from Bumgardner.

Respectfully submitted,



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Alexa Duke  
Tourism & Main Street Coordinator



**MINUTES – SPECIAL MEETING  
HENDERSON HISTORIC LANDMARK PRESERVATION COMMITTEE**

Thursday, Jan. 29, 2026 -- 2:00 p.m.  
Council Chamber, Henderson City Hall  
300 West Main St., Henderson, TX 75652

**Board Members Attending:**

Sherri Baker                      Dustin Culpepper                      Sarah Sherland                      Liz Thrasher  
Rachelle Thrasher                      Cyndi Walker                      Linda Watkins

**Ex-Officio Members and City Staff Attending:**

Alexa Duke, Main St. Coord.                      Christina Gray, Civic Center Manager                      Henry Pace, City Mayor  
Cliff McElfresh, Community Development                      Cheryl Jimerson, City Secretary

1. Mayor Henry Pace administered the oath of office to all members.
2. Cheryl Jimerson nominated Dustin Culpepper as chair and Cyndi Walker as vice chair. With no other nominations from the floor, those two were unanimously elected.
3. Culpepper called the meeting to order at 2:11 p.m.
4. There were no citizen presentations.
5. The new doors for 101 N. Main St. were approved on a motion from Cyndi and a second from Liz, with Rachelle abstaining. New signs for 101 N. Main St. were approved on a motion from Liz and a second from Cyndi, with Rachelle abstaining. Board members asked tenants to have their contractor provide photos of how the signs are attached to the building.
6. Alexa reported that, because there was no acting board in place at the time, she had told Gaylon Rains to proceed with painting at 127 E. Main St. because he was painting the exact color that had been there previously, and he was instructed that he must replace/repair wood that was in poor condition before repainting. No action was needed.
7. Cheryl and Alexa presented a brief orientation for new members, including distribution of confidentiality agreements and ethics statements to be signed. Members were informed of the requirement to complete Open Meetings and Public Information Act training. Board members requested additional training in preservation and other areas concerning the committee. Although only required to meet quarterly, the board wants to meet monthly to ensure timely training opportunities. The next meeting was scheduled for 4:30 p.m. on Monday, February 23 in council chambers of Henderson City Hall. A regular meeting schedule will be adopted at that meeting.
8. Cyndi moved to adjourn at 3:09 p.m. With a second from Liz, the meeting was adjourned.

Respectfully submitted,

A handwritten signature in black ink that reads "Alexa Duke".

Alexa Duke  
Tourism & Main Street Coordinator