

**SPECIAL CITY COUNCIL MEETING
CITY OF WINDCREST, TEXAS
NOVEMBER 1, 2010
CLOSED SESSION
6:00 PM
SPECIAL CITY COUNCIL AGENDA
7:00 p.m.**

NOTICE IS HEREBY GIVEN THAT A SPECIAL CITY COUNCIL MEETING OF THE CITY OF WINDCREST WILL BE HELD AT WINDCREST CITY HALL, 8601 MIDCROWN, WINDCREST, TEXAS ON THE 1ST DAY OF OCTOBER, 2010 STARTING AT 6:00 P.M. DURING THE MEETING THE FOLLOWING SUBJECTS WILL BE CONSIDERED AND THE COUNCIL MAY TAKE ACTION ON ANY OF THE LISTED SUBJECTS.

THE CITY COUNCIL RESERVES THE OPTION TO RECESS THE MEETING DURING THE EVENING OF NOVEMBER 1, 2010 AND TO RECONVENE THE MEETING ON THE FOLLOWING DAY, NOVEMBER 2, 2010 AT 9:00 A.M. AT THE WINDCREST CITY HALL, 8601 MIDCROWN, WINDCREST, TEXAS.

IT IS ANTICIPATED THAT MEMBERS OF OTHER CITY BOARDS, COMMISSIONS AND COMMITTEES MAY ATTEND THE MEETING IN NUMBERS THAT MAY CONSTITUTE A QUORUM OF SUCH OTHER CITY BOARDS, COMMISSIONS AND COMMITTEES, SO THAT NOTICE IS HEREBY GIVEN THAT THE MEETING IS ALSO A MEETING OF THE OTHER CITY BOARDS, COMMISSIONS AND COMMITTEES WHOSE MEMBERS ARE IN ATTENDANCE. THE MEMBERS OF THE OTHER CITY BOARDS, COMMISSIONS AND COMMITTEES MAY PARTICIPATE IN DISCUSSIONS WHICH OCCUR AT THE MEETING, BUT NO ACTION WILL BE TAKEN BY THE OTHER BOARDS, COMMISSIONS AND COMMITTEES WHOSE MEMBERS ARE IN ATTENDANCE.

Ordinance No. 618 (09/20/10), Repealing Ordinance No. 593

At all City Council, City Commission or City Board meetings, the agenda shall include a "citizens to be heard" item. It is suggested that Citizens wishing to speak during this item sign in on the sign up roster prior to the meeting. During "citizens to be heard" comments, each individual may speak on an agenda item or any other matter affecting the city. In addition to the "citizens to be heard" portion of meetings, a person may make comments on agenda items prior to the vote on the agenda item. A member of the public will have a total of six (6) minutes to be heard during a City Council, City Commission or City Board Meeting. This does not include any responses from the body. The six (6) minutes time limit authorized herein may not be transferred to another speaker in whole or in part. The presiding Officer or his/her designee will assign a Time Keeper to each meeting. The Time Keeper will maintain strict compliance of the six (6) minute rule, stopping speakers who exceed the allotted time. As authorized by Section 551.042 of the Texas Government Code, the Presiding Officer may direct a City Official to make: a statement of specific factual information in response to an inquiry made by a member of the public or of the City Council, or; a recitation of existing policy in response to an inquiry made by a member of the public or the City Council. Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting. Any question posed by a Citizen, Council Member, Board Member or Commission Member for which an answer is not available at a meeting shall be answered by a member of the staff or Presiding Officer at the next regular meeting of the Body, if an answer is reasonably available and prudent. If the information is sensitive, staff will seek advice from the City Attorney.

Meeting Chair: please remind each participant in your meeting that they must speak into a microphone; the recording is the Official Minutes of your meeting and all who speak must be recorded. All guest speakers and citizens to be heard must speak from podium. Please interrupt speakers during meeting if you recognize that they are not speaking into microphone and have them do so.

I. Closed Session Call to Order

1. City Council will convene into a closed session as authorized by Section 551.074 of the Government Code to deliberate the appointment of public officers to the Parks & Recreation Commission.

II. Call to Order, Pledge of Allegiance and Invocation.

III. Citizens To Be Heard

A member of the public will have a total of six (6) minutes to be heard.

IV. Presentations

1. Kim Wright will give a presentation to City Council regarding Dave Ramsey's Financial Peace University, Workplace Edition.

V. Old Business

1. City Council will review, discuss and may take action on an employer financial service.
2. City Council will review, discuss and may take action on a street sweeper.
3. City Council will review, discuss and may take action on amendments to Chapter 3 of the Code of Ordinances regarding Animal Control.
4. City Council will review, discuss and may recommend amendments to Chapter 20 and Chapter 23 of the Code of Ordinances regarding RV's, boats and trailers. (Att. 1)
5. City Council will review, discuss and may take action to approve Ordinance 628, an ordinance amending Chapter 25 regarding Parades and Public Gatherings, by eliminating limitations on public gatherings. *The City Council will consider a motion to adopt Ordinance No. 628 at its first reading as authorized in Section 3.13 of the City Charter because one reading of the ordinance is sufficient for adequate consideration of the ordinance. (Att. 2)*
6. City Council will review, discuss and may take action to approve Ordinance 629, an ordinance amending Chapter 15, Business Registration and Miscellaneous Taxes and Permits, by modifying certain rules applicable to Garage and Estate Sales. *The City Council will consider a motion to adopt Ordinance No. 629 at its first reading as authorized in Section 3.13 of the City Charter because one reading of the ordinance is sufficient for adequate consideration of the ordinance. (Att. 3)*

7. City Council will consider adopting Ordinance 630, an ordinance appointing members to the City of Windcrest Economic Development Corporation Board of Directors. *The City Council will consider a motion to adopt Ordinance No. 630 at its first reading as authorized in Section 3.13 of the City Charter because one reading of the ordinance is sufficient for adequate consideration of the ordinance.* (Att. 4)

VI. New Business

1. City Council will review, discuss and may take action to appoint new members to the Park and Recreation Commission board.
2. City Council will discuss and take action on a request from Charles Lackey, Director of Public Works to hire a Public Works Technician I, due to the resignation of Jose Lores.
3. City Council will discuss an interim report on the City Manager Search.
4. City Council will review, discuss and take action on the FY 2010 Code of Criminal Procedure, Chapter 59 Asset Forfeiture Report by Law Enforcement Agency. (Att. 5)
5. City Council will discuss and may take action on the disposition of mobile offices located on City Hall property.
6. City Council will review, discuss and take action on Ordinance 618A, an ordinance amending 618, Section 12. *The City Council will consider a motion to adopt Ordinance No. 618A at its first reading as authorized in Section 3.13 of the City Charter because one reading of the ordinance is sufficient for adequate consideration of the ordinance.* (Att. 6)
7. City Council will discuss and take action on authorizing certain city officials to be signatory on WEDC accounts.

VII. General Announcements & Future Agenda Items Requested

Per Ordinance No. 618, repealing Ordinance No. 593; Section 9: Every agenda shall include an item entry granting a member the opportunity to propose an item for consideration of future agendas for Regular or Special Meetings. Any member may request the inclusion of such items at any meeting.

VIII. Adjournment

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the City Council of the City of Windcrest is a true and correct copy of said Notice and was posted on the bulletin board at City Hall of said City in a convenient place to the public and said Notice was posted more than seventy-two hours prior to November 1, 2010.

By: _____ **City Secretary**

In compliance with the Americans With Disabilities Act, the City of Windcrest Council Chambers are wheelchair accessible, and accessible parking spaces are available. The City of Windcrest will provide for reasonable accommodations for persons attending City Council meetings. To better serve you, requests should be received 48 hours prior to the meetings. Please contact Heather Weidenbach, City Secretary, at 210-655-0022 ext. 2150 or Fax 210-655-8776.

I certify that the attached notice and agenda of items to be considered by the City Council was removed by me from the City Hall bulletin board on the ____ of November, 2010.

Title: _____

This Agenda has been reviewed and approved by City Council's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Local Government Code §551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

TRAFFIC AND PARKING

~~Any person authorized by the City to administer the provisions of the procedures of the type authorized by this Subchapter may enter upon private property for the purposes specified in the procedures to examine vehicles or parts thereof, obtain information as to the identity of vehicles and to remove or to cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to the procedures. The Municipal Court of the City of Windcrest shall have authority to issue all orders necessary to enforce the provisions of this Subchapter. (Ord. No. 148, 7/13/81)~~

~~Sec. 20.1107 EFFECT OF SUBCHAPTER ON OTHER STATUTES~~

~~Nothing in this Subchapter shall affect statutes that permit immediate removal of a vehicle left on public property which constitutes an obstruction to traffic. (Ord. No. 148, 7/13/81)~~

Subchapt. 20.1200 PARKING IN YARDS Sec. 20.1201 DEFINITIONS

For the purposes of this Subchapter only, the following words and terms shall have the meaning respectively ascribed to them in this Section:

1. BOAT: Means a vessel for use on water propelled by oars, paddles, sail, or power, and includes the trailer upon which it is transported.

2. FRONT YARD:

a. Interior Lot: Means for the purposes of an interior lot only, the yard extending across the front of a lot between the side lot lines and being the smallest distance between the front street line and the main building or any projections thereof other than projections for normal steps, enclosed balconies or open porches.

b. Corner Lot: Means for the purposes of a corner lot only, the yard extending across the front of a lot between the side lot line adjacent to an interior lot or other platted property and the side yard line (as that term is hereinafter defined) and being the smallest distance between the front street line and the main building or any projections thereof other than projections for normal steps, enclosed balconies or open porches.

3. MOTOR VEHICLE: Means any motor driven or propelled vehicle required to be registered under the laws of the State of Texas, and includes trailers, semitrailers and house trailers as those terms are defined in Section 501.002 of the Texas Transportation Code. A large motor vehicle is a motor vehicle defined in the preceding sentence which is more than twenty-two feet (22') in length and/or more than seven feet (7') in height from ground level (excluding motor vehicles more than seven feet (7') in height because of adaptations specifically to accommodate disabled persons).

4. REAR YARD:

a. Interior Lot: Means for the purposes of an interior lot only, the yard extending across the rear of a lot between the side lot lines and being the distance between the rear lot line and the main building or any projections thereof.

TRAFFIC AND PARKING

disposition of such large motor vehicle, the disposition of the residence by the owner of the large motor vehicle, or at the time the owner of the large motor vehicle vacates the residence, whichever event occurs first, provided that under no circumstances shall this exception continue more than six (6) months from the date of the adoption of this ordinance.

Sec. 20.1204 PROOF OF VIOLATION

For purposes of Section 20.1203 above, proof that said vehicle, trailer or boat was, at the date of the alleged offense, owned by the person charged with the offense, shall constitute prima facie evidence that said vehicle, trailer or boat was parked or left standing by that owner at the place charged in the complaint. Provided, however, the owner shall have the right to introduce evidence to show that said vehicle, trailer or boat was neither parked nor allowed to be parked by him as charged in the complaint. (Ord. No. 207, 7/11/88)

Sec. 20.1205 PROHIBITIONS

It shall be unlawful for any person to park, or allow same to be parked, any motor vehicle or boat in a residential district of the City except as authorized in Sections 20.1202 and 20.1203 hereinabove. It shall be unlawful to use a motor vehicle or boat in a residential district of the City for dwelling, sleeping, business or entertainment purposes, or to connect a motor vehicle or boat to sanitary sewer facilities. No motor vehicle or boat may be parked within five (5) feet of the front or side curb line of a residence. No major maintenance or repair work shall be performed on a large motor vehicle in a residential district of the City, such as but not limited to, replacement or modification of mechanical and interior components and any work which requires lifting or raising of the vehicle. (Ord. 330, 10/19/98)

Sec. 20.1206 PENALTIES

Any person, firm or corporation who shall violate any provision of this Subchapter shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in accordance with Section 1.301 of this Code. Each day of such violation shall constitute a separate offense. The Windcrest Police Department is hereby authorized to remove and impound any motor vehicle parked or placed in violation of this Subchapter. Motor vehicles impounded pursuant to this Subchapter may not be released to the owner or his agent until all expenses of removal and storage have been paid to the City. The City may additionally seek injunctive relief as the City Council deems necessary to enforce the provisions of this Subchapter. (Ord. No. 202, 326, 330; 11/9/87, 9/21/98, 10/19/98)

~~Subchapt. 20.1300 RIGHT TURN ONLY
Sec. 20.1301 OFFENSE FOR FAILURE TO MAKE RIGHT TURN~~

~~It shall be unlawful for any operator of any motor vehicle to fail to make a right turn from the right lane at the intersections hereinafter enumerated.~~

Sec. 20.1302 AUTHORITY OF CHIEF OF POLICE

~~The Chief of Police of the City of Windcrest is hereby authorized to erect and maintain appropriate right turn only signs and pavement~~

ZONING, PLANNING & ZONING COMMISSION, AND BOARD OF ADJUSTMENT

3. The owner of a large motor vehicle parked in the front or side yard of a residence at the date of the adoption of this Chapter may continue to park such large motor vehicle in the same location until March 23, 1999. This exception shall expire upon the disposition of such large motor vehicle, the disposition of the residence by the owner of the large motor vehicle, or at the time the owner of the large motor vehicle vacates the residence, whichever event occurs first, provided that under no circumstances shall the exception continue after March 23, 1999.

It shall be unlawful for any person to park, or allow same to be parked, any motor vehicle or boat in a residential district of the City except as authorized in this section. It shall be unlawful to use a motor vehicle or boat in a residential district of the City for dwelling, sleeping, business or entertainment purposes, or to connect a motor vehicle or boat to sanitary sewer facilities. No motor vehicle or boat may be parked within five (5) feet of the front or side curb line of a residence. No major maintenance or repair work shall be performed on a large motor vehicle in a residential district of the City, such as but not limited to, replacement or modification of mechanical and interior components and any work which requires lifting or raising of the vehicle. (Ord. No. 332, 12/21/98)

Sec. 23.907 PARKING AREAS

A permanently maintained parking area which connects a garage or carport to a street or alley may not be wider than twenty feet (20') when adjacent to a two car garage or thirty feet (30') when adjacent to a three car garage. Permanently maintained parking areas wider than twenty feet (20') and constructed prior to the effective date of the Code of Ordinances, shall be exempt from the twenty feet (20') limitation set forth above. However, after the effective date of this Code of Ordinances, no building permit shall be issued by the City Building Permit Officer for the erection, siting, construction, alteration, reconstruction or enlargement of permanently maintained parking area in excess of twenty feet (20') for a two car garage or thirty feet (30') for a three car garage unless it is first approved by the City Council after a showing by the applicant of a special need for such granter width due to the size of or topography of the lot, the design of location of the residence, or other good reason approved by the City Council in its sole and absolute discretion. (Ord. No. 327, 9/21/98)

Subchapt. 23.1000 "R-2" DUPLEX AND APARTMENT DISTRICT

Apartment District:

Sec. 23.1001 USE REGULATIONS

A building or premises shall be used for the following purposes:

1. Any use permitted in the "R-1" One-Family Dwelling District.

2. Two-Family or Duplex Dwellings. (Ord. No. 58, 8/14/67)

3. Apartment Houses or Multiple Family Dwellings (Ord. No. 58, 8/14/67), including condominiums, Chapter 82, Texas Property Code. (Ord. No. 311, 9/15/97)

4. Private clubs, fraternities, sororities and lodges, excepting those the chief activity of which is a service customarily carried on as a business. (Ord. No. 58, 8/14/67)

ORDINANCE NO. 628

AN ORDINANCE AMENDING CHAPTER 25, PARADES AND PUBLIC GATHERINGS, BY ELIMINATING LIMITATIONS ON PUBLIC GATHERINGS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS that Chapter 25, Parades and Public Gatherings, is amended by deleting the words "organized demonstration" from the definition of parade and the definition of "public gatherings", from Section 1-Definitions.

BE IT FURTHERMORE ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS that Chapter 25, Parades and Public Gatherings, is amended by changing the application permit period from thirty (30) days to fourteen (14) days in Section 2B and deleting the reference to public gatherings in Section 2A.

BE IT FURTHERMORE ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS that Chapter 25, Parades and Public Gatherings, is amended by reducing the non-refundable fee of \$100.00 in Section 3 to \$50.00.

BE IT FURTHERMORE ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS that Chapter 25, Parades and Public Gatherings, is amended by revising subsection D of Section 4 to read as follows:

"D. Neighborhood events such as block parties."

BE IT FURTHERMORE ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS that Chapter 25, Parades and Public Gatherings, is amended by deleting the words "regularly scheduled" from Section 6.

PASSED and APPROVED this 1st day of November, 2010.

Richard Bruns, Mayor

ATTEST:

Heather Weidenbach, City Secretary

APPROVED AS TO FORM:

Michael S. Brenan, City Attorney

ORDINANCE NO. 629

AN ORDINANCE AMENDING CHAPTER 15, BUSINESS REGISTRATION AND MISCELLANEOUS TAXES AND PERMITS, BY MODIFYING CERTAIN RULES APPLICABLE TO GARAGE AND ESTATE SALES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS that Chapter 15, Business Registration and Miscellaneous Taxes, of the Code of Ordinances is amended by repealing the current definition of "garage sales and estate sales" from Section 15.302 and adopting the following definition of garage sales and estate sales:

"GARAGE SALES AND ESTATE SALES are general sales, open or advertised to the public, conducted from or on a residential premise in any residential zone, for the purpose of selling, bartering, trading or otherwise disposing of tangible personal property. Estate sales are garage sales generally limited to the disposition of tangible personal property belonging to a person who is recently deceased or belonging to a person is moving to a facility such as a retirement community, nursing home, rest home or assisted living facility."

BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS that Chapter 15, Business Registration and Miscellaneous Taxes, of the Code of Ordinances is amended by deleting the words "a garage sale or at" from the first sentence of Section 15.303.

BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS that Chapter 15, Business Registration and Miscellaneous Taxes, of the Code of Ordinances is amended by deleting the words "(not closer than ten (10) feet from the front curb)" and by substituting for such words the following: ",or on the public right-of-way between the front yard boundary and curb of the street in front of the residence from which the sale is being conducted," in the third sentence of the first paragraph of Section 15.304. The first sentence of Section 15.304 shall be amended to read as follows: "Signs placed in unauthorized locations shall be removed by the Code Enforcement Officer and may be reclaimed by the owner of the signs."

BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS that Chapter 15, Business Registration and Miscellaneous Taxes, of the Code of Ordinances is amended by changing the words "ten (10)" to "five (5)" as the display or exhibit distance in Section 15.309.

PASSED and APPROVED this 1st day of November, 2010.

Richard Bruns, Mayor

ATTEST:

Heather Weidenbach, City Secretary

APPROVED AS TO FORM:

Michael S. Brennan, City Attorney

ORDINANCE NO. 630

AN ORDINANCE APPOINTING MEMBERS TO THE CITY OF WINDCREST ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS.

WHEREAS, the charter and bylaws of the City of Windcrest Economic Development Corporation authorize the city council to appoint the members of the Board of Directors of said corporation.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS that the following persons are hereby appointed to be members of the Board of Directors of the City of Windcrest Economic Development Corporation:

<u>Name:</u>	<u>Term of Office:</u>
Tim Maloney	1 year – October 18, 2010 to October 18, 2011
John Gretz	1 year - October 18, 2010 to October 18, 2011
Leonard Neeper	1 year - October 18, 2010 to October 18, 2011
Lisa Pepi	2 years - October 18, 2010 to October 18, 2012
Roy Wratishlaw	2 years - October 18, 2010 to October 18, 2012
Rebekah Gergen	2 years - October 18, 2010 to October 18, 2012
Irv Gerrow	2 years - October 18, 2010 to October 18, 2012

PASSED and APPROVED this 1st day of November, 2010.

RICHARD BRUNS, MAYOR

ATTEST:

HEATHER WEIDENBACH, CITY SECRETARY

APPROVED AS TO FORM:

MICHAEL S. BRENAN, CITY ATTORNEY

FY 2010
CHAPTER 59 ASSET FORFEITURE REPORT
BY LAW ENFORCEMENT AGENCY

Agency Name: WINDCRIST Police Dept Reporting Period: 10-01-09/09-30-10
(local fiscal year)
Agency Mailing Address: 8601 MIDCROWN example: 01/01/10 to 12/31/10,
WINDCRIST, TEXAS 78239 09/01/09 to 08/31/10 etc.
Phone Number: 210-655-2666
County: BEXAR
Email Address: _____ This should be a permanent agency email address

NOTE: PLEASE ROUND ALL DOLLAR FIGURES TO NEAREST WHOLE DOLLAR.

I. SEIZED FUNDS

- A) Beginning Balance.....
Instructions: Include total amount of seized funds on hand (in your agency's possession) at beginning of reporting period. Include funds that may have been forfeited but have not been transferred to your agency's forfeiture account. **Do not** include funds that are in an account held by another agency, e.g., the District Attorney's account. \$ 17,890.49
- B) Seizures During Reporting Period:
Instructions: Include only those seizures which occurred during the reporting period and where the seizure affidavit required by Article 59.03 is sworn to by a peace officer employed by your agency.
- 1) Amount seized and retained in your agency's custody..... \$ 0
- 2) Amount seized and transferred to the District Attorney pending forfeiture..... \$ 0
- C) Amount Returned to Defendants/Respondents (If seized funds are returned to Defendants/Respondents please complete Schedule A for each case in which this applies. Make copies of the schedule and add additional sheets as necessary)..... \$ 0
- D) Ending Balance
Instructions: Add lines A and B(1), subtract line C, put total in line D. \$ 17,890.49

II. FORFEITED FUNDS

- A) Beginning Balance.....
Instructions: Include total amount of forfeited funds that have been forfeited to your agency and are on hand (in your agency's account or in your agency's possession) at beginning of the reporting period including interest. **Do not** include funds that have been forfeited but not yet received by your agency. \$ 0
- B) Amount Forfeited to and Received by Reporting Agency (Including Interest) During Reporting Period.....
Instructions: Do not include amounts forfeited but not yet received by your agency; interest refers to the amount earned prior to forfeiture and distributed as part of the judgment of forfeiture. \$ 34.42

IV.

FORFEITED PROPERTY RECEIVED FROM ANOTHER AGENCY

Instructions: Enter the total number of items transferred to your agency where the forfeiture judgment awarded ownership of the property to another agency prior to the transfer.

- | | | |
|----|--|----------|
| A) | Motor Vehicles (the number of vehicles, not a currency amount)..... | <u>0</u> |
| B) | Real Property (the number of separate parcels of property, not a currency amount)..... | <u>0</u> |
| C) | Computers (the number of computers, not a currency amount)..... | <u>0</u> |
| D) | Firearms (the number of firearms, not a currency amount) | <u>0</u> |
| E) | Other (the number of items, not a currency amount) | <u>0</u> |

V.

FORFEITED PROPERTY TRANSFERRED TO ANOTHER AGENCY

Instructions: Enter the total number of items transferred from your agency where the forfeiture judgment awarded ownership of the property to your agency prior to the transfer.

- | | | |
|----|--|----------|
| A) | Motor Vehicles (the number of vehicles, not a currency amount)..... | <u>0</u> |
| B) | Real Property (the number of separate parcels of property, not a currency amount)..... | <u>0</u> |
| C) | Computers (the number of computers, not a currency amount)..... | <u>0</u> |
| D) | Firearms (the number of firearms, not a currency amount) | <u>0</u> |
| E) | Other (the number of items, not a currency amount) | <u>0</u> |

VI.

EXPENDITURES

Instructions: This category is for **Chapter 59 expenditures SOLELY for law enforcement purposes** - not for expenditures made pursuant to your general budget. List the total amount expended for each of the following categories. If proceeds are expended for a category not listed, state the amount and nature of the expenditure under the Other category.

- | | | | |
|----|---|----|----------|
| A) | Total Salaries Paid out of Chapter 59 Funds..... | \$ | <u>0</u> |
| 1. | Increase of Salary, Expense, or Allowance for Employees (Salary Supplements)..... | \$ | <u>0</u> |
| 2. | Salary Budgeted Solely From Forfeited Funds..... | \$ | <u>0</u> |
| 3. | Number of employees Paid Using Forfeiture Funds | | <u>0</u> |
| B) | Total Overtime Paid out of Chapter 59 Funds | \$ | <u>0</u> |
| 1. | For employees Budgeted by Governing Body..... | \$ | <u>0</u> |
| 2. | For Employees Budgeted Solely out of Forfeiture Funds..... | \$ | <u>0</u> |
| 3. | Number of employees Paid Using Forfeiture Funds..... | | <u>0</u> |
| C) | Total Equipment Paid for with Chapter 59 Funds..... | \$ | <u>0</u> |
| 1. | Vehicles..... | \$ | <u>0</u> |
| 2. | Computers..... | \$ | <u>0</u> |
| 3. | Firearms, Vests, Personal Equipment | \$ | <u>0</u> |

H)	Total Prevention / Treatment Programs/ Financial Assistance (pursuant to Articles 59.06 (h), (I), (j), (n)).....	\$	Ø
I)	Total Facility Costs Paid Out of Chapter 59 Funds.....	\$	Ø
	1. Building Purchase	\$	Ø
	2. Lease Payments	\$	Ø
	3. Remodeling	\$	Ø
	4. Maintenance Costs	\$	Ø
	5. Utilities	\$	Ø
	6. Other (Provide Detail on Additional Sheet)	\$	Ø
J)	Total Miscellaneous Fees Paid Out of Chapter 59 Funds.....	\$	Ø
	1. Court Costs	\$	Ø
	2. Filing Fees	\$	Ø
	3. Insurance	\$	Ø
	4. Witness Fees	\$	Ø
	5. Audit Costs and Fees	\$	Ø
	6. Other (Provide Detail on Additional Sheet)	\$	Ø
K)	Total Other Paid Out of Chapter 59 Funds (provide detailed descriptions on additional sheet(s) and attach to this report).....	\$	Ø
L)	TOTAL EXPENDITURES.....	\$	Ø

NOTE: BOTH CERTIFICATIONS NEED TO BE COMPLETED, unless your agency is not governed by a Commissioner's Court or City Council. Then only the Agency Head Certification needs to be completed.

CERTIFICATION

COUNTY JUDGE or MAYOR
(Printed Name): _____

SIGNATURE: _____

DATE: _____

I swear or affirm that the Commissioners Court or City Council has conducted the audit required by Article 59.06 of the Code of Criminal Procedure and that upon diligent inspection of all relevant documents and supporting materials, I believe that this asset forfeiture report is true and correct and contains all of the required information.

SWORN TO AND SUBSCRIBED before me this ____ day of _____, 20____.

Notary Public in and for the State of Texas

**SCHEDULE A
SEIZED FUNDS AND PROPERTY RETURNED
TO DEFENDANTS / RESPONDENTS**

CAUSE OR CASE NUMBER:

DATE OF SEIZURE:

PROPERTY SEIZED:

DATE FUNDS OR PROPERTY RETURNED:

AMOUNT RETURNED OR PROPERTY
RETURNED:

REASON RETURNED:

**SCHEDULE A
SEIZED FUNDS AND PROPERTY RETURNED
TO DEFENDANTS / RESPONDENTS**

CAUSE OR CASE NUMBER:

DATE OF SEIZURE:

PROPERTY SEIZED:

DATE FUNDS OR PROPERTY RETURNED:

AMOUNT RETURNED OR PROPERTY
RETURNED:

REASON RETURNED:

**SCHEDULE A
SEIZED FUNDS AND PROPERTY RETURNED
TO DEFENDANTS / RESPONDENTS**

CAUSE OR CASE NUMBER:

DATE OF SEIZURE:

PROPERTY SEIZED:

DATE FUNDS OR PROPERTY RETURNED:

AMOUNT RETURNED OR PROPERTY
RETURNED:

REASON RETURNED:

500

BALANCE SHEET

AS OF: SEPTEMBER 30TH, 2010

09 -ASSET SEIZURE FUND- STATE

ACCOUNT#

TITLE

ASSETS

=====

1105 SAVINGS	532.55	
1115 INVESTMENTS	17,357.94	
1315 DUE FROM GENERAL FUND	0.00	
1515 A/R-ACCURED INTEREST	0.00	
1550 A/R-MISCELLANEOUS	<u>0.00</u>	
		<u>17,890.49</u>

TOTAL ASSETS

17,890.49

=====

LIABILITIES

=====

2315 DUE TO GENERAL FUND	<u>0.00</u>	
TOTAL LIABILITIES		<u>0.00</u>

EQUITY

=====

3201 FUND BALANCE	<u>17,856.07</u>	
TOTAL BEGINNING EQUITY	17,856.07	
TOTAL REVENUE	34.42	
TOTAL EXPENSES	<u>0.00</u>	
TOTAL SURPLUS/(DEFICIT)	34.42	
TOTAL EQUITY & SURPLUS/(DEFICIT)		<u>17,890.49</u>

TOTAL LIABILITIES, EQUITY & SURPLUS/DEFICIT

17,890.49

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FINANCIAL STATEMENT

AS OF: SEPTEMBER 30TH, 2010

09 -ASSET SEIZURE FUND- STATE

FINANCIAL SUMMARY

ACCT #	ACCOUNT NAME	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	Y-T-D ENCUMB.	BUDGET BALANCE
<u>REVENUE SUMMARY</u>							
09 -ASSET SEIZURE FUND- S		0.00	0.00	34.42	0.00	0.00	34.42
*** TOTAL REVENUES ***		0.00	0.00	34.42	0.00	0.00	34.42
		=====	=====	=====	=====	=====	=====
<u>EXPENDITURE SUMMARY</u>							
00-GENERAL EXPENDITURES		0.00	0.00	0.00	0.00	0.00	0.00
*** TOTAL EXPENDITURES ***		0.00	0.00	0.00	0.00	0.00	0.00
		=====	=====	=====	=====	=====	=====
** EXCESS REVENUES/EXPENDITURES **		0.00	0.00	34.42	0.00	0.00	34.42
		=====	=====	=====	=====	=====	=====

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FINANCIAL STATEMENT

AS OF: SEPTEMBER 30TH, 2010

09 -ASSET SEIZURE FUND- STATE

REVENUES

ACCT #	ACCOUNT NAME	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	Y-T-D ENCUMB.	BUDGET BALANCE
4101	INCOME-COURT FORFEITED PR	0.00	0.00	0.00	0.00	0.00	0.00
4105	INCOME-ABAND/SEIZED PROP	0.00	0.00	0.00	0.00	0.00	0.00
4115	INCOME-INTEREST	<u>0.00</u>	<u>0.00</u>	<u>34.42</u>	<u>0.00</u>	<u>0.00</u>	<u>34.42</u>
***	TOTAL REVENUES ***	0.00	0.00	34.42	0.00	0.00	34.42
		=====	=====	=====	=====	=====	=====

FINANCIAL STATEMENT

AS OF: SEPTEMBER 30TH, 2010

09 -ASSET SEIZURE FUND- STATE

00-GENERAL EXPENDITURES

DEPARTMENT EXPENDITURES

ACCT #	ACCOUNT NAME	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	Y-T-D ENCUMB.	BUDGET BALANCE
<u>SALARIES & BENEFITS</u>							
500-050	MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00
	TOTAL SALARIES & BENEFITS	0.00	0.00	0.00	0.00	0.00	0.00
<u>CAPITAL EXPENSES</u>							
500-800	CAPITAL EXPENDITURES	0.00	0.00	0.00	0.00	0.00	0.00
	TOTAL CAPITAL EXPENSES	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL 00-GENERAL EXPENDITURES		0.00	0.00	0.00	0.00	0.00	0.00
*** TOTAL EXPENDITURES ***		0.00	0.00	0.00	0.00	0.00	0.00
		=====	=====	=====	=====	=====	=====
** EXCESS REVENUES/EXPENDITURES **		0.00	0.00	34.42	0.00	0.00	34.42
		=====	=====	=====	=====	=====	=====

*** END OF REPORT ***

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Art. 59.06. DISPOSITION OF FORFEITED PROPERTY. (a) Except as provided by Subsection (k), all forfeited property shall be administered by the attorney representing the state, acting as the agent of the state, in accordance with accepted accounting practices and with the provisions of any local agreement entered into between the attorney representing the state and law enforcement agencies. If a local agreement has not been executed, the property shall be sold on the 75th day after the date of the final judgment of forfeiture at public auction under the direction of the county sheriff, after notice of public auction as provided by law for other sheriff's sales. The proceeds of the sale shall be distributed as follows:

(1) to any interest holder to the extent of the interest holder's nonforfeitable interest; and

(2) the balance, if any, after the deduction of court costs to which a district court clerk is entitled under Article 59.05(f) and, after that deduction, the deduction of storage and disposal costs, to be deposited not later than the 30th day after the date of the sale in the state treasury to the credit of the general revenue fund.

(b) If a local agreement exists between the attorney representing the state and law enforcement agencies, the attorney representing the state may transfer the property to law enforcement agencies to maintain, repair, use, and operate the property for official purposes if the property is free of any interest of an interest holder. The agency receiving the forfeited property may purchase the interest of an interest holder so that the property can be released for use by the agency. The agency receiving the forfeited property may maintain, repair, use, and operate the property with money appropriated for current operations. If the property is a motor vehicle subject to registration under the motor vehicle registration laws of this state, the agency receiving the forfeited vehicle is considered to be the purchaser and the certificate of title shall issue to the agency. A law enforcement agency to which property is transferred under this subsection at any time may transfer or loan the property to any other municipal or county agency, a groundwater conservation district governed by Chapter 36, Water Code, or a school district for the use of that agency or district. A municipal or county agency, a groundwater conservation district, or a school district to which a law enforcement agency loans a motor vehicle under

this subsection shall maintain any automobile insurance coverage for the vehicle that is required by law.

(b-1) If a loan is made by a sheriff's office or by a municipal police department, the commissioners court of the county in which the sheriff has jurisdiction or the governing body of the municipality in which the department has jurisdiction, as applicable, may revoke the loan at any time by notifying the receiving agency or district, by mail, that the receiving agency or district must return the loaned vehicle to the loaning agency before the seventh day after the date the receiving agency or district receives the notice.

(b-2) An agency that loans property under this article shall:

(1) keep a record of the loan, including the name of the agency or district to which the vehicle was loaned, the fair market value of the vehicle, and where the receiving agency or district will use the vehicle; and

(2) update the record when the information relating to the vehicle changes.

(c) If a local agreement exists between the attorney representing the state and law enforcement agencies, all money, securities, negotiable instruments, stocks or bonds, or things of value, or proceeds from the sale of those items, shall be deposited, after the deduction of court costs to which a district court clerk is entitled under Article 59.05(f), according to the terms of the agreement into one or more of the following funds:

(1) a special fund in the county treasury for the benefit of the office of the attorney representing the state, to be used by the attorney solely for the official purposes of his office;

(2) a special fund in the municipal treasury if distributed to a municipal law enforcement agency, to be used solely for law enforcement purposes, such as salaries and overtime pay for officers, officer training, specialized investigative equipment and supplies, and items used by officers in direct law enforcement duties;

(3) a special fund in the county treasury if distributed to a county law enforcement agency, to be used solely for law enforcement purposes; or

(4) a special fund in the state law enforcement agency if distributed to a state law enforcement agency, to be used solely for law enforcement purposes.

(c-1) Notwithstanding Subsection (a), the attorney representing the state and special rangers of the Texas and Southwestern Cattle Raisers Association who meet the requirements of Article 2.125 may enter into a local agreement that allows the attorney representing the state to transfer proceeds from the sale of forfeited property described by Subsection (c), after the deduction of court costs as described by that subsection, to a special fund established for the special rangers. Proceeds transferred under this subsection must be used by the special rangers solely for law enforcement purposes, such as training, essential equipment, and operating expenses. Any expenditures of the proceeds are subject to the audit provisions established under this article.

(d) Proceeds awarded under this chapter to a law enforcement agency or to the attorney representing the state may be spent by the agency or the attorney after a budget for the expenditure of the proceeds has been submitted to the commissioners court or governing body of the municipality. The budget must be detailed and clearly list and define the categories of expenditures, but may not list details that would endanger the security of an investigation or prosecution. Expenditures are subject to audit provisions established under this article. A commissioners court or governing body of a municipality may not use the existence of an award to offset or decrease total salaries, expenses, and allowances that the agency or the attorney receives from the commissioners court or governing body at or after the time the proceeds are awarded. The head of the agency or attorney representing the state may not use the existence of an award to increase a salary, expense, or allowance for an employee of the attorney or agency who is budgeted by the commissioners court or governing body unless the commissioners court or governing body first approves the expenditure.

(e) On the sale of contraband under this article, the appropriate state agency shall issue a certificate of title to the recipient if a certificate of title is required for the property by other law.

(f) A final judgment of forfeiture under this chapter perfects the title of the state to the property as of the date that the contraband was seized or the date the forfeiture action was filed, whichever occurred first, except that if the property forfeited is

real property, the title is perfected as of the date a notice of lis pendens is filed on the property.

(g)(1) All law enforcement agencies and attorneys representing the state who receive proceeds or property under this chapter shall account for the seizure, forfeiture, receipt, and specific expenditure of all such proceeds and property in an audit, which is to be performed annually by the commissioners court or governing body of a municipality, as appropriate. The annual period of the audit for a law enforcement agency is the fiscal year of the appropriate county or municipality and the annual period for an attorney representing the state is the state fiscal year. The audit shall be completed on a form provided by the attorney general. Certified copies of the audit shall be delivered by the law enforcement agency or attorney representing the state to the comptroller's office and the attorney general not later than the 60th day after the date on which the annual period that is the subject of the audit ends.

(2) If a copy of the audit is not delivered to the attorney general within the period required by Subdivision (1), within five days after the end of the period the attorney general shall notify the law enforcement agency or the attorney representing the state of that fact. On a showing of good cause, the attorney general may grant an extension permitting the agency or attorney to deliver a copy of the audit after the period required by Subdivision (1) and before the 76th day after the date on which the annual period that is the subject of the audit ends. If the law enforcement agency or the attorney representing the state fails to establish good cause for not delivering the copy of the audit within the period required by Subdivision (1) or fails to deliver a copy of an audit within the extension period, the attorney general shall notify the comptroller of that fact. On notice under this subdivision, the comptroller shall perform the audit otherwise required by Subdivision (1). At the conclusion of the audit, the comptroller shall forward a copy of the audit to the attorney general. The law enforcement agency or attorney representing the state is liable to the comptroller for the costs of the comptroller in performing the audit.

(h) As a specific exception to the requirement of Subdivisions (1)-(3) of Subsection (c) of this article that the funds described by those subdivisions be used only for the official purposes of the

attorney representing the state or for law enforcement purposes, on agreement between the attorney representing the state or the head of a law enforcement agency and the governing body of a political subdivision, the attorney representing the state or the head of the law enforcement agency shall comply with the request of the governing body to deposit not more than a total of 10 percent of the gross amount credited to the attorney's or agency's fund into the treasury of the political subdivision. The governing body of the political subdivision shall, by ordinance, order, or resolution, use funds received under this subsection for:

- (1) nonprofit programs for the prevention of drug abuse;
- (2) nonprofit chemical dependency treatment facilities licensed under Chapter 464, Health and Safety Code;
- (3) nonprofit drug and alcohol rehabilitation or prevention programs administered or staffed by professionals designated as qualified and credentialed by the Texas Commission on Alcohol and Drug Abuse; or

- (4) financial assistance as described by Subsection (o).

(i) The governing body of a political subdivision may not use funds received under this subchapter for programs or facilities listed under Subsections (h)(1)-(3) if an officer of or member of the Board of Directors of the entity providing the program or facility is related to a member of the governing body, the attorney representing the state, or the head of the law enforcement agency within the third degree by consanguinity or the second degree by affinity.

(j) As a specific exception to Subdivision (4) of Subsection (c) of this article, the director of a state law enforcement agency may use not more than 10 percent of the amount credited to the special fund of the agency under that subdivision for the prevention of drug abuse and the treatment of persons with drug-related problems.

(k)(1) The attorney for the state shall transfer all forfeited property that is income from, or acquired with the income from, a movie, book, magazine article, tape recording, phonographic record, radio or television presentation, telephone service, electronic media format, including an Internet website, or live entertainment in which a crime is reenacted to the attorney general.

(2) The attorney for the state shall transfer to the attorney general all income from the sale of tangible property the value of

which is increased by the notoriety gained from the conviction of an offense by the person accused or convicted of the crime, minus the deduction authorized by this subdivision. The attorney for the state shall determine the fair market value of property that is substantially similar to the property that was sold but that has not been increased in value by notoriety and deduct that amount from the proceeds of the sale. After transferring income to the attorney general, the attorney for the state shall transfer the remainder of the proceeds of the sale to the owner of the property. The attorney for the state, the attorney general, or a person who may be entitled to claim money from the escrow account described by Subdivision (3) in satisfaction of a claim may at any time bring an action to enjoin the waste of income described by this subdivision.

(3) The attorney general shall deposit the money or proceeds from the sale of the property into an escrow account. The money in the account is available to satisfy a judgment against the person who committed the crime in favor of a victim of the crime if the judgment is for damages incurred by the victim caused by the commission of the crime. The attorney general shall transfer the money in the account that has not been ordered paid to a victim in satisfaction of a judgment to the compensation to victims of crime fund on the fifth anniversary of the date the account was established. In this subsection, "victim" has the meaning assigned by Article 56.32.

(1) A law enforcement agency that, or an attorney representing the state who, does not receive proceeds or property under this chapter during an annual period as described by Subsection (g) shall, not later than the 30th day after the date on which the annual period ends, report to the attorney general that the agency or attorney, as appropriate, did not receive proceeds or property under this chapter during the annual period.

(m) As a specific exception to Subdivisions (1)-(3) of Subsection (c), a law enforcement agency or attorney representing the state may use proceeds received under this chapter to contract with a person or entity to prepare an audit as required by Subsection (g).

(n) As a specific exception to Subsection (c)(2) or (3), a local law enforcement agency may transfer not more than a total of 10 percent of the gross amount credited to the agency's fund to a separate special fund in the treasury of the political subdivision.

The agency shall administer the separate special fund, and expenditures from the fund are at the sole discretion of the agency and may be used only for financial assistance as described by Subsection (o).

(o) The governing body of a political subdivision or a local law enforcement agency may provide financial assistance under Subsection (h)(4) or (n) only to a person who is a Texas resident, who plans to enroll or is enrolled at an institution of higher education in an undergraduate degree or certificate program in a field related to law enforcement, and who plans to return to that locality to work for the political subdivision or the agency in a field related to law enforcement. To ensure the promotion of a law enforcement purpose of the political subdivision or the agency, the governing body of the political subdivision or the agency shall impose other reasonable criteria related to the provision of this financial assistance, including a requirement that a recipient of the financial assistance work for a certain period of time for the political subdivision or the agency in a field related to law enforcement and including a requirement that the recipient sign an agreement to perform that work for that period of time. In this subsection, "institution of higher education" has the meaning assigned by Section 61.003, Education Code.

(p) Notwithstanding Subsection (a), and to the extent necessary to protect the commission's ability to recover amounts wrongfully obtained by the owner of the property and associated damages and penalties to which the commission may otherwise be entitled by law, the attorney representing the state shall transfer to the Health and Human Services Commission all forfeited property defined as contraband under Article 59.01(2)(B)(vii). If the forfeited property consists of property other than money or negotiable instruments, the attorney representing the state may, if approved by the commission, sell the property and deliver to the commission the proceeds from the sale, minus costs attributable to the sale. The sale must be conducted in a manner that is reasonably expected to result in receiving the fair market value for the property.

(q)(1) Notwithstanding any other provision of this article, a multicounty drug task force, or a county or municipality participating in the task force, that is not established in accordance with Section 362.004, Local Government Code, or that fails to comply with the

policies and procedures established by the Department of Public Safety under that section, and that participates in the seizure of contraband shall forward to the comptroller all proceeds received by the task force from the forfeiture of the contraband. The comptroller shall deposit the proceeds in the state treasury to the credit of the general revenue fund.

(2) The attorney general shall ensure the enforcement of Subdivision (1) by filing any necessary legal proceedings in the county in which the contraband is forfeited or in Travis County.

Added by Acts 1989, 71st Leg., 1st C.S., ch. 12, Sec. 1, eff. Oct. 18, 1989. Subsec. (c) amended by Acts 1991, 72nd Leg., ch. 312, Sec. 2, eff. Sept. 1, 1991; Subsec. (h) added by Acts 1991, 72nd Leg., ch. 312, Sec. 1, eff. Sept. 1, 1991; Subsec. (a) amended by Acts 1993, 73rd Leg., ch. 780, Sec. 3, eff. Sept. 1, 1993; Subsec. (g) amended by Acts 1993, 73rd Leg., ch. 814, Sec. 1, eff. Aug. 30, 1993; Subsec. (i) added by Acts 1993, 73rd Leg., ch. 780, Sec. 4, eff. Sept. 1, 1993; Subsec. (i) amended by Acts 1995, 74th Leg., ch. 76, Sec. 5.95(112), eff. Sept. 1, 1995; Subsec. (g) amended by and Subsecs. (j), (k) added by Acts 1997, 75th Leg., ch. 975, Sec. 1, eff. Sept. 1, 1997. Amended by Acts 1999, 76th Leg., ch. 707, Sec. 1, eff. Sept. 1, 1999; Subsecs. (a), (c) amended by Acts 1999, 76th Leg., ch. 582, Sec. 2, eff. Sept. 1, 1999; Subsec. (g) amended by Acts 1999, 76th Leg., ch. 481, Sec. 1, eff. Sept. 1, 1999; Subsec. (j) amended by Acts 1999, 76th Leg., ch. 481, Sec. 2, eff. Sept. 1, 1999; Subsec. (g) amended by Acts 2001, 77th Leg., ch. 929, Sec. 3, eff. Sept. 1, 2001; Subsec. (k) amended by Acts 2001, 77th Leg., ch. 124, Sec. 2, eff. Sept. 1, 2001; Subsec. (k) (l) amended by Acts 2003, 78th Leg., ch. 428, Sec. 2, eff. Sept. 1, 2003; Subsec. (p) added by Acts 2003, 78th Leg., ch. 198, Sec. 2.142, eff. Sept. 1, 2003; Subsec. (p) added by Acts 2003, 78th Leg., ch. 257, Sec. 18, eff. Sept. 1, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 556, Sec. 4, eff. September 1, 2005.

Acts 2007, 80th Leg., R.S., Ch. 120, Sec. 2, eff. September 1, 2007.

Acts 2007, 80th Leg., R.S., Ch. 446, Sec. 1, eff. September 1, 2007.

Acts 2009, 81st Leg., R.S., Ch. 187, Sec. 1, eff. May 27, 2009.

Acts 2009, 81st Leg., R.S., Ch. 941, Sec. 1, eff. September 1, 2009.

ORDINANCE NO. 618A

AN ORDINANCE AMENDING ORDINANCE NO. 618 ADOPTED ON SEPTEMBER 20, 2010 BY REVISING SECTION 12 PERTAINING TO STAFF CONDUCT.

WHEREAS, Ordinance No. 618 pertaining to the conduct of certain city officials was adopted on September 20, 2010; and

WHEREAS, it would be in the public interest to clarify Section 12 of said ordinance to provide more specific guidance to city staff members.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS that Section 12 Staff Conduct of Ordinance No. 618 is amended to read as follows:

“STAFF CONDUCT

In addition to the actions constituting misconduct in the Windcrest Code of Ethics, it shall be deemed misconduct if any Windcrest staff member discloses to other Windcrest employees or the public confidential written or oral information received from City Council members regarding future proposed City Council actions while such proposed actions are being reviewed and discussed by staff members prior to the release of such information for City Council and public consideration. The sharing of information among Windcrest staff members who are or need to be privy to confidential written or oral information regarding future proposed City Council actions is not proscribed by this ordinance because thorough analysis of public issues by city staff is beneficial to the development of sound public policy.”

PASSED and APPROVED this 1st day of November, 2010.

RICHARD BRUNS, MAYOR

ATTEST:

HEATHER WEIDENBACH, CITY SECRETARY

APPROVED AS TO FORM:

MICHAEL S. BRENAN, CITY ATTORNEY