

1. City Council Regular Meeting Agenda (PDF)

Documents: [06112012 - REGULAR.PDF](#)

1.1. City Council Regular Meeting Agenda Revised (PDF)

Documents: [06112012 - REGULAR-REV1.PDF](#)

AGENDA

Notice is hereby given that the City Council of the City of La Marque, Texas will conduct a Regular Meeting on Monday, June 11, 2012 at 6:00 p.m. at 1109-B Bayou Road for purpose of considering the following agenda:

(1) CALL MEETING TO ORDER

(2) ROLL CALL

(3) INVOCATION AND PLEDGE OF ALLEGIANCE

(4) MINUTES (3-7)

- a. Regular City Council Meeting, May 14, 2012
- b. Special Meeting, May 15, 2012
- c. Special City Council Meeting, May 21, 2012

(5) CITIZEN'S PARTICIPATION

Comments from the Public (At this time, any person with city-related business who has signed up may speak to Council (limited to three (3) minutes). In compliance with Texas Open Meeting Act the City Council may not deliberate on comments. Personal attacks will not be allowed, and personnel matters should be addressed to the City Manager during normal business hours.

(6) PRESENTATION (8-9)

- a. Presentation - City of La Marque 2012 Election Judges
- b. Presentation – Fifty Club Officer of the Year
- c. Presentation - Telecommunicators of the Year -Galveston County Emergency Communication District

(7) OLD BUSINESS (10-11)

- a. Discussion/possible action –Change Order #4 Long & Son LJA - Project No. E019-090D
Replacement of Magnolia Water Plant for \$98,841.68

(8) NEW BUSINESS (12-58)

- a. Discussion/possible action on the City of La Marque Emergency Management Plan
- b. Discussion/possible action on proposed amendments to the Animal Services Interlocal Agreement with Galveston County
- c. Discussion/possible action of Ordinance No. O-2012-1060- An Ordinance of the City of La Marque, Texas, amending Chapter 2, Administration, City Departments, of the Code of Ordinances, City of La Marque, Texas by repealing Ordinance No. 1032, which added a new section 2-39A to create the Office of Public Safety Director. This is the first reading
- d. Discussion/possible action on an order declaring the charter amendments adopted as approved by voters May 12, 2012
- e. Discussion/possible action of appointment(s) to Negotiating Committee for Police Collective Bargaining Negotiations

(9) CITY MANAGER REPORT – No Council Action Necessary (59-132)

(10) REQUESTS AND ANNOUNCEMENTS

- a. Requests by Mayor and Council Members for items to be placed on future City Council agendas and announcements on city events/community interests

(11) ADJOURNMENT

CERTIFICATION:

I hereby certify that the above notice of meeting was posted at 1109-B Bayou Road, La Marque, Texas before 5:00 p.m. on this 7th day of May 2012

The City Council for the City of La Marque, Texas reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized the Texas Government Code Section 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.086 (Economic Development)

Zina Tedford, Interim City Clerk

This facility is wheelchair accessible and accessible parking spaces are available. Request for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Clerk's office at (409) 938-9203, or Fax (409) 935-0401, or e-mail cityclerk@ci.la-marque.tx.us for further information.

**MINUTES
REGULAR CITY COUNCIL MEETING
14 MAY 2012**

(1) CALL MEETING TO ORDER

Mayor Hocking called the meeting to order at 6 p.m.

(2) ROLL CALL

PRESENT:

Councilmember Brown
Councilmember Trube
Councilmember Osteen
Mayor Pro-Tem Bell
Mayor Hocking

(3) INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Hocking led the Invocation and followed with the Pledge of Allegiance to the Flag.

(4) APPROVAL OF MINUTES

- a. Regular City Council Meeting, April 23, 2012

Councilmember Trube made a motion to approve the minutes as written. Councilmember Osteen seconded the motion. Minutes were approved unanimously.

(5) CITIZEN'S PARTICIPATION

Comments from the Public (At this time, any person with city-related business who has signed up may speak to Council (limited to three (3) minutes). In compliance with Texas Open Meeting Act the City Council may not deliberate on comments. Personal attacks will not be allowed, and personnel matters should be addressed to the City Manager during normal business hours.

Peggy Phillips, 2902 Pine Shadow, addressed city council regarding concerns and comments regarding personal political choices.

(6) PRESENTATION

- a. Proclamation – National Police Week/Peace Officers Memorial Day

Mayor Hocking presented this proclamation to Director of Public Safety Aragon.

- b. Proclamation – Management Week in America

Mayor Hocking read the proclamation.

- c. Proclamation - The War of 1812 Remembrance Day

Mayor Hocking presented the proclamation to Catherine Polk, Mary Glenn and Frances Foreman. Ms. Polk asked that all churches ring the church bells at noon on June 18th.

(7) NEW BUSINESS

- a. Discussion/possible action on Change Order #4 Long & Son LJA - Project No. E019-090D

Replacement of Magnolia Water Plant for \$98,841.68

Councilmember Trube made a motion to approve Change Order #4. Councilmember Brown seconded the motion. Councilmember Osteen asked if staff had tested the water for contamination. PW Director Morgan stated that it has been several years since tested. Councilmember Osteen stated that it should be tested before we spend this kind of money. There was discussion regarding the ground, the liner and packing around the area. Councilmember Osteen asked for the schematic of the project. There were questions on water testing, costs and how long it would take to get results back. Mayor Pro-Tem Bell asked what if it is repaired and we find out the water is contaminated. Mayor Pro-Tem Bell stated that we need a better course of action. Councilmember Trube asked if we are aware of any soil samples in the area.

Councilmember Trube withdrew the motion. Councilmember Brown withdrew the second. Councilmember Trube made a motion to table the item. Councilmember seconded the motion. This item is tabled until June 11th meeting.

(8) CITY MANAGER REPORT – No Council Action Necessary

Mayor Pro-Tem Bell stated he had noticed the name change from Inspections to Development Services. City Manager Buttler stated that Development Services is more indicative of all the services provided by this particular department.

Councilmember Trube asked if the fire department is current with fire hydrant testing.

Councilmember Osteen questioned the report regarding the errors in the judicial department. City Manager Buttler stated that the bottom line was not affected and staff had taken steps in ensuring that the software upgrades are made on a regular basis.

(9) REQUESTS AND ANNOUNCEMENTS

- a. Requests by Mayor and Council Members for items to be placed on future City Council agendas and announcements on city events/community interests

Mayor Pro-Tem Bell congratulated Mayor Hocking and Councilmember Trube on their re-election. Mayor Pro-Tem Bell also congratulated Ms. Sam on campaign and all the citizens for getting involved in the political process by voting. Mayor Pro-Tem Bell continued by stating that he has also been the target of attacks and extended his sympathies to Ms. Phillips for having to contend with it. We hope that we can all move forward and work together for a better La Marque. Mayor Pro-Tem Bell asked City Manager Buttler to ask Galveston County for a report on the recent election issues.

Councilmember Osteen also congratulated Mayor Hocking, Mayor Pro-Tem Bell and Councilmember Trube for their re-election. The City Council is making progress, but we still have a lot of obstacles to overcome. We have a good city manager to help us. Ms. Phillips has turned in her resignation from all city committees.

Councilmember Trube congratulated Mayor Hocking and Mayor Pro-Tem Bell and look forwards to being able to continue the work we started. Councilmember Trube concurred with Mayor Pro-Tem Bell regarding an assessment of the election issues. Councilmember Trube asked if there is a Special Meeting for the canvassing scheduled for May 21st and requested an agenda item to discuss designating a date and time for a City Council retreat. Councilmember Trube continued by stating that she was here all day Saturday, met a lot of citizens and has a lot of feedback that she will share with the City Manager

Councilmember Brown – congratulated everyone on being re-elected. Councilmember Brown thanked everyone and is looking forward to making La Marque shine.

Mayor Hocking congratulated Mayor Pro-Tem Bell and Councilmember Trube. Thank you to all the citizens that voted. Mayor Hocking also stated that he respects Ms. Phillips and thanked her for her time and service to the citizens of La Marque. Mayor Hocking reminded everyone of the town hall meeting being held this evening on Hurricane Preparedness immediately following the meeting.

(10) ADJOURNMENT

Councilmember Trube made a motion to adjourn the meeting. Councilmember Osteen seconded the motion. Meeting adjourned at 7:01 p.m.

Bobby Hocking, Mayor

Zina Tedford, Interim City Clerk

**MINUTES
SPECIAL MEETING
MAY 15, 2012
1207 OAK ROAD-GALVESTON COUNTY HEALTH DISTRICT**

(1) CALL MEETING TO ORDER

Mayor Hocking called the meeting to order at 6:04 p.m.

(2) ROLL CALL

Councilmember Brown
Councilmember Trube
Councilmember Osteen
Mayor Pro-Tem Bell
Mayor Hocking

(3) SITE VISIT

a. 1207 Oak- Galveston County Health District Buildings

(4) NEW BUSINESS

a. Discussion/possible action of acquisition of real property located at 1207 Oak- Galveston County Health District Buildings (Council may adjourn into Executive Session in accordance with the Texas Government Code, pursuant to Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), and 551.073 (Deliberations about Gifts and Donation))

There was discussion regarding the "pros" and "cons" on the acquisition of the buildings/property. Discussion also involved funding options and potential costs to bring the facilities up to code if Galveston County Commissioners Court agrees to donate the buildings to the City of La Marque. Commissioners Court invited La Marque City Councilmembers to attend Commissioners Court Workshop scheduled for Tuesday, May 29, 2012 beginning at 9:30 a.m. Staff will post a notice of potential quorum of the La Marque City Council.

(5) ADJOURNMENT

Councilmember Trube made a motion to adjourn the meeting. Councilmember Osteen seconded the motion. The meeting adjourned at 6:31 p.m.

Bobby Hocking, Mayor

Zina Tedford, Interim City Clerk

SPECIAL CITY COUNCIL MEETING
MAY 21, 2012

1. Call Meeting to Order

Mayor Hocking called the meeting to order at 6 p.m.

2. Invocation and Pledge of Allegiance to the Flag

Mayor Pro-Tem Bell led the Invocation and Mayor Hocking followed with the Pledge of Allegiance to the Flag.

3. Roll Call

PRESENT:

Councilmember Brown
Councilmember Trube
Councilmember Osteen
Mayor Pro-Tem Bell
Mayor Hocking

ABSENT:

4. New Business

- a. Discussion/possible action of Resolution No. R-2012-1180 canvassing the results of the May 12, 2012 General Election for Mayor, Councilmember District A, Councilmember District C and the results of the May 12, 2012 Special Election on amendments to the City Charter of the City of La Marque, Texas

Councilmember Osteen made a motion to approve Resolution No. R-2012-1180.
Councilmember Trube seconded the motion. Motion carried.

b. Administration of Oath to Elected Officials

Honorable Judge Baker asked Bobby Hocking, Keith Bell and Connie Trube to step forward. Judge Baker administered the Oath to the newly elected officials.

c. Discussion/possible action – appointment of Mayor Pro-Tem

At this time, Mayor Hocking stated that with the approval of fellow councilmembers and complete confidence and great expectancy, he would like to nominate Keith Bell as Mayor Pro-Tem. Councilmember Brown seconded the motion.

Mayor Hocking said it could be brought up at the Council's Retreat.

AYES: 3; NAYES: 1 (Councilmember Trube); NO VOTE: 1 (Councilmember Osteen)

Councilmember Osteen stated that while we are on the subject, Councilmember Trube had asked him to support her for the Mayor Pro-Tem position. Councilmember Osteen said even though Mayor Pro-Tem Bell has done an excellent job, this position should be passed around to other councilmembers. This is no disrespect to Keith Bell, he is a great representative. Some cities appoint a Mayor Pro-Tem every six months so the rest of the Council can share this position and we may want to look at this in the future. Councilmember Trube has been on the City Council for a long time and I am sure she would like to serve in that capacity.

- d. Discussion/possible action of the City of La Marque entering into an Interlocal Tax Collection Agreement with Galveston County Tax Assessor and Collector for collection of all taxes on real and personal property located within the Taxing Unit's jurisdictional boundaries

Mayor Pro-Tem Bell made a motion to enter into an Interlocal Tax Collection Agreement with Galveston County Tax Assessor and Collector for collection of all taxes on real and personal property located within the Taxing Unit's jurisdictional boundaries
Councilmember Trube seconded the motion. The motion carried.

- e. Discussion/possible action designating a date and time for City Council Goal Setting Retreat

Mayor Pro-Tem Bell made a motion to hold a City Council Retreat on Thursday, May 31, 2012, 10 a.m. to 6 p.m.
Councilmember Trube seconded the motion. The motion carried.

City Manager Carol Buttler gave an outline of the agenda for the Council Retreat. The retreat is an opportunity for City Council to brainstorm, look at the city's vision and by consensus provide staff with guidance.

No action will be taken at this Retreat. This meeting will be posted with a map of the retreat location.

Mayor Hocking asked that the item of Mayor Pro-Tem be placed on the retreat agenda.

Mayor Hocking, Councilmember Brown, Trube, and Mayor Pro-Tem Bell expressed gratitude for the confidence that the citizens have placed in them, want to move forward in a positive manner and provide the city with stability and consistency.

5. Adjournment

Councilmember Trube made a motion to adjourn the meeting. Councilmember Brown seconded the motion. The meeting adjourned at 7:29 p.m.

Zina Tedford, Interim City Clerk
Patty Rees, Recording Secretary

Bobby Hocking, Mayor



CITY COUNCIL AGENDA FORM

Meeting Date: 6-11-12

Agenda item: 6a,b& c

Prepared by: zt

Reviewed by: CJB

Department: Admin

AGENDA ITEM DESCRIPTION:

- a. Presentation – City of La Marque 2012 Election Judges
- b. Presentation – Fifty Club Officer of the Year
- c. Presentation – Telecommunicators of the Year -Galveston County Emergency Communication District

- a. Presentation – City of La Marque 2012 Election Judges

These individuals served as Judges and Clerks for the General/Special Election held May 12, 2012. The judges oversee the operations of precinct voting facilities during early voting and Election Day. The judges oversee the clerks during equipment setup, voter registration and ballot counting to ensure fairness for all candidates.

Charlotte Westerlage
Presiding Judge

Martha Woolridge
Alternate Judge

Election Clerks

Catherine Polk
Felicita Jaramillo

Dorothy Jeffcoat
Marilyn Richardson

- b. Presentation – Fifty Club Officer of the Year

Chief Aragon will introduce ID Officer Brian Auzston, recognized at the Fifty Club of Galveston County 41st Annual Awards Presentation held on May 14, 2012 – Fifty Club Officer of the Year.

- c. Presentation – Telecommunicators of the Year -Galveston County Emergency Communication District

Chief Aragon will introduce Tina Crawford and Teresa Scott to City Council.

☐

Attachments for Reference

History (if applicable):

Target Implementation:

Significant Action Dates:

☐

Ordinance

☐

Resolution

☐

Proclamation

☒

Special Presentation

☐

Finance Report

☐

Public Hearing

☐

Other

Cost Details:

Budgeted	
Actual Bid	
Estimated Expenditure	
Acct. Name	
Line Item #	
Other Funding	

Staff's Recommended Motion:



Fiscal Impact: n/a

CITY COUNCIL AGENDA FORM



CITY COUNCIL AGENDA FORM

Meeting Date: 6-11-12

Agenda item: 7a

Prepared by: Cyndi Efird

Reviewed by: CJE

Department: Public Works & Utilities

AGENDA ITEM DESCRIPTION:

a. Discussion/possible action -Change Order #4 Long & Son LJA - Project No. E019-090D
Replacement of Magnolia Water Plant for \$98,841.68

☒ **Attachments for Reference:** Change Order (7pgs);
LJA's recommendation letter

This item was tabled at the Regular Meeting of May 14, 2012 pending water sample tests results.

INFORMATION

LJA Briefing: After reviewing the video of the existing well casing and screens it appears that the condition of the casing below 620 feet is in need of repair. The repair would entail the insertion of a liner with a reduced diameter to be placed within the existing casing and the placement of a gravel pack between the liner and casing. If not repaired, the existing casing could collapse which would greatly limit the production of the well. If the casing collapses, the liner option may not be possible and the need for a new well may be required at an approximate cost of 5 to 8 times the repair cost of the existing well.

Staff Briefing: City staff has reviewed the video tape and concurs with LJA's recommendation. The video indicates the screen slots were corroded and after the cleaning of the slots, there were several areas where rust holes were 2-3 inches in diameter through the casing. If the well is not rehabilitated, we will not have the capability of filling the tank for emergency back-up water. The ground storage tank located at this site only receives well water.

History (if applicable): The well was originally drilled July 8, 1949. Some minor repairs were completed April 9, 1971.

Target Implementation:

Significant Action Dates: June 1, 2012 – Staff anticipates the system will be operational before June 2012 (Hurricane Season)



CITY COUNCIL AGENDA FORM

Action:

☐

Ordinance

☐

Resolution

☐

Proclamation

☐

Special Presentation

☐

Finance Report

☐

Public Hearing

☒

Other – Contract Change Order

Cost Details:

Total Project Bid	\$1,115,000.00
Well Line Phase of Project Bid	\$119,300.00
Change Order	\$98,481.68
Remaining Grant Funds	\$41,406.41
City Contributions	\$57,075.27
Account Name	Utility Repair & Maintenance
Account #	02-3010-22-00

Staff's Recommended Motion: Staff recommends approval of Change Order # 4 in the amount of \$98,481.68 and use of Utility funds in the amount of \$57,075.27 (02-3010-22-00) to offset the remaining costs for LJA Project 019-090D Water Well Screen Liner Repair.

Fiscal Impact: Approximately \$57,000.00 will need to be utilized from the Utility Department Repair & Maintenance line item to repair or replace water lines. The City will not be able to do any proposed scheduled up-grades the remainder of this fiscal year due to the use of funds for this project.



CITY COUNCIL AGENDA FORM

Meeting Date: 6-11-12

Agenda item: 8a

Prepared by: Jennifer Pierce

Reviewed by: CJP

Department: Office of Emergency Management

AGENDA ITEM DESCRIPTION

a. Discussion/possible action on the City of La Marque Emergency Management Plan

☒ **Attachments for Reference**

Staff Briefing:

The document submitted for approval is the base of the City's complete Comprehensive Emergency Management Plan. Each department has reviewed and offered comments.

History (if applicable):

The City has been following Galveston County's Emergency Management Plan.

While this practice has been acceptable in the past, each City within the County is now required to adopt a plan specific to their City to be compliant with the National Incident Management System (NIMS) and for federal grant opportunities.

Once approved, all departments and City Council will received a copy of the approved plan with all supporting documents (employee list, resource list, phone numbers, any other information likely to change often, etc.) that will be updated as needed.

Target Implementation: Immediately

Significant Action Dates:

Action:

- | | |
|---|---|
| ☐ Ordinance | ☐ Resolution |
| ☐ Proclamation | ☐ Special Presentation |
| ☐ Finance Report | ☐ Public Hearing |
| ☒ Other | |

Cost Details:	
Budgeted	
Actual Bid	
Estimated Expenditure	
Acct. Name	
Line Item #	
Other Funding	

Staff's Recommendation – Staff recommends approving the Comprehensive Emergency Management Plan as written. The base plan will not be amended at any time without City Council's approval.

Fiscal Impact: n/a



The City of La Marque Comprehensive Emergency Management Plan

BASIC PLAN

I. INTRODUCTION

Chapter 418 of the Texas State Statute allows for the preparation of this document. This Plan enables the City of La Marque Government to prevent or mitigate the impact of, prepare for, respond to, and recover from a variety of disasters that may affect the citizens of the City of La Marque. The Comprehensive Emergency Management Plan (CEMP) provides a framework that is consistent with the National Incident Management System (NIMS) and utilizes the Incident Command System (ICS) through which the City of La Marque may prevent, prepare for, respond to, recover from and mitigate the impact of various disasters. Responsibilities for the City, divisions, and departments through an Emergency Support Function (ESF) approach to planning and operations are clearly defined in this Plan. Each Emergency Support Function has a standard operating guideline which incorporates the NIMS and ICS structure.

In February, 2003 Homeland Security Presidential Directive 5 (HSPD-5), Management of Domestic Incidents was issued. In that directive, the President directed the Secretary of Homeland Security to develop, submit for review to the Homeland Security Council and administer a National Incident Management System (NIMS). In March 2004, the Secretary of Homeland Security released the National Incident Management System (NIMS). Homeland Security Presidential Directive 5 (HSPD-5), Management of Domestic Incidents, requires all Federal, State, Local and Tribal agencies to adopt and implement the NIMS and requires these entities to implement the NIMS to receive Federal preparedness funding. On May 23, 2005 the City of La Marque City Council adopted the NIMS. The City of La Marque adopted NIMS prior to the October 1, 2005 deadline.

The CEMP is operations oriented and addresses coordinated City evacuation, shelter, post-disaster response and recovery, rapid deployment and pre-deployment of resources, communications and warning systems, and annual exercises to determine the ability of the local government to respond to emergencies. The CEMP describes the basic strategies, assumptions and mechanisms through which the City will mobilize resources and conduct activities to guide and support local emergency management efforts through prevention, preparedness, response, recovery and mitigation. To facilitate effective inter-governmental operations, the CEMP adopts a functional approach that groups the type of assistance to be provided under Emergency Support Functions (ESFs). Each ESF is headed by a lead agency, which has been selected based on its expertise, authorities, resources and capabilities in the functional area.

A. Purpose

The purpose of the CEMP is to establish uniform policies and procedures for effective coordination of response to a wide variety of natural, man-made, and technological disasters using an all hazard approach. These emergencies may differ in size and severity and affect the health, safety and general welfare of the citizens of the City of La Marque. To this end, the City of La Marque has incorporated the concepts and principles of the NIMS including Incident Command System (ICS) characteristics such as common terminology, modular organization, management by objectives, incident action planning, manageable span of control, pre-designated incident facilities, comprehensive resource management, integrated

communications, transfer of command, unity of control, unified command, personnel and resource accountability and information and intelligence management. Inclusion of the NIMS and ICS structure in the CEMP provides for the following:

- Ensures common and proven incident management doctrine, practices, and principles are used to plan for, protect against, respond to, and recover from emergency incidents and preplanned events;
- Maintains a response operation capable of expanding to meet an escalating situation and the ability to integrate resources and equipment from intrastate and interstate mutual aid agreements, State-provided assistance, and Federal government response;
- Enables ordering and tracking of response assets using common resource typing and definitions and draw on mutual aid agreements for additional assistance;
- Establishes staging and allocation plans for the re-distribution of equipment, supplies and aid coming into the area from other localities, States, or the Federal government through mutual aid agreements;
- Provides the ability to conduct situational assessments and establish the appropriate ICS organizational structure to effectively manage the incident; and
- Establishes communication processes, procedures and protocols that will ensure effective interoperable communications among emergency responders and multi-agency coordination systems – Emergency Operations Center.

The CEMP is designed to accomplish the following specific purposes:

1. Reduce the vulnerability of people and communities of this City to damage, injury and loss of life and property resulting from natural, technological or man-made emergencies, acts of terror, catastrophes, or hostile military or paramilitary action.
2. Prepare for prompt and efficient response and recovery to protect lives and property affected by emergencies.
3. Respond to emergencies using all systems, plans and resources necessary to preserve the health, safety and welfare of the citizens and visitors to the City of La Marque.
4. Recover from emergencies by providing for the rapid and orderly start of restoration and rehabilitation of persons and property affected by the emergencies.
5. Provide an emergency management system embodying all aspects of pre-emergency preparedness and post-emergency response, recovery and mitigation.
6. Minimize damage to property, material shortages and service system disruption, which would have an adverse impact on the residents, the economy and the well being of the City.

7. Manage emergency operations within the City by coordinating the use of resources available from County government, private industry, civic and volunteer organizations and State and Federal agencies.

B. Scope

The Basic Plan describes the various types of emergencies and disasters that are likely to occur in the City of La Marque. The plan further provides procedures for disseminating warnings; provides procedures for determining, assessing and reporting the severity and magnitude of such disasters. The Basic Plan establishes the concepts under which City, County and State Governments will respond to disasters by:

1. Defining the responsibilities of City officials and other governmental officials.
2. Defining the emergency roles and functions of City and municipal departments and agencies, private industry, volunteers and civic organizations.
3. Establishing a unified framework for the expeditious and efficient deployment of City resources using the Emergency Support Function (ESF) concept.
4. Outlining the type of recovery assistance available to individuals, businesses and public entities.

C. Methodology

Initial input was through the operationalism of the functional and systematic approach to management of emergencies used in the City of La Marque Comprehensive Emergency Management Plan. Input was provided through the development of the Emergency Support Functions (ESFs) as defined in the National Response Framework and in the State of Texas Emergency Management Plan. The development of the ESFs has been an ongoing process; each ESF will incorporate NIMS and the Incident Command structure into their emergency operations plans.

All operations under this Plan will be undertaken in accordance with the Division's mission statement: *Provide a resilient emergency management structure to improve the quality of life in the community through mitigation, preparedness, response and recovery.* Local, State, and Federal emergency plans will integrate the National Incident Management System (NIMS) in their emergency management plans and programs in order to provide effective and timely support to the citizens of the City of La Marque in the event of a major disaster or emergency. As such, the CEMP establishes a framework for the effective coordination of preparedness, prevention, response, recovery, and mitigation actions at all levels of government. Recognizing that the local emergency response is primary during an emergency or disaster, the City will coordinate with local officials to augment local emergency resources as needed.

In accordance with efforts to create a county-wide Continuity of Operations (COOP) Plan, all agencies and local governments must be prepared to respond to emergencies and disasters even when government facilities, vehicles, personnel, and political/decision-making authorities are affected.

When deemed necessary, the City of La Marque Emergency Management Division will initiate requests for assistance from both Federal Government, and the County, through the State of Texas, Division of Emergency Management. All activities taken under the CEMP will reflect the use of the Incident Command System (ICS) and the National Incident Management System (NIMS). The plan will be reviewed on an annual basis and changes will be incorporated into the plan on a regular basis. As the plan is improved through exercises or actual incidents, each ESF, the City of La Marque department heads, and the City Council will be issued the current update and the date and revision number will be listed.

II. SITUATION

This section of the CEMP provides a summary of the City's population, the major hazards the City is vulnerable to, and several planning assumptions that were considered in the planning process.

A major or catastrophic emergency will overwhelm the capabilities of the City of La Marque and its employees to provide prompt and effective emergency response and emergency short-term recovery measures. Numerous separate hazardous conditions and other emergencies as a result of a major event can be anticipated. Thousands of emergency victims may be forced from their homes and a large number of injured and deceased victims could be expected. Transportation infrastructures will be damaged and local transportation services will be disrupted. Widespread damage to commercial telecommunication facilities will be experienced and the ability of governmental response and emergency response agencies to communicate will be impaired.

Homes, public buildings and other critical facilities and equipment will be destroyed or severely damaged. Debris may make streets and highways impassable. The movement of emergency supplies and resources will be seriously impeded. Public utilities will be damaged and either fully or partially inoperable. Emergency personnel may become victims of the emergency, preventing them from performing their duties. Numerous separate hazardous conditions and other emergencies, as a result of the major event, can be anticipated. Many victims will be in life-threatening situations requiring immediate rescue and medical care. There will be a shortage of a wide variety of supplies necessary for emergency survival. Hospitals, nursing homes, pharmacies and other health and medical facilities will be severely damaged or destroyed. Medical and health care facilities that do remain in operation will be overwhelmed by the number of victims requiring medical attention. Medical supplies will be in short supply.

Damage to fixed facilities, which generate, produce, use, store or dispose of hazardous materials could result in releases of hazardous materials into the environment. Food processing and distribution capabilities will be severely damaged or destroyed. There will be near total disruption of energy sources and prolonged electrical power failure.

There are a number of Special Facilities and populations that should be considered when doing an analysis. Special Facilities are those that would be, in effect, more vulnerable to the effects of given hazards than the general inventory of facilities or the general population. This could include portable or mobile buildings, which are unable to withstand the effects of a natural disaster such as a hurricane or tornado winds, or a population that is not able to protect themselves without assistance, such as a hospital or nursing homes.

A. Hazard Analysis

Hazard Analysis is the degree to which the City is vulnerable to disasters. Identifying the hazards is the first step in any effort to reduce community risk. Hazard analysis involves identifying all of the hazards that potentially threaten a community and analyzing them individually to determine the degree of threat that is posed by each. Hazard analysis determines:

- What hazards can occur.
- How often they are likely to occur.
- How severe the situation is likely to get.
- How these hazards are likely to affect the community.
- How vulnerable the community is to the hazard.

This information is used in the development of emergency response plans, mitigation plans, and recovery plans. It indicates which hazards merit special attention, what actions might be taken to reduce the impact of those hazards, and what resources are likely to be needed. Hazard analysis requires completion of five steps:

1. Identifying the hazard.
2. Profile each hazard.
3. Develop a community profile.
4. Compare and prioritize risk.
5. Create and apply scenarios.

The first step in hazard analysis is to put together a list of hazards that may occur in the City of La Marque. A community hazard analysis considers all types of hazards. Categories of hazards include natural hazards, such as tropical storms and geological events; technological hazards, such as power disruption, oil or gas pipelines and other hazardous materials facilities; and man-made events, such as civil or political hazards, rioting, or large demonstrations. Cascading emergencies occur when one hazard triggers others in a cascading fashion. For example, a tropical storm that ruptured natural gas pipelines could result in fires and explosions that dramatically escalate the type and magnitude of events.

Many residents and visitors of the City of La Marque are unaware of, or complacent about, the potential for severe disasters or accidents. All parts of the City of La Marque are subject to these disasters or accidents at any time, sometimes with little or no warning. The City of La Marque is vulnerable to the following destructive forces:

1. Aircraft Accident
2. Civil Disorder
3. Communication Disruption
4. Critical Infrastructure Disruption
5. Disease and Pandemic
6. Droughts and Water Shortages
7. Exotic Pests and Disease
8. Extreme Heat
9. Flooding

10. Fires
11. Hazardous Materials
12. Hurricanes/Tropical Storms
13. Lightning
14. Major Transportation
15. Mass Migration/Repatriation
16. Nuclear
17. Radiological
18. Sinkholes
19. Special Events
20. Technological
21. Terrorism (CBRNE)
22. Tornadoes and Thunderstorms
23. Utility Interruption
24. Winter Storm

Aircraft Accident

The City of La Marque sits in close proximity to a private airstrip located in Hitchcock along with a heliport located at Mainland Medical Center. Additionally, the City of La Marque sits directly in the flight path of both commercial and military planes traveling to other airports or airstrips.

Civil Disorder

Although the federal government recognizes that the United States has entered the post-cold war era, planning guidelines on military threats is a critical function of local, State, and Federal entities. For hazard analysis purposes, it is prudent to scale back on the magnitude of nuclear events for other more likely scenarios. For threats of armed violence, riots, protests, and threats against military or government, it is very likely that joint jurisdictional management of the operations will take effect, coordinated at the County level between the Sheriff's Office, the La Marque Police Department and the Division of Emergency Management. For any of these scenarios, some degree of State and Federal involvement is most likely to occur.

Critical Infrastructure Disruption

There are numerous facilities in The City of La Marque that are listed as critical infrastructures. The disruption of activities could severely impact the economic and social well being of the citizens and guests of the City of La Marque. These disruptions could occur in manners of threats, cyber attacks, protests, armed attacks, bomb devices, and acts of terror. A majority of these types of attacks will be discussed in greater detail using the City of La Marque Terrorism Annex. ESF #2, *Communications*, in coordination with Central Services – Information Technology and Public Safety – Radio Communications, will be responsible for Cyber-Terrorism events. ESF #4, *Firefighting*, ESF #10, *Hazardous Materials*, and ESF #16, *Law Enforcement* will use specialized personnel and equipment to deal with hazardous incidents.

Communication Disruption

The City of La Marque relies on communication equipment to coordinate preparedness, response and recovery efforts during times of disaster. The City maintains an 800 megahertz radio system that is interoperable with surrounding municipalities and counties. During times of disaster, standard phone lines may become overloaded or systems may be damaged. Special phones that allow calls to be made via the internet have been purchased to provide redundant communication in the event that standard telephone systems are disrupted. Through the use of the internet, communication systems are further enhanced to provide additional levels and forms of communication with the County, the State of Texas and the Federal government.

Disease and Pandemic Outbreaks

The Department of Health is the lead agency if an outbreak occurs. The Galveston County Health District (ESF-8 Health / Medical) has been training employees on their duties to include epidemiology surveillance, public outreach, distribution of pharmaceuticals, and tracking the trends of possible outbreaks throughout the Country and World. The Department of Health has plans in place, including; the use of the Strategic National Stockpile, how to identify the outbreak, and how to determine the particular diseases. A Memorandum of Understanding (MOU) has been signed with The City of La Marque Government and the School Board on the use of the schools as Points of Distribution. These facilities would be used if a major distribution of pharmaceuticals were required to prevent the spread of a disease or assist persons if an outbreak has already occurred. The City of La Marque Office of Emergency Management and the Department of Health continue to monitor pandemic and disease outbreaks for their potential to harm the citizens of the City of La Marque. Quarantine and isolation are both methods that may be utilized to help decrease the potential for spread of any disease. Public outreach is a major component of this activity. The Department of Health as the lead agency would provide oversight for a Joint Information System to provide isolation and quarantine information.

Drought and Water Shortages

In the past, most of Texas suffered from droughts to the extent that unnecessary water use has been curtailed by legislation. This curtailment, imposed by local governments and the local Water Management Districts, was accomplished by water restriction use during designated hours and alternate days. The Division of Emergency Management regularly monitors the National Oceanographic and Atmospheric Administration, National Weather Service, United States Geological Survey, and the West Gulf River Forecast Center for water, river, and lake levels. Activation of public information messages may be necessary if water levels become dangerously low.

Exotic Pests and Diseases

The Division of Emergency Management and the Texas Cooperative Extension Service maintain vigilance and careful watch of trends for exotic pests and diseases. This includes constant communication with the Institute of Food and Agriculture Sciences at the University of Florida and the University of Central Florida in partnership with Texas A&M University. Historically, the most notable pest infestation in the City of La Marque is the mosquito. Mosquito spraying and treatment are performed routinely to prevent the spread of diseases such as encephalitis and West Nile Virus.

Extreme Heat

Heat-related deaths and illness are preventable yet annually many people succumb to extreme heat. Historically, from 1979-2003, excessive heat exposure caused 8,015 deaths in the United States. During this period, more people in this country died from extreme heat than from hurricanes, lightning, tornadoes, floods, and earthquakes combined. In 2001, 300 deaths were caused by excessive heat exposure. People suffer heat-related illness when their bodies are unable to compensate and properly cool themselves. The body normally cools itself by sweating. But under some conditions, sweating just isn't enough. In such cases, a person's body temperature rises rapidly. Very high body temperatures may damage the brain or other vital organs. Temperatures that hover 10 degrees or more above the average high temperature for the region and last for several weeks are defined as extreme heat. Humid or muggy conditions, which add to the discomfort of high temperatures, occur when a "dome" of high atmospheric pressure traps hazy, damp air near the ground. Excessively dry and hot conditions can provoke dust storms and low visibility. Droughts occur when a long period passes without substantial rainfall. A heat wave combined with a drought is a very dangerous situation.

Fires

The City of La Marque is susceptible to wildfires throughout the year, particularly during the months with minimal rainfall amounts. The major cause of brush fires and forest fires is due to residents not conforming to the burning regulations in effect and not considering the conditions as they exist (dry or windy conditions). The spring is the highest period for lightning caused fires fueled by strong spring winds and lack of rainfall during the same period. In recent years, homes and businesses have been threatened by encroaching wildfires. Due to the extremely hot and dry conditions during 2011, Texas became engulfed in wild fires unlike it had ever experienced before. Wildfires destroyed nearly 4 million acres and 4,000 homes and other structures, making it the most destructive season ever. Ten people died. The City of La Marque remains at high risk for brush fires.

Occasionally, the Southeast United States experiences unusually long drought caused by the "La Nina" weather pattern. The City of La Marque and the surrounding areas have experienced increases in severe brush fire activity during these weather cycles. The City of La Marque Fire Department, Texas Forest Service, and local fire departments continue to provide public education to prevent forest fires.

Flooding

Since much of The City of La Marque is flood prone, it is greatly affected by heavy rains. In September 2008, the City of La Marque suffered the effects of Hurricane Ike. Because of the storm's devastating rains, damaging winds, and extensive property and public damages, the City of La Marque received a Presidential Disaster Declaration on September 13, 2008. The Hurricane Ike event engaged a large number of agencies, organizations, and individuals from all levels of government and the private sector.

The City of La Marque was dramatically affected by the Hurricane Ike event. Damage included localized flooding, trees in homes, debris, major power outages, and roadway washouts during the initial event. Localized flooding was reported throughout the area. The large amount of rain from the Hurricane Ike event exceeded the ability of the existing drainage systems to move water away from neighborhoods.

Due to the potential danger of flooding, wind damage, power outages and road closures in our City, all residents, especially those in our water front locations, shall be considered for mandatory evacuations in preparation for any potential land-falling hurricane. The time needed to notify these residents plus complete the evacuation process makes for critical Public Safety considerations.

The City of La Marque has several systems for notification to residents for flood threats, as well as other significant events. Some of these are as follows: National Weather Service notices, Emergency Satellite Communications link with the Texas Division of Emergency Management, Connect CTY, Doppler radar, emergency sirens and media releases.

The City of La Marque is also protected by a levee system with 15.7 miles of earthen levees as high as 23 feet, 1.3 miles of concrete walls 20 feet high, three large pump stations and a flood gate, the system has withstood every storm since 1961. While the levee system sustained about \$2 million in damage and significant erosion during Hurricane Ike, its performance has been praised.

At its peak, storm surge came within 2 of feet of topping the levee near Dollar Point, a few miles north of the Texas City Dike. The levee is 23 feet high there. The storm surge reached 21 feet. Still, the damage did not compromise the integrity of the system, which also protects much of La Marque.

Without the levee system, much of Texas City, including an estimated \$4.6 billion in oil refineries, chemical plants and other petrochemical service facilities, would have been at risk and may have exposed the residents of La Marque to additional hazards.

Hazardous Materials

There are numerous hazardous materials facilities and plants throughout The City of La Marque. A majority of these facilities are water treatment facilities and some construction and building facilities. In addition, there are hazardous materials located in minor quantities at schools, hospitals, and some of the telecommunication facilities throughout The City of La Marque.

The City of La Marque has an aggressive hazardous materials inspection and cataloguing program. The information collected from the facilities is placed into a State-wide system for easy access by emergency responders. The Emergency Operations Center monitors planning and training activities, spills, chemical releases, and hazardous materials events.

The City of La Marque may not be directly affected by a coastal oil spill, but could feel the effects from a spill into the Highland Bayou or a spill affecting other infrastructure in the surrounding areas.

The movement of people and materials throughout the City of La Marque has greatly increased. Accompanying this increased movement of people and materials is the increased risk of a disaster involving hazardous materials, such as petroleum products, volatile and toxic chemicals, radioactive materials, and explosives. Transportation of some of these materials and people is accomplished by the use of the railway system. In addition to rail systems, hazardous materials are transported through the City of La Marque by use of Interstate 45 and Highway 3. Cleanup of these spills are coordinated through the City of La Marque Office of Emergency Management and the Texas Department of Transportation.

Hurricanes/Tropical Storms

With an approaching hurricane or tropical storm, a tremendous amount of attention is devoted to the coastal areas that will be affected by winds and surge -- and rightly so. Cities, such as the City of La Marque, face a triple threat as well: damaging winds, flooding rains, and tornadoes.

The City of La Marque sits just a few short miles from the coast. Damaging winds can continue well inland. This can be from fast-moving storms that get significantly inland before they weaken enough to drop their winds below damaging speeds. Damage can also come from gusts within thunderstorm bands accompanying the storm. The destruction dealt by the devastating winds can result in destroyed buildings, downed trees and power outages. However, the greatest damage is usually due to the impact of flooding. For inland flooding, it doesn't take a hurricane to produce a disaster. A tropical storm may stall out over the area -- resulting in a massive flood.

The 2004 and 2005 hurricane seasons showed just how many tornadoes that hurricanes and tropical storms can spawn: more than 300 and 200, respectively across numerous states. In 2008, Hurricane Ike spawned 115 tornadoes across southeast Texas.

In September of 2008, Hurricane Ike impacted the City of La Marque. The Emergency Operations Center was fully activated and a Local State of Emergency was declared. City offices and schools were closed. Executive Orders were signed issuing a mandatory evacuation as well as a mandatory curfew.

Lightning

In the United States, there are an estimated 25 million cloud-to-ground lightning flashes each year. Lightning can be fascinating to watch, but it is also extremely dangerous. Texas has more lightning-related deaths and injuries than many other states.

Because lightning strikes usually claim only one or two victims at a time and don't cause mass destruction like tornadoes and hurricanes, lightning generally receives less attention than it should. Although documented lightning injuries in the United States average about three hundred per year, undocumented injuries caused by lightning are likely much higher.

Lightning is a dangerous threat to people in the United States, particularly those outside in the summer. With common sense, we can greatly reduce the number of lightning deaths. Texas also has one of the highest density lightning flashes in the world. The number one area for fatalities is in open fields, followed by water related areas, under trees, and driving equipment like farm tractors. These occurred mostly in the months of June and July in the afternoon averaging at about 4:00 p.m. Being struck by lightning does not mean it is always fatal. There are many survivors of lightning strikes.

Major Transportation

The City of La Marque is intersected by Interstate 45; a high speed limited access highway. In the past we have had major incidents that have closed the highways down, completely. Major bus transportation through the County is provided by Connect Transit. In addition to

Connect Transit, there are numerous chartered bus providers, cab services, limo companies and medical transport providers that shuttle persons through the City of La Marque.

Mass Migration/Repatriation

Pockets of migrant workers in the City of La Marque remain very low. These workers are drawn from the local work force and migrants, if any, are transported into the area on a daily basis to work in the farmlands of the City of La Marque.

Nuclear

The nearest nuclear power plant facility is in Matagorda County, which is approximately 100 miles from The City of La Marque. It is important to note that nuclear waste from hospitals as well as commercial railways may travel through the County. This is a major concern as most railways in the City of La Marque travel through populated areas.

Radiological

Currently there are 3 threat scenarios for radiological terrorism. The most probable scenario for the near future would be a radiological dispersion device. Such a weapon can be developed and used by any terrorist with conventional weapons and access to radionuclides. A terrorist attack could also be made on a nuclear power plant using a commercial jet, heavy munitions, or internal sabotage. Although this would not directly affect the City of La Marque, officials would still have to prepare to be a host City for those evacuating from the “hot-zone”. The worst scenario, and the least likely, is an organization diverting an existing nuclear device or procuring enough material and expertise to manufacture a nuclear device. Following an event with uncontrolled radioactive material, such as a dirty bomb, public health officials need to answer three questions to guide their response: what were people exposed to or contaminated with, who was exposed or contaminated, how much exposure or contamination did each person have, and did it enter the body? Contamination can be primarily internal (that is, inside the body), primarily external (outside the body), or a combination of both. Handheld radiation detectors, like Geiger counters, generally are used for assessing externally deposited contamination by certain radioactive materials and are useful for prioritizing people for external decontamination. These detectors can be used to assess internal contamination in some specific cases. Internal contamination cannot be reliably quantified by clinical assessment of early symptoms. The decision to medically treat people will depend on our ability to rapidly and accurately identify and quantify internal contamination. To direct appropriate medical treatment to the truly affected, we need a method to rapidly and accurately assess internal contamination for a broad array of radionuclides. The new methods for measurement of radionuclides are being developed to meet this need for internal contamination and dose assessment.

Sinkholes

Texas, Florida and Alabama have more sinkholes than any other states in the nation. They are an obvious feature of the natural topography of Texas. Sinkholes provide a primary pathway for rainwater to replenish subsurface groundwater; they are an important part of the aquifer system that supplies drinking water.

Appreciation and conservation of sinkholes is essential to ensure the future of Texas' freshwater supply. If left unprotected, polluted surface water can drain into sinkholes and easily contaminate the aquifers. Unfortunately, their bad reputation for property destruction frequently overshadows the vital role sinkholes play in the state's natural environment.

The City of La Marque is susceptible to sinkhole and subsidence conditions. These conditions are monitored but, if the occurrence occurs on private property, it is the citizen's responsibility to repair the damage. If the condition exists on public property, the Public Works Department will take control of the situation. When citizens call, we request that they call E-911 to report the situation.

Special Events

There are numerous special events in the City of La Marque that bring a large number of persons together in one venue. Of these, the largest event is the annual "Bayou Fest" celebration in the City of La Marque. This event draws thousands of people to enjoy the community celebration. Other special events are normally located in the various parks and recreational centers throughout the City of La Marque. In addition to "Bayou Fest", thousands of people travel through the City of La Marque to visit Galveston for the many special events held there.

Technological

Technological disasters are those that stem from our reliance on technology, industry and machinery. They are caused by human-designed technology, though they may be exacerbated by weather and natural forces. As technologies have been developed over the past century, so has the threat they pose to our communities. The City of La Marque has experienced the following:

Spills or release of hazardous materials at the site of a manufacturer or use, or during transportation

Structural fires and explosions

Wide-spread power outages

Commercial carrier transportation accidents

Terrorism (CBRNE)

State and Local governments have primary responsibility in planning for and managing the consequences of a terrorist incident using available resources in the critical hours before Federal assistance can arrive. The terrorist threat may represent Chemical, Biological, Radiological, Nuclear, Explosive (CBRNE) hazards, and/or other threats or a combination of several hazards. The initial detection of a Weapons of Mass Destruction (WMD) attack will likely occur at the local level by either first responders or private entities (e.g., hospitals, corporations, etc.). The detection of a terrorist incident involving covert biological agents will most likely occur through the recognition of similar symptoms or syndromes by clinical in-hospital or clinical settings. It is incumbent upon all county and municipal responders to be as well trained as possible in WMD response. The intricacies of the effective response demand the utmost cooperation among all responders, Federal, State, County and Municipalities.

Terrorism is a serious issue in Texas. Terrorism increases the likelihood of mass casualty and mass evacuation from a target area. For threats of armed violence, it is likely that joint jurisdictional management of the operation will take effect and will be coordinated at the County level between the Sheriff, Fire/Rescue, the Galveston County Health District and the Department of Public Safety. In 2003, the U.S. Department of Homeland Security (DHS) created the Urban Areas Security Initiative (UASI) Grant Program to support the planning,

equipment, training and exercise needs of high-threat, high-density urban areas around the country.

The Houston UASI was designed to assist the Houston-Galveston area in building an enhanced and sustainable capacity to prevent, protect against, respond to and recover from acts of terrorism and other hazards. The Federal UASI program provides "financial assistance to address the unique planning, equipment, training, and exercise needs of high-threat, high-density urban areas, and to assist them in building an enhanced and sustainable capacity to prevent, respond to, and recover from threats or acts of terrorism."

Tornadoes and Thunderstorms

Tornado activity in the City of La Marque is slightly above the Texas state average and 130% greater than the overall US average. Because of the unpredictable pattern of storms and tornadoes and the relatively high reoccurrence frequency, all of the State, including the City of La Marque is vulnerable to damage. As the number of structures and people increase, the potential damage and injury rates increase. Mobile and modular homes, poorly constructed and substandard housing apartment complexes, and low rent housing projects are extremely susceptible to damage and destruction.

Utility Interruption

There are two major power companies that service the City of La Marque, CenterPoint Energy and Texas New Mexico Power. Major disruption to power service could be caused by severe weather or damage to the power grid. In this event, officials would have to coordinate response to critical infrastructures and persons with special needs. Shelters may be required for special needs clients during long term outages. The City of La Marque Office of Emergency Management maintains a critical infrastructure list for priority power restoration.

Additional utilities in The City of La Marque include: water facilities, sewer/solid waste, cable providers, telephone companies and cellular phone carriers.

Winter Storms

Extreme cold can immobilize an entire region. Even areas, such as The City of La Marque, that normally experience mild winters can be hit with a major extreme cold winter event. Winter storms can result in ice, localized flooding, closed highways, and blocked roads, downed power lines and hypothermia.

B. Geographic Information

The City of La Marque is situated in the south central portion of Galveston County and is bounded on the north and east by Texas City, south by Bayou Vista and Hitchcock and west by unincorporated Galveston County. Due to its unique geographical setting, The City of La Marque is vulnerable to a wide array of hazards that threaten its communities, businesses, and environment. To determine the hazards that pose the greatest threat, a "*Hazard and Risk Assessment by Population*" was made. (Refer to *Figure 1*).

FIGURE 1
THE CITY OF LA MARQUE HAZARD AND RISK ASSESSMENT
By POPULATION HAZARD and RISK ASSESSMENT MATRIX

HAZARD CATEGORY	*SIGNIFI CANCE of EVENT L M H	FREQUENCY OF EVENT 1 YR 5 YR 10 YR			POPULATION AFFECTED
AIR TRANSPORTATION	X	X			ALL
CIVIL DISORDER	X	X			ALL
COMMUNICATION DISRUPTION	X	X			ALL
CRITICAL INFRASTRUCTURE DISRUPTION	X	X			ALL
DISEASE AND PANDEMIC	X	X			ALL
DROUGHTS AND WATER SHORTAGE	X	X			ALL
EXOTIC PESTS AND DISEASE	X	X			ALL
EXTREME HEAT	X	X			ALL
FIRES	X	X			ALL
FLOOD	X	X			ALL
HAZARDOUS MATERIALS (FIXED FACILITIES)	X	X			ALL
HAZARDOUS MATERIALS (TRANSPORTATION)	X	X			ALL
HURRICANE/TROPICAL STORMS	X	X			ALL
LIGHTNING	X	X			ALL
MAJOR TRANSPORTATION MASS	X	X			ALL
MIGRATION/REPATRIATION					
NUCLEAR	X	X			ALL
POWER FAILURE	X	X			ALL
SINKHOLES	X	X			ALL
SPECIAL EVENTS	X	X			ALL
TECHNOLOGICAL	X	X			ALL
TERRORISM (CBRNE)	X	X			ALL
TORNADO	X	X			ALL
UTILITY INTERRUPTION	X	X			ALL
WINTER STORM	X	X			ALL



CITY COUNCIL AGENDA FORM

Meeting Date: 6-11-12

Agenda item: 8b

Prepared by: _____

Reviewed by: CJB

Department: Administration

AGENDA ITEM DESCRIPTION:

- c. Discussion/possible action on proposed amendments to the Animal Services Interlocal Agreement with Galveston County



Attachments for Reference

Staff Briefing:

The Galveston County Health District (GCHD) has submitted the attached proposed amendments to the Health District's Animal Services Interlocal Agreement.

GCHD's intent is to:

- 1- Inform all government parties to the Health District's Animal Services collaborative, about proposed changes to the Animal Service Interlocal Agreement starting October 1, 2012.
- 2- Obtain City Council's concurrence or suggested revisions by June 15, 2012.
- 3- Have a final approved product signed by all parties by July 31, 2012, to enable budgeting and execution before the start of FY 2013.

The parties to the Interlocal agreement include:

POPULATION

Galveston County - 291,309

Bayou Vista	- 1,537
Clear Lake Shores	- 1,063
Dickinson	- 18,680
Hitchcock	- 6,961
Kemah	- 1,773
La Marque	- 14,509
Santa Fe	- 12,222
Tiki Island	- 968
Texas City	- 45,099

102,812 total population of contributing cities

The following members of the Committee over the course of several meetings (starting on July 14, 2011) provided input into the attached proposal:

County Judge Mark Henry
County Commissioner Stephen Holmes
Alderman Mark Johnstone, Bayou Vista
City Councilwoman Arline Laughter, Clear Lake Shores
Julie Johnston, Dickinson



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Cynthia Smith, Dickinson
City Councilman Fard Abdullah, Hitchcock
City Councilman Benton Spry, Kemah
City Councilman James Osteen, La Marque
Joe Dickson, Santa Fe
Pam Wood, Santa Fe
City Councilwoman Gwen Schultea, Tiki Island
Nick Finan, Texas City

In summary, the proposed changes to the agreement include a scope of specific services included in the agreement; a funding formula, election of officers to the animal advisory committee, etc.

Sheltering Services - The County shall pay forty percent (40%) of the sheltering fees – the cities shall pay sixty percent (60%) based on the formula:

$CA \div TP \times 0.6 \text{ TOE} = \text{each city's respective contribution}$
 $14,509/102,812 \times 0.6 \text{ TOE} = \text{?????}$

CA= means population of the City making the contribution

TP= means the total population of the all the Cities

TOE = means total operating expenses in the provision of Sheltering Services less the total budgeted revenue from fees

Field Services – The County shall pay sixty percent (60%) of the field services. The cities shall pay forty percent (40%) based on the formula

$CA \div TP \times 0.4 \text{ TOE} = \text{each city's respective contribution}$
 $14,509/102,812 \times 0.4 \text{ TOE} = \text{?????}$

CA= means population of the City making the contribution

TP= means the total population of the all the Cities

TOE = means total operating expenses in the provision of Field Services less the total budgeted revenue from fees

The populations to be used in the calculation shall be the most recent Decennial Federal Census

History (if applicable): The current contract was signed in 2005.

Target Implementation: October 1, 2012

Significant Action Dates:



CITY COUNCIL AGENDA FORM

Action:

☐

Ordinance

☐

Resolution

☐

Proclamation

☐

Special Presentation

☐

Finance Report

☐

Public Hearing

☒

Other – Interlocal Agreement

Cost Details:

Budgeted	\$31,250.00
	\$42,200.00
Estimated Expenditure	\$29,574.00
	\$38,255.00
Acct. Name	Galveston County Contract
	Animal Control Contract
Line Item #	01-4071-15-00
	01-4072-15-00
Other Funding	

Staff's Recommendation:

Motion to approve proposed amendments to the Animal Services Interlocal Agreement with Galveston County (as presented or with revisions recommended by City Council).

Fiscal Impact: FY 2013 unknown until County budget prepared

FY 2012 (Year to Date)

Galveston County Contract \$14,787.00 (Quarterly payments of \$7,393.50)

ACO Shelter Operation \$9,563.75 (Quarterly payments of \$9,563.75)

2012 payment scheduled for:

Galveston County Contract scheduled to be \$29,574.00

ACO Shelter Operation scheduled to be \$38,255.00

**2012 GALVESTON COUNTY
ANIMAL SERVICES AGREEMENT**

State of Texas	§
	§
County of Galveston	§

I. Parties

This 2012 Galveston County Animal Services Agreement (Agreement) is entered into by, between, and among the County of Galveston, Texas (County), the Galveston County Health District (GCHD), the City of Bayou Vista, Texas (Bayou Vista), the City of Clear Lake Shores, Texas (Clear Lake Shores), the City of Dickinson, Texas (Dickinson), the City of Hitchcock, Texas (Hitchcock), the City of Kemah, Texas (Kemah), the City of La Marque, Texas (La Marque), the City of Santa Fe, Texas (Santa Fe), the City of Texas City, Texas (Texas City), and the City of the Village of Tiki Island, Texas (Tiki Island), all of which are Parties hereto.

Bayou Vista, Clear Lake Shores, Dickinson, Hitchcock, Kemah, La Marque, Santa Fe, Texas City, and Tiki Island are all municipalities located wholly or partially within the County of Galveston, Texas and are referred to collectively herein as the Cities.

II. Recitals

1. The Parties are all local governments within the meaning of the Interlocal Cooperation Act, codified as Chapter 791 of the Texas Government Code.
2. The Interlocal Cooperation Act authorizes local governments to contract with other local governments and agencies of the state in accordance with the Interlocal Cooperation Act.
3. The Cities and the County are required under the Rabies Control Act of 1981 (Rabies Control Act), codified as Chapter 826 of the Texas Health and Safety Code, to designate a local rabies control authority to enforce:
 - a) the Rabies Control Act;
 - b) the Texas Board of Health Department of State Health Services rules that comprise the minimum standards for rabies control;
 - c) the ordinances or rules of each City and the County respectively; and
 - d) the rules adopted by the Texas Board of Health Department of State Health Services for rabies quarantine.
4. The Cities and the County are authorized under the Rabies Control Act to appoint the GCHD as the local rabies control authority.

5. The Cities and the County authorize the GCHD to be the Animal Control Authority as defined in Chapter 822. Regulation of Animals, Texas Health and Safety Code, Title 10.
6. The Cities and the County have previously appointed the GCHD as the local rabies control authority and animal control authority and wish to continue this appointment.
7. The Parties, pursuant to the previous agreement entered into by the Parties, which such agreement is preserved on the Official Galveston County Commissioners' Court Minutes in the Office of the Galveston County Clerk having Microfilm Identification Numbers 300-12-1553, and 300-12-1592 through 300-12-1603, have constructed and operated the Galveston County Animal Shelter (Shelter) continuously since 1992.
8. The Shelter is also known as the Galveston County Animal Resource Center (Animal Resource Center), and is located at 3412 A Loop 197 North, City of Texas City, County of Galveston, Texas.
9. The Parties desire for GCHD to continue operating the Shelter-Animal Resource Center as the facility to meet the standards for impoundment facilities for the care of impounded and quarantined animals.
10. The Parties further desire to have GCHD operate the Shelter-Animal Resource Center as the facility:
 - a) for the care of stray, unwanted, and injured animals;
 - b) for the adoption, redemption, and transfer services of said animals; and
 - c) to provide Field Operations with contracted Cities (Field Operations means the animal service field operations necessary to respond to citizen complaints for at-large animals, animal bite cases, and such operations as are more fully described in the GCHD Rules for Animal Control that were passed and approved on the following dates:
 - i) second reading the 21st day of October, 1981; and
 - ii) amended on second reading the on this 23rd day of February, 1983; and
 - iii) amended on second reading the on this 27th day of July, 1988;
 - iv) and amended on second reading on the 13th day of December, 1995;
 - v) and amended on second reading the this 26th day of June, 2002;
 - vi) and amended on second reading this 30th day of July, 2003;
 - vii) Passed and approved on second reading on this amended the 26th day of September 2007; Passed and approved on second reading on this
 - viii) amended the 25th day of March 2009; and
 - ix) amended the 25th day of April, 2012. viii) On April 25, 2012, the Galveston County United Board of Health reviewed and approved minor changes to the policy. The

GCHD encourages Cities to adopt by reference the above Rules for Animal Control) Policy/Order of the Galveston County United Board of Health, Galveston County Animal Services Local Regulations and Rabies Control)

11. The Cities and the County wish to share the costs of operating the Shelter Animal Resource Center and providing Field Operations.
12. The GCHD is willing to serve as the local rabies control authority and animal control authority, to operate the Shelter Animal Resource Center, and to provide Field Operations.

NOW THEREFORE, the Parties agree as follows:

III. Terms

1. Recitals. The recitals set forth above are true and correct.
2. Designation of Local Rabies Control Authority. The GCHD is designated as the local rabies control authority by the Parties hereto and accepts this designation.
3. Designation of Local Animal Control Authority. The GCHD is designated as the local animal control authority by the Parties hereto and accepts this designation.
4. Operator. The GCHD shall operate the Shelter Animal Resource Center and provide Field Operations. Operating the Shelter and providing Field Services are collectively referred to herein as Animal Services. The Galveston County Animal Services Advisory Committee (Advisory Committee) shall review and make recommendations on Animal Services to the Chief Executive Officer of the GCHD (CEO) or the CEO's designee. Galveston County United Board of Health (GCUBOH).
5. Costs and Payments.
 - a. Operating Costs. Annual operation costs shall be limited to the direct operating costs of Animal Services described set forth in the annual budget as approved by the Advisory Committee. Direct operating costs shall be minus the revenue generated from budgeted GCUBOH approved fees. The County and Cities basis for determining the annual cost for these services shall be the annual budgeted operating expenses minus the annual budgeted revenue from the Galveston County United Board of Health (GCUBOH) approved fees.
 - b. Allocation of Costs. The Cities and the County shall each pay their proportionate share of the Animal Services annual operating costs budget. Such payment shall be apportioned as follows:

- **Sheltering Services:** The County shall pay forty percent (40%) of the Sheltering Services. ~~and the participating The Cities (Bayou Vista, Clear Lake Shores, Dickinson, Hitchcock, Kemah, La Marque, Santa Fe, Texas City and Tiki Island)~~ The Cities shall pay sixty percent (60%) based on the following formula: ~~below:~~

~~CA divided by TP times 0.6 of TOE = each City's respective contribution.~~

$CA \div TP \times 0.6 \text{ TOE} = \text{each City's respective contribution}$

In this formula:

CA means the population of the City making the contribution;

TP means the total population of all the Cities; and

TOE means total **budgeted** operating expenses for the provision of **Animal Services Sheltering Services** less the total **budgeted** revenue from fees.

The populations to be used in the calculation shall be the most recent Decennial Federal Census.

- **Field Services:** The County shall pay sixty percent (60%) of the Field Services. ~~and the participating Cities (Bayou Vista, Clear Lake Shores, Dickinson, Hitchcock, Kemah, La Marque, Santa Fe, and Tiki Island)~~ The Cities shall pay forty percent (40%) based on the following formula: ~~below~~

$CA \div TP \times 0.4 \text{ TOE} = \text{each City's respective contribution}$

~~CA divided by TP times 0.4 of TOE = each City's respective contribution.~~

In this formula:

CA means the population of the City making the contribution;

TP means the total population of all the Cities; and

TOE means total **budgeted** operating expenses ~~of~~ for the provision of **Animal Services Field Services** less the total **budgeted** revenue from fees.

The populations to be used in the calculation shall be the most recent Decennial Federal Census.

A City may provide their own field services or contract for additional field services outside of this Agreement with GCHD. The cost of such additional field services shall not be included as an expense of the allocation of costs as described in this Agreement.

- c. *Reserve Fund.* The Cities and County agree to allocate monies to be held in reserve for the following purposes:

- i) Animal Services operations; and designated for
- ii) major repairs and replacement of vehicles, equipment, etc.

GCHD will provide as part of the annual budget anticipated Animal Service operations costs and a list of anticipated major repairs and/or equipment and shall propose an amount to be included in the annual budget in order to maintain a sufficient fund balance to fund these expenditures.

- e.d. *Capital Improvements Not Contemplated under this Agreement.* The ~~—~~ prior agreement pertained to both construction and operation of the ~~_____~~ (Joe Vickery) Shelter. The provision is included within this ~~_____~~ Agreement to clarify that capital improvements are not included ~~_____~~ within this Agreement. This Agreement does not include any apportionment of funds for capital improvements. In the event the Parties wish to make capital improvements, or, in the event capital improvements become necessary to continue the operations of the ~~to or for the~~ Animal Resource Center, that decision, the costs therefore, and the terms and obligations of the parties thereto shall be by separate agreement. ~~and this Agreement does not, _____ and shall not be construed or deemed to, include any agreement for _____ capital improvement or the allocation or apportionment of costs _____ therefore.~~ The apportionment of costs under this Agreement is only ~~_____~~ for operating costs for Animal Services. No Party is responsible for ~~_____~~ any costs associated with capital improvement(s) to or for the Animal Resource Center under this Agreement.

- e.e. *Billing.*

- 1.) *Quarterly Billing.* GCHD shall bill each City and the County for its respective portion of the Animal Services' operating expense. GCHD shall bill each City and the County at the end of each quarter of the fiscal year for its respective portion of the operating expenses budgeted for the previous quarter by providing utilization report and quarterly billing.

2.) *Notice of Yearly Amount.* Subsequent to the adoption of the annual budget by the GCUBOH, the GCHD shall provide notice to each Party of that Party's yearly amount due.

e.f. *Change in Parties:* In the event a municipality Party(s) terminates its participation in this Agreement, the apportionment of annual operating costs to the remaining municipalities Parties shall be reapportioned in accordance with Section III(10) of this Agreement. In the event a new municipality Party(s) joins this Agreement, the apportionment of annual operating costs to the municipalities Parties shall be reapportioned in accordance with Section III(10) of this Agreement. In the event the change in municipalities Parties requires renegotiation pursuant to Section III(10) of this Agreement, the renegotiation shall be by amendment to this Agreement.

f.g. *Additional Funding.* In the event additional funding is received, including but not limited to any donations, grant funds, and non-budgeted revenues which will assist the Animal Services in operating expenses, such funds may be expended as the GCUBOH directs. In this regard, the Advisory Committee shall make recommendations to the GCUBOH on the expenditure of such additional funding. GCHD shall use its best efforts in obtaining grant funds to assist in funding of Animal Services and shall annually report it's the the status of all grants, donations and non-budgeted revenues status in seeking such funds to the Advisory Committee and to the GCUBOH.

g.h. *Annual Budget.* The fiscal year shall run on and from October 1st of a given calendar year through September 30th of the immediately following year. The GCHD shall prepare the annual budget for Animal Services each fiscal year by no later than _____ of each year. The Advisory Committee shall review and make recommendations on the annual budget to the GCUBOH. The annual budget must be adopted by the GCUBOH and the portion of the annual budget that is required to be paid by the County must be adopted by the Commissioners' Court of Galveston County, Texas. The annual budget shall be filed for record with the County Clerk of Galveston County, Texas. The Advisory Committee shall review and make recommendations on any amendment(s) to the annual budget. All amendments to the annual budget must be approved by the GCUBOH. Any amendment(s) that increases the County's portion must be approved by the Commissioners' Court of Galveston County, Texas and filed for record with the County Clerk of Galveston County, Texas, and any amendment(s) that increases a City's portion must be approved by the governing body of that respective City and filed for record in the City's official minutes.

6. Galveston County Animal Services Advisory (Advisory Committee) Committee.

- a. *Standing Committee.* The Advisory Committee is a standing committee and advisory committee of the GCUBOH.
- b. *Duties.* In accordance with its charge from the GCUBOH, the Advisory Committee shall perform the duties as stated in this Agreement. The Advisory Committee shall assist Animal Services by reviewing and recommending necessary changes in operations, budget matters, and compliance with all applicable laws, rules, regulations, and ordinances; this includes, but is not limited to, review of operating rules and policies and procedures for Animal Services and as additionally stated elsewhere in this Agreement. The Advisory Committee shall report to the Chief Executive Officer of the GCHD (CEO) or the CEO's designee.
- c. *Membership.*
- 1.) *Composition.* The Advisory Committee as prescribed in §823.005 Section 823 of the Texas Health and Safety Code shall consist of a minimum of eleven (11) and not more than eighteen (18) members as follows:
- One (1) member for each City who is Party hereto;
 - One (1) member for the County who is a County Official;
 - One (1) member for the County who is not required to be, but may be, a County Official (for a total of two (2) County representatives);
 - One (1) member for the GCUBOH who is not required to be, but may be, a member of the GCUBOH or an employee of the GCHD;
 - Two (2) members from animal welfare groups that are non-profit organizations (non-profit animal welfare group) as follows: a total of two (2) representatives with each of the two being from a different non-profit animal welfare group;
 - One (1) veterinarian licensed by the Texas State Board of Veterinary Medical Examiners in accordance with the Veterinary Licensing Act to practice veterinary medicine in the State of Texas whose license is in an active status, whose license is not a provisional license, whose license is not a special license, and who practices veterinary medicine in the County of Galveston, Texas.
 - One (1) member whose duties include the daily operation of an animal shelter
- 2.) *Voting requirements.* Each member of the Advisory Committee shall have one (1) vote, which may be cast either by the member or, as set forth below, the alternate member for each Party; that respective representation; provided however, that in any meeting in which the member and the alternate alternative member are both present – only the presence of the member shall count towards a quorum and the vote shall be cast by the member. The alternate alternative member, when present, shall also count towards a quorum and has a vote only in the absence of the member.

3.) *Term/Duration.*

(i). Nomination.

(a) *Party membership.* Each Party to this Agreement shall make nomination of the individuals it wishes to serve as that Party's member and alternate member on the Advisory Committee, and shall make nomination of the individual(s) it wishes to serve as that Party's alternative member on the Advisory Committee. Notice of the nomination must be provided to the GCUBOH at least two months prior to the end of the term of the current appointment, which is two months prior to the end of the fiscal year in which a term shall expire. The GCUBOH shall, for the first term, notify all Parties to this Agreement of open positions on the Advisory Committee and request nominations to fill the open positions.

(b) *Non-Party Members.* GCHD will bring forward names of potential members and alternate members of individual(s) who wish to serve as that Non-Party's member and alternate member on the Advisory Committee that is not a Party (i.e. animal welfare group representative, veterinarian representative and the person whose duties include the daily operation of an animal shelter) to this Agreement. shall make nomination of the individuals it wishes to serve as that Party's member and alternate member on the Advisory Committee, and shall make nomination of the individual(s) it wishes to serve as that Party's alternative member on the Advisory Committee. Notice of the nomination must be provided to the GCUBOH at least two months prior to the end of the term of the current appointment, which is two months prior to the end of the fiscal year in which a term shall expire. The GCUBOH shall, for the first term, notify all Non-Parties to this Agreement of open positions on the Advisory Committee and request nominations to fill the open positions.

~~(b) *Non-Party Members.* Each member on the Advisory Committee that is not a Party (i.e., animal welfare group representative and veterinarian representative) to this Agreement shall make nomination of the individual(s) it wishes to serve as a member and as an alternative member on the Advisory Committee and shall provide notice of the nomination to the GCUBOH at least two months prior to the end of the current member's appointment. The GCUBOH shall, for the first term, notify all non-Parties to this Agreement of open positions on the Advisory Committee and request nominations to fill the open positions~~

- ii.) Required Approval. The GCUBOH shall consider each person nominated for **Non-Party** membership on the Advisory Committee. Appointment to the Advisory Committee is by GCUBOH appointment only. Accordingly, approval by the GCUBOH is required before the individual nominated may serve as a **Non-Party** member of the Advisory Committee. If the GCUBOH does not approve the individual nominated, the **GCHD Party or non-Party member** shall nominate another individual and this process shall continue until a nominee is approved and appointed by the GCUBOH to serve as a **Non-Party** member of the Advisory Committee.
- iii.) Nonwaiver. Failure of any Party and/or **GCHD non-Party** to make nomination of an individual to serve on the Advisory Committee shall not be deemed a waiver of the right to make nomination and thereby have a member on the Advisory Committee.
- iv.) Term. The individual nominated, approved, and appointed to serve as a member/**alternate alternative** member of the Advisory Committee shall serve for a term of two (2) fiscal years. **However, in order that membership turnover be staggered on the Advisory Committee, for the first term the GCUBOH shall appoint seven (7) members/alternate members to terms of one (1) year in length and remaining members/alternate members to terms of two (2) years in length. Thereafter all terms shall be for a period of two (2) years.**
- v.) Vacancy. In the event a member/**alternative or alternate** member is not able to **fulfill** his or her term, the Party and/or **Non-Party**, as applicable, whom the member/**alternate alternative** member represents shall make nomination of an individual to serve on the Advisory Committee for the remainder of the member's/**alternate alternative** member's term, subject to approval and appointment by the GCUBOH in accordance with Section III(6)(c)(2)(3)(ii) of this Agreement. In the event the vacancy is by a member, the **alternate alternative** member shall serve as the member until a new member is nominated and approved.

4.) *Selection of Chair, Vice Chair and Secretary*

The **Advisory** Committee shall select a chair, vice chair and secretary from its committee members and shall adopt rules for the conduct of its meetings. The chair, vice chair and secretary shall comprise the **Executive Committee** and shall act on necessary action items in the event that a quorum cannot be achieved. The Director of the Environmental Health Programs shall be an ex-officio, non-voting member and provide administrative support for the committee.

- d. *Meetings.* The Advisory Committee shall meet at least four (4) times per fiscal year. The GCHD shall send notice of each meeting to each Party and Non-Party by sending notice to each respective member and ~~alternate~~ ~~alternative~~ member at least ten (10) business days prior to the meeting and GCHD shall maintain the minutes of the meetings. In the event ~~another municipality~~ ~~local government~~ has provided notice to the GCUBOH that it wishes to join this Agreement in accordance with Section ~~(7) of this Agreement~~, the GCHD shall also send notice of the meeting to that municipality, ~~at which the joinder shall be considered to that local government at least ten (10) business days prior to the meeting.~~ In addition, all All meetings of the Advisory Committee shall be open to the public. ~~Meeting notices and meeting notice to the public~~ shall be posted at the GCHD headquarters, located at ~~1207 Oak Street, La Marque, Texas 9850-A, Emmett F. Lowry Expressway, Texas City, Texas 77591 and at the Animal Resource Center, located at 3412 A Loop 197 North, Texas City, Texas 77590 .~~
- e. *No Remuneration.* Members of the Advisory Committee shall not receive any compensation or remuneration for serving on the Advisory Committee; there is no emolument associated with serving on the Advisory Committee.
- f. *Quorum.* A majority of the members, with at least four (4) City representatives present and one (1) County representative present, shall constitute a quorum for meetings of the Advisory Committee.
- g. *Voting.* The Advisory Committee may vote only at meetings in which a minimum of a quorum is present and motions require a minimum of a majority of the ~~voting~~ members present to pass unless a different requirement is specified within this Agreement.

7. *Adding Party(s).* A ~~municipality~~ local government, as defined under the Interlocal Cooperation Act ("Local government" means a county, municipality, special district, junior college district, or other political subdivision of this state or another state; local government corporation created under Subchapter D, Chapter 431, Transportation Code; political subdivision corporation created under Chapter 304, Local Government Code; local workforce development board created under Section 2308.253; or combination of two or more entities), located wholly or partially within the County of Galveston, Texas and not presently a Party to this Agreement, may become a Party to this Agreement. No other entities or persons may become a Party to this Agreement.

a. *Written Notice.* ~~The municipality desiring to becoming a party to this Agreement~~ ~~local government~~ must provide written notice of its intent to join this Agreement and to be bound by this Agreement (notice of joinder) to the CEO or the CEO's designee.

1.) *Mandatory Notice Provisions.* The notice of joinder:

- shall be authorized by the governing body of the municipality local government and shall warrant that it is so authorized;
- shall be executed and approved by the authorized official of the municipality local government who shall warrant that the authorized official is authorized to sign the notice;
- shall warrant that the municipality local government has received a copy of this Agreement, has read and understands this Agreement and the terms, conditions, and obligations imposed hereunder and agrees to be bound by this Agreement;
- shall provide the notice information required to comply with Section 11 and Exhibit B of this Agreement; and
- shall specify the desired effective date of joining this Agreement.

2.) *Permissive Notice Provisions.* If the municipality local government so chooses, it may make nomination of the individual whom the municipality local government wishes to serve on the Advisory Committee in the notice of joinder. Approval of the municipality local government joining this Agreement does not constitute and shall not be construed or deemed to constitute, approval and appointment of the individual nominated as member to the Advisory Committee. Membership on the Advisory Committee, including but not limited to nomination, approval, and appointment, is subject to Section III(6) of this Agreement.

b. *Joinder.*

1.) *Subject to Approval by GCUBOH.* The municipality local government joining into this Agreement is subject to approval by the GCUBOH, and the municipality local government shall become a Party to this Agreement only upon approval by the GCUBOH. The GCHD shall place consideration of the municipality local government joining this Agreement as an action item on the next GCUBOH meeting after receipt of the notice by the CEO or the CEO's designee, provided that the notice is received at least fifteen (15) business days prior to the date of the next GCUBOH meeting, and shall provide a copy of the municipality's local government written notice to every Party to this Agreement.

2.) *Effective Date.* Upon approval by the GCUBOH, the effective date of joining this Agreement shall be either the desired effective date stated in the municipality's local government notice or the date of approval by the GCUBOH, whichever is later.

3.) *Affix to Agreement.* The GCHD shall affix the municipality's local government written notice to this Agreement and maintain the notice together with the Agreement.

8. Termination. Any Party shall have the right to terminate its participation in this Agreement upon giving written notice of termination to the CEO at least six (6) months prior to the end of the fiscal year (October 1 – September 30) and at least six (6) months prior to the effective date of termination. Such termination must be authorized by the governing body of the terminating Party and signed by the Party's authorized official. The terminating Party shall specify the effective date of termination in the notice. The termination shall not relieve the terminating Party of any obligation incurred by the Party prior to the effective date of termination. The GCHD shall provide a copy of the notice of termination to all Parties. Withdrawal or removal of a Party shall not terminate this Agreement as to non-terminating Parties.
9. Term. This Agreement shall become effective on the date the last Party to this Agreement executes it, ~~when approved and executed by all the Parties presently hereto; accordingly, this Agreement shall become effective on the date of the Party signing last in time.~~ Once the Party signing last in time has executed this Agreement, the GCHD shall provide notice of the date of execution by the last Party to each and every Party hereto. This Agreement shall continue in full force and effect for a period of five (5) years, ~~or shall remain binding on each and every Party until such time as the governing body of a Party terminates its participation in this Agreement pursuant to Section (III)(8) above whichever comes first.~~ However, termination of participation in this Agreement by a Party(ies) shall not affect the continued operation of this Agreement between and among the non-terminating Parties and this Agreement shall continue in force and remain binding on the non-terminating Parties. If a Party is added to this Agreement, this Agreement shall become effective as to that Party upon the effective date of joining this Agreement.
10. Apportionment of costs in event of a Change in Parties.
- a. Apportionment. In accordance with Section III(5) of this Agreement, for Sheltering Services the County shall pay forty percent (40%) of operating costs and the Cities shall pay the remaining sixty percent (60%) of operating costs. For Field Services, the County shall pay sixty percent (60%) of the operating costs and the Cities shall pay the remaining forty percent (40%) of the operating costs. Each City's respective amount due is based on the population of that City relative to the total population of all the Cities to this Agreement for the sixty percent (60%) of operating costs.
- b. Threshold triggering reapportionment. At the effective date of this Agreement, the County is a Party to this Agreement, the GCHD is a Party to this Agreement, and each City is a Party to this Agreement; accordingly, there is a total of eleven (11) Parties to this Agreement. Notwithstanding any other provisions of this Agreement except Subsection III(10)(c) below, in the event that the number of Parties to this Agreement exceeds thirteen (13), then the County shall pay 30% of operating costs, and the Cities remaining Parties exclusive of the GCHD (cities), shall pay the remaining 70% of operating

costs. In this event, each city's respective amount due shall be based on the population of that city relative to the total population of all the cities to this Agreement for the remaining seventy percent (70%) of operating costs. Accordingly, the formula for each city's payment shall be:

$$CA \div TP \times 0.7 \text{ TOE} = \text{each City's respective contribution}$$

In this formula:

CA means the population of the City making the contribution;

TP means the total population of all the Cities; and

TOE means total budgeted operating expenses of for the provision of Animal Services Field Services less the total budgeted revenue from fees.

The populations to be used in the calculation shall be the most recent Decennial Federal Census.

~~CA divided by TP times 0.7 of TOE, wherein CA means the population of the city making the contribution, TP means the total population of all the cities, and TOE means the total operating expenses of Animal Services. The populations used in the calculation shall be the populations published in the most recent decennial federal census.~~

c. *Thresholds triggering renegotiation.*

- 1.) *County termination.* In the event the County terminates its participation in this Agreement, then the apportionment of operating costs shall be renegotiated, and the renegotiation shall be by written amendment to this Agreement.
- 2.) *Provision of services to non-governmental or non-county entity.* In the event the GCHD provides services of the Shelter to an entity or person that is not a municipality local government, or to a municipality local government not located wholly or partially within Galveston County, Texas or to a sister county, then the apportionment of operating costs (including the decision of what total percentage of operating costs is to be paid) shall be renegotiated, and the renegotiation shall be by written amendment to this Agreement.
- 3.) *Reduction in number of Parties.* Notwithstanding any other provisions of this Agreement except Subsections III(10)(c)(1),(2), in the event the number of Parties to this Agreement goes below nine (9), then the apportionment of operating costs shall be renegotiated and the renegotiation shall be by written amendment to this Agreement.

11. Notice. Any notice required or permitted under this Agreement shall be in writing and shall be delivered in person, or mailed by certified mail, return receipt requested with proper postage affixed, or may be transmitted ~~by facsimile transmission electronically~~, to the ~~mailing~~ address/facsimile number/email addresses listed in Exhibit A to this Agreement. ~~Exhibit A is attached to this Agreement and is incorporated herein for all purposes.~~ If mailed, the notice shall be deemed delivered when actually received, or if earlier, on the third day following deposit in a United States Postal Service post office or receptacle, duly certified, return receipt requested, with proper postage affixed. ~~Facsimile transmission shall be deemed delivered when the facsimile is stamped received by the Office of Environmental Health Programs. Email transmission shall be deemed delivered when a reply email is sent back to the party who is requesting to join this agreement. All notices required or permitted under this Agreement shall be provided to each and every Party, unless otherwise provided for in this Agreement.~~
12. Agreement Administrator. The GCHD shall serve as the administrator for this Agreement. In this capacity, the GCHD shall maintain:
- a) a current listing of the information required in Section 11 of this Agreement;
 - b); ~~maintain~~ a current listing of all Parties to this Agreement;
 - c); ~~maintain~~ this Agreement;
 - d) copies of ~~and~~ all notices required or permitted hereunder ~~all~~ in a readily accessible location.
- In addition, the GCHD shall:
- a) provide notice of each Advisory Committee meeting as specified in this Agreement;
 - b) arrange for the facilities and equipment for Advisory Committee meetings; and
 - c) perform ~~such other~~ duties as specified in this Agreement.
13. Written, Authorized, and Executed Amendment. This Agreement may be amended only by written instrument duly authorized ~~and executed~~ by the governing body of each Party. ~~duly executed by each Party.~~
14. Governing Law and Venue. This Agreement and the rights and obligations of the Parties hereto shall be governed by and construed according to the laws of the State of Texas, and venue shall lie exclusively in Galveston County, Texas.
15. Severability. If any provision contained in this Agreement is held to be invalid by a court of competent jurisdiction for any reason, such invalidity shall not affect other provisions of this Agreement that can be given effect without the invalid provision, and to this end the provisions of this Agreement are severable.
16. Entire Agreement. This Agreement constitutes the entire agreement of the Parties. No oral or written statements, agreements, promises, conditions,

assurances, covenants, or other terms with respect to the covenants, whether written or verbal, antecedent or contemporaneous, not expressly set forth in this Agreement or expressly incorporated herein shall be of any force and effect. The Parties rely solely upon the representation and terms contained in this Agreement and no others.

17. Immunity Retained. No Party hereto waives or relinquishes any immunity or defense on behalf of itself, its trustees, officers, employees, and agents as a result of its execution of this Agreement and performance of the covenants contained herein. Each Party hereto specifically reserves any claim it may have to sovereign, qualified, or official immunity as a defense to any action arising in conjunction with this Agreement.
18. Successors. This Agreement shall bind and benefit the Parties and their legal successors.
19. Benefit. This Agreement is intended to inure only to the benefit of the Parties. This Agreement is not intended to create, does not create, and shall not be deemed or construed to create, any rights or benefits in third parties.
20. Public Information Act. Each Party agrees that it is a governmental body for purposes of the Public Information Act ~~and that the GCHD is a governmental body for purposes of the Public Information Act,~~ codified as Chapter 552 of the Texas Government Code. ~~Accordingly, the Parties agree that the GCHD is subject to the Public Information Act~~ and as such is required to release information in accordance with the Public Information Act.
21. Authority to Bind. Each Party represents and warrants for itself that the Party is acting by and through its governing body, and that the individual executing this Agreement on its behalf has the full power and authority to do so and to legally bind the Party to all terms and provisions of this Agreement, and that this Agreement constitutes the legal, valid, and binding agreement of each Party hereto.
22. Headings. The headings at the beginning of the various provisions of this Agreement have been included only in order to make it easier to locate the subject covered by each provision and are not to be used in construing this Agreement.

IV. Scope of Services

1. Sheltering Services: The GCHD will provide the following sheltering services at the Galveston County Animal Resource Center located at 3412 A Loop 197 North, Texas City, Texas 77590
 - Sheltering and care of stray and unwanted animals

- Quarantine services
- Humane euthanasia of unwanted, sick, injured and unadoptable animals
- Redemption of owned animals
- Adoption of animals
- Pet registration
- Registration of rescue organizations
- Community education and volunteer services
- Cremation services, once available

2. **Field Animal Control:** The GCHD will respond to calls for service within the jurisdictions of all Cities that are parties to this agreement and to unincorporated areas of Galveston County.

- Dispatch all calls for service to certified Animal Control Officers.
- All calls for services are responded to based upon the level of the priority.
- Investigate animal bites on humans and animal bites on other animals and assure the proper quarantine of these animals
- Provide animal “sweep” patrol
- Investigate civil animal cruelty (improper shelter, no food, no water, etc.)
- Assist law enforcement agencies in criminal animal cruelty investigations and assist in the seizure of animals
- Assist in court ordered seizures
- File civil complaints in the courts of jurisdiction
- Investigate, document and brief Animal Services Manager on potential dangerous dog declarations.
- ~~GCHD shall uphold, adhere to, and interpret to the highest standards and most stringent applicable laws, ordinances, rules, regulations, and policies.~~

EXECUTED by the Parties hereto, each respective Party acting by and through its duly authorized official as required by law, on multiple counterparts each of which shall be deemed to be an original, on the date specified on the multiple counterpart executed by such Party.

Galveston County United Board of Health:

John Zendt, Chairman,
Galveston County United Board of Health

Date

ATTEST:

Name

Date

Title

Galveston County, Texas:

Mark A. Henry
County Judge

Date

Attest: _____

Dwight D. Sullivan
County Clerk

Judge of Galveston County, Texas

ATTEST:

Name

Date

Title

City of Bayou Vista, Texas:

Bobby Rosenquist
Mayor, City of Bayou Vista, Texas

Date

ATTEST:

Name

Date

Title

City of Clear Lake Shores, Texas:

Vern Johnson,
Mayor, City of Clear Lake Shores, Texas

Date

ATTEST:

Name

Date

Title

City of Dickinson, Texas:

Julie Masters
Mayor, City of Dickinson, Texas

Date

ATTEST:

Name

Date

Title

City of Hitchcock, Texas:

Anthony Matranga,
Mayor, City of Hitchcock, Texas

Date

ATTEST:

Name

Date

Title

City of Kemah, Texas:

Bob Cummins,
Mayor, City of Kemah, Texas

Date

ATTEST:

Name

Date

Title

City of La Marque, Texas:

Bobby Hocking
Mayor, City of La Marque, Texas

Date

ATTEST:

Name

Date

Title

City of Santa Fe, Texas:

Ralph Stenzel,
Mayor, City of Santa Fe, Texas

Date

ATTEST:

Name

Date

Title

City of Texas City, Texas:

Matthew Doyle,
Mayor, City of Texas City, Texas

Date

ATTEST:

Name

Date

Title

City of Village of Tiki Island, Texas:

Ted Kennedy
Mayor, Village of Tiki Island, Texas

Date

ATTEST:

Name

Date

Title

Exhibit A – Addresses

Mailing:

Galveston County Health District
Executive Offices
PO Box 939
La Marque, Texas 77568

Physical Address:

Galveston County Health District
Executive Offices
9850 – A, Suite A108
Emmett F. Lowry Expressway
Texas City, Texas 77591

Email:

Pisa Lewis, Executive Chief of Staff
plewis@gchd.org

Facsimile Transmission:

409-938-2243



CITY COUNCIL AGENDA FORM

Meeting Date: 6-11-12

Agenda item: 8c

Prepared by: zt

Reviewed by: CJB

Department: Administration

AGENDA ITEM DESCRIPTION

- c. Discussion/possible action of Ordinance No. O-2012-1060- An Ordinance of the City of La Marque, Texas, amending Chapter 2, Administration, City Departments, of the Code of Ordinances, City of La Marque, Texas by repealing Ordinance No. 1032, which added a new section 2-39A to create the Office of Public Safety Director. This is the first reading

☒ **Attachments for Reference**

Staff Briefing:

Councilmember Trube requested that this item be placed on the agenda for Council consideration.

History (if applicable):

Target Implementation:

Significant Action Dates:

Action:

- | | |
|---|---|
| ☒ Ordinance | ☐ Resolution |
| ☐ Proclamation | ☐ Special Presentation |
| ☐ Finance Report | ☐ Public Hearing |
| ☐ Other | |

Cost Details:	
Budgeted	
Actual Bid	
Estimated Expenditure	
Acct. Name	
Line Item #	
Other Funding	

Staff's Recommendation

Fiscal Impact: n/a

ORDINANCE NO. 0-2012-1060

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS, AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE II, CITY DEPARTMENTS, OF THE CODE OF ORDINANCES OF THE CITY OF LA MARQUE, TEXAS, BY REPEALING ORDINANCE NO. 1032, WHICH ADDED A NEW SECTION 2-39A TO CREATE THE OFFICE OF PUBLIC SAFETY DIRECTOR.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS:

That Ordinance No. 1032, of the Code of Ordinances of the City of La Marque, Texas, which amended Chapter 2, Administration, Article II, City Departments, by adding a new Section 2-39A, to create the office of Public Safety Director, is hereby repealed.

PASSED AND APPROVED on first reading this ____ day of _____, 2012.

PASSED AND APPROVED on second and final reading this the ____ day of _____, 2012.

Bobby Hocking, Mayor
City of La Marque, Texas

ATTEST:

Zina Tedford, City Clerk

ao;6/5/2012;Z:\Cities\La Marque\ordrepealpsd.doc



CITY COUNCIL AGENDA FORM

Meeting Date: 6-11-12

Agenda item: 8d

Prepared by: zt

Reviewed by: CJB

Department: Administration

AGENDA ITEM DESCRIPTION

- d. Discussion/possible action on an order declaring the charter amendments adopted as approved by voters May 12, 2012

☐

Attachments for Reference

As per Local Government Code, Staff Briefing Sec. 9.005. ADOPTION OF CHARTER OR AMENDMENT. (a) A proposed charter for a municipality or a proposed amendment to a municipality's charter is adopted if it is approved by a majority of the qualified voters of the municipality who vote at an election held for that purpose.

(b) A charter or an amendment does not take effect until the governing body of the municipality enters an order in the records of the municipality declaring that the charter or amendment is adopted.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Staff is nearing completion of all steps required to implement charter amendments. Subsection (b) above requires City Council to adopt an order not just canvass the votes of the election.

Target Implementation:

Significant Action Dates:

Action:

☐

Ordinance

☐

Resolution

☐

Proclamation

☐

Special Presentation

☐

Finance Report

☐

Public Hearing

☒

Other

Cost Details:

Budgeted	
Actual Bid	
Estimated Expenditure	
Acct. Name	
Line Item #	
Other Funding	

Staff's Recommendation:



CITY COUNCIL AGENDA FORM

Motion declaring the charter amendments adopted as approved by voters

May 12, 2012.

Fiscal Impact: n/a



CITY COUNCIL AGENDA FORM

Meeting Date: 6-11-12

Agenda item: 8d

Prepared by: zt

Reviewed by: CJB

Department: Administration

AGENDA ITEM DESCRIPTION:

- a. Discussion/possible action of appointment(s) to Negotiating Committee for Police Collective Bargaining Negotiations

☐

Attachments for Reference

Staff Briefing:

At the Regular City Council Meeting held March 12, 2012, City Council had appointed Councilmember Trube and Councilmember Osteen. Councilmember Osteen submitted his resignation from this committee effective June 1, 2012.

History (if applicable):

Target Implementation:

Significant Action Dates:

Action:

☐

Ordinance

☐

Resolution

☐

Proclamation

☐

Special Presentation

☐

Finance Report

☐

Public Hearing

☒

Other

Cost Details:

Budgeted	
Actual Bid	
Estimated Expenditure	
Acct. Name	
Line Item #	
Other Funding	

Staff's Recommended Motion:

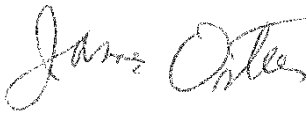
Fiscal Impact: n/a

June 5, 2012

Carol Buttler
City Manager
City of La Marque
1111 Bayou Rd.
La Marque, Texas 77568

Dear Ms. Buttler:

Effective June 1, 2012, I hereby tender my resignation from the 2012 Negotiating Team for Police Collective Bargaining Negotiations.

A handwritten signature in cursive script, appearing to read "James Osteen".

Thank you
James Osteen
Councilmember District B

cc: Mayor and City Council
city clerk

**CITY OF LA MARQUE
INTER-DEPARTMENTAL
COMMUNICATION**

TO: Honorable Mayor Hocking and City Councilmembers
FROM: Carol Buttler, City Manager
DATE: June 11, 2012
SUBJECT: City Manager Report – June 2012

Due to the cancellation of the May 28, 2012 City Council Meeting, April Reports (charts, graphs, etc.) are in this June 11th Council Meeting City Manager's report.

a. Development Services

- **Inspections**

Development Services Department staff concentrated on evaluation of a new software system that will allow permits to be obtained online and allow contractors to check the status of inspections online. Staff will be able to track activity and run more informative reports. Currently, the computers / software lock up and data is at risk of disappearing.

The Planning and Zoning Commission, Board of Adjustments, and Building Standards Commission have held meetings regularly and allowed a senior care facility to be established at 1031 Holly through a variance, appointed a chair to the Building and Standards Commission and designated regular meeting dates and times.

- **Code Enforcement**

The Building Official is pleased to report that in the month of April the department concentrated on obtaining bids to force mow, clean and board up non-compliant structures. In addition, the Code Enforcement component of the new proposed software was evaluated. This will allow us to expedite code enforcement efforts.

b. Public Safety

1. Personnel

- **LMPD:**

No vacancies exist.

- **LMFD:**

One (1) Firefighter vacancy exists. Position is posted and interviews are being conducted.

- **Training:**

- **LMPD:**

Telecommunicator Justin Williams has completed his field training with LMPD Telecommunications Center.

-

LMFD:

Ms. Booker is progressing in her “new hire” training to include internal procedures and NIMS courses.

2. Operations:

- **LMPD:**

The “debut issue” of the La Marque Community Watch Newsletter was published and distributed on June 1st. Gloria Lyons is to be commended for this splendid communiqué. It will be published quarterly and will be available on both the home and police department pages of the City’s website.

- **LMFD:**

Chief Weidman has completed his “Assessment of Departmental Operations.” After it reviewed by the City Manager and Public Safety Director, this assessment will be summarized by Chief Weidman as a presentation to City Council at a future Council Meeting.

Fire Department crews completed 36 hydrant inspections and reported 4 hydrants requiring maintenance.

Fire crews participated in an array of public relations events. Events included: attending a birthday party as a “show & tell,” conducting several “career day” presentations at local schools, and hosting several classes that toured the fire station.

c. Emergency Management Coordinator

- **Office of Emergency Management**

On May 12th, the City of La Marque experienced rainfall in excess of five inches in some areas. In the Painted Meadows Subdivision, there was extensive flooding. Fortunately, the main concern was people who were unable to leave their homes. The Office of Emergency Management, Public Works and the Fire Department worked together to alleviate the flooding due to blocked drainage sites. Contact has been made with DD2 (District Drainage 2) and developers to initiate communication on future events and to prevent this type of scenario from occurring again. This event was of particular note because it occurred during the General/Special Election when other resources were already in use.

- On May 14th, EMC Pierce presented a Town Hall Meeting to help citizens prepare for the upcoming Hurricane Season. Numerous outside agencies participated. Additionally, Ms. Pierce spoke at the May 16th Chamber luncheon on Hurricane Preparedness. Following these speaking engagements, the Galveston Daily News has requested that Ms. Pierce write a short piece for an upcoming issue.

- **Grants**
EMC Pierce recently concluded an audit on one of the Hurricane Ike recovery grants. The City will be receiving a final payment in the amount of \$71,490.19. There are three additional audits in various stages of review.
- Additionally, there are currently multiple grant applications in various stages of review. EMC will continue to update the City as funds are awarded for various departments and projects.

d. Public Works

- **GLO (General Land Office) Round 1.0 Grant Projects**
- **Huff & Mitchell –CDBG sewer line Grant** – All the required documents are complete and final payment was made to the contractor; the project is closed out.
- **Alsay Equipment – GLO Grant Project Water Well Contract Take Point #2–**
The Final closeout documentation was prepared and submitted to the GLO for release of funds to close the project.
- **Long & Son - GLO Grant Project Magnolia Water Plant** – Staff reviewed video tapes and paperwork pertaining to the well casing deterioration that was discovered after the well cleaning process was completed. Change Order documents were prepared by LJA Engineering and submitted to City staff as requested.
- **Generators of Houston - GLO Grant Project Fire Station Generator** – The Final closeout documentation was prepared and submitted to the GLO for release of funds to close the project.
- **C.F. McDonald Electric - GLO Grant Project Waste Water Treatment Plant, Volney & Delany Generators** – The Final closeout documentation was prepared and submitted to the GLO for release of funds to close the project.
- **GLO Round 2.1 Grant Projects** –Minor modifications were made to the Performance Statements pertaining to the footage of the project and David Baker, Public Management, submitted those changes to the GLO for approval. LJA Engineering has completed 30% of the required engineering work for the installation of the new trunk sewer and water line project. This information was submitted to HNTB (Engineering Firm hired by the State to oversee all the funding and design for Disaster Recovery Grant) for review. Once this review is completed a request will be made to GLO to start the environmental review process of the project routes.
- **GLO Round 2.2 Grant Projects** – Modified project performance statements were submitted to the GLO and approved. This change is adding additional sewer line reconstruction work in place of the Fire Station bay door project. The bay door project was rejected by the GLO as a qualifying project.

- **2010 -2011 Street Improvement Program Projects 1, 2 & 3** – LJA is preparing closeout documents for Projects 1, 2 & 3 as requested by City staff. The contractor is preparing the extended warranty letters for Newman Road.
- **Meetings**
 April - conducted weekly staff meeting with supervisors
 April 2nd - Surface Water Take Point 2 ATS Training
 April 3rd - Mainland Municipal Advisory Committee Meeting
 April 4th - Hydrant Maintenance
 Lift Station Generator
 April 9th – Youth in Government Day
 April 10th - Developer Meeting
 April 11th - Grant Task Force Meeting (EOC)
 April 17th - Review of Director’s Report for Council packets with City manager
 April 18th - Sewer Pipe Grant by TCEQ –

e. EDC

- Working with Shops QA to improve our web based business web pages
- Still working with a prospect that wants to purchase approximately 2 acres of the 7-acre tract the EDC owns on FM 1765 & FM 2004
 EDC Director anticipates receiving a signed earnest money contract soon
- There are still several prospects that are interested in the “Tejas” building
- Working with the Texas City/La Marque Chamber as well as the Bayou Fest Committee to plan for this year’s event which will be held on October 20th at Highland Bayou Park

f. Finance

Please note the absence of financial information in this report. The Interim Finance Director has requested to present the Quarterly Investment Report and all updated City financials at the June 25, 2012, Council meeting. Finance staff still is combing through files to determine the accuracy of the City’s financial status.

DEVELOPMENT SERVICES

Nov 2011 - April 2012	April 2012	March 2012	April 2011	Fiscal Year To Date	
Plumbing Inspections					
Gas Test	22	28	No data available	177	155
Plumbing Underground	8	5	No data available	43	35
Plumbing Top-Out	8	7	No data available	76	68
Plumbing Final	5	9	No data available	50	45
Water Heater	0	1	No data available	5	5
Sewer Line	10	6	No data available	56	46
Water Line	5	6	No data available	40	35
Total	58	62	No data available	447	
Electrical inspections					
Electric Underground	0	0	No data available	0	0
Electrical Rough-In	6	6	No data available	49	43
Electrical Final	8	7	No data available	40	32
Electrical Meter Loop	18	16	No data available	77	59
Electrical Pool Bonding	0	0	No data available	1	1
generators	0	0	No data available	2	2
Temporary poles	0	0	No data available	2	2
Total	32	29	No data available	171	
Mechanical Inspections					
Mechanical Rough In	5	5	No data available	57	52
Mechanical Final	8	1	No data available	41	33
Total	13	6	No data available	98	

Nov 2011 - April 2012	April 2012	March 2012	April 2011	Fiscal Year To Date	
Building Inspections					
Foundation Slab/Pier	10	12	No data available	57	47
Framing	6	4	No data available	60	54
Driveways	2	1	No data available	34	32
Building Final	6	3	No data available	52	46
Brick Ties	0	1	No data available	2	2
Sign	0	0	No data available	2	2
Deck	0	0	No data available	1	1
House leveling	0	0	No data available	2	2
Bulkhead	0	0	No data available	3	3
Pool Seal	0	0	No data available	3	3
Total	24	21	No data available	216	
Service Inspections					
Service Inspections (C of O)	6	4	No data available	17	11
Total				17	
Total Inspections				949	

Building Permits

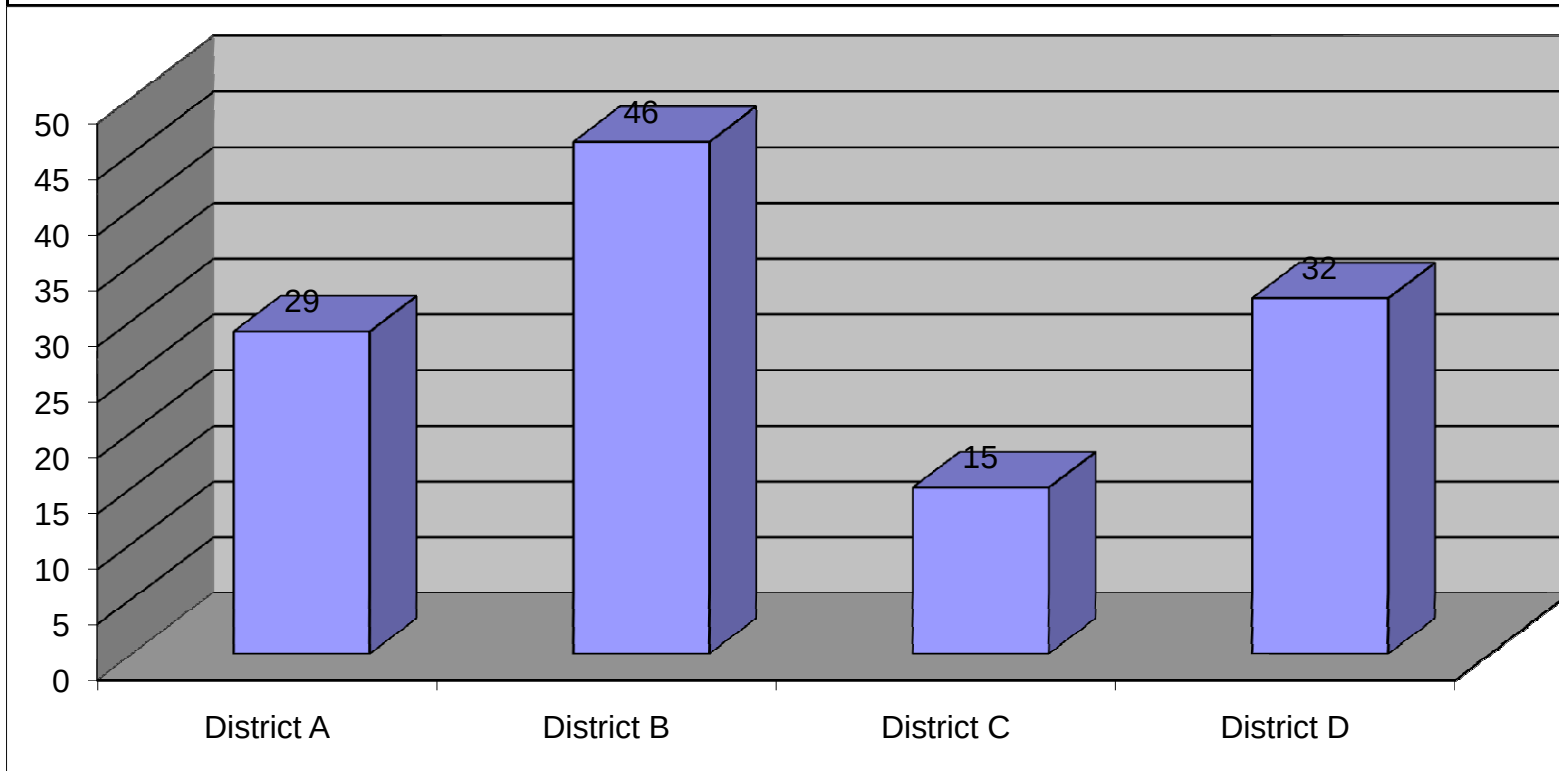
Nov 2011 - April 2012	April 2012	March 2012	April 2011	Fiscal Year To Date
Flammable Fluids	0	0	No data available	4
Highland Bayou Park	1	4	No data available	11
Fire Code Plan review	1	0	No data available	3
Liquor License	3	5	No data available	24
Mechanical	14	6	No data available	65
Mobile Home Parks/Mobile Home	0	1	No data available	4
Plan Reviews	7	7	No data available	42
Plumbing	24	34	No data available	207
Rezone	1	0	No data available	4
Public Information	3	0	No data available	8
Service Inspection	3	7	No data available	23
Culvert Setting	1	1	No data available	8
Electrical	23	14	No data available	139
Demolition	2	1	No data available	6
Community Room	0	0	No data available	2
Building	40	40	No data available	179
Burial	0	1	No data available	3
Temporary Operation	11	13	No data available	65
Wrecker Permit	0	1	No data available	1
Solicitor	0	2	No data available	2
Irrigation	1	0	No Data Available	1
Junkyard	0	1	No data available	1
Fire protection	1	1	No data available	2
Replat Fee	0	0	No data available	2
Sign	0	0	No data available	1
Total	136	139	No data available	
Total Building Permits				807

4
10
2
21
51
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35
183
3
5
20
7
116
4
2
139
3
54
1
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1
2
1

Building and trade permits by district for April 2012

	District A	District B	District C	District D
Building permits	8	13	12	5
Electrical permits	4	8	4	5
Mechanical Permits	0	6	3	3
Plumbing Permits	9	7	4	4
Total	21	34	23	17

Special Projects



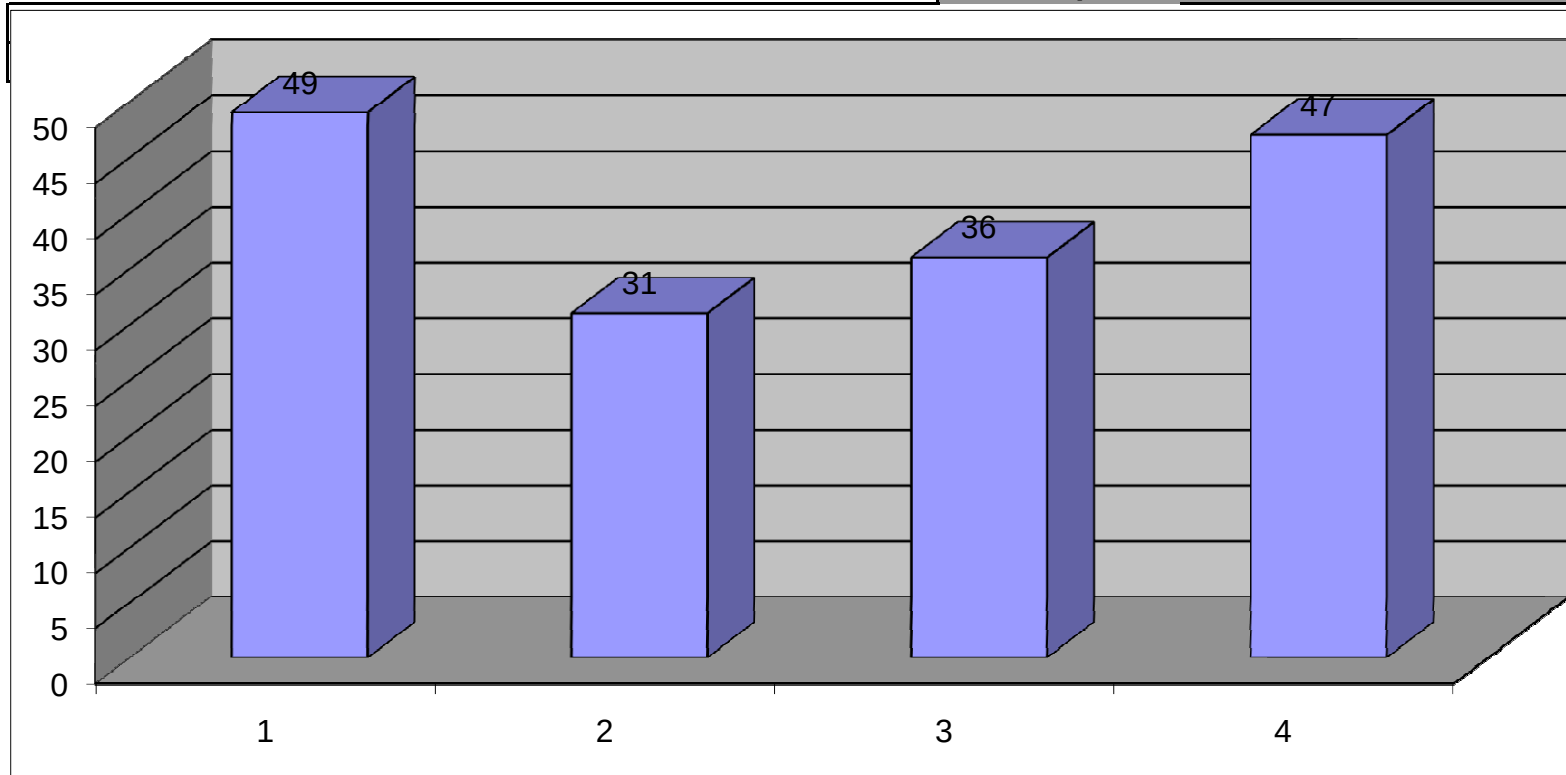
Nov 2011 - April 2012	April 2012	March 2012	April 2011	Fiscal Year To Date	
Code Enforcement Violations (properties may have more than one violation)					
High Grass	24	40	No data available	246	222
Unlawful Deposits	21	21	No data available	78	57
Required RV Park License/RV parking	0	2	No data available	5	5
RV Parks Rules & Regulations	0	0	No data available	2	2
Junk Vehicles	9	2	No data available	49	40
Junkyard Applications	0	0	No data available	1	1
Junkyard Enclosure	0	0	No data available	1	1
Graffiti	0	1	No data available	7	7
Keeping of swine, fowl, etc	0	1	No data available	4	4
Accumulation of Rubbish or Garbage	4	8	No data available	18	14
Disposal of Rubbish or Garbage	14	21	No data available	45	31
Garbage,Rodents,Refuse & Other Waste	7	16	No data available	33	26
Removal of Rubble & Haz-Mat	0	0	No data available	1	1
Sanitation	7	8	No data available	23	16
Water Heater T & P Discharge	0	0	No data available	2	2
Water Systems/Dirty pools	0	3	No data available	5	5
Plumbing Hazards	7	2	No data available	11	4
Property owner responsibility	10	15	No data available	33	23
Prohibited home occupations	0	0	No data available	1	1
Zoning District Violations	0	0	No data available	0	0
Peddlers Licence/ Liquor Lic required	0	0	No data available	3	3
Stop Work Order	1	1	No data available	2	1
Tenant Spaces/Drainage	6	0	No data available	6	0
Abandoned Premises	5	1	No data available	11	6
Security of Vacant Premises	8	4	No data available	20	12
Vacant Premises	7	3	No data available	15	8

Nov 2011 - April 2012	April 2012	March 2012	April 2011	Fiscal Year To Date	
Code Enforcement Violations (properties may have more than one violation)					
Industrial Business without a Dwelling	0	0	No data available	1	1
Subst./Delapidted Bldg.	6	5	No data available	19	13
Dangerous Conditions	3	3	No data available	8	5
Unsafe Structures	17	11	No data available	39	22
Electrical Licensing Required	0	0	No data available	1	1
Flexible Chords where permitted	0	0	No data available	2	2
Unsafe Electrical Systems	0	7	No data available	10	10
Street Address Placement	1	0	No data available	1	0
Working Without Permit/License	0	2	No data available	11	11
Accessory Buildings	0	2	No data available	3	3
Refrig. / Containers Acces. To Child	1	8	No data available	14	13
Underground Storage Tank	0	0	No data available	1	1
Screening Required/ not up to code	0	1	No data available	3	3
Occupant responsible for extermination	6	9	No data available	16	10
Removal of combustibles	3	3	No data available	7	4
Exterior Structural Maintenance		14	No data available	16	16
Fire Protection	6	2	No data available	9	3
Kennels/Animals	1	1	No data available	3	2
Tires Illegal dumping	8	3	No data available	12	4
Walking Surfaces/Drainage	0	4	No data available	4	4
Barking Dogs as a public nuisance	0	0	No data available	1	1
Comerccial Trash Containers	0	0	No data available	1	1
Human water consumption	0	0	No data available	0	0
No ceiling voids allowing fire ext.	1	2	No data available	3	2
Interior surfaces in disrepair	1	3	No data available	4	3
Commercial containers Garb inside	0	0	No data available	1	1
Illegal Dumping	1	5	No data available	17	16
TOTAL	179	234	No data available	823	

Nov 2011 - April 2012	April 2012	March 2012	April 2011	Fiscal Year To Date	
Abatement of property					
Abated by Owner	31	18	No data available	215	184
Abated by City	8	4	No data available	29	21
Obtained bid to abate	63	15	No data available	121	58
Gave Initial Notice	69	63	No data available	300	231
Recheck / Follow Up	21	15	No data available	62	41
Retake & Request Pictures	0	2	No data available	7	7
30 day compliance extn	2	3	No data available	41	39
10 day Compliance extn	4	20	No data available	62	58
Sent to Court	25	28	No data available	80	55
Court No Show	10	0	No data available	17	7
Court Reset	2	3	No data available	8	6
Lien Paid	1	0	No Data Available	1	
Letter sent to City Attorney	0	0	No data available	2	2
TOTAL	236	171	No data available	945	

Code Enforcement Inspections - Complaint Driven

	District A	District B	District C	District D
Property Inspections	84	38	46	56
Total Insp			224	



JUDICIAL DEPARTMENT

**OFFICE OF COURT ADMINISTRATION
TEXAS JUDICIAL COUNCIL**



**OFFICIAL MUNICIPAL COURT
MONTHLY REPORT INSTRUCTIONS**

INDEX TO INSTRUCTIONS

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CRIMINAL SECTION 3

Definition of Criminal Cases 3

Criminal Case Type Categories 3

CIVIL/ADMINISTRATIVE SECTION 11

Definition of Civil/Administrative Cases 11

Civil/Administrative Case Type Categories 11

JUVENILE/MINOR ACTIVITY 14

ADDITIONAL COURT ACTIVITY 16

**OFFICE OF COURT ADMINISTRATION
P O Box 12066
AUSTIN, TEXAS 78711-2066
512/463-1625
512/936-2423 fax**

Effective September 1, 2011
Rev. 12/10/11

IMPORTANCE OF REPORTING

The monthly report is not designed to report everything that a court does nor everything that requires the attention or time of the judge. It is also not designed to reflect all of the clerk's responsibilities or to provide the basis for a complete case management system. Instead, the monthly report is designed to provide information required by law or needed by the judicial, legislative, and executive branches of government to make decisions regarding the jurisdiction, structure, and needs of the court system.

LEGAL REQUIREMENTS

Section 71.035(b) of the Texas Government Code requires each judge, clerk, or other court official to report information pertaining to the civil and criminal business transacted by the municipal court(s) as required by the Texas Judicial Council.

Sections 171.1 and 171.2 of the Texas Administrative Code require submission of court activity reports each month to the Texas Judicial Council by **no later than 20 days after the end of the month for which statistics are reported.**

Electronic Reporting

Effective September 1, 2011, all municipal courts are required to submit the report online unless the court has requested and obtained a waiver for good cause. (See Section 171.8 of the Texas Administrative Code.) Waivers are good for one year but may be renewed.

Reports may be entered electronically by one of two methods:

- a) manually entering the reports into the Court Activity Reporting and Directory System (<http://card.txcourts.gov>), OR
- b) uploading an XML file into the system.

Courts that have obtained an electronic reporting waiver may continue mailing, faxing, or emailing the report to OCA for data entry. However, only the new form will be accepted. **Reports for September 2011 and later will not be accepted on the old form.**

Paper Reporting

Courts that have obtained an electronic reporting waiver may continue mailing, faxing, or emailing the report to OCA for data entry. The Official Municipal Court Monthly Report form is to be used to report the activity of the municipal court during each one-month period. **NOTE:** Reports generated from a case management system should be an **exact replica** of the monthly report form—i.e., *all categories should follow the order on the monthly report, no categories should be added or omitted, and no data should appear in areas that are shaded on the form.*

On the front page, please complete the appropriate blanks identifying the **month** and **year** for the data being reported; the name of your court; the names of the presiding judge and court clerk; the court's mailing address, fax number, email address, and website address (if available); and the name of the person that prepared the report, as well as his or her telephone phone number. (If appropriate, please provide a second phone number where that person can be reached during business hours.)

GENERAL INSTRUCTIONS

You must submit a report each month, even if your court had no activity.

To file a “No Activity” report:

- If you are reporting online, log in to the online reporting system and select Add New Monthly Report. Select the month and year for which you are filing a report. For each relevant section of the report (criminal, civil, juvenile/minor, and other), check the “No Activity” box near the top of the page, and fill in the Prepared By line at the bottom of the page.
- If you are reporting on paper, you may indicate that you had no activity by writing a large zero, “X,” or “No Activity” across the statistical part of the form.

Include only that activity that occurred during the month for which you are submitting a report. If you need to make changes to the information for a previous month, you must edit your online report (if you report online) or file an amended report (if you report on paper).

CRIMINAL SECTION

This section is divided into six case categories: violations of state traffic laws, violations of state parking laws, violations of city ordinances involving traffic or parking, Penal Code violations, violations of other state laws, and other city ordinance violations.

For the purpose of these reports, the number of criminal cases reported on this monthly reporting form is based on the number of defendants named in a complaint.

1. If the same defendant is charged in more than one complaint, it is counted as more than one case. For instance, if the same person is named in four separate complaints, count this as four cases.
2. When a clerk receives a citation with multiple offenses listed on it, each offense is a separate charge and must be alleged on separate complaints. Thus, each complaint is counted as a separate case.

TRAFFIC MISDEMEANORS

Cases relating to motor vehicle operation or ownership for which the maximum punishment does not involve confinement in jail or prison (i.e., class C misdemeanors).

Non-Parking. Cases involving violations of the provisions of Title 7, Transportation Code and related statutes that do not involve parking (e.g., speeding, passing a school bus, driving without a valid inspection sticker, driving with an expired or no driver's license).

NOTE: Do not include **Violations of Promise to Appear** here.

Parking. Cases involving violations of Sections 545.301 through 545.304, Chapter 681 or Chapter 683, Transportation Code and related statutes concerning the improper stopping, standing, or parking of a vehicle (e.g., parking in an intersection, parking within 15 feet of a fire hydrant, parking where an official sign prohibits parking). **NOTE:** Report civil violations of parking or stopping ordinances in the Civil Section of the report.

City Ordinance. Cases involving violations of traffic or parking-related ordinances enacted by municipalities.

NON-TRAFFIC MISDEMEANORS

Cases not involving traffic or parking violations for which the maximum punishment does not involve confinement in jail or prison.

Penal Code. Cases involving laws enacted by the Texas Legislature that are set out in the Penal Code (e.g., disorderly conduct, public intoxication, theft of property valued at less than \$50). **NOTE:** Include **Failure to Appear** cases here.

Other State Law. Cases involving laws enacted by the Texas Legislature that are set out in statutes other than the Penal Code (e.g., Alcoholic Beverage Code, Education Code, Health and Safety Code, **Occupations Code**, etc.). **NOTE:** Include **Violation of Promise to Appear** cases here.

City Ordinance. Cases involving ordinances enacted by municipalities (e.g., building codes, zoning laws, dog ordinances). Ordinance violations involving litter, fire safety, zoning, public health, and sanitation are punishable by fines only, up to a maximum of \$2,000. Punishment for violation of other types of city ordinances is limited to fines only, not to exceed \$500.

NOTES:

Report only those cases over which the court exercises jurisdiction.

- Include all juvenile/minor cases and parent contributing to nonattendance cases, which are also reported in the Juvenile/Minor Activity Section.
- Matters handled by the judge as a magistrate (e.g., emergency protective orders, administration of warnings to adults or juveniles, search warrants, arrest warrants, property hearings) must not be included in this section, unless the court has jurisdiction over the case and the case is filed in the court.

Line 1. CASES PENDING FIRST OF MONTH *(Sum of Lines 1a and 1b.)*

Report all misdemeanor cases previously filed in which a **judgment had not been entered** at the beginning of the month.

These figures should be the same as those reported for **Cases Pending End of Month** (Lines 11a and 11b) on the prior month's report. **If the number of cases pending at the first of the month does not equal the number of cases pending at the end of the previous month, a docket adjustment must be entered.** A *docket adjustment* is the difference between the number of cases pending at the end of the previous month and the number of cases pending at the beginning of the current month.

Example:

If the number of cases pending at the end of the month is **smaller** than the number pending at the beginning of the current month, enter a **positive** number in the appropriate blank. For example, if 825 parking cases were pending at the end of April but 830 were pending as of May 1, "5" ($825 + 5 = 830$) should be entered in the docket adjustment line under Parking in the report for May.

If the number of cases pending at the end of the month is **larger** than the number pending at the beginning of the current month, enter a **negative** number in the appropriate blank. For example, if 900 Penal Code cases were pending at the end of April but 890 were pending as of May 1, "-10" ($900 - 10 = 890$) should be entered in the docket adjustment line under Penal Code in the report for May.

Note: OCA staff will calculate and enter the docket adjustment(s) for reports submitted on paper.

Line 1a. Active Cases

Report the number of cases in which a **judgment had not been entered** that were active at the beginning of the month.

"Active cases" are cases awaiting entry of a judgment **that the court can move to adjudication (entry of a judgment).**

Line 1b. Inactive Cases

Report the number of cases in which a **judgment had not been entered** at the beginning of the month that had been classified as inactive **(cases in which further court proceedings/activities could not continue).**

(See Line 11—Placed on Inactive Status for definition of an inactive case.)

Line 2. NEW CASES FILED DURING MONTH

Report the number of **new, original misdemeanor cases filed** for each case category. Include all new cases filed this month, even if a judgment was entered in the case this month.

Line 3. CASES REACTIVATED

Report the number of cases **in which a judgment had not been entered** that had previously been placed in an inactive pending status, but for which further court proceedings and activities can now be resumed so that a judgment may be entered in the case.

This category includes:

- Cases in which the defendant was apprehended
 - and posted bond to appear at court or
 - was arraigned and magistrates;
- Cases that had been reported to the OmniBase (Texas Department of Public Safety) program, to the Scofflaw program (Texas Department of Transportation Vehicle Titles and Registration Division), to the Nonresident Violator Compact Program, or to a collections agency for failure to appear:
 - That were reactivated because the defendant appeared and the case was set for an appearance or trial,
 - That were reactivated because the defendant submitted a guilty or nolo plea to the court, whether or not the fine was paid;
 - That were reactivated because the defendant submitted a payment or other amount without a plea being entered (see definition in Line 6—Uncontested Dispositions);
 - That were reactivated because the case was dismissed; and
- Cases in which the proceedings were suspended due to a question of mental illness or mental retardation:
 - That were reactivated after an examination for competency to stand trial;
 - That were reactivated after the court or a jury decided that the defendant was not committable for temporary or extended mental health services and the defendant was found competent to stand trial; or
 - That were reactivated after the defendant's completion of temporary or extended inpatient mental health treatment.

NOTES:

- *Reactivated cases are reported under the same offense reported when the original case was filed.*
- *Reactivated cases are reported even if a judgment was also entered in the case during the month.*
- *An inactive case **MUST** be reactivated before it can be counted as disposed.*

Line 4. ALL OTHER CASES ADDED

Report the number of cases added to the docket in a manner other than the filing of a new, original case. Include cases in which:

- a motion for new trial is granted in a case that had previously been reported as disposed of;
- a case is remanded for further proceedings; and
- other similar matters which are not reported elsewhere.

Line 5. TOTAL CASES ON DOCKET

The sum of active cases pending at the beginning of the month; new cases filed; cases reactivated; and all other cases added equals **Total Cases on Docket**.

$$\text{Lines 1a} + 2 + 3 + 4 = 5$$

DISPOSITIONS:

For purposes of this report, a disposition is reported when the case is adjudicated (the judge signs the final judgment or a sentence is otherwise imposed). The date of disposition is the date the judgment was signed.

Report only 1 disposition (final judgment) per case.

Line 6. DISPOSITIONS PRIOR TO COURT APPEARANCE OR TRIAL

A. Uncontested Dispositions

Report the number of cases in which a **guilty or nolo contendere plea was entered without a plea being entered in open court. The case is reported when judgment is entered, whether or not the fine and other obligations of the case have been met.**

Include:

- Cases in which the defendant submitted a guilty or nolo contendere plea without appearing before a judge in open court; and
- Payment of a fine or other amount accepted by the court without a plea being entered. Per Code of Criminal Procedure, Sec. 27.14(c):

In a misdemeanor case for which the maximum possible punishment is by fine only, payment of a fine or an amount accepted by the court constitutes a finding of guilty in open court as though a plea of nolo contendere had been entered by the defendant and constitutes a waiver of a jury trial in writing.

Include payments submitted by mail, by electronic means, or in person. This includes both cases in which partial payment or payment in full is made.

B. Cases Dismissed by Prosecution

Report the number of cases that were dismissed pursuant to a motion by a prosecutor before a defendant's court appearance or trial. Cases dismissed at a defendant's court appearance or trial should be reported on Line 7C.

NOTE: Do not include dismissals after completion of a driving safety course, after deferred disposition, or any other compliance dismissal. Report these in Line 8.

Line 7. DISPOSITIONS AT COURT APPEARANCE OR TRIAL

A. CONVICTIONS

1) Guilty Plea or Nolo Contendere

Include:

- the number of cases in which the defendant pleaded guilty or *nolo contendere* in open

court;

- cases in which the defendant pleaded guilty or *nolo contendere* after the start of a trial;
- cases in which the defendant pleaded guilty or *nolo contendere* while in jail;
- cases in which the judge forfeited a cash bond for the fine and court costs if the defendant entered a written and signed plea of *nolo contendere* and waiver of jury trial and failed to appear according to the terms of release (**Article 45.044, Code of Criminal Procedure**).

2) By the Court

Report the number of cases in which the defendant pleaded not guilty and was tried and **found guilty by the judge**.

3) By the Jury

Report the number of cases in which the defendant pleaded not guilty and was tried and **found guilty by a jury**.

B. ACQUITTALS

1) By the Court

Report the number of cases in which the defendant was tried and found not guilty by the judge.

2) By the Jury

Report the number of cases in which the defendant was tried and found not guilty by the jury.

C. CASES DISMISSED BY PROSECUTION

Report the number of cases that were dismissed pursuant to a motion by a prosecutor at a defendant's court appearance or trial.

Line 8. COMPLIANCE DISMISSALS

Report the number of cases dismissed during the month due to completion of a court-ordered program and/or satisfaction of other requirements. Report all other dismissals on Line 6B or Line 7C.

NOTES:

- *Do not report a case as dismissed until all requirements for dismissal have been met and the charge is dismissed.*
- *A case must be reported in only one category below.*

A. After Driving Safety Course

Report the number of cases that were dismissed because the defendant completed a driving safety course or motorcycle operator training and safety course as provided by Code of Criminal Procedure, Art. 45.0511.

B. After Deferred Disposition

Report the number of cases that were dismissed during the month covered by this report because the defendant successfully completed a deferred sentence as provided by Code of Criminal Procedure, Art. 45.051.

C. After Teen Court

Report the number of cases that were dismissed during the month because the defendant successfully completed a teen court program as provided by Code of Criminal Procedure, Art. 45.052.

D. After Tobacco Awareness Course

Report the number of cases that were dismissed during the month because the defendant successfully completed a tobacco awareness course as provided by Health and Safety Code, Sec. 161.253.

E. After Treatment for Chemical Dependency

Report the number of cases that were dismissed during the month because the defendant successfully completed a court-ordered treatment program for chemical dependency (abuse of alcohol or a controlled substance), as provided by Code of Criminal Procedure, Art. 45.053, and Health and Safety Code, Ch. 462.

***Note:** The dismissal authorized by Code of Criminal Procedure, Art. 45.053, does not include an expense fee that may be collected at the end of a deferral. If the expense fee is being charged, report the case as a dismissal **After Deferred Disposition**.*

F. After Proof of Financial Responsibility

Report the number of cases that were dismissed during the month because the defendant produced evidence of financial responsibility as provided by Transportation Code, Sec. 601.193.

G. All Other Transportation Code Compliance Dismissals

Report the number of cases that were dismissed during the month because the defendant successfully produced evidence of compliance with requirements other than those listed in the previous compliance dismissal categories. Applicable offenses include:

- Failing to display license plate on front and rear of vehicle (T.C., Sec. 502.404(a));
- Failing to display registration insignia on vehicle (T.C., Sec. 502.404(b));
- Driving with an expired motor vehicle registration (T.C., Sec. 502.407(b));
- Attaching or displaying a number plate or registration insignia for another registration period (T.C., Sec. 502.409(a)(3));
- Number plate or registration insignia has letters, numbers, or other identification marks that are not visible at all times in daylight (T.C., Sec. 502.409(a)(5));
- Number plate or registration insignia has an attached illuminated device, sticker, decal, emblem, or other insignia not authorized by law that interferes with the readability of the plate (T.C., Sec. 502.409(a)(6));
- Number plate or registration insignia has a coating, covering, or protective material that distorts or alters or obscures the numbers, color or original design features of the plate (T.C., Sec. 502.409(a)(7));
- Driver's license to be carried and exhibited on demand (T.C., Sec. 521.025);
- Driving with expired driver's license (T.C., Sec. 521.026);
- Fails to give notice of change of address or name (T.C., Sec. 521.054);
- Violates special restrictions or endorsements imposed on driver's license (T.C., Sec. 521.221);
- Operates vehicle that is not properly equipped (T.C., Sec. 547.004); and
- Driving with an expired inspection certificate (T.C., Sec. 548.605(b)).

Line 9. ALL OTHER DISPOSITIONS

Report any judgments not clearly identifiable as any of the above categories.

Line 10. TOTAL CASES DISPOSED

Report the total number of cases **in which a judgment was entered** during the month. *Total Cases Disposed* equals the sum of Lines 6, 7, 8 and 9.

Line 11. PLACED ON INACTIVE STATUS

Report the number of cases **in which a judgment had not been entered** that were placed in an inactive pending status because further court proceedings and activities could not continue.

This category includes:

- Cases in which a directive to apprehend or warrant of arrest has been issued;
- Cases reported to the OmniBase (Texas Department of Public Safety) program, to the Scofflaw program (Texas Department of Transportation Vehicle Titles and Registration Division), or to a collections agency for failure to appear;
- Cases in which a defendant is being held elsewhere on state or federal charges;
- Cases stayed due to a question of mental illness or mental retardation;
- Cases stayed while a defendant undergoes temporary or extended inpatient mental health treatment; and
- Cases in which the defendant is otherwise unavailable for adjudication.

Line 12. CASES PENDING END OF MONTH (*Sum of Lines 12a and 12b.*)

Report the total number of cases previously filed in which a **judgment had not been entered** at the end of the month.

Line 12a. Active Cases

Report the number of cases that were classified as active and awaiting entry of a judgment at the end of the month.

Line 5 minus the sum of Lines 10 & 11 = Line 12a

Line 12b. Inactive Cases

Report the number of cases in which a **judgment had not been entered** at the end of the month that had been classified as inactive (cases in which further court proceedings/activities could not continue).

Line 1b minus Line 3 plus Line 11 = Line 12b

Line 13. SHOW CAUSE HEARINGS HELD

Report the number of show cause or contempt hearings held pursuant to Art. 45.050 (*juveniles*), 45.051(c-1) (*deferred disposition*), or 45.0511(i) (*driver's safety*), Code of Criminal Procedure, for failure to comply with the requirements for deferred disposition or driver's safety dismissal.

Include cases in which the defendant failed to appear and the judge imposed the fine. Under this situation, the case is also to be reported as disposed in Line 7.A.1—Convictions—Guilty Plea or Nolo Contendere.

If the case was set for a show cause hearing, but the case was disposed of before the show cause

hearing (i.e., the defendant appeared at the clerk window with or mailed in the compliance documentation, paid the case in full, or set up a payment plan), the case is not to be reported in the Show Cause Hearings Held line (Line 13—Show Cause Hearings Held). Report the case in the appropriate disposition category.

Line 14. CASES APPEALED

Report the number of criminal cases for which an appeal from the final judgment of the court was filed.

A. After Trial

Report the number of cases appealed following a trial before the court or jury.

B. Without Trial

Report the number of cases appealed following a plea of guilty or no contest.

CIVIL/ADMINISTRATIVE SECTION

A civil case, unlike a criminal case, does not depend on the number of persons involved. For the purpose of these reports, a single civil case is counted and reported when:

1. A civil complaint or citation is filed (no matter how many parties are involved), or
2. An original petition is filed (no matter how many parties are involved).

CIVIL CASES

Cases involving all complaints, citations or suits within the civil or administrative jurisdiction of the municipal court, including red light camera, vehicle parking and stopping (*Transportation Code, Ch. 682*), dangerous dog, substandard building, and abandoned motor vehicle cases, as well as any other cases involving the enforcement of health and safety and nuisance abatement ordinances. Also include bond forfeiture (*nisi*) proceedings conducted pursuant to Code of Criminal Procedure, Article 22.02.

Line 1. CASES PENDING FIRST OF MONTH (*Sum of Lines 1a and 1b.*)

Report all civil or administrative cases previously filed in which a **judgment had not been entered** at the beginning of the month.

These figures should be the same as those reported for **Cases Pending End of Month** (Lines 14a and 14b) on the prior month's report. **If the number of cases pending at the first of the month does not equal the number of cases pending at the end of the previous month, a docket adjustment must be entered.** A *docket adjustment* is the difference between the number of cases pending at the end of the previous month and the number of cases pending at the beginning of the current month.

Example:

If the number of cases pending at the end of the month is **smaller** than the number pending at the beginning of the current month, enter a **positive** number in the appropriate blank. For example, if 825 civil cases were pending at the end of April but 830 were pending as of May 1, "5" ($825 + 5 = 830$) should be entered in the docket adjustment line under Civil Cases in the report for May.

If the number of cases pending at the end of the month is **larger** than the number pending at the beginning of the current month, enter a **negative** number in the appropriate blank. For example, if 900 civil cases were pending at the end of April but 890 were pending as of May 1, "-10" ($900 - 10 = 890$) should be entered in the docket adjustment line under Civil Cases in the report for May.

Note: OCA staff will calculate and enter the docket adjustment(s) for reports submitted on paper.

Line 1a. Active Cases

Report the number of cases in which a **judgment had not been entered** that were active at the beginning of the month.

"Active cases" are cases awaiting entry of a judgment **that the court can move to adjudication (entry of a judgment)**.

Line 1b. Inactive Cases

Report the number of cases in which a **judgment had not been entered** at the beginning of the month that had been classified as inactive **(cases in which further court proceedings/activities could not continue)**.

(See Line 14—Placed on Inactive Status for definition of an inactive case.)

Line 2. NEW CASES FILED DURING THE MONTH

Report the total number of new cases filed during the month. Include all new cases filed this month, even if a judgment was entered in the case this month.

Line 3. CASES REACTIVATED

Report the number of cases that **had previously been placed in an inactive pending status**, but for which further court proceedings and activities can now be resumed so that a judgment may be entered in the case.

Examples include:

- Reinstated cases;
- Cases returned from arbitration;
- Cases in which a bankruptcy stay has been lifted; and
- Cases removed from abatement for any other reason.

NOTE: *Reactivated cases are reported even if a judgment was also entered in the case during the month.*

Line 4. ALL OTHER CASES ADDED

Report the number of cases added to the docket in a manner other than the filing of a new, original case. Include cases in which:

- (1) a motion for new trial is granted in a case that had previously been reported as disposed of and
- (2) other similar matters which are not reported elsewhere.

Line 5. TOTAL CASES ON DOCKET

To calculate the **Total Cases on Docket**, add the active cases pending at the beginning of the month, new cases filed, other cases reaching docket, and reactivated cases.

$$\text{Lines 1a} + 2 + 3 + 4 = \text{Line 5}$$

DISPOSITIONS:

For purposes of this report, a disposition is reported when the case is adjudicated (the judge or hearing officer signs the final judgment). The date of disposition is the date the judgment was signed.

Report only 1 disposition (final judgment) per case.

Line 6. UNCONTESTED CIVIL FINES OR PENALTIES

Report the number of cases in which the defendant **paid a civil fine or penalty without appearing for open court or an administrative hearing** (e.g., paying citation for civil parking offense). Include payments submitted by mail, by electronic means, or in person.

Line 7. DEFAULT JUDGMENTS

Report the number of cases in which the judgment was reached by default—the defendant, though served, failed to appear and answer, and judgment by default was granted in favor of the plaintiff.

Line 8. AGREED JUDGMENTS

Report the number of cases in which the court entered a judgment based upon the mutual agreement of the parties involved in the suit.

Line 9. TRIAL OR HEARING BY JUDGE OR HEARING OFFICER

Report the number of cases in which the decision was reached after a trial or hearing by the judge or a hearing officer, without a jury.

Line 10. TRIAL BY JURY

Report the number of cases in which a judgment was entered after trial based on the verdict of a jury.

Line 11. CASES DISMISSED FOR WANT OF PROSECUTION

Report the number of cases dismissed because the plaintiff or petitioner did not appear or otherwise made no effort to pursue his case.

Line 12. ALL OTHER DISPOSITIONS

Report any dispositions not clearly identifiable as any of the above categories.

Line 13. TOTAL CASES DISPOSED

Report the total number of cases disposed during the month. *Total Cases Disposed* equals the sum of Lines 6, 7, 8, 9, 10, 11 and 12.

Line 14. PLACED ON INACTIVE STATUS

Report the number of cases **in which a judgment had not been entered** that were placed in an inactive pending status because further court proceedings and activities **could not continue**.

This category includes, but is not limited to:

- Cases ordered to arbitration;
- Cases in which a notice or suggestion of bankruptcy is filed;
- Cases delayed due to the Soldiers' & Sailors' Civil Relief Act;
- Cases in which a suggestion of death is filed; and
- All other cases ordered abated by a judge.

Line 15. CASES PENDING END OF MONTH (*Sum of Lines 15a and 15b.*)

Line 15a. Active Cases

Report the number of cases in which a **judgment had not been entered** that were classified as active and awaiting entry of a judgment at the end of the month.

Line 5 minus the sum of Lines 13 & 14 = Line 15a

Line 15b. Inactive Cases

Report the number of cases in which a **judgment had not been entered** at the end of

the month that had been classified as inactive (cases in which further court proceedings/activities could not continue).

Line 1b minus Line 3 plus Line 14 = Line 15b

Line 16. CASES APPEALED

Report the number of cases for which an appeal from the final judgment of the court was filed.

A. After Trial

B. Without Trial

JUVENILE/MINOR ACTIVITY

NOTE: Activity reported in Lines 1 through 16 below should also be reported, where appropriate, in the Criminal Section.

Line 1. TRANSPORTATION CODE CASES FILED

Report the number of cases filed in which the minor (under 17 years of age) was charged with an offense listed under Transportation Code, Section 729.001.

Line 2. NON-DRIVING ALCOHOLIC BEVERAGE CODE CASES FILED

Report the number of cases filed in which a minor (under 21 years of age) was charged with an offense under the Alcoholic Beverage Code that **did not** involve driving (e.g., Sec. 106.02, Purchase of Alcohol by a Minor; Sec. 106.025, Attempt to Purchase Alcohol by a Minor; Sec. 106.04, Consumption of Alcohol by a Minor; Sec. 106.05, Possession of Alcohol by a Minor; and Sec. 106.07, Misrepresentation of Age by a Minor).

Line 3. DRIVING UNDER THE INFLUENCE OF ALCOHOL CASES FILED

Report the number of cases filed in which a minor (under 21 years of age) was charged with an offense under Alcoholic Beverage Code, Sec. 106.041, Driving Under the Influence of Alcohol by a Minor.

Line 4. DRUG PARAPHERNALIA CASES FILED

Report the number of cases filed in which a minor (under 18 years of age) was charged with an offense under Health and Safety Code, Sec. 481.125(a), Possession of Drug Paraphernalia.

Line 5. TOBACCO CASES FILED

Report the number of cases filed in which a minor (under 18 years of age) was charged with an offense under Health and Safety Code, Sec. 161.252, Possession, Purchase, Consumption or Receipt of Cigarettes or Tobacco Products by Minors Prohibited. This includes the offense of displaying false proof of age in order to obtain possession of, purchase, or receive a cigarette or tobacco product.

Line 6. FAILURE TO ATTEND SCHOOL CASES FILED

Report the number of cases filed for failure to attend school offenses under Education Code, Sec. 25.094. Include complaints originally filed as truancy petitions but refiled pursuant to Family Code, Sec. 54.021(C).

Line 7. EDUCATION CODE CASES FILED (EXCEPT FAILURE TO ATTEND)

Report the number of cases filed in which the child was charged with an offense provided in the Education Code **other** than Sec. 25.094, Failure to Attend. Examples of other offenses under the Education Code are Sec. 37.102, Rules (Enacted by School Board); Sec. 37.107, Trespass on School Grounds; Sec. 37.122, Possession of Intoxicants on Public School Grounds; Sec. 37.124, Disruption of Classes; and Sec. 37.126, Disruption of Transportation.

Line 8. VIOLATION OF LOCAL DAYTIME CURFEW ORDINANCE CASES FILED

Report the number of cases in which a person under 17 years of age was charged with violation of a local daytime curfew ordinance adopted under Local Government Code, Sec. 341.905 or Sec. 351.903.

***Note:** Only cases involving violation of a “daytime” curfew should be reported; cases involving violations of a nighttime curfew should not be reported here.*

Line 9. ALL OTHER NON-TRAFFIC, FINE-ONLY CASES FILED

Report the number of cases in which a person under 17 years of age was charged with a non-traffic offense punishable only by a fine that does not fall within any of the other categories above (Lines 1 through 8).

Line 10. TRANSFER TO JUVENILE COURT

a. Mandatory Transfer

Report the number of cases in which the court waived its original jurisdiction and referred a person under 17 years of age to juvenile court pursuant to) Family Code, Sec. 51.08(b)(1), because the child had previously been convicted of: A) two or more misdemeanors punishable by fine only other than a traffic offense; B) two or more violations of a penal ordinance of a political subdivision other than a traffic offense; or C) one or more of each of the types of misdemeanors described in A) or B).

***Note:** A court that has implemented a juvenile case manager program under Code of Criminal Procedure, Art. 45.056, may, *but is not required to*, waive its original jurisdiction. Courts in this situation should report all transfers to juvenile court in the **Discretionary Transfer** category.*

b. Discretionary Transfer

Report the number of cases in which the court waived its original jurisdiction and referred a person under 17 years of age to juvenile court pursuant to Family Code, Sec. 51.08(b)(2).

Line 11. ACCUSED OF CONTEMPT AND REFERRED TO JUVENILE COURT (DELINQUENT CONDUCT)

Report the number of incidents in which the court refers a person under 17 years of age to juvenile court for delinquent conduct because the child failed to obey an order of the court under circumstances that would constitute contempt of court. See Code of Criminal Procedure, Art. 45.050(c)(1), and Family Code, Sec. 51.03(a)(2).

Line 12. HELD IN CONTEMPT BY CRIMINAL COURT (FINED AND/OR DENIED DRIVING PRIVILEGES)

Report the number of incidents in which the court holds a child in contempt, fines a child, or denies the child driving privileges because the child failed to obey an order of the court under circumstances that would constitute *contempt of court*. See Code of Criminal Procedure, Art. 45.050(c)(2).

Do not include license suspensions required by Alcoholic Beverage Code, Sec. 106.115(d), for failure to complete an alcohol awareness program or perform the required hours of community service. (**Note:** These suspensions are reported to the Department of Public Safety on form DIC-15.)

Line 13. JUVENILE STATEMENT MAGISTRATE WARNINGS

a. Warnings Administered

Report the number of times the judge, as magistrate, gave juveniles charged with Juvenile Justice Code (Title 3, Family Code) violations official explanations of their right to counsel, right to remain silent, etc. If at the same time the judge also took the juvenile's statement or confession, report this event under **Statements Certified**.

b. Statements Certified

Report the number of juvenile statements certified by the judge as required by Family Code, Sec. 51.095(a)(1)(D).

Line 14. DETENTION HEARINGS HELD

Report the number of juvenile detention hearings conducted by the judge during the month while acting as a substitute juvenile judge in a magistrate capacity in accordance with Family Code, Section 54.01.

Line 15. ORDERS FOR NONSECURE CUSTODY ISSUED

Report the number of orders for nonsecure custody issued during the month for juveniles in accordance with Code of Criminal Procedure, Art. 45.058.

Line 16. PARENT CONTRIBUTING TO NONATTENDANCE CASES FILED

Report the number of cases in which the parent of a child was charged with contributing to nonattendance of school under Education Code, Sec. 25.093.

ADDITIONAL COURT ACTIVITY

The lower portion of the monthly report form is designed to collect information: 1) reflecting the activity of municipal judges acting in the capacity of a magistrate; or 2) identified by the Texas Judicial Council as additional information that is important to collect from municipal courts.

Line 1. MAGISTRATE WARNINGS

NUMBER GIVEN

Report the number of times during the month that the judge, as a magistrate, gave adult defendants charged with an offense an official explanation of their right to counsel, right to remain silent, etc., as provided by Code of Criminal Procedure, Art. 15.17, for the following offenses:

A. Class C Misdemeanors

B. Class A and B Misdemeanors

C. Felonies

If the defendant was charged with more than one offense in a single incident, count only 1 magistration. If the multiple offenses involved more than 1 level of case category listed above, report the 1 magistration under the category of the most serious offense alleged.

If the defendant was magistrated for charges involving multiple, separate incidents, count a magistration for each separate incident. If an incident involved multiple charges, report only 1 magistration for that incident. If the multiple offenses involved more than 1 level of case category listed above, report the 1 magistration under the category of the most serious offense alleged.

NUMBER OF REQUESTS FOR COUNSEL

Report the number of requests for appointment of counsel that were made by defendants during the magistrate warnings reported above.

A. Class A and B Misdemeanors

B. Felonies

If the defendant was charged with more than one offense in a single incident, count only 1 request for counsel. If the multiple offenses involved more than 1 level of case category listed above, report the 1 request for counsel under the category of the most serious offense alleged.

If the defendant was magistrated for charges involving multiple, separate incidents, count a request for counsel for each separate incident. If an incident involved multiple charges, report only 1 request for counsel for that incident. If the multiple offenses involved more than 1 level of case category listed above, report the 1 request for counsel under the category of the most serious offense alleged.

NOTE: Code of Criminal Procedure, Art. 15.17(e), requires: In each case in which a person arrested is taken before a magistrate as required by Subsection (a), **a record shall be made of:**

- (1) *the magistrate informing the person of the person's right to request appointment of counsel;*
- (2) *the magistrate asking the person whether the person wants to request appointment of counsel; and*
- (3) ***whether the person requested appointment of counsel.***

Line 2. ARREST WARRANTS ISSUED

A. Class C Misdemeanors

Report the number of arrest warrants issued by the court during the month in Class C misdemeanor cases.

B. Class A and B Misdemeanors

Report the number of arrest warrants issued by the court during the month in Class A or B misdemeanor cases.

C. Felonies

Report the number of arrest warrants issued by the court during the month in felony cases.

Line 3. CAPIASES PRO FINE ISSUED

Report the number of capiases pro fine issued during the month, pursuant to Code of Criminal Procedure, Art. 45.045, for a defendant's failure to pay fines and costs after judgment and sentence.

Line 4. SEARCH WARRANTS ISSUED

Report the number of search warrants the judge, as a **magistrate**, issued during the month that allowed law enforcement officers to search a particular premises or person.

Line 5. WARRANTS FOR FIRE, HEALTH AND CODE INSPECTIONS ISSUED

Report the number of search warrants issued, pursuant to Code of Criminal Procedure, Art. 18.05, to a fire marshal, health officer, or code enforcement official of the state or of any county, city, or other political subdivision for the purpose of allowing the inspection of any specified premises to determine the presence of a fire or health hazard or unsafe building condition or a violation of any fire, health, or building regulation, statute, or ordinance.

Line 6. EXAMINING TRIALS CONDUCTED

Report the number of preliminary hearings on felony cases conducted by the judge during the month to determine whether, upon the basis of the evidence produced at such a hearing, the defendant should be bound over to the grand jury or should be discharged from custody (Code of Criminal Procedure, Art. 16.01).

Line 7. EMERGENCY MENTAL HEALTH HEARINGS HELD

Report the number of hearings for emergency mental health commitments the judge held during the month as provided by Health and Safety Code, Sec. 573.012.

Line 8. MAGISTRATE'S ORDERS FOR EMERGENCY PROTECTION

Report the number of emergency protection orders issued by the judge, as a magistrate, under Code of Criminal Procedure, Art.17.292.

Line 9. MAGISTRATE'S ORDERS FOR IGNITION INTERLOCK DEVICE

Report the number of orders issued by the judge, as a magistrate, under Code of Criminal Procedure, Art. 17.441, requiring a defendant to have an ignition interlock device installed in his or her vehicle and not operate any motor vehicle unless it is equipped with that device.

Line 10. ALL OTHER MAGISTRATE'S ORDERS ISSUED REQUIRING CONDITIONS FOR RELEASE ON BOND

Report the number of other orders issued by the judge, as a magistrate, requiring conditions for release on bond under Code of Criminal Procedure, Article 17, except for the Magistrate's Orders for Ignition Interlock Device reported in Line 8. Include:

- Conditions related to victim or community safety (Art. 17.40);
- Conditions where a child is the alleged victim (Art. 17.41);
- Home curfew and electronic monitoring (Art. 17.43);
- Home confinement, electronic monitoring, and drug testing (Art. 17.44);
- AIDS and HIV instruction (Art. 17.45);

- Conditions for a defendant charged with stalking (Art. 17.46);
- Conditions requiring submission of a specimen (Art. 17.47); and
- Conditions for defendant charged with offense involving family violence (Art. 17.49).

Line 11. DRIVER’S LICENSE DENIAL, SUSPENSION OR REVOCATION HEARINGS HELD

Report the number of hearings held by the judge during the month pursuant to Transportation Code, Sec. 521.300, to determine whether or not there is enough evidence to justify suspension or revocation of a person’s driver’s license by the Department of Public Safety for ***habitual violations or inability to safely operate a motor vehicle***.

NOTE: This does not apply to license suspensions for Alcoholic Beverage Code, tobacco, failure to attend school, or similar offenses involving juveniles/minors.

Line 12. DISPOSITION OF STOLEN PROPERTY HEARINGS HELD

Report the number of hearings held by the judge during the month pursuant to Code of Criminal Procedure, Ch. 47, to determine the right to possession of stolen property.

Line 13. PEACE BOND HEARINGS HELD

Report the number of hearings held by the judge during the month to determine whether or not a peace bond should be issued per Code of Criminal Procedure, Art. 7.03, regardless of when the complaint was filed, **or** when (or whether) a warrant was issued, **or** an order requiring the peace bond (if any) was entered.

Since the judge handles peace bonds as a magistrate, rather than as the judge of the justice court, peace bonds should not be counted in another section of the report.

Line 14. CASES IN WHICH FINE AND COURT COSTS ARE SATISFIED BY COMMUNITY SERVICE

Report the number of cases in which community service **or a tutoring program** was completed to **discharge a fine and/or court costs** as provided by Code of Criminal Procedure, Art. 45.049 **or 45.0492.¹** **Report these cases when the fine and court costs have been satisfied in full.**

NOTE: “Court costs” includes fees (e.g., judicial support fee, jury reimbursement fee, etc).

Do not include cases in which community service was mandatory for the offense and was ordered as part of the sentence (e.g., alcohol and tobacco related offenses).

A. Partial Satisfaction

Report the number of cases in which the community service **partially** satisfied the fine or court costs.

B. Full Satisfaction

Report the number of cases in which the community service **fully** satisfied the fine or court costs.

¹ Article 45.0492 added by HB 350, 82nd Legislature (2011).

Line 15. CASES IN WHICH FINE AND COURT COSTS SATISFIED BY JAIL CREDIT

Report the number of cases in which jail credit was applied to **partially or fully** discharge a fine or court costs. **Report these cases when the fine and court costs have been satisfied in full.**

NOTE: “Court costs” includes fees (e.g., judicial support fee, jury reimbursement fee, etc).

Line 16. CASES IN WHICH FINE AND COURT COSTS WAIVED FOR INDIGENCY

Report the number of cases in which a fine or court costs were partially or fully waived for indigency during the month.

Line 17. AMOUNT OF FINES AND COURT COSTS WAIVED FOR INDIGENCY

Report the total amount of fines and court costs waived during the month for indigency.

Line 18. TOTAL FINES, COURT COSTS AND OTHER AMOUNTS COLLECTED

Report the amount of court-related money **collected** by the court during the month. Include fines, fees, court costs; Omnibase fees²; forfeited bonds; fees for copies, etc.

Do not include amounts retained by a private collections agency for service fees³; amounts assessed; jail credit; community service **or tutoring program credit; or amounts collected that are not related to court operations (e.g., overdue library book fees; parking permits, licenses or other parking revenue not related to parking violations).**

A. Retained by City

Report the amount of money collected during the month that was deposited into city funds. Include the city’s portion of any fee that is divided by statute between the city and the State. Do not include amounts may be eventually retained by the city or remitted to the State but rebated back to the city as a service fee if the city is compliant in reporting to the Comptroller and is in compliance with any required Collections Improvement Program (if relevant).

Examples:

- Court costs adopted by city ordinance:
 - *a fee not to exceed \$25 for executing certain warrants (Article 45.203, C.C.P.);*
 - *building security fee;*
 - *technology fee;*
 - *a juvenile case manager fee; and*
 - *service fees for collection of fines, costs, and bonds by credit card or electronically*
- Special expense fee for granting deferred disposition or driving safety course, or a \$10 administrative fee for granting a drivers safety course
- Dismissal fees
- City’s portion of State Judicial Support Fee (10 percent of fee)
- Court costs and fees collected for the Child Safety Fund
- Traffic fund court cost (Section 542.403, T.C)

² Authorized by Transportation Code, Ch. 706. The OmniBase program is not considered a collections contract. It is a contract with the Department of Public Safety to provide information necessary for the department to deny renewal of drivers’ licenses.

³ Fees authorized by Code of Criminal Procedure, Art. 103.0031.

- Arrest fee (Art. 102.011(a), C.C.P.)
- Warrant fee
- Teen Court fees
- Witness, defendant, parents of a juvenile, or jury summons fees
- Jury fee
- Expunction fee
- City's portion of restitution fee
- City's portion of time payment fee
- City's portion of over gross weight violation court costs and fines
- City's portion of excess motor carrier fines
- City's portion of administrative fee for OmniBase program
- Travel costs to convey prisoner or to execute process
- Insufficient funds fees (bad/returned checks)
- Fees for copies, etc.

B. Remitted to State

Report the amount of money collected during the month that is designated to be remitted to the State. Include amounts that may be eventually retained by the city or remitted to the State but rebated back to the city as a service fee if the city is compliant in reporting to the Comptroller and is in compliance with any required Collections Improvement Program (if relevant).

Examples:

- Consolidated Court Cost
- State Traffic Fine
- State Juror Reimbursement Fee
- State Judicial Support Fee
- Indigent Defense Representation Fee
- State portion of Arrest Fee, if relevant (Art. 102.011(a), C.C.P.)
- State portion of Warrant Fee, if relevant
- Driving Record Fee
- State's portion of restitution fee
- State's portion of time payment fee
- State's portion of over gross weight violation court costs and fines
- State's portion of excess motor carrier fines
- State's portion of administrative fee for OmniBase program, etc.

C. Total

Report the amount of court-related money **collected** by the court during the month.

Include all amounts reported in A and B above, as well as amounts sent directly to other entities such as school districts, OmniBase, etc.

**Judicial
Monthly Report
April 2012**

	Non- Parking	Traffic Parking	Traffic City Ordinance	Penal Code	Non- Traffic State Law	City Ordinance	Total this Month	Fiscal yr to date	Total Prior Month	Prior Fiscal yr to date
Total Cases Pending First of Month	4145	0	3	1427	1561	397	7533		7809	
Active Cases	791	0	0	166	143	195	1295		1662	
Inactive Cases	3354	0	3	1261	1418	202	6238		6147	
New Cases Filed	306	0	1	85	44	52	488	3359	515	5728
Cases Reactivated	24	0	0	13	10	0	47		0	
All Other Cases Added	0	0	0	0	0	0	0	0	0	
Total Cases on Docket	1121	0	1	264	197	247	1830		2177	
Dispositions Prior to Trial:										
Uncontested Dispositions	11	0	0	52	37	0	100	508	76	
Dismissed by Prosecution	34	0	0	5	24	2	65	268	117	
Dispositions at Trial:										
Convictions:										
Guilty Plea or Nolo Contendere	176	0	0	20	14	9	219	2006	268	3164
By the Court	54	0	0	6	5	24	89	244	66	
By the Jury	0	0	0	0	0	0	0	0	0	2
Acquittals:										
By the Court	0	0	0	0	0	0	0	0	0	3
By the Jury	0	0	0	0	0	0	0	0	0	0
Dismissed by Prosecution	34	0	0	8	2	10	54	435	113	
Compliance Dismissals:										
After Driver Safety Course	23						23	187	27	289
After Deferred Disposition	30	0	0	4	1	3	38	287	41	318
After Proof of Financial Responsibility	7						7	46	9	95

**Judicial
Monthly Report
April 2012**

	Non- Parking	Traffic Parking	Traffic City Ordinance	Penal Code	Non- Traffic State Law	City Ordinance	Total this Month	Fiscal yr to date	Total Prior Month	Prior Fiscal yr to date
All Other Transportation Code Dismissals	15	0	0	0	0	0	15	98	12	
All Other Dispositions	12	0	0	4	8	0	24	291	62	
Total Cases Disposed	396	0	0	99	91	48	634	4357	791	
Cases Placed on Inactive Status	101	0	0	46	34	12	193	984	91	
Total Cases Pending End of Month:	4055	0	4	1413	1514	401	7387		7533	
Active Cases	624	0	1	119	72	187	1003		1295	
Inactive Cases	3431	0	3	1294	1442	214	6381		6238	
Show Cause Hearings Held	14	0	0	2	1	1	18	18	0	
Cases Appealed:										
After Trial	3	0	0	0	1	0	4	21	7	35
Without Trial	0	0	0	0	1	0	1	6	4	

Courtesy Letters Mailed:							141	875	137	925
Courtesy Phone Calls Made:							104	648	104	

City Marshal Activity:	Total This Month	Fiscal Year to Date	Prior Fiscal Year to Date	Total Month Prior
Door Hangers Issued	15	268	0	85
Arrests	32	186	0	15
Collection Phone Calls	425	2422	0	386
Warrant Amounts Collected	15,766.29	204,551.46	0.00	36,919.69
Letters Mailed	35	197	0	40
Holds Placed	42	214	0	24
Non-Cash Credit Amount	53,407.25	404,922.00	0.00	68,252.75

**Judicial
Monthly Report
April 2012**

	<i>Total this Month</i>	<i>Fiscal yr to date</i>	<i>Total Prior Month</i>	<i>Prior Fiscal yr to date</i>
<i>Juvenile/Minor Activity:</i>				
Transportation Code Cases Filed	3	18	3	
Non-driving Alcoholic Beverage Code Cases Filed	0	3	2	
Driving Under Influence of Alcohol Cases Filed	0	0	0	
Drug Paraphernalia Cases Filed	1	5	1	
Tobacco Cases Filed	0	1	0	
Failure to Attend School Cases Filed	0	0	0	
Education Code Cases Filed (except fail to attend)	0	0	0	
Curfew Violation Cases Filed	3	12	1	
All Other Non-traffic Fine-only Cases Filed	1	24	1	
<i>Additional Activity:</i>				
Magistrate Warnings:				
Class C Misdemeanors	3	37	4	
Class A and B Misdemeanors	18	147	24	
Felonies	10	59	7	
Arrest Warrants Issued:				
Class C Misdemeanors	265	1784	111	3179
Capias Pro Fine Issued:				
Class C Misdemeanors	117	692	27	
Emergency Protection Orders Issued	5	18	2	34
Stolen Property Hearings Held	0	2	0	
Cases Satisfied by Jail Time Credit	125	1014	151	
Fines, Court Costs and Other Amounts Collected:				
	<i>Total this Month</i>	<i>Fiscal yr to date</i>	<i>Total Prior Month</i>	<i>Prior Fiscal yr to date</i>
<i>Kept by City</i>	\$ 45,876.17	\$ 419,168.57	\$ 71,375.25	
<i>Remitted to State</i>	\$ 19,072.34	\$ 170,372.41	\$ 29,621.20	
<i>Total</i>	\$ 64,948.51	\$ 589,540.98	\$ 100,996.45	\$ 912,143.28

PUBLIC SAFETY

City of La Marque
Monthly and Year
To Date

Police Department
Month: April
Year: 2012

	CURRENT MONTH (Apr12)	CURRENT MO. PREV. YR. (Apr11)	PREV. MONTH (Mar12)	YR. TO DATE 2012	PREV. YR. TO DATE 2011
<u>PART I CRIMES:</u>					
Homicide	0	0	0	0	1
Rape	0	1	1	2	2
Robbery	1	6	1	4	8
Assault (*includes simple)	34	27	32	135	102
Burglary	12	13	12	58	58
Theft	47	41	43	140	160
M.V. Theft	2	0	3	6	9
<u>PART II CRIMES:</u>	179	216	180	737	791
<u>CALLS FOR SERVICE:</u>	1,792	1,632	2,112	7,426	7,457
<u>ACCIDENTS:</u>	22	19	32	89	77
Injuries	8	5	9	29	25
Non-injury	14	14	23	60	52
Fatalities	0	0	0	0	0
Alcohol Related	1	0	0	2	2
<u>ADULT ARRESTS:</u>	134	174	148	566	725
<u>JUVENILE DETENTIONS:</u>	1	0	3	7	10
<u>TRAFFIC STOPS:</u>	221	261	359	1,095	1,164
Citations	162	180	229	793	935
Violations	241	254	326	1,124	1,289
Warnings	9	8	14	33	46
<u>DISTURBANCES:</u>	123	121	132	457	376

This month, the Police Department arrested **40** people on municipal warrants, serving **106** warrants.

To date, the Police Department has arrested **194** people on municipal warrants, serving **504** warrants.



**2012 LA MARQUE POLICE DEPT.
CRIME STATS**



	2008				2009				2010				2011				2012							
	January - December				January - December				January - December				January - December				January - April							
	OFF	% +/-	CL	% CL	OFF	% +/-	CL	% CL	OFF	% +/-	CL	% CL	OFF	% +/-	CL	% CL	Offense 2011	Offense 2012	% +/-	Clearance 2011	Clearance 2012	% CL 2011	% CL 2012	
Murder	1	-67%	1	100%	4	400%	2	50%	3	-25%	2	67%	2	-33%	2	100%	1	0	-100%	1	0	100%	100%	
Rape	26	24%	13	50%	22	-15%	10	45%	6	-73%	3	50%	5	-17%	2	40%	2	2	0%	2	2	100%	100%	
Robbery	44	69%	17	37%	39	-11%	11	28%	34	-13%	16	47%	28	-18%	12	43%	8	4	-50%	4	0	50%	0%	
Aggravated Assault	74	4%	39	53%	98	32%	53	54%	39	-60%	23	59%	29	-26%	18	62%	6	12	50%	3	4	50%	33%	
La Marque Violent Crime Total	145	20%	70	48%	163	12%	76	47%	82	-50%	44	54%	64	-22%	34	53%	17	18	6%	9	6	53%	33%	
Texas Violent Crime Total	123,621	#DIV/0!	52,303	41%	121,789	-2%	53,587	44%	113,300	-7%	49,852	44%	*	*	*	*	*	*	*	*	*	*	*	
Burglary	241	-17%	35	15%	236	-2%	26	11%	202	-16%	77	38%	203	0%	16	8%	58	58	0%	7	8	12%	14%	
Theft	337	25%	96	28%	382	13%	112	29%	478	23%	159	33%	443	-7%	97	22%	160	140	-13%	31	52	19%	37%	
Motor Vehicle Theft	49	0%	23	47%	45	-8%	27	60%	29	-37%	15	52%	33	18%	8	24%	9	6	-33%	3	5	33%	83%	
Arson	7	40%	1	14%	9	29%	1	11%	4	400%	0	0%	2	-50%	1	50%	0	3	300%	0	0	0%	0%	
La Marque Property Crime Total	634	3%	155	24%	672	6%	166	25%	713	5%	251	35%	681	-4%	122	18%	227	207	-9%	41	65	18%	31%	
Texas Property Crime Total	969,807	-2%	146,350	15%	995,150	3%	149,272	15%	951,971	-4%	142,796	15%	*	*	*	*	*	*	*	*	*	*	*	
	RATE		% +/-		RATE		% +/-		RATE		% +/-		RATE		% +/-		RATE		% +/-					
La Marque Violent Crime Rate	1,164		12%		1,182		2%		594		-50%		441		-26%		124		6%					
Texas Violent Crime Rate	508		-1%		491		-3%		451		-8%		*		*		*		*					
La Marque Property Crime Rate	4,800		6%		4,872		1%		5,169		5%		4,894		-5%		1,427		-12%					
Texas Property Crime Rate	3,987		-3%		4,016		1%		3,786		-6%		*		*		*		*					
Calls For Service	24,209				28,249				25,017				22,549				7,426							
Population Estimate	14,236				13,794				13,794				14,509				14,509							
Officers per 1,000 pop.	2.0				2.0				2.1				2.0				2.0							
DWI	46				23				39				69				34							
Traffic Citations	3,413				3,872				1,917				2,874				793							
Drug Arrests	106				115				90				198				63							

*Data unavailable

LA MARQUE POLICE DEPARTMENT

USE OF FORCE / DEFENSIVE ACTION REPORT

Incident / Case No.: 12-000626

Date of Incident: April 16, 2012

Time: 1440

Location: 6410 IH 45, LA MARQUE, TX

REPORTING OFFICER: S.SAMUELSON

ID#: 545

Assignment: PATROL

TYPE OF DEFENSIVE ACTION:

☒ Physical Control Techniques / "Hard Hands" ☐ Baton ☐ OC Spray ☐ Firearm Discharge
☒ TASER ☐ Other (describe): _____

PERSON(S) ARRESTED:

Name: _____

DOB: 03/15/1989

Name: _____

DOB: _____

Name: _____

DOB: _____

WITNESSES:

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

*Note: Defensive Action Report:

1. Will be completed by each Officer involved in a reportable incident (as per Written Directive 700-2).
2. Will be stapled (as cover pages) to a copy of the applicable Incident Report.
3. Will be reviewed and signed by the Officer's immediate Shift Leader: prior to departing from shift duty (see Written Directive 700-2 for exceptions). Completed packet will be hand carried by Shift Leader to reporting Officer's applicable Division Commander. If incident is serious/sensitive Shift Leader will immediately provide oral/telephonic briefing to appropriate Division Commander and Chief of Police.
4. Applicable Division Commander will review packet then hand deliver packet to the Office of Professional Responsibility (OPR) Manager.
5. OPR Manager will review packet and hand deliver packet to the Chief of Police.

SUMMARY OF INCIDENT (Specifically address the type of defensive action used):
WAS CONTACTED BY LOSS PREVENTION AT WAL-MART FOR A SHOPLIFTER IN PROGRESS. ARRIVED ON LOCATION AND WAS ADVISED THE ACTOR WAS BARRICADED IN THE FRONT WOMEN'S BATHROOM. AS SUBJECT EXITED THE BATHROOM, OFFENDER BEGAN TO FLEE, HEADING TOWARDS GROCERY SIDE EXIT DOORS. THIS OFFICER DEPLOYED AN UNSUCCESSFUL TASER TO OFFENDER, STRIKING OFFENDER IN THE RIGHT THEIGH AREA (1 PRONG). THIS OFFICER CONTINUED FOOT PURSUIT UNTIL OFFENDER WAS CAUGHT. USING HANDS, THIS OFFICER FORCED OFFENDER TO THE GROUND AND WAS TAKEN INTO CUSTODY. WHILE BEING TAKEN TO THE GROUND, OFFENDER STRUCK HER FACE WITH A BUMPER OF A VEHICLE, CAUSING A LOSS OF A TOOTH.

Explain why it was necessary to use defensive action specified above:
OFFENDER WAS FLEEING FROM THIS OFFICER TO AVOID ARREST.

Explain why defensive action used was reasonable:

OPEN HANDS WERE USED TO EFFECT THE ARREST IN EFFORT TO MINIMIZE INJURY AFTER A FAILED TASER DEPLOYMENT.

Explain consequences (injury, damage, etc.) that resulted from the use of defensive action:

DURING THE USE OF OPEN HANDS TO TAKE OFFENDER INTO CUSTODY, A THIRD PERSON'S PERSONAL PROPERTY (FORD F150 PICKUP) WAS DAMAGED WHEN OFFENDER STRUCK THE BUMPER OF THE VEHICLE. OWNER OF VEHICLE REPORTED APPROXIMATE DAMAGES TO BE \$1,000.00

Post Care Action Performed by Reporting Officer:

SUBJECT WAS SEEN BY LA MARQUE MEDICS, WHICH OFFENDER DECLINED ANY MEDICAL TREATMENT. SUBJECT WAS THEN TAKEN BY THIS OFFICER TO MAINLAND MEDICAL CENTER FOR MINOR ABRASION TO HER RIGHT ARM AND TO REPLACE THE TOOTH. FIT FOR INCARCERATION WAS OBTAINED AND SUBJECT WAS TRANSPORTED TO THE LA MARQUE POLICE DEPARTMENT WITHOUT FURTHER INCIDENT.

If subject was not injured, document observations and/or any statements made by suspect, that indicate subject was not injured:

SUBJECT ADVISED OF INJURIES AFTER EFFECTING THE ARREST. THIS OFFICER ADVISED DISPATCH THAT LA MARQUE MEDICS WERE NEEDED AT MY LOCATION.

(Attach copies of Incident Reports, Arrest Reports, statements, and other documentation as necessary)

Chain of Command Review

✓AS REPORTED USE OF DEFENSIVE ACTION JUSTIFIED? ☐ YES ☒ NO

Shift Leader's Name Richard Garcia Signature R. Garcia Date 4/17/12

Comments:

2. WAS REPORTED USE OF DEFENSIVE ACTION JUSTIFIED? ☐ YES ☒ NO

Applicable Division Cdr's Name LT. G. Guenard Signature [Signature] Date 05/14/2012

Comments: Does not appear to be justified according to LMPD Policy. Offender was running away from the officer. [Signature]

3. WAS REPORTED USE OF DEFENSIVE ACTION JUSTIFIED? ☐ YES ☒ NO

OPR Name Sgt. Waggoner #13 Signature [Signature] Date 05/14/12 Manager's

Comments: The actions appear to be in conflict with the LMPD Policy.

Review by Chief of Police

Comments:

Chief of Police Name Randy Aragon Signature [Signature] Date 5-14-12

Actions by Officer Sanchez are not aligned w/ WD System.

LA MARQUE POLICE DEPARTMENT

USE OF FORCE / DEFENSIVE ACTION REPORT

Incident / Case No.: 12-000646

Date of Incident: 04/18/2012

Time: 2028

Location: 600 Roosevelt

REPORTING OFFICER: C. Kelemen

ID#: 547

Assignment: Patrol

TYPE OF DEFENSIVE ACTION:

☒ Physical Control Techniques / "Hard Hands" ☐ Baton ☐ OC Spray ☐ Firearm Discharge
☐ TASER ☒ Other (describe): Verbal Commands

PERSON(S) ARRESTED:

Name: [REDACTED]
Name: _____
Name: _____

DOB: 07/22/1966
DOB: _____
DOB: _____

WITNESSES:

Name: Officer C. King 534 Address: 431 Bayou Rd La Marque, Texas 77568
Name: _____ Address: _____
Name: _____ Address: _____

*Note: Defensive Action Report:

1. Will be completed by each Officer involved in a reportable incident (as per Written Directive 700-2).
2. Will be stapled (as cover pages) to a copy of the applicable Incident Report.
3. Will be reviewed and signed by the Officer's immediate Shift Leader: prior to departing from shift duty (see Written Directive 700-2 for exceptions). Completed packet will be hand carried by Shift Leader to reporting Officer's applicable Division Commander. If incident is serious/sensitive Shift Leader will immediately provide oral/telephonic briefing to appropriate Division Commander and Chief of Police.
4. Applicable Division Commander will review packet then hand deliver packet to the Office of Professional Responsibility (OPR) Manager.
5. OPR Manager will review packet and hand deliver packet to the Chief of Police.

SUMMARY OF INCIDENT (Specifically address the type of defensive action used):

This officer responded to a disturbance at 600 Roosevelt. This officer arrived and observed a black male later identified as [REDACTED] yelling at other subjects in front yard of 600 Roosevelt. [REDACTED] was wearing a white under shirt that was ripped. [REDACTED] also appeared to be extremely agitated from his demeanor. This officer gave [REDACTED] several verbal commands to walk to this officer with no response. [REDACTED] then began to walk away from this officer. [REDACTED] then made an aggressive move towards his brother and his mother. This officer responded by securing [REDACTED]'s arms behind his back until other officers could arrive. [REDACTED] then pulled away from this officer several times and was secured on the ground until hand restraints could be utilized.

Explain why it was necessary to use defensive action specified above:

The force used was necessary to make an arrest and prevent injuries to other parties on scene.

Explain why defensive action used was reasonable:
The force used was equal to the force used by the arrested party.

Explain consequences (injury, damage, etc.) that resulted from the use of defensive action:
No injuries or damage resulted from the use of force by this officer.

Post Care Action Performed by Reporting Officer:
No complaint of no injuries, so post care was not required by this officer.

If subject was not injured, document observations and/or any statements made by suspect, that indicate subject was not injured:
The subject complained of no injuries and stated that he did not trust anyone. [REDACTED] was intoxicated at the time of arrest and when use of force was needed.

(Attach copies of Incident Reports, Arrest Reports, statements, and other documentation as necessary)

Chain of Command Review

WAS REPORTED USE OF DEFENSIVE ACTION JUSTIFIED? ☒ YES ☐ NO

Shift Leader's Name M. Cravens Signature Sgt. M. Cravens Date 4-19-12

Comments:

2. WAS REPORTED USE OF DEFENSIVE ACTION JUSTIFIED? ☒ YES ☐ NO

Applicable Division Cdr's Name Lt. G. Guehrst Signature Lt. G. Guehrst Date 04/19/2012

Comments:

After call use of force appears to be in compliance with policy.

3. WAS REPORTED USE OF DEFENSIVE ACTION JUSTIFIED? ☒ YES ☐ NO

OPR Name Chuggone Signature [Signature] Date 05/10/12 Manager's

Comments:

The force used by officers was justified and necessary.

Review by Chief of Police

Comments:

Appears to be aligned w/ WD System.

Chief of Police Name Ronell Ray Signature [Signature] Date 5-14-12

FIRE DEPARTMENT

City of La Marque

Fire Department
Month: April
Year: 2012

Current Month April 2012	Current Mo. Previous Year (April 2011)	Prev. Month (March 2012)	Fiscal Yr to Date 2011-2012	Fiscal Prev. Yr. to Date 2010-2011
<u>Fires</u>				
14	8	5	53	46
<u>Overpressures, Explosions</u>				
0	1	0	3	4
<u>Rescue & EMS</u>				
106	119	113	844	888
<u>HAZMAT</u>				
4	2	2	32	16
<u>Good Intent</u>				
9	14	21	86	90
<u>False Alarm</u>				
11	6	4	44	57

La Marque Fire / Rescue

Incident Type Report (Summary)

Alarm Date Between {04/01/2012} And {04/30/2012}

Incident Type	Count	Pct of Incidents	Total Est Loss	Pct of Losses
1 Fire				
100 Fire, Other	1	0.64%	\$0	0.00%
1001 EMS calls marked as Fires	1	0.64%	\$1,000	2.51%
111 Building fire	5	3.24%	\$33,000	83.03%
113 Cooking fire, confined to container	2	1.29%	\$240	0.60%
131 Passenger vehicle fire	2	1.29%	\$0	0.00%
151 Outside rubbish, trash or waste fire	2	1.29%	\$0	0.00%
154 Dumpster or other outside trash receptacle	1	0.64%	\$0	0.00%
	14	9.09%	\$34,240	86.16%
3 Rescue & Emergency Medical Service Incident				
311 Medical assist, assist EMS crew	5	3.24%	\$0	0.00%
321 EMS call, excluding vehicle accident with	93	60.38%	\$5,500	13.84%
322 Motor vehicle accident with injuries	5	3.24%	\$0	0.00%
324 Motor Vehicle Accident with no injuries	3	1.94%	\$0	0.00%
	106	68.83%	\$5,500	13.84%
4 Hazardous Condition (No Fire)				
412 Gas leak (natural gas or LPG)	3	1.94%	\$0	0.00%
480 Attempted burning, illegal action, Other	1	0.64%	\$0	0.00%
	4	2.59%	\$0	0.00%
5 Service Call				
500 Service Call, other	2	1.29%	\$0	0.00%
510 Person in distress, Other	1	0.64%	\$0	0.00%
531 Smoke or odor removal	1	0.64%	\$0	0.00%
550 Public service assistance, Other	1	0.64%	\$0	0.00%
551 Assist police or other governmental agency	1	0.64%	\$0	0.00%
553 Public service	2	1.29%	\$0	0.00%
554 Assist invalid	2	1.29%	\$0	0.00%
	10	6.49%	\$0	0.00%
6 Good Intent Call				
600 Good intent call, Other	2	1.29%	\$0	0.00%
611 Dispatched & cancelled en route	5	3.24%	\$0	0.00%
622 No Incident found on arrival at dispatch	2	1.29%	\$0	0.00%
	9	5.84%	\$0	0.00%

La Marque Fire / Rescue

Incident Type Report (Summary)

Alarm Date Between {04/01/2012} And {04/30/2012}

Incident Type	Count	Pct of Incidents	Total Est Loss	Pct of Losses
7 False Alarm & False Call				
730 System malfunction, Other	1	0.64%	\$0	0.00%
733 Smoke detector activation due to	1	0.64%	\$0	0.00%
735 Alarm system sounded due to malfunction	1	0.64%	\$0	0.00%
743 Smoke detector activation, no fire -	6	3.89%	\$0	0.00%
745 Alarm system activation, no fire -	2	1.29%	\$0	0.00%
	<u>11</u>	<u>7.14%</u>	<u>\$0</u>	<u>0.00%</u>

Total Incident Count: 154

Total Est Loss:

\$39,740

CALL STATISTICS 2012
La Marque Fire/Rescue

PATIENT TRANSPORTS BY RECEIVING FACILITY													
Facility Code	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOT
CStJoseph	0 0%	0 0%	0 0%	0 0%	0 0%								0 0%
MD	0 0%	0 0%	0 0%	0 0%	0 0%								0 0%
WomenTx	0 0%	0 0%	0 0%	0 0%	0 0%								0 0%
MHSE	0 0%	0 0%	1 1%	0 0%	2 6%								3 0%
UTMBHosp	8 8%	14 13%	18 19%	12 13%	9 28%								61 15%
MHPB	0 0%	0 0%	0 0%	0 0%	0 0%								0 0%
MHCH	0 0%	0 0%	0 0%	0 0%	0 0%								0 0%
CLRH	7 7%	8 7%	8 8%	5 5%	1 3%								29 7%
St John	1 1%	1 0%	1 1%	2 2%	0 0%								5 1%
SanJac	0 0%	0 0%	0 0%	0 0%	0 0%								0 0%
MainInd	77 82%	80 77%	64 69%	67 77%	20 62%								308 75%
Bellaire	0 0%	0 0%	0 0%	0 0%	0 0%								0 0%
Hermann	0 0%	0 0%	0 0%	0 0%	0 0%								0 0%
ShrinrBH	0 0%	0 0%	0 0%	0 0%	0 0%								0 0%
St Luke	0 0%	0 0%	0 0%	0 0%	0 0%								0 0%
TXChld	0 0%	0 0%	0 0%	0 0%	0 0%								0 0%
Methodist	0 0%	0 0%	0 0%	0 0%	0 0%								0 0%
TOTAL	93 100%	103 100%	92 100%	86 100%	32 100%								406 100%

PATIENT DISPOSITION BY MONTH													
Disposition	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOT
Encounters	111	120	114	110	37								492
Transports	94 84%	104 86%	93 81%	87 79%	32 86%								410 83%
Aeromedical	0 0%	0 0%	0 0%	0 0%	0 0%								0 0%
Dead On Scene	0 0%	1 0%	0 0%	0 0%	0 0%								1 0%
Unfounded	0 0%	0 0%	0 0%	0 0%	0 0%								0 0%
Refusals	17 15%	15 12%	21 18%	23 20%	5 13%								81 16%

CALLS BY TIME OF DAY													
Time	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOT
0600-1159	35 31%	38 31%	25 21%	30 27%	9 24%								137 27%
1200-1759	28 25%	38 31%	43 37%	40 36%	14 37%								163 33%
1800-2359	28 25%	24 20%	32 28%	24 21%	8 21%								116 23%
0000-0559	20 18%	20 16%	14 12%	16 14%	6 16%								76 15%

PATIENT AGE BY MONTH													
Years Old	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOT
<1	0 0%	0 0%	1 0%	1 0%	0 0%								2 0%
8-Jan	1 0%	0 0%	6 5%	0 0%	0 0%								7 1%
12-Sep	1 0%	0 0%	2 1%	2 1%	1 2%								6 1%
13-17	2 1%	5 4%	2 1%	2 1%	1 2%								12 2%
18-25	4 3%	13 10%	12 10%	14 12%	5 13%								48 9%
26-50	24 21%	27 22%	32 28%	30 27%	14 37%								127 25%
51-75	44 40%	43 35%	37 32%	37 33%	12 32%								173 35%

76-100	33 30%	32 26%	22 19%	23 21%	4 10%								114 23%
>100	1 0%	0 0%	0 0%	0 0%	0 0%								1 0%

DISPATCHED CALL TYPES PER MONTH													
Call Type	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOT
Abd Pain	3 2%	1 0%	2 1%	0 0%	0 0%								6 1%
Allergic Rx	1 0%	0 0%	1 0%	0 0%	0 0%								2 0%
Animal Bite	0 0%	0 0%	0 0%	0 0%	1 2%								1 0%
Assault	1 0%	2 1%	3 2%	0 0%	0 0%								6 1%
Auto Ped	0 0%	1 0%	1 0%	1 0%	1 2%								4 0%
Back Pain	0 0%	3 2%	0 0%	2 1%	2 5%								7 1%
Burns	0 0%	1 0%	0 0%	1 0%	0 0%								2 0%
CO Poison	0 0%	0 0%	0 0%	0 0%	0 0%								0 0%
CPR	1 0%	1 0%	0 0%	0 0%	0 0%								2 0%
Cardiac	12 10%	13 10%	11 9%	15 13%	7 18%								58 11%
Childbirth	0 0%	0 0%	0 0%	1 0%	0 0%								1 0%
Choking	0 0%	0 0%	0 0%	0 0%	0 0%								0 0%
DOS	0 0%	0 0%	0 0%	0 0%	0 0%								0 0%
Diabetic	7 6%	5 4%	7 6%	3 2%	2 5%								24 4%
Drowning	0 0%	0 0%	0 0%	0 0%	0 0%								0 0%
Electrocution	0 0%	0 0%	0 0%	0 0%	0 0%								0 0%
Eye Injury	0 0%	0 0%	0 0%	0 0%	0 0%								0 0%
Falls	6 5%	11 9%	5 4%	9 8%	4 10%								35 7%

Fire/Hazmat	0 0%	0 0%	0 0%	0 0%	0 0%								0 0%
GSW/Stab	1 0%	1 0%	0 0%	0 0%	0 0%								2 0%
Headache	1 0%	1 0%	0 0%	0 0%	0 0%								2 0%
Heat/Cold	0 0%	0 0%	0 0%	0 0%	0 0%								0 0%
Hemorrhage	4 3%	0 0%	1 0%	3 2%	0 0%								8 1%
Ind Accident	0 0%	0 0%	0 0%	0 0%	0 0%								0 0%
MVA	3 2%	10 8%	13 11%	13 11%	6 16%								45 9%
Medical	25 22%	26 21%	33 28%	19 17%	4 10%								107 21%
Other	4 3%	4 3%	6 5%	8 7%	0 0%								22 4%
Overdose	1 0%	1 0%	1 0%	3 2%	1 2%								7 1%
Person Down	1 0%	2 1%	0 0%	0 0%	1 2%								4 0%
Psych	1 0%	0 0%	0 0%	0 0%	1 2%								2 0%
Respiratory	18 16%	14 11%	9 7%	14 12%	3 8%								58 11%
Seizures	7 6%	6 5%	9 7%	6 5%	2 5%								30 6%
Service Call	2 1%	0 0%	0 0%	1 0%	0 0%								3 0%
Stroke	1 0%	0 0%	2 1%	2 1%	0 0%								5 1%
Trauma	6 5%	7 5%	8 7%	6 5%	2 5%								29 5%
Unconscious	5 4%	8 6%	2 1%	2 1%	0 0%								17 3%
Unknown	0 0%	2 1%	0 0%	1 0%	0 0%								3 0%

CALL LOCATIONS BY MONTH

Map Page	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOT
38C													
563													

563A													
565A													
699G													
736A													
736V													
737J													
737K													
737L													
737N													
737P													
737T													
737U													
737Z													
738H													
999999999													
NONE													
PATIENT 1													
PATIENT 2													

RESPONSE TIMES PER MONTH (minutes)													
Unit Status	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	AVG
Dispatch - Location	5	7	5	5	5								5
Location - To Hospital	15	15	16	17	17								16
To Hospital - At Hospital	9	11	11	10	13								10
At Hospital - In Service	31	29	34	33	34								32
Location - At Hospital	24	25	25	25	30								25
Dispatch - At Hospital	30	31	30	30	36								30
Dispatch - In Service	57	58	58	58	64								58

CALL STATISTICS FY 2010- 2011
La Marque Fire/Rescue

PATIENT DISPOSITION BY MONTH													
Disposition		OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
Encounters		139	139	132	116	102	128	109	137	125	108	109	122
Transports		98	94	90	94	80	94	84	104	97	93	77	90
Aeromedical		0	0	0	0	0	0	0	0	0	0	0	0
Dead On Scene		1	0	1	1	1	0	0	2	0	1	3	2
Refusals		40	45	41	21	21	34	25	31	28	13	29	30
RESPONSE TIMES PER MONTH (minutes)													
Unit Status		OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
Dispatch - Location		5	5	5	4	5	4	5	4	4	5	5	5
Location - To Hospital		16	17	19	16	15	15	16	15	15	15	16	16
To Hospital - At Hospital		11	11	12	10	10	9	10	10	9	9	11	9
At Hospital - In Service		25	29	30	27	29	27	30	27	28	29	31	25
Location - At Hospital		26	26	29	24	25	25	25	24	23	23	25	22
Dispatch - At Hospital		31	31	35	29	30	30	29	29	28	29	31	28
Dispatch - In Service		48	51	53	52	52	48	53	48	52	55	53	47

CALL STATISTICS FY 2011- 2012
La Marque Fire/Rescue

PATIENT DISPOSITION BY MONTH												
Disposition	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
Encounters	150	102	104	110	120	112	110					
Transports	113	78	85	93	104	92	87					
Aeromedical	0	0	0	0	0	0	0					
Dead On Scene	0	1	1	0	1	0	0					
Refusals	37	23	18	17	15	20	23					
RESPONSE TIMES PER MONTH (minutes)												
Unit Status	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
Dispatch - Location	5	5	5	5	7	5	5					
Location - To Hospital	17	16	15	15	15	16	17					
To Hospital - At Hospital	11	8	9	9	11	11	10					
At Hospital - In Service	28	25	32	31	29	34	33					
Location - At Hospital	26	23	24	24	25	25	25					
Dispatch - At Hospital	31	28	30	30	31	30	30					
Dispatch - In Service	54	49	57	57	58	58	58					

PUBLIC WORKS DEPARTMENT

PUBLIC WORKS ADMINISTRATION
ACTIVITY REPORT

Cyndi Efird

2012 / April	WEEK 1	WEEK 2	WEEK 3	WEEK 4	WEEK 5	MONTHLY
	4/1-4/7	4/8-4/14	4/15-4/21	4/22-4/28	4/29-4/30	TOTALS
Calls / Customers						
Water Leaks	9	9	7	8	0	33
Sewer Stops	3	16	10	6	1	36
Leak at Meter	0	6	1	3	1	11
Low Pressure / No Water	2	0	0	0	0	2
Dress-Ups	1	1	2	0	0	4
Billing Department	16	22	17	24	4	83
Blue Cart / Trash Pick Up	0	3	6	3	1	13
Wednesday Pick Up	6	7	3	5	2	23
Bulk Pick Up	2	0	2	1	0	5
Co-Compliance	0	0	1	3	2	6
Pot Holes	1	1	0	0	0	2
Street Repair	0	0	2	0	0	2
Driveway Repair	1	0	0	0	0	1
Dirt Request	0	0	0	0	1	1
Culverts	0	0	1	3	1	5
Mowers / Mowing	0	2	2	4	0	8
Street Signs	0	1	0	0	0	1
Traffic Lights	0	1	1	0	0	2
Street Light Outage	0	0	3	4	0	7
Street Light Request	0	0	0	0	0	0
Director	6	4	6	3	1	20
Assistant Director	1	3	0	5	0	9
PW/Utility Dept Supervisors	14	5	7	17	5	48
City Manager	0	0	0	0	0	0
City Hall Admin Assist.	0	0	0	2	0	2
Human Resource	0	2	2	3	3	10

1 of 2

PUBLIC WORKS ADMINISTRATION
ACTIVITY REPORT

Cyndi Efird

2012/ April	WEEK 1	WEEK 2	WEEK 3	WEEK 4	WEEK 5	MONTHLY
	4/1-4/7	4/8-4/14	4/15-4/21	4/22-4/28	4/29-4/30	TOTALS
Calls / Customers						
City Clerk	0	0	1	0	0	1
Inspections	0	1	2	3	0	6
Animal Control	1	2	1	0	0	4
Mosquito Spray	0	0	0	0	0	0
Locates	0	1	0	0	0	1
LM's	0	0	0	0	0	0
Customer at Window	2	4	4	11	2	23
Recycling	0	0	0	0	0	0
Community Service	0	0	0	1	1	2
Gas Company	0	0	0	0	0	0
Miscellaneous Calls	21	16	8	13	1	59
					TOTAL	430

4/11- Assisted City Clerk with a Cemetery Plot issue
 4/12- Met with Janitorial King representative over cleaning of Public Works Office
 4/14 - Attended Cemetery Board Meeting & Walk Through
 4/19 - Attended Parks Board Meeting
 4/20 - Completed 5 Year Study on Sewer Stops
 4/20 - Assisted Police Department on booklet assembly
 4/23 - Typed & Submitted Cemetery Board Minutes

**CITY OF LA MARQUE
PARKS DEPARTMENT MONTHLY REPORT**

Dwanna Jones

2012 / April

SCHEDULED WORK

COMPLETED WORK

PARK MAINTENANCE	WK 1	WK 2	WK 3	WK 4	WK 5	DESCRIPTION OF WORK
	4/1-4/7	4/8-4/14	4/15-4/21	4/22-4/28	4/29-4/30	
Bayou City Park	4	12	4	12	4	Pick up trash mowed & weed-eat
Bird Sanctuary	4	12	4	6	4	Pick up trash mowed & weed-eat
Highland Bayou Park	4	4	4	32	4	Clean & disinfect restrooms;pick up trash
Jaycee Park	4	4	4	12	4	Pick up and remove trash
Lagana Park	4	4	20	12	4	Mowed & weed-eat
Martin Luther King Jr. Park	8	4	4	16	4	Pick up and remove trash; repair swing
Mahan Park	4	4	4	4	12	Clean & disinfect restrooms;pick up trash
Walter Feigle Park	4	12	4	4	4	Check for trash; mowed & weed-eat
Westlawn Park	8	4	4	12	4	Pick up & remove trash;pick up tree limbs
GENERAL MAINTENANCE						DESCRIPTION OF WORK
City Hall	4	4	4	4	4	Trim, edge, weed & pick up garbage
Library	4	12	4	12	4	Mowed & weed-eat
Police Department	4	12	4	12	4	Mowed & weed-eat
La Marque Cemetery	4	4	48	4	4	Remove trash; mowed & weed-eat
La Marque Sign @ Hwy 3	4	12	12	4	4	Mowed & weed-eat
Kirsten esplanade	4	8	4	4	4	Mowed & weed-eat
LM property / Aid & Guidance	4	12	4	4	4	Mowed & weed-eat
Bus Stops	4	4	4	4	4	Remove trash
WEEKEND DUTIES						DESCRIPTION OF WORK
Highland Bayou Park	0	0	0	1	0	Pavilion rental clean-up
Weekly Total Hours	76	128	136	159	76	
Comments:						

RIGHT-OF-WAY & ROAD MAINTENANCE DIVISION
ACTIVITY REPORT
DWANNA JONES

2012 / April

	WEEK 1	WEEK 2	WEEK 3	WEEK 4	WEEK 5	MONTHLY	April
	4/1-4/7	4/8-4/14	4/15-4/21	4/22-4/28	4/29-4/30	TOTALS	2011
STREETS							
Utility Patch	0	0	0	0	0	0	0
Man Hours	0	0	0	0	0	0	0
Culverts-Linear Feet Set	0	24	0	0	0	24	152
Man Hours	0	12	0	0	0	12	96
Trimming Tree Limbs-Man Hours	16	0	24	16	0	56	72
Driveway Tie In-Man Hours	0	0	0	0	0	0	32
Traffic Sign Repair - Man Hours	16	32	48	40	8	144	112
Potholes Filled	188	152	105	98	0	543	0
Man Hours	32	32	32	24	0	120	0
Repaired Driveways	6	10	12	0	0	28	4
Man Hours	16	32	32	0	0	80	40
Grading Ditch - Linear Feet Cut	0	0	0	450	210	660	0
Man Hours	0	0	0	48	24	72	0
Mowing Man Hours	32	40	48	64	24	208	446
Sweeping - Man Hours	8	8	16	16	8	56	*
Grate Repair - Man Hours	0	0	8	0	0	8	*
Weed-eat - Man Hours	32	16	48	32	24	152	*
Dress-up - Man Hours	0	0	0	0	12	12	*
Check Drains & Ditches	43	0	50	16	0	109	*
Man Hours	32	0	48	16	0	96	*

* No available information for 2011

1 of 2

RIGHT-OF-WAY & ROAD MAINTENANCE DIVISION
ACTIVITY REPORT
DWANNA JONES

2012 / April

	WEEK 1	WEEK 2	WEEK 3	WEEK 4	WEEK 5	MONTHLY	April
	4/1-4/7	4/8-4/14	4/15-4/21	4/22-4/28	4/29-4/30	TOTALS	2011
BFI							
Brush Letters Sent Out	10	0	0	8	0	18	0
Special Pickup's	0	0	0	7	0	7	28
Man Hours	2	0	0	2	0	4	10
Safety Meetings	1	1	1	1	0	4	*

* No available information for 2011

SPECIAL PROJECTS

Repaired shoulder on Garrett

WATER & SEWER MAINTENANCE DIVISION ACTIVITY REPORT

2012 / April

	WEEK 1 4/1-4/7	WEEK 2 4/8-4/14	WEEK 3 4/15-4/21	WEEK 4 4/22-4/28	WEEK 5 4/29-4/30	MONTHLY TOTALS	APRIL 2011
WATER							
Water leaks repaired	3	3	6	5	1	18	29
Residential Water Taps	0	0	0	0	0	0	1
Commercial Water Taps	0	0	0	0	0	0	0
Remote Read Meters Installed	0	0	0	0	0	0	0
Low Pressure Problems City Side	2	0	0	0	0	2	4
Low Pressure Problems Customer Side	0	0	0	0	0	0	3
Meter Boxes & Lids Replaced	0	0	0	0	0	0	0
Water Turned On/Off for Citizens	0	0	0	0	0	0	1
Rusty Water Inquires	0	0	0	0	0	0	0
Bad Taste/Smelly Water Inquiries	0	0	0	0	0	0	0
Fire Hydrants							
Fire Hydrants Installed	0	0	1	0	0	1	0
Fire Hydrants Repaired	0	0	0	0	0	0	0
Fire Hydrants Serviced	0	0	0	0	0	0	0
SPECIAL PROJECTS							
4/12/12 - Banana Well Site units 808 & 813 dug up and found lines for shut off							
4/16/12 - 801 Pacific Point Units 808 & 813 moved the meter							

WATER & SEWER MAINTENANCE DIVISION
ACTIVITY REPORT

2012 / April

	WEEK 1 4/1-4/7	WEEK 2 4/8-4/14	WEEK 3 4/15-4/21	WEEK 4 4/22-4/28	WEEK 5 4/29-4/30	MONTHLY TOTALS	APRIL 2011
SEWER							
Sewer Stoppages Resolved	6	16	8	8	2	40	48
Sewer Lines Repaired	0	4	1	0	0	5	1
Residential Sewer Taps	0	0	0	0	0	0	0
Commercial Sewer Taps	0	0	0	0	0	0	0
Clean-Out Tops Replaced	0	0	1	0	0	1	6
Clean-Outs Installed	0	2	0	2	2	6	0
Sewer Lines Installed	0	0	0	0	0	0	0
Manhole Repaired	0	0	0	0	0	0	3
Manhole Installed	0	0	0	0	0	0	0
Lines Locate, Water & Sewer	0	0	0	0	0	0	0
Miscellaneous							
Dress-Ups	1	11	8	5	0	25	15
Saw Cuts	0	0	0	0	0	0	1
Valves Replaced	0	0	0	0	0	0	0
TOTAL WORK ORDERS						98	
Projects by LF							
Feet of Water Mains Installed (LF)	0	0	0	0	0	0	0
Sewer Lines Cleaned (LF)	0	0	0	0	0	0	6200
Feet of Sewer Line T.V.'d (LF)	0	0	15	14	0	29	500
Feet of Sewer Main Replaced (LF)	0	0	0	0	0	0	0
Smoke Testing Done (LF)	0	0	0	0	0	0	0
Culverts Cleaned (LF)	0	0	0	13	0	13	0

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WATER & WASTE WATER
ACTIVITY REPORT
Supervisor Jason Hubbell

2012 / April	WEEK 1	WEEK 2	WEEK 3	WEEK 4	WEEK 5	MONTHLY	APRIL
Utility 24	4/1-4/7	4/8-4/14	4/15-4/21	4/22-4/28	4/29-4/30	TOTALS	2011
WWTP							
Rain Fall	0.7	0	4.6	0	0	5.3	0.0
Flow Total MG/D	20.164	11.466	33.495	13.843	3.32	82.288	44.930
Lb. of CL2 used	985	740	1980	1020	225	4950	3,425
Lb. of SO2 used	541	393	1097	546	132	2709	1,806
Plant Man Hours	72	77	84	84	18	335	332
Bio Solids Removed/Tons	0	0	0	0	0	0	0.000
Raw TSS Avg. mg/l						80.9	99.8
Raw BOD tes/Avg.						64.1	103.3
Raw Total Cu Avg.mg/l						0.0153	0.031
Raw NH3-3 Avg. mg/l						13.987	23.530
Effluent CBOD test/Avg.						2.7	2.3
Effluent TSS Avg. mg/l						3.1	2.2
Effluent NH-3N Avg.mg/L						0.391	0.127
Raw Total CU mg/L						0.0036	0.0060
Route Wells & Lift Stations							
Distribution System-Total Surface Water MG/D	15.974	16.933	16.803	21.531	4.825	76.066	61.110
Total Well Water MGD	0.014	0.057	0.001	0.004	0	0.076	0.011
Lb. of CL2 used	23	27	20	30	6	106	155
Lb. of Ammonia Used	4	0	0	8	2	14	32
Total # of CL2 Residual Samples	77	77	77	77	22	330	433
Number of Water Bacteriology Samples	0	0	0	18	0	18	15

WATER & WASTE WATER
ACTIVITY REPORT
Supervisor Jason Hubbell

2012 / April	WEEK 1	WEEK 2	WEEK 3	WEEK 4	WEEK 5	MONTHLY	APRIL
Utility 24	4/1-4/7	4/8-4/14	4/15-4/21	4/22-4/28	4/29-4/30	TOTALS	2011
Collection System - Total							
Lift Station Pump Hours	716.2	640.1	1204.7	692.7	177.2	3430.9	2372.0
Man Hours Wells Station	31.5	31.5	31.5	31.5	9	135	250
Safety Meetings	0	0	0	0	1	1	1
Dead ends Flushed	0	0	0	0	0	0	200
Fire Hydrants Painted	0	0	0	0	0	0	0

CL2 = CHLORINE

MGD = MILLION GALLON DAY

SO2 = SULFUR DIOXIDE

BOD = BIOCHEMICAL OXYGEN DEMAND

CU = COPPER

NH-3N = AMMONIA

UTILITY 26 MAINTENANCE DIVISION
WATER WELLS, LIFT STATIONS & WASTE WATER TREATMENT PLANT
ACTIVITY REPORT
Steve Gassaway

2012 / April

	WEEK 1	WEEK 2	WEEK 3	WEEK 4	WEEK 5	MONTHLY	APRIL
	4/1-4/7	4/8-4/14	4/15-4/21	4/22-4/28	4/29-4/30	TOTALS	2011
PREVENTATIVE MAINTENANCE							
Lift Pumps	0	2	0	2	1	5	4
Valves	0	5	6	4	0	15	14
Electric Motors	0	0	0	0	0	0	10
Electric Panels	4	2	4	2	2	14	12
Vent Fans	0	0	0	0	0	0	19
Blowers	1	0	0	0	0	1	3
Belts	0	8	5	9	0	22	14
Floats	9	9	18	30	9	75	24
Well Sites	1	0	2	0	1	4	3
Clean Up or Remove Grease @ Well Sites	1	0	4	0	1	6	*
Corrective Maintenance							
Replaced Belts	1	0	0	0	0	1	6
Replaced Bearings	0	3	0	0	0	3	0
Replaced Motors	0	0	0	0	0	0	0
Replaced Seals	3	9	0	0	0	12	2
Replaced Pumps	0	0	0	0	0	0	2
Replace wear Parts	2	2	2	5	2	13	14
Replace Valves	0	0	0	0	0	0	2
Replace Floats	0	0	0	0	0	0	3
Replace Gauges	0	0	0	0	0	0	4
Replace Electrical Parts	0	0	0	1	0	1	11
Change Oil in Pumps	6	4	8	16	4	38	*
Degrease & Wash Down Lift Stations	5	4	6	7	3	25	*
TOTAL						235	
SPECIAL PROJECTS							

* No information available in 2011

1 of 1

EDC DEPARTMENT

City of La Marque
Monthly and Year
To Date

EDC
Month: May
Year: 2012

	CURRENT MONTH	CURRENT MO. PREV. YR.	PREV. MONTH	YR. TO DATE 2012	PREV. YR. TO DATE 2011
<u>ShopsQA Businesses</u>	66	None	0	8	None

***The staff at ShopsQA is developing a partial list of businesses to import**

AGENDA

Notice is hereby given that the City Council of the City of La Marque, Texas will conduct a Regular Meeting on Monday, June 11, 2012 at 6:00 p.m. at 1109-B Bayou Road for purpose of considering the following agenda:

(1) CALL MEETING TO ORDER

(2) ROLL CALL

(3) INVOCATION AND PLEDGE OF ALLEGIANCE

(4) MINUTES (3-7)

- a. Regular City Council Meeting, May 14, 2012
- b. Special Meeting, May 15, 2012
- c. Special City Council Meeting, May 21, 2012

(5) CITIZEN'S PARTICIPATION

Comments from the Public (At this time, any person with city-related business who has signed up may speak to Council (limited to three (3) minutes). In compliance with Texas Open Meeting Act the City Council may not deliberate on comments. Personal attacks will not be allowed, and personnel matters should be addressed to the City Manager during normal business hours.

(6) PRESENTATION (8-9)

- a. Presentation - City of La Marque 2012 Election Judges
- b. Presentation – Fifty Club Officer of the Year
- c. Presentation - Telecommunicators of the Year -Galveston County Emergency Communication District

(7) OLD BUSINESS (10-19)

- a. Discussion/possible action –Change Order #4 Long & Son LJA - Project No. E019-090D
Replacement of Magnolia Water Plant for \$98,841.68

(8) NEW BUSINESS (20-66)

- a. Discussion/possible action on the City of La Marque Emergency Management Plan
- b. Discussion/possible action on proposed amendments to the Animal Services Interlocal Agreement with Galveston County
- c. Discussion/possible action of Ordinance No. O-2012-1060- An Ordinance of the City of La Marque, Texas, amending Chapter 2, Administration, City Departments, of the Code of Ordinances, City of La Marque, Texas by repealing Ordinance No. 1032, which added a new section 2-39A to create the Office of Public Safety Director. This is the first reading
- d. Discussion/possible action on an order declaring the charter amendments adopted as approved by voters May 12, 2012
- e. Discussion/possible action of appointment(s) to Negotiating Committee for Police Collective Bargaining Negotiations

(9) CITY MANAGER REPORT – No Council Action Necessary (67-133)

(10) REQUESTS AND ANNOUNCEMENTS

- a. Requests by Mayor and Council Members for items to be placed on future City Council agendas and announcements on city events/community interests

(11) ADJOURNMENT

CERTIFICATION:

I hereby certify that the above notice of meeting was posted at 1109-B Bayou Road, La Marque, Texas before 5:00 p.m. on this 7th day of June 2012

The City Council for the City of La Marque, Texas reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized the Texas Government Code Section 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.086 (Economic Development)

Zina Tedford, Interim City Clerk

This facility is wheelchair accessible and accessible parking spaces are available. Request for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Clerk's office at (409) 938-9203, or Fax (409) 935-0401, or e-mail cityclerk@ci.la-marque.tx.us for further information.

**MINUTES
REGULAR CITY COUNCIL MEETING
14 MAY 2012**

(1) CALL MEETING TO ORDER

Mayor Hocking called the meeting to order at 6 p.m.

(2) ROLL CALL

PRESENT:

Councilmember Brown
Councilmember Trube
Councilmember Osteen
Mayor Pro-Tem Bell
Mayor Hocking

(3) INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Hocking led the Invocation and followed with the Pledge of Allegiance to the Flag.

(4) APPROVAL OF MINUTES

- a. Regular City Council Meeting, April 23, 2012

Councilmember Trube made a motion to approve the minutes as written. Councilmember Osteen seconded the motion. Minutes were approved unanimously.

(5) CITIZEN'S PARTICIPATION

Comments from the Public (At this time, any person with city-related business who has signed up may speak to Council (limited to three (3) minutes). In compliance with Texas Open Meeting Act the City Council may not deliberate on comments. Personal attacks will not be allowed, and personnel matters should be addressed to the City Manager during normal business hours.

Peggy Phillips, 2902 Pine Shadow, addressed city council regarding concerns and comments regarding personal political choices.

(6) PRESENTATION

- a. Proclamation – National Police Week/Peace Officers Memorial Day

Mayor Hocking presented this proclamation to Director of Public Safety Aragon.

- b. Proclamation – Management Week in America

Mayor Hocking read the proclamation.

- c. Proclamation - The War of 1812 Remembrance Day

Mayor Hocking presented the proclamation to Catherine Polk, Mary Glenn and Frances Foreman. Ms. Polk asked that all churches ring the church bells at noon on June 18th.

(7) NEW BUSINESS

- a. Discussion/possible action on Change Order #4 Long & Son LJA - Project No. E019-090D

Replacement of Magnolia Water Plant for \$98,841.68

Councilmember Trube made a motion to approve Change Order #4. Councilmember Brown seconded the motion. Councilmember Osteen asked if staff had tested the water for contamination. PW Director Morgan stated that it has been several years since tested. Councilmember Osteen stated that it should be tested before we spend this kind of money. There was discussion regarding the ground, the liner and packing around the area. Councilmember Osteen asked for the schematic of the project. There were questions on water testing, costs and how long it would take to get results back. Mayor Pro-Tem Bell asked what if it is repaired and we find out the water is contaminated. Mayor Pro-Tem Bell stated that we need a better course of action. Councilmember Trube asked if we are aware of any soil samples in the area.

Councilmember Trube withdrew the motion. Councilmember Brown withdrew the second. Councilmember Trube made a motion to table the item. Councilmember seconded the motion. This item is tabled until June 11th meeting.

(8) CITY MANAGER REPORT – No Council Action Necessary

Mayor Pro-Tem Bell stated he had noticed the name change from Inspections to Development Services. City Manager Buttler stated that Development Services is more indicative of all the services provided by this particular department.

Councilmember Trube asked if the fire department is current with fire hydrant testing.

Councilmember Osteen questioned the report regarding the errors in the judicial department. City Manager Buttler stated that the bottom line was not affected and staff had taken steps in ensuring that the software upgrades are made on a regular basis.

(9) REQUESTS AND ANNOUNCEMENTS

- a. Requests by Mayor and Council Members for items to be placed on future City Council agendas and announcements on city events/community interests

Mayor Pro-Tem Bell congratulated Mayor Hocking and Councilmember Trube on their re-election. Mayor Pro-Tem Bell also congratulated Ms. Sam on campaign and all the citizens for getting involved in the political process by voting. Mayor Pro-Tem Bell continued by stating that he has also been the target of attacks and extended his sympathies to Ms. Phillips for having to contend with it. We hope that we can all move forward and work together for a better La Marque. Mayor Pro-Tem Bell asked City Manager Buttler to ask Galveston County for a report on the recent election issues.

Councilmember Osteen also congratulated Mayor Hocking, Mayor Pro-Tem Bell and Councilmember Trube for their re-election. The City Council is making progress, but we still have a lot of obstacles to overcome. We have a good city manager to help us. Ms. Phillips has turned in her resignation from all city committees.

Councilmember Trube congratulated Mayor Hocking and Mayor Pro-Tem Bell and look forwards to being able to continue the work we started. Councilmember Trube concurred with Mayor Pro-Tem Bell regarding an assessment of the election issues. Councilmember Trube asked if there is a Special Meeting for the canvassing scheduled for May 21st and requested an agenda item to discuss designating a date and time for a City Council retreat. Councilmember Trube continued by stating that she was here all day Saturday, met a lot of citizens and has a lot of feedback that she will share with the City Manager

Councilmember Brown – congratulated everyone on being re-elected. Councilmember Brown thanked everyone and is looking forward to making La Marque shine.

Mayor Hocking congratulated Mayor Pro-Tem Bell and Councilmember Trube. Thank you to all the citizens that voted. Mayor Hocking also stated that he respects Ms. Phillips and thanked her for her time and service to the citizens of La Marque. Mayor Hocking reminded everyone of the town hall meeting being held this evening on Hurricane Preparedness immediately following the meeting.

(10) ADJOURNMENT

Councilmember Trube made a motion to adjourn the meeting. Councilmember Osteen seconded the motion. Meeting adjourned at 7:01 p.m.

Bobby Hocking, Mayor

Zina Tedford, Interim City Clerk

**MINUTES
SPECIAL MEETING
MAY 15, 2012
1207 OAK ROAD-GALVESTON COUNTY HEALTH DISTRICT**

(1) CALL MEETING TO ORDER

Mayor Hocking called the meeting to order at 6:04 p.m.

(2) ROLL CALL

Councilmember Brown
Councilmember Trube
Councilmember Osteen
Mayor Pro-Tem Bell
Mayor Hocking

(3) SITE VISIT

a. 1207 Oak- Galveston County Health District Buildings

(4) NEW BUSINESS

a. Discussion/possible action of acquisition of real property located at 1207 Oak- Galveston County Health District Buildings (Council may adjourn into Executive Session in accordance with the Texas Government Code, pursuant to Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), and 551.073 (Deliberations about Gifts and Donation))

There was discussion regarding the "pros" and "cons" on the acquisition of the buildings/property. Discussion also involved funding options and potential costs to bring the facilities up to code if Galveston County Commissioners Court agrees to donate the buildings to the City of La Marque. Commissioners Court invited La Marque City Councilmembers to attend Commissioners Court Workshop scheduled for Tuesday, May 29, 2012 beginning at 9:30 a.m. Staff will post a notice of potential quorum of the La Marque City Council.

(5) ADJOURNMENT

Councilmember Trube made a motion to adjourn the meeting. Councilmember Osteen seconded the motion. The meeting adjourned at 6:31 p.m.

Bobby Hocking, Mayor

Zina Tedford, Interim City Clerk

SPECIAL CITY COUNCIL MEETING
MAY 21, 2012

1. Call Meeting to Order

Mayor Hocking called the meeting to order at 6 p.m.

2. Invocation and Pledge of Allegiance to the Flag

Mayor Pro-Tem Bell led the Invocation and Mayor Hocking followed with the Pledge of Allegiance to the Flag.

3. Roll Call

PRESENT:

Councilmember Brown
Councilmember Trube
Councilmember Osteen
Mayor Pro-Tem Bell
Mayor Hocking

ABSENT:

4. New Business

- a. Discussion/possible action of Resolution No. R-2012-1180 canvassing the results of the May 12, 2012 General Election for Mayor, Councilmember District A, Councilmember District C and the results of the May 12, 2012 Special Election on amendments to the City Charter of the City of La Marque, Texas

Councilmember Osteen made a motion to approve Resolution No. R-2012-1180.
Councilmember Trube seconded the motion. Motion carried.

b. Administration of Oath to Elected Officials

Honorable Judge Baker asked Bobby Hocking, Keith Bell and Connie Trube to step forward. Judge Baker administered the Oath to the newly elected officials.

c. Discussion/possible action – appointment of Mayor Pro-Tem

At this time, Mayor Hocking stated that with the approval of fellow councilmembers and complete confidence and great expectancy, he would like to nominate Keith Bell as Mayor Pro-Tem. Councilmember Brown seconded the motion.

Mayor Hocking said it could be brought up at the Council's Retreat.

AYES: 3; NAYES: 1 (Councilmember Trube); NO VOTE: 1 (Councilmember Osteen)

Councilmember Osteen stated that while we are on the subject, Councilmember Trube had asked him to support her for the Mayor Pro-Tem position. Councilmember Osteen said even though Mayor Pro-Tem Bell has done an excellent job, this position should be passed around to other councilmembers. This is no disrespect to Keith Bell, he is a great representative. Some cities appoint a Mayor Pro-Tem every six months so the rest of the Council can share this position and we may want to look at this in the future. Councilmember Trube has been on the City Council for a long time and I am sure she would like to serve in that capacity.

- d. Discussion/possible action of the City of La Marque entering into an Interlocal Tax Collection Agreement with Galveston County Tax Assessor and Collector for collection of all taxes on real and personal property located within the Taxing Unit's jurisdictional boundaries

Mayor Pro-Tem Bell made a motion to enter into an Interlocal Tax Collection Agreement with Galveston County Tax Assessor and Collector for collection of all taxes on real and personal property located within the Taxing Unit's jurisdictional boundaries
Councilmember Trube seconded the motion. The motion carried.

- e. Discussion/possible action designating a date and time for City Council Goal Setting Retreat

Mayor Pro-Tem Bell made a motion to hold a City Council Retreat on Thursday, May 31, 2012, 10 a.m. to 6 p.m.
Councilmember Trube seconded the motion. The motion carried.

City Manager Carol Buttler gave an outline of the agenda for the Council Retreat. The retreat is an opportunity for City Council to brainstorm, look at the city's vision and by consensus provide staff with guidance.

No action will be taken at this Retreat. This meeting will be posted with a map of the retreat location.

Mayor Hocking asked that the item of Mayor Pro-Tem be placed on the retreat agenda.

Mayor Hocking, Councilmember Brown, Trube, and Mayor Pro-Tem Bell expressed gratitude for the confidence that the citizens have placed in them, want to move forward in a positive manner and provide the city with stability and consistency.

5. Adjournment

Councilmember Trube made a motion to adjourn the meeting. Councilmember Brown seconded the motion. The meeting adjourned at 7:29 p.m.

Zina Tedford, Interim City Clerk
Patty Rees, Recording Secretary

Bobby Hocking, Mayor



CITY COUNCIL AGENDA FORM

Meeting Date: 6-11-12

Agenda item: 6a,b&c

Prepared by: zt

Reviewed by: CJB

Department: Admin

AGENDA ITEM DESCRIPTION:

- a. Presentation – City of La Marque 2012 Election Judges
- b. Presentation – Fifty Club Officer of the Year
- c. Presentation – Telecommunicators of the Year -Galveston County Emergency Communication District

- a. Presentation – City of La Marque 2012 Election Judges

These individuals served as Judges and Clerks for the General/Special Election held May 12, 2012. The judges oversee the operations of precinct voting facilities during early voting and Election Day. The judges oversee the clerks during equipment setup, voter registration and ballot counting to ensure fairness for all candidates.

Charlotte Westerlage
Presiding Judge

Martha Woolridge
Alternate Judge

Election Clerks

Catherine Polk
Felicita Jaramillo

Dorothy Jeffcoat
Marilyn Richardson

- b. Presentation – Fifty Club Officer of the Year

Chief Aragon will introduce ID Officer Brian Auzston, recognized at the Fifty Club of Galveston County 41st Annual Awards Presentation held on May 14, 2012 – Fifty Club Officer of the Year.

- c. Presentation – Telecommunicators of the Year -Galveston County Emergency Communication District

Chief Aragon will introduce Tina Crawford and Teresa Scott to City Council.

☐

Attachments for Reference

History (if applicable):

Target Implementation:

Significant Action Dates:

☐

Ordinance

☐

Resolution

☐

Proclamation

☒

Special Presentation

☐

Finance Report

☐

Public Hearing

☐

Other

Cost Details:

Budgeted	
Actual Bid	
Estimated Expenditure	
Acct. Name	
Line Item #	
Other Funding	

Staff's Recommended Motion:



Fiscal Impact: n/a

CITY COUNCIL AGENDA FORM



CITY COUNCIL AGENDA FORM

Meeting Date: 6-11-12

Agenda item: 7a

Prepared by: Cyndi Efird

Reviewed by: CJE

Department: Public Works & Utilities

AGENDA ITEM DESCRIPTION:

a. Discussion/possible action -Change Order #4 Long & Son LJA - Project No. E019-090D
Replacement of Magnolia Water Plant for \$98,841.68

☒ **Attachments for Reference:** Change Order (7pgs);
LJA's recommendation letter

This item was tabled at the Regular Meeting of May 14, 2012 pending water sample tests results.

INFORMATION

LJA Briefing: After reviewing the video of the existing well casing and screens it appears that the condition of the casing below 620 feet is in need of repair. The repair would entail the insertion of a liner with a reduced diameter to be placed within the existing casing and the placement of a gravel pack between the liner and casing. If not repaired, the existing casing could collapse which would greatly limit the production of the well. If the casing collapses, the liner option may not be possible and the need for a new well may be required at an approximate cost of 5 to 8 times the repair cost of the existing well.

Staff Briefing: City staff has reviewed the video tape and concurs with LJA's recommendation. The video indicates the screen slots were corroded and after the cleaning of the slots, there were several areas where rust holes were 2-3 inches in diameter through the casing. If the well is not rehabilitated, we will not have the capability of filling the tank for emergency back-up water. The ground storage tank located at this site only receives well water.

History (if applicable): The well was originally drilled July 8, 1949. Some minor repairs were completed April 9, 1971.

Target Implementation:

Significant Action Dates: June 1, 2012 – Staff anticipates the system will be operational before June 2012 (Hurricane Season)



CITY COUNCIL AGENDA FORM

Action:

☐

Ordinance

☐

Resolution

☐

Proclamation

☐

Special Presentation

☐

Finance Report

☐

Public Hearing

☒

Other – Contract Change Order

Cost Details:

Total Project Bid	\$1,115,000.00
Well Line Phase of Project Bid	\$119,300.00
Change Order	\$98,481.68
Remaining Grant Funds	\$41,406.41
City Contributions	\$57,075.27
Account Name	Utility Repair & Maintenance
Account #	02-3010-22-00

Staff's Recommended Motion: Staff recommends approval of Change Order # 4 in the amount of \$98,481.68 and use of Utility funds in the amount of \$57,075.27 (02-3010-22-00) to offset the remaining costs for LJA Project 019-090D Water Well Screen Liner Repair.

Fiscal Impact: Approximately \$57,000.00 will need to be utilized from the Utility Department Repair & Maintenance line item to repair or replace water lines. The City will not be able to do any proposed scheduled up-grades the remainder of this fiscal year due to the use of funds for this project.

11821 East Freeway
Suite 400
Houston, Texas 77029

Phone 713.450.1300
Fax 713.450.1385
www.ljaengineering.com

May 3, 2012

Mr. Mike Morgan
Director of Public Works
City of La Marque
1500 Municipal Drive
La Marque, TX 77568

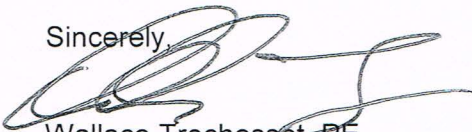
RE: City of La Marque
Magnolia Water Well Project
Water Well Screen Liner Repair
LJA Project No. E019-090D

Dear Mr. Morgan,

After reviewing the video of the existing well casing and screens it appears that the condition of the casing below 620 feet is in need of repair. The repair that we would recommend is the insertion of a liner with a reduced diameter to be placed within the existing casing and then the placement of a gravel pack between the liner and casing. If the City decides not to repair the casing the existing casing could collapse which could greatly limit the production of the well. If the casing collapses the liner option may not be possible and the need for a new well may be required at a cost of approximately 5 to 8 times the repair cost of the existing well. We have already received the costs from the contractor to repair the existing well and have prepared a change order in the amount of \$98,841.68.

Please give me a call if you have any questions at 713-657-6030.

Sincerely,



Wallace Trochesset, PE
Vice President

cc: David Baker, Public Management, Inc.
Construction File 16.4

CHAPTER 9

Form 9-4 Construction Contract Change Order Approval Request

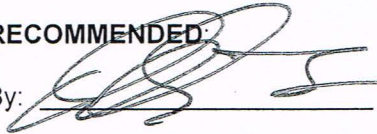
Owner (Contractor Locality): City of La Marque 1111 Bayou Road La Marque, Texas 77568 Phone #: 409-938-9200	Contract For (project description): Replacement of Magnolia Water Plant	Date May 1, 2012, 2012 Project No. E019-090D	
Contractor: Long & Son, Inc. 13014 Queensbury Lane Houston, TX 77079 Agreement Date: 04/08/2011 Phone #: 713-461-7032	Engineer: LJA Engineering, Inc. 11821 East Freeway, Suite 400 Houston, Texas 77029 Phone #: 713-450-1300 Engineer's Project No. E019-090D	DRS Contract No. 010094 Change Order No. 4	
You are hereby requested to comply with the following changes from the contract plans and specifications:			
Item No.	Description of Changes-Quantities, Units, Unit Prices, Change in Completion Scheduled, Etc.	Decrease in Contract Price	Increase in Contract Price
1	Water Well Screen Liner Repair		\$98,841.68

CHAPTER 9

<u>Change in Contract Price</u>	<u>Change in Contract Time</u>
Original Contract Price: \$1,115,000.00	Original Contract Time: 225 W.D.
Previous Change Order(s) No. 1 to No. 3 \$(10,836.47)	Net Change From Previous Change Orders 0 W.D.
Contract Price Prior to this Change Order \$1,104,163.53	Contract Time Prior to this Change Order 225 W.D.
Net <u>Increase</u> /Decrease of this Change Order \$ 98,841.68	Net Increase/Decrease of this Change Order 90 W.D.
Contract Price With all Approved Change Orders \$1,203,005.21	Contract Time With all Approved Change Orders 315 W.D.
Cumulative % Change in Contract Price: % 8.95 CE.	

DR Division reimbursement of costs approved by this change order is subject to approval by TDRA.

RECOMMENDED:

By: 
ENGINEER (Authorized Signature)

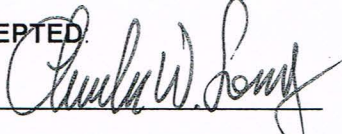
Date: 5-2-12

APPROVED:

By: _____
OWNER (Authorized Signature)

Date: _____

ACCEPTED:

By: 
CONTRACTOR (Authorized Signature)

Date: 5/2/12

JUSTIFICATION FOR CHANGE

Grantee: City of La Marque

DRS Contract No.:

Change Order No. 4

CHAPTER 9

1. Will this Change Order increase or decrease

the number of beneficiaries?

☐ Increase

☐ Decrease

☒ No Change

If there is a change, how many beneficiaries will be affected?

Total ____ L/M ____

2. Effect of this change on scope of work:

☐ Increase

☐ Decrease

☒ No Change

3. Effect on operation and maintenance costs:

☐ Increase

☐ Decrease

☒ No Change

4. Are all prices in the change order dependent upon unit prices

found in the original bid?

Yes

☒ No

If "No", explain: **Original water well screen liner was found to have numerous hole and in serious need of repair.**

5. Will this change be completed within the contract period?

☒ Yes

☐ No

If "No", expected completion date: _____

(completion date)

6. Has this change created new circumstances or environmental

conditions which may affect the project's impact, such as

concealed or unexpected conditions discovered during actual

construction?

☐ Yes

☒ No

If "Yes", is an Environmental Re-assessment required?

☐ Yes

☐ No

CHAPTER 9

7. Is the Texas Commission on Environmental Quality (TCEQ) clearance still valid?	☒ Yes	☐ No
8. Is the TCEQ permit approval still valid? (sewer projects only)	☐ Yes	☐ No
9. Are the handicapped access requirements/approval still valid (if applicable)? NA	☐ Yes	☐ No
10. Are other Disaster Recovery contractual special condition clearance still valid?	☒ Yes	☐ No
(If no, specify):		

NOTE:

- * Generally, a cumulative change in the contract price in excess of 25% cannot be approved.
- * Generally, items not included or identifying unit costs in the original bid documents cannot be approved as change order items.

LONG & SON, INC.

General Contractor

13014 Queensbury Houston, TX 77079
Phone 713.461.7032 Fax 713.935.9278

April 3, 2012

City of La Marque
C/o LJA Engineering, Inc.
11821 East Freeway, Suite #400
Houston, Texas 77029

RE: Magnolia Water Plant

Gentlemen:

We are forwarding a Request for a Change Order for the Water Well Screen Liner Repair for your consideration and approval.

1. Weisinger Inc. cost to repair the Water Well Screen	\$89,632.00
2. Long & Son, Inc. 10% Mark-Up	\$8,963.20
3. 2 1/2% Bond Cost	\$246.48
Total Change Order	\$98,841.68

If we can be of any further service, please advice.

Very Truly Yours,

Charles W. Long

Weisinger Incorporated

Water Resource Professionals

2200 East Davis

Conroe, Texas 77301

936-756-7721 281-353-8484

936-756-7723 fax

April 3, 2012

Mr. Charley Long.
Long & Son
13014 Queensbury Ln.
Houston, TX 77079

Re: City of La Marque Magnolia Street Well – Well Video Survey

Dear Mr. Long:

We have brushed and jetted the well and performed another video survey. We were able to run a small amount of water in the well, so the view is not as cloudy as the first video. A copy of the video is enclosed.

On this survey, holes in the screen were noted at 620 to 622 feet, 625 feet, 816 feet, 818 feet, 828 feet, 830 feet, and 838 feet. At 398 feet, 495 feet, 527 feet, and 700 feet, the screen slots were enlarged. Pitting was note at several places in the screen.

Because of the numerous holes, we recommend relining the well. A six inch liner and screen section would be installed from the top of the liner (208 feet) to the bottom viewed on the survey (852 feet). The liner pipe would be standard wall steel, and the screens would be pipe – base wire wrap screen. Gravel would be installed between the inside of the old screen and the outside of the new screen/liner.

After installing the screen, a test pump would be installed and a pumping test performed to verify the performance to determine if the new pump is adequately size.

The price for this work is \$89,632.00, and could be completed within 3 weeks of approval.

Please let us know if you have any questions or require any additional information.

Best Regards,

Mark S. Harkness



Weisinger Incorporated

LaMarque Relining						
Description	UOM	No Units	\$/unit	Cost	Mult	Price
6" liner	ft	644	\$ 15.37	\$ 9,900.00	2.00	\$ 19,800.00
hauling	hr	10	\$ 200.00	\$ 2,000.00	1.00	\$ 2,000.00
6" screen	ft	206	\$ 36.00	\$ 7,416.00	2.00	\$ 14,832.00
misc	ls	1	\$ 1,300.00	\$ 1,300.00	2.00	\$ 2,600.00
welder	hr	40	\$ 50.00	\$ 2,000.00	2.00	\$ 4,000.00
gravel	cy	8	\$ 200.00	\$ 1,600.00	2.00	\$ 3,200.00
crew	hr	40	\$ 350.00	\$ 14,000.00	1.00	\$ 14,000.00
hauling	hr	20	\$ 200.00	\$ 4,000.00	1.00	\$ 4,000.00
set pump	hr	30	\$ 350.00	\$ 10,500.00	1.00	\$ 10,500.00
pumping test	hr	12	\$ 350.00	\$ 4,200.00	1.00	\$ 4,200.00
remove pump	hr	30	\$ 350.00	\$ 10,500.00	1.00	\$ 10,500.00
						\$ 89,632.00



CITY COUNCIL AGENDA FORM

Meeting Date: 6-11-12

Agenda item: 8a

Prepared by: Jennifer Pierce

Reviewed by: CJP

Department: Office of Emergency Management

AGENDA ITEM DESCRIPTION

a. Discussion/possible action on the City of La Marque Emergency Management Plan

☒ **Attachments for Reference**

Staff Briefing:

The document submitted for approval is the base of the City's complete Comprehensive Emergency Management Plan. Each department has reviewed and offered comments.

History (if applicable):

The City has been following Galveston County's Emergency Management Plan.

While this practice has been acceptable in the past, each City within the County is now required to adopt a plan specific to their City to be compliant with the National Incident Management System (NIMS) and for federal grant opportunities.

Once approved, all departments and City Council will received a copy of the approved plan with all supporting documents (employee list, resource list, phone numbers, any other information likely to change often, etc.) that will be updated as needed.

Target Implementation: Immediately

Significant Action Dates:

Action:

- | | |
|---|---|
| ☐ Ordinance | ☐ Resolution |
| ☐ Proclamation | ☐ Special Presentation |
| ☐ Finance Report | ☐ Public Hearing |
| ☒ Other | |

Cost Details:	
Budgeted	
Actual Bid	
Estimated Expenditure	
Acct. Name	
Line Item #	
Other Funding	

Staff's Recommendation – Staff recommends approving the Comprehensive Emergency Management Plan as written. The base plan will not be amended at any time without City Council's approval.

Fiscal Impact: n/a



The City of La Marque Comprehensive Emergency Management Plan

BASIC PLAN

I. INTRODUCTION

Chapter 418 of the Texas State Statute allows for the preparation of this document. This Plan enables the City of La Marque Government to prevent or mitigate the impact of, prepare for, respond to, and recover from a variety of disasters that may affect the citizens of the City of La Marque. The Comprehensive Emergency Management Plan (CEMP) provides a framework that is consistent with the National Incident Management System (NIMS) and utilizes the Incident Command System (ICS) through which the City of La Marque may prevent, prepare for, respond to, recover from and mitigate the impact of various disasters. Responsibilities for the City, divisions, and departments through an Emergency Support Function (ESF) approach to planning and operations are clearly defined in this Plan. Each Emergency Support Function has a standard operating guideline which incorporates the NIMS and ICS structure.

In February, 2003 Homeland Security Presidential Directive 5 (HSPD-5), Management of Domestic Incidents was issued. In that directive, the President directed the Secretary of Homeland Security to develop, submit for review to the Homeland Security Council and administer a National Incident Management System (NIMS). In March 2004, the Secretary of Homeland Security released the National Incident Management System (NIMS). Homeland Security Presidential Directive 5 (HSPD-5), Management of Domestic Incidents, requires all Federal, State, Local and Tribal agencies to adopt and implement the NIMS and requires these entities to implement the NIMS to receive Federal preparedness funding. On May 23, 2005 the City of La Marque City Council adopted the NIMS. The City of La Marque adopted NIMS prior to the October 1, 2005 deadline.

The CEMP is operations oriented and addresses coordinated City evacuation, shelter, post-disaster response and recovery, rapid deployment and pre-deployment of resources, communications and warning systems, and annual exercises to determine the ability of the local government to respond to emergencies. The CEMP describes the basic strategies, assumptions and mechanisms through which the City will mobilize resources and conduct activities to guide and support local emergency management efforts through prevention, preparedness, response, recovery and mitigation. To facilitate effective inter-governmental operations, the CEMP adopts a functional approach that groups the type of assistance to be provided under Emergency Support Functions (ESFs). Each ESF is headed by a lead agency, which has been selected based on its expertise, authorities, resources and capabilities in the functional area.

A. Purpose

The purpose of the CEMP is to establish uniform policies and procedures for effective coordination of response to a wide variety of natural, man-made, and technological disasters using an all hazard approach. These emergencies may differ in size and severity and affect the health, safety and general welfare of the citizens of the City of La Marque. To this end, the City of La Marque has incorporated the concepts and principles of the NIMS including Incident Command System (ICS) characteristics such as common terminology, modular organization, management by objectives, incident action planning, manageable span of control, pre-designated incident facilities, comprehensive resource management, integrated

communications, transfer of command, unity of control, unified command, personnel and resource accountability and information and intelligence management. Inclusion of the NIMS and ICS structure in the CEMP provides for the following:

- Ensures common and proven incident management doctrine, practices, and principles are used to plan for, protect against, respond to, and recover from emergency incidents and preplanned events;
- Maintains a response operation capable of expanding to meet an escalating situation and the ability to integrate resources and equipment from intrastate and interstate mutual aid agreements, State-provided assistance, and Federal government response;
- Enables ordering and tracking of response assets using common resource typing and definitions and draw on mutual aid agreements for additional assistance;
- Establishes staging and allocation plans for the re-distribution of equipment, supplies and aid coming into the area from other localities, States, or the Federal government through mutual aid agreements;
- Provides the ability to conduct situational assessments and establish the appropriate ICS organizational structure to effectively manage the incident; and
- Establishes communication processes, procedures and protocols that will ensure effective interoperable communications among emergency responders and multi-agency coordination systems – Emergency Operations Center.

The CEMP is designed to accomplish the following specific purposes:

1. Reduce the vulnerability of people and communities of this City to damage, injury and loss of life and property resulting from natural, technological or man-made emergencies, acts of terror, catastrophes, or hostile military or paramilitary action.
2. Prepare for prompt and efficient response and recovery to protect lives and property affected by emergencies.
3. Respond to emergencies using all systems, plans and resources necessary to preserve the health, safety and welfare of the citizens and visitors to the City of La Marque.
4. Recover from emergencies by providing for the rapid and orderly start of restoration and rehabilitation of persons and property affected by the emergencies.
5. Provide an emergency management system embodying all aspects of pre-emergency preparedness and post-emergency response, recovery and mitigation.
6. Minimize damage to property, material shortages and service system disruption, which would have an adverse impact on the residents, the economy and the well being of the City.

7. Manage emergency operations within the City by coordinating the use of resources available from County government, private industry, civic and volunteer organizations and State and Federal agencies.

B. Scope

The Basic Plan describes the various types of emergencies and disasters that are likely to occur in the City of La Marque. The plan further provides procedures for disseminating warnings; provides procedures for determining, assessing and reporting the severity and magnitude of such disasters. The Basic Plan establishes the concepts under which City, County and State Governments will respond to disasters by:

1. Defining the responsibilities of City officials and other governmental officials.
2. Defining the emergency roles and functions of City and municipal departments and agencies, private industry, volunteers and civic organizations.
3. Establishing a unified framework for the expeditious and efficient deployment of City resources using the Emergency Support Function (ESF) concept.
4. Outlining the type of recovery assistance available to individuals, businesses and public entities.

C. Methodology

Initial input was through the operationalism of the functional and systematic approach to management of emergencies used in the City of La Marque Comprehensive Emergency Management Plan. Input was provided through the development of the Emergency Support Functions (ESFs) as defined in the National Response Framework and in the State of Texas Emergency Management Plan. The development of the ESFs has been an ongoing process; each ESF will incorporate NIMS and the Incident Command structure into their emergency operations plans.

All operations under this Plan will be undertaken in accordance with the Division's mission statement: *Provide a resilient emergency management structure to improve the quality of life in the community through mitigation, preparedness, response and recovery.* Local, State, and Federal emergency plans will integrate the National Incident Management System (NIMS) in their emergency management plans and programs in order to provide effective and timely support to the citizens of the City of La Marque in the event of a major disaster or emergency. As such, the CEMP establishes a framework for the effective coordination of preparedness, prevention, response, recovery, and mitigation actions at all levels of government. Recognizing that the local emergency response is primary during an emergency or disaster, the City will coordinate with local officials to augment local emergency resources as needed.

In accordance with efforts to create a county-wide Continuity of Operations (COOP) Plan, all agencies and local governments must be prepared to respond to emergencies and disasters even when government facilities, vehicles, personnel, and political/decision-making authorities are affected.

When deemed necessary, the City of La Marque Emergency Management Division will initiate requests for assistance from both Federal Government, and the County, through the State of Texas, Division of Emergency Management. All activities taken under the CEMP will reflect the use of the Incident Command System (ICS) and the National Incident Management System (NIMS). The plan will be reviewed on an annual basis and changes will be incorporated into the plan on a regular basis. As the plan is improved through exercises or actual incidents, each ESF, the City of La Marque department heads, and the City Council will be issued the current update and the date and revision number will be listed.

II. SITUATION

This section of the CEMP provides a summary of the City's population, the major hazards the City is vulnerable to, and several planning assumptions that were considered in the planning process.

A major or catastrophic emergency will overwhelm the capabilities of the City of La Marque and its employees to provide prompt and effective emergency response and emergency short-term recovery measures. Numerous separate hazardous conditions and other emergencies as a result of a major event can be anticipated. Thousands of emergency victims may be forced from their homes and a large number of injured and deceased victims could be expected. Transportation infrastructures will be damaged and local transportation services will be disrupted. Widespread damage to commercial telecommunication facilities will be experienced and the ability of governmental response and emergency response agencies to communicate will be impaired.

Homes, public buildings and other critical facilities and equipment will be destroyed or severely damaged. Debris may make streets and highways impassable. The movement of emergency supplies and resources will be seriously impeded. Public utilities will be damaged and either fully or partially inoperable. Emergency personnel may become victims of the emergency, preventing them from performing their duties. Numerous separate hazardous conditions and other emergencies, as a result of the major event, can be anticipated. Many victims will be in life-threatening situations requiring immediate rescue and medical care. There will be a shortage of a wide variety of supplies necessary for emergency survival. Hospitals, nursing homes, pharmacies and other health and medical facilities will be severely damaged or destroyed. Medical and health care facilities that do remain in operation will be overwhelmed by the number of victims requiring medical attention. Medical supplies will be in short supply.

Damage to fixed facilities, which generate, produce, use, store or dispose of hazardous materials could result in releases of hazardous materials into the environment. Food processing and distribution capabilities will be severely damaged or destroyed. There will be near total disruption of energy sources and prolonged electrical power failure.

There are a number of Special Facilities and populations that should be considered when doing an analysis. Special Facilities are those that would be, in effect, more vulnerable to the effects of given hazards than the general inventory of facilities or the general population. This could include portable or mobile buildings, which are unable to withstand the effects of a natural disaster such as a hurricane or tornado winds, or a population that is not able to protect themselves without assistance, such as a hospital or nursing homes.

A. Hazard Analysis

Hazard Analysis is the degree to which the City is vulnerable to disasters. Identifying the hazards is the first step in any effort to reduce community risk. Hazard analysis involves identifying all of the hazards that potentially threaten a community and analyzing them individually to determine the degree of threat that is posed by each. Hazard analysis determines:

- What hazards can occur.
- How often they are likely to occur.
- How severe the situation is likely to get.
- How these hazards are likely to affect the community.
- How vulnerable the community is to the hazard.

This information is used in the development of emergency response plans, mitigation plans, and recovery plans. It indicates which hazards merit special attention, what actions might be taken to reduce the impact of those hazards, and what resources are likely to be needed. Hazard analysis requires completion of five steps:

1. Identifying the hazard.
2. Profile each hazard.
3. Develop a community profile.
4. Compare and prioritize risk.
5. Create and apply scenarios.

The first step in hazard analysis is to put together a list of hazards that may occur in the City of La Marque. A community hazard analysis considers all types of hazards. Categories of hazards include natural hazards, such as tropical storms and geological events; technological hazards, such as power disruption, oil or gas pipelines and other hazardous materials facilities; and man-made events, such as civil or political hazards, rioting, or large demonstrations. Cascading emergencies occur when one hazard triggers others in a cascading fashion. For example, a tropical storm that ruptured natural gas pipelines could result in fires and explosions that dramatically escalate the type and magnitude of events.

Many residents and visitors of the City of La Marque are unaware of, or complacent about, the potential for severe disasters or accidents. All parts of the City of La Marque are subject to these disasters or accidents at any time, sometimes with little or no warning. The City of La Marque is vulnerable to the following destructive forces:

1. Aircraft Accident
2. Civil Disorder
3. Communication Disruption
4. Critical Infrastructure Disruption
5. Disease and Pandemic
6. Droughts and Water Shortages
7. Exotic Pests and Disease
8. Extreme Heat
9. Flooding

10. Fires
11. Hazardous Materials
12. Hurricanes/Tropical Storms
13. Lightning
14. Major Transportation
15. Mass Migration/Repatriation
16. Nuclear
17. Radiological
18. Sinkholes
19. Special Events
20. Technological
21. Terrorism (CBRNE)
22. Tornadoes and Thunderstorms
23. Utility Interruption
24. Winter Storm

Aircraft Accident

The City of La Marque sits in close proximity to a private airstrip located in Hitchcock along with a heliport located at Mainland Medical Center. Additionally, the City of La Marque sits directly in the flight path of both commercial and military planes traveling to other airports or airstrips.

Civil Disorder

Although the federal government recognizes that the United States has entered the post-cold war era, planning guidelines on military threats is a critical function of local, State, and Federal entities. For hazard analysis purposes, it is prudent to scale back on the magnitude of nuclear events for other more likely scenarios. For threats of armed violence, riots, protests, and threats against military or government, it is very likely that joint jurisdictional management of the operations will take effect, coordinated at the County level between the Sheriff's Office, the La Marque Police Department and the Division of Emergency Management. For any of these scenarios, some degree of State and Federal involvement is most likely to occur.

Critical Infrastructure Disruption

There are numerous facilities in The City of La Marque that are listed as critical infrastructures. The disruption of activities could severely impact the economic and social well being of the citizens and guests of the City of La Marque. These disruptions could occur in manners of threats, cyber attacks, protests, armed attacks, bomb devices, and acts of terror. A majority of these types of attacks will be discussed in greater detail using the City of La Marque Terrorism Annex. ESF #2, *Communications*, in coordination with Central Services – Information Technology and Public Safety – Radio Communications, will be responsible for Cyber-Terrorism events. ESF #4, *Firefighting*, ESF #10, *Hazardous Materials*, and ESF #16, *Law Enforcement* will use specialized personnel and equipment to deal with hazardous incidents.

Communication Disruption

The City of La Marque relies on communication equipment to coordinate preparedness, response and recovery efforts during times of disaster. The City maintains an 800 megahertz radio system that is interoperable with surrounding municipalities and counties. During times of disaster, standard phone lines may become overloaded or systems may be damaged. Special phones that allow calls to be made via the internet have been purchased to provide redundant communication in the event that standard telephone systems are disrupted. Through the use of the internet, communication systems are further enhanced to provide additional levels and forms of communication with the County, the State of Texas and the Federal government.

Disease and Pandemic Outbreaks

The Department of Health is the lead agency if an outbreak occurs. The Galveston County Health District (ESF-8 Health / Medical) has been training employees on their duties to include epidemiology surveillance, public outreach, distribution of pharmaceuticals, and tracking the trends of possible outbreaks throughout the Country and World. The Department of Health has plans in place, including; the use of the Strategic National Stockpile, how to identify the outbreak, and how to determine the particular diseases. A Memorandum of Understanding (MOU) has been signed with The City of La Marque Government and the School Board on the use of the schools as Points of Distribution. These facilities would be used if a major distribution of pharmaceuticals were required to prevent the spread of a disease or assist persons if an outbreak has already occurred. The City of La Marque Office of Emergency Management and the Department of Health continue to monitor pandemic and disease outbreaks for their potential to harm the citizens of the City of La Marque. Quarantine and isolation are both methods that may be utilized to help decrease the potential for spread of any disease. Public outreach is a major component of this activity. The Department of Health as the lead agency would provide oversight for a Joint Information System to provide isolation and quarantine information.

Drought and Water Shortages

In the past, most of Texas suffered from droughts to the extent that unnecessary water use has been curtailed by legislation. This curtailment, imposed by local governments and the local Water Management Districts, was accomplished by water restriction use during designated hours and alternate days. The Division of Emergency Management regularly monitors the National Oceanographic and Atmospheric Administration, National Weather Service, United States Geological Survey, and the West Gulf River Forecast Center for water, river, and lake levels. Activation of public information messages may be necessary if water levels become dangerously low.

Exotic Pests and Diseases

The Division of Emergency Management and the Texas Cooperative Extension Service maintain vigilance and careful watch of trends for exotic pests and diseases. This includes constant communication with the Institute of Food and Agriculture Sciences at the University of Florida and the University of Central Florida in partnership with Texas A&M University. Historically, the most notable pest infestation in the City of La Marque is the mosquito. Mosquito spraying and treatment are performed routinely to prevent the spread of diseases such as encephalitis and West Nile Virus.

Extreme Heat

Heat-related deaths and illness are preventable yet annually many people succumb to extreme heat. Historically, from 1979-2003, excessive heat exposure caused 8,015 deaths in the United States. During this period, more people in this country died from extreme heat than from hurricanes, lightning, tornadoes, floods, and earthquakes combined. In 2001, 300 deaths were caused by excessive heat exposure. People suffer heat-related illness when their bodies are unable to compensate and properly cool themselves. The body normally cools itself by sweating. But under some conditions, sweating just isn't enough. In such cases, a person's body temperature rises rapidly. Very high body temperatures may damage the brain or other vital organs. Temperatures that hover 10 degrees or more above the average high temperature for the region and last for several weeks are defined as extreme heat. Humid or muggy conditions, which add to the discomfort of high temperatures, occur when a "dome" of high atmospheric pressure traps hazy, damp air near the ground. Excessively dry and hot conditions can provoke dust storms and low visibility. Droughts occur when a long period passes without substantial rainfall. A heat wave combined with a drought is a very dangerous situation.

Fires

The City of La Marque is susceptible to wildfires throughout the year, particularly during the months with minimal rainfall amounts. The major cause of brush fires and forest fires is due to residents not conforming to the burning regulations in effect and not considering the conditions as they exist (dry or windy conditions). The spring is the highest period for lightning caused fires fueled by strong spring winds and lack of rainfall during the same period. In recent years, homes and businesses have been threatened by encroaching wildfires. Due to the extremely hot and dry conditions during 2011, Texas became engulfed in wild fires unlike it had ever experienced before. Wildfires destroyed nearly 4 million acres and 4,000 homes and other structures, making it the most destructive season ever. Ten people died. The City of La Marque remains at high risk for brush fires.

Occasionally, the Southeast United States experiences unusually long drought caused by the "La Nina" weather pattern. The City of La Marque and the surrounding areas have experienced increases in severe brush fire activity during these weather cycles. The City of La Marque Fire Department, Texas Forest Service, and local fire departments continue to provide public education to prevent forest fires.

Flooding

Since much of The City of La Marque is flood prone, it is greatly affected by heavy rains. In September 2008, the City of La Marque suffered the effects of Hurricane Ike. Because of the storm's devastating rains, damaging winds, and extensive property and public damages, the City of La Marque received a Presidential Disaster Declaration on September 13, 2008. The Hurricane Ike event engaged a large number of agencies, organizations, and individuals from all levels of government and the private sector.

The City of La Marque was dramatically affected by the Hurricane Ike event. Damage included localized flooding, trees in homes, debris, major power outages, and roadway washouts during the initial event. Localized flooding was reported throughout the area. The large amount of rain from the Hurricane Ike event exceeded the ability of the existing drainage systems to move water away from neighborhoods.

Due to the potential danger of flooding, wind damage, power outages and road closures in our City, all residents, especially those in our water front locations, shall be considered for mandatory evacuations in preparation for any potential land-falling hurricane. The time needed to notify these residents plus complete the evacuation process makes for critical Public Safety considerations.

The City of La Marque has several systems for notification to residents for flood threats, as well as other significant events. Some of these are as follows: National Weather Service notices, Emergency Satellite Communications link with the Texas Division of Emergency Management, Connect CTY, Doppler radar, emergency sirens and media releases.

The City of La Marque is also protected by a levee system with 15.7 miles of earthen levees as high as 23 feet, 1.3 miles of concrete walls 20 feet high, three large pump stations and a flood gate, the system has withstood every storm since 1961. While the levee system sustained about \$2 million in damage and significant erosion during Hurricane Ike, its performance has been praised.

At its peak, storm surge came within 2 of feet of topping the levee near Dollar Point, a few miles north of the Texas City Dike. The levee is 23 feet high there. The storm surge reached 21 feet. Still, the damage did not compromise the integrity of the system, which also protects much of La Marque.

Without the levee system, much of Texas City, including an estimated \$4.6 billion in oil refineries, chemical plants and other petrochemical service facilities, would have been at risk and may have exposed the residents of La Marque to additional hazards.

Hazardous Materials

There are numerous hazardous materials facilities and plants throughout The City of La Marque. A majority of these facilities are water treatment facilities and some construction and building facilities. In addition, there are hazardous materials located in minor quantities at schools, hospitals, and some of the telecommunication facilities throughout The City of La Marque.

The City of La Marque has an aggressive hazardous materials inspection and cataloguing program. The information collected from the facilities is placed into a State-wide system for easy access by emergency responders. The Emergency Operations Center monitors planning and training activities, spills, chemical releases, and hazardous materials events.

The City of La Marque may not be directly affected by a coastal oil spill, but could feel the effects from a spill into the Highland Bayou or a spill affecting other infrastructure in the surrounding areas.

The movement of people and materials throughout the City of La Marque has greatly increased. Accompanying this increased movement of people and materials is the increased risk of a disaster involving hazardous materials, such as petroleum products, volatile and toxic chemicals, radioactive materials, and explosives. Transportation of some of these materials and people is accomplished by the use of the railway system. In addition to rail systems, hazardous materials are transported through the City of La Marque by use of Interstate 45 and Highway 3. Cleanup of these spills are coordinated through the City of La Marque Office of Emergency Management and the Texas Department of Transportation.

Hurricanes/Tropical Storms

With an approaching hurricane or tropical storm, a tremendous amount of attention is devoted to the coastal areas that will be affected by winds and surge -- and rightly so. Cities, such as the City of La Marque, face a triple threat as well: damaging winds, flooding rains, and tornadoes.

The City of La Marque sits just a few short miles from the coast. Damaging winds can continue well inland. This can be from fast-moving storms that get significantly inland before they weaken enough to drop their winds below damaging speeds. Damage can also come from gusts within thunderstorm bands accompanying the storm. The destruction dealt by the devastating winds can result in destroyed buildings, downed trees and power outages. However, the greatest damage is usually due to the impact of flooding. For inland flooding, it doesn't take a hurricane to produce a disaster. A tropical storm may stall out over the area -- resulting in a massive flood.

The 2004 and 2005 hurricane seasons showed just how many tornadoes that hurricanes and tropical storms can spawn: more than 300 and 200, respectively across numerous states. In 2008, Hurricane Ike spawned 115 tornadoes across southeast Texas.

In September of 2008, Hurricane Ike impacted the City of La Marque. The Emergency Operations Center was fully activated and a Local State of Emergency was declared. City offices and schools were closed. Executive Orders were signed issuing a mandatory evacuation as well as a mandatory curfew.

Lightning

In the United States, there are an estimated 25 million cloud-to-ground lightning flashes each year. Lightning can be fascinating to watch, but it is also extremely dangerous. Texas has more lightning-related deaths and injuries than many other states.

Because lightning strikes usually claim only one or two victims at a time and don't cause mass destruction like tornadoes and hurricanes, lightning generally receives less attention than it should. Although documented lightning injuries in the United States average about three hundred per year, undocumented injuries caused by lightning are likely much higher.

Lightning is a dangerous threat to people in the United States, particularly those outside in the summer. With common sense, we can greatly reduce the number of lightning deaths. Texas also has one of the highest density lightning flashes in the world. The number one area for fatalities is in open fields, followed by water related areas, under trees, and driving equipment like farm tractors. These occurred mostly in the months of June and July in the afternoon averaging at about 4:00 p.m. Being struck by lightning does not mean it is always fatal. There are many survivors of lightning strikes.

Major Transportation

The City of La Marque is intersected by Interstate 45; a high speed limited access highway. In the past we have had major incidents that have closed the highways down, completely. Major bus transportation through the County is provided by Connect Transit. In addition to

Connect Transit, there are numerous chartered bus providers, cab services, limo companies and medical transport providers that shuttle persons through the City of La Marque.

Mass Migration/Repatriation

Pockets of migrant workers in the City of La Marque remain very low. These workers are drawn from the local work force and migrants, if any, are transported into the area on a daily basis to work in the farmlands of the City of La Marque.

Nuclear

The nearest nuclear power plant facility is in Matagorda County, which is approximately 100 miles from The City of La Marque. It is important to note that nuclear waste from hospitals as well as commercial railways may travel through the County. This is a major concern as most railways in the City of La Marque travel through populated areas.

Radiological

Currently there are 3 threat scenarios for radiological terrorism. The most probable scenario for the near future would be a radiological dispersion device. Such a weapon can be developed and used by any terrorist with conventional weapons and access to radionuclides. A terrorist attack could also be made on a nuclear power plant using a commercial jet, heavy munitions, or internal sabotage. Although this would not directly affect the City of La Marque, officials would still have to prepare to be a host City for those evacuating from the “hot-zone”. The worst scenario, and the least likely, is an organization diverting an existing nuclear device or procuring enough material and expertise to manufacture a nuclear device. Following an event with uncontrolled radioactive material, such as a dirty bomb, public health officials need to answer three questions to guide their response: what were people exposed to or contaminated with, who was exposed or contaminated, how much exposure or contamination did each person have, and did it enter the body? Contamination can be primarily internal (that is, inside the body), primarily external (outside the body), or a combination of both. Handheld radiation detectors, like Geiger counters, generally are used for assessing externally deposited contamination by certain radioactive materials and are useful for prioritizing people for external decontamination. These detectors can be used to assess internal contamination in some specific cases. Internal contamination cannot be reliably quantified by clinical assessment of early symptoms. The decision to medically treat people will depend on our ability to rapidly and accurately identify and quantify internal contamination. To direct appropriate medical treatment to the truly affected, we need a method to rapidly and accurately assess internal contamination for a broad array of radionuclides. The new methods for measurement of radionuclides are being developed to meet this need for internal contamination and dose assessment.

Sinkholes

Texas, Florida and Alabama have more sinkholes than any other states in the nation. They are an obvious feature of the natural topography of Texas. Sinkholes provide a primary pathway for rainwater to replenish subsurface groundwater; they are an important part of the aquifer system that supplies drinking water.

Appreciation and conservation of sinkholes is essential to ensure the future of Texas' freshwater supply. If left unprotected, polluted surface water can drain into sinkholes and easily contaminate the aquifers. Unfortunately, their bad reputation for property destruction frequently overshadows the vital role sinkholes play in the state's natural environment.

The City of La Marque is susceptible to sinkhole and subsidence conditions. These conditions are monitored but, if the occurrence occurs on private property, it is the citizen's responsibility to repair the damage. If the condition exists on public property, the Public Works Department will take control of the situation. When citizens call, we request that they call E-911 to report the situation.

Special Events

There are numerous special events in the City of La Marque that bring a large number of persons together in one venue. Of these, the largest event is the annual "Bayou Fest" celebration in the City of La Marque. This event draws thousands of people to enjoy the community celebration. Other special events are normally located in the various parks and recreational centers throughout the City of La Marque. In addition to "Bayou Fest", thousands of people travel through the City of La Marque to visit Galveston for the many special events held there.

Technological

Technological disasters are those that stem from our reliance on technology, industry and machinery. They are caused by human-designed technology, though they may be exacerbated by weather and natural forces. As technologies have been developed over the past century, so has the threat they pose to our communities. The City of La Marque has experienced the following:

Spills or release of hazardous materials at the site of a manufacturer or use, or during transportation

Structural fires and explosions

Wide-spread power outages

Commercial carrier transportation accidents

Terrorism (CBRNE)

State and Local governments have primary responsibility in planning for and managing the consequences of a terrorist incident using available resources in the critical hours before Federal assistance can arrive. The terrorist threat may represent Chemical, Biological, Radiological, Nuclear, Explosive (CBRNE) hazards, and/or other threats or a combination of several hazards. The initial detection of a Weapons of Mass Destruction (WMD) attack will likely occur at the local level by either first responders or private entities (e.g., hospitals, corporations, etc.). The detection of a terrorist incident involving covert biological agents will most likely occur through the recognition of similar symptoms or syndromes by clinical in-hospital or clinical settings. It is incumbent upon all county and municipal responders to be as well trained as possible in WMD response. The intricacies of the effective response demand the utmost cooperation among all responders, Federal, State, County and Municipalities.

Terrorism is a serious issue in Texas. Terrorism increases the likelihood of mass casualty and mass evacuation from a target area. For threats of armed violence, it is likely that joint jurisdictional management of the operation will take effect and will be coordinated at the County level between the Sheriff, Fire/Rescue, the Galveston County Health District and the Department of Public Safety. In 2003, the U.S. Department of Homeland Security (DHS) created the Urban Areas Security Initiative (UASI) Grant Program to support the planning,

equipment, training and exercise needs of high-threat, high-density urban areas around the country.

The Houston UASI was designed to assist the Houston-Galveston area in building an enhanced and sustainable capacity to prevent, protect against, respond to and recover from acts of terrorism and other hazards. The Federal UASI program provides "financial assistance to address the unique planning, equipment, training, and exercise needs of high-threat, high-density urban areas, and to assist them in building an enhanced and sustainable capacity to prevent, respond to, and recover from threats or acts of terrorism."

Tornadoes and Thunderstorms

Tornado activity in the City of La Marque is slightly above the Texas state average and 130% greater than the overall US average. Because of the unpredictable pattern of storms and tornadoes and the relatively high reoccurrence frequency, all of the State, including the City of La Marque is vulnerable to damage. As the number of structures and people increase, the potential damage and injury rates increase. Mobile and modular homes, poorly constructed and substandard housing apartment complexes, and low rent housing projects are extremely susceptible to damage and destruction.

Utility Interruption

There are two major power companies that service the City of La Marque, CenterPoint Energy and Texas New Mexico Power. Major disruption to power service could be caused by severe weather or damage to the power grid. In this event, officials would have to coordinate response to critical infrastructures and persons with special needs. Shelters may be required for special needs clients during long term outages. The City of La Marque Office of Emergency Management maintains a critical infrastructure list for priority power restoration.

Additional utilities in The City of La Marque include: water facilities, sewer/solid waste, cable providers, telephone companies and cellular phone carriers.

Winter Storms

Extreme cold can immobilize an entire region. Even areas, such as The City of La Marque, that normally experience mild winters can be hit with a major extreme cold winter event. Winter storms can result in ice, localized flooding, closed highways, and blocked roads, downed power lines and hypothermia.

B. Geographic Information

The City of La Marque is situated in the south central portion of Galveston County and is bounded on the north and east by Texas City, south by Bayou Vista and Hitchcock and west by unincorporated Galveston County. Due to its unique geographical setting, The City of La Marque is vulnerable to a wide array of hazards that threaten its communities, businesses, and environment. To determine the hazards that pose the greatest threat, a "*Hazard and Risk Assessment by Population*" was made. (Refer to *Figure 1*).

FIGURE 1
THE CITY OF LA MARQUE HAZARD AND RISK ASSESSMENT
By POPULATION HAZARD and RISK ASSESSMENT MATRIX

HAZARD CATEGORY	*SIGNIFI CANCE of EVENT L M H	FREQUENCY OF EVENT 1 YR 5 YR 10 YR			POPULATION AFFECTED
AIR TRANSPORTATION	X	X			ALL
CIVIL DISORDER	X	X			ALL
COMMUNICATION DISRUPTION	X	X			ALL
CRITICAL INFRASTRUCTURE DISRUPTION	X	X			ALL
DISEASE AND PANDEMIC	X	X			ALL
DROUGHTS AND WATER SHORTAGE	X	X			ALL
EXOTIC PESTS AND DISEASE	X	X			ALL
EXTREME HEAT	X	X			ALL
FIRES	X	X			ALL
FLOOD	X	X			ALL
HAZARDOUS MATERIALS (FIXED FACILITIES)	X	X			ALL
HAZARDOUS MATERIALS (TRANSPORTATION)	X	X			ALL
HURRICANE/TROPICAL STORMS	X	X			ALL
LIGHTNING	X	X			ALL
MAJOR TRANSPORTATION MASS	X	X			ALL
MIGRATION/REPATRIATION					
NUCLEAR	X	X			ALL
POWER FAILURE	X	X			ALL
SINKHOLES	X	X			ALL
SPECIAL EVENTS	X	X			ALL
TECHNOLOGICAL	X	X			ALL
TERRORISM (CBRNE)	X	X			ALL
TORNADO	X	X			ALL
UTILITY INTERRUPTION	X	X			ALL
WINTER STORM	X	X			ALL



CITY COUNCIL AGENDA FORM

Meeting Date: 6-11-12

Agenda item: 8b

Prepared by: _____

Reviewed by: CJB

Department: Administration

AGENDA ITEM DESCRIPTION:

- c. Discussion/possible action on proposed amendments to the Animal Services Interlocal Agreement with Galveston County



Attachments for Reference

Staff Briefing:

The Galveston County Health District (GCHD) has submitted the attached proposed amendments to the Health District's Animal Services Interlocal Agreement.

GCHD's intent is to:

- 1- Inform all government parties to the Health District's Animal Services collaborative, about proposed changes to the Animal Service Interlocal Agreement starting October 1, 2012.
- 2- Obtain City Council's concurrence or suggested revisions by June 15, 2012.
- 3- Have a final approved product signed by all parties by July 31, 2012, to enable budgeting and execution before the start of FY 2013.

The parties to the Interlocal agreement include:

POPULATION

Galveston County - 291,309

Bayou Vista	- 1,537
Clear Lake Shores	- 1,063
Dickinson	- 18,680
Hitchcock	- 6,961
Kemah	- 1,773
La Marque	- 14,509
Santa Fe	- 12,222
Tiki Island	- 968
Texas City	- 45,099

102,812 total population of contributing cities

The following members of the Committee over the course of several meetings (starting on July 14, 2011) provided input into the attached proposal:

County Judge Mark Henry
County Commissioner Stephen Holmes
Alderman Mark Johnstone, Bayou Vista
City Councilwoman Arline Laughter, Clear Lake Shores
Julie Johnston, Dickinson



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Cynthia Smith, Dickinson
City Councilman Fard Abdullah, Hitchcock
City Councilman Benton Spry, Kemah
City Councilman James Osteen, La Marque
Joe Dickson, Santa Fe
Pam Wood, Santa Fe
City Councilwoman Gwen Schultea, Tiki Island
Nick Finan, Texas City

In summary, the proposed changes to the agreement include a scope of specific services included in the agreement; a funding formula, election of officers to the animal advisory committee, etc.

Sheltering Services - The County shall pay forty percent (40%) of the sheltering fees – the cities shall pay sixty percent (60%) based on the formula:

$CA \div TP \times 0.6 \text{ TOE} = \text{each city's respective contribution}$
 $14,509/102,812 \times 0.6 \text{ TOE} = \text{?????}$

CA= means population of the City making the contribution

TP= means the total population of the all the Cities

TOE = means total operating expenses in the provision of Sheltering Services less the total budgeted revenue from fees

Field Services – The County shall pay sixty percent (60%) of the field services. The cities shall pay forty percent (40%) based on the formula

$CA \div TP \times 0.4 \text{ TOE} = \text{each city's respective contribution}$
 $14,509/102,812 \times 0.4 \text{ TOE} = \text{?????}$

CA= means population of the City making the contribution

TP= means the total population of the all the Cities

TOE = means total operating expenses in the provision of Field Services less the total budgeted revenue from fees

The populations to be used in the calculation shall be the most recent Decennial Federal Census

History (if applicable): The current contract was signed in 2005.

Target Implementation: October 1, 2012

Significant Action Dates:



CITY COUNCIL AGENDA FORM

Action:

☐

Ordinance

☐

Resolution

☐

Proclamation

☐

Special Presentation

☐

Finance Report

☐

Public Hearing

☒

Other – Interlocal Agreement

Cost Details:

Budgeted	\$31,250.00
	\$42,200.00
Estimated Expenditure	\$29,574.00
	\$38,255.00
Acct. Name	Galveston County Contract
	Animal Control Contract
Line Item #	01-4071-15-00
	01-4072-15-00
Other Funding	

Staff's Recommendation:

Motion to approve proposed amendments to the Animal Services Interlocal Agreement with Galveston County (as presented or with revisions recommended by City Council).

Fiscal Impact: FY 2013 unknown until County budget prepared

FY 2012 (Year to Date)

Galveston County Contract \$14,787.00 (Quarterly payments of \$7,393.50)

ACO Shelter Operation \$9,563.75 (Quarterly payments of \$9,563.75)

2012 payment scheduled for:

Galveston County Contract scheduled to be \$29,574.00

ACO Shelter Operation scheduled to be \$38,255.00

5. The Cities and the County authorize the GCHD to be the Animal Control Authority as defined in Chapter 822. Regulation of Animals, Texas Health and Safety Code, Title 10.
6. The Cities and the County have previously appointed the GCHD as the local rabies control authority and animal control authority and wish to continue this appointment.
7. The Parties, pursuant to the previous agreement entered into by the Parties, which such agreement is preserved on the Official Galveston County Commissioners' Court Minutes in the Office of the Galveston County Clerk having Microfilm Identification Numbers 300-12-1553, and 300-12-1592 through 300-12-1603, have constructed and operated the Galveston County Animal Shelter (Shelter) continuously since 1992.
8. The Shelter is also known as the Galveston County Animal Resource Center (Animal Resource Center), and is located at 3412 A Loop 197 North, City of Texas City, County of Galveston, Texas.
9. The Parties desire for GCHD to continue operating the Shelter-Animal Resource Center as the facility to meet the standards for impoundment facilities for the care of impounded and quarantined animals.
10. The Parties further desire to have GCHD operate the Shelter-Animal Resource Center as the facility:
 - a) for the care of stray, unwanted, and injured animals;
 - b) for the adoption, redemption, and transfer services of said animals; and
 - c) to provide Field Operations with contracted Cities (Field Operations means the animal service field operations necessary to respond to citizen complaints for at-large animals, animal bite cases, and such operations as are more fully described in the GCHD Rules for Animal Control that were passed and approved on the following dates:
 - i) second reading the 21st day of October, 1981; and
 - ii) amended on second reading the on this 23rd day of February, 1983; and
 - iii) amended on second reading the on this 27th day of July, 1988;
 - iv) and amended on second reading on the 13th day of December, 1995;
 - v) and amended on second reading the this 26th day of June, 2002;
 - vi) and amended on second reading this 30th day of July, 2003;
 - vii) Passed and approved on second reading on this amended the 26th day of September 2007; Passed and approved on second reading on this
 - viii) amended the 25th day of March 2009; and
 - ix) amended the 25th day of April, 2012. viii) On April 25, 2012, the Galveston County United Board of Health reviewed and approved minor changes to the policy. The

GCHD encourages Cities to adopt by reference the above Rules for Animal Control) Policy/Order of the Galveston County United Board of Health, Galveston County Animal Services Local Regulations and Rabies Control)

11. The Cities and the County wish to share the costs of operating the Shelter Animal Resource Center and providing Field Operations.
12. The GCHD is willing to serve as the local rabies control authority and animal control authority, to operate the Shelter Animal Resource Center, and to provide Field Operations.

NOW THEREFORE, the Parties agree as follows:

III. Terms

1. Recitals. The recitals set forth above are true and correct.
2. Designation of Local Rabies Control Authority. The GCHD is designated as the local rabies control authority by the Parties hereto and accepts this designation.
3. Designation of Local Animal Control Authority. The GCHD is designated as the local animal control authority by the Parties hereto and accepts this designation.
4. Operator. The GCHD shall operate the Shelter Animal Resource Center and provide Field Operations. Operating the Shelter and providing Field Services are collectively referred to herein as Animal Services. The Galveston County Animal Services Advisory Committee (Advisory Committee) shall review and make recommendations on Animal Services to the Chief Executive Officer of the GCHD (CEO) or the CEO's designee. Galveston County United Board of Health (GCUBOH).
5. Costs and Payments.
 - a. Operating Costs. Annual operation costs shall be limited to the direct operating costs of Animal Services described set forth in the annual budget as approved by the Advisory Committee. Direct operating costs shall be minus the revenue generated from budgeted GCUBOH approved fees. The County and Cities basis for determining the annual cost for these services shall be the annual budgeted operating expenses minus the annual budgeted revenue from the Galveston County United Board of Health (GCUBOH) approved fees.
 - b. Allocation of Costs. The Cities and the County shall each pay their proportionate share of the Animal Services annual operating costs budget. Such payment shall be apportioned as follows:

- **Sheltering Services:** The County shall pay forty percent (40%) of the Sheltering Services. ~~and the participating The Cities (Bayou Vista, Clear Lake Shores, Dickinson, Hitchcock, Kemah, La Marque, Santa Fe, Texas City and Tiki Island)~~ The Cities shall pay sixty percent (60%) based on the following formula: ~~below.~~

~~CA divided by TP times 0.6 of TOE = each City's respective contribution.~~

$CA \div TP \times 0.6 \text{ TOE} = \text{each City's respective contribution}$

In this formula:

CA means the population of the City making the contribution;

TP means the total population of all the Cities; and

TOE means total **budgeted** operating expenses for the provision of **Animal Services Sheltering Services** less the total **budgeted** revenue from fees.

The populations to be used in the calculation shall be the most recent Decennial Federal Census.

- **Field Services:** The County shall pay sixty percent (60%) of the Field Services. ~~and the participating Cities (Bayou Vista, Clear Lake Shores, Dickinson, Hitchcock, Kemah, La Marque, Santa Fe, and Tiki Island)~~ The Cities shall pay forty percent (40%) based on the following formula: ~~below~~

$CA \div TP \times 0.4 \text{ TOE} = \text{each City's respective contribution}$

~~CA divided by TP times 0.4 of TOE = each City's respective contribution.~~

In this formula:

CA means the population of the City making the contribution;

TP means the total population of all the Cities; and

TOE means total **budgeted** operating expenses ~~of~~ for the provision of **Animal Services Field Services** less the total **budgeted** revenue from fees.

The populations to be used in the calculation shall be the most recent Decennial Federal Census.

A City may provide their own field services or contract for additional field services outside of this Agreement with GCHD. The cost of such additional field services shall not be included as an expense of the allocation of costs as described in this Agreement.

- c. *Reserve Fund.* The Cities and County agree to allocate monies to be held in reserve for the following purposes:

- i) Animal Services operations; and designated for
- ii) major repairs and replacement of vehicles, equipment, etc.

GCHD will provide as part of the annual budget anticipated Animal Service operations costs and a list of anticipated major repairs and/or equipment and shall propose an amount to be included in the annual budget in order to maintain a sufficient fund balance to fund these expenditures.

- e.d. *Capital Improvements Not Contemplated under this Agreement.* The ~~priori agreement pertained to both construction and operation of the~~ (Joe Vickery) Shelter. The provision is included within this Agreement to clarify that capital improvements are not included within this Agreement. This Agreement does not include any apportionment of funds for capital improvements. In the event the Parties wish to make capital improvements, or, in the event capital improvements become necessary to continue the operations of the to or for the Animal Resource Center, that decision, the costs therefore, and the terms and obligations of the parties thereto shall be by separate agreement. and this Agreement does not, and shall not be construed or deemed to, include any agreement for capital improvement or the allocation or apportionment of costs therefore. The apportionment of costs under this Agreement is only for operating costs for Animal Services. No Party is responsible for any costs associated with capital improvement(s) to or for the Animal Resource Center under this Agreement.

- e.e. *Billing.*

- 1.) *Quarterly Billing.* GCHD shall bill each City and the County for its respective portion of the Animal Services' operating expense. GCHD shall bill each City and the County at the end of each quarter of the fiscal year for its respective portion of the operating expenses budgeted for the previous quarter by providing utilization report and quarterly billing.

2.) *Notice of Yearly Amount.* Subsequent to the adoption of the annual budget by the GCUBOH, the GCHD shall provide notice to each Party of that Party's yearly amount due.

e.f. *Change in Parties:* In the event a municipality Party(s) terminates its participation in this Agreement, the apportionment of annual operating costs to the remaining municipalities Parties shall be reapportioned in accordance with Section III(10) of this Agreement. In the event a new municipality Party(s) joins this Agreement, the apportionment of annual operating costs to the municipalities Parties shall be reapportioned in accordance with Section III(10) of this Agreement. In the event the change in municipalities Parties requires renegotiation pursuant to Section III(10) of this Agreement, the renegotiation shall be by amendment to this Agreement.

f.g. *Additional Funding.* In the event additional funding is received, including but not limited to any donations, grant funds, and non-budgeted revenues which will assist the Animal Services in operating expenses, such funds may be expended as the GCUBOH directs. In this regard, the Advisory Committee shall make recommendations to the GCUBOH on the expenditure of such additional funding. GCHD shall use its best efforts in obtaining grant funds to assist in funding of Animal Services and shall annually report it's the the status of all grants, donations and non-budgeted revenues status in seeking such funds to the Advisory Committee and to the GCUBOH.

g.h. *Annual Budget.* The fiscal year shall run on and from October 1st of a given calendar year through September 30th of the immediately following year. The GCHD shall prepare the annual budget for Animal Services each fiscal year by no later than _____ of each year. The Advisory Committee shall review and make recommendations on the annual budget to the GCUBOH. The annual budget must be adopted by the GCUBOH and the portion of the annual budget that is required to be paid by the County must be adopted by the Commissioners' Court of Galveston County, Texas. The annual budget shall be filed for record with the County Clerk of Galveston County, Texas. The Advisory Committee shall review and make recommendations on any amendment(s) to the annual budget. All amendments to the annual budget must be approved by the GCUBOH. Any amendment(s) that increases the County's portion must be approved by the Commissioners' Court of Galveston County, Texas and filed for record with the County Clerk of Galveston County, Texas, and any amendment(s) that increases a City's portion must be approved by the governing body of that respective City and filed for record in the City's official minutes.

6. Galveston County Animal Services Advisory (Advisory Committee) Committee.

- a. *Standing Committee.* The Advisory Committee is a standing committee and advisory committee of the GCUBOH.
- b. *Duties.* In accordance with its charge from the GCUBOH, the Advisory Committee shall perform the duties as stated in this Agreement. The Advisory Committee shall assist Animal Services by reviewing and recommending necessary changes in operations, budget matters, and compliance with all applicable laws, rules, regulations, and ordinances; this includes, but is not limited to, review of operating rules and policies and procedures for Animal Services and as additionally stated elsewhere in this Agreement. The Advisory Committee shall report to the Chief Executive Officer of the GCHD (CEO) or the CEO's designee.
- c. *Membership.*
- 1.) *Composition.* The Advisory Committee as prescribed in §823.005 Section 823 of the Texas Health and Safety Code shall consist of a minimum of eleven (11) and not more than eighteen (18) members as follows:
- One (1) member for each City who is Party hereto;
 - One (1) member for the County who is a County Official;
 - One (1) member for the County who is not required to be, but may be, a County Official (for a total of two (2) County representatives);
 - One (1) member for the GCUBOH who is not required to be, but may be, a member of the GCUBOH or an employee of the GCHD;
 - Two (2) members from animal welfare groups that are non-profit organizations (non-profit animal welfare group) as follows: a total of two (2) representatives with each of the two being from a different non-profit animal welfare group;
 - One (1) veterinarian licensed by the Texas State Board of Veterinary Medical Examiners in accordance with the Veterinary Licensing Act to practice veterinary medicine in the State of Texas whose license is in an active status, whose license is not a provisional license, whose license is not a special license, and who practices veterinary medicine in the County of Galveston, Texas.
 - One (1) member whose duties include the daily operation of an animal shelter
- 2.) *Voting requirements.* Each member of the Advisory Committee shall have one (1) vote, which may be cast either by the member or, as set forth below, the alternate member for each Party; that respective representation; provided however, that in any meeting in which the member and the alternate alternative member are both present – only the presence of the member shall count towards a quorum and the vote shall be cast by the member. The alternate alternative member, when present, shall also count towards a quorum and has a vote only in the absence of the member.

3.) *Term/Duration.*

(i). Nomination.

(a) *Party membership.* Each Party to this Agreement shall make nomination of the individuals it wishes to serve as that Party's member and alternate member on the Advisory Committee, and shall make nomination of the individual(s) it wishes to serve as that Party's alternative member on the Advisory Committee. Notice of the nomination must be provided to the GCUBOH at least two months prior to the end of the term of the current appointment, which is two months prior to the end of the fiscal year in which a term shall expire. The GCUBOH shall, for the first term, notify all Parties to this Agreement of open positions on the Advisory Committee and request nominations to fill the open positions.

(b) *Non-Party Members.* GCHD will bring forward names of potential members and alternate members of individual(s) who wish to serve as that Non-Party's member and alternate member on the Advisory Committee that is not a Party (i.e. animal welfare group representative, veterinarian representative and the person whose duties include the daily operation of an animal shelter) to this Agreement. shall make nomination of the individuals it wishes to serve as that Party's member and alternate member on the Advisory Committee, and shall make nomination of the individual(s) it wishes to serve as that Party's alternative member on the Advisory Committee. Notice of the nomination must be provided to the GCUBOH at least two months prior to the end of the term of the current appointment, which is two months prior to the end of the fiscal year in which a term shall expire. The GCUBOH shall, for the first term, notify all Non-Parties to this Agreement of open positions on the Advisory Committee and request nominations to fill the open positions.

~~(b) *Non-Party Members.* Each member on the Advisory Committee that is not a Party (i.e., animal welfare group representative and veterinarian representative) to this Agreement shall make nomination of the individual(s) it wishes to serve as a member and as an alternative member on the Advisory Committee and shall provide notice of the nomination to the GCUBOH at least two months prior to the end of the current member's appointment. The GCUBOH shall, for the first term, notify all non-Parties to this Agreement of open positions on the Advisory Committee and request nominations to fill the open positions~~

- ii.) Required Approval. The GCUBOH shall consider each person nominated for **Non-Party** membership on the Advisory Committee. Appointment to the Advisory Committee is by GCUBOH appointment only. Accordingly, approval by the GCUBOH is required before the individual nominated may serve as a **Non-Party** member of the Advisory Committee. If the GCUBOH does not approve the individual nominated, the **GCHD Party or non-Party member** shall nominate another individual and this process shall continue until a nominee is approved and appointed by the GCUBOH to serve as a **Non-Party** member of the Advisory Committee.
- iii.) Nonwaiver. Failure of any Party and/or **GCHD non-Party** to make nomination of an individual to serve on the Advisory Committee shall not be deemed a waiver of the right to make nomination and thereby have a member on the Advisory Committee.
- iv.) Term. The individual nominated, approved, and appointed to serve as a member/**alternate alternative** member of the Advisory Committee shall serve for a term of two (2) fiscal years. **However, in order that membership turnover be staggered on the Advisory Committee, for the first term the GCUBOH shall appoint seven (7) members/alternate members to terms of one (1) year in length and remaining members/alternate members to terms of two (2) years in length. Thereafter all terms shall be for a period of two (2) years.**
- v.) Vacancy. In the event a member/**alternative or alternate** member is not able to **fulfill** his or her term, the Party and/or **Non-Party**, as applicable, whom the member/**alternate alternative** member represents shall make nomination of an individual to serve on the Advisory Committee for the remainder of the member's/**alternate alternative** member's term, subject to approval and appointment by the GCUBOH in accordance with Section III(6)(c)(2)(3)(ii) of this Agreement. In the event the vacancy is by a member, the **alternate alternative** member shall serve as the member until a new member is nominated and approved.

4.) *Selection of Chair, Vice Chair and Secretary*

The **Advisory** Committee shall select a chair, vice chair and secretary from its committee members and shall adopt rules for the conduct of its meetings. The chair, vice chair and secretary shall comprise the **Executive Committee** and shall act on necessary action items in the event that a quorum cannot be achieved. The Director of the Environmental Health Programs shall be an ex-officio, non-voting member and provide administrative support for the committee.

- d. *Meetings.* The Advisory Committee shall meet at least four (4) times per fiscal year. The GCHD shall send notice of each meeting to each Party and Non-Party by sending notice to each respective member and ~~alternate~~ ~~alternative~~ member at least ten (10) business days prior to the meeting and GCHD shall maintain the minutes of the meetings. In the event ~~another municipality local government~~ has provided notice to the GCUBOH that it wishes to join this Agreement in accordance with Section ~~(7) of this Agreement~~, the GCHD shall also send notice of the meeting to that municipality, ~~at which the joinder shall be considered to that local government at least ten (10) business days prior to the meeting.~~ In addition, all All meetings of the Advisory Committee shall be open to the public. ~~Meeting notices and meeting notice to the public~~ shall be posted at the GCHD headquarters, located at ~~1207 Oak Street, La Marque, Texas 9850-A, Emmett F. Lowry Expressway, Texas City, Texas 77591 and at the Animal Resource Center, located at 3412 A Loop 197 North, Texas City, Texas 77590 .~~
- e. *No Remuneration.* Members of the Advisory Committee shall not receive any compensation or remuneration for serving on the Advisory Committee; there is no emolument associated with serving on the Advisory Committee.
- f. *Quorum.* A majority of the members, with at least four (4) City representatives present and one (1) County representative present, shall constitute a quorum for meetings of the Advisory Committee.
- g. *Voting.* The Advisory Committee may vote only at meetings in which a minimum of a quorum is present and motions require a minimum of a majority of the ~~voting~~ members present to pass unless a different requirement is specified within this Agreement.

7. *Adding Party(s).* A ~~municipality local government, as defined under the Interlocal Cooperation Act ("Local government" means a county, municipality, special district, junior college district, or other political subdivision of this state or another state; local government corporation created under Subchapter D, Chapter 431, Transportation Code; political subdivision corporation created under Chapter 304, Local Government Code; local workforce development board created under Section 2308.253; or combination of two or more entities),~~ located wholly or partially within the County of Galveston, Texas and not presently a Party to this Agreement, may become a Party to this Agreement. No other entities or persons may become a Party to this Agreement.

a. *Written Notice.* ~~The municipality desiring to becoming a party to this Agreement local government~~ must provide written notice of its intent to join this Agreement and to be bound by this Agreement (notice of joinder) to the CEO or the CEO's designee.

1.) *Mandatory Notice Provisions.* The notice of joinder:

- shall be authorized by the governing body of the municipality local government and shall warrant that it is so authorized;
- shall be executed and approved by the authorized official of the municipality local government who shall warrant that the authorized official is authorized to sign the notice;
- shall warrant that the municipality local government has received a copy of this Agreement, has read and understands this Agreement and the terms, conditions, and obligations imposed hereunder and agrees to be bound by this Agreement;
- shall provide the notice information required to comply with Section 11 and Exhibit B of this Agreement; and
- shall specify the desired effective date of joining this Agreement.

2.) *Permissive Notice Provisions.* If the municipality local government so chooses, it may make nomination of the individual whom the municipality local government wishes to serve on the Advisory Committee in the notice of joinder. Approval of the municipality local government joining this Agreement does not constitute and shall not be construed or deemed to constitute, approval and appointment of the individual nominated as member to the Advisory Committee. Membership on the Advisory Committee, including but not limited to nomination, approval, and appointment, is subject to Section III(6) of this Agreement.

b. *Joinder.*

1.) *Subject to Approval by GCUBOH.* The municipality local government joining into this Agreement is subject to approval by the GCUBOH, and the municipality local government shall become a Party to this Agreement only upon approval by the GCUBOH. The GCHD shall place consideration of the municipality local government joining this Agreement as an action item on the next GCUBOH meeting after receipt of the notice by the CEO or the CEO's designee, provided that the notice is received at least fifteen (15) business days prior to the date of the next GCUBOH meeting, and shall provide a copy of the municipality's local government written notice to every Party to this Agreement.

2.) *Effective Date.* Upon approval by the GCUBOH, the effective date of joining this Agreement shall be either the desired effective date stated in the municipality's local government notice or the date of approval by the GCUBOH, whichever is later.

3.) *Affix to Agreement.* The GCHD shall affix the municipality's local government written notice to this Agreement and maintain the notice together with the Agreement.

8. Termination. Any Party shall have the right to terminate its participation in this Agreement upon giving written notice of termination to the CEO at least six (6) months prior to the end of the fiscal year (October 1 – September 30) and at least six (6) months prior to the effective date of termination. Such termination must be authorized by the governing body of the terminating Party and signed by the Party's authorized official. The terminating Party shall specify the effective date of termination in the notice. The termination shall not relieve the terminating Party of any obligation incurred by the Party prior to the effective date of termination. The GCHD shall provide a copy of the notice of termination to all Parties. Withdrawal or removal of a Party shall not terminate this Agreement as to non-terminating Parties.
9. Term. This Agreement shall become effective on the date the last Party to this Agreement executes it, ~~when approved and executed by all the Parties presently hereto; accordingly, this Agreement shall become effective on the date of the Party signing last in time.~~ Once the Party signing last in time has executed this Agreement, the GCHD shall provide notice of the date of execution by the last Party to each and every Party hereto. This Agreement shall continue in full force and effect for a period of five (5) years, ~~or shall remain binding on each and every Party until such time as the governing body of a Party terminates its participation in this Agreement pursuant to Section (III)(8) above whichever comes first.~~ However, termination of participation in this Agreement by a Party(ies) shall not affect the continued operation of this Agreement between and among the non-terminating Parties and this Agreement shall continue in force and remain binding on the non-terminating Parties. If a Party is added to this Agreement, this Agreement shall become effective as to that Party upon the effective date of joining this Agreement.
10. Apportionment of costs in event of a Change in Parties.
- a. Apportionment. In accordance with Section III(5) of this Agreement, for Sheltering Services the County shall pay forty percent (40%) of operating costs and the Cities shall pay the remaining sixty percent (60%) of operating costs. For Field Services, the County shall pay sixty percent (60%) of the operating costs and the Cities shall pay the remaining forty percent (40%) of the operating costs. Each City's respective amount due is based on the population of that City relative to the total population of all the Cities to this Agreement for the sixty percent (60%) of operating costs.
- b. Threshold triggering reapportionment. At the effective date of this Agreement, the County is a Party to this Agreement, the GCHD is a Party to this Agreement, and each City is a Party to this Agreement; accordingly, there is a total of eleven (11) Parties to this Agreement. Notwithstanding any other provisions of this Agreement except Subsection III(10)(c) below, in the event that the number of Parties to this Agreement exceeds thirteen (13), then the County shall pay 30% of operating costs, and the Cities remaining Parties exclusive of the GCHD (cities), shall pay the remaining 70% of operating

costs. In this event, each city's respective amount due shall be based on the population of that city relative to the total population of all the cities to this Agreement for the remaining seventy percent (70%) of operating costs. Accordingly, the formula for each city's payment shall be:

$$CA \div TP \times 0.7 \text{ TOE} = \text{each City's respective contribution}$$

In this formula:

CA means the population of the City making the contribution;

TP means the total population of all the Cities; and

TOE means total budgeted operating expenses of for the provision of Animal Services Field Services less the total budgeted revenue from fees.

The populations to be used in the calculation shall be the most recent Decennial Federal Census.

~~CA divided by TP times 0.7 of TOE, wherein CA means the population of the city making the contribution, TP means the total population of all the cities, and TOE means the total operating expenses of Animal Services. The populations used in the calculation shall be the populations published in the most recent decennial federal census.~~

c. *Thresholds triggering renegotiation.*

- 1.) *County termination.* In the event the County terminates its participation in this Agreement, then the apportionment of operating costs shall be renegotiated, and the renegotiation shall be by written amendment to this Agreement.
- 2.) *Provision of services to non-governmental or non-county entity.* In the event the GCHD provides services of the Shelter to an entity or person that is not a municipality local government, or to a municipality local government not located wholly or partially within Galveston County, Texas or to a sister county, then the apportionment of operating costs (including the decision of what total percentage of operating costs is to be paid) shall be renegotiated, and the renegotiation shall be by written amendment to this Agreement.
- 3.) *Reduction in number of Parties.* Notwithstanding any other provisions of this Agreement except Subsections III(10)(c)(1),(2), in the event the number of Parties to this Agreement goes below nine (9), then the apportionment of operating costs shall be renegotiated and the renegotiation shall be by written amendment to this Agreement.

11. Notice. Any notice required or permitted under this Agreement shall be in writing and shall be delivered in person, or mailed by certified mail, return receipt requested with proper postage affixed, or may be transmitted ~~by facsimile transmission electronically~~, to the ~~mailing~~ address/facsimile number/email addresses listed in Exhibit A to this Agreement. ~~Exhibit A is attached to this Agreement and is incorporated herein for all purposes.~~ If mailed, the notice shall be deemed delivered when actually received, or if earlier, on the third day following deposit in a United States Postal Service post office or receptacle, duly certified, return receipt requested, with proper postage affixed. ~~Facsimile transmission shall be deemed delivered when the facsimile is stamped received by the Office of Environmental Health Programs. Email transmission shall be deemed delivered when a reply email is sent back to the party who is requesting to join this agreement. All notices required or permitted under this Agreement shall be provided to each and every Party, unless otherwise provided for in this Agreement.~~
12. Agreement Administrator. The GCHD shall serve as the administrator for this Agreement. In this capacity, the GCHD shall maintain:
- a) a current listing of the information required in Section 11 of this Agreement;
 - b); ~~maintain~~ a current listing of all Parties to this Agreement;
 - c); ~~maintain~~ this Agreement;
 - d) copies of ~~and~~ all notices required or permitted hereunder ~~all~~ in a readily accessible location.
- In addition, the GCHD shall:
- a) provide notice of each Advisory Committee meeting as specified in this Agreement;
 - b) arrange for the facilities and equipment for Advisory Committee meetings; and
 - c) perform ~~such other~~ duties as specified in this Agreement.
13. Written, Authorized, and Executed Amendment. This Agreement may be amended only by written instrument duly authorized ~~and executed~~ by the governing body of each Party. ~~duly executed by each Party.~~
14. Governing Law and Venue. This Agreement and the rights and obligations of the Parties hereto shall be governed by and construed according to the laws of the State of Texas, and venue shall lie exclusively in Galveston County, Texas.
15. Severability. If any provision contained in this Agreement is held to be invalid by a court of competent jurisdiction for any reason, such invalidity shall not affect other provisions of this Agreement that can be given effect without the invalid provision, and to this end the provisions of this Agreement are severable.
16. Entire Agreement. This Agreement constitutes the entire agreement of the Parties. No oral or written statements, agreements, promises, conditions,

assurances, covenants, or other terms with respect to the covenants, whether written or verbal, antecedent or contemporaneous, not expressly set forth in this Agreement or expressly incorporated herein shall be of any force and effect. The Parties rely solely upon the representation and terms contained in this Agreement and no others.

17. Immunity Retained. No Party hereto waives or relinquishes any immunity or defense on behalf of itself, its trustees, officers, employees, and agents as a result of its execution of this Agreement and performance of the covenants contained herein. Each Party hereto specifically reserves any claim it may have to sovereign, qualified, or official immunity as a defense to any action arising in conjunction with this Agreement.
18. Successors. This Agreement shall bind and benefit the Parties and their legal successors.
19. Benefit. This Agreement is intended to inure only to the benefit of the Parties. This Agreement is not intended to create, does not create, and shall not be deemed or construed to create, any rights or benefits in third parties.
20. Public Information Act. Each Party agrees that it is a governmental body for purposes of the Public Information Act ~~and that the GCHD is a governmental body for purposes of the Public Information Act,~~ codified as Chapter 552 of the Texas Government Code. ~~Accordingly, the Parties agree that the GCHD is subject to the Public Information Act~~ and as such is required to release information in accordance with the Public Information Act.
21. Authority to Bind. Each Party represents and warrants for itself that the Party is acting by and through its governing body, and that the individual executing this Agreement on its behalf has the full power and authority to do so and to legally bind the Party to all terms and provisions of this Agreement, and that this Agreement constitutes the legal, valid, and binding agreement of each Party hereto.
22. Headings. The headings at the beginning of the various provisions of this Agreement have been included only in order to make it easier to locate the subject covered by each provision and are not to be used in construing this Agreement.

IV. Scope of Services

1. Sheltering Services: The GCHD will provide the following sheltering services at the Galveston County Animal Resource Center located at 3412 A Loop 197 North, Texas City, Texas 77590
 - Sheltering and care of stray and unwanted animals

- Quarantine services
- Humane euthanasia of unwanted, sick, injured and unadoptable animals
- Redemption of owned animals
- Adoption of animals
- Pet registration
- Registration of rescue organizations
- Community education and volunteer services
- Cremation services, once available

2. **Field Animal Control:** The GCHD will respond to calls for service within the jurisdictions of all Cities that are parties to this agreement and to unincorporated areas of Galveston County.

- Dispatch all calls for service to certified Animal Control Officers.
- All calls for services are responded to based upon the level of the priority.
- Investigate animal bites on humans and animal bites on other animals and assure the proper quarantine of these animals
- Provide animal “sweep” patrol
- Investigate civil animal cruelty (improper shelter, no food, no water, etc.)
- Assist law enforcement agencies in criminal animal cruelty investigations and assist in the seizure of animals
- Assist in court ordered seizures
- File civil complaints in the courts of jurisdiction
- Investigate, document and brief Animal Services Manager on potential dangerous dog declarations.
- ~~GCHD shall uphold, adhere to, and interpret to the highest standards and most stringent applicable laws, ordinances, rules, regulations, and policies.~~

EXECUTED by the Parties hereto, each respective Party acting by and through its duly authorized official as required by law, on multiple counterparts each of which shall be deemed to be an original, on the date specified on the multiple counterpart executed by such Party.

Galveston County United Board of Health:

John Zendt, Chairman,
Galveston County United Board of Health

Date

ATTEST:

Name

Date

Title

Galveston County, Texas:

Mark A. Henry
County Judge

Date

Attest: _____

Dwight D. Sullivan
County Clerk

Judge of Galveston County, Texas

ATTEST:

Name

Date

Title

City of Bayou Vista, Texas:

Bobby Rosenquist
Mayor, City of Bayou Vista, Texas

Date

ATTEST:

Name

Date

Title

City of Clear Lake Shores, Texas:

Vern Johnson,
Mayor, City of Clear Lake Shores, Texas

Date

ATTEST:

Name

Date

Title

City of Dickinson, Texas:

Julie Masters
Mayor, City of Dickinson, Texas

Date

ATTEST:

Name

Date

Title

City of Hitchcock, Texas:

Anthony Matranga,
Mayor, City of Hitchcock, Texas

Date

ATTEST:

Name

Date

Title

City of Kemah, Texas:

Bob Cummins,
Mayor, City of Kemah, Texas

Date

ATTEST:

Name

Date

Title

City of La Marque, Texas:

Bobby Hocking
Mayor, City of La Marque, Texas

Date

ATTEST:

Name

Date

Title

City of Santa Fe, Texas:

Ralph Stenzel,
Mayor, City of Santa Fe, Texas

Date

ATTEST:

Name

Date

Title

City of Texas City, Texas:

Matthew Doyle,
Mayor, City of Texas City, Texas

Date

ATTEST:

Name

Date

Title

City of Village of Tiki Island, Texas:

Ted Kennedy
Mayor, Village of Tiki Island, Texas

Date

ATTEST:

Name

Date

Title

Exhibit A – Addresses

Mailing:

Galveston County Health District
Executive Offices
PO Box 939
La Marque, Texas 77568

Physical Address:

Galveston Count Health District
Executive Offices
9850 – A, Suite A108
Emmett F. Lowry Expressway
Texas City, Texas 77591

Email:

Pisa Lewis, Executive Chief of Staff
plewis@gchd.org

Facsimile Transmission:

409-938-2243



CITY COUNCIL AGENDA FORM

Meeting Date: 6-11-12

Agenda item: 8c

Prepared by: zt

Reviewed by: CJB

Department: Administration

AGENDA ITEM DESCRIPTION

- c. Discussion/possible action of Ordinance No. O-2012-1060- An Ordinance of the City of La Marque, Texas, amending Chapter 2, Administration, City Departments, of the Code of Ordinances, City of La Marque, Texas by repealing Ordinance No. 1032, which added a new section 2-39A to create the Office of Public Safety Director. This is the first reading

☒ **Attachments for Reference**

Staff Briefing:

Councilmember Trube requested that this item be placed on the agenda for Council consideration.

History (if applicable):

Target Implementation:

Significant Action Dates:

Action:

- | | |
|---|---|
| ☒ Ordinance | ☐ Resolution |
| ☐ Proclamation | ☐ Special Presentation |
| ☐ Finance Report | ☐ Public Hearing |
| ☐ Other | |

Cost Details:	
Budgeted	
Actual Bid	
Estimated Expenditure	
Acct. Name	
Line Item #	
Other Funding	

Staff's Recommendation

Fiscal Impact: n/a

ORDINANCE NO. 0-2012-1060

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS, AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE II, CITY DEPARTMENTS, OF THE CODE OF ORDINANCES OF THE CITY OF LA MARQUE, TEXAS, BY REPEALING ORDINANCE NO. 1032, WHICH ADDED A NEW SECTION 2-39A TO CREATE THE OFFICE OF PUBLIC SAFETY DIRECTOR.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS:

That Ordinance No. 1032, of the Code of Ordinances of the City of La Marque, Texas, which amended Chapter 2, Administration, Article II, City Departments, by adding a new Section 2-39A, to create the office of Public Safety Director, is hereby repealed.

PASSED AND APPROVED on first reading this ____ day of _____, 2012.

PASSED AND APPROVED on second and final reading this the ____ day of _____, 2012.

Bobby Hocking, Mayor
City of La Marque, Texas

ATTEST:

Zina Tedford, City Clerk

ao;6/5/2012;Z:\Cities\La Marque\ordrepealpsd.doc



CITY COUNCIL AGENDA FORM

Meeting Date: 6-11-12

Agenda item: 8d

Prepared by: zt

Reviewed by: CJB

Department: Administration

AGENDA ITEM DESCRIPTION

- d. Discussion/possible action on an order declaring the charter amendments adopted as approved by voters May 12, 2012

☐

Attachments for Reference

As per Local Government Code, Staff Briefing Sec. 9.005. ADOPTION OF CHARTER OR AMENDMENT. (a) A proposed charter for a municipality or a proposed amendment to a municipality's charter is adopted if it is approved by a majority of the qualified voters of the municipality who vote at an election held for that purpose.

(b) A charter or an amendment does not take effect until the governing body of the municipality enters an order in the records of the municipality declaring that the charter or amendment is adopted.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Staff is nearing completion of all steps required to implement charter amendments. Subsection (b) above requires City Council to adopt an order not just canvass the votes of the election.

Target Implementation:

Significant Action Dates:

Action:

☐

Ordinance

☐

Resolution

☐

Proclamation

☐

Special Presentation

☐

Finance Report

☐

Public Hearing

☒

Other

Cost Details:

Budgeted	
Actual Bid	
Estimated Expenditure	
Acct. Name	
Line Item #	
Other Funding	

Staff's Recommendation:



CITY COUNCIL AGENDA FORM

Motion declaring the charter amendments adopted as approved by voters

May 12, 2012.

Fiscal Impact: n/a



CITY COUNCIL AGENDA FORM

Meeting Date: 6-11-12

Agenda item: 8e

Prepared by: zt

Reviewed by: CJB

Department: Administration

AGENDA ITEM DESCRIPTION:

- e. Discussion/possible action of appointment(s) to Negotiating Committee for Police Collective Bargaining Negotiations

☐

Attachments for Reference

Staff Briefing:

At the Regular City Council Meeting held March 12, 2012, City Council had appointed Councilmember Trube and Councilmember Osteen. Councilmember Osteen submitted his resignation from this committee effective June 1, 2012.

History (if applicable):

Target Implementation:

Significant Action Dates:

Action:

☐

Ordinance

☐

Resolution

☐

Proclamation

☐

Special Presentation

☐

Finance Report

☐

Public Hearing

☒

Other

Cost Details:

Budgeted	
Actual Bid	
Estimated Expenditure	
Acct. Name	
Line Item #	
Other Funding	

Staff's Recommended Motion:

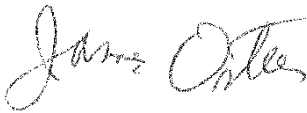
Fiscal Impact: n/a

June 5, 2012

Carol Buttler
City Manager
City of La Marque
1111 Bayou Rd.
La Marque, Texas 77568

Dear Ms. Buttler:

Effective June 1, 2012, I hereby tender my resignation from the 2012 Negotiating Team for Police Collective Bargaining Negotiations.

A handwritten signature in cursive script, appearing to read "James Osteen".

Thank you
James Osteen
Councilmember District B

cc: Mayor and City Council
city clerk

**CITY OF LA MARQUE
INTER-DEPARTMENTAL
COMMUNICATION**

TO: Honorable Mayor Hocking and City Councilmembers
FROM: Carol Buttler, City Manager
DATE: June 11, 2012
SUBJECT: City Manager Report – June 2012

Due to the cancellation of the May 28, 2012 City Council Meeting, April Reports (charts, graphs, etc.) are in this June 11th Council Meeting City Manager's report.

a. Development Services

- **Inspections**

Development Services Department staff concentrated on evaluation of a new software system that will allow permits to be obtained online and allow contractors to check the status of inspections online. Staff will be able to track activity and run more informative reports. Currently, the computers / software lock up and data is at risk of disappearing.

The Planning and Zoning Commission, Board of Adjustments, and Building Standards Commission have held meetings regularly and allowed a senior care facility to be established at 1031 Holly through a variance, appointed a chair to the Building and Standards Commission and designated regular meeting dates and times.

- **Code Enforcement**

The Building Official is pleased to report that in the month of April the department concentrated on obtaining bids to force mow, clean and board up non-compliant structures. In addition, the Code Enforcement component of the new proposed software was evaluated. This will allow us to expedite code enforcement efforts.

b. Public Safety

1. Personnel

- **LMPD:**

No vacancies exist.

- **LMFD:**

One (1) Firefighter vacancy exists. Position is posted and interviews are being conducted.

- **Training:**

- **LMPD:**

Telecommunicator Justin Williams has completed his field training with LMPD Telecommunications Center.

-

LMFD:

Ms. Booker is progressing in her “new hire” training to include internal procedures and NIMS courses.

2. Operations:

- **LMPD:**

The “debut issue” of the La Marque Community Watch Newsletter was published and distributed on June 1st. Gloria Lyons is to be commended for this splendid communiqué. It will be published quarterly and will be available on both the home and police department pages of the City’s website.

- **LMFD:**

Chief Weidman has completed his “Assessment of Departmental Operations.” After it reviewed by the City Manager and Public Safety Director, this assessment will be summarized by Chief Weidman as a presentation to City Council at a future Council Meeting.

Fire Department crews completed 36 hydrant inspections and reported 4 hydrants requiring maintenance.

Fire crews participated in an array of public relations events. Events included: attending a birthday party as a “show & tell,” conducting several “career day” presentations at local schools, and hosting several classes that toured the fire station.

c. Emergency Management Coordinator

- Office of Emergency Management

On May 12th, the City of La Marque experienced rainfall in excess of five inches in some areas. In the Painted Meadows Subdivision, there was extensive flooding. Fortunately, the main concern was people who were unable to leave their homes. The Office of Emergency Management, Public Works and the Fire Department worked together to alleviate the flooding due to blocked drainage sites. Contact has been made with DD2 (District Drainage 2) and developers to initiate communication on future events and to prevent this type of scenario from occurring again. This event was of particular note because it occurred during the General/Special Election when other resources were already in use.

- On May 14th, EMC Pierce presented a Town Hall Meeting to help citizens prepare for the upcoming Hurricane Season. Numerous outside agencies participated. Additionally, Ms. Pierce spoke at the May 16th Chamber luncheon on Hurricane Preparedness. Following these speaking engagements, the Galveston Daily News has requested that Ms. Pierce write a short piece for an upcoming issue.

- **Grants**
EMC Pierce recently concluded an audit on one of the Hurricane Ike recovery grants. The City will be receiving a final payment in the amount of \$71,490.19. There are three additional audits in various stages of review.
- Additionally, there are currently multiple grant applications in various stages of review. EMC will continue to update the City as funds are awarded for various departments and projects.

d. Public Works

- **GLO (General Land Office) Round 1.0 Grant Projects**
- **Huff & Mitchell –CDBG sewer line Grant** – All the required documents are complete and final payment was made to the contractor; the project is closed out.
- **Alsay Equipment – GLO Grant Project Water Well Contract Take Point #2–**
The Final closeout documentation was prepared and submitted to the GLO for release of funds to close the project.
- **Long & Son - GLO Grant Project Magnolia Water Plant** – Staff reviewed video tapes and paperwork pertaining to the well casing deterioration that was discovered after the well cleaning process was completed. Change Order documents were prepared by LJA Engineering and submitted to City staff as requested.
- **Generators of Houston - GLO Grant Project Fire Station Generator** – The Final closeout documentation was prepared and submitted to the GLO for release of funds to close the project.
- **C.F. McDonald Electric - GLO Grant Project Waste Water Treatment Plant, Volney & Delany Generators** – The Final closeout documentation was prepared and submitted to the GLO for release of funds to close the project.
- **GLO Round 2.1 Grant Projects** –Minor modifications were made to the Performance Statements pertaining to the footage of the project and David Baker, Public Management, submitted those changes to the GLO for approval. LJA Engineering has completed 30% of the required engineering work for the installation of the new trunk sewer and water line project. This information was submitted to HNTB (Engineering Firm hired by the State to oversee all the funding and design for Disaster Recovery Grant) for review. Once this review is completed a request will be made to GLO to start the environmental review process of the project routes.
- **GLO Round 2.2 Grant Projects** – Modified project performance statements were submitted to the GLO and approved. This change is adding additional sewer line reconstruction work in place of the Fire Station bay door project. The bay door project was rejected by the GLO as a qualifying project.

- **2010 -2011 Street Improvement Program Projects 1, 2 & 3** – LJA is preparing closeout documents for Projects 1, 2 & 3 as requested by City staff. The contractor is preparing the extended warranty letters for Newman Road.
- **Meetings**
 - April - conducted weekly staff meeting with supervisors
 - April 2nd - Surface Water Take Point 2 ATS Training
 - April 3rd - Mainland Municipal Advisory Committee Meeting
 - April 4th - Hydrant Maintenance
Lift Station Generator
 - April 9th – Youth in Government Day
 - April 10th - Developer Meeting
 - April 11th - Grant Task Force Meeting (EOC)
 - April 17th - Review of Director’s Report for Council packets with City manager
 - April 18th - Sewer Pipe Grant by TCEQ –

e. EDC

- Working with Shops QA to improve our web based business web pages
- Still working with a prospect that wants to purchase approximately 2 acres of the 7-acre tract the EDC owns on FM 1765 & FM 2004
EDC Director anticipates receiving a signed earnest money contract soon
- There are still several prospects that are interested in the “Tejas” building
- Working with the Texas City/La Marque Chamber as well as the Bayou Fest Committee to plan for this year’s event which will be held on October 20th at Highland Bayou Park

f. Finance

Please note the absence of financial information in this report. The Interim Finance Director has requested to present the Quarterly Investment Report and all updated City financials at the June 25, 2012, Council meeting. Finance staff still is combing through files to determine the accuracy of the City’s financial status.

DEVELOPMENT SERVICES

Nov 2011 - April 2012	April 2012	March 2012	April 2011	Fiscal Year To Date	
Plumbing Inspections					
Gas Test	22	28	No data available	177	155
Plumbing Underground	8	5	No data available	43	35
Plumbing Top-Out	8	7	No data available	76	68
Plumbing Final	5	9	No data available	50	45
Water Heater	0	1	No data available	5	5
Sewer Line	10	6	No data available	56	46
Water Line	5	6	No data available	40	35
Total	58	62	No data available	447	
Electrical inspections					
Electric Underground	0	0	No data available	0	0
Electrical Rough-In	6	6	No data available	49	43
Electrical Final	8	7	No data available	40	32
Electrical Meter Loop	18	16	No data available	77	59
Electrical Pool Bonding	0	0	No data available	1	1
generators	0	0	No data available	2	2
Temporary poles	0	0	No data available	2	2
Total	32	29	No data available	171	
Mechanical Inspections					
Mechanical Rough In	5	5	No data available	57	52
Mechanical Final	8	1	No data available	41	33
Total	13	6	No data available	98	

Nov 2011 - April 2012	April 2012	March 2012	April 2011	Fiscal Year To Date	
Building Inspections					
Foundation Slab/Pier	10	12	No data available	57	47
Framing	6	4	No data available	60	54
Driveways	2	1	No data available	34	32
Building Final	6	3	No data available	52	46
Brick Ties	0	1	No data available	2	2
Sign	0	0	No data available	2	2
Deck	0	0	No data available	1	1
House leveling	0	0	No data available	2	2
Bulkhead	0	0	No data available	3	3
Pool Seal	0	0	No data available	3	3
Total	24	21	No data available	216	
Service Inspections					
Service Inspections (C of O)	6	4	No data available	17	11
Total				17	
Total Inspections				949	

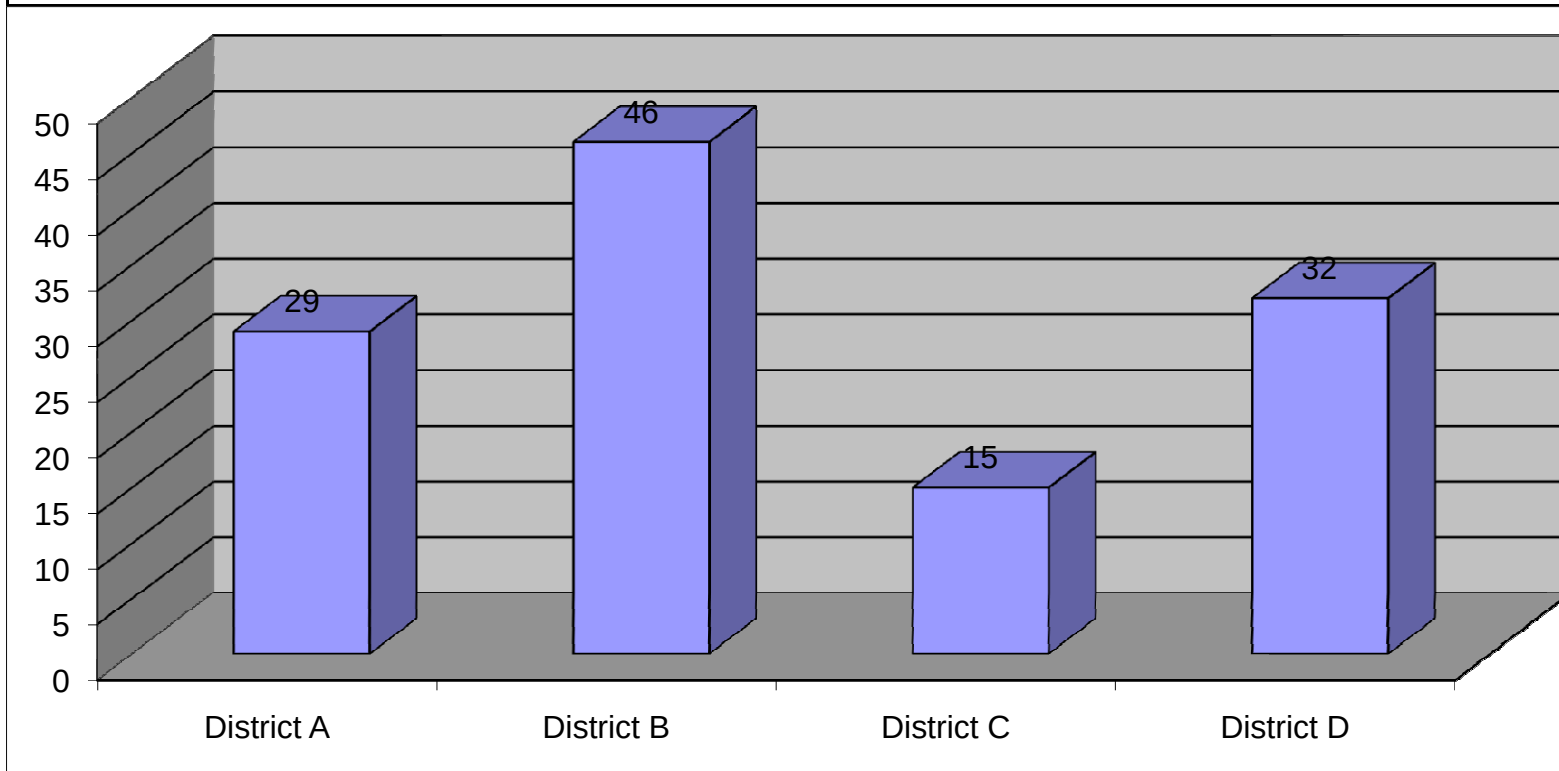
Building Permits

Nov 2011 - April 2012	April 2012	March 2012	April 2011	Fiscal Year To Date	
Flammable Fluids	0	0	No data available	4	4
Highland Bayou Park	1	4	No data available	11	10
Fire Code Plan review	1	0	No data available	3	2
Liquor License	3	5	No data available	24	21
Mechanical	14	6	No data available	65	51
Mobile Home Parks/Mobile Home	0	1	No data available	4	4
Plan Reviews	7	7	No data available	42	35
Plumbing	24	34	No data available	207	183
Rezone	1	0	No data available	4	3
Public Information	3	0	No data available	8	5
Service Inspection	3	7	No data available	23	20
Culvert Setting	1	1	No data available	8	7
Electrical	23	14	No data available	139	116
Demolition	2	1	No data available	6	4
Community Room	0	0	No data available	2	2
Building	40	40	No data available	179	139
Burial	0	1	No data available	3	3
Temporary Operation	11	13	No data available	65	54
Wrecker Permit	0	1	No data available	1	1
Solicitor	0	2	No data available	2	2
Irrigation	1	0	No Data Available	1	0
Junkyard	0	1	No data available	1	1
Fire protection	1	1	No data available	2	1
Replat Fee	0	0	No data available	2	2
Sign	0	0	No data available	1	1
Total	136	139	No data available		
Total Building Permits				807	

Building and trade permits by district for April 2012

	District A	District B	District C	District D
Building permits	8	13	12	5
Electrical permits	4	8	4	5
Mechanical Permits	0	6	3	3
Plumbing Permits	9	7	4	4
Total	21	34	23	17

Special Projects



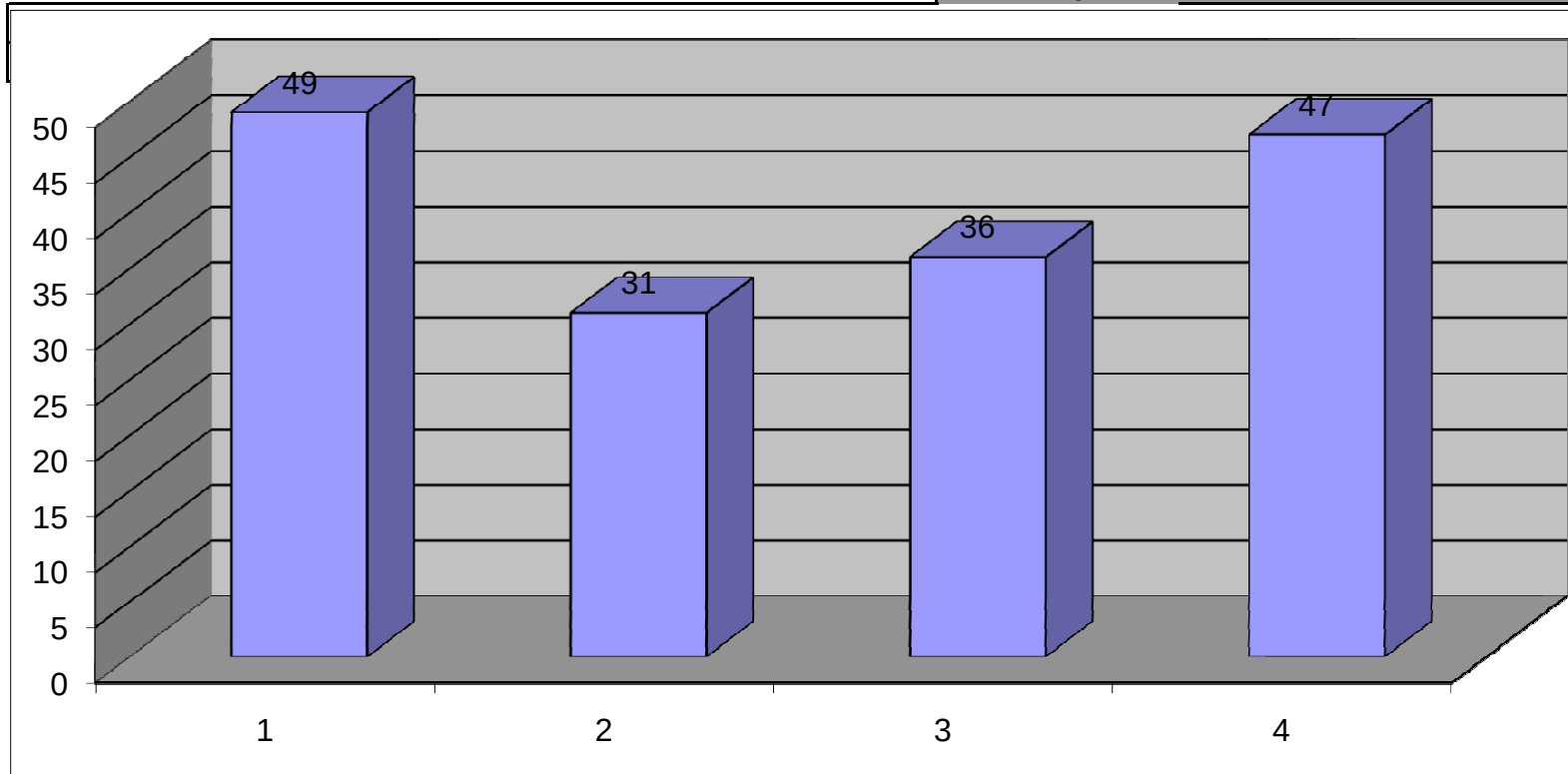
Nov 2011 - April 2012	April 2012	March 2012	April 2011	Fiscal Year To Date	
Code Enforcement Violations (properties may have more than one violation)					
High Grass	24	40	No data available	246	222
Unlawful Deposits	21	21	No data available	78	57
Required RV Park License/RV parking	0	2	No data available	5	5
RV Parks Rules & Regulations	0	0	No data available	2	2
Junk Vehicles	9	2	No data available	49	40
Junkyard Applications	0	0	No data available	1	1
Junkyard Enclosure	0	0	No data available	1	1
Graffiti	0	1	No data available	7	7
Keeping of swine, fowl, etc	0	1	No data available	4	4
Accumulation of Rubbish or Garbage	4	8	No data available	18	14
Disposal of Rubbish or Garbage	14	21	No data available	45	31
Garbage,Rodents,Refuse & Other Waste	7	16	No data available	33	26
Removal of Rubble & Haz-Mat	0	0	No data available	1	1
Sanitation	7	8	No data available	23	16
Water Heater T & P Discharge	0	0	No data available	2	2
Water Systems/Dirty pools	0	3	No data available	5	5
Plumbing Hazards	7	2	No data available	11	4
Property owner responsibility	10	15	No data available	33	23
Prohibited home occupations	0	0	No data available	1	1
Zoning District Violations	0	0	No data available	0	0
Peddlers Licence/ Liquor Lic required	0	0	No data available	3	3
Stop Work Order	1	1	No data available	2	1
Tennant Spaces/Drainage	6	0	No data available	6	0
Abandoned Premises	5	1	No data available	11	6
Security of Vacant Premises	8	4	No data available	20	12
Vacant Premises	7	3	No data available	15	8

Nov 2011 - April 2012	April 2012	March 2012	April 2011	Fiscal Year To Date	
Code Enforcement Violations (properties may have more than one violation)					
Industrial Business without a Dwelling	0	0	No data available	1	1
Subst./Delapidted Bldg.	6	5	No data available	19	13
Dangerous Conditions	3	3	No data available	8	5
Unsafe Structures	17	11	No data available	39	22
Electrical Licensing Required	0	0	No data available	1	1
Flexible Chords where permitted	0	0	No data available	2	2
Unsafe Electrical Systems	0	7	No data available	10	10
Street Address Placement	1	0	No data available	1	0
Working Without Permit/License	0	2	No data available	11	11
Accessory Buildings	0	2	No data available	3	3
Refrig. / Containers Acces. To Child	1	8	No data available	14	13
Underground Storage Tank	0	0	No data available	1	1
Screening Required/ not up to code	0	1	No data available	3	3
Occupant responsible for extermination	6	9	No data available	16	10
Removal of combustibles	3	3	No data available	7	4
Exterior Structural Maintenance		14	No data available	16	16
Fire Protection	6	2	No data available	9	3
Kennels/Animals	1	1	No data available	3	2
Tires Illegal dumping	8	3	No data available	12	4
Walking Surfaces/Drainage	0	4	No data available	4	4
Barking Dogs as a public nuisance	0	0	No data available	1	1
Comerccial Trash Containers	0	0	No data available	1	1
Human water consumption	0	0	No data available	0	0
No ceiling voids allowing fire ext.	1	2	No data available	3	2
Interior surfaces in disrepair	1	3	No data available	4	3
Commercial containers Garb inside	0	0	No data available	1	1
Illegal Dumping	1	5	No data available	17	16
TOTAL	179	234	No data available	823	

Nov 2011 - April 2012	April 2012	March 2012	April 2011	Fiscal Year To Date	
Abatement of property					
Abated by Owner	31	18	No data available	215	184
Abated by City	8	4	No data available	29	21
Obtained bid to abate	63	15	No data available	121	58
Gave Initial Notice	69	63	No data available	300	231
Recheck / Follow Up	21	15	No data available	62	41
Retake & Request Pictures	0	2	No data available	7	7
30 day compliance extn	2	3	No data available	41	39
10 day Compliance extn	4	20	No data available	62	58
Sent to Court	25	28	No data available	80	55
Court No Show	10	0	No data available	17	7
Court Reset	2	3	No data available	8	6
Lien Paid	1	0	No Data Available	1	
Letter sent to City Attorney	0	0	No data available	2	2
TOTAL	236	171	No data available	945	

Code Enforcement Inspections - Complaint Driven

	District A	District B	District C	District D
Property Inspections	84	38	46	56
Total Insp			224	



JUDICIAL DEPARTMENT

OFFICE OF COURT ADMINISTRATION TEXAS JUDICIAL COUNCIL



OFFICIAL MUNICIPAL COURT MONTHLY REPORT INSTRUCTIONS

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OFFICE OF COURT ADMINISTRATION
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Effective September 1, 2011
Rev. 12/10/11

IMPORTANCE OF REPORTING

The monthly report is not designed to report everything that a court does nor everything that requires the attention or time of the judge. It is also not designed to reflect all of the clerk's responsibilities or to provide the basis for a complete case management system. Instead, the monthly report is designed to provide information required by law or needed by the judicial, legislative, and executive branches of government to make decisions regarding the jurisdiction, structure, and needs of the court system.

LEGAL REQUIREMENTS

Section 71.035(b) of the Texas Government Code requires each judge, clerk, or other court official to report information pertaining to the civil and criminal business transacted by the municipal court(s) as required by the Texas Judicial Council.

Sections 171.1 and 171.2 of the Texas Administrative Code require submission of court activity reports each month to the Texas Judicial Council by **no later than 20 days after the end of the month for which statistics are reported.**

Electronic Reporting

Effective September 1, 2011, all municipal courts are required to submit the report online unless the court has requested and obtained a waiver for good cause. (See Section 171.8 of the Texas Administrative Code.) Waivers are good for one year but may be renewed.

Reports may be entered electronically by one of two methods:

- a) manually entering the reports into the Court Activity Reporting and Directory System (<http://card.txcourts.gov>), OR
- b) uploading an XML file into the system.

Courts that have obtained an electronic reporting waiver may continue mailing, faxing, or emailing the report to OCA for data entry. However, only the new form will be accepted. **Reports for September 2011 and later will not be accepted on the old form.**

Paper Reporting

Courts that have obtained an electronic reporting waiver may continue mailing, faxing, or emailing the report to OCA for data entry. The Official Municipal Court Monthly Report form is to be used to report the activity of the municipal court during each one-month period. **NOTE:** Reports generated from a case management system should be an **exact replica** of the monthly report form—i.e., *all categories should follow the order on the monthly report, no categories should be added or omitted, and no data should appear in areas that are shaded on the form.*

On the front page, please complete the appropriate blanks identifying the **month** and **year** for the data being reported; the name of your court; the names of the presiding judge and court clerk; the court's mailing address, fax number, email address, and website address (if available); and the name of the person that prepared the report, as well as his or her telephone phone number. (If appropriate, please provide a second phone number where that person can be reached during business hours.)

GENERAL INSTRUCTIONS

You must submit a report each month, even if your court had no activity.

To file a “No Activity” report:

- If you are reporting online, log in to the online reporting system and select Add New Monthly Report. Select the month and year for which you are filing a report. For each relevant section of the report (criminal, civil, juvenile/minor, and other), check the “No Activity” box near the top of the page, and fill in the Prepared By line at the bottom of the page.
- If you are reporting on paper, you may indicate that you had no activity by writing a large zero, “X,” or “No Activity” across the statistical part of the form.

Include only that activity that occurred during the month for which you are submitting a report. If you need to make changes to the information for a previous month, you must edit your online report (if you report online) or file an amended report (if you report on paper).

CRIMINAL SECTION

This section is divided into six case categories: violations of state traffic laws, violations of state parking laws, violations of city ordinances involving traffic or parking, Penal Code violations, violations of other state laws, and other city ordinance violations.

For the purpose of these reports, the number of criminal cases reported on this monthly reporting form is based on the number of defendants named in a complaint.

1. If the same defendant is charged in more than one complaint, it is counted as more than one case. For instance, if the same person is named in four separate complaints, count this as four cases.
2. When a clerk receives a citation with multiple offenses listed on it, each offense is a separate charge and must be alleged on separate complaints. Thus, each complaint is counted as a separate case.

TRAFFIC MISDEMEANORS

Cases relating to motor vehicle operation or ownership for which the maximum punishment does not involve confinement in jail or prison (i.e., class C misdemeanors).

Non-Parking. Cases involving violations of the provisions of Title 7, Transportation Code and related statutes that do not involve parking (e.g., speeding, passing a school bus, driving without a valid inspection sticker, driving with an expired or no driver's license).

NOTE: Do not include **Violations of Promise to Appear** here.

Parking. Cases involving violations of Sections 545.301 through 545.304, Chapter 681 or Chapter 683, Transportation Code and related statutes concerning the improper stopping, standing, or parking of a vehicle (e.g., parking in an intersection, parking within 15 feet of a fire hydrant, parking where an official sign prohibits parking). **NOTE:** Report civil violations of parking or stopping ordinances in the Civil Section of the report.

City Ordinance. Cases involving violations of traffic or parking-related ordinances enacted by municipalities.

NON-TRAFFIC MISDEMEANORS

Cases not involving traffic or parking violations for which the maximum punishment does not involve confinement in jail or prison.

Penal Code. Cases involving laws enacted by the Texas Legislature that are set out in the Penal Code (e.g., disorderly conduct, public intoxication, theft of property valued at less than \$50). **NOTE:** Include **Failure to Appear** cases here.

Other State Law. Cases involving laws enacted by the Texas Legislature that are set out in statutes other than the Penal Code (e.g., Alcoholic Beverage Code, Education Code, Health and Safety Code, **Occupations Code**, etc.). **NOTE:** Include **Violation of Promise to Appear** cases here.

City Ordinance. Cases involving ordinances enacted by municipalities (e.g., building codes, zoning laws, dog ordinances). Ordinance violations involving litter, fire safety, zoning, public health, and sanitation are punishable by fines only, up to a maximum of \$2,000. Punishment for violation of other types of city ordinances is limited to fines only, not to exceed \$500.

NOTES:

Report only those cases over which the court exercises jurisdiction.

- Include all juvenile/minor cases and parent contributing to nonattendance cases, which are also reported in the Juvenile/Minor Activity Section.
- Matters handled by the judge as a magistrate (e.g., emergency protective orders, administration of warnings to adults or juveniles, search warrants, arrest warrants, property hearings) must not be included in this section, unless the court has jurisdiction over the case and the case is filed in the court.

Line 1. CASES PENDING FIRST OF MONTH (*Sum of Lines 1a and 1b.*)

Report all misdemeanor cases previously filed in which a **judgment had not been entered** at the beginning of the month.

These figures should be the same as those reported for **Cases Pending End of Month** (Lines 11a and 11b) on the prior month's report. **If the number of cases pending at the first of the month does not equal the number of cases pending at the end of the previous month, a docket adjustment must be entered.** A *docket adjustment* is the difference between the number of cases pending at the end of the previous month and the number of cases pending at the beginning of the current month.

Example:

If the number of cases pending at the end of the month is **smaller** than the number pending at the beginning of the current month, enter a **positive** number in the appropriate blank. For example, if 825 parking cases were pending at the end of April but 830 were pending as of May 1, "5" ($825 + 5 = 830$) should be entered in the docket adjustment line under Parking in the report for May.

If the number of cases pending at the end of the month is **larger** than the number pending at the beginning of the current month, enter a **negative** number in the appropriate blank. For example, if 900 Penal Code cases were pending at the end of April but 890 were pending as of May 1, "-10" ($900 - 10 = 890$) should be entered in the docket adjustment line under Penal Code in the report for May.

Note: OCA staff will calculate and enter the docket adjustment(s) for reports submitted on paper.

Line 1a. Active Cases

Report the number of cases in which a **judgment had not been entered** that were active at the beginning of the month.

"Active cases" are cases awaiting entry of a judgment **that the court can move to adjudication (entry of a judgment).**

Line 1b. Inactive Cases

Report the number of cases in which a **judgment had not been entered** at the beginning of the month that had been classified as inactive **(cases in which further court proceedings/activities could not continue).**

(See Line 11—Placed on Inactive Status for definition of an inactive case.)

Line 2. NEW CASES FILED DURING MONTH

Report the number of **new, original misdemeanor cases filed** for each case category. Include all new cases filed this month, even if a judgment was entered in the case this month.

Line 3. CASES REACTIVATED

Report the number of cases **in which a judgment had not been entered** that had previously been placed in an inactive pending status, but for which further court proceedings and activities can now be resumed so that a judgment may be entered in the case.

This category includes:

- Cases in which the defendant was apprehended
 - and posted bond to appear at court or
 - was arraigned and magistrates;
- Cases that had been reported to the OmniBase (Texas Department of Public Safety) program, to the Scofflaw program (Texas Department of Transportation Vehicle Titles and Registration Division), to the Nonresident Violator Compact Program, or to a collections agency for failure to appear:
 - That were reactivated because the defendant appeared and the case was set for an appearance or trial,
 - That were reactivated because the defendant submitted a guilty or nolo plea to the court, whether or not the fine was paid;
 - That were reactivated because the defendant submitted a payment or other amount without a plea being entered (see definition in Line 6—Uncontested Dispositions);
 - That were reactivated because the case was dismissed; and
- Cases in which the proceedings were suspended due to a question of mental illness or mental retardation:
 - That were reactivated after an examination for competency to stand trial;
 - That were reactivated after the court or a jury decided that the defendant was not committable for temporary or extended mental health services and the defendant was found competent to stand trial; or
 - That were reactivated after the defendant's completion of temporary or extended inpatient mental health treatment.

NOTES:

- *Reactivated cases are reported under the same offense reported when the original case was filed.*
- *Reactivated cases are reported even if a judgment was also entered in the case during the month.*
- *An inactive case **MUST** be reactivated before it can be counted as disposed.*

Line 4. ALL OTHER CASES ADDED

Report the number of cases added to the docket in a manner other than the filing of a new, original case. Include cases in which:

- a motion for new trial is granted in a case that had previously been reported as disposed of;
- a case is remanded for further proceedings; and
- other similar matters which are not reported elsewhere.

Line 5. TOTAL CASES ON DOCKET

The sum of active cases pending at the beginning of the month; new cases filed; cases reactivated; and all other cases added equals **Total Cases on Docket**.

$$\text{Lines 1a} + 2 + 3 + 4 = 5$$

DISPOSITIONS:

For purposes of this report, a disposition is reported when the case is adjudicated (the judge signs the final judgment or a sentence is otherwise imposed). The date of disposition is the date the judgment was signed.

Report only 1 disposition (final judgment) per case.

Line 6. DISPOSITIONS PRIOR TO COURT APPEARANCE OR TRIAL

A. Uncontested Dispositions

Report the number of cases in which a guilty or nolo contendere plea was entered without a plea being entered in open court. The case is reported when judgment is entered, whether or not the fine and other obligations of the case have been met.

Include:

- Cases in which the defendant submitted a guilty or nolo contendere plea without appearing before a judge in open court; and
- Payment of a fine or other amount accepted by the court without a plea being entered. Per Code of Criminal Procedure, Sec. 27.14(c):

In a misdemeanor case for which the maximum possible punishment is by fine only, payment of a fine or an amount accepted by the court constitutes a finding of guilty in open court as though a plea of nolo contendere had been entered by the defendant and constitutes a waiver of a jury trial in writing.

Include payments submitted by mail, by electronic means, or in person. This includes both cases in which partial payment or payment in full is made.

B. Cases Dismissed by Prosecution

Report the number of cases that were dismissed pursuant to a motion by a prosecutor before a defendant's court appearance or trial. Cases dismissed at a defendant's court appearance or trial should be reported on Line 7C.

NOTE: Do not include dismissals after completion of a driving safety course, after deferred disposition, or any other compliance dismissal. Report these in Line 8.

Line 7. DISPOSITIONS AT COURT APPEARANCE OR TRIAL

A. CONVICTIONS

1) Guilty Plea or Nolo Contendere

Include:

- the number of cases in which the defendant pleaded guilty or nolo contendere in open

court;

- cases in which the defendant pleaded guilty or *nolo contendere* after the start of a trial;
- cases in which the defendant pleaded guilty or *nolo contendere* while in jail;
- cases in which the judge forfeited a cash bond for the fine and court costs if the defendant entered a written and signed plea of *nolo contendere* and waiver of jury trial and failed to appear according to the terms of release (**Article 45.044, Code of Criminal Procedure**).

2) By the Court

Report the number of cases in which the defendant pleaded not guilty and was tried and **found guilty by the judge**.

3) By the Jury

Report the number of cases in which the defendant pleaded not guilty and was tried and **found guilty by a jury**.

B. ACQUITTALS

1) By the Court

Report the number of cases in which the defendant was tried and found not guilty by the judge.

2) By the Jury

Report the number of cases in which the defendant was tried and found not guilty by the jury.

C. CASES DISMISSED BY PROSECUTION

Report the number of cases that were dismissed pursuant to a motion by a prosecutor at a defendant's court appearance or trial.

Line 8. COMPLIANCE DISMISSALS

Report the number of cases dismissed during the month due to completion of a court-ordered program and/or satisfaction of other requirements. Report all other dismissals on Line 6B or Line 7C.

NOTES:

- *Do not report a case as dismissed until all requirements for dismissal have been met and the charge is dismissed.*
- *A case must be reported in only one category below.*

A. After Driving Safety Course

Report the number of cases that were dismissed because the defendant completed a driving safety course or motorcycle operator training and safety course as provided by Code of Criminal Procedure, Art. 45.0511.

B. After Deferred Disposition

Report the number of cases that were dismissed during the month covered by this report because the defendant successfully completed a deferred sentence as provided by Code of Criminal Procedure, Art. 45.051.

C. After Teen Court

Report the number of cases that were dismissed during the month because the defendant successfully completed a teen court program as provided by Code of Criminal Procedure, Art. 45.052.

D. After Tobacco Awareness Course

Report the number of cases that were dismissed during the month because the defendant successfully completed a tobacco awareness course as provided by Health and Safety Code, Sec. 161.253.

E. After Treatment for Chemical Dependency

Report the number of cases that were dismissed during the month because the defendant successfully completed a court-ordered treatment program for chemical dependency (abuse of alcohol or a controlled substance), as provided by Code of Criminal Procedure, Art. 45.053, and Health and Safety Code, Ch. 462.

***Note:** The dismissal authorized by Code of Criminal Procedure, Art. 45.053, does not include an expense fee that may be collected at the end of a deferral. If the expense fee is being charged, report the case as a dismissal **After Deferred Disposition**.*

F. After Proof of Financial Responsibility

Report the number of cases that were dismissed during the month because the defendant produced evidence of financial responsibility as provided by Transportation Code, Sec. 601.193.

G. All Other Transportation Code Compliance Dismissals

Report the number of cases that were dismissed during the month because the defendant successfully produced evidence of compliance with requirements other than those listed in the previous compliance dismissal categories. Applicable offenses include:

- Failing to display license plate on front and rear of vehicle (T.C., Sec. 502.404(a));
- Failing to display registration insignia on vehicle (T.C., Sec. 502.404(b));
- Driving with an expired motor vehicle registration (T.C., Sec. 502.407(b));
- Attaching or displaying a number plate or registration insignia for another registration period (T.C., Sec. 502.409(a)(3));
- Number plate or registration insignia has letters, numbers, or other identification marks that are not visible at all times in daylight (T.C., Sec. 502.409(a)(5));
- Number plate or registration insignia has an attached illuminated device, sticker, decal, emblem, or other insignia not authorized by law that interferes with the readability of the plate (T.C., Sec. 502.409(a)(6));
- Number plate or registration insignia has a coating, covering, or protective material that distorts or alters or obscures the numbers, color or original design features of the plate (T.C., Sec. 502.409(a)(7));
- Driver's license to be carried and exhibited on demand (T.C., Sec. 521.025);
- Driving with expired driver's license (T.C., Sec. 521.026);
- Fails to give notice of change of address or name (T.C., Sec. 521.054);
- Violates special restrictions or endorsements imposed on driver's license (T.C., Sec. 521.221);
- Operates vehicle that is not properly equipped (T.C., Sec. 547.004); and
- Driving with an expired inspection certificate (T.C., Sec. 548.605(b)).

Line 9. ALL OTHER DISPOSITIONS

Report any judgments not clearly identifiable as any of the above categories.

Line 10. TOTAL CASES DISPOSED

Report the total number of cases **in which a judgment was entered** during the month. *Total Cases Disposed* equals the sum of Lines 6, 7, 8 and 9.

Line 11. PLACED ON INACTIVE STATUS

Report the number of cases **in which a judgment had not been entered** that were placed in an inactive pending status because further court proceedings and activities could not continue.

This category includes:

- Cases in which a directive to apprehend or warrant of arrest has been issued;
- Cases reported to the OmniBase (Texas Department of Public Safety) program, to the Scofflaw program (Texas Department of Transportation Vehicle Titles and Registration Division), or to a collections agency for failure to appear;
- Cases in which a defendant is being held elsewhere on state or federal charges;
- Cases stayed due to a question of mental illness or mental retardation;
- Cases stayed while a defendant undergoes temporary or extended inpatient mental health treatment; and
- Cases in which the defendant is otherwise unavailable for adjudication.

Line 12. CASES PENDING END OF MONTH (*Sum of Lines 12a and 12b.*)

Report the total number of cases previously filed in which a **judgment had not been entered** at the end of the month.

Line 12a. Active Cases

Report the number of cases that were classified as active and awaiting entry of a judgment at the end of the month.

Line 5 minus the sum of Lines 10 & 11 = Line 12a

Line 12b. Inactive Cases

Report the number of cases in which a **judgment had not been entered** at the end of the month that had been classified as inactive (cases in which further court proceedings/activities could not continue).

Line 1b minus Line 3 plus Line 11 = Line 12b

Line 13. SHOW CAUSE HEARINGS HELD

Report the number of show cause or contempt hearings held pursuant to Art. 45.050 (*juveniles*), 45.051(c-1) (*deferred disposition*), or 45.0511(i) (*driver's safety*), Code of Criminal Procedure, for failure to comply with the requirements for deferred disposition or driver's safety dismissal.

Include cases in which the defendant failed to appear and the judge imposed the fine. Under this situation, the case is also to be reported as disposed in Line 7.A.1—Convictions—Guilty Plea or Nolo Contendere.

If the case was set for a show cause hearing, but the case was disposed of before the show cause

hearing (i.e., the defendant appeared at the clerk window with or mailed in the compliance documentation, paid the case in full, or set up a payment plan), the case is not to be reported in the Show Cause Hearings Held line (Line 13—Show Cause Hearings Held). Report the case in the appropriate disposition category.

Line 14. CASES APPEALED

Report the number of criminal cases for which an appeal from the final judgment of the court was filed.

A. After Trial

Report the number of cases appealed following a trial before the court or jury.

B. Without Trial

Report the number of cases appealed following a plea of guilty or no contest.

CIVIL/ADMINISTRATIVE SECTION

A civil case, unlike a criminal case, does not depend on the number of persons involved. For the purpose of these reports, a single civil case is counted and reported when:

1. A civil complaint or citation is filed (no matter how many parties are involved), or
2. An original petition is filed (no matter how many parties are involved).

CIVIL CASES

Cases involving all complaints, citations or suits within the civil or administrative jurisdiction of the municipal court, including red light camera, vehicle parking and stopping (*Transportation Code, Ch. 682*), dangerous dog, substandard building, and abandoned motor vehicle cases, as well as any other cases involving the enforcement of health and safety and nuisance abatement ordinances. Also include bond forfeiture (*nisi*) proceedings conducted pursuant to Code of Criminal Procedure, Article 22.02.

Line 1. CASES PENDING FIRST OF MONTH (*Sum of Lines 1a and 1b.*)

Report all civil or administrative cases previously filed in which a **judgment had not been entered** at the beginning of the month.

These figures should be the same as those reported for **Cases Pending End of Month** (Lines 14a and 14b) on the prior month's report. **If the number of cases pending at the first of the month does not equal the number of cases pending at the end of the previous month, a docket adjustment must be entered.** A *docket adjustment* is the difference between the number of cases pending at the end of the previous month and the number of cases pending at the beginning of the current month.

Example:

If the number of cases pending at the end of the month is **smaller** than the number pending at the beginning of the current month, enter a **positive** number in the appropriate blank. For example, if 825 civil cases were pending at the end of April but 830 were pending as of May 1, "5" ($825 + 5 = 830$) should be entered in the docket adjustment line under Civil Cases in the report for May.

If the number of cases pending at the end of the month is **larger** than the number pending at the beginning of the current month, enter a **negative** number in the appropriate blank. For example, if 900 civil cases were pending at the end of April but 890 were pending as of May 1, "-10" ($900 - 10 = 890$) should be entered in the docket adjustment line under Civil Cases in the report for May.

Note: OCA staff will calculate and enter the docket adjustment(s) for reports submitted on paper.

Line 1a. Active Cases

Report the number of cases in which a **judgment had not been entered** that were active at the beginning of the month.

"Active cases" are cases awaiting entry of a judgment **that the court can move to adjudication (entry of a judgment)**.

Line 1b. Inactive Cases

Report the number of cases in which a **judgment had not been entered** at the beginning of the month that had been classified as inactive **(cases in which further court proceedings/activities could not continue)**.

(See Line 14—Placed on Inactive Status for definition of an inactive case.)

Line 2. NEW CASES FILED DURING THE MONTH

Report the total number of new cases filed during the month. Include all new cases filed this month, even if a judgment was entered in the case this month.

Line 3. CASES REACTIVATED

Report the number of cases that **had previously been placed in an inactive pending status**, but for which further court proceedings and activities can now be resumed so that a judgment may be entered in the case.

Examples include:

- Reinstated cases;
- Cases returned from arbitration;
- Cases in which a bankruptcy stay has been lifted; and
- Cases removed from abatement for any other reason.

NOTE: *Reactivated cases are reported even if a judgment was also entered in the case during the month.*

Line 4. ALL OTHER CASES ADDED

Report the number of cases added to the docket in a manner other than the filing of a new, original case. Include cases in which:

- (1) a motion for new trial is granted in a case that had previously been reported as disposed of and
- (2) other similar matters which are not reported elsewhere.

Line 5. TOTAL CASES ON DOCKET

To calculate the **Total Cases on Docket**, add the active cases pending at the beginning of the month, new cases filed, other cases reaching docket, and reactivated cases.

$$\text{Lines 1a} + 2 + 3 + 4 = \text{Line 5}$$

DISPOSITIONS:

For purposes of this report, a disposition is reported when the case is adjudicated (the judge or hearing officer signs the final judgment). The date of disposition is the date the judgment was signed.

Report only 1 disposition (final judgment) per case.

Line 6. UNCONTESTED CIVIL FINES OR PENALTIES

Report the number of cases in which the defendant **paid a civil fine or penalty without appearing for open court or an administrative hearing** (e.g., paying citation for civil parking offense). Include payments submitted by mail, by electronic means, or in person.

Line 7. DEFAULT JUDGMENTS

Report the number of cases in which the judgment was reached by default—the defendant, though served, failed to appear and answer, and judgment by default was granted in favor of the plaintiff.

Line 8. AGREED JUDGMENTS

Report the number of cases in which the court entered a judgment based upon the mutual agreement of the parties involved in the suit.

Line 9. TRIAL OR HEARING BY JUDGE OR HEARING OFFICER

Report the number of cases in which the decision was reached after a trial or hearing by the judge or a hearing officer, without a jury.

Line 10. TRIAL BY JURY

Report the number of cases in which a judgment was entered after trial based on the verdict of a jury.

Line 11. CASES DISMISSED FOR WANT OF PROSECUTION

Report the number of cases dismissed because the plaintiff or petitioner did not appear or otherwise made no effort to pursue his case.

Line 12. ALL OTHER DISPOSITIONS

Report any dispositions not clearly identifiable as any of the above categories.

Line 13. TOTAL CASES DISPOSED

Report the total number of cases disposed during the month. *Total Cases Disposed* equals the sum of Lines 6, 7, 8, 9, 10, 11 and 12.

Line 14. PLACED ON INACTIVE STATUS

Report the number of cases **in which a judgment had not been entered** that were placed in an inactive pending status because further court proceedings and activities **could not continue**.

This category includes, but is not limited to:

- Cases ordered to arbitration;
- Cases in which a notice or suggestion of bankruptcy is filed;
- Cases delayed due to the Soldiers' & Sailors' Civil Relief Act;
- Cases in which a suggestion of death is filed; and
- All other cases ordered abated by a judge.

Line 15. CASES PENDING END OF MONTH (*Sum of Lines 15a and 15b.*)

Line 15a. Active Cases

Report the number of cases in which a **judgment had not been entered** that were classified as active and awaiting entry of a judgment at the end of the month.

Line 5 minus the sum of Lines 13 & 14 = Line 15a

Line 15b. Inactive Cases

Report the number of cases in which a **judgment had not been entered** at the end of

the month that had been classified as inactive (cases in which further court proceedings/activities could not continue).

Line 1b minus Line 3 plus Line 14 = Line 15b

Line 16. CASES APPEALED

Report the number of cases for which an appeal from the final judgment of the court was filed.

A. After Trial

B. Without Trial

JUVENILE/MINOR ACTIVITY

NOTE: Activity reported in Lines 1 through 16 below should also be reported, where appropriate, in the Criminal Section.

Line 1. TRANSPORTATION CODE CASES FILED

Report the number of cases filed in which the minor (under 17 years of age) was charged with an offense listed under Transportation Code, Section 729.001.

Line 2. NON-DRIVING ALCOHOLIC BEVERAGE CODE CASES FILED

Report the number of cases filed in which a minor (under 21 years of age) was charged with an offense under the Alcoholic Beverage Code that **did not** involve driving (e.g., Sec. 106.02, Purchase of Alcohol by a Minor; Sec. 106.025, Attempt to Purchase Alcohol by a Minor; Sec. 106.04, Consumption of Alcohol by a Minor; Sec. 106.05, Possession of Alcohol by a Minor; and Sec. 106.07, Misrepresentation of Age by a Minor).

Line 3. DRIVING UNDER THE INFLUENCE OF ALCOHOL CASES FILED

Report the number of cases filed in which a minor (under 21 years of age) was charged with an offense under Alcoholic Beverage Code, Sec. 106.041, Driving Under the Influence of Alcohol by a Minor.

Line 4. DRUG PARAPHERNALIA CASES FILED

Report the number of cases filed in which a minor (under 18 years of age) was charged with an offense under Health and Safety Code, Sec. 481.125(a), Possession of Drug Paraphernalia.

Line 5. TOBACCO CASES FILED

Report the number of cases filed in which a minor (under 18 years of age) was charged with an offense under Health and Safety Code, Sec. 161.252, Possession, Purchase, Consumption or Receipt of Cigarettes or Tobacco Products by Minors Prohibited. This includes the offense of displaying false proof of age in order to obtain possession of, purchase, or receive a cigarette or tobacco product.

Line 6. FAILURE TO ATTEND SCHOOL CASES FILED

Report the number of cases filed for failure to attend school offenses under Education Code, Sec. 25.094. Include complaints originally filed as truancy petitions but refiled pursuant to Family Code, Sec. 54.021(C).

Line 7. EDUCATION CODE CASES FILED (EXCEPT FAILURE TO ATTEND)

Report the number of cases filed in which the child was charged with an offense provided in the Education Code **other** than Sec. 25.094, Failure to Attend. Examples of other offenses under the Education Code are Sec. 37.102, Rules (Enacted by School Board); Sec. 37.107, Trespass on School Grounds; Sec. 37.122, Possession of Intoxicants on Public School Grounds; Sec. 37.124, Disruption of Classes; and Sec. 37.126, Disruption of Transportation.

Line 8. VIOLATION OF LOCAL DAYTIME CURFEW ORDINANCE CASES FILED

Report the number of cases in which a person under 17 years of age was charged with violation of a local daytime curfew ordinance adopted under Local Government Code, Sec. 341.905 or Sec. 351.903.

***Note:** Only cases involving violation of a “daytime” curfew should be reported; cases involving violations of a nighttime curfew should not be reported here.*

Line 9. ALL OTHER NON-TRAFFIC, FINE-ONLY CASES FILED

Report the number of cases in which a person under 17 years of age was charged with a non-traffic offense punishable only by a fine that does not fall within any of the other categories above (Lines 1 through 8).

Line 10. TRANSFER TO JUVENILE COURT

a. Mandatory Transfer

Report the number of cases in which the court waived its original jurisdiction and referred a person under 17 years of age to juvenile court pursuant to) Family Code, Sec. 51.08(b)(1), because the child had previously been convicted of: A) two or more misdemeanors punishable by fine only other than a traffic offense; B) two or more violations of a penal ordinance of a political subdivision other than a traffic offense; or C) one or more of each of the types of misdemeanors described in A) or B).

***Note:** A court that has implemented a juvenile case manager program under Code of Criminal Procedure, Art. 45.056, may, *but is not required to*, waive its original jurisdiction. Courts in this situation should report all transfers to juvenile court in the **Discretionary Transfer** category.*

b. Discretionary Transfer

Report the number of cases in which the court waived its original jurisdiction and referred a person under 17 years of age to juvenile court pursuant to Family Code, Sec. 51.08(b)(2).

Line 11. ACCUSED OF CONTEMPT AND REFERRED TO JUVENILE COURT (DELINQUENT CONDUCT)

Report the number of incidents in which the court refers a person under 17 years of age to juvenile court for delinquent conduct because the child failed to obey an order of the court under circumstances that would constitute contempt of court. See Code of Criminal Procedure, Art. 45.050(c)(1), and Family Code, Sec. 51.03(a)(2).

Line 12. HELD IN CONTEMPT BY CRIMINAL COURT (FINED AND/OR DENIED DRIVING PRIVILEGES)

Report the number of incidents in which the court holds a child in contempt, fines a child, or denies the child driving privileges because the child failed to obey an order of the court under circumstances that would constitute *contempt of court*. See Code of Criminal Procedure, Art. 45.050(c)(2).

Do not include license suspensions required by Alcoholic Beverage Code, Sec. 106.115(d), for failure to complete an alcohol awareness program or perform the required hours of community service. (**Note:** These suspensions are reported to the Department of Public Safety on form DIC-15.)

Line 13. JUVENILE STATEMENT MAGISTRATE WARNINGS

a. Warnings Administered

Report the number of times the judge, as magistrate, gave juveniles charged with Juvenile Justice Code (Title 3, Family Code) violations official explanations of their right to counsel, right to remain silent, etc. If at the same time the judge also took the juvenile's statement or confession, report this event under **Statements Certified**.

b. Statements Certified

Report the number of juvenile statements certified by the judge as required by Family Code, Sec. 51.095(a)(1)(D).

Line 14. DETENTION HEARINGS HELD

Report the number of juvenile detention hearings conducted by the judge during the month while acting as a substitute juvenile judge in a magistrate capacity in accordance with Family Code, Section 54.01.

Line 15. ORDERS FOR NONSECURE CUSTODY ISSUED

Report the number of orders for nonsecure custody issued during the month for juveniles in accordance with Code of Criminal Procedure, Art. 45.058.

Line 16. PARENT CONTRIBUTING TO NONATTENDANCE CASES FILED

Report the number of cases in which the parent of a child was charged with contributing to nonattendance of school under Education Code, Sec. 25.093.

ADDITIONAL COURT ACTIVITY

The lower portion of the monthly report form is designed to collect information: 1) reflecting the activity of municipal judges acting in the capacity of a magistrate; or 2) identified by the Texas Judicial Council as additional information that is important to collect from municipal courts.

Line 1. MAGISTRATE WARNINGS

NUMBER GIVEN

Report the number of times during the month that the judge, as a magistrate, gave adult defendants charged with an offense an official explanation of their right to counsel, right to remain silent, etc., as provided by Code of Criminal Procedure, Art. 15.17, for the following offenses:

A. Class C Misdemeanors

B. Class A and B Misdemeanors

C. Felonies

If the defendant was charged with more than one offense in a single incident, count only 1 magistration. If the multiple offenses involved more than 1 level of case category listed above, report the 1 magistration under the category of the most serious offense alleged.

If the defendant was magistrated for charges involving multiple, separate incidents, count a magistration for each separate incident. If an incident involved multiple charges, report only 1 magistration for that incident. If the multiple offenses involved more than 1 level of case category listed above, report the 1 magistration under the category of the most serious offense alleged.

NUMBER OF REQUESTS FOR COUNSEL

Report the number of requests for appointment of counsel that were made by defendants during the magistrate warnings reported above.

A. Class A and B Misdemeanors

B. Felonies

If the defendant was charged with more than one offense in a single incident, count only 1 request for counsel. If the multiple offenses involved more than 1 level of case category listed above, report the 1 request for counsel under the category of the most serious offense alleged.

If the defendant was magistrated for charges involving multiple, separate incidents, count a request for counsel for each separate incident. If an incident involved multiple charges, report only 1 request for counsel for that incident. If the multiple offenses involved more than 1 level of case category listed above, report the 1 request for counsel under the category of the most serious offense alleged.

NOTE: Code of Criminal Procedure, Art. 15.17(e), requires: In each case in which a person arrested is taken before a magistrate as required by Subsection (a), **a record shall be made of:**

- (1) *the magistrate informing the person of the person's right to request appointment of counsel;*
- (2) *the magistrate asking the person whether the person wants to request appointment of counsel; and*
- (3) ***whether the person requested appointment of counsel.***

Line 2. ARREST WARRANTS ISSUED

A. Class C Misdemeanors

Report the number of arrest warrants issued by the court during the month in Class C misdemeanor cases.

B. Class A and B Misdemeanors

Report the number of arrest warrants issued by the court during the month in Class A or B misdemeanor cases.

C. Felonies

Report the number of arrest warrants issued by the court during the month in felony cases.

Line 3. CAPIASES PRO FINE ISSUED

Report the number of capiases pro fine issued during the month, pursuant to Code of Criminal Procedure, Art. 45.045, for a defendant's failure to pay fines and costs after judgment and sentence.

Line 4. SEARCH WARRANTS ISSUED

Report the number of search warrants the judge, as a **magistrate**, issued during the month that allowed law enforcement officers to search a particular premises or person.

Line 5. WARRANTS FOR FIRE, HEALTH AND CODE INSPECTIONS ISSUED

Report the number of search warrants issued, pursuant to Code of Criminal Procedure, Art. 18.05, to a fire marshal, health officer, or code enforcement official of the state or of any county, city, or other political subdivision for the purpose of allowing the inspection of any specified premises to determine the presence of a fire or health hazard or unsafe building condition or a violation of any fire, health, or building regulation, statute, or ordinance.

Line 6. EXAMINING TRIALS CONDUCTED

Report the number of preliminary hearings on felony cases conducted by the judge during the month to determine whether, upon the basis of the evidence produced at such a hearing, the defendant should be bound over to the grand jury or should be discharged from custody (Code of Criminal Procedure, Art. 16.01).

Line 7. EMERGENCY MENTAL HEALTH HEARINGS HELD

Report the number of hearings for emergency mental health commitments the judge held during the month as provided by Health and Safety Code, Sec. 573.012.

Line 8. MAGISTRATE'S ORDERS FOR EMERGENCY PROTECTION

Report the number of emergency protection orders issued by the judge, as a magistrate, under Code of Criminal Procedure, Art.17.292.

Line 9. MAGISTRATE'S ORDERS FOR IGNITION INTERLOCK DEVICE

Report the number of orders issued by the judge, as a magistrate, under Code of Criminal Procedure, Art. 17.441, requiring a defendant to have an ignition interlock device installed in his or her vehicle and not operate any motor vehicle unless it is equipped with that device.

Line 10. ALL OTHER MAGISTRATE'S ORDERS ISSUED REQUIRING CONDITIONS FOR RELEASE ON BOND

Report the number of other orders issued by the judge, as a magistrate, requiring conditions for release on bond under Code of Criminal Procedure, Article 17, except for the Magistrate's Orders for Ignition Interlock Device reported in Line 8. Include:

- Conditions related to victim or community safety (Art. 17.40);
- Conditions where a child is the alleged victim (Art. 17.41);
- Home curfew and electronic monitoring (Art. 17.43);
- Home confinement, electronic monitoring, and drug testing (Art. 17.44);
- AIDS and HIV instruction (Art. 17.45);

- Conditions for a defendant charged with stalking (Art. 17.46);
- Conditions requiring submission of a specimen (Art. 17.47); and
- Conditions for defendant charged with offense involving family violence (Art. 17.49).

Line 11. DRIVER’S LICENSE DENIAL, SUSPENSION OR REVOCATION HEARINGS HELD

Report the number of hearings held by the judge during the month pursuant to Transportation Code, Sec. 521.300, to determine whether or not there is enough evidence to justify suspension or revocation of a person’s driver’s license by the Department of Public Safety for ***habitual violations or inability to safely operate a motor vehicle***.

NOTE: This does not apply to license suspensions for Alcoholic Beverage Code, tobacco, failure to attend school, or similar offenses involving juveniles/minors.

Line 12. DISPOSITION OF STOLEN PROPERTY HEARINGS HELD

Report the number of hearings held by the judge during the month pursuant to Code of Criminal Procedure, Ch. 47, to determine the right to possession of stolen property.

Line 13. PEACE BOND HEARINGS HELD

Report the number of hearings held by the judge during the month to determine whether or not a peace bond should be issued per Code of Criminal Procedure, Art. 7.03, regardless of when the complaint was filed, **or** when (or whether) a warrant was issued, **or** an order requiring the peace bond (if any) was entered.

Since the judge handles peace bonds as a magistrate, rather than as the judge of the justice court, peace bonds should not be counted in another section of the report.

Line 14. CASES IN WHICH FINE AND COURT COSTS ARE SATISFIED BY COMMUNITY SERVICE

Report the number of cases in which community service **or a tutoring program** was completed to **discharge a fine and/or court costs** as provided by Code of Criminal Procedure, Art. 45.049 **or 45.0492.¹** **Report these cases when the fine and court costs have been satisfied in full.**

NOTE: “Court costs” includes fees (e.g., judicial support fee, jury reimbursement fee, etc).

Do not include cases in which community service was mandatory for the offense and was ordered as part of the sentence (e.g., alcohol and tobacco related offenses).

A. Partial Satisfaction

Report the number of cases in which the community service **partially** satisfied the fine or court costs.

B. Full Satisfaction

Report the number of cases in which the community service **fully** satisfied the fine or court costs.

¹ Article 45.0492 added by HB 350, 82nd Legislature (2011).

Line 15. CASES IN WHICH FINE AND COURT COSTS SATISFIED BY JAIL CREDIT

Report the number of cases in which jail credit was applied to **partially or fully** discharge a fine or court costs. **Report these cases when the fine and court costs have been satisfied in full.**

NOTE: “Court costs” includes fees (e.g., judicial support fee, jury reimbursement fee, etc).

Line 16. CASES IN WHICH FINE AND COURT COSTS WAIVED FOR INDIGENCY

Report the number of cases in which a fine or court costs were partially or fully waived for indigency during the month.

Line 17. AMOUNT OF FINES AND COURT COSTS WAIVED FOR INDIGENCY

Report the total amount of fines and court costs waived during the month for indigency.

Line 18. TOTAL FINES, COURT COSTS AND OTHER AMOUNTS COLLECTED

Report the amount of court-related money **collected** by the court during the month. Include fines, fees, court costs; Omnibase fees²; forfeited bonds; fees for copies, etc.

Do not include amounts retained by a private collections agency for service fees³; amounts assessed; jail credit; community service **or tutoring program credit; or amounts collected that are not related to court operations (e.g., overdue library book fees; parking permits, licenses or other parking revenue not related to parking violations).**

A. Retained by City

Report the amount of money collected during the month that was deposited into city funds. Include the city’s portion of any fee that is divided by statute between the city and the State. Do not include amounts may be eventually retained by the city or remitted to the State but rebated back to the city as a service fee if the city is compliant in reporting to the Comptroller and is in compliance with any required Collections Improvement Program (if relevant).

Examples:

- Court costs adopted by city ordinance:
 - *a fee not to exceed \$25 for executing certain warrants (Article 45.203, C.C.P.);*
 - *building security fee;*
 - *technology fee;*
 - *a juvenile case manager fee; and*
 - *service fees for collection of fines, costs, and bonds by credit card or electronically*
- Special expense fee for granting deferred disposition or driving safety course, or a \$10 administrative fee for granting a drivers safety course
- Dismissal fees
- City’s portion of State Judicial Support Fee (10 percent of fee)
- Court costs and fees collected for the Child Safety Fund
- Traffic fund court cost (Section 542.403, T.C)

² Authorized by Transportation Code, Ch. 706. The OmniBase program is not considered a collections contract. It is a contract with the Department of Public Safety to provide information necessary for the department to deny renewal of drivers’ licenses.

³ Fees authorized by Code of Criminal Procedure, Art. 103.0031.

- Arrest fee (Art. 102.011(a), C.C.P.)
- Warrant fee
- Teen Court fees
- Witness, defendant, parents of a juvenile, or jury summons fees
- Jury fee
- Expunction fee
- City's portion of restitution fee
- City's portion of time payment fee
- City's portion of over gross weight violation court costs and fines
- City's portion of excess motor carrier fines
- City's portion of administrative fee for OmniBase program
- Travel costs to convey prisoner or to execute process
- Insufficient funds fees (bad/returned checks)
- Fees for copies, etc.

B. Remitted to State

Report the amount of money collected during the month that is designated to be remitted to the State. Include amounts that may be eventually retained by the city or remitted to the State but rebated back to the city as a service fee if the city is compliant in reporting to the Comptroller and is in compliance with any required Collections Improvement Program (if relevant).

Examples:

- Consolidated Court Cost
- State Traffic Fine
- State Juror Reimbursement Fee
- State Judicial Support Fee
- Indigent Defense Representation Fee
- State portion of Arrest Fee, if relevant (Art. 102.011(a), C.C.P.)
- State portion of Warrant Fee, if relevant
- Driving Record Fee
- State's portion of restitution fee
- State's portion of time payment fee
- State's portion of over gross weight violation court costs and fines
- State's portion of excess motor carrier fines
- State's portion of administrative fee for OmniBase program, etc.

C. Total

Report the amount of court-related money **collected** by the court during the month.

Include all amounts reported in A and B above, as well as amounts sent directly to other entities such as school districts, OmniBase, etc.

**Judicial
Monthly Report
April 2012**

	Non- Parking	Traffic Parking	Traffic City Ordinance	Penal Code	Non- Traffic State Law	City Ordinance	Total this Month	Fiscal yr to date	Total Prior Month	Prior Fiscal yr to date
Total Cases Pending First of Month	4145	0	3	1427	1561	397	7533		7809	
Active Cases	791	0	0	166	143	195	1295		1662	
Inactive Cases	3354	0	3	1261	1418	202	6238		6147	
New Cases Filed	306	0	1	85	44	52	488	3359	515	5728
Cases Reactivated	24	0	0	13	10	0	47		0	
All Other Cases Added	0	0	0	0	0	0	0	0	0	
Total Cases on Docket	1121	0	1	264	197	247	1830		2177	
Dispositions Prior to Trial:										
Uncontested Dispositions	11	0	0	52	37	0	100	508	76	
Dismissed by Prosecution	34	0	0	5	24	2	65	268	117	
Dispositions at Trial:										
Convictions:										
Guilty Plea or Nolo Contendere	176	0	0	20	14	9	219	2006	268	3164
By the Court	54	0	0	6	5	24	89	244	66	
By the Jury	0	0	0	0	0	0	0	0	0	2
Acquittals:										
By the Court	0	0	0	0	0	0	0	0	0	3
By the Jury	0	0	0	0	0	0	0	0	0	0
Dismissed by Prosecution	34	0	0	8	2	10	54	435	113	
Compliance Dismissals:										
After Driver Safety Course	23						23	187	27	289
After Deferred Disposition	30	0	0	4	1	3	38	287	41	318
After Proof of Financial Responsibility	7						7	46	9	95

**Judicial
Monthly Report
April 2012**

	Non- Parking	Traffic Parking	Traffic City Ordinance	Penal Code	Non- Traffic State Law	City Ordinance	Total this Month	Fiscal yr to date	Total Prior Month	Prior Fiscal yr to date
All Other Transportation Code Dismissals	15	0	0	0	0	0	15	98	12	
All Other Dispositions	12	0	0	4	8	0	24	291	62	
Total Cases Disposed	396	0	0	99	91	48	634	4357	791	
Cases Placed on Inactive Status	101	0	0	46	34	12	193	984	91	
Total Cases Pending End of Month:	4055	0	4	1413	1514	401	7387		7533	
Active Cases	624	0	1	119	72	187	1003		1295	
Inactive Cases	3431	0	3	1294	1442	214	6381		6238	
Show Cause Hearings Held	14	0	0	2	1	1	18	18	0	
Cases Appealed:										
After Trial	3	0	0	0	1	0	4	21	7	35
Without Trial	0	0	0	0	1	0	1	6	4	

Courtesy Letters Mailed:							141	875	137	925
Courtesy Phone Calls Made:							104	648	104	

City Marshal Activity:	Total This Month	Fiscal Year to Date	Prior Fiscal Year to Date	Total Month Prior
Door Hangers Issued	15	268	0	85
Arrests	32	186	0	15
Collection Phone Calls	425	2422	0	386
Warrant Amounts Collected	15,766.29	204,551.46	0.00	36,919.69
Letters Mailed	35	197	0	40
Holds Placed	42	214	0	24
Non-Cash Credit Amount	53,407.25	404,922.00	0.00	68,252.75

**Judicial
Monthly Report
April 2012**

	<i>Total this Month</i>	<i>Fiscal yr to date</i>	<i>Total Prior Month</i>	<i>Prior Fiscal yr to date</i>
<i>Juvenile/Minor Activity:</i>				
Transportation Code Cases Filed	3	18	3	
Non-driving Alcoholic Beverage Code Cases Filed	0	3	2	
Driving Under Influence of Alcohol Cases Filed	0	0	0	
Drug Paraphernalia Cases Filed	1	5	1	
Tobacco Cases Filed	0	1	0	
Failure to Attend School Cases Filed	0	0	0	
Education Code Cases Filed (except fail to attend)	0	0	0	
Curfew Violation Cases Filed	3	12	1	
All Other Non-traffic Fine-only Cases Filed	1	24	1	
<i>Additional Activity:</i>				
Magistrate Warnings:				
Class C Misdemeanors	3	37	4	
Class A and B Misdemeanors	18	147	24	
Felonies	10	59	7	
Arrest Warrants Issued:				
Class C Misdemeanors	265	1784	111	3179
Capias Pro Fine Issued:				
Class C Misdemeanors	117	692	27	
Emergency Protection Orders Issued	5	18	2	34
Stolen Property Hearings Held	0	2	0	
Cases Satisfied by Jail Time Credit	125	1014	151	
Fines, Court Costs and Other Amounts Collected:				
	<i>Total this Month</i>	<i>Fiscal yr to date</i>	<i>Total Prior Month</i>	<i>Prior Fiscal yr to date</i>
<i>Kept by City</i>	\$ 45,876.17	\$ 419,168.57	\$ 71,375.25	
<i>Remitted to State</i>	\$ 19,072.34	\$ 170,372.41	\$ 29,621.20	
<i>Total</i>	\$ 64,948.51	\$ 589,540.98	\$ 100,996.45	\$ 912,143.28

PUBLIC SAFETY

City of La Marque
Monthly and Year
To Date

Police Department
Month: April
Year: 2012

	CURRENT MONTH (Apr12)	CURRENT MO. PREV. YR. (Apr11)	PREV. MONTH (Mar12)	YR. TO DATE 2012	PREV. YR. TO DATE 2011
<u>PART I CRIMES:</u>					
Homicide	0	0	0	0	1
Rape	0	1	1	2	2
Robbery	1	6	1	4	8
Assault (*includes simple)	34	27	32	135	102
Burglary	12	13	12	58	58
Theft	47	41	43	140	160
M.V. Theft	2	0	3	6	9
<u>PART II CRIMES:</u>	179	216	180	737	791
<u>CALLS FOR SERVICE:</u>	1,792	1,632	2,112	7,426	7,457
<u>ACCIDENTS:</u>	22	19	32	89	77
Injuries	8	5	9	29	25
Non-injury	14	14	23	60	52
Fatalities	0	0	0	0	0
Alcohol Related	1	0	0	2	2
<u>ADULT ARRESTS:</u>	134	174	148	566	725
<u>JUVENILE DETENTIONS:</u>	1	0	3	7	10
<u>TRAFFIC STOPS:</u>	221	261	359	1,095	1,164
Citations	162	180	229	793	935
Violations	241	254	326	1,124	1,289
Warnings	9	8	14	33	46
<u>DISTURBANCES:</u>	123	121	132	457	376

This month, the Police Department arrested **40** people on municipal warrants, serving **106** warrants.

To date, the Police Department has arrested **194** people on municipal warrants, serving **504** warrants.



2012 LA MARQUE POLICE DEPT.
CRIME STATS



	2008				2009				2010				2011				2012							
	January - December				January - December				January - December				January - December				January - April							
	OFF	% +/-	CL	% CL	OFF	% +/-	CL	% CL	OFF	% +/-	CL	% CL	OFF	% +/-	CL	% CL	Offense 2011	Offense 2012	% +/-	Clearance 2011	Clearance 2012	% CL 2011	% CL 2012	
Murder	1	-67%	1	100%	4	400%	2	50%	3	-25%	2	67%	2	-33%	2	100%	1	0	-100%	1	0	100%	100%	
Rape	26	24%	13	50%	22	-15%	10	45%	6	-73%	3	50%	5	-17%	2	40%	2	2	0%	2	2	100%	100%	
Robbery	44	69%	17	37%	39	-11%	11	28%	34	-13%	16	47%	28	-18%	12	43%	8	4	-50%	4	0	50%	0%	
Aggravated Assault	74	4%	39	53%	98	32%	53	54%	39	-60%	23	59%	29	-26%	18	62%	6	12	50%	3	4	50%	33%	
La Marque Violent Crime Total	145	20%	70	48%	163	12%	76	47%	82	-50%	44	54%	64	-22%	34	53%	17	18	6%	9	6	53%	33%	
Texas Violent Crime Total	123,621	#DIV/0!	52,303	41%	121,789	-2%	53,587	44%	113,300	-7%	49,852	44%	*	*	*	*	*	*	*	*	*	*	*	
Burglary	241	-17%	35	15%	236	-2%	26	11%	202	-16%	77	38%	203	0%	16	8%	58	58	0%	7	8	12%	14%	
Theft	337	25%	96	28%	382	13%	112	29%	478	23%	159	33%	443	-7%	97	22%	160	140	-13%	31	52	19%	37%	
Motor Vehicle Theft	49	0%	23	47%	45	-8%	27	60%	29	-37%	15	52%	33	18%	8	24%	9	6	-33%	3	5	33%	83%	
Arson	7	40%	1	14%	9	29%	1	11%	4	400%	0	0%	2	-50%	1	50%	0	3	300%	0	0	0%	0%	
La Marque Property Crime Total	634	3%	155	24%	672	6%	166	25%	713	5%	251	35%	681	-4%	122	18%	227	207	-9%	41	65	18%	31%	
Texas Property Crime Total	969,807	-2%	146,350	15%	995,150	3%	149,272	15%	951,971	-4%	142,796	15%	*	*	*	*	*	*	*	*	*	*	*	
	RATE		% +/-		RATE		% +/-		RATE		% +/-		RATE		% +/-		RATE		% +/-					
La Marque Violent Crime Rate	1,164		12%		1,182		2%		594		-50%		441		-26%		124		6%					
Texas Violent Crime Rate	508		-1%		491		-3%		451		-8%		*		*		*		*					
La Marque Property Crime Rate	4,800		6%		4,872		1%		5,169		5%		4,894		-5%		1,427		-12%					
Texas Property Crime Rate	3,987		-3%		4,016		1%		3,786		-6%		*		*		*		*					
Calls For Service	24,209				28,249				25,017				22,549				7,426							
Population Estimate	14,236				13,794				13,794				14,509				14,509							
Officers per 1,000 pop.	2.0				2.0				2.1				2.0				2.0							
DWI	46				23				39				69				34							
Traffic Citations	3,413				3,872				1,917				2,874				793							
Drug Arrests	106				115				90				198				63							

*Data unavailable

LA MARQUE POLICE DEPARTMENT

USE OF FORCE / DEFENSIVE ACTION REPORT

Incident / Case No.: 12-000626

Date of Incident: April 16, 2012

Time: 1440

Location: 6410 IH 45, LA MARQUE, TX

REPORTING OFFICER: S.SAMUELSON

ID#: 545

Assignment: PATROL

TYPE OF DEFENSIVE ACTION:

☒ Physical Control Techniques / "Hard Hands" ☐ Baton ☐ OC Spray ☐ Firearm Discharge
☒ TASER ☐ Other (describe): _____

PERSON(S) ARRESTED:

Name: _____

DOB: 03/15/1989

Name: _____

DOB: _____

Name: _____

DOB: _____

WITNESSES:

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

*Note: Defensive Action Report:

1. Will be completed by each Officer involved in a reportable incident (as per Written Directive 700-2).
2. Will be stapled (as cover pages) to a copy of the applicable Incident Report.
3. Will be reviewed and signed by the Officer's immediate Shift Leader: prior to departing from shift duty (see Written Directive 700-2 for exceptions). Completed packet will be hand carried by Shift Leader to reporting Officer's applicable Division Commander. If incident is serious/sensitive Shift Leader will immediately provide oral/telephonic briefing to appropriate Division Commander and Chief of Police.
4. Applicable Division Commander will review packet then hand deliver packet to the Office of Professional Responsibility (OPR) Manager.
5. OPR Manager will review packet and hand deliver packet to the Chief of Police.

SUMMARY OF INCIDENT (Specifically address the type of defensive action used):

WAS CONTACTED BY LOSS PREVENTION AT WAL-MART FOR A SHOPLIFTER IN PROGRESS. ARRIVED ON LOCATION AND WAS ADVISED THE ACTOR WAS BARRICADED IN THE FRONT WOMEN'S BATHROOM. AS SUBJECT EXITED THE BATHROOM, OFFENDER BEGAN TO FLEE, HEADING TOWARDS GROCERY SIDE EXIT DOORS. THIS OFFICER DEPLOYED AN UNSUCCESSFUL TASER TO OFFENDER, STRIKING OFFENDER IN THE RIGHT THEIGH AREA (1 PRONG). THIS OFFICER CONTINUED FOOT PURSUIT UNTIL OFFENDER WAS CAUGHT. USING HANDS, THIS OFFICER FORCED OFFENDER TO THE GROUND AND WAS TAKEN INTO CUSTODY. WHILE BEING TAKEN TO THE GROUND, OFFENDER STRUCK HER FACE WITH A BUMPER OF A VEHICLE, CAUSING A LOSS OF A TOOTH.

Explain why it was necessary to use defensive action specified above:
OFFENDER WAS FLEEING FROM THIS OFFICER TO AVOID ARREST.

Explain why defensive action used was reasonable:

OPEN HANDS WERE USED TO EFFECT THE ARREST IN EFFORT TO MINIMIZE INJURY AFTER A FAILED TASER DEPLOYMENT.

Explain consequences (injury, damage, etc.) that resulted from the use of defensive action:

DURING THE USE OF OPEN HANDS TO TAKE OFFENDER INTO CUSTODY, A THIRD PERSON'S PERSONAL PROPERTY (FORD F150 PICKUP) WAS DAMAGED WHEN OFFENDER STRUCK THE BUMPER OF THE VEHICLE. OWNER OF VEHICLE REPORTED APPROXIMATE DAMAGES TO BE \$1,000.00

Post Care Action Performed by Reporting Officer:

SUBJECT WAS SEEN BY LA MARQUE MEDICS, WHICH OFFENDER DECLINED ANY MEDICAL TREATMENT. SUBJECT WAS THEN TAKEN BY THIS OFFICER TO MAINLAND MEDICAL CENTER FOR MINOR ABRASION TO HER RIGHT ARM AND TO REPLACE THE TOOTH. FIT FOR INCARCERATION WAS OBTAINED AND SUBJECT WAS TRANSPORTED TO THE LA MARQUE POLICE DEPARTMENT WITHOUT FURTHER INCIDENT.

If subject was not injured, document observations and/or any statements made by suspect, that indicate subject was not injured:

SUBJECT ADVISED OF INJURIES AFTER EFFECTING THE ARREST. THIS OFFICER ADVISED DISPATCH THAT LA MARQUE MEDICS WERE NEEDED AT MY LOCATION.

(Attach copies of Incident Reports, Arrest Reports, statements, and other documentation as necessary)

Chain of Command Review

✓AS REPORTED USE OF DEFENSIVE ACTION JUSTIFIED? ☐ YES ☒ NO

Shift Leader's Name Richard Garcia Signature R. Garcia Date 4/17/12

Comments:

2. WAS REPORTED USE OF DEFENSIVE ACTION JUSTIFIED? ☐ YES ☒ NO

Applicable Division Cdr's Name LT. G. Guenard Signature [Signature] Date 05/14/2012

Comments: Does not appear to be justified according to LMPD Policy. Offender was running away from the officer. [Signature]

3. WAS REPORTED USE OF DEFENSIVE ACTION JUSTIFIED? ☐ YES ☒ NO

OPR Name Sgt. Waggoner #13 Signature [Signature] Date 05/14/12 Manager's

Comments: The actions appear to be in conflict with the LMPD Policy.

Review by Chief of Police

Comments:

Chief of Police Name Randy Aragon Signature [Signature] Date 5-14-12

Actions by Officer Sanchez are not aligned w/ WD System.

LA MARQUE POLICE DEPARTMENT

USE OF FORCE / DEFENSIVE ACTION REPORT

Incident / Case No.: 12-000646

Date of Incident: 04/18/2012 Time: 2028

Location: 600 Roosevelt

REPORTING OFFICER: C. Kelemen ID#: 547

Assignment: Patrol

TYPE OF DEFENSIVE ACTION:

☒ Physical Control Techniques / "Hard Hands" ☐ Baton ☐ OC Spray ☐ Firearm Discharge
☐ TASER ☒ Other (describe): Verbal Commands

PERSON(S) ARRESTED:

Name: [REDACTED] DOB: 07/22/1966
Name: _____ DOB: _____
Name: _____ DOB: _____

WITNESSES:

Name: Officer C. King 534 Address: 431 Bayou Rd La Marque, Texas 77568
Name: _____ Address: _____
Name: _____ Address: _____

*Note: Defensive Action Report:

1. Will be completed by each Officer involved in a reportable incident (as per Written Directive 700-2).
2. Will be stapled (as cover pages) to a copy of the applicable Incident Report.
3. Will be reviewed and signed by the Officer's immediate Shift Leader: prior to departing from shift duty (see Written Directive 700-2 for exceptions). Completed packet will be hand carried by Shift Leader to reporting Officer's applicable Division Commander. If incident is serious/sensitive Shift Leader will immediately provide oral/telephonic briefing to appropriate Division Commander and Chief of Police.
4. Applicable Division Commander will review packet then hand deliver packet to the Office of Professional Responsibility (OPR) Manager.
5. OPR Manager will review packet and hand deliver packet to the Chief of Police.

SUMMARY OF INCIDENT (Specifically address the type of defensive action used):

This officer responded to a disturbance at 600 Roosevelt. This officer arrived and observed a black male later identified as [REDACTED] yelling at other subjects in front yard of 600 Roosevelt. [REDACTED] was wearing a white under shirt that was ripped. [REDACTED] also appeared to be extremely agitated from his demeanor. This officer gave [REDACTED] several verbal commands to walk to this officer with no response. [REDACTED] then began to walk away from this officer. [REDACTED] then made an aggressive move towards his brother and his mother. This officer responded by securing [REDACTED]'s arms behind his back until other officers could arrive. [REDACTED] then pulled away from this officer several times and was secured on the ground until hand restraints could be utilized.

Explain why it was necessary to use defensive action specified above:

The force used was necessary to make an arrest and prevent injuries to other parties on scene.

Explain why defensive action used was reasonable:
The force used was equal to the force used by the arrested party.

Explain consequences (injury, damage, etc.) that resulted from the use of defensive action:
No injuries or damage resulted from the use of force by this officer.

Post Care Action Performed by Reporting Officer:
No complaint of no injuries, so post care was not required by this officer.

If subject was not injured, document observations and/or any statements made by suspect, that indicate subject was not injured:
The subject complained of no injuries and stated that he did not trust anyone. [REDACTED] was intoxicated at the time of arrest and when use of force was needed.

(Attach copies of Incident Reports, Arrest Reports, statements, and other documentation as necessary)

Chain of Command Review

WAS REPORTED USE OF DEFENSIVE ACTION JUSTIFIED? ☒ YES ☐ NO

Shift Leader's Name M. Cravens Signature Sgt. M. Cravens Date 4-19-12

Comments:

2. WAS REPORTED USE OF DEFENSIVE ACTION JUSTIFIED? ☒ YES ☐ NO

Applicable Division Cdr's Name Lt. G. Guehrst Signature Lt. G. Guehrst Date 04/19/2012

Comments:

After call use of force appears to be in compliance with policy.

3. WAS REPORTED USE OF DEFENSIVE ACTION JUSTIFIED? ☒ YES ☐ NO

OPR Name Chuggone Signature [Signature] Date 05/10/12 Manager's

Comments:

The force used by officers was justified and necessary.

Review by Chief of Police

Comments:

Appears to be aligned w/ WD System.

Chief of Police Name Ronell Ray Signature [Signature] Date 5-14-12

FIRE DEPARTMENT

City of La Marque

Fire Department
Month: April
Year: 2012

Current Month April 2012	Current Mo. Previous Year (April 2011)	Prev. Month (March 2012)	Fiscal Yr to Date 2011-2012	Fiscal Prev. Yr. to Date 2010-2011
<u><i>Fires</i></u>				
14	8	5	53	46
<u><i>Overpressures, Explosions</i></u>				
0	1	0	3	4
<u><i>Rescue & EMS</i></u>				
106	119	113	844	888
<u><i>HAZMAT</i></u>				
4	2	2	32	16
<u><i>Good Intent</i></u>				
9	14	21	86	90
<u><i>False Alarm</i></u>				
11	6	4	44	57

CALL STATISTICS FY 2010- 2011
La Marque Fire/Rescue

PATIENT DISPOSITION BY MONTH													
Disposition		OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
Encounters		139	139	132	116	102	128	109	137	125	108	109	122
Transports		98	94	90	94	80	94	84	104	97	93	77	90
Aeromedical		0	0	0	0	0	0	0	0	0	0	0	0
Dead On Scene		1	0	1	1	1	0	0	2	0	1	3	2
Refusals		40	45	41	21	21	34	25	31	28	13	29	30
RESPONSE TIMES PER MONTH (minutes)													
Unit Status		OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
Dispatch - Location		5	5	5	4	5	4	5	4	4	5	5	5
Location - To Hospital		16	17	19	16	15	15	16	15	15	15	16	16
To Hospital - At Hospital		11	11	12	10	10	9	10	10	9	9	11	9
At Hospital - In Service		25	29	30	27	29	27	30	27	28	29	31	25
Location - At Hospital		26	26	29	24	25	25	25	24	23	23	25	22
Dispatch - At Hospital		31	31	35	29	30	30	29	29	28	29	31	28
Dispatch - In Service		48	51	53	52	52	48	53	48	52	55	53	47

CALL STATISTICS FY 2011- 2012

La Marque Fire/Rescue

PATIENT DISPOSITION BY MONTH												
Disposition	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
Encounters	150	102	104	110	120	112	110					
Transports	113	78	85	93	104	92	87					
Aeromedical	0	0	0	0	0	0	0					
Dead On Scene	0	1	1	0	1	0	0					
Refusals	37	23	18	17	15	20	23					
RESPONSE TIMES PER MONTH (minutes)												
Unit Status	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
Dispatch - Location	5	5	5	5	7	5	5					
Location - To Hospital	17	16	15	15	15	16	17					
To Hospital - At Hospital	11	8	9	9	11	11	10					
At Hospital - In Service	28	25	32	31	29	34	33					
Location - At Hospital	26	23	24	24	25	25	25					
Dispatch - At Hospital	31	28	30	30	31	30	30					
Dispatch - In Service	54	49	57	57	58	58	58					

PUBLIC WORKS DEPARTMENT

PUBLIC WORKS ADMINISTRATION
ACTIVITY REPORT

Cyndi Efird

2012 / April	WEEK 1	WEEK 2	WEEK 3	WEEK 4	WEEK 5	MONTHLY
	4/1-4/7	4/8-4/14	4/15-4/21	4/22-4/28	4/29-4/30	TOTALS
Calls / Customers						
Water Leaks	9	9	7	8	0	33
Sewer Stops	3	16	10	6	1	36
Leak at Meter	0	6	1	3	1	11
Low Pressure / No Water	2	0	0	0	0	2
Dress-Ups	1	1	2	0	0	4
Billing Department	16	22	17	24	4	83
Blue Cart / Trash Pick Up	0	3	6	3	1	13
Wednesday Pick Up	6	7	3	5	2	23
Bulk Pick Up	2	0	2	1	0	5
Co-Compliance	0	0	1	3	2	6
Pot Holes	1	1	0	0	0	2
Street Repair	0	0	2	0	0	2
Driveway Repair	1	0	0	0	0	1
Dirt Request	0	0	0	0	1	1
Culverts	0	0	1	3	1	5
Mowers / Mowing	0	2	2	4	0	8
Street Signs	0	1	0	0	0	1
Traffic Lights	0	1	1	0	0	2
Street Light Outage	0	0	3	4	0	7
Street Light Request	0	0	0	0	0	0
Director	6	4	6	3	1	20
Assistant Director	1	3	0	5	0	9
PW/Utility Dept Supervisors	14	5	7	17	5	48
City Manager	0	0	0	0	0	0
City Hall Admin Assist.	0	0	0	2	0	2
Human Resource	0	2	2	3	3	10

1 of 2

PUBLIC WORKS ADMINISTRATION
ACTIVITY REPORT

Cyndi Efird

2012/ April	WEEK 1	WEEK 2	WEEK 3	WEEK 4	WEEK 5	MONTHLY
	4/1-4/7	4/8-4/14	4/15-4/21	4/22-4/28	4/29-4/30	TOTALS
Calls / Customers						
City Clerk	0	0	1	0	0	1
Inspections	0	1	2	3	0	6
Animal Control	1	2	1	0	0	4
Mosquito Spray	0	0	0	0	0	0
Locates	0	1	0	0	0	1
LM's	0	0	0	0	0	0
Customer at Window	2	4	4	11	2	23
Recycling	0	0	0	0	0	0
Community Service	0	0	0	1	1	2
Gas Company	0	0	0	0	0	0
Miscellaneous Calls	21	16	8	13	1	59
					TOTAL	430

4/11- Assisted City Clerk with a Cemetery Plot issue
 4/12- Met with Janitorial King representative over cleaning of Public Works Office
 4/14 - Attended Cemetery Board Meeting & Walk Through
 4/19 - Attended Parks Board Meeting
 4/20 - Completed 5 Year Study on Sewer Stops
 4/20 - Assisted Police Department on booklet assembly
 4/23 - Typed & Submitted Cemetery Board Minutes

**CITY OF LA MARQUE
PARKS DEPARTMENT MONTHLY REPORT**

Dwanna Jones

2012 / April

SCHEDULED WORK

COMPLETED WORK

PARK MAINTENANCE	WK 1	WK 2	WK 3	WK 4	WK 5	DESCRIPTION OF WORK
	4/1-4/7	4/8-4/14	4/15-4/21	4/22-4/28	4/29-4/30	
Bayou City Park	4	12	4	12	4	Pick up trash mowed & weed-eat
Bird Sanctuary	4	12	4	6	4	Pick up trash mowed & weed-eat
Highland Bayou Park	4	4	4	32	4	Clean & disinfect restrooms;pick up trash
Jaycee Park	4	4	4	12	4	Pick up and remove trash
Lagana Park	4	4	20	12	4	Mowed & weed-eat
Martin Luther King Jr. Park	8	4	4	16	4	Pick up and remove trash; repair swing
Mahan Park	4	4	4	4	12	Clean & disinfect restrooms;pick up trash
Walter Feigle Park	4	12	4	4	4	Check for trash; mowed & weed-eat
Westlawn Park	8	4	4	12	4	Pick up & remove trash;pick up tree limbs
GENERAL MAINTENANCE						DESCRIPTION OF WORK
City Hall	4	4	4	4	4	Trim, edge, weed & pick up garbage
Library	4	12	4	12	4	Mowed & weed-eat
Police Department	4	12	4	12	4	Mowed & weed-eat
La Marque Cemetery	4	4	48	4	4	Remove trash; mowed & weed-eat
La Marque Sign @ Hwy 3	4	12	12	4	4	Mowed & weed-eat
Kirsten esplanade	4	8	4	4	4	Mowed & weed-eat
LM property / Aid & Guidance	4	12	4	4	4	Mowed & weed-eat
Bus Stops	4	4	4	4	4	Remove trash
WEEKEND DUTIES						DESCRIPTION OF WORK
Highland Bayou Park	0	0	0	1	0	Pavilion rental clean-up
Weekly Total Hours	76	128	136	159	76	
Comments:						

RIGHT-OF-WAY & ROAD MAINTENANCE DIVISION
ACTIVITY REPORT
DWANNA JONES

2012 / April

	WEEK 1	WEEK 2	WEEK 3	WEEK 4	WEEK 5	MONTHLY	April
	4/1-4/7	4/8-4/14	4/15-4/21	4/22-4/28	4/29-4/30	TOTALS	2011
STREETS							
Utility Patch	0	0	0	0	0	0	0
Man Hours	0	0	0	0	0	0	0
Culverts-Linear Feet Set	0	24	0	0	0	24	152
Man Hours	0	12	0	0	0	12	96
Trimming Tree Limbs-Man Hours	16	0	24	16	0	56	72
Driveway Tie In-Man Hours	0	0	0	0	0	0	32
Traffic Sign Repair - Man Hours	16	32	48	40	8	144	112
Potholes Filled	188	152	105	98	0	543	0
Man Hours	32	32	32	24	0	120	0
Repaired Driveways	6	10	12	0	0	28	4
Man Hours	16	32	32	0	0	80	40
Grading Ditch - Linear Feet Cut	0	0	0	450	210	660	0
Man Hours	0	0	0	48	24	72	0
Mowing Man Hours	32	40	48	64	24	208	446
Sweeping - Man Hours	8	8	16	16	8	56	*
Grate Repair - Man Hours	0	0	8	0	0	8	*
Weed-eat - Man Hours	32	16	48	32	24	152	*
Dress-up - Man Hours	0	0	0	0	12	12	*
Check Drains & Ditches	43	0	50	16	0	109	*
Man Hours	32	0	48	16	0	96	*

* No available information for 2011

1 of 2

RIGHT-OF-WAY & ROAD MAINTENANCE DIVISION
ACTIVITY REPORT
DWANNA JONES

2012 / April

	WEEK 1	WEEK 2	WEEK 3	WEEK 4	WEEK 5	MONTHLY	April
	4/1-4/7	4/8-4/14	4/15-4/21	4/22-4/28	4/29-4/30	TOTALS	2011
BFI							
Brush Letters Sent Out	10	0	0	8	0	18	0
Special Pickup's	0	0	0	7	0	7	28
Man Hours	2	0	0	2	0	4	10
Safety Meetings	1	1	1	1	0	4	*

* No available information for 2011

SPECIAL PROJECTS

Repaired shoulder on Garrett

WATER & SEWER MAINTENANCE DIVISION ACTIVITY REPORT

2012 / April

	WEEK 1 4/1-4/7	WEEK 2 4/8-4/14	WEEK 3 4/15-4/21	WEEK 4 4/22-4/28	WEEK 5 4/29-4/30	MONTHLY TOTALS	APRIL 2011
WATER							
Water leaks repaired	3	3	6	5	1	18	29
Residential Water Taps	0	0	0	0	0	0	1
Commercial Water Taps	0	0	0	0	0	0	0
Remote Read Meters Installed	0	0	0	0	0	0	0
Low Pressure Problems City Side	2	0	0	0	0	2	4
Low Pressure Problems Customer Side	0	0	0	0	0	0	3
Meter Boxes & Lids Replaced	0	0	0	0	0	0	0
Water Turned On/Off for Citizens	0	0	0	0	0	0	1
Rusty Water Inquires	0	0	0	0	0	0	0
Bad Taste/Smelly Water Inquiries	0	0	0	0	0	0	0
Fire Hydrants							
Fire Hydrants Installed	0	0	1	0	0	1	0
Fire Hydrants Repaired	0	0	0	0	0	0	0
Fire Hydrants Serviced	0	0	0	0	0	0	0
SPECIAL PROJECTS							
4/12/12 - Banana Well Site units 808 & 813 dug up and found lines for shut off							
4/16/12 - 801 Pacific Point Units 808 & 813 moved the meter							

WATER & SEWER MAINTENANCE DIVISION
ACTIVITY REPORT

2012 / April

	WEEK 1 4/1-4/7	WEEK 2 4/8-4/14	WEEK 3 4/15-4/21	WEEK 4 4/22-4/28	WEEK 5 4/29-4/30	MONTHLY TOTALS	APRIL 2011
SEWER							
Sewer Stoppages Resolved	6	16	8	8	2	40	48
Sewer Lines Repaired	0	4	1	0	0	5	1
Residential Sewer Taps	0	0	0	0	0	0	0
Commercial Sewer Taps	0	0	0	0	0	0	0
Clean-Out Tops Replaced	0	0	1	0	0	1	6
Clean-Outs Installed	0	2	0	2	2	6	0
Sewer Lines Installed	0	0	0	0	0	0	0
Manhole Repaired	0	0	0	0	0	0	3
Manhole Installed	0	0	0	0	0	0	0
Lines Locate, Water & Sewer	0	0	0	0	0	0	0
Miscellaneous							
Dress-Ups	1	11	8	5	0	25	15
Saw Cuts	0	0	0	0	0	0	1
Valves Replaced	0	0	0	0	0	0	0
TOTAL WORK ORDERS						98	
Projects by LF							
Feet of Water Mains Installed (LF)	0	0	0	0	0	0	0
Sewer Lines Cleaned (LF)	0	0	0	0	0	0	6200
Feet of Sewer Line T.V.'d (LF)	0	0	15	14	0	29	500
Feet of Sewer Main Replaced (LF)	0	0	0	0	0	0	0
Smoke Testing Done (LF)	0	0	0	0	0	0	0
Culverts Cleaned (LF)	0	0	0	13	0	13	0

2 of 2

WATER & WASTE WATER
ACTIVITY REPORT
Supervisor Jason Hubbell

2012 / April	WEEK 1	WEEK 2	WEEK 3	WEEK 4	WEEK 5	MONTHLY	APRIL
Utility 24	4/1-4/7	4/8-4/14	4/15-4/21	4/22-4/28	4/29-4/30	TOTALS	2011
WWTP							
Rain Fall	0.7	0	4.6	0	0	5.3	0.0
Flow Total MG/D	20.164	11.466	33.495	13.843	3.32	82.288	44.930
Lb. of CL2 used	985	740	1980	1020	225	4950	3,425
Lb. of SO2 used	541	393	1097	546	132	2709	1,806
Plant Man Hours	72	77	84	84	18	335	332
Bio Solids Removed/Tons	0	0	0	0	0	0	0.000
Raw TSS Avg. mg/l						80.9	99.8
Raw BOD tes/Avg.						64.1	103.3
Raw Total Cu Avg.mg/l						0.0153	0.031
Raw NH3-3 Avg. mg/l						13.987	23.530
Effluent CBOD test/Avg.						2.7	2.3
Effluent TSS Avg. mg/l						3.1	2.2
Effluent NH-3N Avg.mg/L						0.391	0.127
Raw Total CU mg/L						0.0036	0.0060
Route Wells & Lift Stations							
Distribution System-Total Surface Water MG/D	15.974	16.933	16.803	21.531	4.825	76.066	61.110
Total Well Water MGD	0.014	0.057	0.001	0.004	0	0.076	0.011
Lb. of CL2 used	23	27	20	30	6	106	155
Lb. of Ammonia Used	4	0	0	8	2	14	32
Total # of CL2 Residual Samples	77	77	77	77	22	330	433
Number of Water Bacteriology Samples	0	0	0	18	0	18	15

WATER & WASTE WATER
ACTIVITY REPORT
Supervisor Jason Hubbell

2012 / April	WEEK 1	WEEK 2	WEEK 3	WEEK 4	WEEK 5	MONTHLY	APRIL
Utility 24	4/1-4/7	4/8-4/14	4/15-4/21	4/22-4/28	4/29-4/30	TOTALS	2011
Collection System - Total							
Lift Station Pump Hours	716.2	640.1	1204.7	692.7	177.2	3430.9	2372.0
Man Hours Wells Station	31.5	31.5	31.5	31.5	9	135	250
Safety Meetings	0	0	0	0	1	1	1
Dead ends Flushed	0	0	0	0	0	0	200
Fire Hydrants Painted	0	0	0	0	0	0	0

CL2 = CHLORINE

MGD = MILLION GALLON DAY

SO2 = SULFUR DIOXIDE

BOD = BIOCHEMICAL OXYGEN DEMAND

CU = COPPER

NH-3N = AMMONIA

UTILITY 26 MAINTENANCE DIVISION
WATER WELLS, LIFT STATIONS & WASTE WATER TREATMENT PLANT
ACTIVITY REPORT
Steve Gassaway

2012 / April

	WEEK 1	WEEK 2	WEEK 3	WEEK 4	WEEK 5	MONTHLY	APRIL
	4/1-4/7	4/8-4/14	4/15-4/21	4/22-4/28	4/29-4/30	TOTALS	2011
PREVENTATIVE MAINTENANCE							
Lift Pumps	0	2	0	2	1	5	4
Valves	0	5	6	4	0	15	14
Electric Motors	0	0	0	0	0	0	10
Electric Panels	4	2	4	2	2	14	12
Vent Fans	0	0	0	0	0	0	19
Blowers	1	0	0	0	0	1	3
Belts	0	8	5	9	0	22	14
Floats	9	9	18	30	9	75	24
Well Sites	1	0	2	0	1	4	3
Clean Up or Remove Grease @ Well Sites	1	0	4	0	1	6	*
Corrective Maintenance							
Replaced Belts	1	0	0	0	0	1	6
Replaced Bearings	0	3	0	0	0	3	0
Replaced Motors	0	0	0	0	0	0	0
Replaced Seals	3	9	0	0	0	12	2
Replaced Pumps	0	0	0	0	0	0	2
Replace wear Parts	2	2	2	5	2	13	14
Replace Valves	0	0	0	0	0	0	2
Replace Floats	0	0	0	0	0	0	3
Replace Gauges	0	0	0	0	0	0	4
Replace Electrical Parts	0	0	0	1	0	1	11
Change Oil in Pumps	6	4	8	16	4	38	*
Degrease & Wash Down Lift Stations	5	4	6	7	3	25	*
TOTAL						235	
SPECIAL PROJECTS							

* No information available in 2011

1 of 1

EDC DEPARTMENT

City of La Marque
Monthly and Year
To Date

EDC
Month: May
Year: 2012

	CURRENT MONTH	CURRENT MO. PREV. YR.	PREV. MONTH	YR. TO DATE 2012	PREV. YR. TO DATE 2011
<u>ShopsQA Businesses</u>	66	None	0	8	None

***The staff at ShopsQA is developing a partial list of businesses to import**