

City of Windcrest



AGENDA DEPARTMENT HEAD REPORTS AT 5:00 PM CITY COUNCIL MEETING AT 6:00 PM NOVEMBER 18, 2024

CITY COUNCIL CHAMBERS - 8601 MIDCROWN

DHR @ 5 PM/CCM @ 6 PM

NOTICE IS HEREBY GIVEN THAT THE CITY OF WINDCREST CITY COUNCIL WILL HOLD A REGULAR CITY COUNCIL MEETING AT WINDCREST CITY HALL LOCATED AT 8601 MIDCROWN, WINDCREST, TEXAS ON MONDAY, NOVEMBER 18, 2024, STARTING AT 6:00 PM. DEPARTMENT HEAD REPORTS WILL BE HEARD AT 5:00 P.M.

THE CITY COUNCIL RESERVES THE OPTION TO RECESS THE MEETING DURING THE EVENING OF MONDAY, NOVEMBER 18, 2024, AND TO RECONVENE THE MEETING ON THE FOLLOWING BUSINESS DAY, NOVEMBER 19, 2024, AT 9:00 A.M. AT THE WINDCREST CITY HALL, 8601 MIDCROWN, WINDCREST, TEXAS.

NOTICE OF ASSISTANCE AT THE PUBLIC MEETING

The City of Windcrest Council Chambers are wheelchair accessible, and accessible parking spaces are available. In compliance with Americans with Disabilities Act, the City of Windcrest will provide reasonable accommodations for persons attending the meeting. To better serve you, requests should be received 48 hours prior to the meeting. Please contact the City Secretary's Office, at 210-655-0022 ext. 2150 or Fax 210-655-8776, or 711 Texas Relay.

I. CALL TO ORDER

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE AND INVOCATION

IV. MONTHLY DEPARTMENT HEAD REPORTS FOR MONTH OF OCTOBER FY24-25

- a) Briefing and discussion on the monthly Fire Department reports for the month of October, to include Summary of Calls along with response times for the City, County, and Annex area. [Ivan Hernandez, Fire Chief]
- b) Briefing and discussion on the monthly Windcrest Volunteer Fire Alliance financial report for the month of October. [WVFA Representative]

- c) Briefing and discussion on the monthly Police Department reports including Code Enforcement and Animal Control reports for the month of October. [Jimmie Cole, Chief of Police]
- d) Briefing and discussion on the monthly Municipal Court report for the month of October. [Claudia Carrera, Municipal Assistant Court Administrator]
- e) Briefing and discussion on the monthly Public Works reports for the month of October. [Dusty DeHoyos, Public Works Director]
- f) Briefing and discussion on the monthly City of Windcrest Economic Development Corporation report for the month of October. [Mario Hernandez, Director of Windcrest Economic Development Corporation]
- g) Briefing and discussion on the monthly Office of the City Secretary, Civic Center and special events reports for the month of October. [Rachel C. Dominguez, City Secretary]

THE FOLLOWING ITEMS MAY BE CONSIDERED AT ANY TIME DURING THE REGULAR COUNCIL MEETING:

V. CANVASS

- a) City Council will review, discuss, and take action on an ordinance canvassing the returns of the November 5, 2024, General Election, electing three (3) Councilpersons for Place 1, Place 2, and Place 3 for a two-year term, and declaring the results of said election. [Dan Reese, Mayor]

VI. CEREMONIAL - SWEARING IN OF NEWLY ELECTED CITY COUNCIL MEMBERS PLACE 1, PLACE 2, AND PLACE 3

VII. CITIZENS TO BE HEARD/CITIZEN PARTICIPATION

- Citizens may address the City Council on topics not on the agenda for no more than three (3) minutes.
- Citizens shall also have the opportunity to address the City Council during consideration of posted agenda items for no more than six (6) minutes.
- A City Official may make a statement of specific factual information in response to an inquiry made by a member of the public, or a recitation of existing policy in response to an inquiry made by a member of the public.

VIII. ORDINANCE

- a) City Council will review, discuss, and may act on an ordinance approving the City of Windcrest Legislative Calendar for FY24/25. **1st Reading** [Rafael Castillo, City Manager]

IX. RESOLUTION

- a) City Council will review, discuss, and may act on a resolution appointing a Vice-Chair to the Parks and Recreation Commission. [Rafael Castillo, City Manager]
- b) City Council will review, discuss, and may act on a resolution adopting the State of Texas mandated Youth Diversion Plan and creating an account for Local Youth Diversion Funds for the City of Windcrest Municipal Court. [Rafael Castillo, City Manager]

X. DISCUSSION AND ACTION

- a) City Council will review, discuss, and may act on a direction for a request for proposal for depository and banking services. [Rafael Castillo, City Manager]
- b) City Council will review, discuss, and may act on amending the City of Windcrest Code of Ordinance, Chapter 103 Building Code regarding accessory buildings. [Rafael Castillo, City Manager]
- c) City Council will review, discuss, and may act on an ordinance to protect privacy concerns of residents when neighbors install cameras that appear to be directed to their front, side and backyards. [Cindy Strzelecki, Council Member Place 2/Mayor Pro Tem]
- d) City Council will review, discuss, and may act on a Bexar County Water Control Improvement District #10 contract for services and space. [Cindy Strzelecki, Council Member Place 2/Mayor Pro Tem]
- e) The City Council will receive an update and may discuss the community pool project, including funding sources, the plan, and the status of the Request for Qualifications for Architectural and Engineer Design Services. [Marcus Yax, Council Member Place 4]

XI. EXECUTIVE SESSION

The City Council of the City of Windcrest reserves the right to adjourn into executive session at any time during course of the meeting to discuss any matter listed below:

i. Pursuant to Govt. Code § 551.071 (consultation with attorney) deliberation regarding potential/threatened litigation relating to:

a. Potential litigation against the Attorney General related to a specific request under the Texas Public Information Act.

b. Potential litigation/threatened litigation involving the Ethics Commission process.

ii. Pursuant to Govt. Code § 551.074 (personnel matter) regarding specific duties of the City Manager regarding volunteer management and complaints regarding volunteer management.

XII. CITY MANAGER'S REPORT

Any oral report provided by the city manager will be informational only and not for council action. The city manager may provide updates on community and upcoming city events, the status of the operation of individual departments, any unusual activity from any specific department which has occurred since the posting of the agenda, or to provide potential topics of discussion which may appear on a future agenda.

XIII. 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.

XIV. ADJOURNMENT

DECORUM REQUIRED: Any disruptive behavior, including shouting or derogatory statements or comments may be ruled out of order by the Presiding Officer. Continuation of this type of behavior could result in a request by the Presiding Officer that the individual leave the meeting, and if refused, an order of removal.

ACTION BY COUNCIL AUTHORIZED: The City Council may vote and/or act upon any item within this Agenda. The Council reserves the right to retire into executive session concerning any of the items listed on this Agenda, pursuant to and in accordance with Texas Government Code § 551.072 (Deliberations about Real Property); § 551.073 (Deliberations about Gifts & Donations); § 551.076 (Deliberations about Security Devices); §551.087 (Economic Development); §551.074 (Personnel Matters) and, § 551.071 to seek the advice of its attorney about pending or contemplated litigation, settlement offer or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas conflict with the Open Meetings Act and may invoke this right where the City Attorney, the Mayor or a majority of the Governing Body deems an executive session is necessary to allow privileged consultation between the City Attorney and the governing body, if considered necessary and legally justified under the Open Meetings Act. The attorney may appear in person or appear in executive session by conference call in accordance with applicable state law.

EXECUTIVE SESSIONS APPROVED BY CITY ATTORNEY: This agenda has been reviewed and approved by the City'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 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 Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

ATTENDANCE BY OTHER ELECTED OR APPOINTED OFFICIALS: 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.

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 (72) hours prior to the meeting on November 18, 2024.

BY:



Rachel C. Dominguez, City Secretary

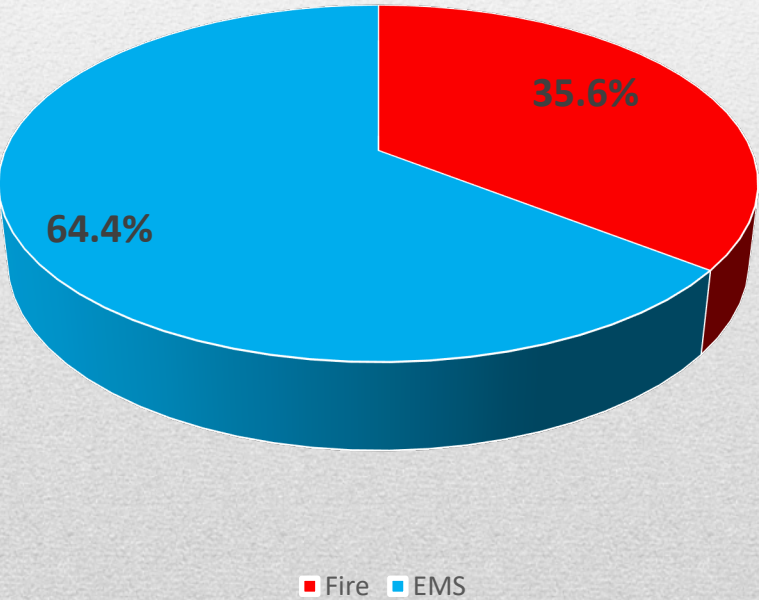
Windcrest Fire Department

**Monthly Report for
November 18, 2024**



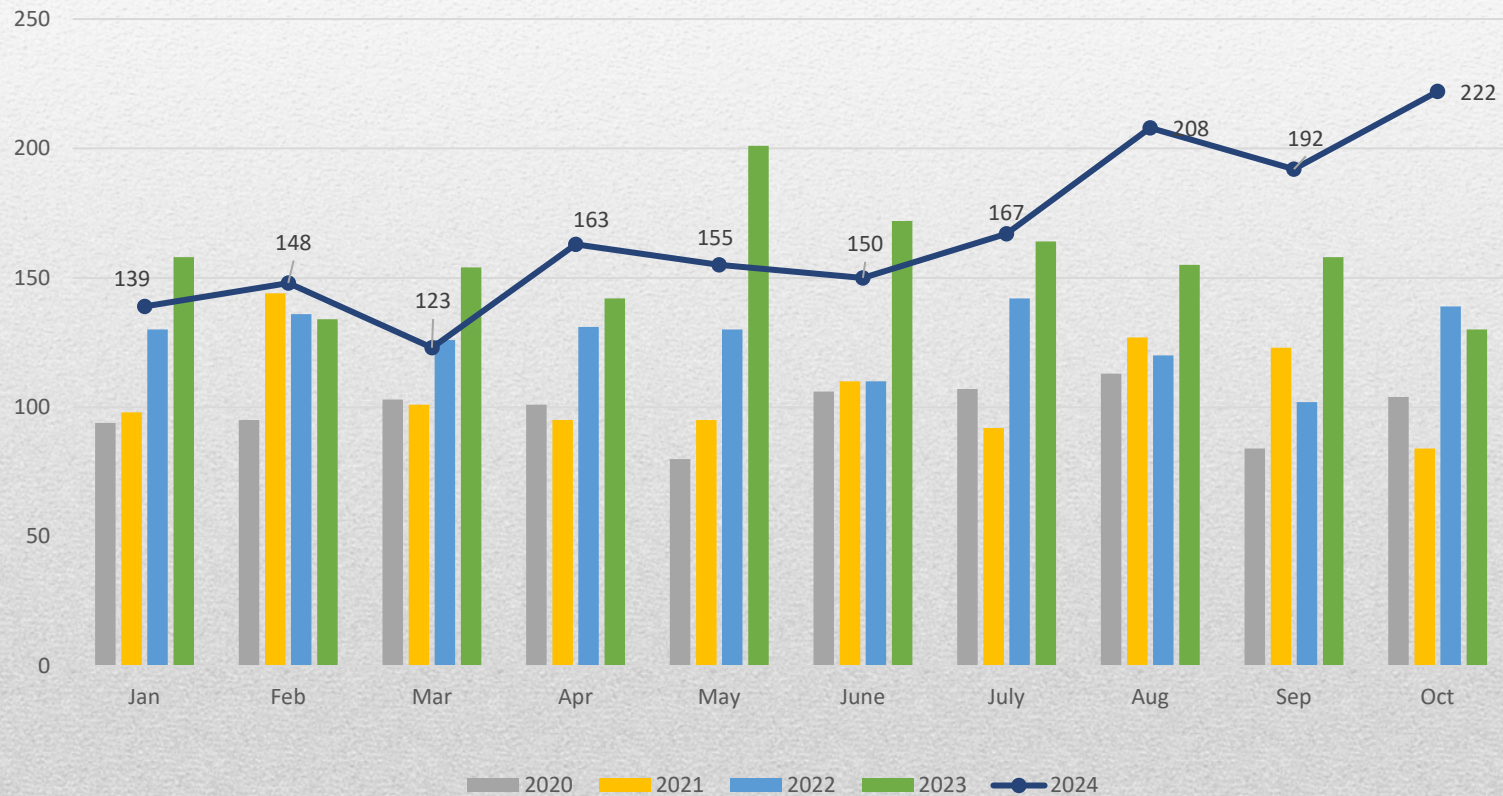
Summary Calls 2024

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	Total
Fire	46	65	43	63	51	67	77	74	68	79			633
EMS	93	83	80	100	104	83	90	134	124	143			1034



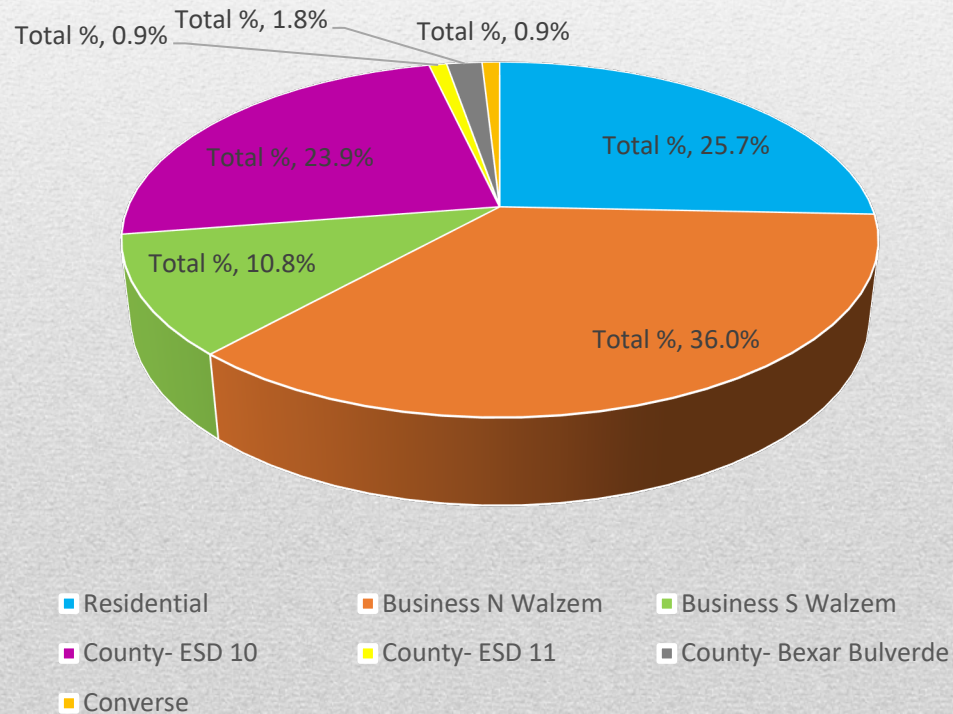
Historic Total Monthly Call Volume

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec	Total
2020	94	95	103	101	80	106	107	113	84	104	75	91	1153
2021	98	144	101	95	95	110	92	127	123	84	94	135	1298
2022	130	136	126	131	130	110	142	120	102	139	137	140	1543
2023	158	134	154	142	201	172	164	155	158	130	110	103	1781
2024	139	148	123	163	155	150	167	208	192	222			1667



Percentage of Calls by District

Responses by District											
	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Total
Residential				43	56	59	50	68	61	57	394
Business N Walzem				75	68	51	71	50	79	80	474
Business S Walzem				33	21	17	17	17	17	24	146
County- ESD 10				9	6	10	24	59	32	53	193
County- ESD 11				1	1	7	1	2	0	2	14
County- Bexar Bulverde				2	3	3	4	5	3	4	24
Converse				0	0	3	0	7	0	2	12



Automatic Aid/ Mutual Aid Received

Automatic/ Mutual Aid Received											
	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Total
County- ESD 10						4	12	4	12	5	37
County- ESD 11						4	7	5	7	3	26
County- Bexar Bulverde						4	7	4	6	4	25
Converse						5	8	8	8	3	32
Fort Sam						4	7	4	6	3	24

- Automatic aid is when other departments are dispatched at the same time Windcrest is dispatched for fire response.
- Converse EMS had been utilized when Allegiance EMS and Acadian EMS are unavailable.

Automatic Vehicle Locator (AVL) Response

AVL Response											
	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Total
County- ESD 10							17	50	25	51	143
County- ESD 11							0	0	0	0	0

- July 22, 2024, Windcrest joined ESD 10 and 12 with utilizing Automatic Vehicle Locator (AVL) responses for medical calls
 - Sends closest First Responder to call
 - We are in a trial phase and have meetings with the other Bexar County Fire Departments
 - ESD 11 and Bexar Bulverde (ESD 3) started using AVL
- Windcrest has had 50 medical calls for response to the County utilizing AVL
 - Reviewing with other departments and Fire Dispatch for vehicles used for response and making adjustments on the how the system makes recommendations
 - Changes made in Sept. on how system looks at vehicles

Automatic Vehicle Locator (AVL) Received

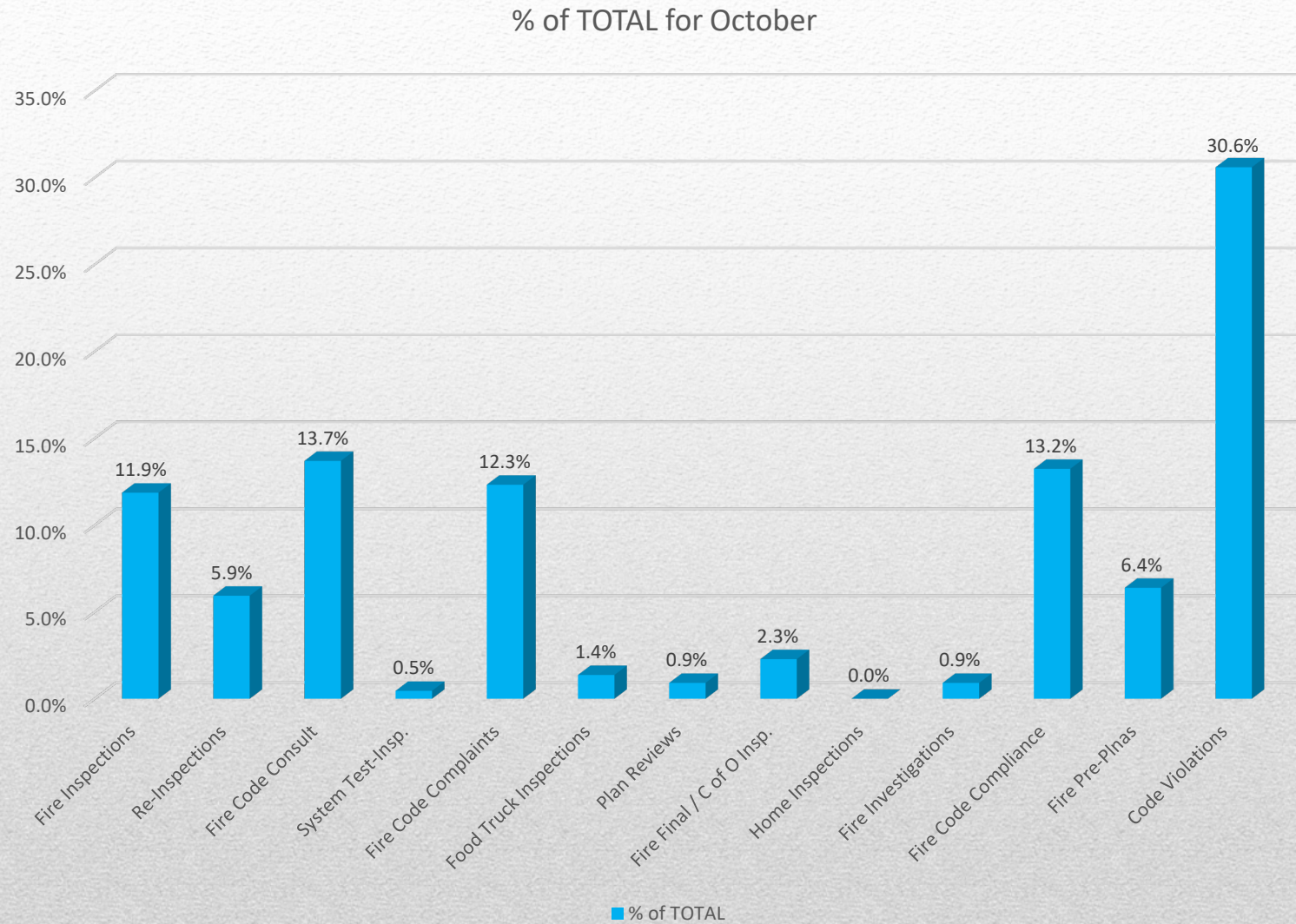
AVL Received											
	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Total
County- ESD 10							1	13	6	13	33
County- ESD 11							0	2	1	0	3

- Number of AVL calls that Windcrest received assistance
 - Windcrest FD on another call and a second or third call came in at the same time
 - Windcrest continues to be notified of the calls, but instead of Windcrest units on the first call having to ask for assistance, the system utilized by Fire Dispatch sees that Windcrest unit is unavailable and will automatically dispatch the next closest unit.

Fire Inspector/ Investigator

Fire Inspections 2024											
	January	February	March	April	May	June	July	August	September	October	Total
Fire Inspections	11	14	17	27	18	19	27	30	27	26	216
Re-Inspections	0	0	0	8	0	0	3	1	1	13	26
Fire Code Consult	27	24	30	24	28	24	35	30	28	30	280
System Test-Insp.	2	2	5	13	7	4	0	0	0	1	34
Fire Code Complaints	20	28	21	26	27	19	22	17	23	27	230
Food Truck Inspections	0	0	0	6	1	3	3	0	0	3	16
Plan Reviews	0	1	3	0	11	1	2	3	1	2	24
Fire Final / C of O Insp.	3	2	2	0	7	3	7	7	5	5	41
Home Inspections	3	3	1	7	0	1	7	1	1	0	24
Fire Investigations	2	0	0	1	1	2	1	2	0	2	11
Fire Code Compliance	31	26	28	27	24	21	22	26	35	29	269
Fire Pre-Plans	20	29	15	5	6	0	6	7	11	14	113
Code Violations	32	38	73	93	66	42	87	118	86	67	702
Total	151	167	195	237	196	139	222	242	218	219	1986

Fire Inspector/ Investigator



Volunteer Hours

Volunteer Hours FY 24/25		
Name	Oct. 2024	Total
FF R. Acosta	142.47	142.47
FF L. Ayala	22.96	22.96
FF A. Basen	33.06	33.06
FF J. Basen	4.35	4.35
FF W. Baumann	16.33	16.33
FF Benson	66.35	66.35
FF Budzinski	51.37	51.37
Medic J. Gonzales	21.6	21.6
Dorm FF Martinez	113.91	113.91
FF J. Nava	20.25	20.25
FF Vehle	7.42	7.42
Dorm FF D. Villanueva	102.82	102.82
Total	602.89	602.89

- Required Volunteer Hours:
 - 20 Hours a month and 2 out of the 6 trainings a month
 - Dorm Members= 106 hours a month
 - * Joined in the middle of the month

- Reviewing Ambulance Contract
- Reviewing Policies
- Reviewing Fire Codes

- Attended the following
 - Three Firefighters attended two-day CESO Engine Operation Class
 - STRAC Meeting
 - Mandatory Employee Training
 - Fall Bazaar event
 - Bexar County First Responder Meeting
 - All Hose and Ladder Annual testing completed
 - Assistant Chief assisted with Interview board for ESD 10 Captain process
 - One firefighter attended Wildland training
 - AVL meeting with Bexar County Chiefs
 - Trunk or Treat

Apparatus Status

- Engine 187 is in Service
- Engine 187B is in Service
- Platform 187 is in Service
- Brush 187 is Out of Service
- Squad 187 is in Service
- Chief 187 is in Service
- AC 187 is in Service
- FM 187 is in Service

Ivan Hernandez
Fire Chief/Emergency Management Coordinator
Windcrest Fire Department
firechief@windcrest-tx.gov
210-655-0022 ext. 2180

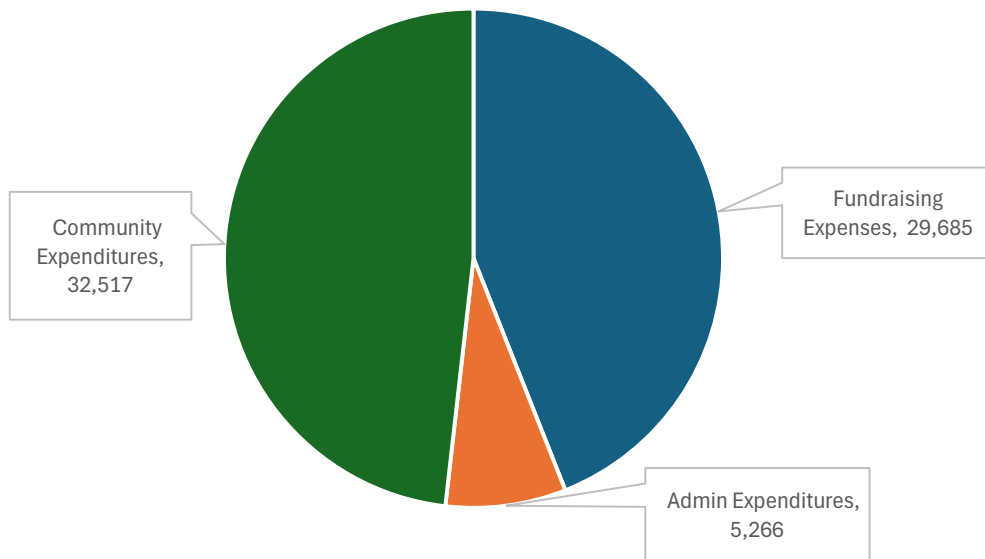
Fire Alliance Update November 2024

- Received 2 new fire axes purchased for \$480 to go on Engine 1 and Platform
- Paid \$13,282.70 so far of the approved \$34,900 for Bunker Gear
- Continued coordination with the City and EDC on Light-up Map Sponsorships
- WVFA bought decorations (for Engine B) and candy to hand out at Trunk or Treat

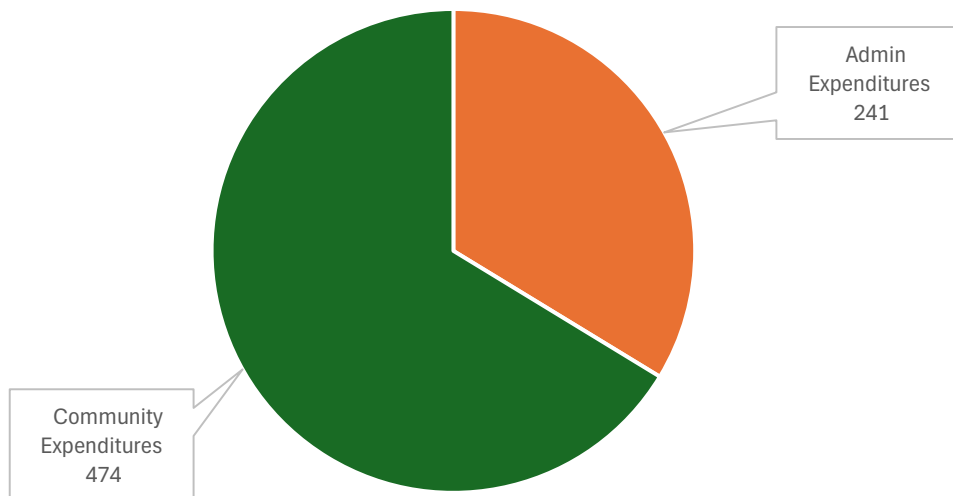
Windcrest Volunteer Fire Alliance Financial Summary - October 2024

Bank Balance as of January 1, 2024	162,044
Bank Balance as of October 31, 2024	152,120
Total Revenue for the Ten Months ended October 31, 2024	57,434

Alliance Expenditures - Year to Date October 2024



Alliance Expenditures - Month of October 2024



Windcrest Volunteer Fire Alliance

Statement of Financial Activity

	Year-to-Date October 31, 2024	Month Ended October 31, 2024
Revenue		
Fill The Boot	\$ 35,928	\$ -
Gala / Picnic Revenue	20,700	-
General Donations	805	-
Total Revenue	57,434	-
Cost of Goods Sold		
Fill the Boot Expenses	21,259	
Picnic & Gala Gross Expenses	8,426	
Total Cost of Goods Sold	29,685	-
Gross Profit	27,749	-
Expenditures		
Admin Expenditures		
Accounting Services	275	-
Administration	1,306	-
Hospitality Funds	1,370	-
Storage	2,548	241
Refunds Received	(233)	-
Total Admin Expenditures	5,266	241
Association Expenditure		
Apparatus Reserved	208	-
Association Functions	330	-
Dorm Expenses	1,087	-
Fire / EMS Equipment	25,678	474
Reimbursement	175	-
Training	3,326	-
Training Travel Expenses	1,714	-
Total Association Expenditure	32,517	474
Uncategorized Expense	131	-
Total Expenditures	37,915	715
Net Operating Revenue	\$ (10,166)	\$ (715)

Monday, Nov 11, 2024 01:40:28 PM GMT-8 - Cash Basis

Windcrest Police Department Monthly - November 2024

PATROL OPERATIONS SECTION

	JAN '24	FEB '24	MAR '24	APR '24	MAY '24	JUN '24	JUL '24	AUG '24	SEP '24	OCT '24	NOV '23	DEC '23	YTD
PROACTIVE POLICE ACTIVITIES	3415	2751	2364	2568	2485	3294	2130	3273	3306	3270	3718	3904	25586
TOTAL CALLS FOR SERVICE	4742	3626	3325	3528	3677	4179	3899	4015	3760	3654	4669	4758	34751
COVER CALLS (2 PLUS OFFICERS)	221	262	235	360	330	308	316	395	841	529	235	254	3268
FELONY CHARGES	32	63	58	64	30	39	31	22	15	10	38	49	354
MISDEMEANOR CHARGES	114	188	81	124	78	78	73	67	46	39	83	111	849
D.W.I. ARREST	1	1	2	1	1	1	0	0	1	0	3	2	8
CITY ORDINANCE ENFORCEMENT	42	29	15	23	10	16	30	41	69	23	25	17	275
ARREST ON-CALL	28	82	39	25	17	22	40	29	19	27	11	32	301
ARREST ON-SIGHT	19	19	19	23	26	29	26	24	21	9	40	39	206
WARRANTS CLEARED	12	25	18	18	7	12	10	12	3	4	21	17	117
MUNICIPAL COURT CITATIONS	1001	851	663	735	668	1041	1043	1232	924	1006	1107	983	8158
WARNING CITATIONS	126	104	86	86	106	96	134	130	215	130	161	188	1083
PARKING VIOLATION NOTICES	18	10	10	14	9	20	4	11	0	13	22	14	96
CRIME PREVENTION NOTICES	1193	889	832	850	854	1033	986	973	879	1067	1168	1230	8489
BUSINESS / RESIDENTIAL CHECKS	1142	953	825	923	925	1155	1041	992	982	1134	1356	1447	8938
IMPOUNDED VEHICLES	17	14	16	24	13	30	22	29	23	23	26	22	188
MENTAL HEALTH	6	9	4	5	3	1	2	6	4	5	4	11	40

SCHOOL RESOURCE OFFICER

SCHOOL SAFETY PATROL HOURS	20	25	15	21	22	0	0	30	21	20	22	14	154
ORGANIZATION AND PREP HOURS	0	0	0	0	0	0	3	0	3	5	2	4	6
TOTAL EVENTS	0	0	0	0	3	0	2	2	2	3	2	2	9
TOTAL PRESENTATIONS	0	0	0	0	3	0	0	0	2	2	2	2	5

DISPATCHER ACTIVITY

OFFICER INITIATED CALLS	4176	3038	2748	2945	3126	3669	3359	3494	3239	3008	4109	4176	29794
TELEPHONE CALLS FOR SERVICE	505	540	474	373	358	362	356	343	355	464	449	495	3666
911 CALL FOR SERVICE	41	27	84	180	173	127	160	165	157	177	82	68	1114
WALK IN CALL FOR SERVICE	20	18	19	29	19	21	24	13	9	5	29	19	172

City Ordinance Enforcement New Data Report (Patrol Only)

VIOLATIONS BY PATROL ONLY

* WARRANTS CLEARED = ALL WARRANTS TO INCLUDE WINDCREST WARRANTS (PATROL ARREST ONLY)

ACTIVITY IN ONE CALL)

Windcrest Police Department Monthly - November 2024

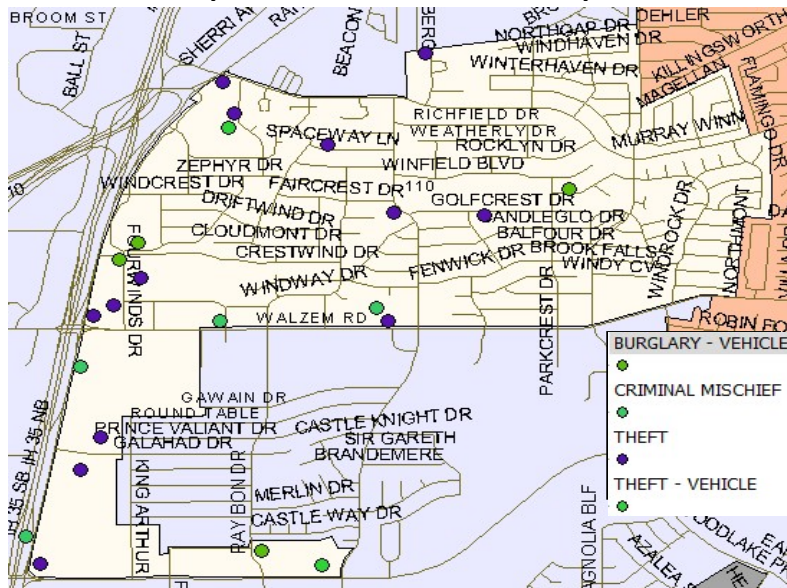
CRIMINAL INVESTIGATIONS UNIT SUMMARY

SPECIAL OPS DIVISION	JAN '24	FEB '24	MAR '24	APR '24	MAY '24	JUN '24	JUL '24	AUG '24	SEP '24	OCT '24	NOV '24	DEC '24	YTD
FILED with DA	54	17	43	31	35	16	26	17	17	25			25
Closed, Pending Further Information	35	21	23	46	24	27	5	17	28	33			33
ACTIVE ARREST CASES PREPARING FOR THE DA	18	39	20	23	9	22	25	16	18	10			10
ACTIVE FUGITIVE	0	4	0	0	0	0	9	3	0	10			10
EXCEPTIONAL CLEARED	18	7	5	5	4	0	3	4	1	4			4
FILED w/ DA PENDING LABS	10	4	11	7	7	4	9	9	11	3			3
ACTIVE TOTAL	93	92	108	98	101	97	122	102	147	31			31
UNFOUNDED	3	1	3	3	0	1	1	1	0	2			2
ASSIGNED	85	86	65	75	58	57	53	42	66	41			41
FELONY CASES ASSIGNED	30	42	37	31	22	30	22	19	24	22			22
MISDEMEANOR CASES ASSIGNED	46	42	28	37	35	23	28	23	34	17			17
EVIDENCE VIDEO FOR COURT	182	102	148	161	111	112	165	142	123	99			99
EVIDENCE SUBMITTED TO CRIME LAB	0	21	48	28	29	125	15	10	8	14			14
BACKGROUND INVESTIGATIONS APPLICANTS	0	3	1	3	8	4	3	3	0	12			12

CITIZENS' PATROL SUMMARY

PATROL HOURS	33	18	25	49	38	51	21	66	51	62	45	40	301
ORGANIZATION AND PREP	0	0	0	0	0	0	0	2	0	0	0	0	2
EVENTS	0	0	0	0	0	0	0	1	1	1	0	0	1
TRAINING AND MEETINGS HOURS	1	0	0	0	0	0	0	0	0	0	0	0	1
CITIZEN PATROL PARTICIPANTS	16	18	17	25	22	18	8	23	21	22	19	15	147

Windcrest Police Department Current Crime Map - November 2024



Case	Reported	Nature	Incident address
2435257	03:46:17 10/05/24	Burg-Vehicle	5007 EISENHAUER RD SUITE 110; US AUTO FORCE
2437006	15:29:54 10/19/24	Burg-Vehicle	709 WINDROCK DR
2437162	06:45:26 10/21/24	Burg-Vehicle	4900 CRESTWIND DR; DRURY INN AND SUITES
2437163	07:09:20 10/21/24	Burg-Vehicle	4900 CRESTWIND DR; DRURY INN AND SUITES
2438390	19:05:22 10/31/24	Burg-Vehicle	8510 FOURWINDS DR; OFFICE DEPOT
2436500	12:09:31 10/15/24	Crim Mischief	5013 WALZEM RD; BURGER KING
2437011	18:36:41 10/19/24	Crim Mischief	7920 IH 35 N; OLIVE GARDEN
2437545	16:47:12 10/24/24	Crim Mischief	7312 IH 35 N
2438404	22:03:47 10/31/24	Crim Mischief	5405 WALZEM RD SUITE 3; DOLLAR TREE
2438368	14:50:54 10/31/24	Theft \$100<750	5465 WALZEM RD; WSS
2438360	12:42:08 10/31/24	Theft <\$100	8905 WILLMON WAY
2438229	11:50:20 10/30/24	Theft \$100<750	5465 WALZEM RD; WSS
2438139	16:02:19 10/29/24	Theft <\$100	5100 CRESTWAY RD; CIRCLE K
2438138	15:46:44 10/29/24	Theft <\$100	5100 CRESTWAY RD; CIRCLE K
2437555	19:17:35 10/24/24	Theft \$750-\$2,500	4909 WINDSOR HILL; HOME DEPOT
2437547	17:13:39 10/24/24	Theft <\$100	5100 CRESTWAY RD; CIRCLE K
2437503	07:09:58 10/24/24	Theft <\$2500 Enhanced	7280 IH 35 N; QUIK TRIP
2437501	05:51:31 10/24/24	Theft <\$100	7280 IH 35 N; QUIK TRIP
2437493	22:15:35 10/23/24	Theft	7500 IH 35 N; TEXAS THRIFT STORE
2437334	15:47:20 10/22/24	Theft \$2500<\$30000	9319 JIM SEAL DR; MAINTENANCE YARD
2437328	13:34:20 10/22/24	Theft <\$2500 Enhanced	7280 IH 35 N; QUIK TRIP
2437303	09:56:42 10/22/24	Theft \$100<750	4909 WINDSOR HILL; HOME DEPOT
2437291	08:06:58 10/22/24	Theft \$2500<\$30000	8204 IH 35 N; HOLIDAY INN EXPRESS & SUITES
2437220	18:59:44 10/21/24	Theft \$2500<\$30000	409 SPACEWAY DR
2436780	18:38:50 10/17/24	Theft \$100<750	4909 WINDSOR HILL; HOME DEPOT
2436778	18:20:18 10/17/24	Theft \$100<750	4909 WINDSOR HILL; HOME DEPOT
2436639	17:38:36 10/16/24	Theft/Vehicle Parts	610 GOLFCREST DR
2436637	15:44:37 10/16/24	Theft \$750-\$2,500	8601 MIDCROWN DR
2436519	18:10:17 10/15/24	Theft <\$100	5405 WALZEM RD SUITE 3; DOLLAR TREE
2436515	15:15:17 10/15/24	Theft \$750-\$2,500	4909 WINDSOR HILL; HOME DEPOT
2436158	16:19:24 10/12/24	Theft \$100<750	7702 IH 35 N; GOODWILL
2436153	14:21:04 10/12/24	Theft <\$100	8601 MIDCROWN DR; WINDCREST POLICE DEPARTMENT
2435770	13:36:13 10/09/24	Theft \$750-\$2,500	4909 WINDSOR HILL; HOME DEPOT
2435747	07:46:08 10/09/24	Theft <\$100	7280 IH 35 N; QUIK TRIP
2435582	23:16:20 10/07/24	Theft <\$100	5100 CRESTWAY RD; CIRCLE K
2435495	08:15:29 10/07/24	Theft \$2500<\$30000	8204 IH 35 N; HOLIDAY INN EXPRESS & SUITES
2435473	04:18:10 10/07/24	Theft	4801 WALZEM RD; CIRCLE K
2435304	16:09:08 10/05/24	Theft <\$100	4909 WINDSOR HILL; HOME DEPOT
2435164	10:59:50 10/04/24	Theft <\$100	4801 WALZEM RD; CIRCLE K
2435047	12:18:31 10/03/24	Theft <\$100	5100 CRESTWAY RD; CIRCLE K
2434783	03:22:42 10/01/24	Theft <\$100	4801 WALZEM RD; CIRCLE K
2436137	10:07:07 10/12/24	Theft-Vehicle	7500 IH 35 N; TEXAS THRIFT STORE
2437460	16:19:58 10/23/24	Theft-Vehicle	5101 EISENHAUER RD SUITE 525; WAYFAIR
2437463	18:16:37 10/23/24	Theft-Vehicle	8835 WILLMON WAY; CRESTWIND APARTMENTS POOL

Windcrest Police Department Monthly - November 2024

WINDCREST POLICE DEPARTMENT CODE COMPLIANCE UNIT

SUPPORT SERVICES SECTION	JAN '24	FEB '24	MAR '24	APR '24	MAY '24	JUN '24	JUL '24	AUG '24	SEP '24	OCT '24	NOV '23	DEC '23	YTD
JUNK VEHICLE	1	4	0	0	0	1	0	0	0	2	0	2	2
STREET USED FOR STORAGE (VEHICLE)	0	0	0	0	0	0	0	0	0	0	0	1	0
RV-BOAT-TRAILER ON DRIVEWAY/STREET	1	5	12	5	3	1	3	6	6	4	2	2	4
VEHICLES ON GRASS	0	0	0	2	0	0	2	0	0	4	0	2	4
OVERGROWN VEGETATION (FRONT)	13	29	26	44	21	12	2	17	19	33	28	27	33
OVERGROWN VEGETATION (ALLEY)	1	1	2	1	118	117	75	3	4	3	3	4	3
VACATED PROPERTY	0	0	0	0	0	0	0	0	0	0	1	0	0
OVERHANGING TREE LIMBS (STREET-ALLEY)	0	2	1	1	0	1	2	5	4	8	1	2	8
NO ALARM PERMIT (RESIDENTIAL)	0	0	0	0	0	1	0	0	0	0	0	0	0
NO ALARM PERMIT (COMMERCIAL)	0	0	0	0	0	0	0	0	0	0	0	0	0
NO BUILDING PERMIT (RESIDENTIAL)	0	1	1	3	2	4	4	1	2	1	0	0	1
NO BUILDING PERMIT (COMMERCIAL)	0	0	3	0	1	0	1	3	1	0	0	0	0
SWIMMING POOLS (STAGNANT)	0	0	0	1	0	0	1	0	0	0	0	0	0
SWIMMING POOLS (UNSECURED)	0	1	1	0	0	2	0	0	1	0	0	0	0
NON-REPUBLIC DUMPSTER										3			3
SOLID WASTE-REFUSE COLLECT (NON-PAY)	0	0	0	3	0	0	0	0	0	0	0	5	0
UNSIGHTLY-UNSANITARY CONDITION	3	1	3	5	5	7	10	6	19	7	1	2	7
GRAFFITI AND TOOLS	0	0	0	0	0	0	0	0	1	0	0	0	0
NOISE NUISANCE	0	0	0	0	0	0	1	0	0	0	1	1	0
SIGN ORDINANCE (VIOLATION)	0	1	0	0	0	0	0	0	0	0	1	2	0
EXTERIOR LIGHTING										1			1
BUSINESS/RESIDENTIAL FOLLOW UP	25	123	132	150	97	26	65	103	96	179	150	138	179
SOLICITORS (VIOLATIONS)	0	2	0	0	0	0	0	0	0	0	1	0	0
SIGNS (BANDIT)	0	30	9	14	7	8	34	5	1	14	12	15	14
TOTAL ISSUES ADDRESSED	44	200	190	229	254	180	190	149	154	259	201	203	259
CITATIONS ISSUED (CODE)	9	1	0	5	4	2	1	0	6	2	2	4	2
CITATIONS ISSUED (TRAFFIC)	0	0	0	0	0	0	0	0	0	0	0	0	0
WRITTEN NOTICES ISSUED (CODE)	6	33	35	65	145	141	84	34	50	56	29	30	56
TOTAL ENFORCED	15	34	35	70	149	143	85	34	56	58	31	34	58

Windcrest Police Department Monthly - November 2024

WINDCREST POLICE DEPARTMENT ANIMAL CARE AND CONTROL UNIT

SUPPORT SERVICES SECTION	JAN '24	FEB '24	MAR '24	APR '24	MAY '24	JUN '24	JUL '24	AUG '24	SEP '24	OCT '24	NOV '23	DEC '23	YTD
CALLS FOR SERVICE (DISPATCHED)	42	35	36	36	47	41	52	21	51	64	67	37	64
CALLS FOR SERVICE (DIRECT)	0	17	0	0	0	0	0	4	0	4	0	0	4
TOTAL CALLS	42	52	36	36	47	41	52	25	51	68	0	37	68
DOGS RECOVERED	7	15	19	12	10	16	14	7	15	6	16	11	6
DOGS REGISTERED	4	9	10	5	3	5	5	2	4	10	5	5	10
DOGS QUARANTINED	0	0	0	0	0	1	0	0	0	0	3	3	0
DOGS IMPOUNDED	5	11	8	5	8	5	4	3	10	3	9	0	3
DOGS ADOPTED	2	4	1	3	2	2	0	7	0	0	8	1	0
DOGS FOSTERED	1	1	1	1	1	4	0	0	0	0	2	0	0
DOGS EUTHANIZED (INJURY AND/OR ILLNESS)	1	0	1	0	0	1	0	0	0	0	0	0	0
DOGS RETURNED TO OWNER (DIRECT)	8	4	16	9	2	3	8	4	8	2	7	8	3
DOGS RETURNED TO OWNER (IMPOUND FACILITY)	3	2	2	1	1	2	1	0	2	1	2	3	1
DOGS RUNNING AT LARGE (NO CATCH)	10	9	4	2	9	3	13	5	13	0	6	6	0
DOGS RECOVERED (WITH TAGS)	0	0	0	0	1	0	1	4	0	1	2	0	1
DOGS RECOVERED (WITH MICROCHIP)	5	1	2	6	1	5	5	0	0	0	7	9	0
CATS REGISTERED (DOMESTIC)	0	0	0	0	0	0	0	0	0	0	0	0	0
CATS STERILIZED (FERAL)	1	2	0	5	1	0	0	0	0	1	1	0	1
DECEASED DOMESTIC ANIMAL (ILL OR UNK)	0	3	0	0	0	3	3	1	0	1	0	2	1
WILD ANIMALS - (ILL OR UNK)	8	2	3	4	7	4	2	1	5	9	2	0	9
CITATIONS - LEASH VIOLATION	0	0	0	0	0	0	0	0	0	0	0	7	0
CITATIONS - ANIM AT LARGE	5	4	4	2	2	2	4	0	3	2	3	7	2
CITATIONS - ANIM VAC	5	4	0	2	2	2	0	1	1	1	0	7	1
CITATIONS - ANIM REG	5	3	2	2	2	2	4	0	0	1	3	0	1
WARNING - ANIM AT LARGE	0	2	1	3	0	1	1	2	1	2	1	0	2
WARNING - ANIMAL VAC	0	0	0	0	0	1	1	0	0	0	0	0	0
WARNING - ANIMAL REG	0	2	0	0	0	1	1	0	0	0	3	0	0
COST - IMPOUND/SHELTER	\$12,378.91	\$13,532.53	\$15,275.37	\$14,112.21	\$19,293.58	\$23,034.11	\$53,656.86	\$47,082.82	\$38,355.00	***	\$11,524.88	\$11,602.70	
COST - VETERINARY/CARE	\$2,149.30	\$1,671.68	\$20,284.93	\$5,180.05	\$2,684.87	\$3,223.44	\$4,954.45	\$8,179.02	\$2,271.24	***	\$0.00	\$0.00	
TOTAL COST	\$14,528.21	\$15,204.21	\$35,560.30	\$19,292.26	\$21,978.45	\$26,257.55	\$58,611.31	\$55,261.84	\$40,626.24	\$0.00	\$11,524.88	\$0.00	

Veterinary and Impound costs have not been provided at this time

	November 7, 2024
Jimmie Cole	Date
Chief of Police	
<i>Please contact me with any questions concerning this report.</i>	
<i>This reporting is required by the City of Windcrest Charter § 5.02.3(h).</i>	

CITY OF WINDCREST MUNICIPAL COURT - OFFICIAL MONTHLY ACTIVITY REPORT FY 2024-2025

	Oct. 2024	Nov. 2024	Dec. 2024	Jan. 2025	Feb. 2025	Mar. 2025	Apr. 2025	May. 2025	Jun. 2025	Jul. 2025	Aug. 2025	Sept. 2025	TOTAL	Medium Average
Cases Filed	1101													1,101
Fines Paid	38													38
Bond Forfeiture	0													0
Not Guilty	0													0
Guilty	418													418
Dismissed	143													143
Compliance Dismissals	18													18
Defensive Driving	18													18
Deferred Disposition	55													55
Insurance	4													4
Online Payments	263													263.00
Orders for Community Svc.	11													11
Appeals	0													0
TOTAL CASES HEARD	705													705
Failure to Appear/Warrants	841													841
Warrant Officer Fine/Fee Addressed	\$31,892.91													31,893
Warrant Officer Activity	194													194
Court Fines	\$82,313.69												\$82,313.69	\$82,313.69
State Fees	\$43,130.28												\$43,130.28	\$43,130.28
City Share of State Fees (10%)	\$4,313.03												\$4,313.03	\$4,313.03
Court Technology Fund	\$2,111.78												\$2,111.78	\$2,111.78
Court Building Security Fund	\$2,511.84												\$2,511.84	\$2,511.84
Fee to Omni/State	\$1,692.35												\$1,692.35	\$1,692.35
Collection Agency Fees	\$3,561.24												\$3,561.24	\$3,561.24
TOTAL CITY REVENUE	\$86,626.72												\$86,626.72	\$86,626.72
PRIOR Year Total Revenue	\$88,354.15	\$ 65,307.25	\$ 53,460.98	\$ 95,053.96	\$ 84,798.43	\$ 89,869.10	\$ 91,580.68	\$ 82,734.26	\$ 65,593.35	\$ 84,648.80	\$ 66,300.04	\$ 80,806.04	\$948,507.04	\$ 79,042.25
Percentage of Revenue Reached from Prior Year													9%	

Persons Arrested (Held in WCPD)	0	0	0	0	0	0	0	0	0	0	0	0	\$ -
Persons Incarcerated (HELD IN GC)	0	0	0	0	0	0	0	0	0	0	0	0	\$ -
Cost of Incarceration	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

2023/2024 Court Activity

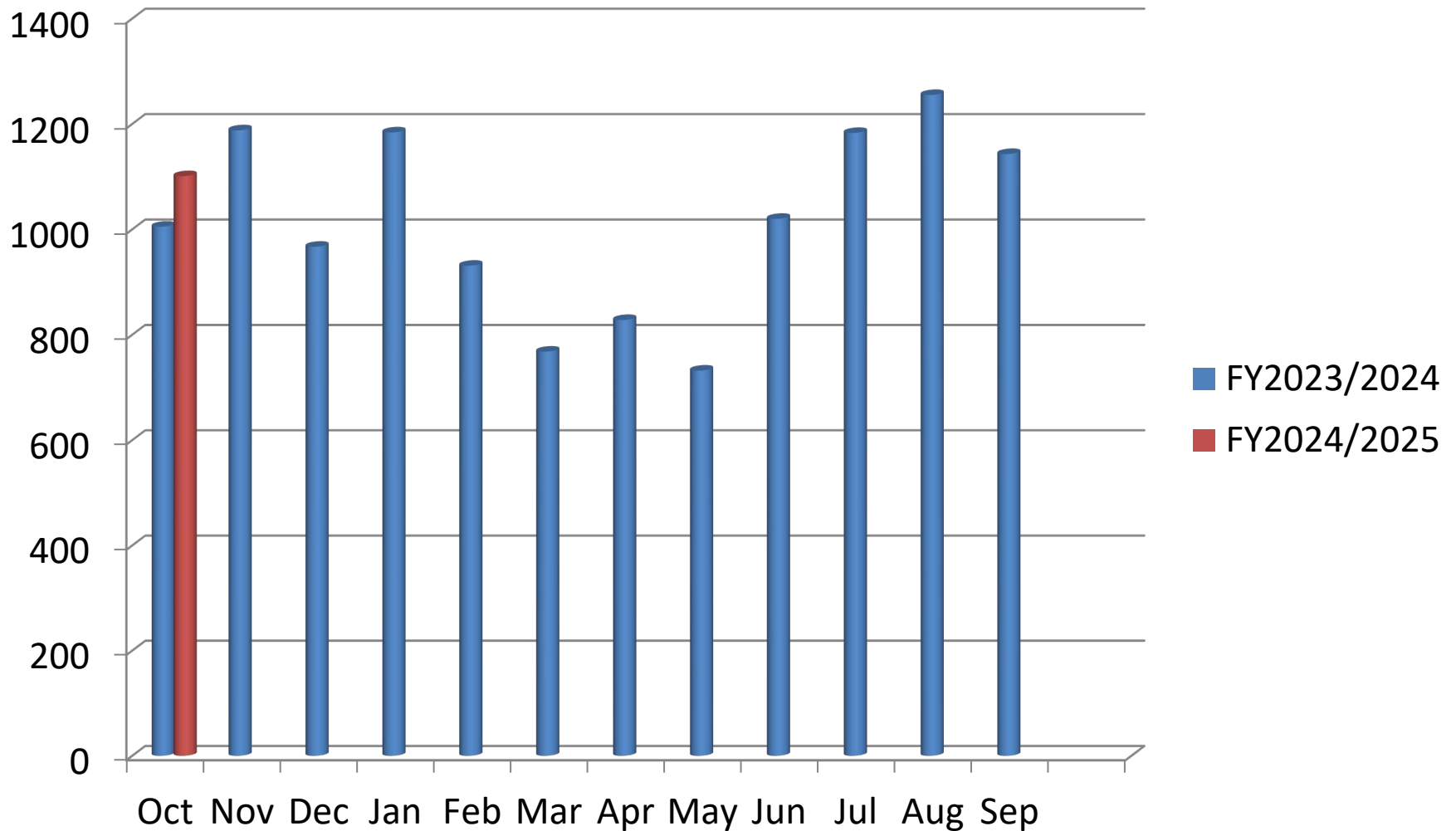
Cases Filed	1005	1188	967	1184	931	768	828	732	1020	1183	1255	1143	12204
Court Fines	\$ 83,510.21	\$ 61,560.44	\$ 50,348.38	\$ 89,581.73	\$ 80,356.86	\$ 85,127.00	\$ 87,643.00	\$ 78,770.35	\$ 61,965.25	\$ 79,929.09	\$ 62,482.23	\$ 76,528.73	\$ 897,803.27
TOTAL CASES HEARD	784	676	582	878	784	753	710	730	689	634	764	802	8786
Persons Arrested	0	0	0	0	0	0	0	0	0	0	0	0	\$ -
Persons Incarcerated	0	0	0	0	0	0	0	0	0	0	0	0	\$ -
Cost of Incarceration	\$0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	0	\$ -
Warrant Officer Fine/Fee Addressed	\$33,727.00	\$34,045.80	\$ 21,865.90	\$41,114.74	\$48,384.62	\$ 52,087.42	\$35,462.60	\$35,170.47	\$38,508.60	\$34,428.82	\$ 28,452.82	\$ 37,758.74	\$ 441,007.53
Warrant Officer Activity	252	300	184	273	277	345	198	180	182	188	209	237	2825



CASES FILED

FY 2022/2023 vs. FY 2023/2024

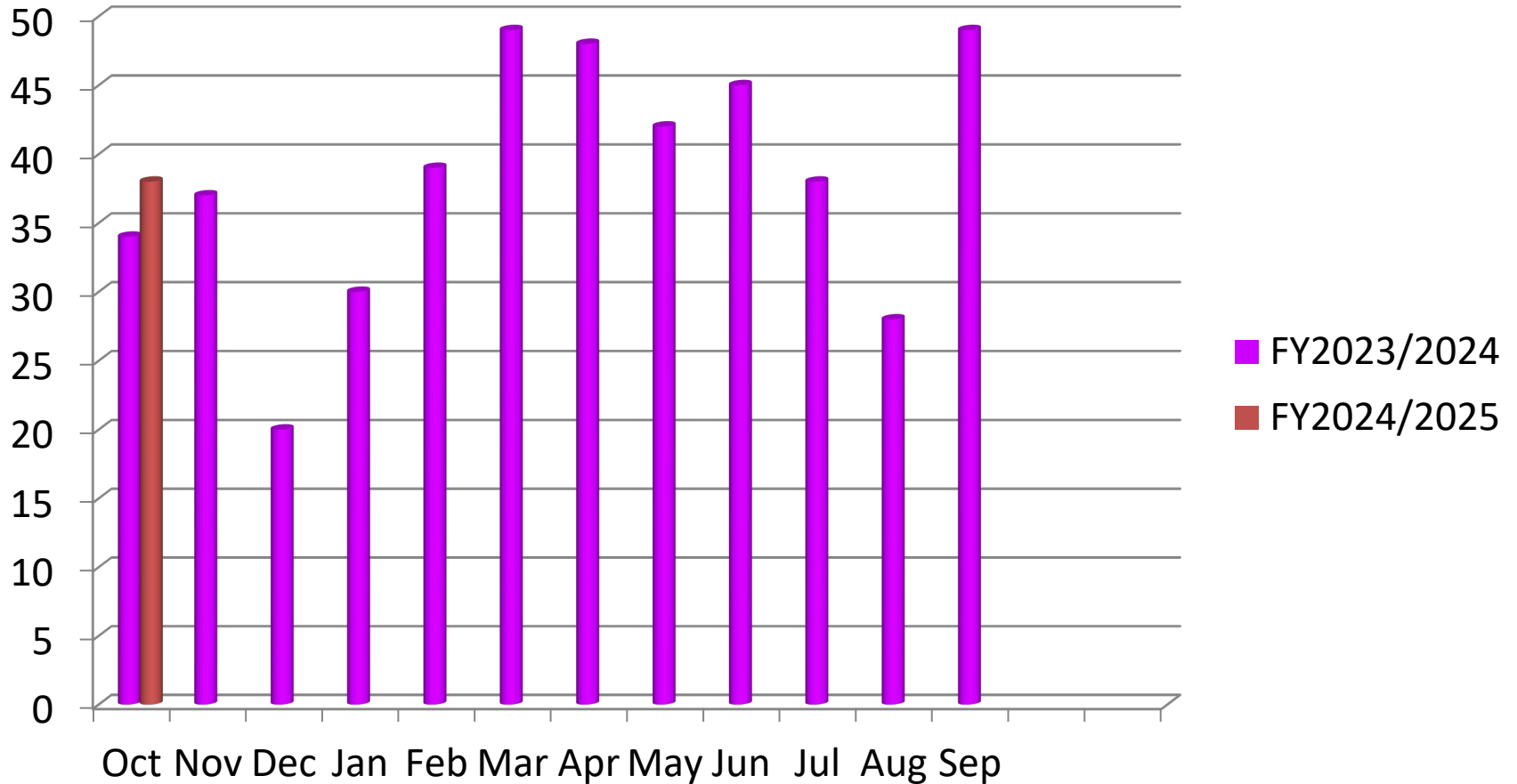
(Citations from Police Department, Code Enforcement, Animal Control)



FINES PAID

FY 2021/2022 vs. FY 2022/2023

(Number of cases in which defendants came in and paid in full and case was closed. Does not include defendants who were granted Deferred Disposition or Defensive Driving)



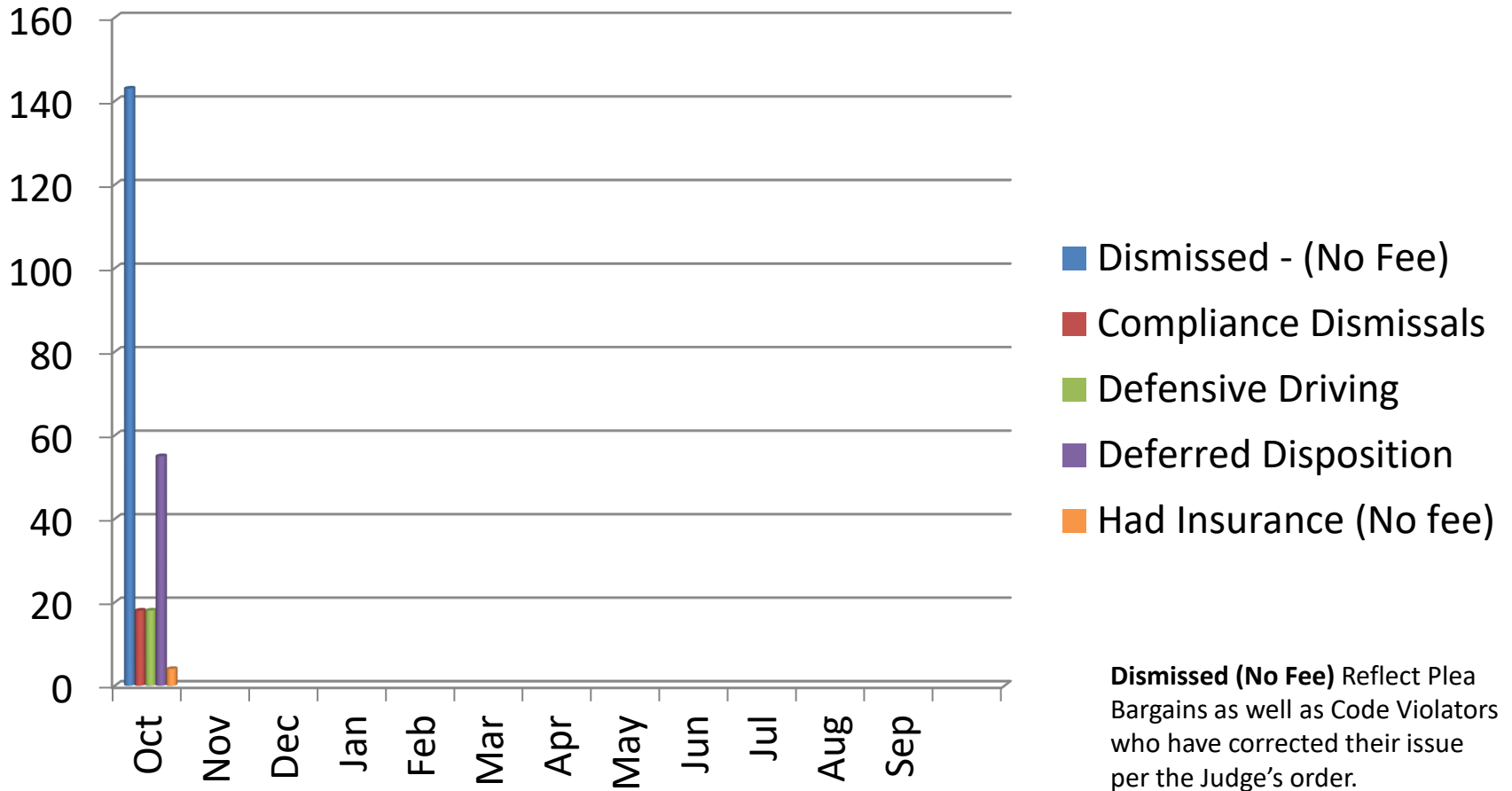
NOT GUILTY / GUILTY

(Numbers only, not \$ amounts. Guilty column correlates with defendants who paid fines in FY 2024/2025 from above slide)

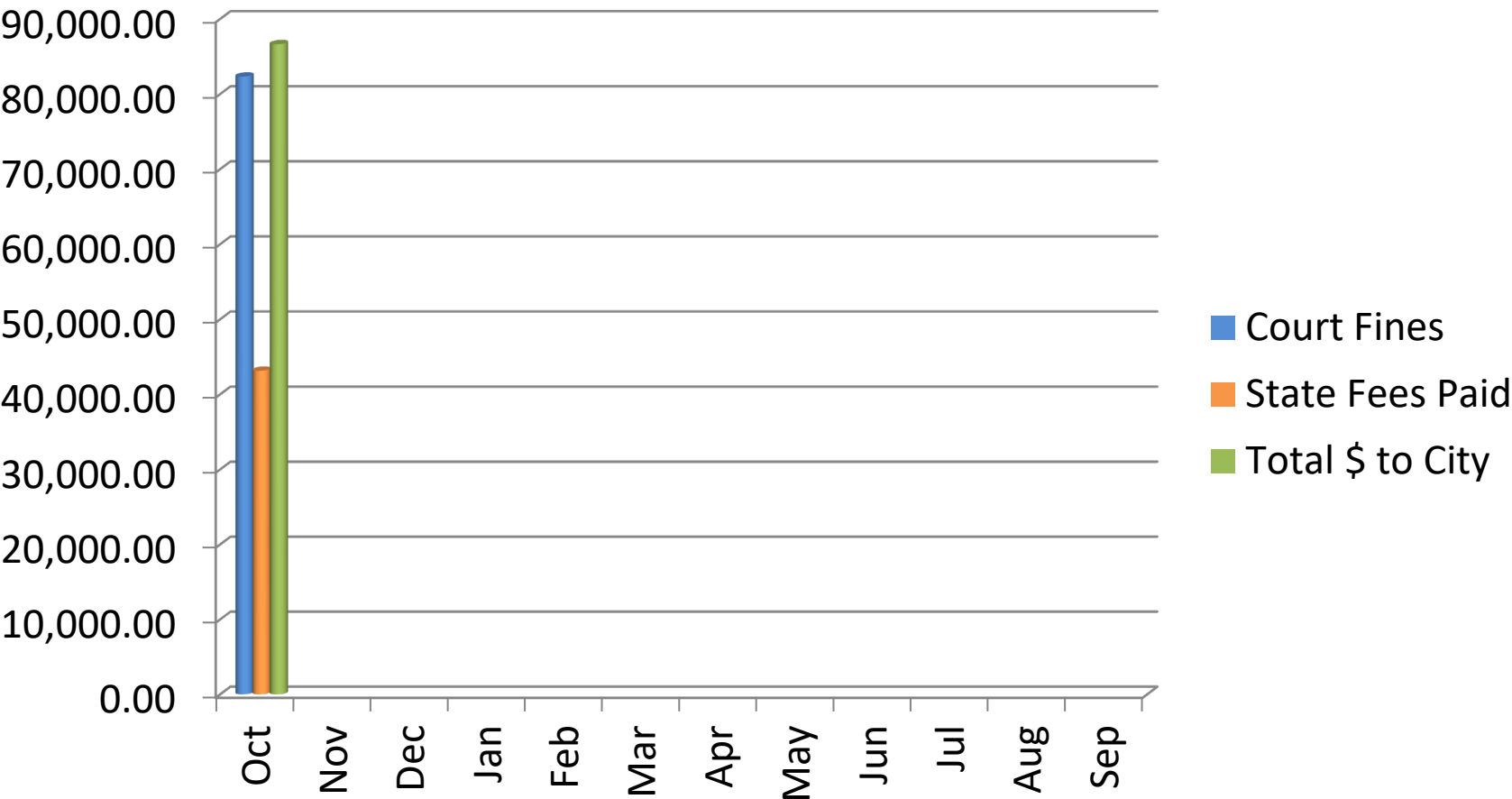


DISMISSALS

(Numbers only, not \$ amounts)

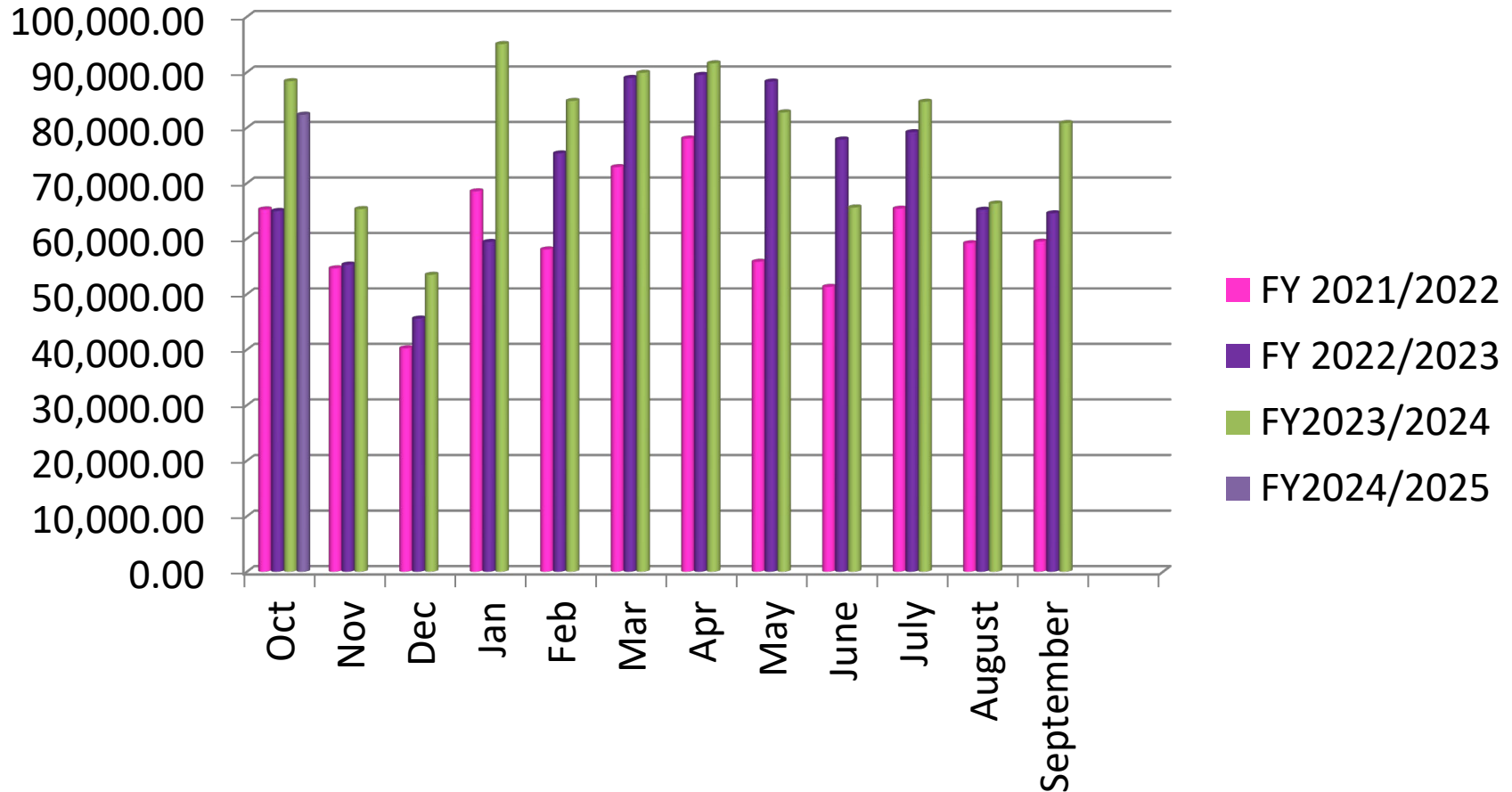


DISTRIBUTION OF TOTAL COURT COLLECTIONS



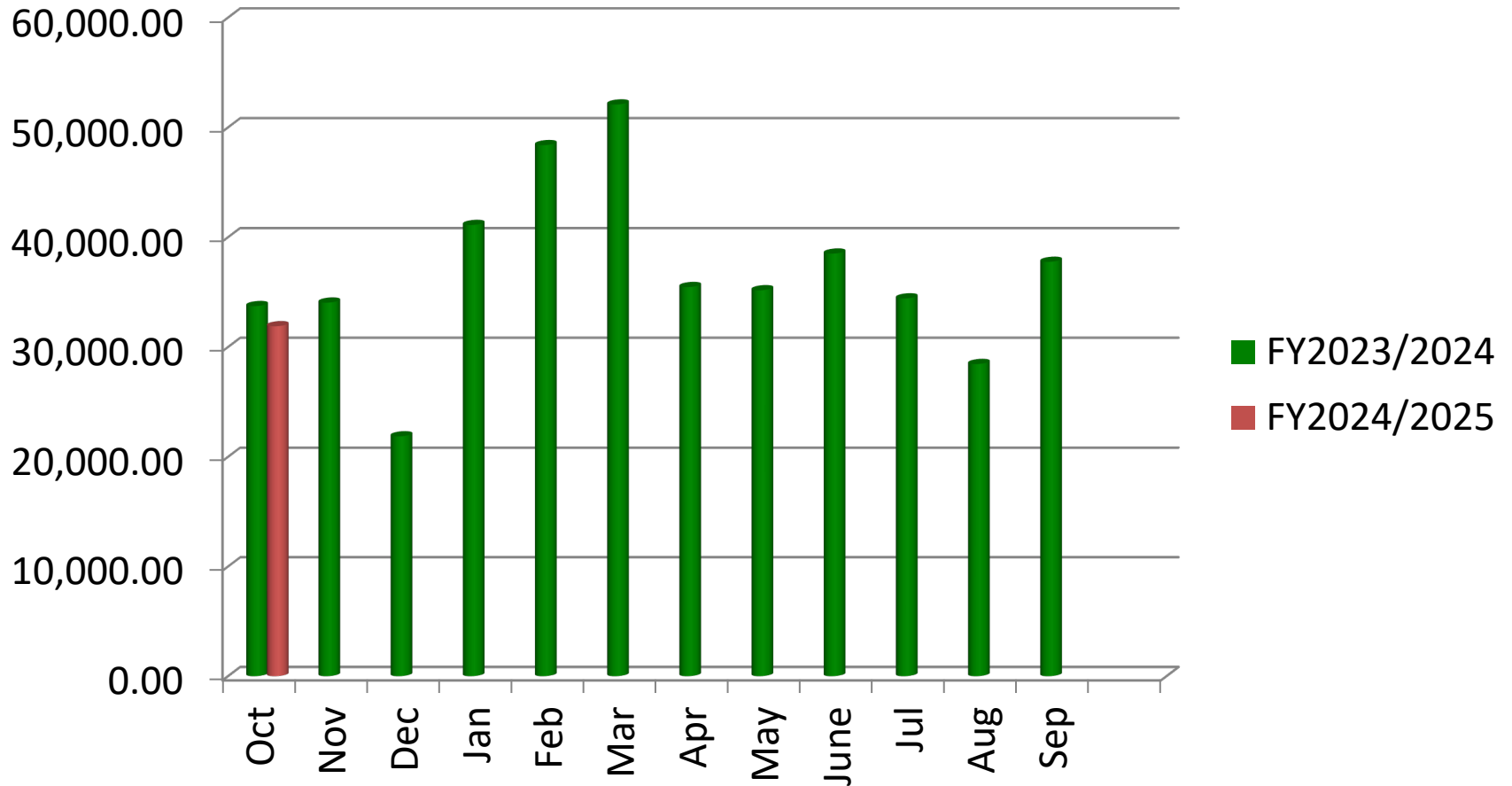
TOTAL CITY REVENUE FROM COURT

(4 year comparison)



WARRANT COMPARISON OF FINES AND FEES COLLECTED

(FY 2023/2024 vs FY 2024/2025)



PROJECT HIGHLIGHTS

- Removed fallen tree limbs from alleyways
- Fence Repair at Windway Island
- Meadow Grove Alley Repair – Asphalt Patches
- Spindrift Alley Repair- Asphalt Patches
- Woodwick Dr. Alley Repair – Base Added
- Irrigation System Complete Repair – Windgarden Circle
- Irrigation System repair – City Hall
- Irrigation System repair – W.L.L.
- Tree Trimming around Golf Course
- Assist PD with Wasp Removal
- NNO support
- Haz Mat drop off support
- Civic Center event support
- Mow Edge Trim City Hall and Dorms.
- Mow Edge Trim Civic Center.
- Mow Edge Trim Winnbrooke Estates retention area and playground.
- Mow Edge Trim Eaglecrest/Weidner + islands.
- Mow Edge Trim Softball/Little League Fields.
- Mow Edge Trim Windway Island.
- Tree Trimming around Golf Course
- Tree Trimming Autumn Sunset Park
- WLL irrigation repair
- Graffiti removal – Winding Ridge
- Weed removal Civic Center “W”
- Assist with Civic Center Set Up
- Assist with Election prep and set up
- Temporary stop sign placement/removal
- **Upgrade process began for emergency stop light operations**
- Dead tree removal Windgarden Circle (< 60 years old)
- Kitefest Support
- Crack Seal – Weathercock, Tradewinds, Zephyr, Windcrest, Driftwind, Cloudmont, Crosswind, Galewind, Willmon Way, Melody Lane, ½ Winsong Dr. – **Crack Sealer Down for repair**
- Fire Hydrant Curb Painting
- Assist with Trunk or Treat.

Facilities:

- City Hall AC Repair
-

- Civic Center Door Lock recoding.
- Civic Center Power Washing
- Fire Dorm driveway motion light installation.
- Fire Dorm bathroom repairs
- Fire Dorm window repair
- Fire Department New Door Locks and Codes.

Special Mentions

- 2 employees obtained licenses for tree maintenance
- Thank you to Chief Hernandez for donating several hundred dollars' worth of his personal rope safety equipment for PW use.

Street Sweeping:

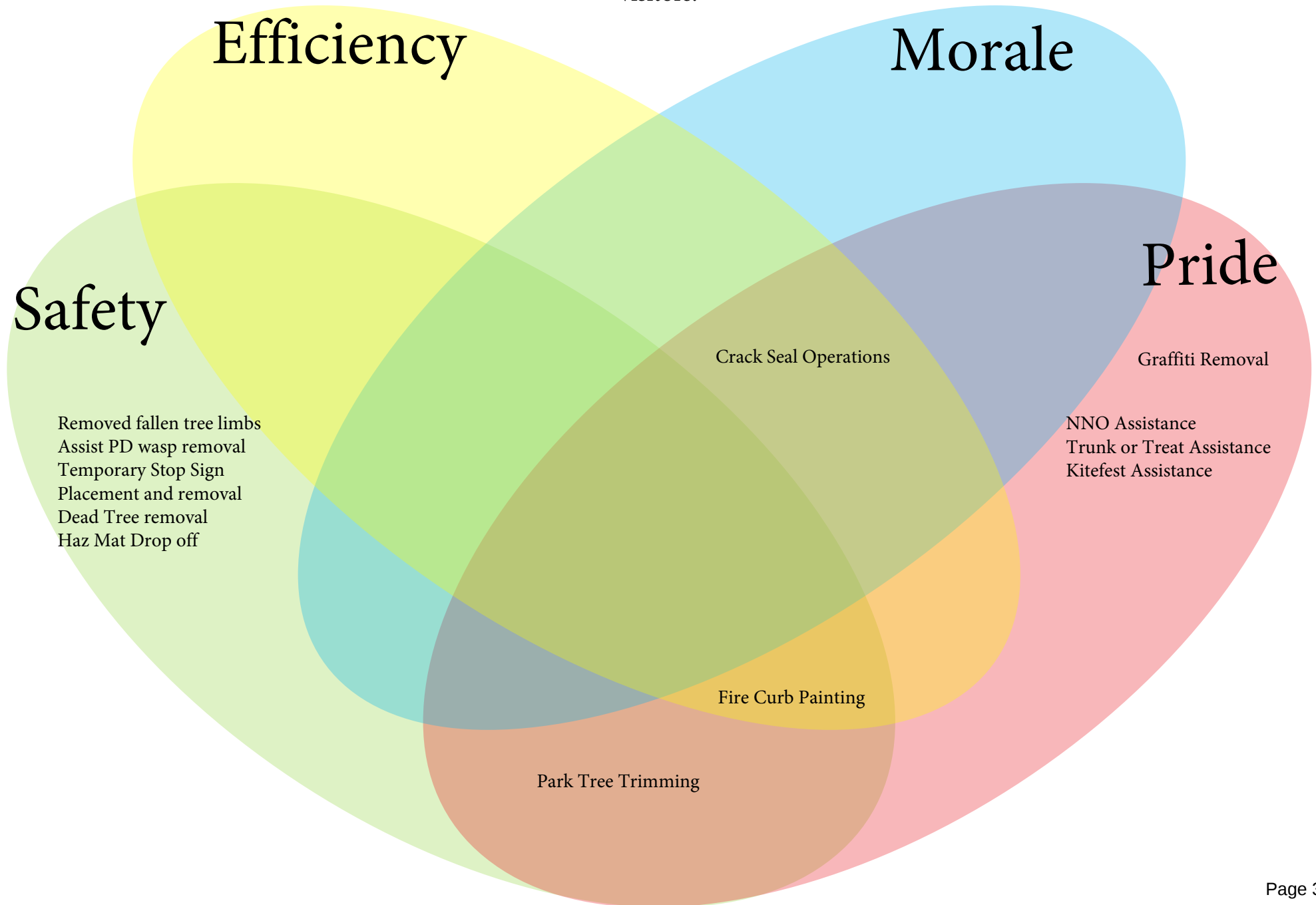
- Total recorded sweeping miles:109
- Total # of days equaling: 10
- Total out of service days: 3 days (sick) 10 **out of service – Cracked Radiator**

Future projects:

- Continue with Windy Hollow Pond storm drain improvements.
- Alley repairs.
- Oak Trimming before end of season.
- LIGHT UP
- Tree planting in cooler weather.
- Brook Falls Pond weed removal.
- Continue Crack Seal

Mission Statement

The Windcrest Public Works Department strives to create a safe,
beautiful, and inclusive environment for all residents and
visitors.





WEDC Report to the City Council – November 18, 2024
Jennifer Newman, President of the Board

Project Activity

Project Kettle visited in October and has the WIBP as the finalist site in our metro area. Other cities are still being considered. This bio-manufacturing operation is very power- and water-intensive, and we can accommodate their needs at the park. (lead-MH)

Burger Boy has received their permits and can begin construction at the IH 35 access road site. Also, Take 5 has completed its due diligence and is working with the city on the Special Use Permit request. (lead-MH)

Mario has developed two new prospects for the Builder's Mark property in addition to the previously discussed national restaurant chain, which has submitted preliminary drawings. The new owner is committed to developing the site and retaining ownership. (lead-MH)

Leads and Prospect Development

The Governor's office and greater SA/TX have sent six new leads. Local real estate professionals also brought the staff two leads. Analysis and follow-up continue as needed. JLL and ICP hosted, along with WEDC, Project Kettle, making a presentation on the local market and business advantages, as well as touring the park and specifically the Montgomery Ward portion of the building that is now almost completely renovated. (lead-MH)

Business Retention/Expansion/Technical Assistance

As part of our continuing business retention efforts, 12 business visits were conducted this past month, including Fit High-Performance Tennis Academy, Mrs. Kitchen, Noodles & Dumplings, Smoothie King, Asia Supermarket, B&P Beauty & Wig, Fred Loya, On the Grind, Baskin Robbins, Green Carpet Company, Applebee's and Red Lobster. (lead-KN)

Real Estate

The Starbucks property is up for sale on the open market. The company expects to sell the property but retain the Starbucks operation and lease. (lead-MH)

Conn's has extended the bankruptcy period until mid-February, which gives the company until then to decide on the current operation. The proposed new owner does not want the property with the current operation; indications are that the operation will be closed. We will work directly with the new owners on their redevelopment plans. (lead-MH)

New Businesses

Two businesses have moved into Windcrest: Mamarazzi Photography, located at 8209 Roughrider Drive, Suite #100D, and First Steps Nursing and Therapy, located at 8940 Fourwinds Drive, Suite #205. (lead-KN)

Brady Plus has acquired Millennium Distribution and updated all signage at 4829 Eisenhower Road, Suite #805. The business specializes in supermarkets and offers many food service products. (lead-KN)

WEDC is currently working with the business that has leased the old Fusion Street Taco restaurant space at 4938 Windsor Park Place. The new business will be El Genia Pizzeria Cubana. They are in the process of finalizing their plans and registering with the city. (lead-KN)

Other Business

WEDC has committed to partnering with the Windcrest Volunteer Fire Association to produce and distribute the map for the Light Up event. WEDC will be the primary sponsor of the map and will place ads that deliver a business message to attendees. We will also support the HoHoHo Market and have secured the Luby's property on Walzem as the site. Along with the city staff, we will recruit local businesses as exhibitors and vendors, along with a food truck and a coffee and chocolate vendor. As a draw, WEDC will insert a coupon for a free chocolate at the event on the map. (lead-KN)

Karen continues to participate in training with the City of Windcrest staff on the Civic Plus System for meetings and agendas. She also attended a webinar for Restaurant News for Holiday Theme Campaigns, which focused on ways to promote and highlight businesses during the holidays to increase their customer base. (lead-KN)

Mario & Karen both attended the TML webinar for Branded or Busted: Updating your city's brand on a budget. Technical difficulties made it necessary to use the recorded session version for the training. (lead-both)

WEDC Social Media Analytics

July 2024 through September 2024

	August	September	October
FACEBOOK			
Total Followers	294	296	302
Total Posts/Reels/Stories	89	44	38
Facebook Reach	603	380	786
Content Interactions	248	107	93
GOOGLE			
Business Profile Interactions	40	38	36
Business Profile Views	207	202	274
Called Us	0	3	1
Map Direction Requests	30	29	28
Clicks from Google to Website	10	6	7
INSTAGRAM			
Total Followers	751	748	746
Total Posts/Reels/Stories	74	42	31
Instagram Reach	463	303	288
Content Interactions	113	41	36
LINKEDIN			
Total Followers	100	101	102
# of Posts	30	47	32
Page Views	17	9	4
THREADS			
Total Followers	151	156	163
Total Posts/Reels/Stories	35	41	19

**If you wish to receive a more detailed report with additional statistics,
please contact Karen at the WEDC.**



Office of City Secretary

Department Head Report for the month of October 2024



CONTRACTED INSPECTIONS

- **Permit Inspections: 57**
- **Health Inspections: 13**
- **Plan Reviews: 27**
- **Total Expense: \$7,322.50**

BUILDING PERMITS

- **Permits Issued: 79**
- **\$14,414.92 - Total Payments**

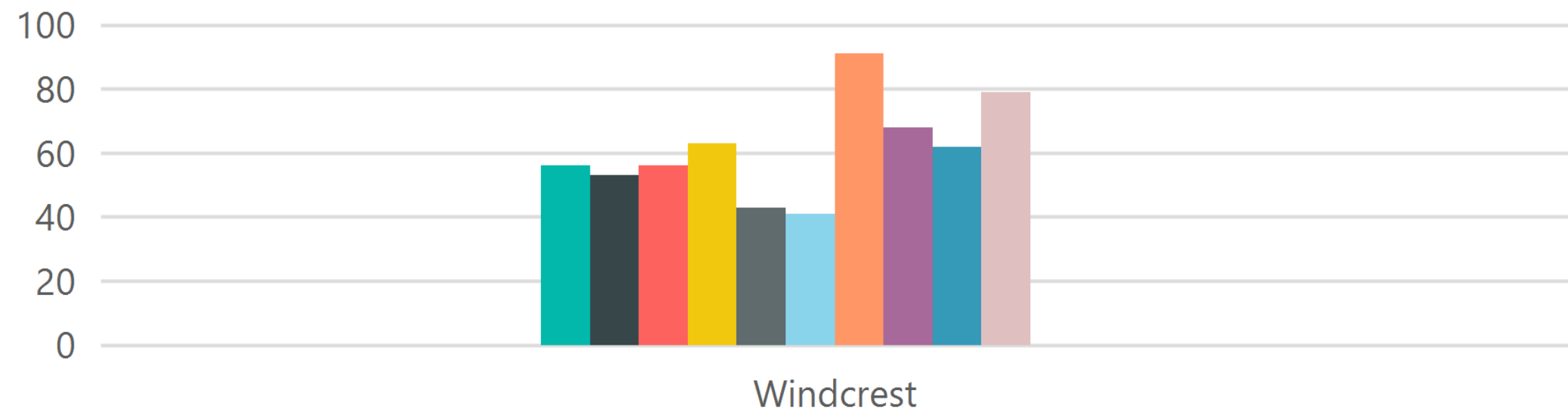
PUBLIC INFORMATION REQUESTS

- **Requests Received: 82**
 - 1 Court Records
 - 30 OCS/Permits Division
 - 31 PD Incident Report Requests
 - 3 PD Audio/Video Requests
 - 17 Crash Report Requests

MPN Project Volume

October 2024

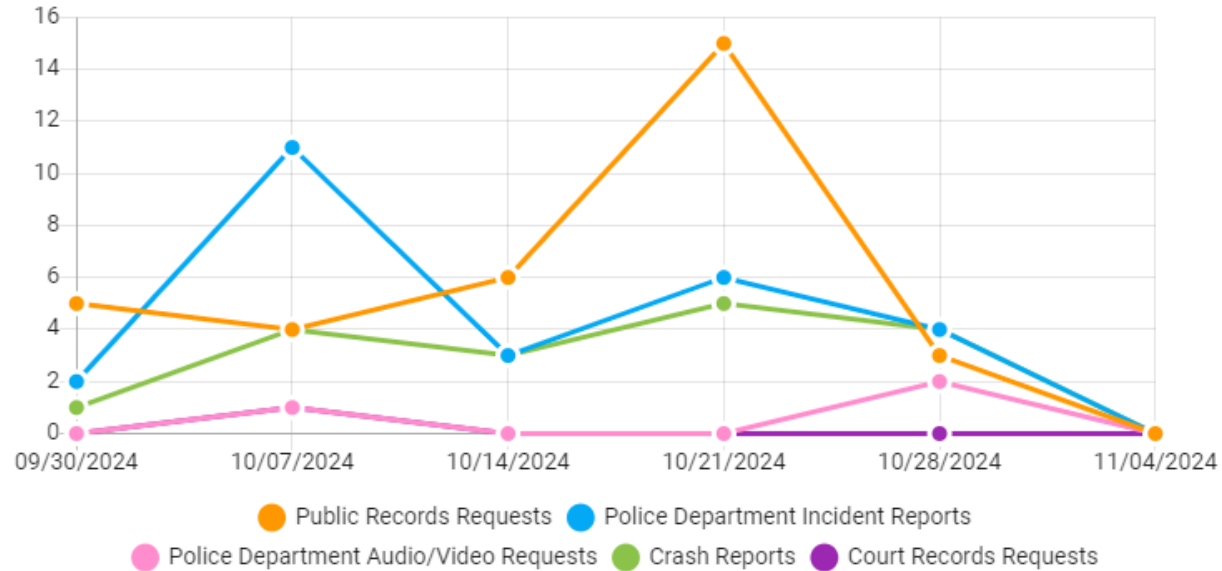
Monthly Project Volume by Jurisdiction



Jurisdiction	Jan	Feb	March	April	May	June	July	August	Sept	Oct	Nov	Dec	Year Total
Windcrest, TX	56	53	56	63	43	41	91	68	62	79	0	0	612
Totals:	56	53	56	63	43	41	91	68	62	79	0	0	612

PUBLIC INFORMATION REQUEST MONTHLY SUMMARY

Processed Requests



33

Public Records Requests

26

Police Department Incident Reports

3

Police Department Audio/Video Requests

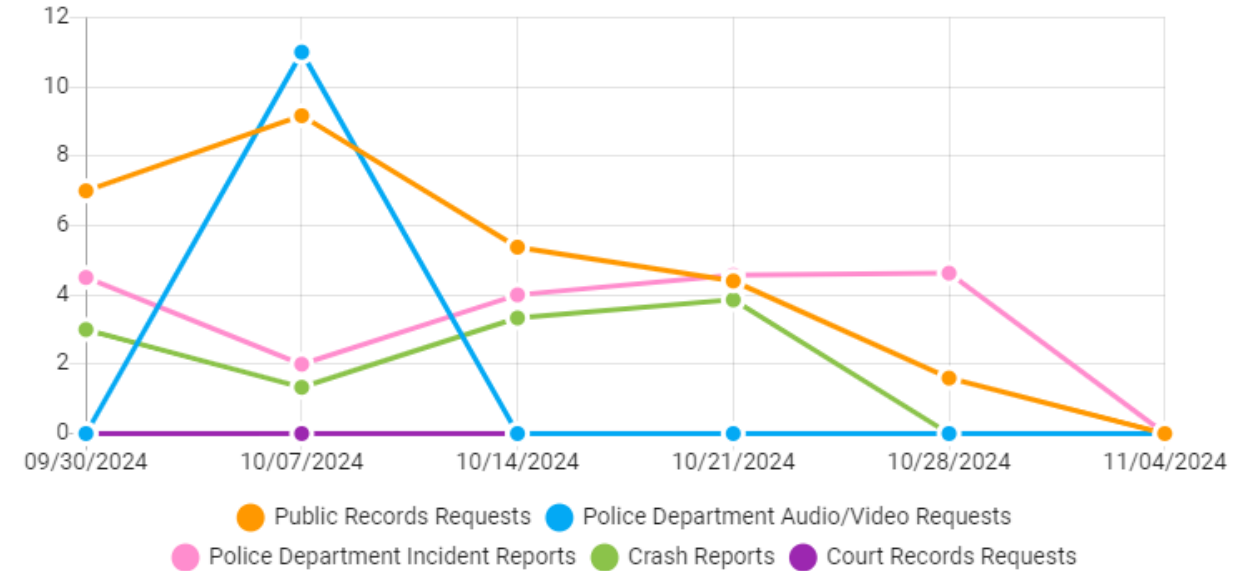
17

Crash Reports

1

Court Records Requests

Average Completion Time



5.57

Public Records Requests

11

Police Department Audio/Video Requests

4.07

Police Department Incident Reports

3.18

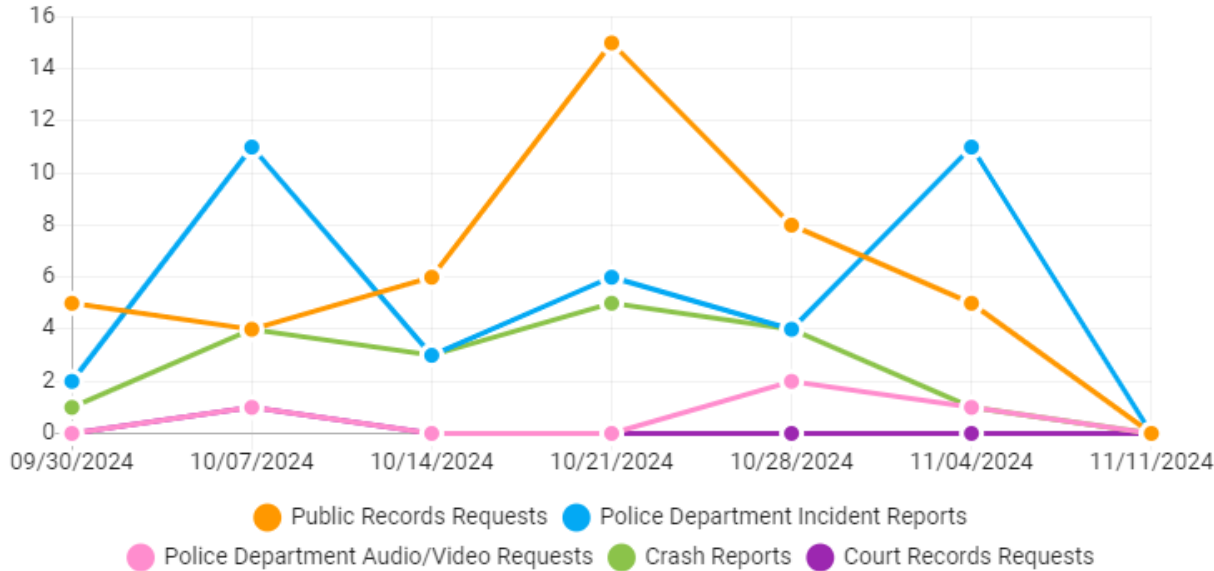
Crash Reports

0

Court Records Requests

PUBLIC INFORMATION REQUEST YTD SUMMARY

Processed Requests



43

Public Records Requests

37

Police Department Incident Reports

4

Police Department Audio/Video Requests

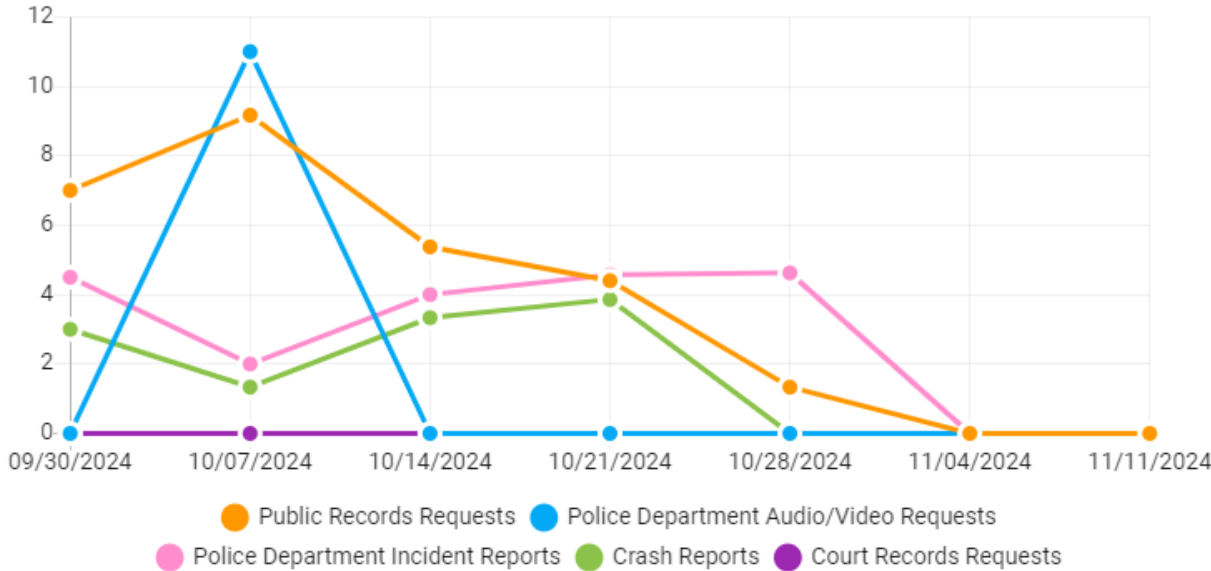
18

Crash Reports

1

Court Records Requests

Average Completion Time



5.38

Public Records Requests

11

Police Department Audio/Video Requests

4.07

Police Department Incident Reports

3.18

Crash Reports

0

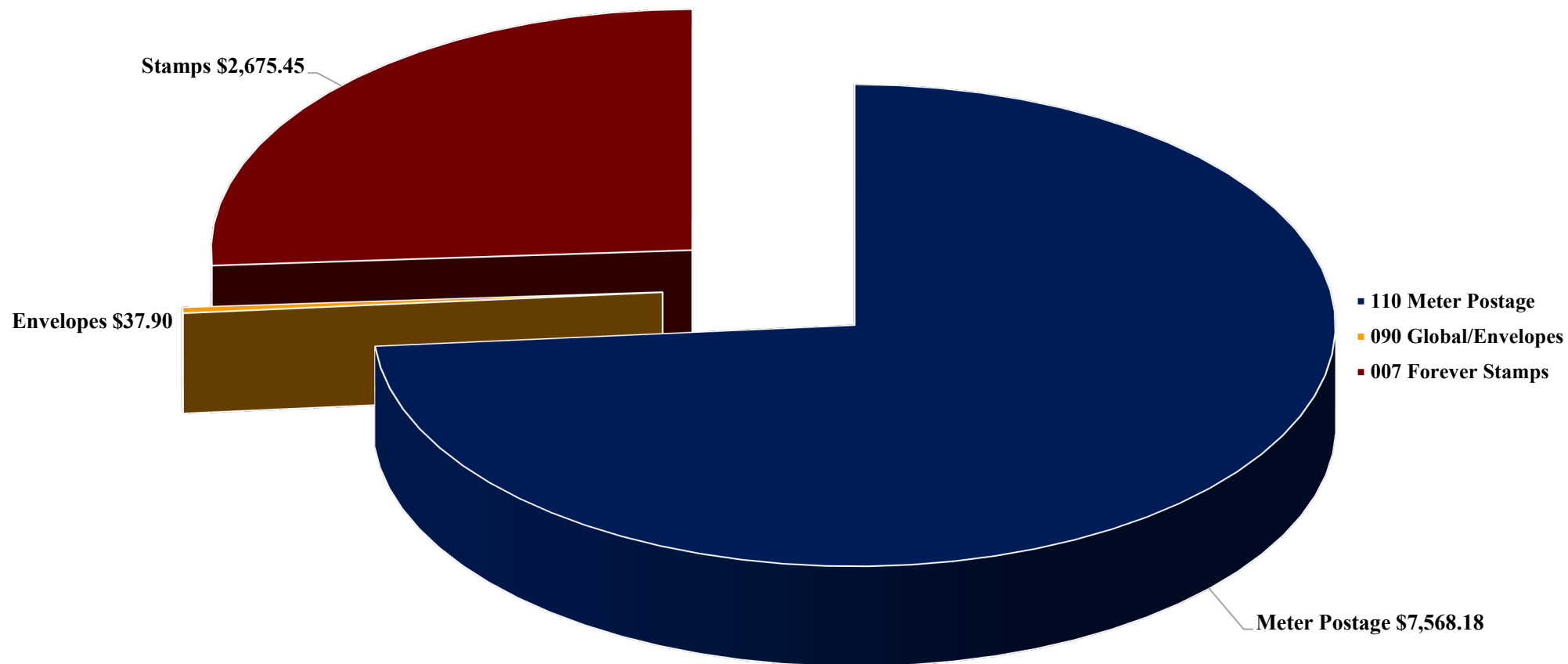
Court Records Requests



11/6/2024	Windcrest Contract Postal Unit		
2:47 PM	Item Summary		
	Date: 10/1/2024 12:00:00 AM to 10/31/2024 11:59:59 PM		
Department	Item Name	Qty Sold	Ext Price
110 Meter Postage	Certified Mail	26	126.1
110 Meter Postage	First Class Letter	150	119.37
110 Meter Postage	Small Flat Rate	15	163.8
110 Meter Postage	Express Flat Rate Padded Mailer	4	129.45
110 Meter Postage	Media Mail	19	100.11
110 Meter Postage	First Class Flat	135	287.55
110 Meter Postage	Medium Flat Rate	31	587.05
110 Meter Postage	Insurance	7	89.2
110 Meter Postage	Certified Return Receipt ONLY	25	223.75
110 Meter Postage	Priority Flat Rate Envelope	64	663.4
110 Meter Postage	Padded Flat Rate Mailer	23	256.4
110 Meter Postage	Large Flat Rate	15	385
110 Meter Postage	Certified w/Postage	34	267.76
110 Meter Postage	Express Flat Rate Envelope	13	411.35
110 Meter Postage	Flat Rate Legal Mailer	1	10.75
110 Meter Postage	Priority Mail	50	881.5
110 Meter Postage	Ground Advantage	238	2,865.64
110 Meter Postage		850	7,568.18
090 Global/Envelopes	Stamped Envelope	26	24.7
090 Global/Envelopes	Global Daisy Intl.	8	13.2
090 Global/Envelopes		34	37.9
007 Forever Stamps	Book of Flags	74	1,080.40
007 Forever Stamps	Garden Delights Bklt	46	671.6
007 Forever Stamps	Purple Heart Stamp	465	339.45
007 Forever Stamps	Flag Coil	8	584
007 Forever Stamps		593	2,675.45
		1,477	10,281.53

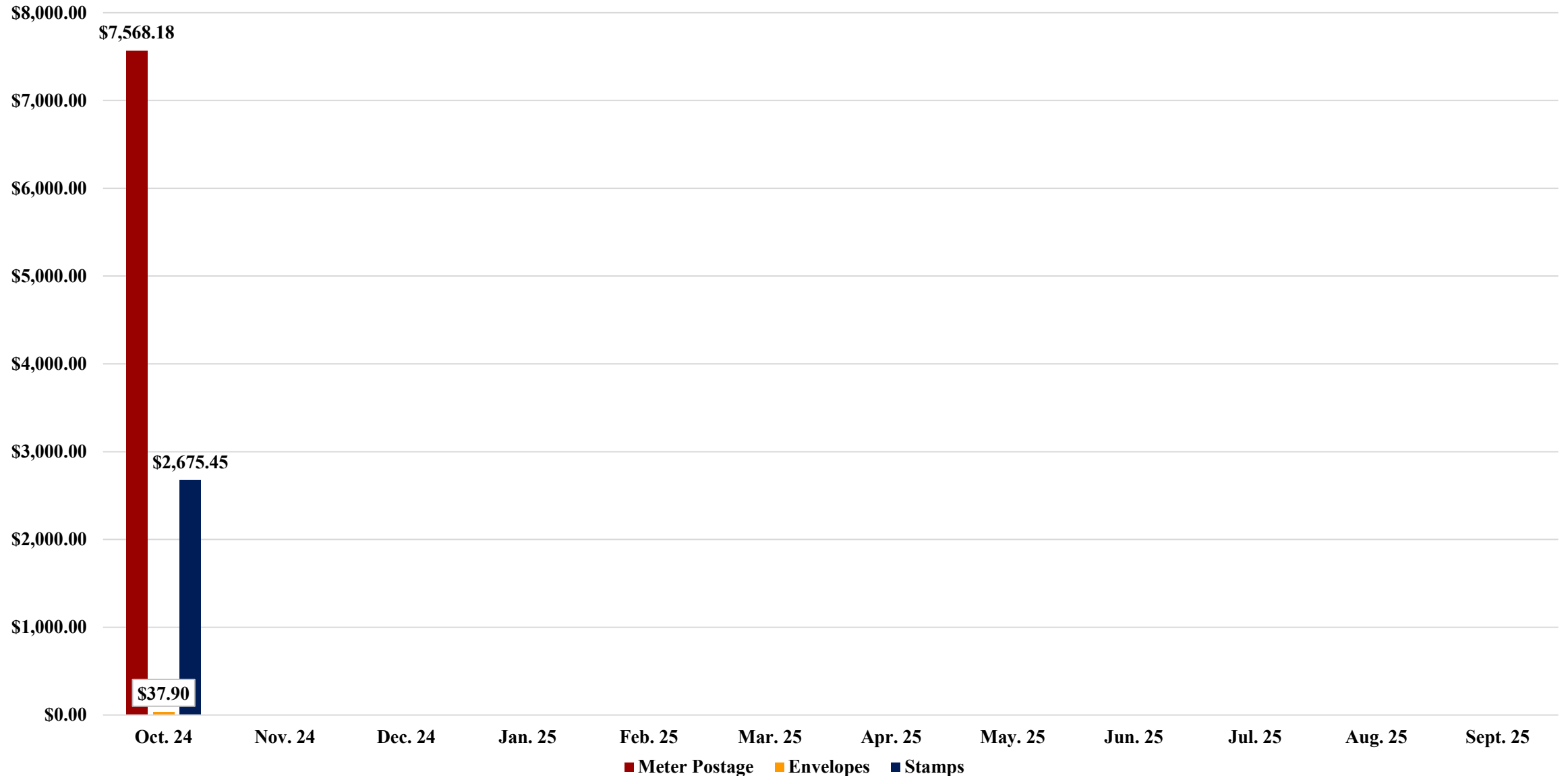


October Post Office Sales



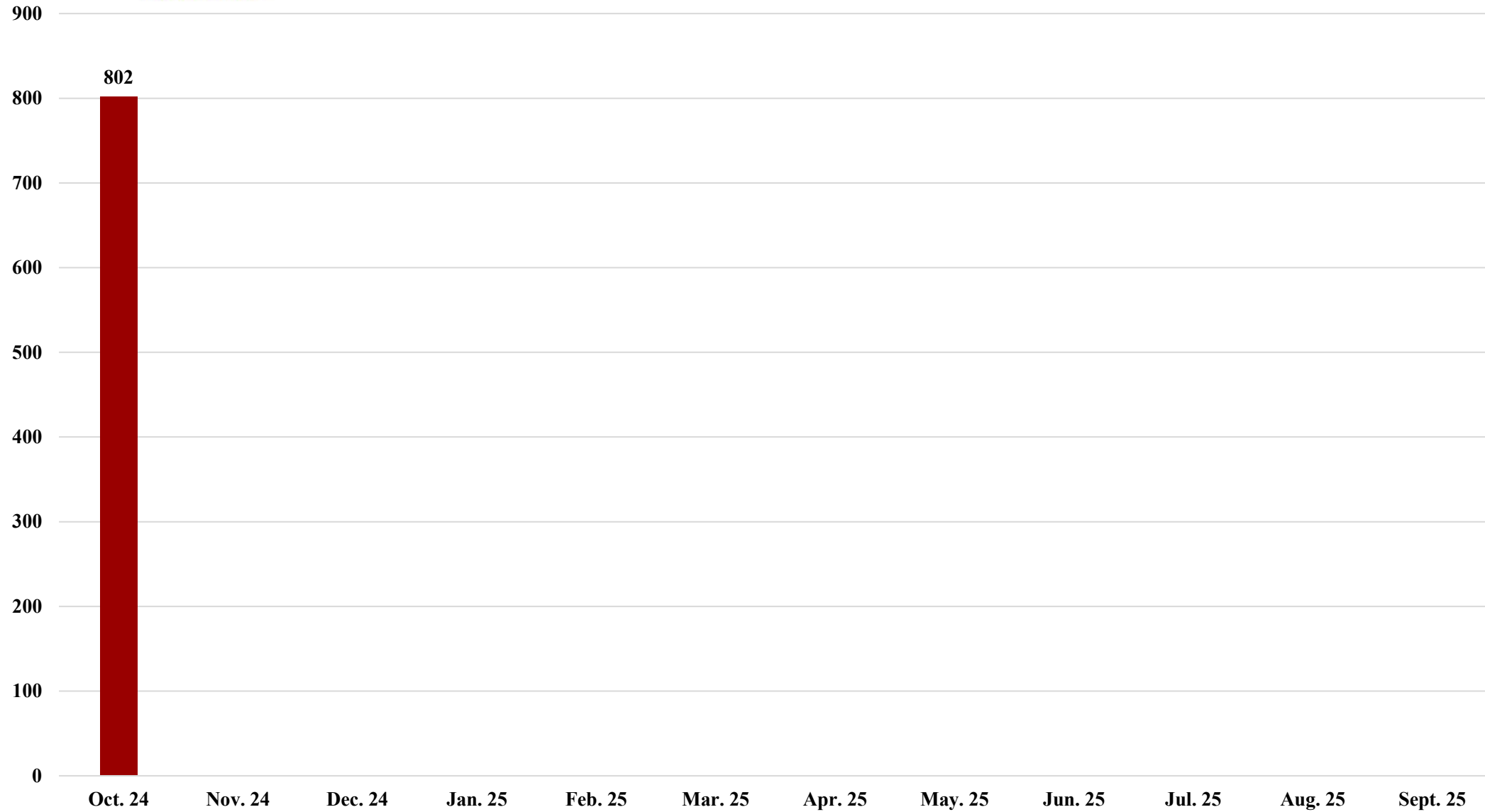


Monthly Sales FY 24-25





Customers FY 23-24



ORDINANCE 2024-XXXX(O)

**AN ORDINANCE CANVASSING THE RETURNS OF THE
ELECTION HELD ON THE 5TH DAY OF NOVEMBER 2024, TO
ELECT THREE COUNCILPERSONS FOR PLACE 1, PLACE 2,
AND PLACE 3 FOR A TWO- YEAR TERM, AND DECLARING
THE RESULTS OF SAID ELECTION**

WHEREAS, on the 5th day of November 2024, an election was held in the City of Windcrest, Texas, to elect three (3) councilpersons to fill Places 1, 2, and 3; and,

WHEREAS, the City Council has investigated all matters pertaining to said election, including the ordering, giving notice, officers, holding and making returns of said election; and,

WHEREAS, the election officers who held said election have duly made the returns of the result thereof, and said returns have been duly delivered to the City Council; and

WHEREAS, the candidate for Place 2 of the City of Windcrest was an unopposed candidate and declared elected; and,

WHEREAS, the following candidates received the number of votes set opposite their respective names, to-wit:

Council Place 1

	Total	Vote%	Election Day	Absentee	Early Voting
Susie Hamilton	798	29.68%	91	55	652
Wesley V. Manning	731	27.18%	46	61	624
Billy Gipson	729	27.11%	74	25	630
Narquiz Cervantes	431	16.03%	68	22	341
Total Votes	2,689	100%	279	163	2,247

Total Votes Cast: 2,689

Total Number of Counted Provisional Ballots: 0

Total Number of Uncounted Provisional Ballots: 0

Council Place 3

	Total	Vote%	Election Day	Absentee	Early Voting
Rainbeau Presti	1,160	43.97%	124	61	975
Robert Maloy	312	11.83%	37	27	248
Greg Turner	1,166	44.20%	111	77	978
Total Votes	2,638	100%	272	165	2,201

Total Votes Cast: 2,638

Total Number of Counted Provisional Ballots: 0

Total Number of Uncounted Provisional Ballots: 0

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS:

1. The City Council officially finds and determines that said election was duly ordered; proper notice of said election was duly given; proper election officers were duly appointed prior to said election; said election was duly held; the City has complied with the Texas Election Code; due returns of the result of said election have been made and delivered; and the City Council has duly canvassed said returns, all in accordance with law and the ordinance calling the election; and
2. That the said SUSIE HAMILTON for City Councilmember Place 1, CINDY STRZELECKI for City Councilmember Place 2, and GREG TURNER for City Councilmember Place 3 were duly elected and hereby declared elected to serve in their respective positions for a two-year term commencing on November 18, 2024, and until their successors are duly elected and qualified.

DULY PASSED AND APPROVED, on the 18th day of November, 2024 at a regular meeting of the City Council of the City of Windcrest, Texas, which was held in compliance with the Open Meetings Act, Gov't. Code §551.001, et. Seq. at which meeting a quorum was present and voting.

CITY OF WINDCREST, TEXAS

Dan Reese, Mayor

ATTEST:

Rachel C. Dominguez, City Secretary

APPROVED:

Ryan Henry, City Attorney

ORDINANCE _____

**AN ORDINANCE OF THE CITY OF WINDCREST
AMENDING THE LEGISLATIVE CALENDAR FOR
FISCAL YEAR 2024/2025.**

WHEREAS, the City of Windcrest City Council regularly meets on the 1st and 3rd Monday of every month at 6:00pm per the City Charter; and

WHEREAS, the City Council recognizes three (3) regular City Council meetings fall on Federal and City observed holidays; and

WHEREAS, the City Council recognizes the need for City staff to prepare for Fiscal Year 2025/2026 budget presentations and Council budget retreat/workshop in March 2025; and

WHEREAS, the City Council finds it is in the best interest of the citizens and good governance to set and adopt this legislative calendar for the upcoming 2024/2025 fiscal year to give notice to the citizens and the community.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS that the City of Windcrest City Council legislative calendar for Fiscal Year 2024/2025, be amended as outlined in “Exhibit A.”

This Ordinance shall become effective immediately upon its passage.

DULY PASSED ON FIRST READING, on the 4th day of November, 2024, at a regular meeting of the City Council of the City of Windcrest, Texas, which was held in compliance with the Open Meetings Act, Gov’t. Code §551.001, et. Seq. at which meeting a quorum was present and voting.

DULY PASSED ON SECOND READING, on the ____ day of _____, 2024, at a regular meeting of the City Council of the City of Windcrest, Texas, which was held in compliance with the Open Meetings Act, Gov’t. Code §551.001, et. Seq. at which meeting a quorum was present and voting

CITY OF WINDCREST, TEXAS

Dan Reese, Mayor

ATTEST:

Rachel C. Dominguez City Secretary

APPROVED:

Ryan S. Henry, City Attorney

Proposed City Council Legislative Calendar

October 1, 2024 – September 30, 2025

Monday, October 7, 2024 @ 6PM	
Monday, October 21, 2024 @ 6PM	Department Heads Reports @ 5 PM
Monday, November 4, 2024 @ 6PM	
Monday, November 18, 2024 @ 6PM	Department Heads Reports @ 5 PM Canvass of November 5, 2024 General Election
Monday, December 2, 2024 @ 6PM	
Monday, December 16, 2024 @ 6PM	Department Heads Reports @ 5 PM
Monday, January 6, 2025 @ 6PM	
Monday, February 3, 2025 @ 6PM	
Monday, March 3, 2025 @ 6PM	
Monday, March 17, 2025 @ 6PM	Department Heads Reports @ 5 PM
Monday, April 7, 2025 @ 6PM	
Monday, April 21, 2025 @ 6PM	Department Heads Reports @ 5 PM
Monday, May 5, 2025 @ 6PM	
Monday, May 19, 2025 @ 6PM	Department Heads Reports @ 5 PM
Monday, July 7, 2025 @ 6PM	
Monday, July 21, 2025 @ 6PM	Department Heads Reports @ 5 PM
Monday, August 4, 2025 @ 6PM	
Monday, August 18, 2025 @ 6PM	Department Heads Reports @ 5 PM
Monday, September 15, 2025 @ 6PM	Adoption of FY 25/26 Budget & Tax Rate

TARGET FY 25/26 BUDGET CALENDAR

- **MARCH: PRIORITIES GOAL SETTING RETREAT W/ CITY COUNCIL FOR FY 25/26**
Monday, March 10, 2025 Day Time Retreat
 - Council to identify budget priorities for City Staff bring back with proposed funding for FY25/26 budget.
 - Council to identify initiatives priorities to fund for FY25/26
- **JUNE: City Manager & Department Head FY25/26 Budget Development for July Budget Workshops – No CC Meetings**
- **JULY 16,17, AND 18 (IF NEEDED): BUDGET WORK SESSIONS W/ CITY COUNCIL & DEPARTMENT HEADS FOR FY25/26**

CANCELED CITY COUNCIL MEETINGS - CITY OBSERVED HOLIDAYS

- January 20, 2025 City observed holiday: Martin Luther King Day
- February 17, 2025 City observed holiday: Presidents' Day
- September 1, 2025 City observed holiday: Labor Day

RESOLUTION

**A RESOLUTION TO APPOINT A PARKS AND
RECREATION COMMISSION VICE CHAIRPERSON IN
ACCORDANCE WITH CHAPTER 26, SECTION 26-22.**

WHEREAS, Section 26-22 of the City of Windcrest Code of Ordinances authorizes the Windcrest City Council to appoint the Chairperson and Vice Chairperson of the City of Windcrest Parks and Recreation Commission; and

WHEREAS, the City Council acknowledges the need to appoint a new Vice Chairperson to ensure a facilitator will be available for set meetings and run the meetings in an orderly manner, when the current Chairperson is absent;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS hereby appoints _____ as Vice-Chairperson to the City of Windcrest Parks and Recreation Commission as follows who shall assume the positions upon the passage of this resolution:

DULY PASSED AND APPROVED, on the 4th day of October, 2024 at a regular meeting of the City Council of the City of Windcrest, Texas, which was held in compliance with the Open Meetings Act, Gov't. Code §551.001, et. Seq. at which meeting a quorum was present and voting.

CITY OF WINDCREST, TEXAS

Dan Reese, Mayor

ATTEST:

Rachel C. Dominguez, City Secretary

APPROVED:

Ryan S. Henry, City Attorney

A RESOLUTION TO AUTHORIZE THE CREATION OF AN ACCOUNT FOR THE PURPOSE OF DEPOSITING FUNDS FROM THE MUNICIPAL COURT FOR THE LOCAL YOUTH DIVERSION FUND

WHEREAS, the City of Windcrest is a home-rule municipality located within Bexar County, Texas; and

WHEREAS, pursuant to Texas Government Code Section 29.002, a municipal court is created in each city in Texas; and

WHEREAS, the City of Windcrest operates its own municipal court; and

WHEREAS, pursuant to Texas Code of Criminal Procedure Article 45.306(b), each municipal court shall adopt a youth diversion plan; and

WHEREAS, the City of Windcrest Municipal Court has adopted a youth diversion plan; and

WHEREAS, pursuant to Texas Local Government Code Section 134.156, a fund may be established for local youth diversion; and

WHEREAS, the City of Windcrest hereby establishes a Local Youth Diversion Fund; and

WHEREAS, the City of Windcrest currently utilizes a bank account at its depository, Frost Bank; and

WHEREAS, the City Council of Windcrest finds it is necessary to create an account specifically for the purpose of depositing and withdrawing the funds from the Municipal Court for the Local Youth Diversion Fund to Frost Bank and managing such funds consistent with state law; and

WHEREAS, the City of Windcrest City Council authorizes the City Manager and City Finance Director to create an account for the intake, distribution, tracking, and the maintaining of funds for the Local Youth Diversion Fund.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS that

**I.
FINDINGS OF FACT**

The foregoing recitals are incorporated into this Resolution by reference as findings of fact as if expressly set forth herein.

II.

ENACTMENT

The City Manager and City Finance Director are authorized, jointly or separately, to execute such documents on behalf of the City of Windcrest necessary to create an appropriate type of account at the City's depository, Frost Bank, which is to be used for depositing and management of funds from the Municipal Court for the Local Youth Diversion Fund.

The City Manager shall determine whether the City Manager or the Finance Director shall be responsible for executing this authority with Frost Bank. The City Manager is instructed to execute or see that any necessary documents are executed in a timely manner.

This Resolution shall continue in full force and effect until amended or revoked by the City, and until the Bank receives a copy of any such amendment or revocation.

DULY PASSED AND APPROVED, on the ____ day of _____, 2024 at a regular meeting of the City Council of the City of Windcrest, Texas, which meeting was held in compliance with the Open Meetings Act, Tex. Gov't. Code, §551.001, et. seq. at which meeting a quorum was present and voting.

CITY OF WINDCREST, TEXAS

Dan Reese, Mayor

ATTEST:

Rachel Dominguez, City Secretary

APPROVED:

Ryan S. Henry, City Attorney

H.B. 3186

Texas Youth Diversion and Early Intervention Act

Effective: January 1, 2024

TMCEC: Tragic events like the one in Uvalde have increased awareness about the importance of identifying and responding to at-risk youth and those with mental illness. Experts believe that early identification and intervention involving gateway offenses is crucial in reducing recidivism, system involvement, costs, and in helping youth access necessary services.

In 2019, the Texas Judicial Council began working with justice and municipal court representatives, juvenile prosecutors, and juvenile defense attorneys to propose statutory changes. The proposed changes were devised by the Texas Judicial Council's Youth Diversion Workgroup and recommended by the Texas Judicial Council's Criminal Justice Committee in 2022 to the legislature. The changes aim to help identify at-risk youth and those living with mental illness and keep them from spiraling deeper into the criminal justice system while also holding them accountable for their actions.

The Texas juvenile justice system consists of distinct civil and criminal components. Civil adjudication entails juvenile probation and juvenile courts and is governed by the Family Code. Criminal adjudication, which is governed by the Code of Criminal Procedure, involves a relatively small number of teenagers accused of felonies who are certified to stand trial as adults in district courts. In municipal and justice courts, criminal adjudication mostly involves children (ages 10-16) accused of non-traffic Class C misdemeanors.

Texas law authorizes most Class C misdemeanors to be civilly adjudicated as conduct indicating a need for supervision (CINS) (See Section 51.03 of the Family Code). Prior to 1987, CINS was the exclusive method for handling such cases. Since then, the number of CINS cases has dwindled. Because juvenile probation and juvenile courts are unable to accommodate the volume of such cases, few cases are handled as CINS. Annually, 30,000-50,000 juvenile justice cases that could be civilly adjudicated as CINS are criminally adjudicated as Class C misdemeanors. With limited financial resources and public recognition for the important role they play in the juvenile justice system, municipal and justice courts have become the first line of responders in most cases involving the misconduct of children. For nearly two decades, the judiciary has worked with the legislature to improve how cases involving youth are handled in municipal and justice courts and ensure that rights are protected and disparities are addressed. Critics claim that disparities in how CINS and Class C misdemeanors are handled make the juvenile justice system unfair. When civilly adjudicated, Texas law provides for the possibility of statutory diversion prior to court. However, under current law, when criminally adjudicated in municipal and justice courts, there is no similar statutory authorization.

H.B. 3186 increases opportunities for early identification of at-risk youth and for redirecting children accused of certain "gateway" Class C misdemeanors. Currently, municipal and justice courts can only order diversion strategies after a case has resulted in a conviction or deferral of disposition. H.B. 3186 makes these strategies available at the front end of a case where they can be more effective. This aligns municipal and justice court practices with those used by juvenile probation and juvenile courts. The bill also recalibrates and expands opportunities for collaboration

and financial resources in both rural and urban parts of Texas. H.B. 3186 requires the adoption of a youth diversion plan for every municipal and justice court no later than January 1, 2025.

Note: Throughout this bill summary, unless specified otherwise, all references to new and amended articles in Chapter 45 are references to the Code of Criminal Procedure.

Section by Section Analysis:

Section 1. Citation

H.B. 3186 may be cited as the Texas Youth Diversion and Early Intervention Act.

Section 2. Subchapter E. Youth Diversion

Rather than reinventing the processes known to work in municipal and justice courts, H.B. 3186 provides for youth diversion in municipal and justice courts by supplementation, specifically, adding a new subchapter (Subchapter E) to Chapter 45 of the Code of Criminal Procedure.

According to the bill's legislative history, Subchapter E should be construed to accomplish the following objectives:

1. Reduce recidivism and the occurrence of problem behaviors through intervention without having to criminally adjudicate children in justice and municipal courts.
2. Identify at-risk youth, including youth with mental health needs, substance use disorders, or intellectual and developmental disabilities and, where appropriate, make referral to early youth and intervention services under Subchapter D, Chapter 264 of the Family Code.
3. Authorize diversions of children charged with certain offenses punishable by imposition of a fine from criminal adjudication that emphasize accountability and responsibility of the parent and the child for the child's conduct while also promoting community safety.
4. Increase collaboration between governmental, educational, and non-profit organizations in devising local and regional diversion strategies in rural and urban counties and municipalities.

A. Definitions. Article 45.301 contains definitions of terms that are used throughout Subchapter E. "Charge" means a formal or informal allegation of an offense, including a citation, written promise to appear, complaint, or pending complaint. "Court" means a justice court, municipal court or other court governed by Chapter 45 of the Code of Criminal Procedure. "Diversion" means an intervention strategy that redirects a child from formal criminal prosecution and holds the child accountable for the child's actions. "Service provider" means a governmental agency, political subdivision (local governments, including a school district), open-enrollment charter school, nonprofit organization, or other entity that provides services to children or families. Other terms defined include "offense," "parent," and "youth diversion plan."

B. Applicability. Article 45.302 limits the application of Subchapter E to a child alleged to have engaged in conduct that constitutes a misdemeanor punishable by fine only, other than a traffic offense.

Note: “Offense” means a misdemeanor punishable by a fine other than a traffic offense. “Traffic offense” is defined in Section 51.02(16) of the Family Code, which parallels Sections 8.07(2) and (3) of the Penal Code (Age Affecting Criminal Responsibility).

C. Transfer to Juvenile Court Not Affected. Article 45.303 states that nothing in Subchapter E precludes a case from being referred, adjudicated, or disposed of as CINS under Title 3 of the Family Code or precludes a permissive or mandatory waiver of criminal jurisdiction and transfer from a municipal or justice court per Section 51.08 of the Family Code.

D. Diversion Eligibility. Current law contains neither a mandate for diversion nor uniform criteria for determining eligibility. Article 45.304 requires a child to be diverted from formal criminal prosecution as provided by Subchapter E with the following exceptions: (1) a child is eligible to enter into a diversion agreement under this subchapter only once every 365 days; (2) a child is not eligible for diversion if the child has previously had an unsuccessful diversion under Subchapter E; (3) a child is not eligible for diversion if a diversion is objected to by the prosecutor; and (4) a court may not divert a child from criminal prosecution without the written consent of the child and the child’s parent.

E. Diversion Strategies. Current law does not provide an inventory of diversion strategies that may be used by municipal and justice courts. Article 45.305 provides a robust non-exhaustive itemization of strategies that may be adopted. Diversion strategies include: (1) requiring a child to participate in a court-approved teen court program operated by a service provider; a school-related program; an educational program, including an alcohol awareness program, a tobacco awareness program, or a drug education program; a rehabilitation program; or a self-improvement program, including a program relating to self-esteem, leadership, self-responsibility, empathy, parenting, parental responsibility, manners, violence avoidance, anger management, life skills, wellness, or dispute resolution; (2) referring a child to a service provider for services, including at-risk youth services; juvenile case manager services; work and job skills training, including job interviewing and work preparation; academic monitoring or tutoring, including preparation for a high school equivalency examination; community-based services; mental health screening and clinical assessment; counseling, including private or in-school counseling; or mentoring services; (3) requiring a child to participate in mediation or other dispute resolution processes; submit to alcohol or drug testing; or substantially comply with a course of treatment prescribed by a physician or other licensed medical or mental health professional; and (4) requiring a child, by court order, to pay restitution not to exceed \$100 for an offense against property; perform not more than 20 hours of community service; or perform any other reasonable action determined by the court.

A diversion strategy may be imposed in connection with (1) an intermediate diversion under Article 45.309, (2) a diversion by a justice or judge under Article 45.310, or (3) a system of graduated sanctions for certain school offenses under Section 37.144 of the Education Code. A diversion strategy may not, however, be used to require a child who is a home-schooled student to attend an elementary or secondary school or to use an educational curriculum other than the curriculum selected by the parent.

Note: Many, but not all, of the diversion strategies in Article 45.305 look familiar. A lot of them are conditions or requirements authorized as a part of a deferred disposition or elsewhere in existing law. H.B. 3186 does not change these laws, but rather allows the possibility for teen court, juvenile case management, or other strategies to be used prior to court without a criminal

adjudication.

F. Youth Diversion Plan. Article 45.306 states that a youth diversion plan is a written plan that describes the types of strategies that will be used to implement youth diversion. A youth diversion plan does not limit the types of diversion strategies that are authorized to be imposed in a diversion agreement under Article 45.308 (Diversion Agreement).

Article 45.306 requires each justice and municipal court to adopt a youth diversion plan. However, it also allows a youth diversion plan to be devised for a county or municipality or an individual court within a county or municipality.

To promote collaboration and the leveraging of resources, Article 45.306(d) authorizes local governments to enter into an agreement to create a regional youth diversion plan and collaborate in the implementation of Subchapter E per Chapter 791 of the Government Code (Interlocal Cooperation Contracts). Similarly, because local governments may not have adequate staffing resources, a youth diversion plan may include an agreement with a service provider to provide services for a diversion strategy.

May law enforcement be incorporated into a youth diversion plan? Yes, it is a possibility. H.B. 3186 provides maximum flexibility for local governments throughout Texas in devising a youth diversion plan in light of available resources and circumstances. Subchapter E is court focused. It primarily supplements processes and procedures pertaining to children that are already familiar to municipal and justice courts. It does not change procedures prescribed for law enforcement. Article 45.306(f), however, states that a youth diversion plan may contain guidelines for disposition or diversion of a child's case by law enforcement, but the guidelines are not mandatory.

Be ready for public inspection requests. Article 45.306(g) requires that a current youth diversion plan be maintained on file for public inspection in each justice and municipal court, including courts that collaborate with one or more counties or municipalities.

Because successful implementation of Subchapter E will require more than simply adopting a youth diversion plan, Article 45.306(h) authorizes a court or local government to adopt rules necessary to coordinate services under a youth diversion plan or to implement the subchapter.

G. Youth Diversion Coordinator. Who will be designated youth diversion coordinator in your local municipal or justice court? Article 45.307 authorizes a court to designate a youth diversion coordinator who assists the court in: (1) determining whether a child is eligible for diversion; (2) employing a diversion strategy authorized by Subchapter E; (3) presenting and maintaining diversion agreements; (4) monitoring diversions; (5) maintaining records regarding whether one or more diversions were successful or unsuccessful; and (6) coordinating referrals to court.

The responsibilities of the youth diversion coordinator may be performed by: (1) a court administrator or court clerk, or a person who regularly performs the duties of court administrator or court clerk; (2) an individual or entity that provides juvenile case manager services under Article 45.056; (3) a court-related services office; (4) a community supervision and corrections department, including a juvenile probation department; (5) a county or municipal employee, including a peace officer; (6) a community volunteer; (7) an institution of higher education,

including a public, private, or independent institution of higher education; or (8) a qualified nonprofit organization as determined by the court.

H. Diversion Agreement. A diversion agreement is a legally binding contract. Article 45.308 requires a diversion agreement to identify the parties to the agreement and the responsibilities of the child and the child's parent to ensure their meaningful participation in a diversion under Article 45.309 (Intermediate Diversion) or Article 45.310 (Diversion by Justice or Judge). Objectives in a diversion agreement must be measurable, realistic, and reasonable and consider the circumstances of the child, the best interests of the child, and the long-term safety of the community.

A diversion agreement has seven statutory requirements: (1) the terms of the agreement, including one or more diversions required to be completed by the child, written in a clear and concise manner and identifying any offense or charge being diverted; (2) possible outcomes or consequences of a successful diversion and an unsuccessful diversion; (3) an explanation that participation in a diversion is not an admission of guilt and a guilty plea is not required to participate in a diversion; (4) an explanation of the process that will be used for reviewing and monitoring compliance with the terms of the agreement; (5) the period of the diversion; (6) verifications that the child and the child's parent were notified of the child's rights, including the right to refuse diversion, and that the child knowingly and voluntarily consents to participate in the diversion; and (7) written acknowledgment and acceptance of the agreement by the child and the child's parent.

Diversion agreements are not one-size-fits-all. They are intended to be customized. Article 45.308(d) states that the terms of a diversion agreement may vary depending on the circumstances of the child, including the child's age and ability, the charge being diverted, or the diversion strategy used.

In addition to being a contract, there are other significant legal implications associated with a diversion agreement as it pertains to the initial criminal allegation. Under Article 45.308(e), a charge is prohibited from being filed against a child or, if filed, is required to be dismissed by the court if the child (1) does not contest the charge, (2) is eligible for diversion under Article 45.304, and (3) accepts the terms of the agreement. However, entering into a diversion agreement under Article 45.308 extends the court's jurisdiction for the term of the agreement.

On entering into a diversion agreement, Article 45.308(g) requires the clerk of the court, a youth diversion coordinator, or a person specified by the youth diversion plan to provide a copy of the agreement to the child and the child's parent.

I. Intermediate Diversion vs. Diversion by a Justice or Judge. To avoid a one-size-fits-all approach, Subchapter E provides courts great latitude to tailor their diversion plans to meet the varying needs of both rural and urban cities and counties. This focus on flexibility is reflected in the difference between two distinct statutory frameworks: intermediate diversion and diversion by a justice or judge.

Intermediate diversion under Article 45.309 is only authorized if specified in a youth diversion plan under Article 45.306. It requires a youth diversion coordinator or juvenile case manager to

advise the child and the child's parent before a case is filed that the case may be diverted for a reasonable period not to exceed 180 days if: (1) the child is eligible for diversion under Article 45.304; (2) diversion is in the best interests of the child and promotes the long-term safety of the community; (3) the child and the child's parent consent to diversion with the knowledge that diversion is optional; and (4) the child and the child's parent are informed that they are authorized to terminate the diversion at any time and, if terminated, the case will be referred to court. The terms of an intermediate diversion must be in writing and may include any of the diversion strategies under Article 45.305. The case of a child who successfully complies with the terms of a diversion agreement under Article 45.309 shall be closed and reported as successful to the court. A child who does not comply with the terms of a diversion agreement under Article 45.309 shall be referred to court under Article 45.311.

For a diversion by a justice or judge under Article 45.310, if a charge involving a child who is eligible for diversion is filed with a court, a justice or judge shall divert the case in one of two ways: (1) if the child does not contest the charge, a justice or judge is required to divert the case without the child having to enter a plea; or (2) if the child contests the charge, a justice or judge is required to divert the case at the conclusion of trial on a finding of guilt without entering a judgment of conviction as provided by Article 45.041 (Judgment). A diversion by a justice or judge may not exceed 180 days. The terms of a diversion agreement under Article 45.310 are required to be in writing and may include any of the diversion strategies described by Article 45.305. The case of a child who successfully complies with the terms of a diversion agreement under Article 45.310 shall be closed and reported as successful to the court. A child who does not comply with the terms of the diversion agreement under Article 45.310 shall be referred to court for a hearing under Article 45.311.

Note: As reflected in Article 45.310, a legislative preference for youth diversion should not be construed by judges and court personnel as diminishing a child's right to trial. At the same time, it is important to stress that invoking the right to trial does not alleviate a judge's statutory obligation to divert at the conclusion of trial on a finding of guilt without entering a judgment of conviction.

J. Referral to Court. Article 45.311 requires a court to conduct a non-adversarial hearing for a child who does not successfully complete the terms of either an intermediate diversion under Article 45.309 or a diversion by a justice or judge under Article 45.310 and is referred to the court. The hearing is an opportunity for a justice or judge to confer with the child and the child's parent to determine whether a diversion should be declared unsuccessful by the court. The court may also hear from any person who may be of assistance to the child or the court in determining what is in the best interests of the child and the long-term safety of the community.

After a hearing, per Article 45.311(c), a court may enter an order: (1) amending or setting aside terms in the diversion agreement; (2) extending the diversion for a period not to exceed one year from the initial start date of the diversion; (3) issuing a continuance for the hearing for a period not to exceed 60 days to allow an opportunity for compliance with the terms of the diversion; (4) requiring the child's parent to perform any act or refrain from performing any act as the court determines will increase the likelihood the child will successfully complete the diversion and comply with any other order of the court that is reasonable and necessary for the welfare of the

child; (5) finding the diversion successful on the basis of substantial compliance; or (6) finding the diversion unsuccessful and either transferring the child to juvenile court for alleged CINS under Section 51.08 of the Family Code (Transfer From Criminal Court) or referring the charge to the prosecutor for consideration of re-filing. The statute of limitations in Article 12.02(b) of the Code of Criminal Procedure is tolled during the diversion period. This means that from the start date to the end date of a diversion agreement, the statute of limitations clock does not run, making it possible for a case to be filed in municipal court more than two years from the offense date.

Note: There is an important caveat regarding orders affecting parents. Under Article 45.311(e), orders against parents are enforceable by contempt. However, Article 45.311(d) prohibits such orders from having the substantive effect of interfering with a parent's fundamental right to determine how to raise the parent's child, unless the court finds that the interference is necessary to prevent significant impairment of the child's physical, mental, or emotional health.

K. Local Youth Diversion Administrative Fee (LYDAF). Article 45.312 authorizes the clerk of a court to collect from a child's parent a \$50 administrative fee to defray the costs of the diversion of the child's case. The LYDAF may not be collected unless specified as a term of the diversion agreement accepted by the child's parent. However, if the fee is not paid after giving the parent an opportunity to be heard, the court shall order the parent, if financially able, to pay the fee to the clerk. An order to pay is enforceable by contempt. However, if the parent is indigent or does not have sufficient resources or income to pay, a court shall waive the fee. A court may adopt rules for LYDAF financial hardship waivers.

There are two additional important requirements in Article 45.312 relating to the LYDAF. First, the clerk of the court is required to keep a record of fees collected and shall forward the funds to the local government treasurer or person fulfilling the role of treasurer. Second, the fee shall be deposited in a special account that can be used only to offset the cost of the operations of youth diversion programs under Subchapter E.

Article 45.312 also contains two important prohibitions. Except for the LYDAF, no additional fee may be assessed for a child diverted under Subchapter E. The diversion of a child may not be contingent on payment of the LYDAF.

Note: The LYDAF is different than most fees collected in municipal and justice courts typically associated with children accused of Class C misdemeanors. Its collection is not triggered by a judgment/conviction or a deferred disposition. There is no state mandate to collect the LYDAF. Rather, state law authorizes its collection. And it is not collected from the child-defendant, but rather the child's parent, subject to the terms of the youth diversion agreement. (In contrast, parents are under no legal obligation to pay any cost assessed against a child in a criminal adjudication.) While 90% of state court costs in criminal cases are remitted to the state, the LYDAF, which is not a state criminal court cost, is 100% locally retained and can only be used to offset the cost of the operations of youth diversion programs under Subchapter E. Article 45.312 implicitly states that the LYDAF may not be collected without complying with the requirements of Subchapter E.

L. Diversion Records. Article 45.313 requires justice and municipal courts to maintain statistics for each diversion strategy authorized by Subchapter E. Such data can be used by courts and local

governments for planning and gauging diversion efforts. However, all records generated under Subchapter E, other than statistical records, are confidential under Article 45.0217 (Confidential Records Relating to Charges Against or Conviction of a Child). All youth diversion records of a child under Subchapter E are required to be expunged, without a motion or request, on the child's 18th birthday.

Sections 3-8. Other Changes to Chapter 45 of the Code of Criminal Procedure

The addition of Subchapter E (Youth Diversion) to Chapter 45 of the Code of Criminal Procedure required making conforming amendments in other Subchapters of Chapter 45. Some of these changes are substantive.

A. Plea by Minor and Appearance by Parent. Article 45.0215(a) is amended to reflect that the provisions in present law pertaining to a plea by a minor and the appearance of a parent must be read in conjunction with the general statutory directive in Subchapter E to divert children.

B. Judgment. H.B. 3186 amends Article 45.041 adding Subsection (a-2) and amending Subsection (b-3).

Youth diversion does not negate the right to trial. Subsection 45.041(a-2) provides that if a child who is eligible for diversion under Article 45.304 goes to trial, and if the court determines that the evidence presented in a bench trial would support a finding of guilt, or if a jury returns a verdict of guilty, the court must provide the child and the child's parents the opportunity for diversion per Article 45.310 (Diversion by Justice or Judge). If the child and the child's parent decline the diversion, the court shall find the child guilty and proceed to sentencing.

If a diversion is not required under Subchapter E, who chooses how a child defendant shall discharge the judgment? Subsection 45.041(b-3), as amended, states that if a diversion is not required under Subchapter E or Subsection (a-2), a judge *must* allow a defendant who is a child to elect at the time of conviction to discharge the fine and costs either by: (1) performing community service or receiving tutoring under Article 45.049 (Community Service in Satisfaction of Fine or Costs) or (2) pay the fine and costs per Article 45.041(b). Under current law, a judge may, but is not required to, allow a child to make such an election.

Note: While H.B. 3186 excludes traffic offenses from the scope of statutory diversion under Subchapter E, no such exclusion exists for the amendment to Article 45.041(b-3). Accordingly, even children convicted of traffic offenses must be allowed to elect how they will discharge the judgment. These elections under Article 45.041(b-3) should be carefully documented by courts. It is also important to remember that a defendant may discharge the obligation to perform community service at any time by paying the fine and costs assessed.

C. Community Service. Article 45.049(f) specifies the circumstances when certain government actors are not liable for damages arising from community service. H.B. 3186 extends such protections to community service performed as part of a diversion under Subchapter E. Because it is anticipated that juvenile probation departments will take on an increased role under Subchapter

E in some jurisdictions, H.B. 3186 amends Article 45.049(I) to include local juvenile probation departments among the entities authorized to supervise community service.

D. Sections 6-8. Juvenile Case Management

In 2018, the Texas Judicial Council's Juvenile Justice Committee recommended that the legislature amend the law to clarify and expand the use of juvenile case managers in Texas.

Article 45.056 authorizes local governments to employ a juvenile case manager to assist in administering cases involving children. As conceptualized by University of Texas Law Professor Robert O. Dawson, juvenile case managers generally operate as several positions rolled into one: an innovative problem-solver that is part court clerk, part probation officer, and part social worker.

In 2011, the legislature's commentary to S.B. 61 stated that although their roles vary, juvenile case managers are intended to serve as problem solvers by fostering interaction between youth and judges, integrating social services into the disciplinary process, and cooperating with children, parents, schools, and courts to best serve the interests of children and the community. The commentary also stated that despite the increased use of juvenile case managers since first authorized in 2001 and the creation of the juvenile case manager fund in 2005, the legislative intent behind the creation of this unique position remains largely unrealized.

Although the exact number of juvenile case managers is unknown, in 2018 it was estimated that there were only 170 juvenile case managers throughout Texas. Most juvenile case managers operate in or near urban and suburban areas, leaving rural areas underserved. Although Article 45.056 has long authorized shared employment of juvenile case managers, there is little evidence to show that rural areas use case managers on a regional basis. Some courts and local governments cannot afford to hire a juvenile case manager and others do not have enough juvenile case filings to warrant hiring a juvenile case manager. Consequently, under current law, only local governments that can afford to hire a juvenile case manager have one.

H.B. 3186 aims to increase the juvenile case manager services throughout Texas by encouraging collaboration between governmental, educational, and non-profit organizations in devising local and regional diversion strategies in rural and urban counties and municipalities.

It does this in multiple ways:

- Article 45.056(a)(1) is expanded to authorize contracting (and joint contracting) for juvenile case manager services to comply with the requirements of youth diversion under Subchapter E.
- Article 45.056(b) is expanded to allow local entities to jointly apply to the Criminal Justice Division of the Office of the Governor for reimbursement of all or part of the costs of employing one or more juvenile case managers or contracting for juvenile case manager services for purposes of youth diversion. To be eligible for reimbursement, an application must be presented to the governor's office with a comprehensive plan to reduce juvenile crimes and a youth diversion plan under Article 45.306 that addresses the role of the juvenile case manager in youth diversion efforts.
- Article 45.056(c) is amended to provide that an entity that jointly employs a juvenile case manager, jointly contracts for juvenile case manager services, or jointly contributes to the

costs of a juvenile case manager or juvenile case manager services under Subsection (a)(3) **employs**” a juvenile case manager for purposes of Chapter 102 of the Code of Criminal Procedure (Costs, Fees, and Fines Paid by Defendants) and Chapter 102 of the Government Code.

- Article 45.056(d) is expanded to authorize a court or governing body to pay the costs of contracting for juvenile case manager services under the renamed Local Youth Diversion Fund (currently Local Truancy Prevention and Diversion Fund in Section 134.156 of the Local Government Code).
- Article 45.056(e), as amended and reenacted, states that a juvenile case manager, rather than a juvenile case manager “employed under Subsection (c),” shall give priority to cases brought under Section 25.093 of the Education Code (Parent Contributing to Nonattendance), Truancy Court Proceedings (Chapter 65 of the Family Code), and youth diversion under Subchapter E.
- Article 45.056(g), as amended, requires a court, rather than an “employing” court, to implement the rules adopted under Subsection (f) (which requires a governing body to adopt reasonable rules for juvenile case managers).
- Article 45.056(h), as amended, requires the commissioners court or governing body of the municipality that administers a local youth diversion fund, rather than a local truancy prevention and diversion fund, under Section 134.156 of the Local Government Code to require periodic review of juvenile case managers to ensure the implementation of the rules adopted under Subsection (f).

Note: Changes made to the Code of Criminal Procedure, Local Government Code, and Government Code reflect a shift toward youth diversion with a focus that includes, but is broader than, truancy prevention. As further discussed below, changes made to Article 45.056(b) not only increase the scope of costs the governor’s office can reimburse to include those related to juvenile case management, but also increase the number of municipal and county governments who may apply individually or jointly for reimbursement funding. This could prove to be a much-needed boon for rural Texas counties and cities that have historically been ineligible for reimbursement because Article 45.056 only contemplated reimbursement for cities and counties that employed juvenile case managers.

Sections 9-11, 14, 15, 16-18. Other New Potential Youth Diversion Funding Sources and Related Issues

In addition to the Local Youth Diversion Administrative Fee (LYDAF) in Article 45.312 and broader eligibility for reimbursement under Article 45.056(b) described above, H.B. 3186 recalibrates, expands, and adds to existing funding sources for the purposes of youth diversion under Subchapter E.

A. Child Safety Fund. Under current Article 102.014 of the Code of Criminal Procedure, monies collected for the Child Safety Fund are used by municipalities and counties to pay for school crossing guard programs. If a municipality does not operate a school crossing guard program or if the money received from fines from municipal court cases exceeds the amount necessary to fund the school crossing guard program, a municipality may expend the additional money for programs designed to enhance child safety. Similar provisions exist for counties where money is similarly

collected in justice, county, and district courts. As amended, youth diversion is added to the list of ways a municipality or county may expend additional child safety funds.

B. Juvenile Delinquency Prevention Funds. In 2015, graffiti (Section 28.08 of the Penal Code) became a Class C misdemeanor when the pecuniary loss in property damage is less than \$100. However, Article 102.0171 of the Code of Criminal Procedure (Juvenile Delinquency Prevention Funds) was never amended to allow municipal or justice courts to collect the \$50 per conviction fine authorized for other trial courts. As amended, municipal and justice courts are added to the trial courts authorized by Article 102.0171(a) to collect this \$50 per conviction fine for graffiti and deposit it in a municipal juvenile delinquency prevention fund. Funding for youth diversion under Subchapter E is added to the list of potential uses for money in this fund.

C. State and Local Youth Diversion Funds. One way the costs of implementing Subchapter E will be defrayed is by renaming and expanding the use of state and local funds currently earmarked for truancy prevention and diversion. Both state and local funds are renamed. As amended, Section 133.125 of the Local Government Code provides that money in the state general revenue fund shall be appropriated from the legislature to the governor's office for purposes of distribution to local government entities for purposes of youth diversion. (See previous discussion of Article 45.056 of the Code of Criminal Procedure.)

Since 2019, state law has required local governments to collect a consolidated fee on conviction of nonjailable misdemeanors (Section 134.103 of the Local Government Code). The local consolidated fee is \$14, and ~~35.7~~143% (\$5) is presently allocated to the Local Truancy Prevention and Diversion Fund. Under current law, these funds can only be used to finance the salary, benefits, training, travel expenses, office supplies, and other necessary expenses relating to the position of a juvenile case manager employed under Article 45.056 of the Code of Criminal Procedure. As previously described, under the amended and renamed Local Youth Diversion Fund, the term "employed" is expanded to include joint contracting for juvenile case manager services and joint contributing to the costs of a juvenile case manager or juvenile case manager services for the purposes of Section 134.156 of the Local Government Code.

But what if a local government does not need or want juvenile case management as part of its youth diversion plan ~~for~~ or more than four years, local governments have been required to collect \$5 per case per conviction in all Class C misdemeanors. Many municipal and justice courts, particularly in rural Texas, presently have no way to spend money in the Local Truancy Prevention and Diversion fund because of current limitations in Section 134.156 of the Local Government Code. H.B. 3186 helps remedy this bottleneck by adding Subsection 134.156(a-1) to the Local Government Code, which authorizes the governing body of a county or municipality that does not employ or contract with a juvenile case manager, in consultation with a court, to direct money in the Local Youth Diversion Fund to support local mental health authorities, juvenile alcohol and substance abuse programs, educational and leadership programs, teen court programs, and any other project designed to prevent or reduce the number of juvenile referrals to court.

Note: By amending Article 45.056 and Section 134.156 of the Local Government Code, the legislature clearly intends to expand the use of juvenile case managers by making juvenile case management not just a job, but a service that can be contracted on an as-needed basis or that can be shared between courts in municipalities and counties. Thankfully, local governments without

juvenile case management services will now be able to use the Local Youth Diversion Fund to support a local mental health authority and other programs and projects designed to prevent or reduce the number of juvenile referrals to court.

Section 12. Early Youth Intervention Services

Under current law, Section 264.302(e) of the Family Code (Early Youth Intervention Services) requires the Department of Family and Protective Services (DFPS) to provide services for a child and the child's family if a contract to provide services under that section is available in the county and the child is referred to DFPS as an at-risk child by: (1) a juvenile court or probation department as part of progressive sanctions, (2) a law enforcement officer or agency under Section 52.03 of the Family Code (Disposition Without Referral to Court), or (3) a municipal or justice court under Article 45.057 of the Code of Criminal Procedure (Offenses Committed by Juveniles).

H.B. 3186 amends Section 264.302(e)(3) by adding referrals of children and parents as part of an intermediate diversion under Article 45.309 or a diversion by a justice or judge under Article 45.310.

Note: Increasingly, public welfare depends on municipal and justice courts understanding their role in referring children and their families to early youth intervention services. Under H.B. 3186, for interventions to occur, courts must act. This requires developing a working knowledge of local service providers and opening channels of communication.

Section 13. Judicial Instruction Related to Certain Alleged Child Offenders

Under current law, Section 22.1105(a) of the Government Code requires judges, including municipal judges and justices of the peace, to complete a course of instruction relating to understanding relevant issues of child welfare and the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. Section 1400 et seq.) every judicial academic year that ends in a 0 or a 5.

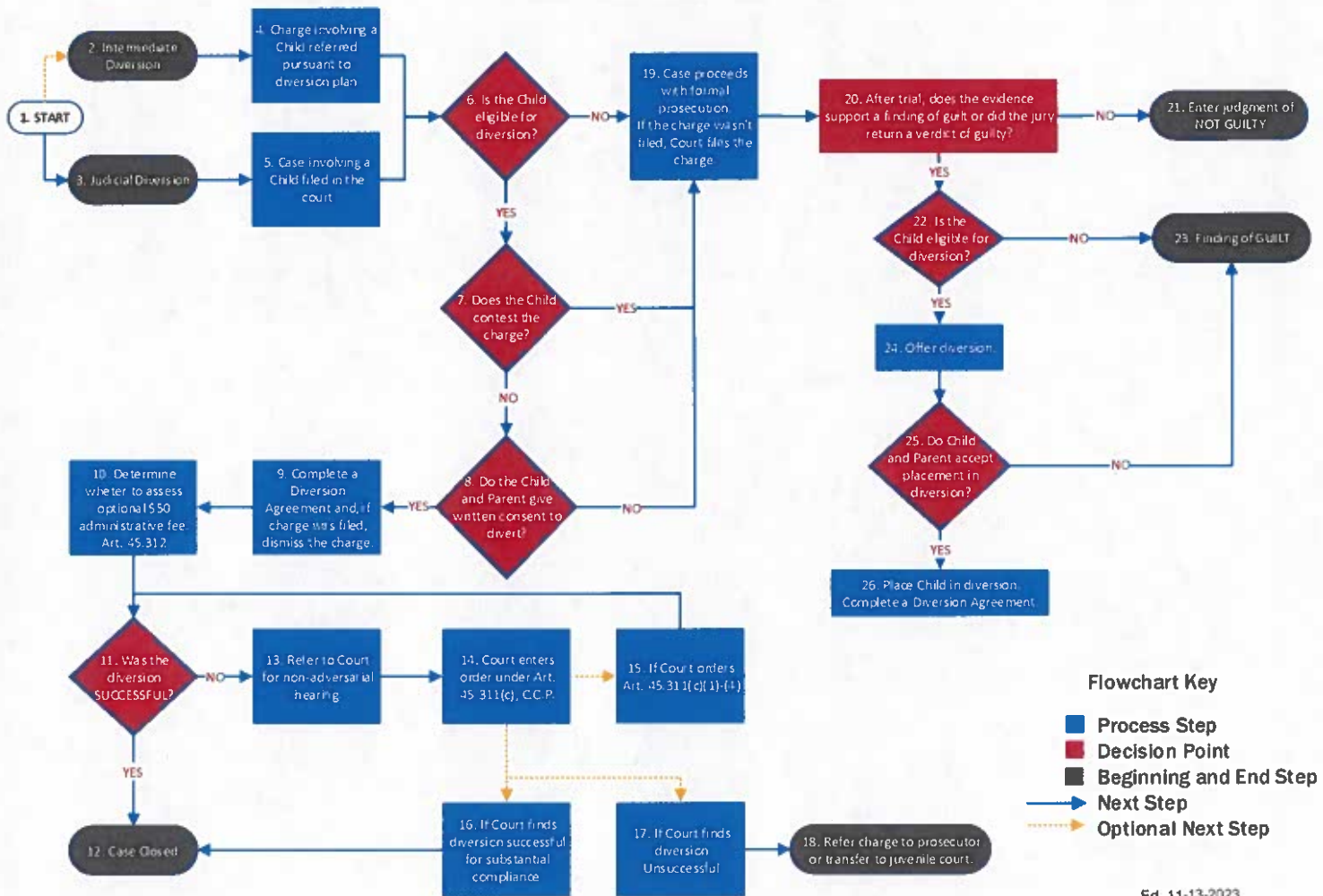
H.B. 3186 amends Section 22.1105(a) to change the required course to one with instruction related to youth diversion and understanding relevant issues of child welfare, including issues related to mental health and children with disabilities, every judicial academic year that ends in a 0 or a 5.

Sections 19-21. Implementation and Effective Dates

H.B. 3186 takes effect January 1, 2024. Each justice and municipal court is required to implement a youth diversion plan under Subchapter E not later than January 1, 2025.

Changes made by H.B. 3186 apply to an offense committed on or after January 1, 2025. An offense committed before January 1, 2025, is governed by the law in effect on the date the offense was committed. Former law is continued in effect for that purpose. To determine application, an offense was committed before January 1, 2025, if any element of the offense occurred before that date.

Youth Diversion: Process Overview Flowchart
H.B. 3186
See Accompanying Commentary



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Youth Diversion: Flowchart Commentary

- Box 1.** Generally, a child shall be diverted from formal criminal prosecution as provided by Subchapter E of Chapter 45 of the Code of Criminal Procedure. How diversion proceeds will depend on the type of diversion. There are two types of diversion: intermediate diversion and diversion by judge (or judicial diversion). All courts must do judicial diversion. Courts may also opt to do intermediate diversion. Arts. 45.309, 45.310, C.C.P. **Subchapter E only applies to non-traffic offenses committed on or after January 1, 2025.** Art. 45.302, C.C.P.; H.B. 3186 (88th Regular Legislative Session).
- Box 2.** Courts that opt to do intermediate diversion must include that type of diversion in their diversion plan. Intermediate diversion occurs prior to filing the charge. A youth diversion coordinator or juvenile case manager must advise the child and child's parent before the charge is filed that a case may be diverted for up to 180 days if the requirements in Article 45.309(a)(1)-(4) are met. Art. 45.309, C.C.P.
- Box 3.** Subchapter E provides for judicial diversion after a charge involving a child is filed and after a finding or verdict of guilt in the trial of a child, whether bench or jury trial. Judicial diversion may not exceed 180 days. Art. 45.310, C.C.P.
- Box 4.** The process for referral of charges under intermediate diversion should be addressed in the diversion plan. After referral, certain determinations must be made before proceeding to diversion.
- Box 5.** If a charge involving a child who is eligible for diversion is filed with the court, the judge must divert the case under Article 45.310. After such a charge is filed, certain determinations must be made before proceeding to diversion.
- Box 6.** Whether intermediate or judicial diversion, a child must be eligible for diversion. A child is eligible to enter into a diversion agreement under Subchapter E only once every 365 days. A child is not eligible for diversion if the child previously had an unsuccessful diversion under Subchapter E or if the prosecutor objects to the diversion. Art. 45.304, C.C.P.
- Box 7.** The child has a right to go to trial. Therefore, if the child contests the charge, set the child for trial. See Boxes 20-26 for diversion after trial.

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- Box 8.** A court may not divert a child from criminal prosecution without the written consent of the child and child's parent. Art. 45.304(e), C.C.P.
- Box 9.** Article 45.308 lists the requirements for a diversion agreement. A charge may not be filed against a child or, if filed, shall be dismissed by the court if the child does not contest the charge, is eligible for diversion, and accepts the terms of the diversion agreement.
- Box 10.** Article 45.312 authorizes a court to collect from a child's parent a \$50 administrative fee (Local Youth Diversion Administrative Fee) to defray the costs of the diversion of the child's case under Subchapter E. This fee is optional. It may not be collected unless it is specified as a term of the diversion agreement accepted by the parent. Diversion may not be contingent upon payment of this fee. Art. 45.312, C.C.P.
- Box 11.** By the end of the diversion period, determine whether the child has successfully complied with the terms of the diversion agreement.
- Box 12.** The case of a child who successfully complies with the terms of the diversion agreement shall be closed and reported to the court as successful. Arts. 45.309(c), 45.310(d), C.C.P.
- Box 13.** A child who does not comply with the terms of the diversion agreement shall be referred to court for a non-adversarial hearing. Arts. 45.309(d), 45.310(e), C.C.P. This non-adversarial hearing is an opportunity for a judge to confer with the child and parent to determine whether a diversion should be declared unsuccessful by the court. The court may also hear from any person who may assist the child or the court in determining what is in the best interests of the child and the long-term safety of the community. Art. 45.311, C.C.P.
- Box 14.** After the hearing, a court may enter one of the orders listed in Article 45.311(c). See Boxes 15, 16, and 17 for possible orders.
- Box 15.** Under Article 45.311(c)(1)-(4), a court may enter an order: (1) amending or setting aside terms in the diversion agreement; (2) extending the diversion period not to exceed one year from the initial start date of the diversion; (3) issuing a continuance for the hearing for a period not to exceed 60 days to allow an opportunity for compliance with the terms of the diversion agreement; and (4) require the child's parent to perform (or refrain from doing) certain acts the court determines will increase the likelihood the child will successfully complete the diversion and comply with any other order of the court that is reasonable and necessary for the welfare of the child. If the court orders any of these, the next step is to determine whether the child has successfully completed the terms of the agreement under the order. Go to Box 11.

- Box 16.** The court may enter an order finding the diversion successful on the basis of substantial compliance. Art. 45.311(c)(5), C.C.P. After such an order, the case shall be closed. Arts. 45.309(c), 45.310(d), C.C.P.
- Box 17.** The court may enter an order finding the diversion unsuccessful. Art. 45.311(c)(6), C.C.P.
- Box 18.** Upon a finding of an unsuccessful diversion, the court may transfer the child to juvenile court for alleged conduct indicating a need for supervision under Section 51.08 of the Family Code or refer the charge to the prosecutor for consideration of re-filing. Art. 45.311(c)(6), C.C.P.
- Box 19.** If a child either is ineligible or contests the charge or the child or parent does not give written consent to diversion, the case proceeds with prosecution. Arts. 45.304, 45.310, C.C.P.
- Box 20.** Making the determination in this box will either result in a finding of Not Guilty or potentially another opportunity for diversion.
- Box 21.** If the answer to the question in Box 20 is No, enter a judgment of Not Guilty.
- Box 22.** If the answer to the question in Box 20 is Yes, determine if the child is eligible for diversion. Art. 45.041(a-2), C.C.P. See Box 6.
- Box 23.** If the child is ineligible or the child or parent does not accept placement in diversion, find the child guilty and proceed to sentencing. Art. 45.041(a-2), C.C.P. All options normally available to the judge at this point in the case are still available, including deferred disposition.
- Box 24.** If the child is eligible, provide the child and parent the opportunity for placement in diversion under Article 45.310 (Diversion by Judge). Art. 45.041(a-2), C.C.P.
- Box 25.** If the answer is Yes, go to Box 26. If the answer is No, go to Box 23.
- Box 26.** If the child and parent accept, place the child in diversion under Article 45.310. Art. 45.041(a-2), C.C.P. Do not enter an adjudication of guilt or a judgment of conviction. Art. 45.041(a-2); Art. 45.310(a)(2), C.C.P. Complete a diversion agreement. Art. 45.308, C.C.P. Then go to Box 10.