



COMMISSIONER'S COURT MINUTES

AUGUST 16th SPECIAL TERM, A.D. 2017

1. **CALL TO ORDER.**

2. **DETERMINATION THAT A QUORUM IS PRESENT:**

BE IT REMEMBERED that on this the 16th day of August A.D. 2017 at 9:00 o'clock A.M., after due notice was given by posting of the attached Agenda; the Honorable Val Verde County Commissioners' Court convened in **SPECIAL SESSION**. The meeting was called to order, the following members being present and constituted a quorum: Efrain V. Valdez, County Judge, Absent; Martin Wardlaw, Commissioner of Precinct No. 1; Lewis Owens, Commissioner of Precinct No. 2; Absent; Robert "LeBeau" Nettleton; Commissioner of Precinct No. 3; Presiding; Gustavo Flores, Commissioner of Precinct No. 4; and Generosa Gracia-Ramon, County Clerk; when the following proceeding was had to wit:

3. Pledge of Allegiance.

NOTICE IS HEREBY GIVEN TO THE PUBLIC THAT THE FOLLOWING ITEMS WILL BE DISCUSSED AND POSSIBLE ACTION MAY BE TAKEN BY THE VAL VERDE COUNTY COMMISSIONERS COURT:

MOTION KEY:
EFRAIN V VALDEZ= EVV
COMM WARDLAW=W
COMM OWENS=O
COMM NETTLETON=N
COMM FLORES= F

QUORUM

COUNTY JUDGE

Judge's Staff

Judge's Staff

COMM. PRCT# 1

COMM. PRCT# 2

COMM. PRCT# 3

COMM. PRCT# 4

ATTENDING

COUNTY STAFF/DEPTS:

COUNTY ATTY

COUNTY ATTY STAFF

COUNTY ATTY STAFF

DISTRICT CLERK

IT

SHERIFF

SHERIFF'S STAFF

AUDITOR

TREASURER

PURCHASING

HR

TAX COLLECTOR

RISK MGMT

FIRE DEPT

EMERGENCY MGMT

JP #1

JP #2

JP #3

JP #4

OTHER

Constable Hernandez

MOTION KEY: EFRAIN V VALDEZ= EVV; COMM WARDLAW=W; COMM OWENS=O; COMM NETTLETON=N; COMM FLORES=F

Judge Efrain Valdez, County Judge

4. CONSIDERATION AND APPROVAL OF AN ORDER BY THE COMMISSIONERS COURT OF VAL VERDE COUNTY, TEXAS CALLING A BOND ELECTION TO BE HELD IN VAL VERDE COUNTY, TEXAS; MAKING PROVISION FOR THE CONDUCT OF THE ELECTION; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION; AND PROVIDING AN EFFECTIVE DATE.

ORDER	Motion	2 nd	Amend	Amendment/Notes	Accept	Ayes	Noes	Abst
#17-	N	W		Motion to approve 20 million Bond Election for 11/7/17.		W, N, F, EEV		

[Clerk's note: Commissioner Owens absent at this meeting.]

Joe Frank Martinez, County Sheriff

5. Discussion and possible action authorizing the County Judge to sign the update on Law Enforcement Agency(LEA) Application for Participation (1033 Program).

ORDER	Motion	2 nd	Amend	Amendment/Notes	Accept	Ayes	Noes	Abst
# 17-	N	W		Motion to approve.		W, N, F, EEV		

[Clerk's note: Commissioner Owens absent at this meeting.]

Commissioners Court reserves the right to hear any of the above agenda items that qualify for an executive session in an executive session by publicly announcing the applicable section number of the Meetings Act (Chapter 551 of the Texas Government Code that justifies executive session treatment.

6. Adjourn. 9:08 a.m.

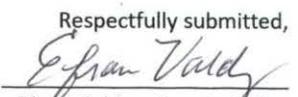
The foregoing, recorded in Volume 49, pages 473-504, inclusive, was on this the 21ST day of

AUGUST A.D. 2017, read and is hereby **APPROVED**.

ATTEST:

 Generosa Gracia-Ramon, County Clerk



Respectfully submitted,

 Efrain Valdez, County Judge

MOTION KEY: EFRAIN V VALDEZ= EVV; COMM WARDLAW=W; COMM OWENS=O; COMM NETTLETON=N; COMM FLORES=F

County of Val Verde



Efrain V. Valdez
County Judge

P.O. Box 4250
Del Rio, TX 78841
Email: evaldez@valverdecountry.org

Phone (830) 774-7501
Fax (830) 775-9406

AGENDA/NOTICE

VAL VERDE COUNTY COMMISSIONERS COURT

Special Meeting
Old County Court at Law Bldg.
207B E. Losoya Street
Del Rio, TX

August 16, 2017
9:00 A.M.

1. Call to order.
2. Determination that a quorum is present.
3. Pledge of allegiance.

NOTICE IS HEREBY GIVEN TO THE PUBLIC THAT THE FOLLOWING ITEMS WILL BE DISCUSSED AND POSSIBLE ACTION MAY BE TAKEN BY THE VAL VERDE COUNTY COMMISSIONERS COURT:

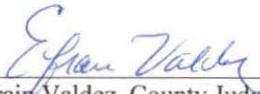
Efrain Valdez, County Judge

4. CONSIDERATION AND APPROVAL OF AN ORDER BY THE COMMISSIONERS COURT OF VAL VERDE COUNTY, TEXAS CALLING A BOND ELECTION TO BE HELD IN VAL VERDE COUNTY, TEXAS; MAKING PROVISION FOR THE CONDUCT OF THE ELECTION; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION; AND PROVIDING AN EFFECTIVE DATE.

Joe Frank Martinez, County Sheriff

5. Discussion and possible action authorizing the County Judge to sign the update on the Law Enforcement Agency (LEA) Application for Participation (1033 Program).

Commissioners Court reserves the right to hear any of the above agenda items that qualify for an executive session in an executive session by publicly announcing the applicable section number of the Open Meetings Act (Chapter 551 of the Texas Government Code) that justifies executive session treatment.


Efrain Valdez, County Judge
Val Verde County, Texas

THIS NOTICE OF THE AGENDA WAS POSTED ON THE BULLETIN BOARD ON: Friday, August 11, 2017 at 3:03 PM

FILED
2017 AUG 11 P 3:03
GENEROSA GRACIA-RAMON
VAL VERDE COUNTY CLERK
BY  DEPUTY

P.O. Box 4250 • Del Rio, TX 78841

CERTIFICATE

I, the undersigned County Clerk, do hereby certify that the above AGENDA/NOTICE/ADDENDUM of the Val Verde County Commissioner's Court is a true and correct copy of the AGENDA/NOTICE/ADDENDUM as posted on the courthouse door of Val Verde County, at a place readily accessible to the general public at all times on the 11th day AUGUST, 2017, at 3:03 o'clock p. m. and said AGENDA/NOTICE/ADDENDUM remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.



GENEROSA GRACIA RAMON
VAL VERDE COUNTY CLERK

#4

AN ORDER BY THE COMMISSIONERS COURT OF VAL VERDE COUNTY, TEXAS CALLING A BOND ELECTION TO BE HELD IN VAL VERDE COUNTY, TEXAS; MAKING PROVISION FOR THE CONDUCT OF THE ELECTION; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Commissioners Court (the *Court*) of VAL VERDE COUNTY, TEXAS (the *County*) hereby finds and determines that an election should be held to determine whether the County shall be authorized to issue bonds of the County in the amount and for the purposes hereinafter identified (the *Election*); and

WHEREAS, the Court hereby finds and determines that the necessity to construct various capital improvements within the County necessitates that it is in the public interest to call and hold the Election at the earliest possible date to authorize the issuance of general obligation bonds for the purposes hereinafter identified; and

WHEREAS, the Court hereby finds and determines that the actions hereinbefore described are in the best interests of the residents of the County; now, therefore,

BE IT ORDERED BY THE COMMISSIONERS COURT OF VAL VERDE COUNTY, TEXAS THAT:

SECTION 1. The Election shall be held in the COUNTY OF VAL VERDE, TEXAS on the 7th day of November, 2017 (*Election Day*), which is a uniform election date under the Texas Election Code, as amended, and is not more than 90 nor fewer than 78 days from the date of the adoption of this order (the *Order*), for the purpose of submitting the following proposition to the qualified voters of the County:

PROPOSITION A

“Shall the Commissioners Court of Val Verde County, Texas be authorized to issue and sell general obligation bonds of the County in the principal amount of \$20,000,000 for the purpose of making permanent public improvements or other public purposes, to wit: designing, acquiring, constructing, renovating, improving, and equipping City park, recreation, sports, and open space improvements, making park, recreation, and open space additions, and acquiring lands and rights-of-way necessary thereto, such bonds to mature serially or otherwise (not more than 40 years from their date) in accordance with the law; and any issue or series of such bonds to bear interest at such rate or rates (fixed, floating, variable or otherwise) as may be determined within the discretion of the Commissioners Court, provided that such rate of interest shall not exceed the maximum rate per annum authorized by law at the time of the issuance of any issue or series of said bonds; and shall the Commissioners Court of the County be authorized to levy and pledge, and cause to be assessed and collected, annual ad valorem taxes, within the limitations prescribed by law, on all taxable property in the County sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity?”

SECTION 2. One or more County election precincts are hereby established for the purpose of holding the Election, and one or more polling places are hereby designated for

holding the Election in the County election precincts as identified in Exhibit A to this Order (which is incorporated herein by reference for all purposes). At least 79 days prior to the scheduled Election Day, or as soon thereafter as is reasonably practicable, the County will identify and formally approve the appointment of the Presiding Judges, Alternate Presiding Judges, Election Clerks, and all other election officials for this Election, together with any other necessary changes to election precincts and procedures and can correct, modify, or change the Exhibits to this Order based upon the final locations and times agreed upon by the County.

A. The Presiding Judge shall appoint not less than two qualified voters of the County to act as clerks in order to properly conduct the Election. To the extent required by the Texas Election Code, as amended, or other applicable law, the appointment of these clerks must include a person fluent in the Spanish language to serve as a clerk to render oral aid in the Spanish language to any voter desiring such aid at the polls on Election Day. If the Presiding Judge appointed actually serves, the Alternate Presiding Judge shall serve as one of the clerks. In the absence of the Presiding Judge, the Alternate Presiding Judge shall perform the duties of the Presiding Judge of the election precinct.

B. On Election Day, the polls shall be open as designated on Exhibit A.

C. The main early voting location is designated in Exhibit B to this Order (which is incorporated herein by reference for all purposes). The individual named as the Early Voting Clerk as designated in Exhibit B is hereby appointed as the Early Voting Clerk to conduct such early voting in the Election. The Early Voting Clerk shall appoint the Deputy Early Voting Clerks. This office or place shall remain open to permit early voting on the days and at the times as stated in Exhibit B. Early voting shall commence as provided on Exhibit B and continue through the date set forth on Exhibit B, all as provided by the provisions of the Texas Election Code, as amended.

Additionally, permanent and/or temporary branch offices for early voting by personal appearance may be established and maintained in accordance with the Texas Election Code. In the event such permanent and/or temporary branch locations are established, information regarding the locations, dates, and hours of operation for early voting at these offices shall be determined by the County Clerk (the *Clerk*), as identified in Exhibit B hereto.

An Early Voting Ballot Board is hereby established for the purpose of processing early voting results. The individual designated in Exhibit B as the Presiding Judge of the Early Voting Ballot Board is hereby appointed the Presiding Judge of the Early Voting Ballot Board. The Presiding Judge shall appoint not less than two resident qualified voters of the County to serve as members of the Early Voting Ballot Board.

SECTION 3. Electronic voting machines may be used in holding and conducting the Election on Election Day; provided, however, in the event the use of such electronic voting machines is not practicable, the Election may be conducted on Election Day by the use of paper ballots (except as otherwise provided in this section). Electronic voting machines or paper ballots may be used for early voting by personal appearance (except as otherwise provided in this section). Pursuant to Section 61.012, as amended, Texas Election Code, the County shall provide at least one accessible voting system in each polling place used in the Election. Such voting system shall comply with Texas and federal laws establishing the requirement for voting

systems that permit voters with physical disabilities to cast a secret ballot. Any legally permissible voting method may be used for early voting and Election Day voting by personal appearance. Certain early voting may be conducted by mail.

SECTION 4. The County shall also utilize a Central Counting Station (the Station) as provided by Section 127.001, et seq., as amended, Texas Election Code. The Clerk, or the designee thereof, is hereby appointed as the Manager and Presiding Judge of the Station and may appoint Station clerks and establish a written plan for the orderly operation of the Station in accordance with the provisions of the Texas Election Code. The Court hereby appoints the Clerk, or the designee thereof, as the Tabulation Supervisor and the Clerk, or the designee thereof, as the Programmer for the Station. Lastly, the Clerk will publish notice and conduct testing on the automatic tabulation equipment relating to the Station and conduct instruction for the officials and clerks for the Station in accordance with the provisions of the Texas Election Code.

SECTION 5. The official ballot shall be prepared in accordance with the provisions of the Texas Election Code, as amended, so as to permit voters to vote "FOR" or "AGAINST" the aforesaid proposition(s) which shall appear on the ballot substantially as follows:

PROPOSITION A

"THE ISSUANCE OF \$20,000,000 OF GENERAL OBLIGATION BONDS TO PURCHASE, DESIGN, ACQUIRE, CONSTRUCT, RENOVATE, IMPROVE, AND EQUIP COUNTY SPORTS, PARKS, AND RECREATIONAL FACILITIES, AND THE LEVYING OF A TAX IN PAYMENT THEREOF."

SECTION 6. All resident, qualified voters of the County shall be permitted to vote at the Election, and, on Election Day, such voters shall vote at the designated polling places. The Election shall be held and conducted in accordance with the provisions of the Texas Election Code, as amended, except as modified by the provisions of the Texas Government Code, as amended, and as may be required by law. To the extent required by law, all Election materials and proceedings shall be printed in both English and Spanish.

SECTION 7. A substantial copy of this Order shall serve as a proper notice of the Election. This notice, including a Spanish translation thereof, shall be posted (i) at three public places within the County and at the County Courthouse not less than 21 days prior to Election Day, (ii) in a prominent location at each polling place on Election Day and during early voting, and shall be published on the same day in each of two successive weeks in a newspaper of general circulation in the County, the first of these publications to appear in such newspaper not more than 30 days, and not less than 14 full days prior to Election Day. In addition, during the 21 days prior to Election Day, the County shall, in a prominent manner, maintain such notice on its Internet website.

SECTION 8. As required by and in accordance with Section 3.009(b)(5) and (7) through (9) of the Texas Election Code, the County, as of its fiscal year beginning October 1, 2016, had outstanding an aggregate principal amount of debt equal to \$32,445,000.00; the aggregate amount of the interest owed on such County debt obligations, through respective maturity, totaled \$5,142,825.74; and the County levied an ad valorem debt service tax rate for its outstanding debt obligations of \$0.0411 per \$100 of taxable assessed valuation. The County

estimates an ad valorem debt service tax rate of \$0.1172 per \$100 of taxable assessed valuation if the bonds that are the subject of the Election are approved and are issued (taking into account the outstanding County bonds and bonds that are the subject of this Election, but not future bond authorizations of the County). The bonds that are the subject of this Election shall mature serially or otherwise over a specified number of years (but not more 40 years from their date), as prescribed by applicable Texas law, though the County estimates that, based on current bond market conditions, such bonds will amortize over a 30-year period from their respective date of issue. The foregoing estimated tax rate and amortization period are only estimates, provided for Texas statutory compliance, and do not serve as a cap on any County ad valorem tax rate or the amortization period for bonds that are the subject of this Election.

SECTION 9. The Court authorizes the County Judge, or the designee thereof, to negotiate and enter into a joint election agreement or agreements with any other political subdivisions with territory within the County who are also conducting elections on Election Day in accordance with the provisions of the Texas Election Code, as amended, as determined to be necessary or desirable, and to make such technical modifications to this Order that are necessary for compliance with applicable Texas or federal law or to carry out the intent of the Court is evidenced herein.

SECTION 10. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Order for all purposes and are adopted as a part of the judgment and findings of the Court.

SECTION 11. All orders and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Order are hereby repealed to the extent of such conflict, and the provisions of this Order shall be and remain controlling as to the matters ordered herein.

SECTION 12. This Order shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 13. It is officially found, determined, and declared that the meeting at which this Order is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Order, was given, all as required by Chapter 551, as amended, Texas Government Code.

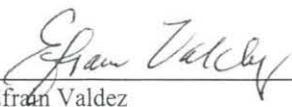
SECTION 14. If any provision of this Order or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Order and the application of such provision to other persons and circumstances shall nevertheless be valid, and the Court hereby declares that this Order would have been enacted without such invalid provision.

SECTION 15. This Order shall be in force and effect from and after the date of its adoption, and it is so ordered.

[The remainder of this page intentionally left blank.]

PASSED AND APPROVED, this the 16th day of August, 2017.

COUNTY OF VAL VERDE, TEXAS



Efran Valdez
County Judge

ATTEST:


Generosa Gracia-Ramon
County Clerk and Ex-Officio Clerk of the
Commissioners Court of Val Verde County, Texas



(SEAL OF COMMISSIONERS COURT)

Exhibit A

ELECTION PRECINCT AND ELECTION DAY POLLING LOCATIONS

Election Day: November 7, 2017
Election Day Polling Locations open from 7 a.m. to 7 p.m.

Commissioner Precinct Number 1

Composed Of Election Precinct Numbers 10, 11, 12 & 13

POLLING LOCATION: Joe Ramos
1105 East De La Rosa St.
Del Rio, Texas 78840

PRESIDING JUDGE: Ruby Nieto

Commissioner Precinct Number 2

Composed Of Election Precinct Numbers 20, 21, 22, 23 & 24

POLLING LOCATION: Del Rio Civic Center
1915 Veterans Blvd.
Del Rio, Texas 78840

PRESIDING JUDGE: Angelita Lowe

Commissioner Precinct Number 3

Composed Of Election Precinct Numbers 30, 31, 32 & 33

POLLING LOCATION: Northside Baptist Church
1100 Amistad Blvd/Echo Valley
Del Rio, Texas 78840

PRESIDING JUDGE: Gerald Mc Crary

Commissioner Precinct Number 4

Composed Of Election Precinct Numbers 40, 41, 42 & 43

POLLING LOCATION: St. Joseph Church Hall
510 Wernett Street
Del Rio, Texas 78840

PRESIDING JUDGE: Juanita De La Paz

Exhibit B

EARLY VOTING

Early voting begins Monday, October 23, 2017 and ends on Friday, November 3, 2017.

Early Voting Clerk:
Generosa (Janie) Gracia-Ramon
Val Verde County Courthouse
400 Pecan Street, 1st Floor
P.O. Box 1267
Del Rio, Texas 78840-1267

Presiding Judge of the Early Voting Ballot Board: Linda Polanco

Early Voting Polling Place:
Val Verde County Courthouse
400 Pecan Street, 1st Floor
Del Rio, Texas 78840

Dates	Times
Monday, October 23, 2017 through Friday, October 27, 2017	8:00 a.m. to 4:30 p.m.
Monday, October 30, 2017 through Wednesday, November 1, 2017	8:00 a.m. to 4:30 p.m.
Thursday, November 2, 2017 through Friday, November 3, 2017	7:00 a.m. to 7:00 p.m.

Early Voting By Mail

Applications for voting by mail should be mailed to be received no later than the close of business (5:00 p.m.) on Friday, October 27, 2017. Applications should be sent to:

Generosa (Janie) Gracia-Ramon
P.O. Box 1267
Del Rio, Texas 78841-1267
email: elections@valverdecountry.org

[The remainder of this page intentionally left blank.]

PRESIDING AND ALTERNATE JUDGES
FOR CONSOLIDATED ELECTION PRECINCTS
CONSTITUTIONAL AMENDMENT/VAL VERDE COUNTY BOND ELECTION
NOVEMBER 7, 2017

CONSOLIDATED COMMISSIONER PRECINCT #1
JOSE RAMOS, 1105 EAST DE LA ROSA STREET, DEL RIO, TEXAS 78840
PCT. 10, 11, 12 & 13

PRESIDING JUDGE	ALTERNATE JUDGE
RUBY NIETO	GUS ALCALA

CONSOLIDATED COMMISSIONER PRECINCT #2
DEL RIO CIVIC CENTER, 1915 VETERANS BLVD., DEL RIO, TEXAS 78840
PCT. 20, 21, 22, 23 & 24

PRESIDING JUDGE	ALTERNATE JUDGE
ANGELITA LOWE	CONSUELO PENA

CONSOLIDATED COMMISSIONER PRECINCT #3
NORTHSIDE BAPTIST CHURCH, 1100 AMISTAD BLVD. & ECHO VALLEY, DEL
RIO, TEXAS 78840
PCT. 30, 31, 32 & 33

PRESIDING JUDGE	ALTERNATE JUDGE
GERALD MCCRARY	JANA PLANK

CONSOLIDATED COMMISSIONER PRECINCT #4
ST. JOSEPH CHURCH HALL, 510 WERNETT STREET, DEL RIO, TEXAS 78840
PCT. 40, 41, 42 & 43

PRESIDING JUDGE	ALTERNATE JUDGE
JUANITA DE LA PAZ	ALEJANDRO ALDERETE

#4

CERTIFICATE OF COUNTY CLERK

THE STATE OF TEXAS

§
§
§

COUNTY OF VAL VERDE

THE UNDERSIGNED HEREBY CERTIFIES that:

1. The Commissioners Court (the *Court*) of Val Verde County, Texas (the *County*), convened on the 16th day of August, 2017 in special session in the regular meeting place of the Court in the County Courthouse (the *Meeting*), which Meeting was at all times open to the public, the duly constituted officers and members of the Court being as follows:

Efrain Valdez	County Judge
Martin Wardlaw	Commissioner, Precinct No. 1
Lewis Owens	Commissioner, Precinct No. 2
Robert Beau Nettleton	Commissioner, Precinct No. 3
Gustavo "Gus" Flores	Commissioner, Precinct No. 4

and all of such persons were present at the Meeting, except the following: Lewis Owens thus constituting a quorum. Among other business considered at the Meeting, the attached order (the *Order*) entitled:

AN ORDER BY THE COMMISSIONERS COURT OF VAL VERDE COUNTY, TEXAS CALLING A BOND ELECTION TO BE HELD IN VAL VERDE COUNTY, TEXAS; MAKING PROVISION FOR THE CONDUCT OF THE ELECTION; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION; AND PROVIDING AN EFFECTIVE DATE

was introduced for due consideration of and submitted to the Court for passage and adoption. After presentation and discussion of the Order, a motion was made by Commissioner Nettleton that the Order be passed and adopted. The motion was seconded by Commissioner Wardlaw and carried by the following vote:

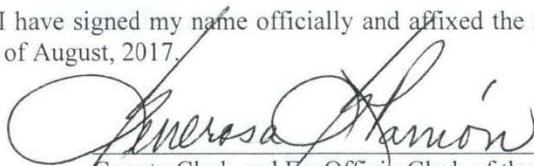
4 voted "For" 0 voted "Against" 0 "Abstained"

all as shown in the official Minutes of the Court for the Meeting.

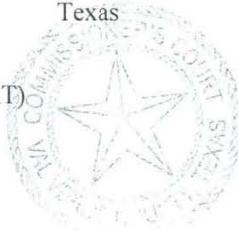
2. The attached Order is a true and correct copy of the original on file in the official records of the County; the duly qualified and acting members of the Court on the date of the Meeting are those persons shown above, and, according to the records of my office, each member of the Court was given actual notice of the time, place, and purpose of the Meeting and had actual notice that the Order would be considered; and the Meeting and deliberation of the aforesaid public business, was open to the public and written notice of said meeting, including the subject of the Order, was posted and given in advance thereof in compliance with the provisions of Chapter 551, as amended, Texas Government Code.

28614683.1

IN WITNESS WHEREOF, I have signed my name officially and affixed the seal of the Commissioners Court, this 16th day of August, 2017.


County Clerk and Ex-Officio Clerk of the
Commissioners Court of Val Verde County,
Texas

(SEAL OF COMMISSIONERS COURT)



#4

WAIVER OF NOTICE AND CONSENT TO SPECIAL MEETING

WE, the undersigned members of the Commissioners Court of the Val Verde County, Texas, HEREBY WAIVE NOTICE and CONSENT to the holding of a special meeting of the Commissioners Court to be held on the 16th day of August, 2017, at 9:00 o'clock, a.m., in the regular meeting place of the Commissioners Court for the purpose of passing, adopting, or otherwise acting upon

AN ORDER BY THE COMMISSIONERS COURT OF VAL VERDE COUNTY, TEXAS CALLING A BOND ELECTION TO BE HELD IN VAL VERDE COUNTY, TEXAS; MAKING PROVISION FOR THE CONDUCT OF THE ELECTION; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION; AND PROVIDING AN EFFECTIVE DATE

and for the purpose of acting upon such other matters as may properly come before such meeting.

SIGNED this 16th day of August 2017.



Absent Member

Lewis Owens

Absent Member

* * * *

28614748.1

#5

New
 Update

ORI# TX 2330000

CLEARFORM

LAW ENFORCEMENT AGENCY (LEA) APPLICATION FOR PARTICIPATION

This application must be updated and resubmitted within 30 days of any changes

Federal State Tribal Federal Agencies only: (Parent Affilate i.e. DOJ): _____

2YTDXX DODAAC (Update Only): 2YTMX3

AGENCY: Val Verde County Sheriff's Office

PHYSICAL ADDRESS (No P.O. Box): 295 FM RD 2523

CITY: Del Rio STATE: TX ZIP: 78840

AGENCY MUST HAVE AT LEAST 1 FULL-TIME OFFICER TO PARTICIPATE IN THE PROGRAM
INDICATE THE NUMBER OF COMPENSATED OFFICERS WITH ARREST AND APPREHENSION AUTHORITY

FULL-TIME: 44 PART-TIME: 4

SCREENER POC(s): INCLUDE EMAIL ADDRESS AND DIRECT CONTACT PHONE NUMBER IF AVAILABLE

*MAIN POC: Is the Primary POC for requests and property pickup

	NAME: LAST, FIRST	EMAIL	PHONE #
*SCREENER/MAIN POC	Sgt. Cervantes, Jose	joeycervantes@valverdesheriff.com	(830) 774-7513
SCREENER/POC #2	Sgt. Lowe, Ryan	rlowe@valverdesheriff.com	(830) 774-7513
SCREENER/POC #3	On Duty Spielman, Doug	dspielman@valverdesheriff.com	(830) 774-7513
SCREENER/POC #4			
WEAPON/POC	Cervantes, Jose	joeycervantes@valverdesheriff.com	(830) 774-7513
AIRCRAFT/POC	Cervantes, Jose	joeycervantes@valverdesheriff.com	(830) 774-7513
VEHICLE/POC	Cervantes, Jose	joeycervantes@valverdesheriff.com	(830) 774-7513

NOTICE: LAW ENFORCEMENT ACTIVITIES ARE DEFINED AS: GOVERNMENTAL AGENCIES WHOSE PRIMARY FUNCTION IS THE ENFORCEMENT OF APPLICABLE FEDERAL, STATE AND LOCAL LAWS AND WHOSE OFFICERS HAVE THE POWERS OF ARREST AND APPREHENSION.

Upon acceptance into the Program, I understand that I have 30 days to familiarize myself with the State Plan of Operation and all Program guidance that is provided by the State Coordinator and that by signing, I certify that all information contained above is valid and accurate. (N/A for Federal Agencies)

By signing this I/we certify under penalty of perjury that the foregoing is true and correct. Making a false statement may result in judicial actions or prosecution under 18USC § 1001.

CHIEF LAW ENFORCEMENT OFFICIAL/
HEAD OF LOCAL AGENCY Sheriff Joe Frank Martinez DATE: 8/16/17
PRINTED NAME
SIGNATURE

STATE COORDINATOR/SPOC:
(NOT REQUIRED FOR FEDERAL AGENCIES) Michael Lesko DATE: 8-16-17
PRINTED NAME
SIGNATURE

LESO Team Lead Approval

AP Version: 1/28/16



TEXAS LESO PROGRAM
SUPPLEMENTAL DATA SHEET

Date: _____

Agency Name: Val Verde County Sheriff's Office

ORI (Originating Agency Identification) number: TX2330000

(Please enter same screeners in the order as listed on front page)

Screener #1: Sergeant Jose Cervantes/ Training Coordinator
NAME / TITLE

Screener #2: Sergeant Ryan Lowe/ Criminal Investigator
NAME / TITLE

Screener #3: Doug Spielman / Chief Deputy
NAME / TITLE

Screener #4: _____
NAME / TITLE

Version 7/15/17

STATE PLAN OF OPERATIONS
BETWEEN THE STATE OF
TEXAS
AND THE
Val Verde County Sheriff's Office

I. PURPOSE

This State Plan of Operation (SPO) is entered into between the State of Texas and the (*LEA name*) Val Verde Co. Sheriff's Off., to set forth the terms and conditions which will be binding on the parties with respect to excess Department of Defense (DOD) personal property transferred pursuant to 10 USC § 2576a in order to promote the efficient and expeditious transfer of property and to ensure accountability of the same.

II. AUTHORITY

The Secretary of Defense is authorized by 10 USC § 2576a to transfer to State Law Enforcement Agencies, personal property that is excess to the needs of the DOD and that the Secretary determines is suitable to be used by such agencies in law enforcement activities, with preferences for counter-drug / counter-terrorism or border security activities, under such terms prescribed by the Secretary. The authorities granted to the Secretary of Defense have been delegated to the Defense Logistics Agency (DLA) in determining whether property is suitable for use by agencies in Law Enforcement Activities (LEAs). DLA defines law enforcement activities as activities performed by governmental agencies whose primary function is the enforcement of applicable Federal, State, and local laws and whose compensated law enforcement officers have powers of arrest and apprehension. This program is also known as the "1033 Program" or the "LESO Program" and is administered by DLA Disposition Services, Law Enforcement Support Office (LESO).

III. GENERAL TERMS AND CONDITIONS

A. OPERATIONAL AUTHORITY

The Governor of the State of Texas has designated in writing with an effective date of August 26, 2015 to implement this program statewide as well as conduct management and oversight of this program. Funding / Budgeting to administer this program are provided by the Texas Department of Public Safety.

The provided funding is used to support assistance to the LEAs with customer service to include

computer / telephone assistance and physical visits to the LEAs to assist with acquiring access to the LESO Program. The staffing to provide the support to the LEAs within the State of Texas is as follows:

State Coordinator (SC): Skylor Hearn

State Point of Contact (SPOC): Rolando Ayala

State Point of Contact (SPOC): Laurie Patterson

State Point of Contact (SPOC): John Riddick

The following is the facility / physical location and business hours to provide customer service to those LEAs currently enrolled, as well as interested participants of the LESO Program:

Agency Address / Location: 5805 N Lamar Blvd Austin, Texas 78752

EMAIL / Contact Phone Numbers: Texas1033Program@dps.texas.gov 512-424-7590

Fax Number: 512-424-7591

Hours of Operation: 7AM – 5PM

B. The DLA LESO has final authority to determine the type, quantity, and location of excess DOD personal property suitable for law enforcement activities, if any, which will be transferred to the (LEA name) Val Verde County Sheriff's Office.

C. This agreement creates no entitlement to the LEA to receive excess DOD personal property.

D. The (LEA name) Val Verde County Sheriff's Office understands that property made available under this agreement is for the use of authorized program participants only. Property may not be obtained for any individual, organization, or agency that has not been approved as a participant in the LESO Program. All requests for property must be based on bona fide law enforcement requirements. Property will not be obtained by any authorized participant for the purpose of sale, lease, loan, personal use, rent, exchange, barter, transfer, or to secure a loan.

E. Controlled property (equipment) includes any property that has a demilitarization (DEMIL) Code of B, C, D, F, G, and Q; and property, regardless of demilitarization code, that was specifically identified in the Law Enforcement Equipment Working Group Report from May 2015, created pursuant to Executive Order 13688 (EO). The Working Group Report mandates that the following items be treated as controlled property:

- 1) Manned Aircraft, fixed or rotary wing
- 2) Unmanned Aerial Vehicles
- 3) Wheeled Armored Vehicles
- 4) Wheeled Tactical Vehicles
- 5) Command and Control Vehicles
- 6) Specialized Firearms and Ammunition Under .50 Cal (excluded firearms and ammunition for service-issued weapons)
- 7) Explosives and Pyrotechnics
- 8) Breaching apparatus

- 9) Riot Batons
- 10) Riot Helmets
- 11) Riot Shields

F. LEAs that request items in Paragraph E above must provide all required information outlined in the Law Enforcement Equipment Working Group Report and all information on the LESO request form. Among other specific requirements identified in these documents, LEAs will be required to certify and submit:

- 1) A detailed written justification with a clear and persuasive explanation of the need for the property and the law enforcement purposes it will serve;
- 2) Evidence of approval or concurrence by the LEA's civilian governing body (city council, mayor, etc.);
- 3) The LEA's policies and protocols on deployment of this type of property;
- 4) Certifications on required training for use of this type of property; and
- 5) Information on whether the LEA has applied, or has pending an application, for this type of property from another Federal agency.

G. The (LEA name) Val Verde County Sheriff's Office must maintain and enforce regulations designed to impose adequate security measures for controlled property to mitigate the risk of loss or theft.

H. Under no circumstances will controlled property be sold or otherwise transferred to non-U.S. persons, or exported. All transfers must be approved by the State and DLA Disposition Services LESO.

I. Cannibalization requests for controlled property must be submitted in writing to the State, with final approval by the LESO. The LESO will consider cannibalization requests on a case-by-case basis.

J. The LESO conditionally transfers all excess DOD property to States / LEAs enrolled in the LESO Program. Title or ownership of controlled property will remain with the LESO in perpetuity and will not be relinquished to the LEAs. When the LEA no longer has legitimate law enforcement uses for controlled property, the LEA must notify the State, who will then notify the LESO, and the controlled property must either be transferred to another enrolled LEA (via standard transfer process) or returned to DLA Disposition Services for disposal. The LESO reserves the right to recall controlled and non-controlled property issued through the LESO Program at any time.

K. Property with a DEMIL Code of "A" is also conditionally transferred to the LEA. However, after one year from the Ship Date, the LESO will relinquish ownership and title to the LEA. Prior to this date, the State and LEA remains responsible for the accountability and physical control of the item(s) and the LESO retains the right to recall the property. Title will not be relinquished to any property with DEMIL Code of "A" that is controlled property identified in Paragraph III E.

- 1) Property with DEMIL Code of "A" will automatically be placed in an archived status on the LEAs property book upon meeting the one year mark.
- 2) Once archived, the property is no longer subject to annual inventory requirements and will not be inventoried during a LESO Program Compliance Review (PCR).
- 3) Ownership and title of DEMIL "A" items that have been archived will pass automatically from the LESO to the LEA when they are archived at the one year mark (from Ship Date) without issuance of any further documentation.
- 4) LEAs receive title and ownership of DEMIL "A" items as governmental entities. Title and ownership of DEMIL "A" property does not pass from DOD to any private individual or LEA official in their private capacity. Accordingly, such property should be maintained and ultimately disposed of in accordance with provisions in State and local law that govern public property. Sales or gifting of DEMIL "A" property after the one year mark in a manner inconsistent with State or local law may constitute grounds to deny future participation in the LESO Program.

L. The LEAs are not authorized to transfer controlled property or DEMIL Code "A" property carried on their inventory without LESO notification and approval. Property will not physically move until the State and LESO approval process is complete.

IV. ENROLLMENT

A. An LEA must have at least one full-time law enforcement officer in order to enroll and/or receive property via the LESO Program. Only full-time and part-time law enforcement officers are authorized to receive property. Reserve officers are not authorized to receive property.

- 1) The LEA shall submit an updated Application Packet to the State Coordinator's office no later than December 1 each year and/or any time there is a change in personnel or LEA contact information. Failure to do so may result in suspension and/or termination from the program.
- 2) Once approved for participation in the program, at least one of the LEA's authorized screeners must attend a mandatory training class prior to any requests for property being approved. The class will be conducted free of charge to the LEA and will be held at location determined by the State Coordinator's office.
- 3) LEA transfer of responsibility – program property assigned to the LEA. A change in the Chief Law Enforcement Official (CLEO), due to any reason, will not relinquish responsibility from the LEA for properly maintaining existing program property in the LEA's possession. If the new CLEO does not wish to be responsible for existing property, they shall notify the State Coordinator's office in writing that they wish to return the equipment to the nearest Disposition Site or transfer it to a qualifying LEA. The new CLEO remains responsible for existing property until the property is officially transferred or returned.

B. The State shall:

- 1) Implement LESO Program eligibility criteria in accordance with 10 USC § 2576a, DLA Instructions and Manuals, and the DLA MOA the State signs.
- 2) Receive and process applications for participation from LEAs currently enrolled and those LEAs that wish to participate in the LESO Program.
- 3) Receive and recommend approval or disapprove LEA applications for participation in the LESO Program. The State Coordinators have sole discretion to disapprove LEA applications on behalf of the Governor of their State. The LESO should be notified of any applications disapproved at the State Coordinator level. The State Coordinator will only forward and recommend certified LEAs to the LESO that are government agencies whose primary function is the enforcement of applicable Federal, State, and local laws and whose compensated officers have the powers of arrest and apprehension. The LESO retains final approval / disapproval authority for all LEA applications forwarded by State Coordinators.
- 4) Ensure LEAs enrolled in the LESO Program update the LEAs account information annually (accomplished during the FY Annual Inventory in the Federal Excess Property Management Information System [FEPMIS]).
- 5) Provide a comprehensive overview of the LESO Program to all LEAs once they are approved for enrollment. This comprehensive overview must be done within thirty (30) days and include, verbatim, the information contained in Paragraph III E of this SPO.
- 6) Ensure that screeners of property are employees of the LEA. Contractors may not conduct screening on behalf of the LEA.
- 7) Ensure that at least one person per LEA maintains access to the FEPMIS. Account holders must be employees of the LEA.

V. ANNUAL INVENTORY REQUIREMENTS

A. Per the DLA Instructions and Manuals and the DLA MOA, each State and participating LEA within is required to conduct an annual inventory certification of controlled property, which includes DEMIL "A" for one (1) year from Ship Date. Annual inventories start on October 1 of each year and end December 1 of each year.

B. The State shall:

- 1) Receive, validate, and reconcile incoming certified inventories from the LEAs.
- 2) Ensure LEAs provide serial numbers and photos identified during the annual inventory process for inclusion in the LESO property accounting system for all controlled property identified in Paragraph III E, small arms and other unique

items as required. For equipment that does not contain a serial number, such as riot control or breaching equipment, a photograph will suffice.

- 3) Suspend the LEA as a result of the LEAs failure to properly conduct and/or certify and submit certified inventories, according to the aforementioned requirements.

C. The LEA shall:

- 1) Complete the annual physical inventory as required.
- 2) Provide serial numbers and photos identified in the annual inventory process for inclusion in the LESO property accounting system for all controlled property identified in Paragraph III E, small arms and other unique items, as required. For equipment that does not contain serial number, such as riot control or breaching equipment, a photograph will suffice.
- 3) Certify the accountability of all controlled property received through the LESO Program annually by conducting and certifying the physical inventory. The LEA must adhere to additional annual certification requirements as identified by the LESO.
 - a. The State requires each LEA to submit certified inventories for their Agency by December 1 of each year. The Fiscal Year (FY) is defined as October 1 through September 30 of each year. This gives the LEA two (2) months to physically inventory LESO Program property in their possession and submit their certified inventories to the State Coordinators.
 - (1) The LESO requires a front or side and data plate photo for Aircraft and Tactical Vehicles that are serial number controlled, received through the LESO Program.
 - (2) The LESO requires serial number photos for each small arm received through the LESO Program.
 - b. The LEAs failure to submit the certified annual inventory by December 1 may result in the agency being suspended from operations within the LESO Program. Further failure to submit the certified annual inventory may result in a LEA termination.
- 4) Be aware that High Profile Commodities (Aircraft, Tactical Vehicles and Small Arms) and High Awareness (controlled) property are subject to additional controls.

VI. PROGRAM COMPLIANCE REVIEWS

A. The LESO conducts a Program Compliance Review (PCR) for each State that is enrolled in the LESO Program every two (2) years. The LESO reserves the right to require an annual PCR, or similar inspection on a more frequent basis for any State. The LESO PCRs are performed in order to ensure that State Coordinators, SPOCs and all LEAs within a State are compliant with the terms and conditions of the LESO Program as required by 10 USC § 2576a, DLA Instructions and

Manuals, and the DLA MOA signed by the State.

- 1) If a State and/or LEA fails a PCR, the LESO will immediately suspend their operations and will subsequently issue corrective actions (with suspense dates) to the State Coordinator, which will identify what is needed to rectify the identified deficiencies within the State and/or LEA.
- 2) If a State and/or LEA fails to correct identified deficiencies by the given suspense dates, the LESO will move to terminate the LESO Program operations within the State and/or LEA.

B. The State shall:

- 1) Support the LESO PCR process by:
 - a. Contacting LEAs selected for the PCR review via phone and/or email to ensure they are aware of the PCR schedule and prepared for review.
 - b. Receiving inventory selection from the LESO. The LEA POCs shall gather the selected items in a centralized location to ensure that the LESO can efficiently inventory the items.
 - c. Providing additional assistance to the LESO as required, prior to and during the course of the PCR.
- 2) Conduct internal Program Compliance Reviews of LEAs participating in the LESO Program in order to ensure accountability, program compliance and validate annual inventory submissions are accurate. The State Coordinator must ensure an internal PCR of at least 5% of LEAs that have a property book from the LESO Program within his / her State is completed annually. This may result in a random review of all or selected property at the LEA.
 - a. The internal PCR will include, at minimum:
 - (1) A review of each selected LEAs LESO Program files.
 - (2) A review of the signed State Plan of Operation (SPO).
 - (3) A review of the LEA application and screener's letter.
 - (4) A physical inventory of the LESO Program property at each selected LEA.
 - (5) A specific review of each selected LEAs files for the following:
DD Form 1348-1A for each item currently on inventory, small arms documentation, transfer documents, turn-in documents, inventory adjustment documents, exception to policy letters (if any), approved cannibalization requests (if any), and other pertinent documentation as

required.

- b. The State and/or LEA will bear all expenses related to the repossession and/or turn-in of LESO Program property to the nearest DLA Disposition Services site.

VII. STATE PLAN OF OPERATION (SPO)

A. The State shall:

- 1) Identify, establish, and issue minimum criteria to be included in the SPO for the State and each participating LEA.
- 2) Establish a State Plan of Operation, developed in accordance with Federal and State law, and conforming (at minimum) to the provisions of the DLA Instruction and Manuals and the DLA MOA.
 - a. The SPO will include detailed organizational and operational authority including: staffing, budget, facilities, and equipment that the State believes is sufficient to manage the LESO Program within their State.
 - b. The SPO must address procedures for making determinations of LEA eligibility, allocation, and equitable distribution of material, accountability and responsibility concerning excess DOD personal property, inventory requirements, training and education, State-level internal Program Compliance Reviews (PCR), and procedures for turn-in, transfer, and disposal.
- 2) Enter into written agreement with each LEA, via the LESO approved State Plan of Operation, to ensure the LEA fully acknowledges the terms, conditions, and limitations applicable to property transferred pursuant to this agreement. The State Plan of Operation must be signed by the Chief Law Enforcement Official (CLEO), or assigned designee of the respective LEA, and the current State Coordinator.
- 3) Request that the LESO Suspend or Terminate an LEA(s) from the LESO Program when an LEA fails to comply with any term of DLA MOA, the DLA Instruction and Manuals, any Federal statute or regulation, or the State Plan of Operation.

VIII. REPORTING REQUIREMENTS FOR LOST, MISSING, STOLEN, DAMAGED OR DESTROYED LESO PROGRAM PROPERTY

A. All property Lost, Missing, Stolen, (LMS) damaged, or destroyed carried on a LEA's current inventory must be reported to the LESO.

- 1) Controlled property must be reported to the State and the LESO within twenty-four (24) hours. The aforementioned property may require a police and National Crime Information Center (NCIC) report submitted to the LESO, to include DEMIL "A" items that are considered controlled items in Paragraph III E.

2) Property with a DEMIL Code of "A" must be reported to the State and the LESO within seven (7) days.

3) All reports are subject to review by the DLA Office of the Inspector General (OIG).

B. LESO may grant extensions to the reporting requirements listed above on a case-by-case basis.

IX. AIRCRAFT AND SMALL ARMS

A. All aircraft are considered controlled property, regardless of DEMIL Code. Aircraft may not be sold and must be returned to the LESO at the end of their useful life. This State Plan of Operation ensures that all LEAs and all subsequent users are aware of and agree to provide all required controls and documentation in accordance with applicable laws and regulations for these items.

B. LEAs no longer requiring small arms issued through the LESO Program must request authorization to transfer or turn-in small arms. Transfers and turn-ins must be forwarded and endorsed by the State Coordinator's office first, and then approved by the LESO. Small Arms will not physically transfer until the approval process is complete.

C. Small Arms that are issued must have a documented chain of custody, with the chain of custody including a signature of the receiving officer indicating that he / she has received the appropriate small arm(s) with the correct, specific serial number(s). Small Arms that are issued to an officer will be issued utilizing an Equipment Custody Receipt (ECR); this Custody Receipt obtains the signature of the officer responsible for the small arm.

X. RECORDS MANAGEMENT

The LESO, State Coordinator, and LEAs enrolled in the LESO Program must maintain all records in accordance with the DLA Records Schedule. Records for property acquired through the LESO Program have retention controls based on the property's DEMIL Code. All documents concerning a property record must be retained.

- 1) Property records for items with DEMIL Code of "A" must be retained for two (2) calendar years from the date the property is removed from the LEA's property book before being destroyed.
- 2) Property records for controlled property must be retained for five (5) calendar years from the date the property is removed from the LEA's property book before being destroyed.
- 3) Environmental Property records must be retained for fifty (50) years, regardless of DEMIL Code (Chemicals, Batteries, Hazardous Material / Hazardous Waste).
- 4) LESO Program files must be segregated from all other records.

- 5) All property records must be filed, retained, and destroyed in accordance with DLA Records Schedule. These records include, but are not limited to, the following: DD Form 1348-1A, requests for transfer, turn-in, or disposal, approved Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE) Forms 10 and 5, Certificate of Aircraft Registration (AC Form 8050-3), Aircraft Registration Application (AC 8050-1) and any other pertinent documentation and/or records associated with the LESO Program.

XI. LESO PROGRAM ANNUAL TRAINING

A. 10 USC § 380 provides that the Secretary of Defense, in cooperation with the U.S. Attorney General, shall conduct an annual briefing of law enforcement personnel of each state. The briefing will include information on training, technical support, equipment, and facilities that are available to civilian law enforcement personnel from the Department of Defense.

B. The State shall organize and conduct training pertaining to information, equipment, technical support and training available to LEAs via the LESO Program.

C. The State shall ensure at least one representative (i.e. the State Coordinator or SPOC) attend the annual training that the LESO conducts.

XII. PROPERTY ALLOCATION

A. The State Shall:

- 1) Provide the LEA with a website that will afford timely and accurate guidance, information, and links for all LEAs who work, or have an interest in, the LESO Program.
- 2) Upon receipt of a valid State / LEA request for property through the DLA Disposition Services RTD website, a preference will be given to those applications indicating that the transferred property will be used in the counter-drug, counter-terrorism, or border security activities of the recipient agency. Additionally, to the greatest extent possible, the State will ensure fair and equitable distribution of property based on current LEAs inventory and justification for property.
- 3) The State and the LESO reserve the right to determine and/or adjust allocation limits. Generally, no more than one of any item per officer will be allocated to an LEA. Quantity exceptions may be granted on a case-by-case basis by the LESO. Currently, the following quantity limits apply:
 - a. Small Arms: one (1) type for each qualified officer, full-time / part-time;
 - b. HMMWVs: one (1) vehicle for every three (3) officers;
 - c. MRAPs: one (1) vehicle per LEA.
- 4) The State and the LESO reserve final authority on determining the approval and/or disapproval for requests of specific types and quantities of excess DOD property.

B. The LEA shall:

- 1) Ensure an appropriate justification is submitted when requesting excess DOD property via the LESO Program and will ensure LESO Program property will be used for the law enforcement activity and for law enforcement purposes only within his / her State and agency.
- 2) When requesting property, provide a justification to the State and the LESO on how the requests for property will be used in counter-drug, counter-terrorism, or border security activities of the recipient agency. Additionally, the LEA should be fair and equitable when making requisitions based on current LEA inventory and the justification for property. Generally, no more than one of any item per officer will be allocated.
- 3) Ensure screeners of property are employees of the LEA. Contractors may not conduct screening on behalf of the LEA.
- 4) Obtain access to FEPMIS to ensure the property book is properly maintained, to include but not limited to transfers, turn-ins, and disposal requests and to generate these requests at the LEA level and forward all approvals to the State for action.
- 5) Ensure at least one person per LEA maintains access to FEPMIS. FEPMIS account holders must be employees of the LEA.

XIII. PROGRAM SUSPENSION & TERMINATION

A. The State and LEA are required to abide by the terms and conditions of the DLA MOA in order to maintain active status.

B. The State shall:

- 1) Suspend LEAs for a minimum of sixty (60) days in all situations relating to the suspected or actual abuse of LESO Program property or requirements and/or repeated failure to meet the terms and conditions of the DLA MOA. Suspension may lead to TERMINATION.
- 2) The State and/or the LESO have final discretion on reinstatement requests. Reinstatement to full participation from a suspension and/or termination is not automatic.
- 3) In coordination with the LESO, issue corrective action guidance to the LEA with suspense dates to rectify issues and/or discrepancies that caused suspension and/or termination.
- 4) Require the LEA to submit results regarding all completed police investigations and/or reports regarding lost, missing, stolen and/or damaged LESO Program property, to include the LEAs Corrective Action Plan (CAP).

- 5) Suspend or terminate an LEA from the LESO Program if an LEA fails to comply with any term of the DLA MOA, the DLA Instruction and Manuals, any Federal statute or regulation, or the State Plan of Operation.
 - a. In the event of an LEA termination, the State Coordinator will make every attempt to transfer the LESO Program property of the terminated LEA to an authorized State or LEA, as applicable, prior to requesting a turn-in of the property to the nearest DLA Disposition Services location.
 - b. In cases relating to an LEA termination, the LEA will have ninety (90) days to complete the transfer or turn-in of all LESO Program property in their possession.

C. The LEA shall:

- 1) Notify the State Coordinator's office and initiate an investigation into any questionable activity or actions involving LESO property issued to the LEA that comes to the attention of the CLEO, and is otherwise within the authority of the Governor / State to investigate. LEAs must understand that the State Coordinators, acting on behalf of their Governor, may revoke or terminate their concurrence for LEA participation in the LESO Program at any time, and for any reason.
- 2) Understand that the State may suspend LEA(s) and/or LEA POC(s) from within their State, based upon their findings during internal Program Compliance Reviews and/or spot checks at the State level.
- 3) Initiate corrective action to rectify suspensions and/or terminations placed upon the LEA for failure to meet the terms and conditions of the LESO Program.
- 4) Be required to complete and submit results regarding all completed police investigations and/or reports regarding lost, missing, stolen and/or damaged LESO Program property. The LEA must submit all documentation to the State and the LESO upon receipt.
- 5) Provide documentation to the State and the LESO when actionable items are rectified for the State and/or LEA(s).
- 6) The LEAs Chief Law Enforcement Official must request reinstatement as required, via the State Coordinator or SPOC(s), to full participation status at the conclusion of a suspension period.

XIV. COSTS & FEES

- 1) All costs associated with the transportation, turn-in, transfer, repair, maintenance, insurance, disposal, repossession or other expenses related to property obtained through the LESO Program is the sole responsibility of the LEA. In the event an agency is dissolved or disbanded and no civilian governing body exists, the costs associated with the transportation and turn-in of all property in the possession of the

dissolved or disbanded LEA then becomes responsibility of the State.

XV. NOTICES

Any notices, communications, or correspondence related to this agreement shall be provided by E-mail, the United States Postal Service, express service, or facsimile to the State Coordinators office or cognizant DLA office. The LESO may, from time to time, make unilateral modifications or amendments to the provisions of this SPO. Notice of these changes will be provided to State Coordinators in writing. Unless State Coordinators take immediate action to terminate this SPO in accordance with Section XVIII, such modifications or amendments will become binding. In such cases, reasonable opportunity will, insofar as practicable, be afforded the State Coordinator to conform changes affecting their operations.

XVI. ANTI-DISCRIMINATION

A. By signing this SPO, or accepting excess DOD personal property under this SPO, the State pledges that it and each LEA agrees to comply with applicable provisions of the following national policies prohibiting discrimination:

- 1) On the basis of race, color, or national origin, in Title VI of the Civil Rights Act of 1964 (42 USC 2000d et seq.) as implemented by DOD regulations 32 CR Part 195.
- 2) On the basis of age, in the Age Discrimination Act of 1975 (42 USC 6101, et seq) as implemented by Department of Health and Human Services regulations in 45 CFR Part 90.
- 3) On the basis of handicap, in Section 504 of the Rehabilitation Act of 1973, P.L. 93-112, as amended by the Rehabilitation Act Amendments of 1974, P.L. 93-516 (29 USC 794), as implemented by Department of Justice regulations in 28 CFR Part 41 and DOD regulations at 32 CFR Part 56.

B. These elements are considered the minimum essential ingredients for establishment of a satisfactory business agreement between the State and the DOD.

XVII. INDEMNIFICATION CLAUSE

The LEA is required to maintain adequate insurance to cover damages or injuries to persons or property relating to the use of property issued under the LESO program. Self-insurance by the LEA is considered acceptable. The U.S. Government and the Texas Department of Public Safety assumes no liability for damages or injuries to any person(s) or property arising from the use of property issued under the LESO program. It is recognized that State and local law generally limit or preclude State Coordinators / LEAs from agreeing to open-ended indemnity provisions. However, to the extent permitted by State and local laws, the LEA shall indemnify and hold the U.S. Government and the Texas Department of Public Safety harmless from any and all actions, claims, debts, demands, judgments, liabilities, cost, and attorney's fees arising out of, claimed on account of, or in any manner predicated upon loss of, or damage to property and injuries, illness or disabilities to, or death of any and all persons whatsoever, including members of the general public, or to the property of any legal or political entity including states, local and interstate

bodies, in any manner caused by or contributed to by the LEA, its agents, servants, employees, or any person subject to its control while the property is in the possession of, used by, or subject to the control of the LEA, its agents, servants, or employees after the property has been removed from U.S. Government control.

XVIII. TERMINATION

A. This SPO may be terminated by either party, provided the other party receives thirty (30) days' notice, in writing, or as otherwise stipulated by Public Law.

B. The undersigned State Coordinator and CLEO hereby agree to comply with all provisions set forth herein and acknowledge that any violation of the terms and conditions of this SPO may be grounds for immediate termination and possible legal consequences, to include pursuit of criminal prosecution if so warranted.

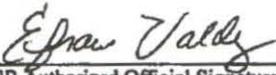
XIX. IN WITNESS THEREOF, the parties hereto have executed this agreement as of the last date written below.

Sheriff Joe Frank Martinez
Type / Print Chief Law Enforcement Official Name


Chief Law Enforcement Official Signature

8/16/17
Date (MM/DD/YYYY)

County Judge Efrain Valdez
Type/Print Civilian Governing Body Authorized Official


CGB Authorized Official Signature

8/16/17
Date (MM/DD/YYYY)

Michael Lesko
Type / Print State Coordinator Name


State Coordinator Signature

8-16-17
Date (MM/DD/YYYY)