



**NOTICE OF WORK SESSION AGENDA  
LANCASTER CITY COUNCIL**



**James R. Williams Pump Station  
Training Room, 1999 Jefferson**

**Monday, March 16, 2015 – 7:00 PM**

**DEFINITIONS:**

**Written Briefing:** Items that generally do not require a presentation or discussion by the staff or Council. On these items, the staff is seeking consent from the Council or providing information in a written format.

**Verbal Briefing:** These items do not require extensive written background information or are an update on items previously discussed by the Council.

**Regular Item:** These items generally require discussion between the Council and staff, boards, commissions, or consultants. These items may be accompanied by a formal presentation followed by discussion and direction to the staff.

**[Public comment will not be accepted during Work Session  
unless Council determines otherwise.]**

**Regular Items:**

- 1.** Receive a presentation regarding the May 9, 2015 Lancaster Independent School District Bond Proposal for district facilities.
- 2.** Discuss and receive a presentation from Hillard Heintze regarding an independent assessment of the Lancaster Police Department.
- 3.** Receive a presentation regarding the 2014 Racial Profiling Analysis Annual Report.
- 4.** Receive and discuss a presentation on the City of Lancaster Equipment Replacement Plan for Fiscal Year 2015.
- 5.** Discuss the City of Lancaster Public Improvement District policy.

**EXECUTIVE SESSION:** The Council reserves the right to convene into executive session on any posted agenda item pursuant to Section 551.071(2) of the TEXAS GOVERNMENT CODE to seek legal advice concerning such subject.

**ACCESSIBILITY STATEMENT:** The Municipal Center is wheelchair-accessible. For sign interpretive services, call the City Secretary's office, 972-218-1311, or TDD 1-800-735-2989, at least 72 hours prior to the meeting. Reasonable accommodation will be made to assist your needs.

## Certificate

I hereby certify the above Notice of Meeting was posted at the Lancaster City Hall on March 13, 2015 @ 9:30 a.m. and copies thereof were provided to the Mayor, Mayor Pro-Tempore, Deputy Mayor Pro-Tempore and Council members.



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Sorangel O. Arenas  
City Secretary

**LANCASTER CITY COUNCIL**  
**Work Session Agenda Communication**  
March 16, 2015

Item 1

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**Receive a presentation regarding the May 9, 2015 Lancaster Independent School District Bond Proposal for district facilities.**

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**This request supports the City Council 2014-2015 Policy Agenda.**

**Goal: Civic Engagement**

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**Background**

The Lancaster Independent School District Board of Directors established a Bond Committee in January of 2015 to study the facility needs of the district and recommend a package to the Board of Trustees to put before voters in a bond election.

Dr. Michael McFarland, LISD Superintendent will make a presentation to the City Council regarding the bond proposal and ballot measure for the May 9, 2015 election.

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**Submitted by:**  
Sorangel O. Arenas, City Secretary

**LANCASTER CITY COUNCIL**  
**Work Session Agenda Communication**  
March 16, 2015

Item 2

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**Discuss and receive a presentation from Hillard Heintze regarding an independent assessment of the Lancaster Police Department.**

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**This request supports the City Council 2014-2015 Policy Agenda.**

**Goal: Healthy, Safe & Vibrant Community**

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**Background**

In the fiscal year 2013/2014 strategic planning session, Council requested an independent assessment of the Lancaster Police Department strategies, staffing and community-oriented policing concept.

In May 2014 staff completed a competitive bid process and selected Hillard Heintze to conduct an independent assessment of the Lancaster Police Department.

The firm conducted an analysis and evaluation of the departments administrative, technical, operational and organizational policies, practices and performance to determine the organizational strengths, weaknesses and strategic opportunity. Hillard Heintze will make a presentation regarding the assessment findings.

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**Submitted by:**  
Opal Mauldin-Robertson, City Manager

**LANCASTER CITY COUNCIL**  
**Work Session Agenda Communication**  
March 16, 2015

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Item 3

**Receive a presentation regarding the 2014 Racial Profiling Analysis Annual Report.**

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**This request supports the City Council 2014-2015 Policy Agenda.**

**Goal: Healthy, Safe & Vibrant Community**

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**Background**

Effective September 1, 2001, the Texas Legislature enacted the Texas Racial Profiling Law (S.B. No. 1074). The Texas Code of Criminal Procedure requires that law enforcement agencies collect information relating to traffic stops in which a citation is issued and arrests resulting from those traffic stops. The Texas Code of Criminal Procedure further requires that law enforcement agencies compile and analyze this information and 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.

Attached is the 2014 Lancaster Police Department Racial Profiling Analysis as prepared by representative experts from the University of North Texas. A printed copy will also be available at the work session. The Police Department had no sustained racial profiling complaints in 2014.

Beginning January 2011, the Texas Commission on Law Enforcement Standards and Education (TCOLE) posts a copy of each police department's racial profiling report on its website.

To further ensure transparency, the Lancaster Police Department will be adding information to the city website.

**Considerations**

- **Operational** - The Lancaster Police Department has adopted a detailed, written policy on racial profiling and currently collects the required information on racial profiling as required by State Law. The Lancaster Police Department contracted with the University of North Texas for the examination of contact data.

- **Legal** - The Texas Code of Criminal Procedure requires that the Lancaster Police Department 2014 Racial Profiling Analysis Report be submitted to the City of Lancaster governing body.
- **Financial** - There are no financial requirements.
- **Public Information** - This item will be placed on a regular meeting agenda of the Lancaster City Council which will be noticed and posted in accordance with the Texas Open Meetings Act.

### **Options/Alternatives**

There is no action required by the City Council at this time.

### **Attachments**

- Racial Profiling Analysis
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### **Submitted by:**

Cheryl Wilson, Chief of Police

# LANCASTER POLICE DEPARTMENT

2014

## RACIAL PROFILING ANALYSIS



**PREPARED BY:**

**Eric J. Fritsch, Ph.D.**  
**Chad R. Trulson, Ph.D.**

**PDI** Professional  
Development  
Institute  
**University of North Texas**

## **Executive Summary**

Article 2.132 (7) of the Texas Code of Criminal Procedure requires the annual reporting to the local governing body of data collected on the race or ethnicity of individuals stopped and issued citations or arrested for traffic violations and whether or not those individuals were searched. Since the law provides no clear instruction to a governing body on how to review such data, the Lancaster Police Department requested this analysis and review to assist the City Council in reviewing the data.

The analysis of material and data from the Lancaster Police Department revealed the following:

- **A COMPREHENSIVE REVIEW OF THE LANCASTER POLICE DEPARTMENT'S RACIAL PROFILING POLICY SHOWS THAT THE LANCASTER POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH ARTICLE 2.132 OF THE TEXAS CODE OF CRIMINAL PROCEDURE.**
- **A REVIEW OF THE INFORMATION PRESENTED AND SUPPORTING DOCUMENTATION REVEALS THAT THE LANCASTER POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH TEXAS LAW ON TRAINING AND EDUCATION REGARDING RACIAL PROFILING.**
- **A REVIEW OF THE DOCUMENTATION PRODUCED BY THE DEPARTMENT REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE RACIAL PROFILING COMPLAINT PROCESS.**
- **ANALYSIS OF THE DATA REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE COLLECTION OF RACIAL PROFILING DATA.**
- **THE ANALYSIS OF STATISTICAL INFORMATION FROM LANCASTER POLICE DEPARTMENT REVEALS THAT THERE ARE NO METHODOLOGICALLY CONCLUSIVE INDICATIONS OF SYSTEMIC RACIAL PROFILING BY THE DEPARTMENT.**
- **THE LANCASTER POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW CONCERNING THE PROHIBITION OF RACIAL PROFILING.**
- **THE LANCASTER POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW CONCERNING THE REPORTING OF INFORMATION TO TCOLE.**

## **Introduction**

This report details an analysis of the Lancaster Police Department's policies, training, and statistical information on racial profiling for the year 2014. This report has been prepared to specifically comply with Article 2.132 of the Texas Code of Criminal Procedure (CCP) regarding the compilation and analysis of racial profiling data. Specifically, the analysis will address Articles 2.131 – 2.135 of the CCP and make a determination of the level of compliance with those articles by the Lancaster Police Department in 2014. The full copies of the applicable laws and regulations pertaining to this report are contained in Appendix A.

This report is divided into six analytical sections: Lancaster Police Department's policy on racial profiling; Lancaster Police Department's training and education on racial profiling; Lancaster Police Department's complaint process and public education on racial profiling; analysis of statistical data on racial profiling; an analysis of Lancaster Police Department's compliance with applicable laws on racial profiling; and a final section which includes new data reporting requirements to TCOLE as required beginning in 2011.

For the purposes of this report and analysis, the following definition of racial profiling is used: 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 (Texas CCP Article 3.05).

### **Lancaster Police Department Policy on Racial Profiling**

A review of Lancaster Police Department's "Biased Based Profiling" policy 2.01.1 revealed that the department has adopted policies in compliance with Article 2.132 of the Texas CCP. There are seven specific requirements mandated by Article 2.132 that a law enforcement agency must address. All seven are clearly covered in Lancaster's racial profiling policy. Lancaster Police Department policies provide clear direction that any form of racial profiling is prohibited and that officers found engaging in inappropriate profiling may be disciplined up to and including termination. The policies also provide a very clear statement of the agency's philosophy regarding equal treatment of all persons regardless of race, ethnicity, or national origin. Appendix B lists the applicable statute and corresponding Lancaster Police Department regulation.

***A COMPREHENSIVE REVIEW OF LANCASTER POLICE DEPARTMENT'S RACIAL PROFILING POLICY SHOWS THAT THE LANCASTER POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH ARTICLE 2.132 OF THE TEXAS CODE OF CRIMINAL PROCEDURE.***

### **Lancaster Police Department Training and Education on Racial Profiling**

Texas Occupation Code § 1701.253 and § 1701.402 require that curriculum be established and training certificates issued on racial profiling for all Texas peace officers. Documentation provided by Lancaster Police Department reveals that racial profiling training and certification is current for all officers in 2014. Racial profiling training is specifically covered in Lancaster's Biased Based Profiling policy Section 4.

*A REVIEW OF THE INFORMATION PRESENTED AND SUPPORTING DOCUMENTATION REVEALS THAT THE LANCASTER POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH TEXAS LAW ON TRAINING AND EDUCATION REGARDING RACIAL PROFILING.*

## **Lancaster Police Department Complaint Process and Public Education on Racial Profiling**

Article 2.132 §(b)3-4 of the Texas Code of Criminal Procedure requires that law enforcement agencies implement a complaint process on racial profiling and that the agency provide public education on the complaint process. Lancaster Police Department's Biased Based Profiling policy Section 4 covers this requirement.

*A REVIEW OF THE DOCUMENTATION PRODUCED BY THE DEPARTMENT REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE RACIAL PROFILING COMPLAINT PROCESS.*

## **Lancaster Police Department Statistical Data on Racial Profiling**

Article 2.132(b) 6 requires that law enforcement agencies collect statistical information on traffic citations and detentions with specific information on the race of the person cited. In addition, information concerning searches of persons and whether or not the search was based on consent is also to be collected. Lancaster Police Department submitted statistical information on all citations in 2014 and accompanying information on the race of the person cited. Accompanying this data was the relevant information on searches.

*ANALYSIS OF THE DATA REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE COLLECTION OF RACIAL PROFILING DATA.*

### **Analysis of the Data**

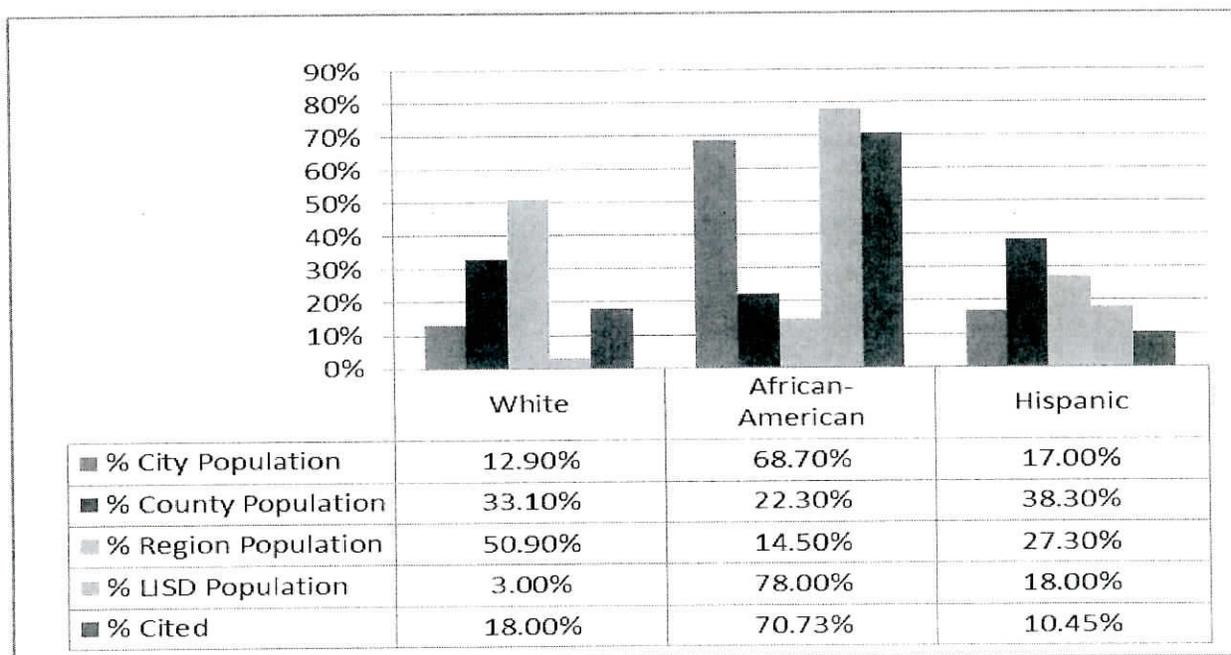
The first chart depicts the percentages of the number of motor vehicle stops by racial group in 2014.<sup>1</sup> White drivers constituted 18.00 percent of all drivers cited, whereas Whites constituted 12.90 percent of the city population, 33.10 percent of the county population, and 50.90 percent of the region population.<sup>2</sup> The chart shows that White drivers are cited at a rate that is higher than the percentage of Whites in the city, but lower than the county and regional population. White drivers were cited at a significantly higher rate than the percentage of White students in the

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<sup>1</sup> The total number of motor vehicle stops that resulted in an action (citation, arrest, or both) in 2014 equaled 2,498. See the TCOLE forms at the end of this report. However, not all stops resulted in arrest, citation, or both. In 2014, there were a total of 5,600 motor vehicle stops of citizens. This figure is utilized in the tables and charts in the body of this report.

<sup>2</sup>City, County, and Regional population figures are derived from the 2010 Census of the U.S. Census Bureau. "Regional" population figures are defined as the 16 county North Central Texas Council of Governments Region and is comprised of the following counties: Collin, Dallas, Denton, Ellis, Erath, Hood, Hunt, Johnson, Kaufman, Navarro, Palo Pinto, Parker, Rockwall, Somervell, Tarrant, and Wise.

Lancaster Independent School District (3.00).<sup>3</sup> African-American drivers constituted 70.73 percent of all drivers cited, whereas African-Americans constituted 68.70 percent of the city population, 22.30 percent of the county population, and 14.50 percent of the region population. African-American citation rates were slightly higher than the percentage of African-Americans in the city population, and also higher than the percentage of African-Americans in the county and regional populations. However, African-Americans were cited at a rate that is lower than the percentage of African-American students in the LISD population (78.00 percent). Hispanic drivers constituted 10.45 percent of all drivers cited whereas Hispanics constituted 17 percent of the city population, 38.30 percent of the county population, and 27.30 percent of the regional population. Hispanic drivers were cited at a rate that is lower than the percentage of Hispanics in the city, county, regional, and LISD population.



As the chart shows, easy determinations regarding whether or not Lancaster police officers have “racially profiled” a given motorist are impossible given the nature of the data that has been collected and presented for this report. The law dictates that police agencies compile aggregate-level data regarding the *rates* at which agencies *collectively* stop motorists in terms of their race/ethnicity. These aggregated data are to be subsequently analyzed in order to determine whether or not *individual* officers are “racially profiling” motorists.

This methodological error, commonly referred to as the “ecological fallacy,” defines the dangers involved in making assertions about individual officer decisions based on the examination of aggregate incident level data. In short, one cannot “prove” that an *individual* officer has “racially profiled” any *individual* motorist based on the rate at which a department stops any given *group* of motorists.

<sup>3</sup> Data on the racial make-up of LISD were obtained from the Lancaster ISD 2013-2014 “Demographic Analysis and Enrollment Projections for the Lancaster Independent School District at <http://www.lancasterisd.org/pdf/district/Lancaster%20ISD%202014%20Demographic%20Report.pdf>

Additional interpretation problems remain in regards to the specific measurement of “racial profiling” as defined by Texas state code. For example, officers are currently forced to make subjective determinations regarding an individual's race based on his or her personal observations because the Texas Department of Public Safety does not provide an objectively-based determination of an individual's race/ethnicity on the Texas driver's license. The absence of any verifiable race/ethnicity data on the driver's license is especially troubling given the racial diversity within the city of Lancaster and the North Texas region as a whole, and the large numbers of citizens who are of Hispanic and/or mixed racial descent. The validity of any racial/ethnic disparities discovered in the aggregate level data becomes threatened in direct proportion to the number of subjective “guesses” officers are forced to make when trying to determine an individual's racial/ethnic background.<sup>4</sup>

In addition, the data collected for the current report does not allow for an analysis that separates (or disaggregates) the discretionary decisions of officers to stop a motorist from those that are largely non-discretionary. For example, non-discretionary stops of motorists based on the discovery of outstanding warrants should not be analyzed in terms of whether or not “profiling” has occurred simply because the officer who has stopped a motorist as a result of the discovery of an outstanding warrant does not *independently* make the decision to stop, but rather, is required to stop that individual regardless of any determination of race. An officer cannot be determined to be “racially profiling” when organizational rules and state codes compel them to stop regardless of an individual's race/ethnicity. Straightforward aggregate comparisons of stop rates ignore these realities, and fail to distinguish between discretionary and non-discretionary law enforcement actions. In the future, this validity issue could be lessened by the collection of data indicating the initial reason for the traffic stop, whether it be an observed traffic violation, other criminal activity, the existence of an outstanding warrant, or some other reason.

Finally, there has been considerable debate as to what the most appropriate population “base-rate” is in determining whether or not racial/ethnic disparities exist. As the current analysis shows in regards to the use of city, county, and regional population base-rates, the outcome of analyses designed to determine whether or not disparities exist is obviously dependent on which base-rate is used. In addition, population growth and the changing demographic character of the North Texas region and particularly the city of Lancaster has exacerbated problems associated with determining appropriate base-rates because measures derived exclusively from the U.S. Census can become quickly outdated since they are compiled only once per decade. For example, Lancaster has experienced a rate of growth of more than 40 percent since the 2000 Census. In years following the 2000 Census, it was unclear as to how this growth impacted the overall demographic character of the city. However, the 2010 Census has revealed that Lancaster has not only experienced large-scale growth over the course of the last several years, but has also become much more diverse as indicated by the demographic statistics presented in this report.

Related, the determination of valid stop base-rates becomes multiplied if analyses fail to distinguish between residents and non-residents who are stopped, because the existence of significant proportions of non-resident stops will lead to invalid conclusions if racial/ethnic comparisons are made exclusively to resident population figures.

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<sup>4</sup> In 2014, the race of the motorist was reported as “known” prior to the stop in 461 or roughly 18 percent of instances where a stopped motorist received a citation/arrest/both. See the TCOLE forms at the end of this report.

In short, the methodological problems outlined above point to the limited utility of using aggregate level comparisons of the rates at which different racial/ethnic groups are cited in order to determine whether or not racial profiling exists within a given jurisdiction.

The table below reports the summaries for the total number of persons cited and searched subsequent to being stopped by the Lancaster Police Department for traffic offenses. In addition, the table shows the number of stopped individuals who granted consent to search and those stopped drivers who were arrested at the conclusion of the stop. The chart shows that roughly 9 percent of all drivers searched were White (43/500 total searches), roughly 9 percent (44) were Hispanic, and roughly 80 percent (410) were African-American. It is clear that the vast majority of the total number of drivers cited (including White, African-American, and Hispanic groups) were not searched, as roughly 90 percent of all drivers who were cited were not searched (500/5,600).

Action	White	Asian	Hispanic	African-American	Other	Total
Citations	1,008	39	585	3,961	7	5,600
Searches	43	2	44	410	1	500
Consent Searches	10	0	10	64	0	84
Arrests	15	0	14	161	1	191

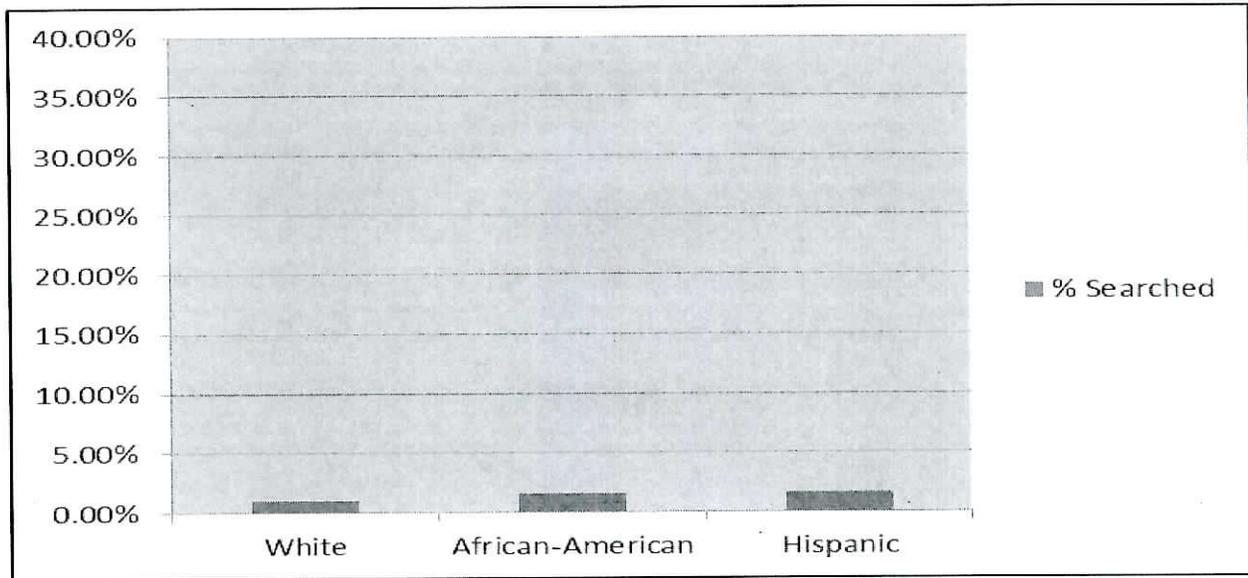
\*Searches include driver searches only

It should be noted that aggregate level comparisons regarding the rates at which drivers are searched by police are subject to some of the same methodological issues as those outlined above regarding analyses of aggregate level stop rates. Of particular concern is the absence of any analyses that separates discretionary searches from non-discretionary searches. For example, searches that are conducted incident to an arrest or as part of a vehicle tow inventory should not be included in analyses designed to examine whether or not racial profiling has occurred because these types of searches are non-discretionary in that the officer is compelled by law or departmental guidelines to conduct the search irrespective of the race of the stopped driver.

Less than 2 percent of the total number of citations resulted in a consensual search (84/5,600). So too, approximately 3 percent of drivers cited were subject to an arrest. Of those arrested, roughly 8 percent (15/191 total arrests) were White, roughly 84 percent (161) were African-American, and roughly 7 percent (14) were Hispanic. Additional data regarding the reason for the arrest are necessary in order to further examine whether or not these data reflect individual officer decisions to arrest or non-discretionary actions based primarily on legal and/or organizational requirements (e.g., the existence of outstanding arrest warrants or on view criminal activity).

The bar chart below presents the percentage of drivers that were searched by consent within each racial category. The chart indicates that drivers who were cited were rarely searched via consent across the racial categories. For example, roughly 1 percent of all White drivers who were

stopped were also consent searched, roughly 2 percent of all African-American drivers who were cited were consent searched, and approximately 2 percent of all Hispanic drivers who were cited were consent searched.



### **Analysis of Racial Profiling Compliance by Lancaster Police Department**

The foregoing analysis shows that the Lancaster Police Department is fully in compliance with all relevant Texas laws concerning racial profiling, including the existence of a formal policy prohibiting racial profiling by its officers, officer training and educational programs, a formalized complaint process, and the collection of data in compliance with the law. Finally, internal records indicate that the department received no complaints in reference to racial profiling for the year 2014.

In addition to providing summary reports and analysis of the data collected by the Lancaster Police Department in 2014, this report also included an extensive presentation of some of the limitations involved in the level of data collection currently required by law and the methodological problems associated with analyzing such data for the Lancaster Police Department as well as police agencies across Texas. The Lancaster Police Department should continue its educational and training efforts within the department on racial profiling. Finally, the department should conduct periodic evaluations to assess patterns of officer decision-making on traffic stops. The final section of this report includes newly required TCOLE reporting information by Texas law enforcement organizations.

# LPD TCOLE Reporting Forms



Partial Exemption Racial Profiling Reporting  
(Tier 1)

Department Name Lancaster Police Department  
Agency Number TX05Z17X1  
Chief Administrator Name Chief Cheryl D. Wilson  
Reporting Name Chief Cheryl D. Wilson  
Contact Number 972-218-2710  
E-mail Address cwilson@lancaster-tx.com

Certification to Report 2.132 (Tier 1) – Partial Exemption

Policy Requirements (2.132(b) CCP):

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 stops in which a citation 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; 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 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.

These policies are in effect

*Cheryl Wilson*  
Chief Administrator

1/20/15  
Date



## Tier 1 State Report

Date Range: 01/01/2014 00:00:00 - 12/31/2014 23:59:59

## PARTIAL EXEMPTION RACIAL PROFILING REPORTING (TIER 1)

INSTRUCTIONS: Please fill out all boxes. If zero, use 0.

1. Total on line 4, 11, 14 and 17 must be equal
2. Total on line 20 must equal line 15

AGENCY NAME: LANCASTER POLICE DEPARTMENT

Number of motor vehicle stops (mark only 1 category per vehicle stop):

1. 2307 Citation Only
2. 190 Arrest Only
3. 1 Both
4. 2498 (Total of 1-3)

Race or Ethnicity (mark only 1 category per vehicle stop):

5. 1716 African
6. 16 Asian
7. 454 Caucasian
8. 308 Hispanic
9. 3 Middle Eastern
10. 1 Native American
11. 2498 (Total of 5-10, must be the same as #4)

Race or Ethnicity known prior to stop?

12. 461 Yes
13. 2037 No
14. 2498 (Total of 12-13, must be the same as #4 and #11)

Search Conducted?

15. 254 Yes
16. 2244 No
17. 2498 (Total of 15-16, must be the same as #4, #11, and #14 above)

Was search consented?

18. 27 Yes
19. 227 No
20. 254 (Total, must equal #15)



Partial Exemption Racial Profiling Reporting  
(Tier 1)

**Option to submit required data by utilizing agency report**

**You must submit your report in PDF format**

**Electronic Submission of data required by 2.132(b)(6) CCP**

(6) require collection of information relating to motor vehicle stops in which a citation 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; and

This report meets the above requirements

*Cheryl Wilson*  
Chief Administrator

*1/20/15*  
Date

***Send entire documents electronically to this website***

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**[www.tcleose.state.tx.us](http://www.tcleose.state.tx.us)**

# **Appendix A**

## **Racial Profiling Statutes and Laws**

### **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.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 2, eff. Sept. 1, 2001.

### **Art. 2.131. RACIAL PROFILING PROHIBITED.**

A peace officer may not engage in racial profiling.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

### **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 motor vehicle 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, 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 stops in which a citation 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; 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 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.
- (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 motor vehicle stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle

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 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.

(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.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by: Acts 2011, 81st Leg., R.S., Ch. 1172, Sec. 25, eff. September 1, 2011.

### **Art. 2.133. REPORTS REQUIRED FOR MOTOR VEHICLE STOPS.**

(a) In this article, "race or ethnicity" has the meaning assigned by Article 2.132(a).

(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 written warning or a citation as a result of the stop.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by: Acts 2011, 81st Leg., R.S., Ch. 1172, Sec. 26, eff. September 1, 2011.

#### **Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED.**

(a) In this article:

- (1) "Motor vehicle stop" has the meaning assigned by Article 2.132(a).
- (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 law enforcement agency shall submit a report containing the incident-based data 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.

(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

(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 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.

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

(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.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by: Acts 2011, 81st Leg., R.S., Ch. 1172, Sec. 27, eff. September 1, 2011.

**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 stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle regularly used to make motor vehicle stops is equipped with transmitter-activated equipment; and

(B) each motor vehicle 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 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 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).

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by: Acts 2011, 81st Leg., R.S., Ch. 1172, Sec. 28, eff. September 1, 2011.

**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.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

**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).

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

**Art. 2.138. RULES.**

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

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

**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.

Added by Acts 2011, 81st Leg., R.S., Ch. 1172, Sec. 29, eff. September 1, 2011.

# Appendix B

## Racial Profiling Laws and Corresponding Department Policies

<b>Texas CCP Article</b>	<b>LANCASTER POLICE DEPARTMENT Racial Profiling Policy</b>
2.132(b)1	Section 3
2.132(b)2	Section 1-2
2.132(b)3	Section 4A
2.132(b)4	Section 4B
2.132(b)5	Section 4E
2.132(b)6	Section 4G
2.132(b)7	Section 4G(3)

# **Appendix C**

## **Lancaster Police Department Racial Profiling Policy**

LANCASTER, POLICE DEPARTMENT  
GENERAL ORDERS MANUAL

<i>Effective Date</i> April 4, 2014		<i>Amended Date</i> April 4, 2014		<i>Directive</i> 2.01.1	
<i>Subject</i> Biased Based Policing and Racial Profiling					
<i>Reference</i> Code of Criminal Procedure 2.131 – 2.135					
<i>Distribution</i> All Personnel City Manager City Attorney		<i>TPCA Best Practices Recognition Program Reference</i> 2.01.1 Biased Based Profiling		<i>Review Date</i>	
				<i>Pages</i> 6	

This Operations Directive is for internal use only and does not enhance an officer's civil or criminal liability in any way. It should not be construed as a creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this Operations Directive, if proven, may only form the basis for a complaint by this Department, and only in a non-judicial administrative setting.

**SECTION 1 PURPOSE**

The purpose of this policy is to reaffirm the Lancaster Police Department's commitment to unbiased policing in all of its encounters between officers and any person; to reinforce procedures that serve to ensure public confidence and mutual trust through the provision of services in a fair and equitable fashion; and to protect our officers from unwarranted accusations of misconduct when they act within the dictate of departmental policy and the law.

**SECTION 2 POLICY**

- A. It is the policy of the department to protect the constitutional rights of all persons. Allegations of racial profiling or discriminatory practices, real or perceived, are detrimental to the relationship between police and the communities they protect and serve because they strike at the basic foundation of public trust. This trust is essential to effective community-based policing. Racial profiling is considered misuse of valuable police resources; such improper methods violate the civil rights of members of the public and may lead to increased exposure to liability for the officer and the department. This department does not endorse, train, teach, support, or condone any type of bias, stereotyping, or racial profiling by its officers. While recognizing that most officers perform their duties in a professional, ethical, and impartial manner, this department is committed to identifying and eliminating any instances of racial profiling.
- B. It is the policy of this department to:
  - 1. Provide all people within this community fair and impartial police services consistent with constitutional and statutory mandates;
  - 2. Assure the highest standard of integrity and ethics among all our members;
  - 3. Respect the diversity and the lawful cultural practices of all people;
  - 4. Take positive steps to identify, prevent, and eliminate any instances of racial profiling by our members; and
  - 5. Continue our commitment to community based policing and problem solving, including vigorous, lawful and nondiscriminatory traffic enforcement that promotes public safety and strengthens public trust, confidence, and awareness.

LANCASTER POLICE DEPARTMENT  
GENERAL ORDERS MANUAL

<i>Directive</i> <b>2.01.1</b>	<i>Subject</i> <b>Biased Based Policing and Racial Profiling</b>
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- C. It is the policy of this department to police in a proactive manner and to aggressively investigate suspected violations of law. Officers shall actively enforce local, state and federal laws in a responsible and professional manner without regard to race, gender, ethnicity, or national origin. Officers are strictly prohibited from engaging in racial profiling as defined in this policy. This policy shall be applicable to all persons, whether drivers, passengers, or pedestrians.
- D. Officers shall conduct themselves in a dignified and respectful manner at all times when dealing with the public. The department will honor the right of all persons to be treated equally and to be free from unreasonable searches and seizures.

**SECTION 3 DEFINITIONS**

**Racial Profiling** is defined as 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. The term is not relevant as it pertains to witnesses, complainants, persons needing assistance, or other citizen contacts.

Examples of racial profiling include, but are not limited to, the following:

- a. Citing a driver because of the cited driver's race, ethnicity, or national origin, or
- b. Detaining the driver of a vehicle based on the determination that a person of that race, ethnicity, or national origin is unlikely to own or possess that specific make or model of vehicle.
- c. Detaining an individual based upon the determination that a person of that race, ethnicity, or national origin does not belong in a specific part of town or a specific place.

**Gender Profiling** is defined as a law enforcement-initiated action based on an individual's gender rather than on the individual's behavior or involvement in criminal activity.

**Race or Ethnicity** is defined as a particular descent, including Caucasian, African, Hispanic, Asian, or Native American.

**Pedestrian Stop** is defined as an interaction between a peace officer and an individual traveling on foot who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

**Motor Vehicle Stop** is defined as a vehicle stop whereas a peace officer stops a motor vehicle for an alleged violation of law or ordinance regulating traffic.

**Probable Cause** is defined as more than bare suspicion; it exists when the facts and circumstances within the officer's knowledge and of which they have reasonably trustworthy information are sufficient in themselves to warrant a person of reasonable caution to believe that an offense has been or is being committed.

**Reasonable Suspicion** is defined as specific, articulable facts leading a reasonable police officer to believe a crime might be occurring. Reasonable suspicion is less than probable cause, but more than a mere hunch. Reasonable grounds for suspicion depend on the circumstances in each case. There must be an objective basis for that suspicion based on facts, information, and/or intelligence.

**Search** is an examination or exploration of an individual's house, premises, vehicle or person to discover stolen property, contraband or other items that may be evidence of a crime.

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**Search incident to arrest** is a full search of an arrested person and of the vicinity around him or her. The search is conducted for officer safety and to prevent the destruction of evidence.

**Consent search** is a search permitted by a person with apparent authority to allow the search. To be valid, consent must be voluntary and intelligent, based on a totality of circumstances. Voluntary means that the consent was not forced or coerced. Intelligent means the person giving consent must know what he or she is doing.

**Frisk** is defined as a limited search or patting down of a suspect's outer clothing for the purpose of officer safety. A frisk must be based on reasonable suspicion that the suspect is armed with a deadly weapon, and that if he is not searched and disarmed, harm will come to the officer or another person. A limited search or frisk of an automobile after a valid stop is permissible if the officer has reasonable suspicion the suspect is dangerous and might gain immediate control of a weapon. The search is limited to the areas in which a weapon may be placed or hidden.

**Inventory** is an administrative process by which items of property in an impounded vehicle are listed and secured. An inventory is not a search and should not be used as a substitute for a search. The specific objectives of an inventory are to protect the property of the defendant, to protect the police against any claim of lost property, and to protect police personnel and others from any dangerous instruments.

**Contraband** means property of any nature, including real, personal, tangible or intangible, that is used or intended to be used in an offense. Property used to facilitate or intended to be used to facilitate the commission of a felony or proceeds gained from the commission of a felony.

## SECTION 4 PROCEDURES

### A. COMPLAINTS

1. Any person may file a complaint with the department if they believe they have been stopped or searched on the basis of their race, ethnicity, national origin, or gender. No person shall be discouraged, intimidated, or coerced from filing such a complaint, or discriminated against because they have filed such a complaint.
2. A complaint from a citizen regarding racial profiling may be made to any police department supervisor or, if available, to the Office of Professional Responsibility. All complaints received shall be forwarded in writing through the chain of command to the office of the Chief of Police.
3. In addition to the written complaint, the supervisor receiving the complaint shall obtain the digital video and/or audio from the officer's contact with the complainant. The supervisor shall label the digital audio/video, indicating the unit number and date and time the audio/video was pulled. The audio/video will be forwarded through the chain of command to the office of the Chief of Police. All audio/video of incidents alleging racial or gender profiling shall be retained with the investigative file. A copy shall be supplied to the officer within five days of the date of the complaint. The Office of Professional Responsibility shall supply the copy to the officer prior to taking any statements from the officer.

### B. PUBLIC EDUCATION AND AWARENESS

LANCASTER POLICE DEPARTMENT  
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*Directive*  
**2.01.1**

*Subject*  
**Biased Based Policing and Racial Profiling**

The Lancaster Police Department shall provide education to the public concerning the complaint process. Written information regarding how a citizen may file a complaint or issue a commendation for an officer shall be made available to the public at a variety of locations, including public meetings, City Hall and the Police Department. This information shall also be available on the department's Internet site. The information will be available in both English and Spanish.

**C. RACIAL PROFILING TRAINING**

1. Officers are responsible to adhere to all Texas Commission on Law Enforcement (TCOLE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements as mandated by law.
2. All officers shall complete the TCOLE training and education program on racial profiling not later than the second anniversary of the date the officer is licensed under Chapter 1701 of the Occupation Code, or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier. At the discretion of the Chief of Police, additional diversity and sensitivity training may be required for officers with sustained racial profiling or other discrimination complaints filed against them.
3. The Chief of Police, as part of the initial training and continued education for such appointment, will be required to attend the LEMIT program on racial profiling.
4. Supervisors shall conduct periodic roll call training regarding racial profiling issues, including implementation and enforcement of this policy. All sworn personnel will attend Racial Profiling training at least once every twenty-four months.

**D. INTERNAL MONITORING**

1. Random Reviews:

The sergeant or lieutenant assigned to the Office of Professional Responsibility shall conduct weekly reviews of the police vehicle digital recordings. The review shall be comprised of two dayshift and two nightshift videos and each video should be from a different officer's vehicle. The purpose of this random review is to:

- a. Assess performance and safety practices;
- b. Ensure compliance with departmental policy;
- c. Ensure proper use of DMVR Equipment; and,
- d. Identify appropriate training video.

Supervisors shall review video files randomly each month, ensuring that each officer is reviewed at least twice during the calendar year. Each shift commander shall be responsible for ensuring the video reviews are conducted and documented and verify that the racial profiling section of MOBLAN was completed for the contact. A report containing the dates each officer was reviewed and the supervisor that conducted each review shall be prepared and submitted to the Office of Professional Responsibility, who shall maintain a log of the reviews.

2. Reviews shall occur whenever:
  - a. An officer is involved in a pursuit;
  - b. An officer is involved in a use of force incident recorded by the system;
  - c. A complaint is lodged against an officer; or,

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- d. A supervisor articulates a reason to suspect an officer is involved in activity contrary to the mandates of the General Orders.

**E. CORRECTIVE ACTION**

1. Failure to report any observed or known violations of this policy by any police department employee shall result in corrective action being taken against the employee.
2. Officers found in violation of this policy or who have a sustained racial profiling complaint shall be subject to corrective action which may include, diversity, sensitivity, or other appropriate training, counseling, a written reprimand, suspension from duty with or without pay, indefinite suspension, or other appropriate action as determined by the Chief of Police.

**F. MANDATED DMVR OPERATION**

Unless the delivery of emergency police services would be prevented, an Officer's personal safety would be jeopardized, or police strategy is being discussed, Officers will ensure:

1. DMVR Equipment is always fully activated either manually or automatically:
  - a. On all motor vehicle stops;
  - b. On every call for service, whether dispatched or self-initiated, prior to making citizen contact;
  - c. On all pedestrian stops;
  - d. During any prisoner transport with the in-car video camera positioned toward the prisoner;
  - e. During any interviews, interrogations and other investigative activities where use is practical; and,
  - f. Any time the officer or supervisor believes the use of the equipment would be beneficial.
2. Officers should note in offense, arrest and related reports when video/audio recordings were made.
3. Officers must carefully consider when to cease recording an event and be prepared to justify the action in the event that an incident occurs while DMVR equipment is not recording.
  - a. The intentional stopping of recording during incidents where the use of the DMVR equipment is required by this order may be cause for disciplinary action. Obstructing, shielding, or any act of interfering with the DMVR equipment is not permitted.
  - b. Officers will not cease recording of an event, situation, or other circumstances solely at the demand of anyone other than a supervisor. Officers will inform those who ask that video/audio recording equipment are in use.

**G. CITATION DATA COLLECTION AND REPORTING**

1. Each officer shall be required to collect information relating to all motor vehicle, pedestrian and bicyclist stops by documenting the required information in the racial profiling section (F12) of MOBLAN.
2. The officer will complete all of the fields in the MOBLAN racial profiling section that pertain to the citizen contact.

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3. By March of each year, the department shall submit a written report to the City Council that includes the information gathered from the motor vehicle stops in the preceding calendar year. The report will include: (1) The number of motor vehicle stops, (2) The number of types of race or ethnicity of the person(s) who were stopped, (3) The number of motor vehicle stops that the race and ethnicity was known prior to stop, (4) The number of stops in which a search was conducted and (4) The number of searches that consent was received prior to search.

H. SCOPE OF RESPONSIBILITY

1. All members of the department shall know and comply with all aspects of this directive.
2. All Division Commanders and supervisory personnel are responsible for ensuring compliance with the provisions and intent of this directive.

**LANCASTER CITY COUNCIL**  
**Work Session Agenda Communication**  
March 16, 2015

Item 4

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**Discuss and receive a presentation of the City of Lancaster Equipment Replacement Plan for Fiscal Year 2015.**

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**This request supports the City Council 2014-2015 Policy Agenda.**

**Goal: Financially Sound City Government**

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**Background**

The City of Lancaster manages a large fleet of vehicles and equipment to perform needed services. Staff presented a replacement plan to Council in May 2012 and it was accepted in September 2012. Staff has been utilizing and updating the plan annually. At the October 20, 2014 meeting, Council requested staff to present an update of the equipment replacement plan following purchase of the fire engine and ambulance.

Council will receive a presentation regarding the current equipment replacement plan.

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**Submitted by:**  
Jermaine Sapp, Equipment and Facilities Service Director

**LANCASTER CITY COUNCIL**  
**Work Session Agenda Communication**  
March 16, 2015

Item 5

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**Discuss the City of Lancaster Public Improvement District policy.**

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**This request supports the City Council 2014-2015 Policy Agenda.**

**Goal: Civic Engagement**

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**Background**

As prescribed in the City Council Rules and Procedures as amended July 2013, Section 1 D. City Council Agenda Process, Deputy Mayor Pro Tem LaShonjia Harris requested an item be included on the agenda for the purpose of leading a discussion with Council regarding the Public Improvement District policy.

At the April 21, 2014 City Council work session, City Council received a presentation on the Public Improvement District (PID) policy and it was approved at the April 28, 2014 regular meeting. This first policy year was to be a transitional year to educate and inform the PIDs on policy utilization and implementation.

On Thursday, March 12, 2015 staff held a quarterly PID Advisory Board meeting to receive comments/feedback from the eight PID Boards.

**Attachments**

- PID policy
  - PID brochure
- 

**Submitted by:**

Opal Mauldin-Robertson, City Manager  
Rona Stringfellow, Assistant City Manager

# CITY OF LANCASTER PUBLIC IMPROVEMENT DISTRICT POLICY

## PURPOSE

A Public Improvement District (PID) is a tax assessment area established to provide for the maintenance and enhancement of public improvements and services in the area. Assessments are generally based on the appraised values of real property within the area and/or the cost of improvement(s). A PID can encompass and serve both residential and commercial property. Cities are authorized to create PID's under Chapter 372 of the Texas Local Government Code.

The City of Lancaster recognizes that PID's are valuable tools which neighborhoods use to enhance the maintenance of public property beyond the level normally provided by the City. It is the intent of the city to allow direct management control of PID operations by bodies consisting of PID property owners. However, PID bodies serve advisory functions, and all final decisions are made by the governing body of the PID, the City Council. Section 372.002 of the Texas Local Government Code, Exercise of Powers, states that "Powers granted under this subchapter may be exercised by a municipality or county in which the governing body of the municipality or county initiates or receives a petition requesting the establishment of a public improvement district. A petition must comply with the requirements of Section 372.005."

## PID ESTABLISHMENT

The City Council must approve all petitions requesting establishment of public improvement districts. Land included in the PID must be contiguous.

A PID may be created at any time; however, to be assessed in October following PID creation, the required number of petition signatures must be turned in to the City by July 1st. Establishment shall be in accordance with Chapter 372 of Texas Local Government Code.

The key indicator that distinguishes an existing neighborhood or business district from a new development is whether the majority of lot ownership is held by the developer or by the residents. All PID's must comply with the details of the approved resolution that established the PID. Public Improvement Districts are prohibited from enforcing Homeowners Association Deed Restrictions. PID's are likewise prohibited from expenditures of public monies advertising or promoting a developer's sales.

### **Advisory Board Membership**

PID Board members will comply with all laws, policies, and procedures set by:

- Chapter 372 of the Texas Local Government Code.
- The City of Lancaster
- The City of Lancaster Code of Ordinances
- The Texas Open Meetings Act
- The City of Lancaster Public Improvement District Policy
- The Bylaws of the Public Improvement District

If any Advisory Board member intentionally violates any of these laws, policies, or procedures, the City may remove the member from the Advisory Board and appoint a replacement.

### **Existing Neighborhood or Existing Business District**

Individuals interested in establishing a PID should determine the support of their community and present a petition including a conceptual plan of improvements to the City Manager's Office which includes at least:

- Proposed district boundaries
- Estimated costs associated with the improvements and maintenance
- The general nature of the proposed improvements or maintenance program
- Consideration of future replacement of capital improvements, i.e. fences
- Classes of property which will be subject to or exempt from assessment and the proposed method of assessment
- A core committee of interested individuals (names, addresses and phone numbers) willing to serve as the initial PID Advisory Board
- That the persons signing the petition request or concur with the establishment of the PID

The City Manager's Office will coordinate with any neighborhood or organized group interested in establishing a PID.

After initial review, the city will determine whether sufficient support and documentation has been provided. If accepted, the city will then prepare the final application packet.

The final application packet must include an assessment plan apportioning the cost of the improvement plan to be assessed:

- An estimated assessment rate is applied to the expected appraised value of property to sufficiently fund a budget. The budget should provide adequate funds for the following:
  - Annual routine maintenance of improvements
  - Reserves to fund long term major maintenance and replacement of improvements
  - Associated out-of-pocket administrative costs
- The Advisory Board will recommend specific improvements, oversee the annual service plan and long-term plans, and manage related contracts and services.
- A Petition - The petition is sufficient if signed by:
  - Owners of taxable real property representing more than 50% of the appraised value of taxable real property liable for assessment under the proposal, as determined by the current roll of the appraisal district in which the property is located; and
  - Record owners of real property liable for assessment under the proposal who:
- Constitute more than 50% of all record owners of property that is liable for assessment under the proposal; or
- Own taxable real property that constitutes more than 50% of the area of all taxable real property that is liable for assessment under the proposal.

## **Maintenance and Improvements**

PID assessments may only be used to serve, maintain or improve public property and may not be used to benefit or enhance private property. Listed below are services and improvements which Lancaster PID's may provide or maintain. Other improvements allowed by the statute will be reviewed and considered individually by the city.

- Landscaping and irrigation
- Right-of-way, median, and other open space maintenance, such as residential detention ponds
- Perimeter fencing
- Entry features
- Fountains
- Distinctive lighting
- Distinctive signs
- Art or decorations
- Sidewalks
- Parks
- Special supplemental services for improvement and promotion of the district including public safety, security, business recruitment, development, recreation, and cultural enhancement
- Payment of necessary expenses incurred in the establishment, administration, and operation of the district

Listed below are services and improvements which Lancaster PID's may not provide or maintain:

- Construction, improvement, or maintenance of privately owned facilities or land including that owned by a Home Owners' Association (HOA)
- Purely social activities
- Travel expenses
- Advertisement or promotion intended to sell property or newly constructed private property within PID area

## **PID ADVISORY BOARD ELECTIONS**

After receiving a petition that complies with this policy and Texas Local Government Code, section 372.005, the Lancaster City Council will appoint an Advisory Body with the responsibility of developing and recommending an improvement plan to the City Council.

- Council will appoint an Advisory Board according to the nomination plan developed by the PID residents in their initial petition.
- New Advisory Board members shall be nominated annually, either by themselves or another property owner within the PID.
- Selection and ratification by City Council will be moved to September of each year, with members taking their seats on October 1 – the start of a new fiscal year.
- Board Composition – Each PID must have at least three (3) members, but not more than seven (7), and shall satisfy the requirements of Section 372.008 (b) Local Government.
- Board Terms – members will serve staggered 1 year terms<sup>1</sup>. Odd numbered seats will be elected in odd numbered years and even numbered seats will be elected in even years.

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<sup>1</sup> Specified seats will serve an initial two year term when a new PID is established.

- Currently established PID's will begin staggering seats in the current year by selecting three of its members to hold their seats for an additional year.
- Board Election – Board elections must occur annually. Please see this policy for specific board election procedures that must be followed by all established PID's.
- All Election meetings must be published publically (ex: neighborhood signs, city's website, etc.).

### **Board Responsibilities and Planning**

The Advisory Board will hold work session from time to time to discuss maintenance and improvement projects. Work sessions will be open to the public. Notification to the community of the time, place, and topics to be considered will be provided via the city website and area signage. Work sessions are not to be considered public meetings or hearings and general comments from persons not serving on the Advisory Board are not solicited.

### **Meetings**

Each PID is required to hold one homeowner meeting each year that is open to the public comment. The annual meeting will finalize projects for the five year service plan, district tax assessment rates, and the upcoming budget. The PID will provide notice of the meeting to all PID property owners. The advisory board may schedule other meetings as required and will notify the City of Lancaster of their time and location at least 72 hours in advance. The City will assist in publication of notice and posted agenda regarding such meetings. The PID advisory board will request the meetings be posted on the City website; in addition to this, the PID advisory board may advertise the meetings. The public is permitted and encouraged to speak at the annual meeting. The Board will provide forms to record the names and addresses of persons speaking and to record support for or opposition to the Advisory Board's plans. Minutes of the public meeting with such comments will be attached to the approved proposal sent to the city council. Final recommendations regarding the five year plan and tax rate are the responsibility of the Advisory Board.

### **Operations**

Improvements and maintenance authorized by PIDs are supplemental to the general operations of the city and shall be paid entirely from district assessments.

### **Contracts**

The PID advisory board shall pursue annual contracts for maintenance, repair, and construction services where possible.

Contracts will be negotiated by the PID advisory board.  
Contracts will be approved by the PID advisory board

The PID advisory board must ensure that its contractors provide appropriate liability and other insurance.

## **Insurance**

The PID advisory boards will acquire general liability, automobile liability, and errors and omissions insurance, such coverage to be paid for from PID assessments. Property insurance for valuable assets is optional and to be paid for from PID assessments.

The PID advisory board should consult its insurance advisor /agent on the appropriate levels of insurance. PIDs may obtain insurance through the Texas Municipal League (TML) at government rates or purchase it from a private carrier. If PIDs decide to pursue insurance coverage via the Texas Municipal League, it must do so independently of the City of Lancaster. The City of Lancaster will not allow umbrella coverage under its TML policy for any PIDs.

**Security** - If any PID hires additional security, the security service must provide proof of adequate insurance, or the PID may hire off-duty police officers. If any PID hires additional security, the Police Department will be notified prior to engaging the security service.

## **New Development**

All new residential developments shall have either a PID or an HOA (or both). State law requires notification to homebuyers before purchasing the property acknowledging that they will pay PID assessments with their property taxes. Developers interested in establishing a PID should present a petition including a conceptual plan of improvements to the city Planning Director before construction begins. The PID petition must be submitted for City Council approval before the final plat is filed. The plan must include at least:

- Proposed district boundaries
- Estimated costs associated with the improvements and maintenance
- The general nature of the proposed improvements or maintenance program
- Consideration of future replacement of capital improvements, i.e. fences
- Classes of property which will be subject to or exempt from assessment and the proposed method of assessment
- The proposed apportionment of costs between the PID and the municipality as a whole (the transfer)
- How the PID will be managed
- An advisory board to develop and recommend an improvement plan to the governing body of the municipality at least half of whose members shall be resident of the development.
- That the persons signing the petition request or concur with the establishment of the PID
- A plan for turning the PID over to the residents when the developer has finished the residential development. The plan should include an approximate date for giving control to the residents and the specific triggers for giving control to an advisory body, such as 50% of development. The developer will be responsible for: scheduling a meeting with residents; informing the residents of the purpose, date, time, and location of the meeting; attending this meeting with the residents; explaining how the PID works; helping residents

to nominate an advisory body; and turning over to the new advisory body a detailed accounting of prior expenditures.

A city task force consisting of representatives from the following departments will review the initial submittal: Planning, City Attorney, Finance, and Parks and Recreation. The City Manager's Office will take the lead in the review process and will handle administrative tasks.

If the developer intends an HOA for early phases of development, to be phased out and replaced by PID structures later, the plan must propose detailed benchmarks for the transition timeline, occupancy rates, and property /ownership transfers.

After initial review, the city task force will determine whether sufficient support and documentation has been provided. If accepted, the PID committee will then prepare the final application packet in a format provided by the city. If city reviewers find that sufficient information is available, the applicants must be provided a detailed critique allowing amendments and corrections to the application to be made in a timely fashion.

The final application packet must include an assessment plan apportioning the cost of the improvement plan to be assessed; including:

- If applicable, a description of the division of PID and HOA responsibilities and the relationship between PID fees and HOA dues.
- An estimated assessment rate to be applied to the expected appraised value of property in order to sufficiently fund a budget. The budget should provide adequate funds for the following:
  - Annual routine maintenance of improvements
  - Reserves to fund long term major maintenance and replacement of improvements
  - Associated city out-of-pocket administrative costs
- Description of procedures for the nomination of an Advisory Body. The Advisory Body will recommend specific improvements, oversee the annual budget and long-term plans, and manage related contracts and services.
- A petition. The petition must be signed by the landowners and approved by the city council before construction begins. The petition is sufficient if signed by:
  - Owners of taxable real property representing more than 50% of the appraised value of taxable real property liable for assessment under the proposal, as determined by the current roll of the appraisal district in which the property is located; and
  - Record owners of real property liable for assessment under the proposal who:
    - Constitute more than 50% of all record owners of property that is liable for assessment under the proposal; or
    - Own taxable real property that constitutes more than 50% of the area of all taxable real property that is liable for assessment under the proposal.
- Other documentation requested by the city.

## **PID ADVISORY BOARD RESPONSIBILITIES**

- **Management** - Management of a PID is the responsibility of the PID advisory board. If the district fails to appoint an advisory board but wishes to continue the PID assessments and

maintenance, the city will maintain the district through a contract with a property management company with all expenses to be paid from PID assessments.

- **Bylaws** - Each PID must adopt bylaws. Specifically, the board may recommend:
  - The number of members, with a minimum of 3 and a maximum of 7 composition must comply with 372.008 Local Government Code
  - The number of regular meetings, with a minimum of one (1) per year.

The City staff will assist in the developing, and review each PID's bylaws before they are adopted. The City Council must vote to approve the bylaws to give them force. The PID advisory boards may amend the bylaws as necessary, and all amendments must be approved by the City Council.

### **PID Relationship to City after PID is created**

- **Training** - The City will hold an annual training after the election of new PID officers. The training will be designed to educate new and existing PID officers of the laws, policies, and practices that govern PID's in the City of Lancaster.
- **Budgeting** - The City will give a crash course in PID budgeting at the annual training and again prior to budget development.
- **Fees and permits** – PID's are required to pay the same fees and obtain the same permits as would be required of any person or persons of the city. PID's will pay for water utilities through the interdepartmental billing system.

PID's must pay for:

- Meter fees
- Tap fees
- Collection cost for the PID assessment

### **Assessment Rate Increase**

If a PID requests an assessment rate increase following annual review of its service plan, the PID must hold at least one additional homeowner meeting within the month before the assessment hearing to announce the increase, provide budget information, and answer questions. The PID may hold additional homeowner meetings as needed. No PID is allowed to increase its assessment rate more than 25% in one year budget year.

### **PID Relationship to City after PID is created**

- **Fees and Permits - Developers forming PID's** for new developments are required to pay any fees and obtain the permits which may be necessary for the development, including but not limited to:
  - Meter fees
  - Tap fees (if the work is done by the city)
  - Security deposits
  - Impact fees
  - Inspection fees
  - Permits as required
  - Other City fees as required

- **Monthly Invoice/Expense Submission and Reimbursement Process** - All PIDs will be required to submit invoices monthly to the city for review and reimbursement and/or payment through PID accounts for annual service plan expenditures. Should expenses exceed the funds allocated within the annual service plan, the PID shall adhere to the City of Lancaster Budget Adjustment Process to obtain Council approval for changes.

### **Expansion of a PID**

- Expansion of an established PID requires that a written petition of the owners of the property to be added to the PID be submitted to the established PID advisory body, which shall form the petition to City Council for consideration. For an expansion, there is no minimum number of parcels, and land annexed into the PID must be contiguous to the existing PID. The City Council will not unilaterally take action without first conducting a fiscal impact analysis and obtaining PID boards' input. If the subject property is contiguous to an existing PID and neither area has outstanding debt, it will be annexed into the existing PID after consideration and approval by the City Council.

The petition shall include:

- Formal request to be annexed into PID including petition of owner of property to be added to PIDs (meeting Section 372.005 of state statute) if more than a single owner.
- Fully completed exhibit which contains the name of each parcel owner, the parcel legal description (subdivision name, lot, block, etc.) and the tax account number for each parcel.
- Description of property including boundaries, name of subdivision or property, boundary map, and site plan.
- Description and scaled site plan of proposed improvements including landscape plan, landscape irrigation plan, signage, etc.

If the expansion is a new development, the petition shall include:

- Letter of commitment that developer/property owner shall maintain improvements for a period of two years after annexation into improvement district.
- Commitment that developer/property owner shall pay any costs associated with annexation.

- **Fees and Permits - New developments joining existing PID's** are required to pay any necessary fees and permits, including but not limited to:
  - Meter fees
  - Tap fees (if the work is done by the City)
  - Security deposits
  - Impact fees
  - Inspection fees
  - Permits as required
  - Other City fees as required

### **PID STAKEHOLDER GROUPS AND RESPONSIBILITIES**

#### **PID stakeholder groups include**

- City Council
- City staff

- PID advisory boards
- PID property owners
- PID contractors (only during initial construction and development phases; of less than 50% owner occupancy)

### **City Council Responsibilities**

PID boards serve advisory functions, and all final decisions are made by the governing body of the PID. The City Council approves the annual 5-year service plan, and assessment rate and roll.

### **City and City Staff Responsibilities**

- **Collections** - Dallas County will collect current and delinquent PID assessments. Current collection costs will be reimbursed from PID assessments. In the case of a PID dissolution, PID assessments will continue until any and all debt obligations of the PID are paid in full.
- **Public Notices** - The city will coordinate annual PID roll review and distribution of public notices and communications for the annual public hearing to adopt the assessment roll and assessment rate, and service plan and to appoint the advisory board.
- **Expenditures** - The city will review PID expenditures and process payments.
- **Reporting** - The city will account for each PID's assets, revenues, and expenses separately and reports will be provided to the PID advisory boards regularly. PID records are open to the public.
- **Contracts** - The PID advisory board shall pursue annual contracts for maintenance, repair, and construction services where possible.
  - The PID advisory board will negotiate contracts.
  - Contracts will be approved by the PID advisory board

The PID advisory board must ensure that its contractors provide appropriate liability and other insurance. Day-to-day responsibilities may be provided by contract management paid for from PID assessments.

- **Support** - The city will provide support to the PID boards as needed and will orient new PID advisory board members to the role and responsibilities of the PID as needed, and during the annual PID Officer training.

### **PID Policy Updates**

- The PID Policy Committee will consider any proposed revisions to the PID policy.
- PID advisory boards will then be notified of the proposed revisions.
- The PID Policy Committee will consider advisory boards' comments.
- The City Council will conduct a hearing to approve the policy.

- The Policy Committee will establish “a review and revision process” that considers and, if necessary, updates this policy at least once annually.

## CITY LIABILITY

The PIDs and PID advisory board, performing the tasks of the PID that are authorized or mandated by the City, are authorized by the City to perform those tasks, and to the extent possible, are afforded the appropriate rights and protections of other City volunteers if they act strictly in accordance with city policies and procedures. PID advisory board members must obtain the advice of experts.

A PID proposing to install any sign or structure in a median must have City Council approval **before any costs are incurred**, and the following must be agreed to by the PID as a condition of approval by City Council:

- The PID will assume responsibility for third party liability for any and all claims or suits for damage to any persons or property, including that property purchased, installed, operated, and maintained by the PID, arising out of or in connection with, directly or indirectly, the construction, maintenance, occupancy, use, existence or location of said uses granted hereunder, whether or not caused, in whole or in part, by alleged negligence of officers, agents, servants employees, contractors, subcontractors, licensees, or invitees of the PID. The PID maintains rights, at the option of the PID, to repair, replace, or to remove, any property installed, operated, and maintained by the PID. The PID will assume responsibility for any and all claims or suits for personal injury, including death, to any and all persons, of whatsoever kind or character, arising out of or in connection with, directly or indirectly, the construction, maintenance, occupancy, use, existence or location of said uses granted hereunder, whether or not caused, in whole or in part, by alleged negligence of officers, agents, servants employees, contractors, subcontractors, licensees or invitees of the PID. The PID will assume responsibility for any and all injury or property damage arising out of or in connection with any and all acts or omissions of the PID, its officers, agents, servants, employees, contractors, subcontractors, licensees, invitees, or trespassers.

I have read and understand this policy.

---

Signature

Date

4. The City Council will hold a public hearing on the advisability of establishing the district.

5. The City Council may authorize the improvement district by adopting a resolution in accordance with its findings as to the advisability of the district.

### **How Long does the Resolution process take?**

In general, the establishment process can take from three months to one year depending upon the timing of the submittals for review, the thoroughness of the information, and the cooperation of the petitioners.

### **How does a PID function after establishment?**

The PID advisory board is responsible for the preparation of a 5 year service plan that is presented to the city. The service plan must also define the annual indebtedness and the projected costs for improvements. This service plan shall be reviewed and updated annually for the purpose of determining the annual budget for improvements.

The yearly assessments are based on the annual budget. The City Council must hold a public hearing each year prior to the adoption of the service plan, the assessment rate, and approval of the assessment roll.



The PID Advisory Board is then directly responsible for managing the improvements outlined in their petition. The board can hire contractors, maintenance personnel or purchase materials necessary to develop and /or maintain their improvements. The level of quality of the improvements rests with the PID Board and is managed based on the assessment rate adopted annually.

### **What are Public Improvement Districts doing?**

Currently approved PID's are performing landscape improvements and maintenance functions along rights-a-way, landscape irrigation service, maintenance of common property decorative fencing, sign maintenance, funding decorative street lighting, and park and playground maintenance service within their defined areas.

### **Other Questions?**

Please contact the City of Lancaster at (972) 218-1300 or email [communityrelations@lancaster-tx.com](mailto:communityrelations@lancaster-tx.com) for additional information.



City of Lancaster  
211 N. Henry St.  
Lancaster, TX 75146  
[www.lancaster-tx.com](http://www.lancaster-tx.com)  
972-218-1300

*P*ublic

*I*mprovement

*D*istrict



What is a Public Improvement District (PID) and how can it be of assistance to residential communities and developers?

## What is a Public Improvement District?

A PID is a defined geographical area established to provide specific types of improvements or maintenance within the area which are financed by assessment against the property owners within the area.

Chapter 372 of the Texas Local Government Code authorizes the creation of PIDs by cities.

## What Improvements can be provided in a Public Improvement District (PID)?

A PID may include:

- Landscaping and irrigation;
- erecting foundation, distinctive lighting, and signs;
- constructing or improving perimeter fencing;
- constructing or improving side walks;
- acquiring and installing pieces of art or decorations;
- acquiring, constructing, or improving entry features;
- establishing or improving parks; (Owned and maintained by the PID/ HOA)
- acquiring, by purchase or otherwise, Real property in connection with an authorized improvement;
- using special supplemental services for improving and promoting the district, including service relating to advertising, promotion, public safety, security, development, recreation, and cultural enhancement; and
- paying expenses incurred in establishing, administering, and operating the district. (e.g. insurance, management)

## What is the benefit of a Public Improvement District?

A PID allows for improvements and a higher degree of maintenance within the PID area which presumable enhances the property values.

With the establishment of an advisory body, the property owners within the PID have control over the types of improvements, level of maintenance, and amount of assessments to be levied against the property owners.

Assessments are collected by the city's tax collecting agent and are deposited into a specific PID fund. Revenue collection is simple since a homeowner's association does not have to perform fee collection. This ensures a dependable revenue source for the PID. In most instances, mortgage companies pay PID assessments at the same time that ad valorem taxes are paid, as the assessment is included on the tax statement.

## What are the steps required to establish a Public Improvement District?

Any property owner group, developer, homeowner's association, etc., can initiate the PID establishment process. A petition for the establishment of a PID must be submitted to the city and include the following:

- the general nature of the proposed improvement;
- the estimated cost of the improvement;
- the boundaries of assessable property;
- the property assessment cost
- whether the management of the district is to be by the management company, or a partnership between the community and the private sector;
- that the persons signing the petition request or concur with the establishment of the district ; and

- that an advisory body (PID Board) be established to develop and recommend an improvement plan to the City Council

### The petition must be signed by:

- owners of taxable real property representing more than 50% of the appraised property within the proposed PID; and
- more than 50% of the property owners

**City staff is available to assist with this process for existing homeowners association.**

## What happens next?

**Homeowners Association authorized Board of Directors submits documentation requesting assistance with PID establishment.**

1.Homeowners Association authorized Board of Directors submits documentation requesting assistance with PID establishment.

2. The petition is submitted to the City Secretary for filing. The city staff will review the petition to determine compliance with the state statutes.

3. The municipality may appoint an advisory body with the responsibility for developing and recommending a district improvement plan to the City Council. The composition of the advisory body should include record owners of real property within the district who are liable for assessments under the proposal. This is usually the Homeowners Association Board of Directors.