

THE STATE OF TEXAS       )  
                                      :  
 COUNTY OF WINKLER       )

On this the 9<sup>th</sup> day of February, 2015, the Commissioners' Court of Winkler County, Texas, met in Regular Term of Court at the Courthouse in Kermit, Texas, with the following members present, to-wit:

|                    |  |
|--------------------|--|
| Charles M. Wolf    | County Judge   |
| Billy Stevens      | Commissioner, Precinct No. 1                                 |
| Robbie Wolf        | Commissioner, Precinct No. 2                                 |
| Randy Neal         | Commissioner, Precinct No. 3                                 |
| Billy Ray Thompson | Commissioner, Precinct No. 4                                 |
| Shethelia Reed     | County Clerk and Ex-Officio<br>Clerk of Commissioners' Court |

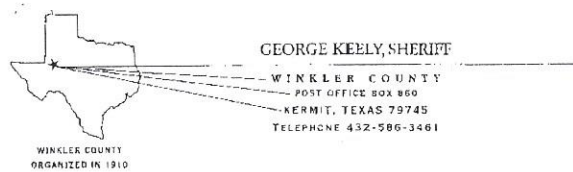
constituting the entire Court, at which time the following among other proceedings were had:

At 9:00 o'clock A.M. Judge Wolf called the meeting to order and asked for matters of business from the audience. Hope Williams addressed the Court regarding the truck route and signage.

There were no line item transfer(s), budget amendment(s) or salary schedule change(s) regarding Winkler County Memorial Hospital for the Court to consider at this time.

A motion was made by Commissioner Neal and seconded by Commissioner Thompson to receive 2014 Racial Profiling Report from Winkler County Sheriff; which motion became an order of the Court upon the following vote:

Ayes:           Commissioners Stevens, Wolf, Neal and Thompson  
 Noes:           None



## WINKLER COUNTY SHERIFF'S DEPARTMENT RACIAL PROFILING REPORT FOR 2014

George Keely  
Sheriff

Bonnie Roberts  
Administrative Assistant  
January 29, 2015

January 29, 2015

Since January 1, 2004, the Winkler County Sheriff's Office in accordance with the Texas Racial Profiling Law (S.B. No. 1074), has been collecting police contact data for the purpose of identifying and responding (if necessary) to concerns regarding racial profiling practices. It is my hope that the findings provided in this report will serve as evidence that the Winkler County Sheriff's Office continues to strive towards the goal of maintaining strong relations with the community.

In this report, the reader will encounter several sections designed at providing background information on the rationale and objectives of the Texas Racial Profiling Law. Other sections contain information relevant to the institutional policies adopted by the Winkler County Sheriff's Office banning the practice of racial profiling among its officers.

The final components of this report provide statistical data relevant to the public contacts made during the period of 1/1/14 and 12/31/14. It is my sincere hope that the channels of communication between community leaders and the Winkler County Sheriff's Office continue to strengthen as we move forward to meet the challenges of the near future.

Sincerely,

*George Keely*  
George Keely  
Sheriff

### OATH OF OFFICE

Each deputy of the Winkler County Sheriff's Department shall subscribe to and abide by the Oath of Office:

I (deputy's name) do solemnly swear or affirm that I will faithfully execute the duties of Sheriff's Deputy of Winkler County, Texas and will to the best of my ability preserve, protect and defend the constitution and Laws of the United States, and of this State, and I furthermore solemnly swear or affirm that I have not directly nor indirectly paid, offered, or promised to pay, contributed, nor promised to contribute, any money or valuable thing to receive my appointment.

So help me God

Upon swearing to the Oath of Office, a signed copy is placed in the employee's personnel file.

### MISSION STATEMENT

The Winkler County Sheriff's Department will always strive to provide the highest quality service, preserving human rights, lives, and property, while attempting to achieve the mission goals of the department and the community. The Winkler County Sheriff's Department is committed to the highest professional standards, working in partnership with our citizens to problem solve and meet the challenges of reducing crime, creating a safer environment, and improving the community members' quality of life.

Guidelines for Compiling and Reporting Data under Senate Bill 1074

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

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

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

- Standard 1**  
Each law enforcement agency has a detailed written directive that:
- clearly defines acts that constitute racial profiling;
  - strictly prohibits peace officers employed by the agency from engaging in racial profiling;
  - implements a process by which an individual may file a complaint with the agency if the individual believes a peace officer employed by the agency has engaged in racial profiling with respect to the individual filing the complaint;
  - provides for public education relating to the complaint process;
  - requires appropriate corrective action to be taken against a peace officer employed by the agency who, after investigation, is shown to have engaged in racial profiling in violation of the agency's written racial profiling policy; and
  - requires the collection of certain types of data for subsequent reporting.

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

The article further defines race or ethnicity as being of "a particular descent, including Caucasian, African, Hispanic, Asian, or Native American." The statute does not limit the required policies to just these ethnic groups.  
  
This written policy is to be adopted and implemented on later than January 1, 2002.

CODE OF ETHICS  
Each deputy of the Winkler County Sheriff's Office shall subscribe to and abide by the Code of Ethics

- As a Law Enforcement Officer, my fundamental duty is to serve humanity; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional Rights of all people to liberty, equality and justice.
- I will keep my private life unspiced as an example to all, maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in obeying the laws of the land and the regulations of my Department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.
- I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or violence and never accepting gratuities.
- I recognize the badge of my office as a symbol of public faith, and I accept it as a Public trust to be held so long as I am true to ethics of Law Enforcement. I will constantly strive to achieve these objectives and ideals, dedicating myself to my chosen profession. Law Enforcement.

- Standard 2**  
Each peace officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic, or who stops a pedestrian for any suspected offense reports to the employing law enforcement agency information relating to the stop, to include:
- a physical description of each person detained, including gender and the person's race or ethnicity, as stated by the person, or, if the person does not state a race or ethnicity, as determined by the officer's best judgment;
  - the traffic law or ordinance alleged to have been violated or the suspected offense;
  - whether the officer conducted a search as a result of the stop and, if so, whether the person stopped consented to the search;
  - whether any contraband was discovered in the course of the search, and the type of contraband discovered;
  - whether probable cause to search existed, and the facts supporting the existence of that probable cause;
  - whether the officer made an arrest as a result of the stop or the search, including a statement of the offense charged;
  - the street address or approximate location of the stop; and
  - whether the officer issued a warning or citation as a result of the stop, including a description of the warning or a statement of the violation charged.

**Commentary**  
The information required by 2.132 TCCP is used to complete the agency reporting requirements found in Article 2.134. A peace officer and an agency may be exempted from this requirement under Article 2.135 TCCP Exemption for Agencies Using Video and Audio Equipment. An agency may be exempt from this reporting requirement by applying for the funds from the Department of Public Safety for video and audio equipment and the State does not supply those funds. Section 2.135 (a)(2) states, "the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a) (1) (A) and the agency does not receive from the state funds for video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose."

- Standard 3**  
The agency compiles the information collected under 2.132 and 2.133 and analyzes the information identified in 2.133

**Commentary**  
Senate Bill 1074 from the 77th Session of the Texas Legislature created requirements for law enforcement agencies to gather specific information and to report it to each county or municipality served. New sections of law were added to the Code of Criminal Procedure regarding the reporting of traffic and pedestrian stops. Detainment is defined as when a person stopped is not free to leave.  
  
Article 2.134 TCCP requires the agency to compile and provide and analysis of the information collected by peace officers employed by the agency. The report is provided to the governing body of the municipality or county on later than March 1 of each year and covers the previous calendar year.  
  
There is data collection and reporting required listed in Article 2.132 CCP (see one) and Article 2.133 CCP (see two)

- The minimum requirements for "tier one" data for traffic stops in which a citation results are:
- 1) the race or ethnicity of individual detained (race and ethnicity as defined by the bill means of "a particular descent, including Caucasian, African, Hispanic, Asian, or Native American");
  - 2) whether a search was conducted, and if there was a search, whether it was a consent search or a probable cause search; and
  - 3) whether there was a custody arrest.

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

Tier one reports are made to the governing body of each county or municipality served by the agency an annual report of information if the agency is an agency of a county, municipality, or other political subdivision of the state. Tier one and two reports are reported to the county or municipality not later than March 1 for the previous calendar year beginning March 1, 2003. Tier two reports include a comparative analysis between the race and ethnicity of persons detained to see if a differential pattern of treatment can be discerned based on the disposition of stops including searches resulting from the stops. The reports also include information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling. An agency may be exempt from the tier two reporting requirement by applying for the funds from the Department of Public Safety for video and audio equipment and the State does not supply those funds (See 2.135 (a)(2) TCCP).

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

- Standard 4**  
If a law enforcement agency has video and audio capabilities in motor vehicles regularly used for traffic stops, or audio capabilities on motorcycles regularly used to make traffic stops, the agency:
- adopts standards for reviewing and retaining audio and video documentation; and
  - promptly provides a copy of the recording to a peace officer who is the subject of a complaint on written request by the officer.

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

- Standard 5**  
Agencies that do not currently have video or audio equipment must examine the feasibility of installing such equipment.

Commentary  
None

Standard 6

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

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

Commentary

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

Standard 7

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

Commentary

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

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

THE TEXAS LAW ON  
RACIAL PROFILING  
S.B. No. 1074

4 of 4

S.B. No. 1074

AN ACT

relating to the prevention of racial profiling by certain peace officers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF

TEXAS

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

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

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

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

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

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

(1) clearly define acts constituting racial profiling;

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

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

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

complaint process.

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

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

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

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

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

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

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

(e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a traffic stop or about an individual



who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).

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

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

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

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

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

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

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

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

(B) examine the disposition of traffic and pedestrian stops made by officers employed by the agency, including searches resulting from the stops; and

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

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

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

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

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

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

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

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

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

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

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

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

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

Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED (a) In this article, "pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

(b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each local law enforcement agency shall submit a report containing the information compiled during the previous calendar year to the governing body of each county or municipality served by the agency in a manner approved by the agency.

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

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

(A) determine the prevalence of racial profiling by peace officers employed by the agency; and

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

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

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

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

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

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT (a) The Department of Public Safety shall adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may include consideration of tax

effort, financial hardship, available revenue, and budget surpluses. The criteria must give priority to:

- (1) law enforcement agencies that employ peace officers whose primary duty is traffic enforcement;
  - (2) smaller jurisdictions; and
  - (3) municipal and county law enforcement agencies.
- (b) The Department of Public Safety shall collaborate with an institution of higher education to identify law enforcement agencies that need funds or video and audio equipment for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A). The collaboration may include the use of a survey to assist in developing criteria to prioritize funding or equipment provided to law enforcement agencies.
- (c) To receive funds or video and audio equipment from the state for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency needs funds or video and audio equipment for that purpose.
- (d) On receipt of funds or video and audio equipment from the state for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency has installed video and audio equipment as described by Article 2.135(a)(1)(A) and is using the equipment as required by Article 2.135(a)(1).

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

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

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

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

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

- (1) the name, address, physical description, including race or ethnicity, date of birth, and driver's license number of the person charged;
- (2) the registration number of the vehicle involved;
- (3) whether the vehicle was a commercial motor vehicle as defined by Chapter 522 or was involved in transporting hazardous materials;
- (4) the person's social security number, if the person was operating a commercial motor vehicle or was the holder of a commercial driver's license or commercial driver learner's permit;
- (5) the date and nature of the offense, including whether the offense was a serious traffic violation as defined by Chapter 522;
- (6) whether a search of the vehicle was conducted and whether consent for the search was obtained;
- (7) the plea, the judgment, and whether bail was forfeited;
- (8) [(7)] the date of conviction; and
- (9) [(8)] the amount of the fine or forfeiture.

SECTION 7. Not later than January 1, 2002, a law enforcement agency shall adopt and implement a policy and begin collecting information under the policy as required by Article 2.132, Code of Criminal Procedure, as added by this Act. A local law enforcement agency shall first submit information to the governing body of each county or municipality served by the agency as required by Article 2.132, Code of Criminal Procedure, as

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

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

- (j) As part of the initial training and continuing education for police chiefs required under this section, the institute shall establish a program on racial profiling. The program must include an examination of the best practices for:
- (1) monitoring peace officers' compliance with laws and internal agency policies relating to racial profiling;
  - (2) implementing laws and internal agency policies relating to preventing racial profiling; and
  - (3) analyzing and reporting collected information.

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

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

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

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

added by this Act, on March 1, 2003. The first submission of information shall consist of information compiled by the agency during the period beginning January 1, 2002, and ending December 31, 2002.

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

SECTION 9. Not later than January 1, 2002:

- (1) the Commission on Law Enforcement Officer Standards and Education shall establish an education and training program on racial profiling as required by Subsection (e), Section 1701.253, Occupations Code, as added by this Act; and
- (2) the Bill Blackwood Law Enforcement Management Institute of Texas shall establish a program on racial profiling as required by Subsection (j), Section 96.641, Education Code, as added by this Act.

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

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

SECTION 12. This Act takes effect September 1, 2001.

S.B. No. 1074

S.B. No. 1074

\_\_\_\_\_  
President of the Senate      Speaker of the House

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

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

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

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

WINKLER COUNTY  
SHERIFF'S DEPARTMENT  
RACIAL PROFILING POLICY

Approved: \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor

Winkler County Sheriff's Department

Racial Profiling Policy  
Effective January 1, 2002

I. Purpose

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

II. Policy

It is the policy of the Winkler County Sheriff's Department to police in a proactive manner and to aggressively investigate suspected violations of law. Officers shall actively enforce state and federal laws in a responsible and professional manner, without regard to race, ethnicity or national origin. Officers are strictly prohibited from engaging in racial profiling as defined in this policy. This policy shall be applicable to all persons, whether drivers, passengers or pedestrians.

This policy shall not preclude officers from offering assistance, such as upon observing a substance leaking from a vehicle, a flat tire, or someone who appears to be ill, lost or confused. Nor does this policy prohibit stopping someone suspected of a crime based upon observed action and/or information received about the person.

III. RACIAL PROFILING

**Racial Profiling:** A law enforcement initiated action based on an individual's race, ethnicity, or national origin other than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.

Racial profiling pertains to persons who are viewed as suspects or potential suspects of criminal behavior. The term is not reserved to persons who are Hispanic, Caucasian, or other ethnic groups.

The prohibition against racial profiling does not preclude the use of race, ethnicity or national origin as factors in a detention decision. Race, ethnicity or national origin may be legitimate factors in a detention decision when cited as part of an actual description of a specific suspect for whom an officer is searching. Detaining an individual and conducting an inquiry into that person's activities simply because of that individual's race, ethnicity or national origin is racial profiling. Examples of racial profiling include but are not limited to the following:

1. Citing a driver who is speeding in a stream of traffic where most other drivers are speeding because of the cited driver's race, ethnicity or national origin.
2. Detaining the driver of a vehicle based on the determination that a person of that race, ethnicity or national origin is unlikely to own or possess that specific make or model of vehicle.
3. Detaining an individual based upon the determination that a person of that race, ethnicity or national origin does not belong in a specific part of town or a specific place.

A law enforcement agency can derive active principles from the adoption of this definition of racial profiling:

1. Law Enforcement may not use racial or ethnic stereotypes as factors in deciding whom to stop and search while they may use race in conjunction with other lawful factors of the suspect.
2. Law Enforcement may not use racial or ethnic stereotypes as factors in deciding whom to stop and search. Racial profiling is not allowed as it pertains to Hispanics, etc.

**Race or Ethnicity** - Of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American.

**PeDESTRIAN STOP** - An interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

**Traffic Stop** - A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic.

IV. TRAINING

Officers are responsible to adhere to all Texas Commission on Law Enforcement Officer Standards and Education training and the Law Enforcement Management Institute of Texas requirements as mandated by law.

All officers shall complete a TCLEOSE training and education program on racial profiling not later than the second anniversary of the date the officer is licensed under Chapter 1701 of the Texas Occupations Code or the date the officer applies for and intermediate proficiency certificate, whichever date is earlier. A person who on September 1, 2001, held a TCLEOSE intermediate proficiency certificate, or who had held a peace officer license issued by TCLEOSE for at least two years, shall complete a TCLEOSE training and education program on racial profiling not later than September 1, 2003.

V. COMPLAINT INVESTIGATION

1. The Winkler County Sheriff's Department will accept written complaints from any person who believes he/she has been stopped or searched based on race, ethnic or national origin profiling. No person will be discouraged, intimidated or coerced from filing a complaint.
2. Any employee who received an allegation of racial profiling, including the officer who initiated the stop, shall record the person's name, address and telephone number, and forward the complaint through the appropriate channel to direct the individual(s). Any employee contacted will provide to that person a copy of a complaint form or the departmental process for filing a complaint. All employees will report any allegation of racial profiling to their supervisor immediately.
3. Investigation of a complaint will be conducted in a thorough and timely manner. All complaints will be acknowledged in writing to the initiator who will receive disposition regarding said complaint within a reasonable period of time. The investigation will be reduced to writing and any reviewer's comments or conclusions will be filed with the Sheriff. When applicable, facts and/or suggestions for disciplinary action, retraining, or changes in policy will be filed with the Sheriff.
4. If a racial profiling complaint is initiated against an officer, it will result in appropriate corrective and/or disciplinary action that is in the discretion of the Sheriff.
5. If there is a departmental video or audio recording of the events upon which a complaint of racial profiling is based, upon commencement of an investigation by this department into the complaint and within request of the officer made the subject of the complaint, this department shall promptly provide a copy of the recording to that officer.

VI. PUBLIC EDUCATION

The Winkler County Sheriff's Department will inform the public of its policy against racial profiling and the complaint process. Methods that may be utilized to inform the public are news media and radio. Additionally, information will be made available not only in the English language but also in the Spanish language.

VII. COLLECTION AND REPORTING INFORMATION GATHERED FROM TRAFFIC AND PEDESTRIAN STOPS (WITH OR WITHOUT VIDEO/AUDIO CAMERA)

An officer who stops a motor vehicle for an alleged violation of a law regulating traffic, or who stops a pedestrian for any suspected offense, shall record and report the following information:

1. A physical description of each person detained as a result of the stop, including:
  - a. The person's gender;
  - b. The person's race or ethnicity, as stated by the person or as determined by the officer to the best of his/her ability.
2. The street address or approximate location of the stop, the suspected offense or the traffic law or ordinance alleged to have been violated.
3. Whether probable cause to search existed and, if so, the facts supporting the existence of that probable cause.
4. Whether any contraband was discovered in the course of the search and, if so, the type of contraband discovered.
5. Whether the officer made an arrest as a result of the stop and/or search, and, if so, a statement of the offense charged.
6. Whether the officer issued a warning or a citation as a result of the stop and, if so, a statement of the offense charged.

**Note:** The Winkler County Sheriff's Department will compile and analyze the information contained in these individual reports. Not later than March 1<sup>st</sup> of each year, this department will submit a report to the Commissioners Court of Winkler County, and a Tier 2 report with the TCLEOSE web site, containing the information compiled from the preceding calendar year.

1. A comparative analysis of the information contained in the individual reports to order to:
  - a. Document the prevalence of racial profiling by officers in this department; and
  - b. Estimate the disposition of traffic and pedestrian stops made by this department's Officer's including searches resulting from stops.
2. Information relating to each complaint filed with this department alleging racial profiling.

This report will not include identifying information about a peace officer who makes a stop or about an individual who stopped or arrested.



FILING A COMPLAINT WITH THE WINKLER COUNTY SHERIFF'S OFFICE

The following information has been disseminated to the public as part of an educational campaign aimed at informing community members of the complaint process relevant to violations of the Texas Racial Profiling Law.

UNDERSTANDING THE PROCESS

Once an individual has filed a complaint regarding racial profiling, he/she should expect the following process to commence:

THE INTERVIEW

The Chief Deputy or Chief Investigator will interview the individual filing the complaint. The officer will ask the alleged victim questions about what happened. It is possible that the officer may be able to explain the officer(s)' actions to your satisfaction.

- Usually, the alleged victim will be interviewed at the Winkler County Sheriff's Office. It is possible that he/she may be videotaped during the interview.
- The individual filing the complaint may bring a lawyer, family member or friend to the interview.
- The interviewing officer will ask the individual filing a complaint for the names of witnesses and other police officers that may know facts about the complaint.
- A police photographer may take pictures of any injuries that the alleged victim think are related to the complaint.

THE INVESTIGATION

After the interview, the Winkler County Sheriff's Office will investigate the alleged misconduct.

- The investigators will consist of senior officers experienced in internal department investigations.
- All officers will be interviewed and witnesses whom the alleged victim has named will be contacted and interviewed, if they agree.
- The alleged victim will receive a letter regarding the progress of the investigation. Although it is impossible to estimate how long the investigation will take, the alleged victim will receive periodic reports on its status.
- A report will be prepared upon completion of the investigation.

THE REVIEW PROCESS

The Sheriff reviews every complaint after the investigation is completed and a report is written.

- If the complaint includes excessive force or charges an officer with a crime, it will also be investigated by an independent police agency i.e. The FBI, The Texas Rangers or the Kermit Police Department.
- The results of investigations that suggest there are no charges that the deputy used excessive force or committed a crime are also reviewed by the Sheriff.
- Findings of criminal conduct will be submitted to the grand jury for consideration of prosecution.
- The Sheriff reviews investigations and makes the final decision on all complaints.

THE FINDINGS

The results of your complaint are called "findings". There are four possible findings:

- **Sustained** – The complaint has been supported. The officer(s) involved acted improperly and may be disciplined.
- **Unfounded** – The investigation found no basis to the complaint filed.
- **Exonerated** – The deputy(s) involved acted properly and will not be disciplined; or
- **Not provable** – There was not enough evidence to prove the complaint true or false so no further action will be taken.

The Sheriff will decide on a finding after the complaint has been reviewed. Further, he/she will inform the alleged victim through an official letter of the final decision.

Department Reporting System

Page 1 of 4



The Texas Commission on Law Enforcement

- Home
- Forms and Requests
  - Report of Training
  - Request for Applicant Separation History of SEA
- Report
  - Department Training Record List
  - Separation History Report List of SEA
- Access to Information
  - Submit Applications to Bureau
  - Department Access Point: Fee Changes
  - Account to the Information of Bureau and Local
- Help
  - Help Manual
  - Contact Support
  - TOLLE Staff Contact List
  - TOLLE User Access Help
- Logout

Help

TCOLE 2014 RACIAL PROFILING AGENCY REPORT WIZARD FOR TIER 2

Department Name: WINKLER CO. SHERIFF'S OFFICE  
Agency Number: 495100

Step 4: Please fill out all boxes. If zero, use 0. The total on lines 3, 10, 13, 18, 21, 40 and 51 must be equal. The total on line 27 and 30 must equal line 19. The total on line 37 must equal line 28.

WINKLER CO. SHERIFF'S OFFICE  
Motor Vehicle Racial Profiling Information

Number of motor vehicle stops:

|   |      |  |  |  |  |
|---|------|--|--|--|--|
| 1 | 210  | Female   |  |  |  |
| 2 | 1310 | Male   |  |  |  |
| 3 | 1220 | Total (3, 10, 13, 18, 21, 40 and 51 must be equal) |  |  |  |

https://tcolse.texas.gov/cleanDRS/mcr2\_page37420-4%202014.cfm

1/26/2015

RACIAL PROFILING  
AGENCY REPORT  
FOR 2014

Reported By:  
Bonnie Roberts  
Administrative Assistant  
January 25, 2015

Race or Ethnicity:

- 4 37 African
- 5 2 Asian
- 6 563 Caucasian
- 7 562 Hispanic
- 8 19 Middle Eastern
- 9 2 Native American

10 1220 Total (3, 10, 13, 18, 21, 40 and 51 must be equal)

Race or Ethnicity known prior to stop?

- 11 16 Yes
- 12 1204 No

13 1220 Total (3, 10, 13, 18, 21, 40 and 51 must be equal)

Reason for stop?

- 14 58 Violation of law other than traffic
- 15 4 Pre-existing knowledge (i.e. warrant)
- 16 1011 Moving Traffic Violation
- 17 147 Vehicle Traffic Violation (Equipment, Inspection or Registration)

18 1220 Total (3, 10, 13, 18, 21, 40 and 51 must be equal)

Search conducted?

- 19 75 Yes
- 20 1145 No

21 1220 Total (3, 10, 13, 18, 21, 40 and 51 must be equal)

Reason for search?

- 22 37 Consent
- 23 2 Contraband/evidence in plain sight
- 24 11 Probable cause or reasonable suspicion
- 25 7 Inventory search performed as result of towing
- 26 14 Incident to arrest/warrant

27 75 Total (Must equal line 19)

https://cdcase.texas.gov/tclcase/DKS/tier2\_page3%20-%202014.cfm

1/26/2015

1220 Total (3, 10, 13, 18, 21, 40 and 51 must be equal)

Continue to Step Five

Printed and Printed Information

https://cdcase.texas.gov/tclcase/DKS/tier2\_page3%20-%202014.cfm

1/26/2015

Contraband discovered?

- 28 74 Yes
- 29 51 No

30 75 Total (Must equal line 19)

Description of Contraband

- 31 18 Illegal drugs/drug paraphernalia
- 32 2 Currency
- 33 3 Weapons
- 34 8 Alcohol
- 35 0 Stolen property
- 36 0 Other

37 24 Total (Must equal line 28)

Arrest result of stop or search:

- 38 30 Yes
- 39 1184 No

40 1220 Total (3, 10, 13, 18, 21, 40 and 51 must be equal)

Arrest based on:

- 41 22 Violation of the Penal Code
- 42 7 Violation of a Traffic Law
- 43 3 Violation of City Ordinance
- 44 0 Outstanding Warrant
- 36 Total (Must equal line 38)

Street address or approximate location of the stop:

- 45 114 City Street
- 46 1080 US Highway
- 47 19 County Road
- 48 7 Private Property or Other
- 1220 Total (Must equal line 3)

Written warning or a citation as a result of the stop:

- 49 1102 Yes
- 50 118 No

51

https://cdcase.texas.gov/tclcase/DKS/tier2\_page3%20-%202014.cfm

1/26/2015

RACIAL PROFILING 2014

STATISTICAL ANALYSIS OF MOTOR VEHICLE STOPS COMPARED TO GENDER

TABLE 1 NUMBER OF MOTOR VEHICLE STOPS COMPARED TO GENDER.

| RACE/ETHNICITY  | CONTACTS |     | GENDER |     |        |     |
|-----------------|----------|-----|--------|-----|--------|-----|
|                 | N        | %*  | MALE   |     | FEMALE |     |
|                 |          |     | N      | %*  | N      | %*  |
| AFRICAN         | 37       | 3%  | 35     | 3%  | 2      | 1%  |
| ASIAN           | 2        | <1% | 2      | <1% | 0      | 0   |
| CAUCASIAN       | 563      | 46% | 485    | 47% | 94     | 47% |
| HISPANIC        | 597      | 48% | 499    | 48% | 100    | 50% |
| MIDDLE EASTERN  | 19       | 1%  | 3      | <1% | 3      | 0%  |
| NATIVE AMERICAN | 2        | <1% | 1      | <1% | 0      | 0   |
| TOTAL           | 1220     |     | 1023   |     | 197    |     |

% OF CONTACTS IN EACH CATEGORY

\*% RACIAL/ETHNICITY ARE DERIVED BY N=11,104 AS BEING OF A PARTICULAR RACE/ETHNICITY INCLUDING: AFRICAN, ASIAN, CAUCASIAN, HISPANIC, MIDDLE EASTERN AND NATIVE AMERICAN

TABLE 2 WRITTEN WARNING OR CITATION AS A RESULT OF STOP

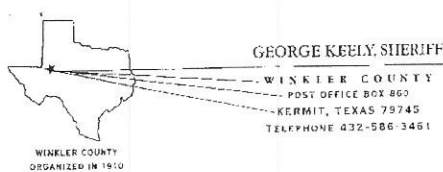
| NUMBER OF VEHICLE STOPS | YES  |     | NO  |    |
|-------------------------|------|-----|-----|----|
|                         | N    | %*  | N   | %* |
| 1220 VEHICLES STOPPED   | 1102 | 90% | 118 | 9% |

TABLE 3 ARREST RESULTING IN STOP

| ARREST RESULTING IN STOP | YES |    | NO   |     |
|--------------------------|-----|----|------|-----|
|                          | N   | %* | N    | %*  |
| 1220 VEHICLES STOPPED    | 36  | 2% | 1184 | 97% |

NOTE: PERCENTAGES MAY HAVE 1% VARIANCE

THERE WERE NO COMPLAINTS OF RACIAL PROFILING OR DISCRIMINATION REGISTERED FOR THE YEAR 2014



January 29, 2015  
Texas Department of Public Safety  
Public Information Act  
Attn: Open Records  
P.O. Box 4087  
Austin, Texas 78773-0170

In accordance with the Public Information Act I am requesting the following information:

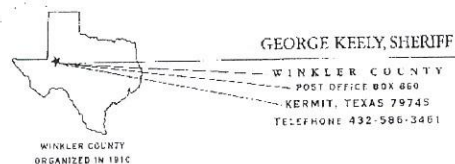
For all licensed drivers with a zip code of 79789, Winkler County, Texas address on their driver's license, I would request information on the gross numbers as follows:

Number of female licensed drivers in Kermit, Texas, zip code 79745  
Number of male licensed drivers in Kermit, Texas, zip code 79745  
Number of white female licensed drivers in Kermit, Texas, zip 79745  
Number of white male licensed drivers in Kermit, Texas, zip 79745  
Number of black female licensed drivers in Kermit, Texas, zip 79745  
Number of black male licensed drivers in Kermit, Texas, zip 79745  
Number of Hispanic female licensed drivers in Kermit, Texas, zip 79745  
Number of Hispanic male licensed drivers in Kermit, Texas, zip 79745  
Number of Oriental/Asian female license drivers in Kermit, Texas, zip 79745  
Number of Oriental/Asian male license drivers in Kermit, Texas, zip 79745  
Number of Native American female license drivers in Kermit, Texas, zip 79745  
Number of Native American male license drivers in Kermit, Texas, zip 79745  
Number of Middle Eastern female license drivers in Kermit, Texas, zip 79745  
Number of Middle Eastern male license drivers in Kermit, Texas, zip 79745  
Number of all other female license drivers in Kermit, Texas, zip 79745  
Number of all other male license drivers in Kermit, Texas, zip 79745

In addition I would request the definition of "Other" as used by your department with regards to classifying holders of driver's licenses.

This information will be used for official governmental purposes and will not be otherwise released unless required by law.

Sincerely,  
*Bonnie Roberts*  
Bonnie Roberts  
Administrative Assistant



January 29, 2015  
Texas Department of Public Safety  
Public Information Act  
Attn: Open Records  
P.O. Box 4087  
Austin, Texas 78773-0170

In accordance with the Public Information Act I am requesting the following information:

For all licensed drivers with a zip code of 79789, Winkler County, Texas address on their driver's license, I would request information on the gross numbers as follows:

Number of female licensed drivers in Wink, Texas, zip code 79789  
Number of male licensed drivers in Wink, Texas, zip code 79789  
Number of white female licensed drivers in Wink, Texas, zip 79789  
Number of white male licensed drivers in Wink, Texas, zip 79789  
Number of black female licensed drivers in Wink, Texas, zip 79789  
Number of black male licensed drivers in Wink, Texas, zip 79789  
Number of Hispanic female licensed drivers in Wink, Texas, zip 79789  
Number of Hispanic male licensed drivers in Wink, Texas, zip 79789  
Number of Oriental/Asian female license drivers in Wink, Texas, zip 79789  
Number of Oriental/Asian male license drivers in Wink, Texas, zip 79789  
Number of Native American female license drivers in Wink, Texas, zip 79789  
Number of Native American male license drivers in Wink, Texas, zip 79789  
Number of Middle Eastern female license drivers in Wink, Texas, zip 79789  
Number of Middle Eastern male license drivers in Wink, Texas, zip 79789  
Number of all other female license drivers in Wink, Texas, zip 79789  
Number of all other male license drivers in Wink, Texas, zip 79789

In addition I would request the definition of "Other" as used by your department with regards to classifying holders of driver's licenses.

This information will be used for official governmental purposes and will not be otherwise released unless required by law.

Sincerely,  
*Bonnie Roberts*  
Bonnie Roberts  
Administrative Assistant

A motion was made by Commissioner Neal and seconded by Commissioner Thompson to approve request of Commissioner, Precinct No. 3, to purchase fertilizer in the approximate amount of \$8,500.00 for Area I Parks from budgeted funds; which motion became an order of the Court upon the following vote:

Ayes: Commissioners Stevens, Wolf, Neal and Thompson  
Noes: None

A motion was made by Commissioner Wolf and seconded by Commissioner Neal to approve purchase of flatbed gooseneck trailer, model 25GN-HD-30BK+5 from Big Tex Trailers in the amount of \$15,580.00; \$14,500.00 from capital expenditure funds and \$1,080.00 from Kermit Barn budgeted funds; which motion became an order of the Court upon the following vote:

Ayes: Commissioners Stevens, Wolf, Neal and Thompson  
Noes: None

A motion was made by Commissioner Thompson and seconded by Commissioner Neal to approve contract between Winkler County and Total Office Solutions of West Texas for the maintenance of copier located at Winkler County Citizens Recreation Center for the period of January 01, 2015 through December 31, 2015 in the amount of \$240.00 from budgeted funds; which motion became an order of the Court upon the following vote:

Ayes: Commissioners Stevens, Wolf, Neal and Thompson  
Noes: None

A motion was made by Commissioner Neal and seconded by Commissioner Stevens to approve payment of \$200.00 to State Farm Insurance from budgeted funds for the following surety bonds:

1. Surety bond in the amount of \$5,000.00 for Bonnie Roberts, Winkler County Sheriff's Department Shift Manager, for the term of April 16, 2015 through April 16, 2016 in the amount of \$100.00; and
2. Surety Bond in the amount of \$5,000.00 for Katy

Pauline Kline, Winkler County Librarian, Wink, Texas,  
for the term of April 01, 2015 through March 31, 2016  
in the amount of \$100.00

which motion became an order of the Court upon the following vote:

Ayes: Commissioners Stevens, Wolf, Neal and Thompson  
Noes: None

A motion was made by Commissioner Thompson and seconded by Commissioner Neal to approve 2015 Annual Texas Association of Counties dues in the amount of \$685.00 from budgeted funds; which motion became an order of the Court upon the following vote:

Ayes: Commissioners Stevens, Wolf, Neal and Thompson  
Noes: None

Following discussion regarding Winkler County Rural Health Clinic construction change order, a motion was made by Commissioner Neal and seconded by Commissioner Thompson to approve change order; which motion became an order of the Court upon the following vote:

Ayes: Commissioners Stevens, Wolf, Neal and Thompson  
Noes: None





## Prime Contract Change Order (CO)

| Project Information |                          |
|---------------------|--------------------------|
| Project #           | 13-40                    |
| Title               | Winkler County Clinic    |
| Address             | 828 Myer Lane            |
| City, State, Zip    | Kermit, Texas 79745      |
| Country             | United States of America |

| Prime Contract Change Order |   |
|-----------------------------|---|
| CO #                        | 002                                       |
| Issue Date                  | 1/22/2015                                 |
| Subject                     | Added Sanitary Tops at Relocated Cabinets |

| Owner/Customer   |                      |
|------------------|----------------------|
| Contact          | Charles Wolf         |
| Company          | Winkler County       |
| Address          | 100 East Winkler     |
| City, State, Zip | Winkler, Texas 79745 |
| Country          | United States        |
| Phone            | 432-586-2111         |
| Fax              |                      |

| Prime Contract Company |                            |
|------------------------|----------------------------|
| Contact                | Matt Schneider             |
| Company                | L5 Construction, LLC - Old |
| Address                | 108 S. Main                |
| City, State, Zip       | Mansfield, Texas 76063     |
| Country                |                            |
| Phone                  | 817-842-0212               |
| Fax                    | 817-842-0214               |

## You are directed to make the following changes to this Contract:

Add laminate tops to upper cabinets in all (12) exam rooms. The request to modify the door swings into the exam rooms facilitates the need to relocate the upper cabinetry within each exam room.

Previously, a sheetrock fur down protected the tops of these cabinets, however those tops will be exposed if relocated as requested. To avoid a dust catching situation, a laminated top must be added to each set of cabinets to maintain a sanitary environment.

All other terms and conditions of the Contract Documents shall remain in effect.

|  |                       |
|--|-----------------------|
| Original Contract Price                              | <u>\$1,382,871.00</u> |
| Net change by previous Change Orders                 | \$0.00                |
| Contract Amount Prior to this Change                 | \$1,382,871.00        |
| Amount of this Change Order                          | \$1,425.00            |
| Revised Contract Amount, including this Change Order | \$1,384,296.00        |

The Contract time due to this Change Order is to be determined at a later date.

Response: ☐ Accept ☐ Do Not Accept

Winkler County  
Company

By

Date

L5 Construction, LLC - Old  
Company

By

Date

Page 1 of 1

Following discussion regarding activities allowed in County Buildings, a motion was made by Commissioner Thompson to amend policy to not allow bouncy houses in all County Buildings, motion died for lack of second.

A motion was made by Commissioner Stevens and seconded by Commissioner Wolf to table action regarding activities allowed in County Buildings until the Court could talk with the County Attorney regarding liability; which motion became an order of the Court upon the following vote:

Ayes: Commissioners Stevens, Wolf and Neal  
Noes: Commissioner Thompson

A motion was made by Commissioner Neal and seconded by Commissioner Thompson to approve purchase and installation of explosion proof light fixtures and bulbs, electrical fittings, and Scissor lift equipment rental from Rykin Pump Company, Inc. to make repairs to or replace equipment for Winkler County Airport, in the approximate amount of \$16,911.94 from budgeted capital expenditure funds, with one-half (1/2) to be reimbursed from RAMP Grant; which motion became an order of the Court upon the following vote:

Ayes: Commissioners Stevens, Wolf, Neal and Thompson  
 Noes: None

A motion was made by Commissioner Wolf and seconded by Commissioner Stevens to approve purchase of 72" Land Plane with Hydraulic Kit from Yellowhouse Machinery Co., in the approximate amount of \$2,400.00, from Area II Road and Bridge capital expenditure funds; which motion became an order of the Court upon the following vote:

Ayes: Commissioners Stevens, Wolf, Neal and Thompson  
 Noes: None

A motion was made by Commissioner Wolf and seconded by Commissioner Stevens to approve purchase of L4701 Kubota tractor with front loader from Terry County Tractor, in an amount not to exceed \$28,000.00 for Kermit Barn from capital expenditure funds; which motion became an order of the Court upon the following vote:

Ayes: Commissioners Stevens, Wolf, Neal and Thompson  
 Noes: None

A motion was made by Commissioner Stevens and seconded by Commissioner Neal to approve rescheduling Kermit Junior High School golf tournament from April 25, 2015 to Thursday, April 09, 2015; which motion became an order of the Court upon the following vote:

Ayes: Commissioners Stevens, Wolf, Neal and Thompson  
 Noes: None

A motion was made by Commissioner Neal and seconded by Commissioner Thompson to approve Steve Sparks, with Aquatic Recreational Specialties, Inc., to act on behalf of Winkler County, as an inspector for the construction of the Winkler County Rural Health Clinic; which motion became an order of the Court upon the following vote:

Ayes: Commissioners Stevens, Wolf, Neal and Thompson  
 Noes: None

There were no park project claims or hospital software project claims for the Court to approve at this time.

A motion was made by Commissioner Neal and seconded by Commissioner Thompson to approve Winkler County Rural Health Clinic construction claims against the County and pay as per list of vouchers submitted; which motion became an order of the Court upon the following vote:

Ayes: Commissioners Stevens, Wolf, Neal and Thompson  
 Noes: None

A motion was made by Commissioner Neal and seconded by Commissioner Stevens to approve payroll; which motion became an order of the Court upon the following vote:

Ayes: Commissioners Stevens, Wolf, Neal and Thompson  
 Noes: None



There were no line item adjustment(s) or budget amendment(s) for the Court to consider at this time.

A motion was made by Commissioner Neal and seconded by Commissioner Thompson to examine and approve bills over \$500.00 and place in line for payment; which motion became an order of the Court upon the following vote:

Ayes: Commissioners Stevens, Wolf, Neal and Thompson  
Noes: None

A motion was made by Commissioner Neal and seconded by Commissioner Stevens to receive the following Monthly Reports from County Officials of fees earned and collected for the month of January, 2015;

| MONTHLY REPORTS                              |        |           |             |
|--|--------|-----------|-------------|
| For the Month of                             |        | Date      | Amount      |
| January 2015                                 |        |           |             |
| Tommy Duckworth, Co Attorney Fee             | 150.00 | Hot Check | 65.00       |
|  |        | 2-6-15    | \$215.00    |
| Charles Wolf, County Judge                   |        | 2-6-15    | \$4.00      |
| Minerva Soltero, Tax Assessor                |        | 2-6-15    | \$2656.85   |
| Shethelia Reed, County Clerk                 |        | 2-5-15    | \$20,104.29 |
| Glenda Mixon, JP Precinct #2                 |        | 2-1-15    | \$3015.00   |
| Sherry Terry, District Clerk                 |        | 2-5-15    | \$1763.02   |
| Erma Coleman, JP Precinct #1                 |        | 2-3-15    | \$9734.00   |
| George Keely, Sheriff                        |        | 2-5-15    | \$1310.25   |
| Eric DeAnda, Probation                       |        |           |             |
| Billy Stevens, Commissioner Precinct #1      |        |           |             |
| Robbie Wolf, Commissioner Precinct #2        |        |           |             |
| Randy Neal, Commissioner Precinct #3         |        |           |             |
| Billy Ray Thompson, Commissioner Precinct #4 |        |           |             |
| Jeanna Willhelm, Auditor Investment          |        |           |             |
| Eulonda Everest, Treasurer                   |        |           |             |
| Lee Wilson, Constable Pct # 2                |        |           |             |
| Richard Crow, Constable Pct #1               |        |           |             |

which motion became an order of the Court upon the following vote:

Ayes: Commissioners Stevens, Wolf, Neal and Thompson  
Noes: None

A motion was made by Commissioner Neal and seconded by Commissioner Thompson to approve claims against the County and pay as per list of vouchers submitted; which motion became an order of the Court upon the following vote:

Ayes: Commissioners Stevens, Wolf, Neal and Thompson  
 Noes: None

At 9:50 o'clock A.M., the Court took a short recess and then returned to the agenda.

At 10:00 o'clock A.M., the Court entered into Executive Session in accordance with Section 551.072, Government Code, V.T.C.A., to discuss land acquisition for Winkler County Rural Health Clinic. At 10:31 o'clock A.M., the Court returned to open session with the following action being taken:

A motion was made by Commissioner Neal and seconded by Commissioner Thompson to authorize County Attorney to negotiate, on behalf of Winkler County, for land acquisition for Winkler County Rural Health Clinic; which motion became an order of the Court upon the following vote:

Ayes: Commissioners Carpenter, Wolf, Neal and Thompson  
 Noes: None

A motion was made by Commissioner Neal and seconded by Commissioner Stevens to adjourn the meeting; which motion became an order of the Court upon the following vote:

Ayes: Commissioners Stevens, Wolf, Neal and Thompson  
 Noes: None

MINUTES approved the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

---

COUNTY CLERK