

City of Freeport

NOTICE OF PUBLIC MEETING
THE FREEPORT CITY COUNCIL
MONDAY, AUGUST 3RD, 2009 6:00 P.M.
MUNICIPAL COURT ROOM
FREEPORT POLICE DEPARTMENT, 430 N. BRAZOSPORT BLVD.
FREEPORT, TEXAS 77541

AGENDA FORMAL SESSION

1. Call to Order.
2. Invocation.
3. Pledge of Allegiance.
4. Consideration of the approval of the July 20th & 21st, 2009 Council Minutes.
5. Attending Citizens and Their Business.
6. Consideration of the approval of Resolution No. 2009-2196 appointing Joyce Adkins, Reuben Cuellar, Edward T. Garcia and Diane Williams for a full term to the Planning Commission.
7. Consideration of the approval of Resolution No. 2009-2197 reappointing Joyce Girouard, Nancy Hughes, Margie Edwards, James Walker and June Strambler for a full term to the Library Board of said City.
8. Consideration of the approval of Resolution No. 2009-2198 appointing Clan Cameron for the remainder of the unexpired term of the Brazosport Water Authority Board.
9. Consideration of the approval of Resolution No. 2009-2199 appointing William W. Rains, Jim Pirrung, John Greer and Tim Closs for a full term to the Board of Adjustment of said City.
10. Consideration of the approval of Resolution No. 2009-2200 appointing Sandra Barbree, Ken Tyner and one other person to be selected by the City Council for a full term to the Urban Renewal Board of said City.
11. Consideration of the approval of Resolution No. 2009-2201 appointing Susan Pettijohn, Margaret L. McMahon, Nicolasa Mireles and Eddie Virgil for a full term to the Beautification/Parks and Recreation Committee of said City.

12. Consideration of the approval of Resolution No. 2009-2202 appointing Lila Diehl, Sandra Wood-Wicke, William W. Rains and one other person to be selected by the City Council to the Economic Development Corporation of said City.
13. Consideration of the approval of Resolution No. 2009-2203 appointing one other person to be selected by the City Council to replace Johnny McQuaig to an unexpired term of the Economic Development Corporation of said City.
14. Consideration of the approval of Resolution No. 2009-2204 appointing Sandra Barbree, Joshua Pettijohn, Lila Lloyd and Sandra Leavey for a full term to the Historical Commission and Main Street Advisory Board of said City.
15. Consideration of the approval of Resolution No. 2009-2205 appointing Mary Darnell, Beverly Garrison, Martha Westbrook and Dana Glenn for a full term to the Senior Citizens Commission of said City.
16. Consideration of the approval of Ordinance No. 2009-2222 authorizing the Mayor to execute and the City Secretary to attest a professional services agreement with Perdue, Brandon, Fielder, Collins, & Mott, LLP for the collection of delinquent court fees and fines generated by the Municipal Court of the City.
17. Consideration of the approval of setting August 17th, 2009, 6:00 p.m. as the date for a Public Hearing on the propose budget for the fiscal year 2009-2010.
18. Consideration of the approval of updating and authorizing the Mayor to sign an Interlocal Agreement with TML Intergovernmental Employees Benefits Pool.

Elected Officials Report

Work Session

1. Discussion regarding the Mexican Consular ID Card program.
2. Discussion concerning readopting a tax abatement and reinvestment zone policy and readopting guidelines and criteria.
3. Discussion regarding contracting Perdue, Brandon, Fielder, Collins & Mott L.L.P., to collect delinquent court fees and fines.
4. Discussion concerning Waste Management contract and alternate rates and service options.

Executive Session

A. Section 551.074, Government Code

Deliberations concerning the duties and responsibilities, to wit:

- City Manager-Jeff Pynes

B. Section 551.087, Government Code

Deliberation Regarding Economic Development Negotiations, to wit:

- Marina Project Prospect(s)

Adjourn

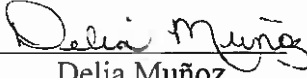
NOTE: ITEMS NOT NECESSARILY DISCUSSED IN THE ORDER THEY APPEAR ON THE AGENDA. THE COUNCIL, AT ITS DISCRETION, MAY TAKE ACTION ON ANY OR ALL OF THE ITEMS AS LISTED.

This notice is posted pursuant to the Texas Open Meeting Act. (Chapter 551, Government Code)

In compliance with the American with Disabilities Act, the City of Freeport will provide for reasonable accommodations for persons attending City Council Meetings.

Request should be received 48 hours prior to the meetings. Please contact the City Secretary office at 979.233.3526.

I, Delia Muñoz, City Secretary, City of Freeport, Texas, hereby certify that this agenda was posted on the official bulletin board/glass door of City Hall, facing the rear parking lot of the building, with 24 hour a day public access, 200 W. 2nd Street, Freeport, Texas, on July 31st, 2009, at or before 5:00 p.m.



Delia Muñoz
City Secretary

Consideration of the approval of the July 6th, & July 7th , 2009 Council Minutes.

On a motion by Councilman Cameron, seconded by Councilman Phillips, with all present voting "aye", Council unanimously approved the July 6th & July 7th, 2009 Council Minutes.

Attending Citizens and Their Business.

Gloria Millsap, District Assistant with Senator Joan Huffman, announced and invited all to the senator's office at 129 Circle Way, Suite 101 in Lake Jackson, Texas.

Proclamation: International Clown Week, August 1st through 7th, 2009.

Mayor McDonald read out a proclamation, proclaiming August 1st through 7th, 2009 "International Clown Week. Tiny the clown belongs to Coastal Confetti Club and attends non profit organizations and church functions to help raise money for handicap children and adults. He can be reached at 979-849-0348.

Consideration of the approval of Resolution No. 2009-2194 to suspend effective date and provide authority to join with other cities in acting on rate request.

On a motion by Councilman Cameron, seconded by Councilman Phillips, with all present voting "aye", Council unanimously approved Mr. Jim Boyle's of Diversified Utilities Consultants, Inc. and Herrera & Boyle, PLLC, recommendation to approve Resolution No. 2009-2194 to suspend the effective date to October 30th, 2009 and to provide authority to join with other cities in acting on rate request.

Consideration of the approval of Resolution No. 2009-2195 appointing five (5) persons for a six (6) month term to the Charter Review.

Councilman Phillips stated that the Charter Review had conflicts that needed to be addressed. It needs to be a workable document.

On a motion by Councilman Wise, seconded by Councilwoman Garcia, to appoint Jeff Pynes and Annette Sanford to the Charter Review of said City.

On a motion by Councilman Phillips, seconded by Councilman Cameron, with all present voting "aye", Council unanimously approved Resolution No. 2009-2195 appointing Dorothy Pirrung, Tobey Davenport, William W. Rains, Annette Sanford and Jeff Pynes to the Charter Review of said City.

Consideration of the approval of setting a bid date for the removal of seven (7) derelict vessel and removal from the Brazos River.

On a motion by Councilman Phillips, seconded by Councilman Cameron, with all present voting "aye", Council unanimously approved setting a bid date for August 11th, 2009 for the removal of seven (7) derelict vessels and removal from the Brazos River.

Consideration of the approval of setting a date for a public hearing on the designation of “Friends Liquors & Wines”, 511 West 2nd Street as a reinvestment zone and the approval of a commercial tax abatement application.

On a motion by Councilman Cameron, seconded by Councilman Phillips, with all present voting “aye”, Council unanimously approved August 17th, 2009 for a public hearing on the designation of “Friends Liquors & Wines, 511 West 2nd Street as a reinvestment zone and the approval of a commercial tax abatement application.

Consideration of the approval of authorizing the City Manager to sign a \$3,000.00 Tobacco Grant Acceptance Agreement and Compliance Standards for the Freeport Police Department.

On a motion by Councilman Cameron, seconded by Councilman Phillips, with all present voting “aye”, Council unanimously approved authorizing the City Manager to sign a \$3,000.00 Tobacco Grant Acceptance Agreement and Compliance Standards for the Freeport Police Department to use for tobacco education.

Consideration of the approval of appointing qualified person(s) on the following Boards and Commission and appointing liaisons to each committees.

- Planning Commission
- Library Board
- Historical Commission and Main Street Advisory Board
- Board of Adjustment
- Urban Renewal Board
- Beautification/Parks & Recreation Committee
- Economic Development Corporation
- Charter Review
- Senior Citizens Commission

Planning Commission: Liaison Jeff Pynes

On a motion Councilwoman Garcia, seconded by Councilman Phillip, with all present voting 4 to 1, Council nominated Joyce Adkins to the Planning Commission. Councilman Wise opposed.

On a motion by Councilman Phillips, seconded by Councilman Wise, with all present voting “aye”, Council nominated Reuben Cuellar to the Planning Commission.

On a motion by Mayor McDonald, seconded by Councilwoman Garcia, with all present voting “aye”, Council nominated approved Edward T. Garcia to the Planning Commission.

On a motion by Councilman Wise, seconded by Councilman Phillips, with all present voting 4 to 1, Council nominated Diane Williams to the Planning Commission. Councilman Cameron opposed.

Library Board: Liaison: James W. Phillips

On a motion by Councilman Phillips, seconded by Councilman Cameron, with all present voting "aye", Council nominated Joyce Girouard, Nancy Hughes, Margie Edwards, James Walker and June Strambler to the Library Board.

Historical Commission & Main Street Advisory Board: Liaison James W. Phillips

On a motion by Councilwoman Garcia, seconded by Councilman Phillips, with all voting 4 to 1, Council nominated Lila Lloyd, Sandra Leavey, Sandra Barbree and Joshua Pettijohn to the Historical Commission & Main Street Advisory board of said city.
Councilman Cameron opposed

Board of Adjustment: Liaison Wise

On a motion by Councilman Phillips, seconded by Councilman Cameron, with all present voting "aye", Council nominated Jim Pirrung, William W. Rains, and Tim Closs, to the Board of Adjustment of said City.

Urban Renewal Board: Liaison Ron Wise

No action taken

Beautification/Parks/Rec Committee: Liaison Norma Garcia

No action taken

Economic Development Corporation: Liaison Clan Cameron

On a motion by Councilman Cameron, seconded by Councilman Wise, with all present voting "aye", Council nominated Lila Diehl and William W. Rains to the EDC Corporation.

On a motion by Councilman Phillips, seconded by Councilwoman Garcia, with all present voting 2 to 3, motion failed to nominate Jason Montier to the EDC board.
Mayor McDonald, Councilman Cameron, and Councilman Wise opposed.

On a motion by Mayor McDonald, seconded by Councilman Wise, with all present voting 3 to 2 Council nominated Sandra W. Wicke to the EDC board. Councilman Phillips and Councilman Cameron opposed.

On a motion by Councilman Phillips, seconded by Mayor McDonald, with all present voting 3 to 2, Council renominated Jason Montier to the EDC board. Councilman Wise and Councilman Cameron opposed.

Charter Review: Resolution 2009-2195

Senior Citizens Committee: Liaison

On a motion by Councilwoman Garcia, seconded by Councilman Phillips, with all present voting 4 to 1, Council nominated Mary Darnell, Beverly Garrison, Martha Westbrook and Dana Glenn to the Senior Citizens Committee of said city. Councilman Cameron opposed.

Consideration of the approval of appointing a member of council to the following boards/committees:

On a motion by Councilwoman Garcia, seconded by Councilman Cameron, with all present voting “aye”, Council unanimously approved:

- Councilman Cameron to the Houston Galveston Area Council – HGAC Representative and Mayor McDonald as alternate.
- Mayor McDonald to the Southern Brazoria County Animal Shelter – Board Member.
- Councilman Phillips to the Brazoria County Community Development Board (CDBG) and liaison to the Brazoria Economic Alliance.

Elected Officials Report

No Report

Work Session

Discussion concerning Waste Management contract and alternate rates and service options.

This item was reagendaed.

Discussion concerning Section 155.023 Supplementary District Regulations and Exceptions, Section I (10 Paving) of the Code of Ordinances.

City Manager Jeff Pynes showed a power point presentation on metal storage containers, trailers, portable building parked in unauthorized areas, all over the City. He asked Council for direction and asked for recommendations whether to enforce this section of the code. Councilman Wise and Councilman Cameron suggested forwarding this to the Planning Commission for review.

Adjourn

On a motion by Councilman Cameron, seconded by Councilman Phillips, with all present voting “aye”, the meeting was adjourned at 8:02 p.m.

Delia Munoz
City Secretary

Larry L. McDonald
Mayor

John Stanford asked if Main Street Director was included in the proposed budget. This question was addressed.

Councilwoman Garcia asked if Mr. Pynes was the only one with a car allowance. He answered yes. She said she missed meeting with supervisors and staff, getting input on the requested propose budget. Mr. Pynes said that could be arranged.

Councilman Phillips had a concern on travel allowances. Mr. Pynes said it was minimal. The City reimburses \$0.55 a mile.

Councilman Clan stated that the propose budget was a very tight sound budget and he was in favor of it.

Adjourn

There being no further questions, Mayor Pro Tem Garcia closed the budget work shop.

On a motion by Councilman Cameron, seconded by Councilman Phillips, the 2nd workshop adjourned at 6:35 p.m.

Larry L. McDonald
Mayor

Delia Munoz
City Secretary

RESOLUTION NO. 2009-2196

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, NOMINATING, CONSTITUTING AND APPOINTING QUALIFIED PERSONS TO THE PLANNING COMMISSION OF THE CITY; PROVIDING FOR THE DUTIES OF OFFICE; AND PROVIDING FOR THE TAKING OF THE OATH OF OFFICE REQUIRED BY LAW.

WHEREAS, the terms of office of certain members of the Planning Commission of the City of Freeport, Texas ("the City") have expired; and,

WHEREAS, the City Council of the City desires to appoint the below named qualified persons as members of said commission.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS:

SECTION ONE (1): APPOINTMENT

The City Council of the City hereby nominates, constitutes and appoints the following named qualified persons to the Planning Commission of the City for a full term and until a successor for such persons shall have been appointed and qualified, to-wit: JOYCE ADKINS, REUBEN CUELLAR, EDWARD T. GARCIA and DIANE WILLIAMS.

SECTION TWO (2): DUTIES

The above named appointees shall perform all of the duties imposed on members of the Planning Commission of the City by law and the ordinances and resolutions of the City.

SECTION THREE (3): OATH OF OFFICE

Before engaging in the performance of the duties of office, each of such appointees shall take the Constitutional Oath of Office and sign the affidavit required by law.

READ, PASSED AND ADOPTED this ____ day of _____, 2009.

Larry McDonald, Sr., Mayor
City of Freeport, Texas

ATTEST: _____
Delia Munoz, City Secretary
City of Freeport, Texas

RESOLUTION NO. 2009-2197

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, NOMINATING, CONSTITUTING AND APPOINTING QUALIFIED PERSONS TO THE LIBRARY BOARD OF THE CITY; PROVIDING FOR THE DUTIES OF OFFICE; AND PROVIDING FOR THE TAKING OF THE OATH OF OFFICE REQUIRED BY LAW.

WHEREAS, the terms of office of certain members of the Library Board of the City of Freeport, Texas ("the City") have expired; and,

WHEREAS, the City Council of the City desires to appoint the below named qualified persons as members of said board.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS:

SECTION ONE (1): APPOINTMENT

The City Council of the City hereby nominates, constitutes and appoints the following named qualified persons to the Library Board of the City for a full term and until a successor for such persons shall have been appointed and qualified, to-wit: JOYCE GIROUARD, NANCY HUGHES, MARGIE EDWARDS, JAMES WALKER and JUNE STRAMBLER.

SECTION TWO (2): DUTIES

The above named appointees shall perform all of the duties imposed on members of the Library Board of the City by law and the ordinances and resolutions of the City.

SECTION THREE (3): OATH OF OFFICE

Before engaging in the performance of the duties of office, each of such appointees shall take the Constitutional Oath of Office and sign the affidavit required by law.

READ, PASSED AND ADOPTED this ____ day of _____, 2009.

Larry McDonald, Sr., Mayor
City of Freeport, Texas

ATTEST:

Delia Munoz, City Secretary
City of Freeport, Texas

RESOLUTION NO. 2009-2198

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, NOMINATING, CONSTITUTING AND APPOINTING A QUALIFIED PERSON TO BE A DIRECTOR OF THE BRAZOSPORT WATER AUTHORITY; PROVIDING FOR THE DUTIES OF OFFICE; AND PROVIDING FOR THE TAKING OF THE OATH OF OFFICE REQUIRED BY LAW.

WHEREAS, the term of office of the position on the Board of Directors of the Brazosport Water Authority required to be filled by the City Council of the City of Freeport, Texas ("the City") expired in September, 2008; and,

WHEREAS, the City Council of the City desires to appoint the below named qualified person to serve on such board.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS:

SECTION ONE (1): APPOINTMENT

The City Council of the City hereby nominates, constitutes and appoints the following named qualified person to be a Director of the Brazosport Water Authority for a unexpired term and until a successor for such appointee shall have been appointed and qualified, to-wit: CLAN CAMERON.

SECTION TWO (2): DUTIES

The above named appointee shall perform all of the duties imposed on members of the Board of Directors of said Authority by law.

SECTION THREE (3): OATH OF OFFICE

Before engaging in the performance of the duties of office, such appointee shall take the Constitution Oath of Office as required by law.

READ, PASSED AND ADOPTED this ____ day of _____, 2009.

Larry McDonald, Sr., Mayor
City of Freeport, Texas

ATTEST: _____
Delia Muñoz, City Secretary
City of Freeport, Texas

RESOLUTION NO. 2009-2199

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, NOMINATING, CONSTITUTING AND APPOINTING QUALIFIED PERSONS TO THE BOARD OF ADJUSTMENT OF THE CITY; PROVIDING FOR THE DUTIES OF OFFICE; AND PROVIDING FOR THE TAKING OF THE OATH OF OFFICE REQUIRED BY LAW.

WHEREAS, the terms of office of certain members of the Board of Adjustment of the City of Freeport, Texas ("the City") have expired; and,

WHEREAS, the City Council of the City desires to appoint the below named qualified persons as members of said board.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS:

SECTION ONE (1): APPOINTMENT

The City Council of the City hereby nominates, constitutes and appoints the following named qualified persons to the Board of Adjustments of the City for a full term and until a successor for such persons shall have been appointed and qualified, to-wit: WILLIAM W. RAINS, JIM PIRRUNG and JOHN GREER, TIM CLOSS.

SECTION TWO (2): DUTIES

The above named appointees shall perform all of the duties imposed on members of the Board of Adjustment of the City by law and the ordinances and resolutions of the City.

SECTION THREE (3): OATH OF OFFICE

Before engaging in the performance of the duties of office, each of such appointees shall take the Constitutional Oath of Office and signed the affidavit required by law.

READ, PASSED AND ADOPTED this ____ day of _____, 2009.

Larry McDonald, Sr., Mayor
City of Freeport, Texas

ATTEST: _____
Delia Munoz, City Secretary
City of Freeport, Texas

RESOLUTION NO. 2009-2200

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, NOMINATING, CONSTITUTING AND APPOINTING QUALIFIED PERSONS TO THE URBAN RENEWAL BOARD OF THE CITY; PROVIDING FOR THE DUTIES OF OFFICE; AND PROVIDING FOR THE TAKING OF THE OATH OF OFFICE REQUIRED BY LAW.

WHEREAS, the terms of office of certain members of the Urban Renewal of the City of Freeport, Texas ("the City") have expired; and,

WHEREAS, the City Council of the City desires to appoint the below named qualified persons as members of said board.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS:

SECTION ONE (1): APPOINTMENT

The City Council of the City hereby nominates, constitutes and appoints the following named qualified persons to the Urban Renewal of the City for a full term and until a successor for such persons shall have been appointed and qualified, to-wit: Sandra Barbree, Ken Tyner and

SECTION TWO (2): DUTIES

The above named appointees shall perform all of the duties imposed on members of the Urban Renewal of the City by law and the ordinances and resolutions of the City.

SECTION THREE (3): OATH OF OFFICE

Before engaging in the performance of the duties of office, each of such appointees shall take the Constitutional Oath of Office and signed the affidavit required by law.

READ, PASSED AND ADOPTED this ____ day of _____, 2009.

Larry McDonald, Sr., Mayor
City of Freeport, Texas

ATTEST: _____
Delia Munoz, City Secretary
City of Freeport, Texas

RESOLUTION NO. 2009-2201

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, NOMINATING, CONSTITUTING AND APPOINTING QUALIFIED PERSONS TO THE BEAUTIFICATION, PARKS AND RECREATION COMMITTEE OF SAID CITY; PROVIDING FOR THE DUTIES OF OFFICE; AND PROVIDING FOR THE TAKING OF THE OATH OF OFFICE REQUIRED BY LAW.

WHEREAS, the terms of office of certain members of the Beautification, Parks and Recreation Committee of the City of Freeport, Texas ("the City") have expired; and,

WHEREAS, the City Council of the City desires to appoint the below named qualified persons as members of said committee.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS:

SECTION ONE (1): APPOINTMENT

The City Council of the City hereby nominates, constitutes and appoints the following named qualified persons to the Beautification, Parks and Recreation Committee of the City for a full term and until a successor for such persons shall have been appointed and qualified, to-wit: SUSAN PETTIJOHN, MARGARET L. McMAHON and NICOLASA MIRELES, AND EDDIE VIRGIL.

SECTION TWO (2): DUTIES

The above named appointees shall perform all of the duties imposed on members of the Beautification, Parks and Recreation Committee of the City by law and the ordinances and resolutions of the City.

SECTION THREE (3): OATH OF OFFICE

Before engaging in the performance of the duties of office, each of such appointees shall take the Constitution Oath of Office as required by law.

READ, PASSED AND ADOPTED this ____ day of _____, 2009.

Larry McDonald, Sr., Mayor
City of Freeport, Texas

ATTEST: _____
Delia Munoz, City Secretary



Please return to the
City Secretary:

200 West 2nd St
Freeport, TX 77541
Phone: 979.233.3526
Fax: 979.233.8867
dmunoz@freeport.tx.us

Boards and Commissions Application

Name: Eddie Virgil

Address: 1709 Naven N Freeport, TX 77541

Home Phone: (979) 233-8602 Alternate Phone (979) 236-5060

Email (optional): _____

Do you live inside the City Limits? Yes No If yes, for how long? _____

Do you live in the Extra Territorial Jurisdiction? Yes No

Are you registered to vote in Brazoria County? Yes No

Please indicate by rank which Board or Commission you wish to serve on by placing your 1st through 3rd choice in the appropriate box.

<input checked="" type="checkbox"/>	Planning Commission
<input type="checkbox"/>	Main Street/Historical Board
<input type="checkbox"/>	Board of Adjustments
<input type="checkbox"/>	Urban Renewal Board
<input type="checkbox"/>	Senior Citizens Committee

<input type="checkbox"/>	Library Board
<input checked="" type="checkbox"/>	Beautification/Parks & Recreation
<input type="checkbox"/>	Charter Review
<input type="checkbox"/>	Economic Development

The City Council will make appointments to the Boards and Commissions. This application will be given to them for review. Please explain why you wish to serve, and what you consider to be your qualifications.

I am concerned about the progress of the city. I have worked on the Beautification/Parks Board for a number of years. This Board can invite people to come to Freeport. I am concerned about the growth of the city.

Signature Eddie Virgil Date: 7/23/09

- Step 1: Fill Out this Application.
- Step 2: Attach a cover letter or resume if you would like.
- Step 3: Mail the application and any other related information to the City Secretary, or fax: (979) 233-8867.

If you have any questions about the process or about a particular board or commission, please call Delia Munoz at (979) 233-3526.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, NOMINATING, CONSTITUTING AND APPOINTING QUALIFIED PERSONS TO THE ECONOMIC DEVELOPMENT CORPORATION OF THE CITY; PROVIDING FOR THE DUTIES OF OFFICE; AND PROVIDING FOR THE TAKING OF THE OATH OF OFFICE REQUIRED BY LAW.

WHEREAS, the terms of office of certain members of the ECONOMIC DEVELOPMENT CORPORATION of the City of Freeport, Texas ("the City") have expired; and,

WHEREAS, the City Council of the City desires to appoint the below named qualified persons as a members of said ECONOMIC DEVELOPMENT CORPORATION.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS:

SECTION ONE (1): APPOINTMENT

The City Council of the City hereby nominates, constitutes and appoints the following named qualified persons to the ECONOMIC DEVELOPMENT CORPORATION of the City for a full term and until a successor for such persons shall have been appointed and qualified, to-wit: LILA DIEHL, SANDRA WOOD-WICKE, WILLIAM W. RAINS and _____.

SECTION TWO (2): DUTIES

The above named appointees shall perform all of the duties imposed on members of the ECONOMIC DEVELOPMENT CORPORATION of the City by law and the ordinances and resolutions of the City.

SECTION THREE (3): OATH OF OFFICE

Before engaging in the performance of the duties of office, such appointees shall take the Constitutional Oath of Office and sign the affidavit required by law.

READ, PASSED AND ADOPTED this ____ day of _____, 2009.

Larry McDonald, Mayor
City of Freeport, Texas

ATTEST: _____
Delia Muñoz, City Secretary
City of Freeport, Texas

RESOLUTION NO. 2009-2203

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, NOMINATING, CONSTITUTING AND APPOINTING A QUALIFIED PERSON TO THE ECONOMIC DEVELOPMENT CORPORATION BOARD OF THE CITY FOR AN UNEXPIRED TERM ONLY; PROVIDING FOR THE DUTIES OF OFFICE; AND PROVIDING FOR THE TAKING OF THE OATH OF OFFICE REQUIRED BY LAW.

WHEREAS, a vacancy exist on the Board of Directors of the Economic Development Corporation of the City of Freeport, Texas ("the City") as a result of the resignation of JOHNNY McQUAIG; and,

WHEREAS, the City Council of the City desires to appoint the below named qualified person as member of said board to fill such vacancy.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS:

SECTION ONE (1): APPOINTMENT

The City Council of the City hereby nominates, constitutes and appoints _____ to the Board of Directors of the Economic Development Corporation of the City for the remainder of the unexpired term of office of the said Johnny McQuaig and until a successor for such person shall have been appointed and qualified.

SECTION TWO (2): DUTIES

The above named appointee shall perform all of the duties imposed on members of the Board of Directors of the Economic Development Corporation of the City by law and the ordinances and resolutions of the City and by the Articles of Incorporation and By-Laws of said corporation.

SECTION THREE (3): OATH OF OFFICE

Before engaging in the performance of the duties of office, such appointee shall take the Constitution Oath of Office as required by law.

READ, PASSED AND ADOPTED this ____ day of _____, 2009.

Larry McDonald, Sr., Mayor
City of Freeport, Texas

ATTEST: _____
Delia Munoz, City Secretary
City of Freeport, Texas

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, NOMINATING, CONSTITUTING AND APPOINTING QUALIFIED PERSONS TO THE HISTORICAL COMMISSION AND MAIN STREET ADVISORY BOARD OF THE CITY; PROVIDING FOR THE DUTIES OF OFFICE; AND PROVIDING FOR THE TAKING OF THE OATH OF OFFICE REQUIRED BY LAW.

WHEREAS, the terms of office of certain members of the Historical Commission and Main Street Advisory Board of the City of Freeport, Texas ("the City") have expired; and,

WHEREAS, the City Council of the City desires to appoint the below named qualified persons to fill such positions.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS:

SECTION ONE (1): APPOINTMENT

The City Council of the City hereby nominates, constitutes and appoints the following named qualified persons to the Historical Commission and Main Street Advisory Board of the City for a full term and until a successor for such persons shall have been appointed and qualified, to-wit: Sandra Barbree, Joshua Pettijohn, Lila Lloyd and Sandra Leavey.

SECTION TWO (2): DUTIES

The above named appointees shall perform all of the duties imposed on members of the consolidated Historical Commission and Main Street Advisory Board of the City by law and the ordinances and resolutions of the City.

SECTION THREE (3): OATH OF OFFICE

Before engaging in the performance of the duties of office, each of such appointees shall take the Constitution Oath of Office as required by law.

READ, PASSED AND ADOPTED this ___ day of _____, 2009.

Larry McDonald, Sr., Mayor
City of Freeport, Texas

ATTEST: _____
Delia Munoz, City Secretary
City of Freeport, Texas

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, NOMINATING, CONSTITUTING AND APPOINTING QUALIFIED PERSONS TO THE SENIOR CITIZENS COMMISSION OF THE CITY; PROVIDING FOR THE DUTIES OF OFFICE; AND PROVIDING FOR THE TAKING OF THE OATH OF OFFICE REQUIRED BY LAW.

WHEREAS, the terms of office of certain members of the SENIOR CITIZENS COMMISSION of the City of Freeport, Texas ("the City") have expired; and,

WHEREAS, the City Council of the City desires to appoint the below named qualified persons as a members of said SENIOR CITIZENS COMMISSION .

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS:

SECTION ONE (1): APPOINTMENT

The City Council of the City hereby nominates, constitutes and appoints the following named qualified persons to the SENIOR CITIZENS COMMISSION of the City for a full term and until a successor for such persons shall have been appointed and qualified, to-wit: MARY DARNELL, BEVERLY GARRISON, MARTHA WESTBROOK, and DANA GLENN.

SECTION TWO (2): DUTIES

The above named appointees shall perform all of the duties imposed on members of the SENIOR CITIZENS COMMISSION of the City by law and the ordinances and resolutions of the City.

SECTION THREE (3): OATH OF OFFICE

Before engaging in the performance of the duties of office, such appointees shall take the Constitutional Oath of Office and sign the affidavit required by law.

READ, PASSED AND ADOPTED this ____ day of _____, 2009.

Larry McDonald, Sr., Mayor
City of Freeport, Texas

ATTEST: _____
Delia Muñoz, City Secretary
City of Freeport, Texas

ORDINANCE NO. 2009-2222

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH PERDUE, BRANDON, FIELDER, COLLINS & MOTT, LLP FOR THE COLLECTION OF DELINQUENT COURT FEES AND FINES; PROVIDING FOR A FEE TO DEFRAY COSTS OF COLLECTING DELINQUENT FINES, FEES, AND OTHER DEBTS PURSUANT TO ARTICLE 103.0031 OF THE TEXAS CODE OF CRIMINAL PROCEDURE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN OPEN MEETINGS CLAUSE; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, Article 103.0031 of the Texas Code of Criminal Procedure authorizes the City of Freeport City Council to contract with a private firm for the collection of the fees listed above and to impose an additional collection fee in the amount of thirty percent on each debt or account receivable that is more than sixty days past due and which has been referred to the private firm for collection; and

WHEREAS, the Freeport City Council has determined that it is in the public interest to ensure the prompt payment of delinquent court-imposed fines and fees as provided by said statute; and

WHEREAS, the City of Freeport wishes to enter into a contract with a private firm, Perdue, Brandon, Fielder, Collins & Mott LLP (Perdue), to provide services for the collection of debts and accounts receivable, i.e.: fines, fees, restitution, other debts, and costs ordered to be paid by a court serving the City;

WHEREAS, the City Council deems it in the public interest to pass this Ordinance authorizing the collection of delinquent fines, fees and other debts;

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

SECTION 1. FINDINGS. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part of this Ordinance for all purposes as findings of fact.

SECTION 2. The Mayor is hereby authorized to enter into a contract with the Perdue Firm to provide services for the collection of fines, fees and other debts substantially in the form of the attached contract, which is made a part of this Ordinance for all purposes.

SECTION 3. In accordance with Article 103.0031 of the Texas Code of Criminal Procedure, there is hereby imposed an additional fee of thirty percent on all debts and accounts receivable, i.e.: fines, fees, restitution, other debts, and costs that are more than sixty days past due and have been referred to a private firm (Perdue) for collection.

SECTION 4. SEVERABILITY. If any provision of this Ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

SECTION 5. OPEN MEETINGS. It is hereby found and determined that the meetings at which this Ordinance is considered are open to the public and that notice of the time, place and purpose thereof was given in accordance with the provisions of the Texas Government Code – Chapter 551, as amended, and that a quorum of the City Council was present.

SECTION 6. EFFECTIVE DATE. This Ordinance shall be effective from and after its date of passage.

PASSED AND APPROVED on the ____ day of _____, 2009.

CITY OF FREEPORT, TEXAS:

LARRY L. MCDONALD, MAYOR

ATTEST:

DELIA MUNOZ, CITY SECRETARY

APPROVED AS TO FORM:

WALLACE SHAW
CITY ATTORNEY

CONTRACT FOR COURT FEES AND FINES COLLECTION SERVICES

STATE OF TEXAS

§

COUNTY OF BRAZORIA

§

§

THIS CONTRACT is made and entered into by and between the City of Freeport, Texas, a municipal corporation, acting herein by and through its governing body, hereinafter called "City", and Perdue, Brandon, Fielder, Collins & Mott L.L.P., hereinafter called "Perdue".

NOW, THEREFORE, in consideration of the covenants, conditions and agreements hereinafter set forth, the adequacy of which is hereby acknowledged, City and Perdue agree as follows:

SECTION I. CITY'S COLLECTION OBLIGATIONS

A. City agrees to employ and does hereby employ Perdue to enforce the collection of delinquent court fees and fines pursuant to the terms and conditions described in this contract. Furthermore, this contract cannot be transferred or assigned by either party without the written consent of all parties.

B. City agrees to refer all delinquent accounts by electronic or magnetic medium, in the specified format, to Perdue for collection on or about the first (1st) and fifteenth (15th) of each month. An account is considered delinquent when not paid within 60 days of the scheduled appearance date (if the defendant failed to appear), or from any granted extension, or from the date of conviction or judgment, or other court specified due date. City will provide Perdue with copies of, or access to, the information and documentation necessary to collect the fees and fines that are subject to this contract.

SECTION 2. PERDUE'S COLLECTION OBLIGATIONS

Perdue is to refer all payments and correspondence directly to the court that has assessed or levied the fees and fines being collected pursuant to this contract. Perdue reserves the right to return all accounts not collected within one (1) year of referral by City, as well as any accounts identified as being in bankruptcy. Upon return of these accounts, neither party will have any obligation to the other party to this contract with respect to any of such accounts.

SECTION 3. COLLECTION FEE

City agrees to pay to Perdue (1) fifteen percent (15%) of the collected fees and fines referred to Perdue by City imposed on all unadjudicated offenses committed on or before June 18, 2003; (2) thirty percent (30%) on the collected fees and fines referred to Perdue by City imposed on all adjudicated offenses committed on or before June 18, 2003; and (3) thirty percent (30%) of the collected fees and fines referred to Perdue by City imposed on all offenses occurring after June 18, 2003.

The 30% shall be added to the amount owed by a defendant that is more than 60 days past due pursuant to Article 103.0031, Texas Code of Criminal Procedure. The parties understand that pursuant to law, Perdue cannot collect from a defendant the percentage referred to above if the defendant has been determined by the court of original jurisdiction to be indigent, or has insufficient resources or income, or is otherwise unable to pay all or part of the underlying fine or costs. All compensation shall become the property of Perdue at the time of payment. City shall pay over said funds on a monthly basis by check out of the collected fees and fines, which Perdue has collected for the City.

SECTION 4. BEST EFFORTS TO COLLECT

Perdue agrees to use its best efforts to collect the delinquent accounts turned over to it and to provide legal advice to City on the delinquent accounts as requested by City.

SECTION 5. TERM

This contract shall commence on _____, 2009, and end when both parties mutually agree; provided, however, that either party to this agreement shall have the right to terminate this agreement by giving the other party thirty (30) days written notice of their desire and intention to terminate this agreement; and further provided that Perdue shall have an additional six (6) months to complete work on all cases turned over to it prior to the notice of termination.

SECTION 6. NOTICES

For purposes of sending notice under the terms of this contract, all notices from City shall be sent to Perdue by certified United States mail, or delivered by hand or by courier, and addressed as follows:

Perdue, Brandon, Fielder, Collins & Mott, L.L.P.
Attn: Michael J. Darlow - Attorney
1235 North Loop West, Suite 600
Houston, Texas 77008
Telephone (713) 862-1429

All notices from Perdue shall be sent to the City by certified United States mail, or delivered by hand or by courier, and addressed as follows:

City of Freeport, Texas
Attn: Jeff Pynes, City Manager
City Hall
200 West 2nd Street
Freeport, Texas 77541
Telephone: (979) 233-3526

SECTION 7. INDEMNITY

Perdue shall indemnify, hold harmless and defend City against any claim of liability or loss incurred by City to the extent caused by Perdue's acts or omissions in the performance of this Agreement that constitute negligent or willful acts or are errors or omissions.

SECTION 8. VENUE AND CONTROLLING LAW

This contract is made and is to be interpreted under the laws of the State of Texas. Venue for any disputes involving this contract shall be in the appropriate courts in Brazoria County, Texas.

SECTION 9. ACCEPTANCE OF EMPLOYMENT

In consideration of the terms and compensation herein stated, Perdue hereby accepts said employment and undertakes performance of said contract as set forth above.

SECTION 10. SEVERABILITY

Every provision of this Agreement is intended to be severable. If any term or provision hereof is hereafter deemed by a Court to be illegal, invalid, void or unenforceable, for any reason or to any extent whatsoever, such illegality, invalidity, or unenforceability shall not affect the validity of the remainder of this Agreement, it being intended that such remaining provisions shall be construed in a manner most closely approximating the intention of the Parties with respect to the illegal, invalid, void or unenforceable provision or part thereof.

This contract is executed on behalf of City by the presiding officer of its governing body who is authorized to execute this instrument by ordinance heretofore passed and recorded in its minutes. This contract may be executed in any number of counterparts, and each counterpart shall be deemed an original for all purposes. Signed facsimiles shall be binding and enforceable.

WITNESS the signature of all parties hereto on this the _____ day of _____, 2009.

LARRY L. MCDONALD, MAYOR

ATTEST:

DELIA MUNOZ, CITY SECRETARY

APPROVED AS TO FORM:

WALLACE SHAW
CITY ATTORNEY

PERDUE, BRANDON, FIELDER, COLLINS
& MOTT, LLP

BY: _____
FOR THE FIRM

NOTICE OF PUBLIC BUDGET HEARING

BE IT KNOWN that on Monday, August 17, 2009, beginning at 6:00, p.m., the City Council of the City of Freeport, Texas, will conduct a **PUBLIC HEARING** at the Police Department Municipal Courtroom of the City of Freeport, Texas, located therein at 430 North Brazosport Boulevard, on the **PROPOSED BUDGET** of the City for the **FISCAL YEAR 2009-2010**, which may be **EXAMINED** on request at the Office of the City Manager, 200 West Second Street, Freeport, Texas 77541, during normal business hours. **WRITTEN COMMENTS** concerning the budget must be mailed to arrive at or be delivered in person to the office of the City Manager at such office prior to 5:00 p.m. on the day of such hearing. **VERBAL COMMENTS** will be accepted at the time of the hearing.

Delia Muñoz, City Secretary
City of Freeport, Texas

NOTE: Publish once at least fifteen (15) days before
the date of the hearing.

Summary of Risk Interlocal Changes

- WHEREAS, the undersigned Employer Member represents that it is a Political Subdivision of *this state or of another state, that it is a "Local Government" qualified to enter into this Interlocal Agreement*, and that its governing body has acted by majority vote, at a duly called and posted public meeting, to authorize and participate in this Interlocal Agreement; and

- WHEREAS, the TML IEBP represents that it is a "Local Government" qualified to enter into this Interlocal Agreement pursuant to Chapter 791 of the Texas Government Code;

- 3. The Employer Member will adopt one or more of the TML IEBP Plans and make the payments and contributions set forth in the Schedule of Benefits. *The payments required to be made by the Employer Member shall be made at Austin, Travis County, Texas.* Interest, beginning the first day after the due date and continuing until paid, shall accrue at the maximum rate allowed by law on the balance of any payment or contribution not paid when due. All such payments and contributions shall be paid from then current revenues and be available for payment of eligible benefits and administrative expenses for all participating Employer Members. Supplemental benefits, including but not limited to dental, vision, life, Medicare Supplement and Long and Short Term Disability will not be offered separately from medical benefits.

- 8. The Employer Member hereby appoints the TML IEBP as its agent to act in all matters pertaining to the processing and handling of claims and agrees to cooperate fully and provide all information necessary. All decisions on individual claims shall be made by the TML IEBP *or by its contracted third party administrator.*

- 12. *To the extent authorized by law, the Employer Member agrees to indemnify and hold harmless the TML IEBP for all claims, damages and expenses, including but not limited to attorney's fees and costs of court, arising out of acts or omissions of officers or Employees of the Employer Member in connection with the Plan. The Employer Member agrees to pay all such claims, damages, and expenses out of current revenues at the time the obligation is determined. In the event current revenues are inadequate to fund the obligation at the time it is determined, the Employer Member agrees to take the appropriate budgetary action sufficient to pay the obligation.*

TML Intergovernmental Employee Benefits Pool
Austin, Texas

INTERLOCAL AGREEMENT
(RISK PARTICIPATING MEMBER)

WHEREAS, the TML Intergovernmental Employee Benefits Pool, hereinafter referred to as TML IEBP, is a legal entity created by Political Subdivisions of the state and governed by trustees, and is the successor of the Texas Municipal League Group Benefits Risk Pool formerly operating under the name of the Texas Municipal League Insurance Trust Fund, which was established May 1, 1979; and

WHEREAS, the undersigned Employer Member represents that it is a Political Subdivision of this state or of another state, that it is a "Local Government" qualified to enter into this Interlocal Agreement, and that its governing body has acted by majority vote, at a duly called and posted public meeting, to authorize and participate in this Interlocal Agreement; and

WHEREAS, the undersigned Political Subdivision has examined all the facts and issues it deems relevant and determined that it is in the best interest of the Political Subdivision, its Employees, officials, and retirees and their dependents to enter into this Interlocal Agreement and to obtain one or more life, sick, accident, and other health benefits, as well as the related services, by becoming a member of the TML IEBP;

WHEREAS, the TML IEBP represents that it is a "Local Government" qualified to enter into this Interlocal Agreement pursuant to Chapter 791 of the Texas Government Code;

NOW, THEREFORE, in consideration of the covenants and agreements herein set forth, the undersigned Political Subdivision, together with other Political Subdivisions executing identical or substantially similar Interlocal Agreements, enters into this Interlocal Agreement for the purpose of providing certain benefits and related services for their Employees, officials, and retirees and their dependents. The benefits will be provided under the authority of the laws of the State of Texas including the Texas Political Subdivision Uniform Group Benefits Program (Chapter 172, Local Government Code), the Interlocal Cooperation Act (Chapter 791, Government Code) and the Texas Trust Code (Title 9, Subtitle B, Texas Property Code). The Employer Member hereby designates the TML IEBP as its instrumentality to administer the business and supervise the performance of the Interlocal Agreement and the operation of the risk pool. All money transferred by the Employer Member to the TML IEBP under this Interlocal Agreement, together with any other property which may become subject to this Interlocal Agreement, will be held in trust by the Board of Trustees of the TML IEBP for the benefit of the Employees, officials, and retirees and their dependents, of the Employer Members. The conditions of membership in the TML IEBP are agreed upon by and between the parties as set forth hereinafter.

1. When used in this Interlocal Agreement, the capitalized terms shall have the meanings specified in this paragraph unless the context clearly requires otherwise:

"Board of Trustees" or "Board" or "Trustees" means the trustees selected pursuant to the Trust Agreement Establishing the TML Intergovernmental Employee Benefits Pool to supervise the operation of the TML IEBP.

"Covered Participant" means a person who is eligible for coverage and who has enrolled in a Plan.

"Employee" means a person who works at least 20 hours a week for a Political Subdivision.

"Employer Member" means a Political Subdivision member of the TML IEBP that has executed the Interlocal Agreement.

"Interlocal Agreement" means the TML Intergovernmental Employee Benefits Pool Risk Participating Member Interlocal Agreement.

"Plan" or "Plans" mean the TML IEBP benefit plan(s) selected and adopted by the Employer Member.

"Political Subdivision" means any legal entity included within the definition of "political subdivision" in Chapter 172, Local Government Code, or Chapter 791, Government Code, or otherwise qualified as a political subdivision under Texas Law.

"Schedule of Benefits" means the document outlining the Plan benefits and contribution level of the Employer Member.

"TML IEBP" means the TML Intergovernmental Employee Benefits Pool.

2. The Employer Member agrees to be bound by this Interlocal Agreement, the Trust Agreement Establishing the TML Intergovernmental Employee Benefits Pool and all amendments thereto, and the Policies and Procedures established by the TML IEBP which collectively establish the conditions for membership in the TML IEBP.
3. The Employer Member will adopt one or more of the TML IEBP Plans and make the payments and contributions set forth in the Schedule of Benefits. The payments required to be made by the Employer Member shall be made at Austin, Travis County, Texas. Interest, beginning the first day after the due date and continuing until paid, shall accrue at the maximum rate allowed by law on the balance of any payment or contribution not paid when due. All such payments and contributions shall be paid from then current revenues and be available for payment of eligible benefits and administrative expenses for all participating Employer Members. Supplemental benefits, including but not limited to dental, vision, life, Medicare Supplement and Long and Short Term Disability will not be offered separately from medical benefits.
4. Except as may be otherwise specified in the TML IEBP Trust Agreement Establishing the TML Intergovernmental Employee Benefits Pool, as amended, this Interlocal Agreement may be terminated by either the Employer Member or the TML IEBP upon 30 days written notice which will become effective on the first day of the month following the 30 day notice. An Employer Member that withdraws from the TML IEBP may not withdraw amounts contributed to cover obligations incurred prior to such withdrawal. The TML IEBP may terminate this Interlocal Agreement for non-payment of a payment or contribution immediately upon delinquency as determined by the TML IEBP Policies and Procedures. In the event of a disagreement between an Employer Member and the TML IEBP regarding non-payment of a payment or contribution, the Employer Member may appeal to the Board. The decision of the Board on appeal is final. The TML IEBP may also terminate this Interlocal Agreement if the Employer Member fails to cooperate with claims agents or attorneys representing the TML IEBP or if the Employer Member takes any other action detrimental to the TML IEBP's ability to carry out its purposes in an efficient manner.
5. Every Employer Member shall furnish all the information the TML IEBP deems necessary and useful for the purposes of this Interlocal Agreement and shall abide by the Policies and Procedures adopted for the administration of the benefits Plans. The TML IEBP may amend the Policies and Procedures and Trust Agreement Establishing the TML Intergovernmental Employee Benefits Pool at anytime to the extent it deems advisable except that no amendment shall change

the purpose of the TML IEBP. The TML IEBP may employ and contract with a third party administrator.

6. The TML IEBP may purchase excess loss coverage or reinsurance as provided in Chapter 172, Local Government Code, and all Employer Members are subject to the terms and conditions of any such excess loss coverage or reinsurance agreement.
7. Each Employer Member will designate and appoint a person of department head rank or above to be the Employer Member's Coordinator with the TML IEBP and agrees that the TML IEBP shall not be required to contact or provide notices to any other person. Further, any notice to or agreement by an Employer Member's Coordinator with respect to services or claims hereunder shall be binding on the Employer Member. The Employer Member reserves the right to change the Coordinator from time to time by giving written notice to the TML IEBP.
8. The Employer Member hereby appoints the TML IEBP as its agent to act in all matters pertaining to the processing and handling of claims and agrees to cooperate fully and provide all information necessary. All decisions on individual claims shall be made by the TML IEBP or by its contracted third party administrator.
9. The TML IEBP shall be audited annually by an independent certified public accountant, and the audit shall be filed as required by the laws of the State of Texas including, but not limited to Chapter 172 of the Local Government Code. A summary financial report will be provided to each Employer Member upon request.
10. All monies available for investment shall be invested by the TML IEBP in compliance with the Public Funds Investment Act of 1987 (TEX. GOV'T CODE, ANN. Sec. 2256.001, et seq.) or the Texas Trust Code (Subtitle B, Title 9, Property Code).
11. Each Employer Member, as Plan Administrator, retains the right, duties and privileges of the Plan Administrator and acknowledges it has responsibility for compliance with the state and federal laws applicable to employee benefits. For purposes of delivery of any Continuation of Coverage notices, TML IEBP is not the Group Administrator for any Employer Member unless and until a separate contract for administration of Continuation of Coverage is entered into between TML IEBP and that Employer Member.
12. To the extent authorized by law, the Employer Member agrees to indemnify and hold harmless the TML IEBP for all claims, damages and expenses, including but not limited to attorney's fees and costs of court, arising out of acts or omissions of officers or Employees of the Employer Member in connection with the Plan. The Employer Member agrees to pay all such claims, damages, and expenses out of current revenues at the time the obligation is determined. In the event current revenues are inadequate to fund the obligation at the time it is determined, the Employer Member agrees to take the appropriate budgetary action sufficient to pay the obligation.
13. The Employer Member agrees that all conditions of coverage for the benefits provided shall be as specified in the Plan booklet/document furnished to the Employer Member by the TML IEBP. The Employer Member agrees that the Employees and the Board of Trustees of the TML IEBP and individuals and entities with whom the TML IEBP contract for staff functions may receive Plan benefits.
14. Each Employer Member acknowledges that some Plan benefits are provided in accordance with Chapter 172 of the Local Government Code. These benefits are not insurance and the TML IEBP is not an insurer under the Insurance Code or other laws of the state.

15. The Employer Member and the TML IEBP may contract for additional administrative services related to the Employer Member's employee benefit programs as long as the Employer Member is a full medical risk participating member of the TML IEBP.
16. The Employer Member agrees that no Covered Participant shall have any claim against the property of the trust. The rights of Covered Participants are limited to the benefits specified in the Plan.
17. The Employer Members desire to join together to purchase life insurance benefiting their Employees, officials, and retirees and their dependents. Therefore, the Employer Member authorizes the TML IEBP to purchase life insurance coverage insuring the lives of all Covered Participants under the Plan.
18. No bond is required of the Board of Trustees of the TML IEBP.
19. If any part of this Interlocal Agreement, save and except paragraph 3, is declared invalid, void or unenforceable, the remaining parts and provisions shall continue in full force and effect. It is further agreed that venue for any dispute arising under the terms of this Interlocal Agreement shall be in Austin, Travis County, Texas.
20. This Interlocal Agreement represents the complete understanding of the TML IEBP and the Employer Member and may not be amended, modified or altered without the written agreement of both parties.
21. The initial term of this Interlocal Agreement shall be from the 1st day of October 2009 at 12:01 a.m. and continue until Sept. 30, 2010. Absent notice of termination, the Employer Member may annually renew and extend the Interlocal Agreement by executing and returning the rerate notice and benefit selection form as authorized at the inception of this Interlocal Agreement.

This Interlocal Agreement is entered into for the Employer Member under authorization of

_____ (EMPLOYER MEMBER)

at duly called meeting held on _____ (Date of Meeting)

By _____ (SIGNATURE) (Typed or Printed Name)

Authorized Official Title _____

Date _____

This Interlocal Agreement entered into and Appointment Accepted By:

The TML Intergovernmental Employee Benefits Pool at Austin, Texas

By _____

Date _____

TO BE COMPLETED BY EMPLOYER MEMBER:

EMPLOYER MEMBER BENEFITS COORDINATOR

Name Minette Ashley

Title HUMAN RESOURCES

Mailing Address 200 W. 2ND St.

Street Address (if different from above)

City/State/Zip Freeport, TX 77451

Phone 979-233-3526

Fax 979-233-3205

E-mail mashley@freeport.tx.us

Secretaría de Relaciones Exteriores

“MATRÍCULA CONSULAR”

(MEXICAN CONSULAR ID CARD)

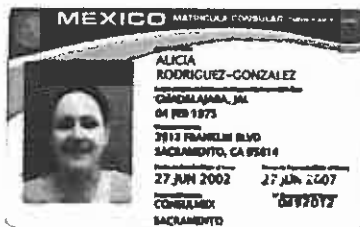
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- VII. Issuance Process
- VIII. Security Provisions
- IX. Conclusion


I. Background

(Consular ID)

The Matrícula Consular or Consular Identification Card is the official record for an individual living abroad.



II. Evolution

System	Certificate	Procedure
	Paper voucher	Local, manual
	Notebook with inserted photography	Local, manual
	ID card with digitalized photography	Local, manual
SIC	High Security Consular ID Card (MCAS) with visual and hidden security provisions, digitalized photography and signature, personal information and emergency contact information	Local, computerized system
SIAC	MCAS 	Local, ICAO standardization computerized and centralized system

Notebook

<p>Nº 41697</p> <p>MARCOS HERNANDEZ VIDAL <small>Nombre y Apellidos</small></p> <p>8. NOVIEMBRE 1969, GUANAJUATO, MEX. <small>Fecha y Lugar de Nacimiento</small></p> <p>SOLTERO OBRERO <small>Estado Civil Ocupación</small></p> <p>1105 CAMPBELL ST. HIGH POINT, NC. <small>Domicilio</small></p> <p>Esta registrado(a) en esta Oficina Consular por ser mexicano(a) y tener su domicilio en esta circunscripción.</p> <p>Expedido en MEXICO el 13 de NOVIEMBRE de 2006</p> <p>Autorizo: <i>[Signature]</i></p> <p>En caso de muerte o accidente, avisar al CONUL</p>	<p style="text-align: center;">Derechos</p> <p>Certificado No _____</p> <p style="text-align: center;">Validez</p> <p>CINCO AÑOS 1.70 MTS. <small>Estatura</small></p> <p>MORENA <small>Ten.</small></p> <p>CAFES <small>Ojos</small></p> <p>CASTAÑO <small>Pelo</small></p> <p>MASC. <small>Sexo</small></p> <p>NINGUNA. <small>Señal Particular</small></p> <p style="text-align: center;">Observaciones</p> <p>_____</p> <p>_____</p> <p>_____</p>
--	---



ID with digitalized photo


SECRETARIA DE RELACIONES EXTERNALES SERVICIO EXTERIOR MEXICANO CERTIFICADO DE MEXICANIDAD	
	BLANCA VERONICA LEDIZMA PECINA
	221 MOSSY ST MANASSAS PARK VA 20111
	04/23/1980 MEXICO, ARIEL, TAMPS
	octubre 16, 2006 27 06

El titular de este documento quedó registrado en esta oficina consular, por un mexicano y tener su domicilio en esta circunscripción. This is an ID issued by the MEXICAN GOVERNMENT.

octubre 11, 2006
[Signature]
Fecha de Emisión Fecha de Fabricación

ID with digitalized photo

MEXICO
Matricula Consular
Consular ID Card



Nombre, Apellidos / Surnames Given Names
JUAN
LÓPEZ DÍAZ

Fecha de Nacimiento / Date of Birth
16 - SEP - 1974

Lugar de Nacimiento / Place of Birth
DOLORES, HGO.

Domicilio / Address
68 - 37 YELLOWSTONE BLVD.
QUEENS, NEW YORK

Autoridad / Authority
CONSULMEX NUEVA YORK

Emisión / Issue
22 - NOV - 2001

Expiración / Expiry
21 - NOV - 2002


0007891

JUAN LÓPEZ DÍAZ
Consul de México
New York

ESTADOS UNIDOS MEXICANOS

High Security Consular Identification Card

MEXICO MATRÍCULA CONSULAR CONSULAR ID CARD



EVELIA JULIANA
FID-AGUILAR

Lugar y Fecha de Nacimiento/Place of Birth and Date of Birth
1 DE MATAMOROS, PUE.
11 MAY 1957

Domicilio/Address
5004 HUSBAND AVE
RICHMOND, VA 23234

Fecha de Emisión/Date of Issue
05 JUL 2003

Fecha de Expiración/Date of Expiry
05 JUL 2008

Autoridad/Authority
CONSULMEX
WASHINGTON,

0827556

EVELIA JULIANA FID-AGUILAR
Consul de México
Washington

ESTADOS UNIDOS MEXICANOS

III. Issuance Requirements

There are 4 basic requirements that the applicant must fulfill in order to obtain a MCAS, based in our regulation:

1. Proof of nationality:

Any of the following documents are accepted: Mexican birth certificate, Mexican Passport, or certificate of Mexican naturalization.

III. Issuance Requirements

2. Proof of Identity:

Any official identifications issued by a Mexican or foreign authority are accepted. For instance: Mexican or US passports, drivers licenses, State ID Cards, US green cards or INS working permissions, **Mexican Voters Registration ID Card**, official school records or police clearance report with a cancelled picture.

III. Issuance Requirements

3. Proof of establishment: (address within the consular circumscription)

Any of the following documents: utilities bills, any official ID with the address included (i.e. drivers licenses) and pieces of official correspondence (i.e. US or Mexican Social Security, US Revenue Service, etc.).

4. Issuance Fee Payment:

The applicant must pay \$27 U.S. dollars fee for issuance of the MCAS.

IV. Statistics

(Acceptance of the Consular ID in USA)

Counties	167
Police Departments	1,204
Cities	393
States in US with at least one authority acceptance	32
Banks	175
States in Mexico	21

V. Consular ID Card

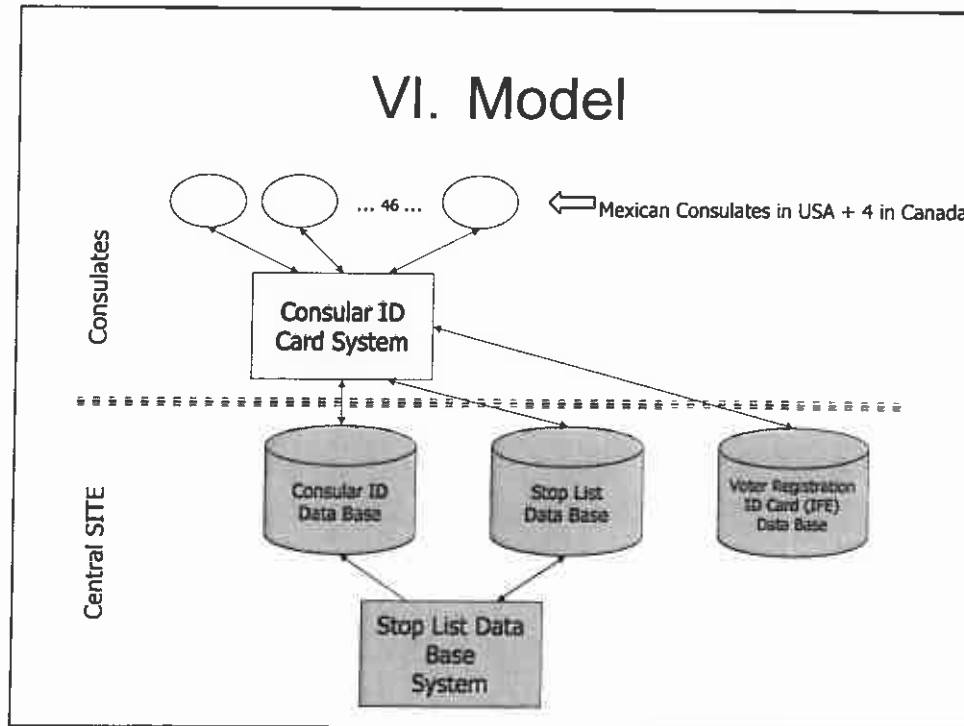


Main characteristics of the High Security Consular ID Card (MCAS):

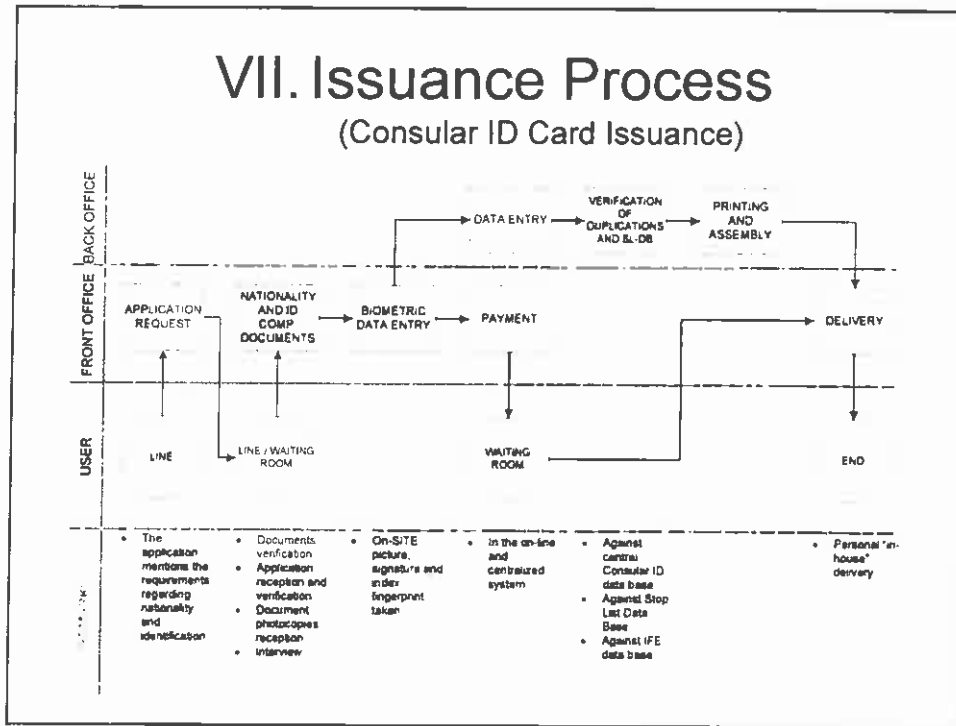
- Visual and hidden security provisions to avoid falsifications.
- Supported by a centralized system to avoid duplications and confirm the authenticity of required documents and information.
- Validated against the Stop List Data Base.
- Robust verification procedure of nationality and identity.
- The procedures and requirements were homogenized to those of the Mexican High Security Passport System.
- Bi-dimensional Bar Code (PDF417) and Optical Character Recognition (OCR). *
- Adding index fingerprint to the current Biometric elements. *
- Digital Files with the citizenship and proof of Identity documents. *

* Starting Aug-2005

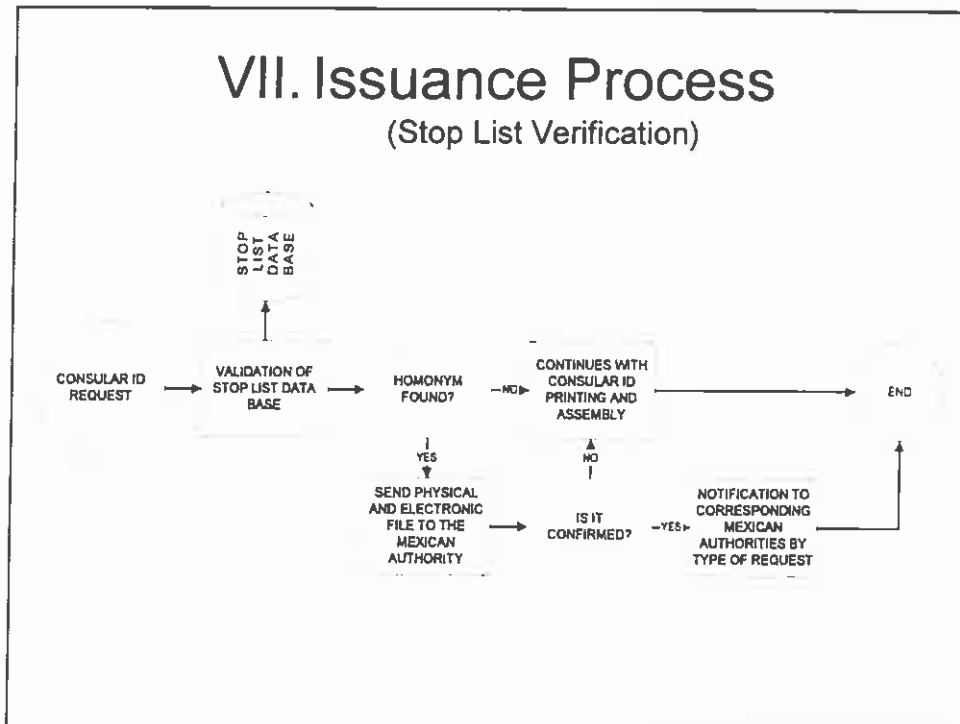
VI. Model



VII. Issuance Process (Consular ID Card Issuance)

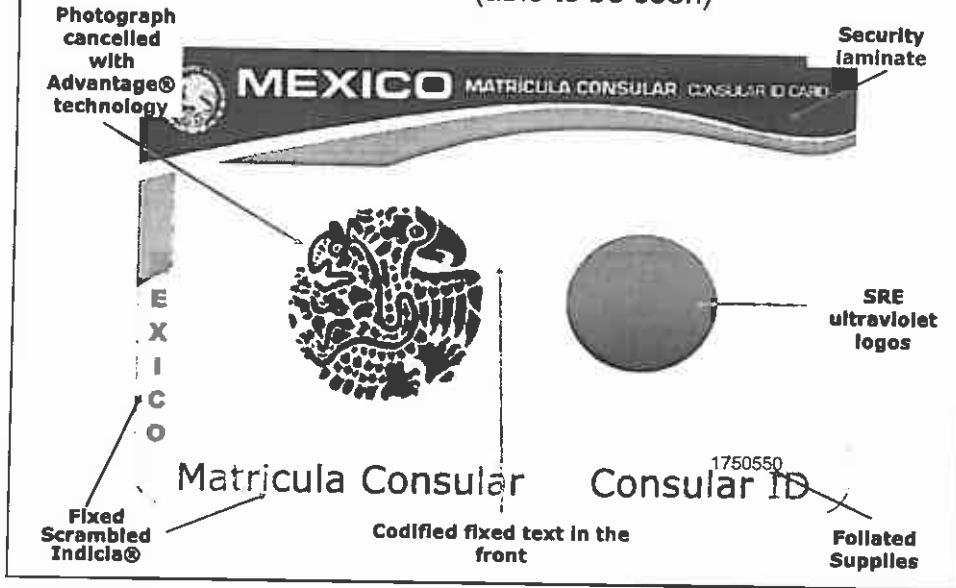


VII. Issuance Process (Stop List Verification)



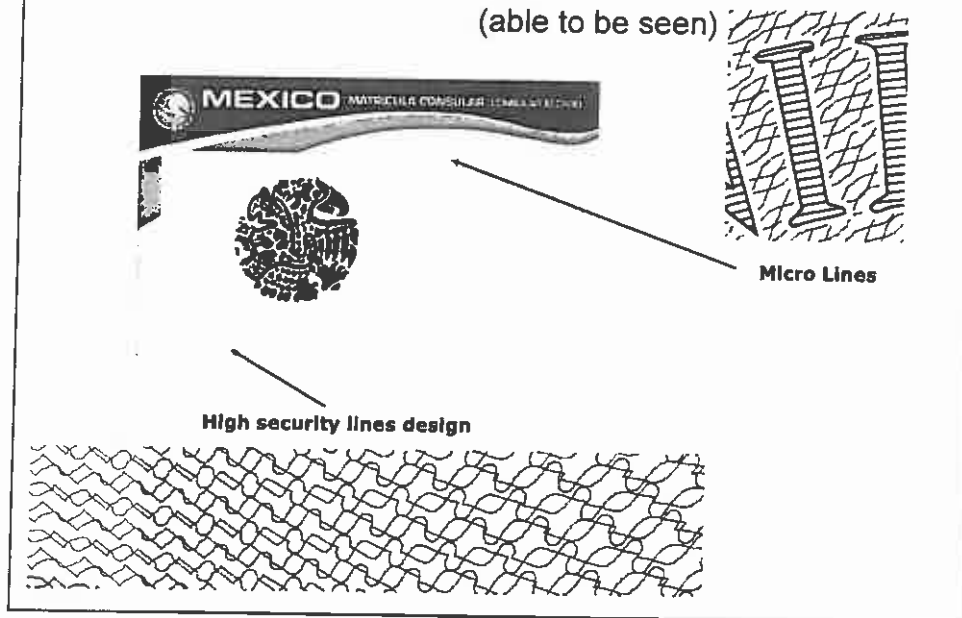
VIII. Security Provisions

(able to be seen)



VIII. Security Provisions

(able to be seen)



IX. Conclusions

- The Matricula Consular is a dynamic document, that has withstand the passing of the years and will remain as a key component in the efforts of the Mexican government to establish a communication link with its nationals worldwide.



Consulado General de México
Houston, Texas

SOLICITUD CERTIFICADO DE MATRICULA CONSULAR

EL TRÁMITE DE SU MATRÍCULA CONSULAR ES: PRIMERA VEZ REPOSICIÓN O EXTRAVÍO CAMBIO DE DOMICILIO CANJE

Número de su Matrícula Anterior

DATOS PERSONALES

ESTA SOLICITUD ES GRATUITA

DATOS ACTUALES

NOMBRE (S) _____

APELLIDO PATERNO _____

APELLIDO MATERNO _____

APELLIDO DEL ESPOSO _____
(SOLO MUJERES CASADAS)

FECHA DEL NACIMIENTO _____
DÍA MES AÑO

SEXO: HOMBRE MUJER

LUGAR DE NACIMIENTO _____

ESTADO _____

MUNICIPIO _____

POBLACIÓN _____

ESTADO CIVIL	Soltero(a)	Casado(a)	Divorciado(a)
	Viudo(a)		Unión Libre

HASTA QUE AÑO ESTUDIÓ (GRADO MÁXIMO DE ESTUDIOS) _____

A QUE SE DEDICA _____

DOMICILIO EN LOS ESTADOS UNIDOS

ESTADO _____

CONDADO _____

CODIGO POSTAL

CIUDAD _____

DOMICILIO (NÚMERO Y CALLE) _____

TELÉFONO (DE SU CASA O CELULAR) _____

FILIACIÓN

TEZ	ES USTED	ESTATURA EN METROS: _____	CABELLO	OJOS
___ Blanca	___ Delgado (a) _____		___ Cano	___ Alternados _____
___ Morena Clara	___ Mediano (a) _____		___ Castaño Claro	___ Azules _____
___ Morena Oscura	___ Robusto (a) _____		___ Castaño Oscuro	___ Café Claro _____
___ Negra			___ Entrecano	___ Café Oscuro _____
___ Rosada			___ Negro	___ Grises _____
___ Otra			___ Rojizo	___ Negros _____
			___ No Tiene	___ Verdes _____

NOMBRE DE UN FAMILIAR O AMIGO QUE VIVA EN SU MISMO DOMICILIO O EN ESTADOS UNIDOS

NOMBRE Y APELLIDOS _____

FAMILIAR (ESPOSA, PADRE, MADRE, ETC.) _____

DOMICILIO EL MISMO () OTRO () _____

ESTADO _____ CONDADO: _____

CODIGO POSTAL

CIUDAD _____ DOMICILIO (NÚMERO Y CALLE) _____

TELÉFONO (CASA O CELULAR) _____

NOMBRE DE UN FAMILIAR O AMIGO QUE VIVA EN MÉXICO

NOMBRE Y APELLIDOS _____

FAMILIAR (PADRE, MADRE, HERMANO) _____

ESTADO _____ MUNICIPIO _____

CIUDAD _____

DOMICILIO (CALLE Y NÚMERO) _____

TELÉFONO (CASA O CELULAR) _____

MANIFIESTO BAJO PROTESTA DE DECIR VERDAD Y CONOCIENDO LAS PENAS EN QUE INCURREN QUIENES FALTAN A ELI EN LOS TÉRMINOS DE LAS DISPOSICIONES PENALES APLICABLES QUE SOY MEXICANO QUE LOS DATOS ASENTADOS EN ESTA SOLICITUD SON VERDADEROS Y QUE LOS DOCUMENTOS PRESENTADOS SON AUTÉNTICOS Y LEGALES

REVISÓ _____	AUTORIZÓ _____	FIRMA DEL SOLICITANTE _____
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ESTA SOLICITUD ES GRATUITA

- 1.- IFE () MATRÍCULA ANT ()
- 2.- ACTA NAC. () ACTA MATRIMONIO ()
- PASAPORTE () OP-7 ()
- OTRO () LIC. TEXAS ()
- 3.- RENTA, ILL. LUZ () LIC. MEX. ()
- OTRO () Pg. 681 CERT. S.E.P. ()
- CRID ESC. TEXAS () I.D. TEXAS ()



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Congressional Testimony

Testimony of Steve McCraw, Assistant Director of The Office of Intelligence, FBI Before the House Judiciary Subcommittee on Immigration, Border Security, and Claims on Consular ID Cards June 26, 2003 "Consular ID Cards in a Post-9/11 World"

Chairman Hostettler, Ranking Member Jackson-Lee, and Members of the Subcommittee, the Federal Bureau of Investigation is pleased to have the opportunity to appear before you today to discuss the important issue of consular ID cards. The Department of Justice and the FBI have been charged by the President, with the support of Congress, to protect the American people from the continuing threats of terrorism and the crimes associated therewith. It is in the context of our post-9/11 world that we present our views and concerns to the Subcommittee today.

Over the past two years, we have all seen a dramatically increased effort to promote and utilize consular ID cards as forms of identification for foreign nationals who are present in the United States. The Government of Mexico has been particularly aggressive in marketing the use of its consular ID card, the *Matricula Consular*. As a result of the extensive efforts to promote the use of the *Matricula Consular*, a number of other foreign countries are now considering the issuance of their own consular ID cards. The crucial element in the acceptance of any consular ID card is the ability to verify the actual true identity of the bearer of the card. In today's post-9/11 world, this element is all the more important because, in order to protect the American people, we must be able to determine whether an individual is who he purports to be. This is essential in our mission to identify potential terrorists, locate their means of financial support, and prevent acts of terrorism from occurring.

Since Mexico's *Matricula Consular* is currently the predominant consular ID card in existence, I will focus my comments today on this particular card. It is believed that consular ID cards are primarily being utilized by illegal aliens in the United States. Foreign nationals who are present in the U.S. legally have the ability to use various alternative forms of identification "most notably a passport" for the purposes of opening bank accounts, gaining access to federal facilities, boarding airplanes, and obtaining a state driver's license. In addition, foreign nationals who are present in the United States, either legally or illegally, have the ability to obtain a passport from their own country's embassy or consular office.

The U.S. Government has done an extensive amount of research on the *Matricula Consular*, to assess its viability as a reliable means of identification. The Department of Justice and the FBI have concluded that the *Matricula Consular* is not a reliable form of identification, due to the non-existence of any means of verifying the true identity of the card holder. The following are the primary problems with the *Matricula Consular* that allow criminals to fraudulently obtain the cards:

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First, the Government of Mexico has no centralized database to coordinate the issuance of consular ID cards. This allows multiple cards to be issued under the same name, the same address, or with the same photograph.

Second, the Government of Mexico has no interconnected databases to provide intra-consular communication to be able to verify who has or has not applied for or received a consular ID card.

Third, the Government of Mexico issues the card to anyone who can produce a Mexican birth certificate and one other form of identity, including documents of very low reliability. Mexican birth certificates are easy to forge and they are a major item on the product list of the fraudulent document trade currently flourishing across the country and around the world. A September 2002 bust of a document production operation in Washington state illustrated the size of this trade. A huge cache of fake Mexican birth certificates was discovered. It is our belief that the primary reason a market for these birth certificates exists is the demand for fraudulently-obtained Matricula Consular cards.

Fourth, in some locations, when an individual seeking a Matricula Consular is unable to produce any documents whatsoever, he will still be issued a Matricula Consular by the Mexican consular official, if he fills out a questionnaire and satisfies the official that he is who he purports to be.

In addition to being vulnerable to fraud, the Matricula Consular is also vulnerable to forgery. There have been several generations of the card; and even the newest version can be easily replicated, despite its security features. It is our estimate that more than 90 percent of Matricula Consular cards now in circulation are earlier versions of the card, which are little more than simple laminated cards without any security features.

As a result of these problems, there are two major criminal threats posed by the cards, and one potential terrorist threat.

The first criminal threat stems from the fact that the Matricula Consular can be a perfect breeder document for establishing a false identity. It is our understanding that as many as 13 states currently accept the Matricula Consular for the purpose of obtaining a drivers' license. Once in possession of a driver's license, a criminal is well on his way to using the false identity to facilitate a variety of crimes, from money laundering to check fraud. And of course, the false identity serves to conceal a criminal who is already being sought by law enforcement. Individuals have been arrested with multiple Matricula Consular cards in their possession, each with the same photograph, but with a different name. Matching these false Matriculas are false driver's licenses, also found in the criminals' possession. Such false identities are particularly useful to facilitate the crime of money laundering, as the criminal is able to establish one or more bank accounts under completely fictitious names. Accounts based upon such fraudulent premises greatly hamper money-laundering investigations once the criminal activity is discovered. As the Subcommittee is well aware, the FBI is particularly concerned about fraudulent financial transactions in the post 9/11 environment, given the fact that foreign terrorists often rely on money transferred from within the United States.

The second criminal threat is that of alien smuggling, a crime that has resulted in many deaths within the past year. Federal officials have

arrested alien smugglers who have had as many as seven different Matricula Consular cards in their possession. The cards not only conceal the identity of the smuggler, they also serve as a magnet for the victims who are enticed to entrust their lives to the smugglers, believing that the Matricula Consular that awaits them will entitle them to all sorts of benefits within the United States.

These criminal threats are significant, but it is the terrorist threat presented by the Matricula Consular that is most worrisome. Federal officials have discovered individuals from many different countries in possession of the Matricula Consular card. Most of these individuals are citizens of other Central or South American countries. However, at least one individual of Middle Eastern descent has also been arrested in possession of the Matricula Consular card. The ability of foreign nationals to use the Matricula Consular to create a well-documented, but fictitious, identity in the United States provides an opportunity for terrorists to move freely within the United States without triggering name-based watch lists that are disseminated to local police officers. It also allows them to board planes without revealing their true identity. All of these threats are in addition to the transfer of terrorist funds, mentioned earlier.

In addition, it is important to note that the White House Homeland Security Council is currently chairing an interagency working group that is developing recommendations on Federal policy for Federal acceptance of these cards as well as guidance to state and local governmental agencies on acceptance. The interagency group is examining policy for acceptance of all consular identification cards. They are also specifically examining counterfeit and fraud concerns with the Mexican consular identification card that would impact its acceptance for identification purposes. The Department of Justice is an active participant in that group.

The events of 9/11 forever changed our world. As unpleasant as it may be, we must face the realities of our current world as they relate to protecting the people of the United States. This requires continual vigilance, particularly when it comes to being able to detect and deter those who might abuse the system to directly cause harm, or those who might aid and abet the financing of terrorist operations. Thank you.

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IDs for Illegals The 'Matricula Consular' Advances Mexico's Immigration Agenda

January 2003

[By Marti Dinerstein](#)

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In the wake of the 9/11 terrorist attacks, a migration deal with Mexico was tabled while attention turned to homeland security. So the Mexican government abruptly changed its White House strategy and substituted a grass-roots approach that would focus at the local level, seek small successes, and build momentum for congressional action. The linchpin for this new strategy was to be the “matricula consular,” an official identity card issued by the Mexican government, which it wanted to be officially recognized within the United States.

This Backgrounder is the first detailed examination of the matricula issue. Among the findings:

- * The matricula consular is useful in the United States only for illegal aliens, since legal immigrants, by definition, have U.S. government-issued documents.
- * The Mexican government has launched an aggressive grassroots lobbying campaign to win acceptance for its matricula card from state and local jurisdictions and from banks, especially in areas where Mexican illegal aliens are concentrated.
- * The objective of this lobbying effort is to achieve quasi-legal status for Mexican illegals in the United States without waiting for action from Washington.
- * The matricula itself, however, is useful to illegal aliens only insofar as U.S. institutions are willing to collaborate with Mexico's efforts to circumvent U.S. immigration law.
- * While many jurisdictions have resisted pressure from the Mexican government, others have not; the matricula is now accepted by 800 local law enforcement agencies and 74 banks, as well as by 13 states for purposes of obtaining a driver's license.

* Not only does the matricula subvert U.S. immigration law, it is not even a secure identity document. Mexico is not authenticating the documents used to obtain the matricula against computerized data files in Mexico.

* Safeguards are not in place to prevent multiple issuance of matriculas to the same individual; in fact, the INS has already reported finding multiple cards in different names issued to the same person.

* The matricula is becoming a shield that hides criminal activity for two reasons: first, the holder's identity was not verified when the card was issued, and second, police in jurisdictions that accept the matricula are less likely to run background checks on card holders picked up for minor infractions.

* The U.S. Treasury Department has given its approval to banks to accept the matricula for opening bank accounts.

* The acceptance of Mexico's matricula consular sets a precedent, making it almost impossible to reject similar cards presented by illegal aliens from other countries, including those which have sent terrorists to the United States in the past.

Early in September 2001, the Mexican government had every expectation that it would soon achieve its principal foreign policy goal — a comprehensive migration agreement with the United States that would create new guest worker programs, exempt Mexico from visa limits, and “regularize” the immigration status of the estimated three to five million Mexicans already living in the United States illegally.

After 9/11, public and congressional opposition in the United States to an illegal-alien amnesty hardened and made such a deal impossible. In its place, Mexico sought piecemeal changes, centered on gaining acceptance in the United States for the “matricula consular.” But Mexico's new approach has become a direct challenge to U.S. sovereignty — by aggressively lobbying state and local governments, Mexico is changing America's de facto immigration policy in lieu of congressional action. And it has been doing so while the U.S. government watched — or even gave its tacit consent.

Rebirth of the Matricula

The issue of secure identification became a national concern in the United States after it was discovered that all 19 9/11 hijackers had valid or fake Social Security numbers and 18 of the 19 had authentic or phony driver's licenses or motor vehicle ID cards. There was a public outcry and steps were taken to tighten the eligibility requirements for both Social Security cards and driver's licenses. It has become common operating procedure for ID to be required in order to enter certain buildings, gain access to secure areas at airports, and attend high-profile public activities, like New Year's Eve in Times Square. Life became even more difficult for the undocumented, the majority of whom are Mexicans.

Wanting to ensure that its nationals could illegally remain in the United States with as little hassle as possible, the Fox government turned its attention to providing them with Mexican identification that would be accepted by U.S. authorities.

Simply providing passports was not a viable option. The United States requires Mexican citizens to obtain a visa before entering the country, a nicety ignored by people who cross

our borders without permission. Possession of a Mexican passport without a visa would only highlight their illegal status.

Another option could have been Mexico's voter registration card, which is regarded as a secure identity document. It was revamped at great expense in the 1990s to stem endemic corruption in the Mexican electoral system. But that card, too, was a non-starter. It contains a fingerprint and, thus, would have been counter-productive to Mexico's aim of avoiding deportation of its citizens. Anyone caught crossing the border without permission is fingerprinted and penalties rise for repeat offenders. Knowing this, Mexican illegals often use fake identities, not wanting to have their legal name in INS arrest files. But if fingerprints match, a false identity doesn't cut it. Identity theft is a felony and subjects an offender to deportation.

So the Mexican government turned to the *matricula consular*, a logical choice, since it was created in 1870 specifically to help Mexican citizens living abroad get help from their local consulate if needed. In its simplest form the *matricula* card is an official Mexican government document that certifies the name and age of the bearer. Well over one million *matriculas* were already in circulation in the United States before the September 2001 terrorist attacks. Even though those cards contain no security features, they remain valid, according to a consulate official in New York.¹

In an audacious political maneuver, Mexico decided to try to turn the *matricula consular* into a vehicle to achieve quasi-legal status for its undocumented population in the United States. Its strategy was two-pronged. First, it needed to convince U.S. authorities that the *matricula* was secure identification. Second, it planned an aggressive grassroots lobbying campaign to win acceptance for it at the local and state level, especially in areas where large numbers of Mexicans resided and were, in fact, members of the community.

New *matricula* contains useful information and offers protection against counterfeiting. The new *matricula* card was first introduced in major metropolitan areas in March 2002 and gradually was made available in consulate areas throughout the United States. It is wallet-sized, making it easy to carry on a daily basis. It is generally valid for five years and is bargain-priced at \$28. The card contains the name, date and place of birth, a current photograph, and the holder's signature. A new feature is inclusion of a U.S. address, which is information banks require and the police also want, even if someone is simply reporting a crime. A current address also is required to obtain local social services and access to community facilities.

Another new addition is the telephone number of the local Mexican consulate office, which is provided for two reasons. First, it is a way that local officials can verify the card's authenticity. Second, it is a reminder to the police that a Mexican national in trouble has a right to call his or her consulate office for assistance.

In designing the new card, Mexico put emphasis on features to prevent counterfeiting. Some of them are visible, like the patterned green security paper and an "advantage seal" that in natural light changes color from green to brown and is superimposed over the bearer's photograph.

Other anti-forging features are visible only in florescent or infrared light and others require a high-tech decoder to be seen. "At one angle, the decoder reveals the bearer's name over the

photograph. From other angles, the decoder reveals the bearer's birth date and the letters 'SRE,' initials of the Secretaria de Relaciones Exteriores, the Mexican agency responsible for issuing the card."²

The Mexican government calls the new matricula card the "high security consular ID." This phrase is used in conjunction with descriptions of its anti-forgery technology.

The counterfeiting safeguards certainly add to the matricula's reliability, but they are not a substitute for other security measures, some of which Mexico has used to promote the matricula but has not yet delivered.

Matricula not Secure

Mexico is not authenticating breeder documents. For an identity card to be secure, the "breeder" documents provided must be authenticated to guard against identity fraud. Safeguards must also be in place to ensure that the goal of one person, one identity, one card is met.

This issue is particularly complicated for the Mexican government, which is fully aware that its nationals commit document and identity fraud to remain in the United States. Previously, this issue was not of concern to them; but now, the Mexican government is warning its citizens against this practice.³

To guard against fraud, Mexico requires that applicants for the matricula appear in person to have their photograph taken and to submit identity documents and proof of residence in the geographic region served by the consulate issuing the card.

An original or certified copy of a Mexican birth certificate is required. Another piece of photo identification, preferably from Mexico, is also required. Consular officials say the documents they accept include a voter registration card, a military service card, or a valid passport. In the absence of a photo ID from Mexico, consular officials are granted discretion in deciding what U.S. documents to accept. Media reports have mentioned employer ID cards, motor vehicle department ID cards, and student ID cards. Concern has been expressed that the standards for issuing matriculas differ considerably from consulate to consulate.

For the matricula card to be secure, these "breeder" documents must be authenticated. And Mexico has said it was doing so.⁴ However, local consulates do not, and probably cannot, verify the authenticity of these documents against computerized data files in Mexico. An official at the Mexican Embassy in Washington said that it relies on the expertise of the staff in the 47 consulates to visually authenticate the documents.

The breeder documents presented by those applying for a matricula card are not electronically scanned. Instead, hard copies are made of the documents, which are kept in physical files at the appropriate consulate. So as a practical matter, the consulates have no computerized data to transmit, even if they were linked to databases in Mexico against which the matricula applicants' information could be checked.

Issued on same-day basis, even in remote locations. Given the sheer volume of the matriculas being issued and the physical conditions under which this is accomplished, it is

easy to understand why the process is not highly automated. The “new and improved” matricula has been a runaway best seller with undocumented Mexicans living in the United States. On some days the demand exceeds the ability of the consular staffs to process all of the people waiting in long lines.

This is particularly true when mobile offices are set up to accommodate people who live in rural areas distant from the nearest consulate office. These visits are publicized within the local Mexican community and word-of-mouth travels fast. The venues for the mobile consulates are not fancy, ranging from an adult education school in Brentwood, Calif., to a tent outside the Cardinal Savings Bank in Woodstock, Ill., to the El Rincon Vaquero trading post in West Columbia, S.C. All matriculas – even from these remote locations – are issued on a same-day basis.

For a consulate to transmit personal information about matricula applicants on an on-line, real-time basis to a confidential database maintained in Mexico would (or should) require dedicated data lines and multiple layers of communications security. It would also require that the consulate receive back almost instantaneous confirmation of the validity of the applicant’s documents. For that to happen, sophisticated, costly, and time-consuming interface programming would be needed, as well as investments in communications technology and support at each consulate. The price tag would easily be in the tens of millions of dollars.

Those realities raise troubling questions and doubts about Mexico’s candor when explaining the extent — and limits — of the matricula as a secure ID document.

Safeguards not in place to prevent multiple issuance of matriculas to same individual. Mexico had to absorb a multi-million dollar start-up investment for new equipment and technology before its 47 consulates could issue the improved matricula. That investment was required for the redesign of the card, for digital cameras to photograph each matricula applicant on-site, for technology to prevent counterfeiting, and for the equipment that actually produces the cards.

Concurrent with the issuance of each matricula, a digital file of the photograph, signature, and data elements is created. Such a file could be electronically transmitted to Mexico and matched against databases in all 47 consulates to ensure that no more than one card is issued to any individual. In its discussions with law enforcement, banking, and motor vehicle officials to gain acceptance for the matricula, Mexico has referenced this database as another security layer.

There is one big problem, however. The network is not yet operational. Estimates of when it will be available range from several months to several years. Most U.S. officials seem to feel that Mexico is serious about providing it, if for no other reason than it needs it for its own purposes. The issue seems to be a matter of timing, not intent.

But as the saying goes, timing is everything. Well over one million older matriculas, which have no security features and the data from which cannot be converted into electronic format, are still in circulation. The Mexican government announced it issued over one million matriculas in 2002. Thus, with estimates of Mexico’s illegal population in the United States ranging from three to five million people, a significant percentage of that population possess matriculas that do not meet a generally accepted definition of secure

identification.

The absence of a computer network linking the 47 consulates is a serious security flaw. Possessing multiple copies of a genuine photo ID document touted as having “high security” would provide excellent cover to a host of unsavory characters.

Fraud is occurring. “One guy we arrested recently had three different matriculas with three different names. It was his picture, issued through the consulate,” said an INS official in Denver. “Our one worry is that this gives someone whose intentions are bad one genuine piece of identification.”⁵

Some Washington officials are quietly worried about graft within the 47 consulate offices. No country is immune from corrupt employees who sell identity documents for cash. But in Mexico corruption is endemic and is common throughout the government. Rumor has it that some employees simply pocket the \$28 matricula fee, paid in cash with no audit trail. Others worry that low-paid consular staff might succumb to bribes and provide matriculas to OTMs (Other Than Mexicans) engaged in drug or human smuggling or terror financing activities. These employees would be covered by diplomatic immunity.

A good reason to believe that the consular network will become a reality is that Mexico has its own reasons to prevent fraud in its issuance of the matricula. In the past, Mexico has had to guess how many of its citizens live in the United States. And it had no clue who they were or where they lived. Compiling an accurate registry of these names serves Mexico’s economic, political, and foreign policy objectives.

Mexicans Push Matricula Acceptance

It’s obvious why the matricula is so popular with Mexican illegals. It is transforming their quality of life in America. It sells itself. Mexican officials and illegal immigrant advocates repeat over and over like a mantra that the matricula does not confer legal status. They trivialize the benefits it confers, referencing library cards, video rentals, and utility services. Yet, in less than a year, the matricula has come a long way toward achieving what Mexico hoped it would — quasi-legal status for its undocumented population in areas where the matricula is widely accepted.

In localities where it is accepted as valid identification, the matricula consular has reduced the chances that illegal Mexican aliens will be arrested and deported, given them entree to mainstream banking services, provided access to city and state services – and in 13 states gained them exactly the same driver’s licenses as those carried by American citizens. (See sidebar.)

Matricula ID Transforms Life for Illegal Aliens

Can Legally Obtain Most Requested ID Card in the United States

Receive same driver's license as citizens (in 13 states)

Reduced Risk of Arrest and Deportation

Police less likely to arrest; instead cite and release for minor violations

Lower chance of being fingerprinted

Reduced risk of background checks for past criminal acts

Lessen chance of crosscheck with INS for repeated border crossings

Access to Banking Services, Credit Cards, and Home Mortgages

Open bank accounts

Obtain ATM cards for relatives living in Mexico

Leverage bank account to obtain credit cards

Obtain home mortgages by building credit history

Bank accounts lead to issuance of official U.S. ID number from the IRS

Obtain City and State Services

Get hospital ID for medical services

Register for local health department services

Obtain marriage license

Apply for birth or death certificate

Enter government buildings

Receive resident discounts for city parks, etc.

Diminished Difficulty of Living in the United States

Rent or buy homes and apartments (protection under fair housing laws)

Qualify for subsidized housing

Obtain telephone and utility services

Board airplanes

The matricula is just a laminated piece of paper. Its value derives from the fact that U.S. police departments, banks, local governments, and state motor vehicle bureaus voluntarily have agreed to accept it, no questions asked.

This is due to the brilliant propaganda campaign, conceived by Mexico's foreign ministry and executed by its 47 consulate offices, the largest diplomatic presence in the United States. Their plan is to gain widespread acceptance for the card throughout the United States. This involves consulate personnel traveling from city to town within their geographic region, calling on the mayor, police chief, local bank officials, motor vehicle bureaus, state legislators, etc., and urging them to accept the matricula as official identification. They speak at official meetings, court prominent community leaders, meet with the editorial boards of newspapers, and seize every opportunity given for media coverage.

Each small success is celebrated and announced to the local media. A scorecard is maintained in Washington and disseminated to the local consulate offices. Thus, a "win" with a local police chief in California can be cited by the consulate office in Georgia as evidence of the growing momentum to accept the matricula throughout the United States.

The results of this lobbying effort have been impressive. On December 30, the Mexican Foreign Ministry announced that in 2002 it had issued 1,040,934 matricula consulars to Mexicans in the United States. Approximately 64 percent were issued by 10 Mexican

consulate offices in three border states — Arizona, California, and Texas — and in Chicago, which has the second largest Mexican population after Los Angeles. To date, 74 banks accept the matricula as identification to open accounts. According to the Mexican government, the matricula also is accepted as official ID by more than 800 U.S. police departments and by 13 states to obtain a driver's license.⁶

Matricula Shields Criminals

At one level, it is hard to understand why 800 police forces would accept the matricula as acceptable ID, but it has a certain logic. In selling the matricula to the police, Mexican officials emphasize its security features, public safety, and human dignity. They make the point that illegal Mexican aliens in the community would be more likely to report crimes to the police if they did not fear doing so could lead to their deportation.

These arguments resonate with local police, whose principal job is to protect their community. The police department in Austin, Texas, was among the first to accept the matricula.⁷ It did so because its own records indicated that Mexicans assumed to be illegal were subject to a disproportionately high level of crime, particularly robberies.

Matricula reduces risk of arrest, jail, and deportation. Police need to see identification even for minor infractions. If an individual has none, he or she must be taken to a police station and booked. It is a time-consuming process and causes ill will within the community when, arguably, the offense is not a serious one. Immigrant advocates shrilly remind the media that local police are not responsible for enforcing federal immigration law. And some local police agree with this assertion. The assistant chief of police in Austin “acknowledged that some citizens have criticized the authorities’ acceptance of the card. However, he noted, enforcing immigration law is a federal responsibility.”⁸

But for the police to ignore federal immigration law is tantamount to subverting it. And that is exactly what has been happening since the Mexican government launched its full-court press to get local law enforcement officials to accept the matricula on a *pari passu* basis with U.S.-issued identification or valid passports.

In some localities, an illegal Mexican alien in possession of a matricula is being cited and released. Without a matricula, he or she would be taken to a police station, fingerprinted, and a background check run. Police would examine any papers in the suspect's possession to determine the person's identity. If their search gave them reason to believe the person was in possession of fraudulent documents, he or she would be charged with that crime, as well as the one that had brought them to the attention of the police in the first place. The individual's name and fingerprints would be run through criminal databases, which now include the INS list of over 300,000 aliens who absconded after being served with deportation notices. A large number of them are from Mexico.

While local police do not routinely notify the INS when an illegal alien is arrested, they apparently do so if a serious crime has been committed. Thus, they seem to be comfortable selectively enforcing federal immigration law.⁹

But in an increasing number of U.S. cities, towns, and villages, none of these activities are taking place. For any Mexican citizen who possesses one, and particularly for those here illegally, the matricula has become a shield that hides past or current criminal activity.

Matricula available to hard-core criminals, no questions asked. Given the free pass that local police are giving to matricula holders, it is a certainty that criminals, irrespective of their legal status, are in line when the consulate mobile offices arrive in their localities. Why not? The only requirement to receive the matricula is Mexican citizenship. No criminal background checks are run. It is an identity document, nothing else. But local law enforcement officials in the U.S., trying to cope with an influx of illegal Mexican aliens into their communities, have turned it into a sort of protection badge.

Criminality is rampant in Mexico and, inevitably, crosses our porous border. This is particularly true with drug smugglers. It is an unfortunate fact of life that illegal drugs are grown and manufactured in Mexico, trafficked by Mexicans, but used by Americans.

Within the last decade, Mexican drug traffickers have become major wholesalers throughout the United States of marijuana, heroin, cocaine, methamphetamine, and ecstasy. Their distribution hubs are expanding away from just border communities. According to a Drug Enforcement Administration official, "The southwest border isn't along the Rio Grande anymore. It's in Atlanta and North Carolina and Chicago and even Yonkers and New Rochelle."¹⁰

They like to work close to towns that provide easy highway access to big cities and where poor immigrant residents can be recruited as couriers. These "towns offer the cover of hard-working immigrants and a pool of potential recruits among the out of luck and unemployed. . . . From bases on the West Coast, Mexican traffickers have moved across the Northwest and Midwest, hiding among fruit pickers in Washington, resort workers in Colorado, and construction workers in Minnesota. . . . The Mexican traffickers are notably low profile, and police officers say the immigrant workers on whom they prey are similarly discreet."¹¹

The vast majority of illegal Mexican aliens are not perceived to be "criminals," although they commit criminal acts like crossing our border without permission, engaging in identity theft, and using fake, stolen, or borrowed Social Security numbers to find work. While Americans who commit those crimes would be arrested and prosecuted, there is great reluctance to do so in communities with large illegal populations because it could result in their deportation.

The matricula is compounding this problem and giving both illegals and local law enforcement a way to ignore this troubling reality.

Mexico Lobbies Banks

Some Mexican illegals view a banking relationship as the most important tangible value of the matricula consular. For those who work off the books, it provides peace of mind to know they no longer are easy marks for thieves who prey on people who fear going to the police. For others, it makes cashing paychecks easier. Not only does it reduce the cost of sending money to their homes in Mexico, it provides these families with an ATM card, so they can withdraw only enough cash to meet their needs and keep the rest secure in a bank.

At first blush it seems almost impossible to believe that some of the largest and most prestigious banks in the country are knowingly offering accounts to Mexican illegal aliens. The reasons are complicated and encompass outreach to assist a minority community, perceived profits to be made from accessing a fast-growing new market, and even a way to increase the dollars remitted to Mexico, in the expectation that some will be allocated to

economic development projects. But the most important reason is that neither banking regulators nor the U.S. Treasury Department have objected to opening banking accounts for Mexican illegals who use the matricula as their identification. In fact, a good case can be made that regulators and the Treasury Department have tacitly encouraged banks to do so.

The irony is that Mexican banks do not hold the matricula in high regard as an identity document. No major bank headquarters in Mexico lists the “matricula consular” among the several official identification documents they accept to start accounts. Perhaps recognizing that this revelation could be embarrassing, on July 1, 2002, the Mexican Ministry of Interior instructed regional offices of the National Migration Institute that full recognition and validity be authorized for the matricula consular for identification purpose and for entry into Mexico. As of December 30, 2002, the document was being accepted in 10 of Mexico’s 33 states.¹²

Remittances and economic development projects important to Mexico. According to the Inter-American Development Bank, money sent home to Latin America and Caribbean countries from their nationals quadrupled in the last decade to \$23 billion in 2001.¹³ Given current migration patterns, this growth is expected to continue throughout the decade. This remittance phenomenon, combined with a concurrent decrease in U.S. foreign aid, has led the State and Treasury Departments to work jointly with the international development aid community to find ways to redirect some of the money to promote economic development in these impoverished nations.

This is a high priority for President Fox. Echoing concerns shared by the World Bank and the Inter-American Development Bank, he has lamented “that an overwhelming majority of immigrant dollars sent to Mexico were used to provide for the day-to-day survival of the poorest families. Little is saved. Even less is invested in projects that could stimulate economic growth. . . . Mr. Fox has expanded government programs that match, peso for peso, the money that immigrants send for public works projects in their home communities.”¹⁴

Mexico received \$9.3 billion in remittances in 2001 but claims its citizens sent even more. The cost of money transfers gobbled up from 10 to 20 percent of the total amount remitted. The international economic aid community reasoned that large U.S. commercial banks could help decrease these high remittance-processing costs.

When Mexico approached large U.S. banks to discuss lowering the cost of remittances and accepting the matricula consular to open accounts tailored to poor Mexicans, it met a receptive audience at some institutions. It is likely that executives in retail banking would have noticed the Census projections that Hispanics would soon overtake blacks as the largest minority group in America and would welcome the opportunity to tap into a large new market. Similarly, since the late 1970s, U.S. regulators have required evidence that banks have made an effort to serve poor, minority communities within their market areas. This community development activity usually reports to the executive responsible for assuring that the bank receives satisfactory ratings from its regulators.

And some of those regulators, most notably the Federal Deposit Insurance Corporation and local Federal Reserve banks, perhaps responding to the unprecedented level of immigration in the 1990s, were concurrently sponsoring seminars about “financial literacy” for the “unbanked” in poor minority communities. The promised new “high security” matricula

would provide an opportunity to open bank accounts for the largest immigrant group in the United States. Of course, since Mexicans legally in the United States already possessed the appropriate documentation to establish bank accounts, it was understood that only undocumented Mexicans would need the matricula. The timing was also fortunate because the Internal Revenue Service had started to issue the Individual Taxpayer Identification Number, which could serve as the second ID usually required by banks to fulfill their “know your customer” obligations.

Internal Revenue Service gives Mexican illegals second ID needed to open bank accounts. In 1996 the IRS, a division of the Treasury Department, began issuing Individual Taxpayer Identification Numbers to foreign nationals who were not eligible to receive a Social Security card as a way to encourage compliance with U.S. tax laws. A policy decision was made to make the ITIN available to illegal immigrants based on their “substantial presence” in the United States. In its publications, website, and forms, the IRS makes clear that the ITIN is “for tax purposes only.” Perhaps because of its stated limited purpose, the IRS made little or no effort to authenticate the documents presented by foreign nationals to obtain the ITIN. Perhaps it did not feel it was necessary to do so, because the agency was knowingly giving them to illegal aliens.

This laxness led to a stampede of illegals from nations all around the world applying for ITINs. As of October 2002, over 5.5 million ITINs had been issued. But, strangely, only 1.5 million tax returns actually were filed using the ITIN number. It is assumed that the people who applied for the ITIN and do not file taxes are using it as official U.S. government identification to obtain driver’s licenses, bank accounts, and government services. It is not known if ITINs are easily available to citizens of countries that harbor terrorists or to resident aliens appearing on the FBI’s criminal database or to the more than 300,000 aliens who absconded after being served with deportation notices.¹⁵

The ITIN has been linked in media stories to the burgeoning popularity of the matricula. Banks need an official U.S. tax number to open an interest bearing account and, by definition, illegal aliens are not legally entitled to a Social Security number. So Mexican consulate staffs have been suggesting the ITIN as an acceptable alternative and, apparently, neither the banks nor the IRS raised objections. However, within the last three months, both the Treasury Department and IRS have thrown up strong warning signals that the ITIN cannot (or should not) be accepted as an identification document.

In its October 21, 2002, report to Congress, the Treasury Department said “the IRS does not employ rigorous identification verification procedures. For example, a foreign national can apply for an ITIN by mail or through an authorized ITIN Acceptance Agent, which is a person or entity authorized by the IRS to take applications.”¹⁶

Similarly, on December 17, 2002, the IRS announced that henceforth applicants must submit documents proving their alien status and identity.¹⁷ It is unclear exactly how or if the IRS plans to use this information. It has a policy of shielding illegal immigrants from exposure to the INS, which has seemed to continue even though the USA Patriot Act explicitly calls for greater information sharing among government agencies, law enforcement, and the intelligence community.¹⁸

U.S. Treasury gives banks comfort to accept the matricula. A key factor influencing the banking community to accept the matricula is its belief that the U.S. Treasury Department

has given its approval.¹⁹ “Under section 326(b) of the USA Patriot Act, Congress directed that Treasury, in consultation with the federal functional regulators and other relevant agencies, study and provide recommendations for enhancing the ability of domestic financial institutions to verify the identity of foreign nationals.”²⁰

In its report to Congress, Treasury spelled out what type of information a financial institution may require from a non-U.S. person seeking to open an account: “The regulations state that financial institutions may accept one or more of the following: a U.S. taxpayer identification number; a passport number and country of issuance; an alien identification card number, or the number and country of issuance of any other government-issued document evidencing nationality or residence and bearing a photograph or similar safeguard.” (Italics added.)²¹

That sentence was followed by footnote 17. It was a shocker. “Thus, the proposed regulations do not discourage bank acceptance of the ‘matricula consular’ identity card that is being issued by the Mexican government to immigrants.”

The intent of the USA Patriot Act of 2001, passed overwhelmingly by Congress in response to the 9/11 terrorist attacks, was to strengthen our homeland security. It addressed the issue of secure identification because the hijackers had obtained both Social Security numbers and driver’s licenses. Especially in this context, it is difficult to comprehend why Treasury went out of its way to give approval to an identity card being offered by a single foreign government whose contiguous border is a matter of acute concern to the United States and whose nationals represent the majority of illegals within the United States.

Matricula Leads to a Drivers License

As we saw with the hijackers, illegal aliens of all nationalities prize a state-issued driver’s license above all other identity documents because it serves as a domestic passport. It is the most widely accepted identity document in America and gains you access to places, services, and transportation. Once a Mexican has a driver’s license, he or she could throw away their matricula. It would no longer be needed.

After 9/11, it was generally recognized that current state driver’s license laws, regulations, and procedures are rife with loopholes and subject to political pressure. A number of states immediately took action to close administrative loopholes and introduce legislation to more tightly control the conditions under which foreign nationals illegally in the United States can obtain driver’s licenses. Some states still openly subvert federal immigration law and issue licenses to illegal aliens. Their justification usually is a pragmatic one. Illegals are going to drive anyway to get to work, and it improves public safety if they pass a driver’s test, know the rules of the road, and obtain insurance.

In trying to grapple with this issue, some state legislatures have suggested a compromise. Licenses would be issued to undocumented individuals but the front of the license would bear a message similar to “For driving purposes only.” This resulted in torrents of criticism from immigrants and their advocates, charges of discrimination and racism and the pronouncement that driving is a basic human right. The bottom line is that illegal aliens want a driver’s license precisely because it masks their illegal status.

Two states with large undocumented populations resist lobbying and just say “No.” Although there is some dispute as to the actual number of states accepting the matricula as

proof of identity to obtain a driver's license, Mexico says 13 states are doing so. Consulate officials are actively lobbying other states to either alter motor vehicle department regulations regarding acceptable identity documents for undocumented aliens or pass legislation that would explicitly permit acceptance of the matricula.

The new, improved matricula became available to residents of New York, New Jersey, and Connecticut in March 2002. The news was announced by the regional Mexican consul who said "The ideal would be if the matriculation card could gain points to obtain a driver's license in the tri-state area. . . . We are holding talks now with representatives from the departments of transportation of the three states."²²

But New York's Department of Motor Vehicles refused to add the matricula to its list of approved identity documents to obtain a driver's license. "In other cities the validity of the Mexican ID card has prompted heated debates over whether recognition would amount to legitimization of illegal immigrants. New York politicians, however, rarely raise issues relating to the legal or illegal status of immigrants. Instead, the conversations in city and state offices over the Mexican ID have focused on the heightened concerns over security and identity fraud since the terrorist attacks."²³

Similarly, in a year he was standing for re-election in the state with the largest Mexican population, California Governor Gray Davis showed political courage by vetoing legislation that would have granted licenses to illegal immigrants. He did so despite the fact that the legislation had been significantly revised to address concerns he had raised; "The bills would have allowed illegal immigrants to obtain licenses if they passed all driving tests, underwent criminal background checks, were applying for legal residency and could prove they were employed and had lived in California for at least 15 months in the last three years."²⁴ The governor's veto message said, "the tragedy of September 11 made it abundantly clear that the driver's license is more than just a license to drive; it is one of the primary documents we use to identify ourselves."²⁵

While this veto outraged many in the Hispanic community, not all opposed the governor's decision. Not only did the California Hispanic Chamber of Commerce subsequently endorse him for re-election, its president said her group had "similar concerns as to what the governor expressed. We agree with what he did." And others, such as the chairman of the Latino Journal's editorial board, expressed disappointment but said that it "wasn't a make-or-break issue" for his group.²⁶

Integrity of driver's licenses is a security matter. States historically have protected their right to issue driver's licenses, and any federal attempt to interfere has been fiercely opposed. The Mexican government seems to understand this and is actively lobbying state legislatures to grant special dispensation to matricula cardholders from "proof of legal residence" requirements. This activity endangers homeland security because today the state driver's license, with all its weaknesses, is the most accepted American identity document. It is a prime example of the almost non-existent interior enforcement of our immigration laws that states would even consider issuing it to illegal aliens.

The American Association of Motor Vehicle Administrators (AAMVA) is helping states develop national standards with respect to driver's licenses' appearance, data content, and security requirements. Cards would be made more tamper-proof and consideration is being

given to including a biometric identifier, such as a fingerprint or retinal scan. There would also be a uniform set of standards regarding the documents needed to prove identity, residency, and legal status of non-citizens. Identity documents would be verified electronically with appropriate federal agencies. Similarly, to ensure that no individual holds more than one valid driver's license at a time, a computer link would give states access to each other's driver databases.²⁷

Several congressional bills were introduced in 2002 that addressed different aspects of the integrity of America's identity documents. They didn't move out of committee, so there was no public debate on the merits. Past congressional efforts to tighten document security in part by linking databases have been fiercely opposed by a coalition of civil libertarians, data privacy groups, states rights advocates, and libertarians concerned with government intrusion. Current sentiment seems to lean toward letting state motor vehicle departments, AAMVA, and organizations such as the National Governors Association and the National Conference of State Legislatures try to reach consensus on uniform issuance and card security standards. If that is accomplished, the next issue would be how best to implement those standards. One option would be federal legislation.

The specter of the Mexican government heavily lobbying state motor vehicle departments and state legislatures to accept the matricula as a valid identity document is energizing those discussions.

Institutionalized Illegality

No one disputes that Mexico has a right to issue the matricula consular and maintain a registry of its citizens living in other nations. What is in dispute is the wisdom of American institutions and governmental entities accepting as official identification a foreign government's document, the purpose of which is to make it easier for their nationals to reside in the United States illegally. This issue extends beyond the immediate example of Mexico and the matricula and must be considered in terms of precedent-setting policy for treatment of other foreign governments who wish to do the same for their illegal populations.

Within the last month, these concerns have been raised by members of Congress in letters sent to the Secretary of State and the Treasury Department and by the Governor of Colorado, who asked a Mexican consul general to explain her office's lobbying efforts on behalf of the matricula. Similarly, concerned citizens' organizations have become more vocal at the local level, explaining U.S. immigration law as regards illegal aliens and pointing out legal risks localities may run by subverting those laws.

The reason why we find ourselves addressing the far-reaching implications of the matricula issue is an almost total lack of interior enforcement of our immigration laws. This has resulted in an illegal population of nine million people — 40 percent are visa overstayers and 60 percent crossed our borders without permission. Of the latter group, the vast majority are Mexicans.

The matricula issue has starkly highlighted the dangers inherent in this benign neglect. Immigrant advocates, politicians, and businesses seeking cheap labor have been successful in blurring the distinction between legal and illegal immigration. But it is a distinction the American people find easy to make, as evidenced by numerous public opinion polls spanning many years.

Accepting a less than secure identity card from Mexico would be the functional equivalent of a quasi-amnesty for approximately 50 percent of our illegal population without any national debate on the merits and implications of that action.

Accepting a less than secure identity card from any country further erodes our ability and incentive to control which foreign nationals can enter and live permanently in the U.S. It has profound implications for future immigration policy and evolving policies regarding homeland security.

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Consular ID Cards: Mexico and Beyond



US in
focus

By **Kevin O'Neil**
Migration Policy Institute

April 2003



refugees

For the estimated 8.5 million undocumented immigrants living in the United States, day-to-day life has always been precarious. Not only do they not have the legal right to live and work in America, but many cannot prove their own identity. Lack of identification prevents undocumented immigrants from accessing the few public and private services that are available to them and intensifies their fear of contact with police and other official institutions. The events of September 11 and the scrutiny of undocumented immigrants that followed deepened this anxiety. In this light, many of the estimated 4.7 million Mexicans living in the US without authorization turned to a little-known Mexican government identity document called the matricula consular. The ID cards have given undocumented immigrants a sense of security but have been received with mixed reactions by public and private institutions.



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A sharp debate on the merits of consular IDs has engaged the public, political circles, the media, the private sector, immigration authorities, and law enforcement agencies. On the one hand, proponents of such programs say the cards protect immigrants, their families, and communities by facilitating their ability to open bank accounts, access some limited public services, and work with authorities to resolve crimes and other social ills. On the other hand, critics question whether undocumented immigrants should have access to such services, and assert that consular ID programs subvert US policy and promote unauthorized immigration.

How this debate shapes up is likely to have significant consequences for millions of undocumented immigrants. It is also likely to have a bearing on how the United States shapes its domestic security efforts. Understanding the debate requires examining several key aspects of the consular ID programs, including the extensive Mexican program, the cards' relationship to immigrant banking and remittances, the effect on local law enforcement, and the prospects for developing such programs for other countries.

- Request form

Mexico's Vast ID Program

Mexican consulates have issued the *matrícula consular*, also known as the *matrícula*, to Mexican citizens living abroad for 131 years. The ID card is a way for the Mexican government to keep track of its citizens for consular and tax purposes, collect data on them, and provide them with what the government considers to be a basic human right: the ability to identify oneself.

The cards identify the holder, certify that he or she is a Mexican citizen, and give his or her birthplace and US address. They cost about \$29 each and are valid for five years. The cards are issued without regard to immigration status and give no immigration information. Mexicans in the US legally can and do use the *matrícula*, particularly when returning to Mexico, but it is most useful to the undocumented because they are less likely to have passports, green cards, or other forms of identification.

While the *matrículas* are not new, a combination of factors converged in late 2001 and early 2002 to make the *matrícula* explode in popularity. First, anxiety over identification following September 11 prompted Mexicans to apply for the card in droves. In response to that anxiety and demand, the Mexican government began to market the cards through its network of 47 consulates in the US, and set up "mobile consulates" to issue the *matrícula* in communities without a consulate. The intense outreach proved effective. In 2002, Mexico issued over 1.4 million of the cards in the US alone, compared to the 664,000 it issued worldwide in 2001.

In addition, the Mexican government rolled out novel strategies to make the *matrículas* more useful to cardholders. Beginning in early 2002, Mexico enhanced the security provisions of the *matrícula* and the process used to issue it. It also conducted a well-organized campaign to educate US banks, police departments, and governments about the new features and encourage them to accept the *matrícula* as a valid form of identification. The campaign targeted two fundamental needs of undocumented Mexican immigrants: the ability to identify oneself to local law enforcement and the ability to access financial services in order to save and remit money.

Banking and Remittances

Even before September 11, lack of identification posed a problem for undocumented immigrants who wanted to open a bank account or send money home. Some 43 percent of Latinos in the US do not have bank accounts, and a far larger proportion of undocumented Mexican immigrants do not have bank accounts. Lack of identification is one of several reasons why undocumented immigrants do not use banks. Shut out of the formal financial system, undocumented immigrants tend to cash paychecks at expensive check-cashing shops, save their earnings in cash, and use either unreliable informal networks or costly wire-transfer services to send money home. This makes them targets for robbery and home invasion, subjects them to high transaction costs, and represents unused financial capital.

The money sent home by Mexicans working abroad equals at least 1.1 percent of Mexico's GDP, so the banking issue is important to Mexico's domestic economy as well as the welfare of its citizens

Security of Mexico's Matrícula Consular

The *matrícula consular* is available to any Mexican citizen living abroad. Applications for the *matrícula* must be submitted in person to consular officials. The applicant must present a Mexican birth certificate accompanied by a photo ID issued by a Mexican government authority, such as a voter registration card, passport, military service card, or expired *matrícula*. If the applicant cannot provide these documents, the consulate confirms the applicant's identity by investigating his or her background through authorities in Mexico. Additionally, the applicant must provide some proof of their address in the US, usually a utility bill, and that address must be within the consular district of the consulate issuing the card. The information, card number, and a digital photo of the applicant are recorded by the consulate and sent to a central registry in Mexico.

Critics say that the documents used to verify identity and citizenship when the cards are issued can be falsified. They cite a case in which a Mexican arrested on immigration violations was found with three *matrícula* cards in different names. They also argue that it would be possible for a national of another country to obtain a *matrícula* by fraud.

Proponents suggest that the *matrículas* are comparable, in terms of security, to US state-issued driver licenses. Sophisticated tamper-proof holograms make the cards extremely difficult to forge or modify. Soon, say supporters, the *matrículas* will have a security feature that driver licenses do not: Mexico is creating a computer network that will give all consulates instant access to information on cardholders.

abroad. In the past two years, the matrícula has helped Mexicans satisfy the documentation requirements of US banks and given those banks a new market. At last count, over 70 banks and 56 credit unions accepted the matrícula as one of the two forms of identification usually required for opening an account. These banks include giants such as Citibank, Bank of America, US Bancorp, and Wells Fargo. Wells Fargo estimates that it has used the matrícula to open over 70,000 new accounts since it began accepting the card in November 2001.

Public policy by both the Mexican and US government played a significant role in the acceptance of the matrícula by mainstream financial institutions. The Mexican government gave the card security features strong enough to satisfy US banks and actively promoted the new card to the major institutions in the sector. In July 2002, the US Treasury Department issued guidance to banks explicitly stating that the "know your customer" requirements of one of the new pieces of domestic security legislation, the USA Patriot Act, did not prohibit banks from using the matrícula as one way to verify identification. However, it stopped short of endorsing use of the card.

Local Law Enforcement

Local US police and sheriff departments have been among the most enthusiastic backers of the consular IDs. Nationwide, an estimated 800 departments accept the matrícula as valid identification. Many cities have also received the scanners that allow officers to check the cards' most sophisticated security features.

Police departments welcome the cards for the following reasons:

- By facilitating the use of banks, the cards help immigrants avoid carrying or stockpiling large amounts of cash, which makes them targets for robbery and home invasions. In some cases, the police themselves have asked local banks to accept the matrícula.
- Having identification encourages people to report crimes and to come forward as witnesses. It also allows police to keep better records.
- When the police stop someone without identification on a minor charge, they are forced to hold them overnight when a citation would otherwise suffice. Resources are also wasted in identifying detained undocumented immigrants.
- People without identification are more likely to flee when stopped by police.
- The matrículas make it easier to identify dead or unconscious people.
- Local police are generally not responsible for immigration enforcement, so immigration status is irrelevant for their purposes.

Other Impacts of the Matrícula

There are several other realms in which the impact of consular ID cards have begun to be felt.

Direct uses of the cards lie in the very narrow band of public and private services for which high-quality identification is required, but proof of legal residency is not. Private companies have begun to accept the matrícula for opening accounts for utilities and insurance. USAir and Aeromexico, among other airlines, allow passengers to use the matrícula to board flights originating in the US.

The local governments of 80 cities, including Tucson, Phoenix, Denver, Los Angeles, San Antonio, San Francisco, Chicago, Houston, and Dallas accept the matrícula for uses such as obtaining a library card, entering public buildings, obtaining business licenses, registering children for school, and accessing a few, limited public services. At the state level, the most important use of the matrículas is in obtaining driver licenses. Although most states now require proof of legal immigration status, there are about 13 states that do accept the matrícula as proof of identity when issuing a license.

The acceptance of matrículas has not, however, been uniform. In both Arizona and Colorado, at least one house of the state legislature has passed legislation banning use of the matrícula by state and local governments.

At the federal level, public policy has been mixed. Most federal programs require proof of legal residency, so the impact of the matrícula has been minimal. A pilot program to accept the matrícula for entry to a federal courthouse was scrapped under political pressure. The Department of Homeland Security has not made decisions explicitly involving the matrícula. The Transportation

Safety Administration, for example, lets airlines set their own criteria for acceptable identification for passenger check-in. In the US Congress, a bill has been introduced that would formally endorse use of the *matrícula* for banking, as well as one that would bar federal agencies from accepting any foreign-issued ID other than a passport.

Countries Following Suit

Other nations are now trying to follow Mexico's example. Guatemalan consulates recently began issuing a similar card, which is now accepted by several banks. Peru plans to begin a pilot program within the next two months. Honduras, El Salvador, and Poland are also said to be planning consular ID card programs. No other country has yet matched Mexico's political and logistical support of such programs, but they may find that Mexico's success has blazed a trail for them both with US governments and businesses and in raising awareness among immigrants.

It is important to note, however, that consular identification programs are not new. Guatemala, for example, has long issued passports to its citizens living abroad without regard to their immigration status. Since 1999, these passports have been roughly as secure as the Mexican *matrículas* currently are, and contain all of the same information except for a US address. Requirements for obtaining the passports are no more stringent than for the ID cards. A number of other countries also issue passports through their consulates.

The popularity of consular IDs could raise new difficulties. If a large number of countries issue such cards, the process of verifying their authenticity might become confusing and costly. If other countries introduce less secure consular IDs, they could be confused with more secure documents like the Mexican *matrícula*, with the effect of either compromising security or degrading confidence in the better IDs.

Public perceptions of particular countries could also play a role in US acceptance of further consular ID programs. While the Mexican consular IDs have raised relatively little concern with voters, if a country such as Pakistan issued an equally secure ID card, it might provoke a different reaction. Each of these hypothetical situations demonstrates the need for well-guided and coherent public policy on the issue.

Areas for Future Research

Both consular ID cards and the new emphasis on identification as a security measure are relatively new public policy issues. Policymakers are now seeking answers to a range of questions, including:

- How secure are the *matrículas* and other consular ID cards compared to state-issued drivers licenses, passports, and other forms of identification? How useful is identification in general as a security tool?
- As consular IDs flourish, do the US, immigrant-sending countries, or individual states have an interest in setting security standards for the IDs? More stringent security measures, particularly in issuing the IDs, will boost the confidence of US officials, but make it harder for immigrants from poor and rural areas to get identification.
- What services can consular IDs currently be used to access? Use of the *matrícula* outside of law enforcement and banking has not been well documented. The services available to undocumented immigrants and identification requirements vary across state and local jurisdictions. Although this issue ties into the ongoing debate over what rights and privileges undocumented immigrants should have, a realistic assessment of the fiscal costs and social benefits of accepting the *matrículas* could inform debate.
- For what uses should consular IDs be accepted and why? What are the real benefits and risks in each case? Using the IDs for local law enforcement purposes may not have an obvious downside, but for other uses, such as boarding airplanes or entering federal buildings, this is not entirely clear.
- What are "best practices" for other countries launching consular identification programs? Mexico's experience with the *matrícula* is a potential model, but other innovations are available for consideration. For example, the Philippines gives its workers going abroad an ID card that doubles as an ATM card, in order to encourage them to save and remit.

Conclusion

The impact of consular ID cards in the United States, while far-reaching, is still unclear. Opponents

of the programs argue that, by granting undocumented immigrants increased access to institutions and services, they permit undocumented immigrants to take a step toward *de facto* regularization. They also express concern that the cards and the process for issuing them are not sufficiently secure and could be abused by criminal or terrorist elements.

Supporters of consular ID programs counter that acceptance of the card promotes law and order by encouraging undocumented immigrants to assist police and use formal financial channels. They also argue that state-issued driver's licenses are equally imperfect security tools and point out that the consular ID cards in no way affect enforcement of US immigration law. Ultimately, say proponents, denying the use of the *matrícula* does nothing to discourage unwanted immigration and only serves to further marginalize a class of people who contribute greatly to the American economy.

Many on both sides see the cards as a symptom of inconsistent immigration policies, but disagree on the solution. For critics, the cards demonstrate the need for strict enforcement of immigration laws; for proponents, the problem is the absence of sufficient legal migration channels.

The debate over consular IDs continues, affecting a broad spectrum of US policy. Federal, state, and local governments all have a stake in the outcome, as do the private sector, foreign governments, and the public. Most affected of all could be millions of undocumented immigrants, who will see their fortunes affected by the fate of consular ID programs.

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Matrícula Consular

Should Texas Recognize Mexican-Issued Identity Cards Held by Immigrants?

The question of whether Texas should recognize the Mexican *matrícula consular* card as proof of identity is being debated as more local and state governments, law enforcement agencies, banks, and private businesses throughout the United States are accepting the cards. The Mexican government issues the *matrícula consular* — Spanish for “consular registration” — to Mexican nationals living abroad, both legal and undocumented. In places that accept the card as legal identification, card holders use it to obtain driver’s licenses, open bank accounts, identify themselves to law enforcement officers, and more.

Since 1871, the Mexican government has issued the *matrícula consular* through its consular offices to Mexican nationals living abroad as a means of providing them official identification. Texas has 11 Mexican consular offices, six on the border with Mexico and five in other cities.

The *matrícula* card resembles a driver’s license (see Figure 1, page 4) and includes the holder’s name, photograph, U.S. address, and date of birth. To obtain a card, an applicant must apply in person at a consulate office and present an original Mexican

birth certificate, an official Mexican identification document that contains a photograph, and proof of a U.S. address, such as a lease or a utility bill.

The debate over the *matrícula consular* heated up after the September 11, 2001, terrorist attacks when government-issued photo identification became necessary for many commonplace activities, such as entering government buildings. The issue was raised in the 78th Texas Legislature through unsuccessful proposals in both the regular and special sessions in 2003 to require the Department of Public Safety (DPS) to accept “consular identity documents” as proof of identity for obtaining a Texas driver’s license.

In addition, the issue was debated when Mexican President Vicente Fox met with Gov. Rick Perry in Austin in November 2003. Fox supports acceptance of the card by Texas, while the governor objects based on questions about its security and reliability. The issue also has been raised during debate over President Bush’s recent proposal for a new temporary worker program.

Local and national *matrícula* card acceptance. Although the state of Texas does not accept the *matrícula* card as a valid form of identification, according to the Mexican consulate’s office in Austin, 13 other states do, including border states such as

(See *Matrícula*, page 2)

March Presidential Primaries Set Stage for Selection of National Delegates

Texas will choose delegates to this summer’s national political party conventions based on the results of presidential primary elections on March 9. Florida, Louisiana, and Mississippi also will hold presidential primaries that day.

Texas Republicans will apportion all of their national-convention delegates solely on the basis of the primary vote. Texas Democrats will use a hybrid selection system, apportioning their delegates based

(See *Delegates*, page 6)

(Matrícula, from page 1)

California and New Mexico. In addition, a number of cities and counties in Texas accept the matrícula consular (see Table 1, below), notably Dallas, where the city council voted unanimously in November 2003 to allow city agencies to recognize the card. Nationwide, some 350 cities, numerous counties, and just over 1,000 police departments accept the card as valid identification, according to the consulate's office.

In September 2003, the U.S. Treasury Department, reviewing the issue in light of stricter security standards imposed by the USA Patriot Act, decided to allow financial institutions to continue to accept the matrícula as a form of identification for persons opening bank accounts. Numerous financial institutions, including many that operate in Texas, accept the cards, according to the Office of the Mexican Consulate in Austin. These include Wells Fargo Bank, U.S. Bank, Lone Star National Bank, Bank of America, Citibank, and about 80 national banks in other states. Some in the U.S. Congress disapproved of the Treasury Department's decision and a proposal pending in a U.S. House subcommittee would declare the rules had no force or effect.

However, the trend toward acceptance is not universal. According to *The New York Times*, some states and city agencies, including Colorado and the New York City Police Department, specifically have barred acceptance of the card.

Proposals and debate

Proposals advocating state recognition of the matrícula card generally focus on requiring DPS to accept "consular identity" documents from driver's license applicants, who must prove their identity to obtain a license. This language appeared in HB 57 by Wise during the 2003 regular session, and in several similar bills introduced over the course of the three called sessions, none of which were enacted by the 78th Legislature. The House also rejected an amendment to HB 25, offered by Rep. Alonzo during the second called session, that would have required acceptance of foreign identity documents on the condition that issuing governments had in place "reasonable mechanisms" by which DPS could verify such documents. In 2001, Gov. Perry vetoed a related bill, HB 396 by Wise, which would have required DPS to accept as adequate identification birth certificates issued by other countries if accompanied by supporting documents.

Table 1
Local government entities in Texas that recognize the matrícula consular

Cities		Counties	Police departments
Austin	Harlingen	Bexar	Austin
Brownsville	Houston	Cameron	Dallas
Carrizo Springs	Laredo	El Paso	Eagle Pass
Crystal City	Pharr	Kennedy	El Paso
Dallas	Presidio	Maverick	Fort Worth
Eagle Pass	Roma	Willacy	Garland
El Paso	San Antonio		Houston
Garland	San Marcos		Laredo
Goliad	Selma		Presidio
			Temple

Source: Office of the Mexican Consulate, Austin

Debate over whether Texas should honor the matrícula consular centers on issues of identification, security and public safety, and immigration. Supporters of accepting the cards point to the benefits of non-citizens having adequate identification, while insisting that the cards would neither compromise national security nor change the legal status of undocumented immigrants. Opponents say Texas should not accept the cards as identification because they are prone to fraud and because acceptance could pose a threat to homeland security and public safety while legitimizing and encouraging illegal immigration.

Still others argue that Texas should not make any decisions regarding the matrícula card while the proposed White House policy on temporary guest workers is being debated. It is possible, they argue, that such a program could result in the U.S. government's issuing temporary worker cards to undocumented immigrant workers, in which case Texas should honor the U.S.-issued identification rather than the matrícula consular. Others counter that it could be some time — if ever — before such an identity card becomes available and some undocumented immigrants may be unable to obtain it in any case.

Supporters say:

Identification. Supporters of accepting the Mexican matrícula card as valid identification say Texas would benefit because the card would allow state agencies and officials to verify who lives here and where they live. It would be better for as many Texans as possible to have an acceptable, official identification card than to have a large segment of society unidentifiable. State acceptance of the Mexican matrícula card would fill the need for reliable identification of Mexican nationals who live in Texas and work hard to contribute to the economic activity of the state.

The matrícula card is a high quality, secure identification card that is as fraud-proof as many similar U.S. documents. The card was updated in March 2002 with 20 security features (see *New security features, right*) and is issued based on certified Mexican official documents. Older cards without the added security features are being phased out as cards are renewed every five years. In addition, a central database to track information across Mexican consular offices on cards issued is under development and should be ready by early this year. Fears of counterfeit documents

New security features

In March 2002, according to the Mexican consulate's office in Austin, the Mexican government began issuing a new matrícula consular with added security measures (see Figure 1, page 4).

Visible security features include printing the cards on green paper with the official Mexican seal rendered in a special pattern, printing a hologram, called the "advantage seal," over the photograph, and placing an infrared band on the back of the card. Invisible security features include printing the letters "SRE" on the front of the card so that they can be seen using a fluorescent lamp, and other printing that can be viewed only with a special decoder, which includes the holder's name and birthday diagonally over the picture on the front and the holder's name, the card's expiration date, and the name of the issuing office on the back.

About 1.3 million cards with these security features were issued nationwide from March 2002 to March 2003, according to the Mexican consulate's office.

should not force Texas to dismiss the usefulness of identity cards issued by other governments, especially since most identification cards — including Texas driver's licenses — can be forged. The authenticity of cards can be verified through any Mexican consulate.

Accepting the Mexican matrícula card would be a pragmatic decision that would help state government function better by facilitating immigrants' contacts with state agencies. For example, proper identification of persons would facilitate the collection of fees and fines from those living here, whether legal or undocumented.

Accepting the matrícula card could make Texas roads safer. It might encourage more undocumented immigrants, many of whom already drive on Texas roads, to obtain driver's licenses, which in turn would require those who own vehicles to carry auto insurance. Currently, driver's license applicants must produce some form of identification from a list of DPS-approved documents and a social security card or an affidavit saying that they have never

applied for or been issued a social security number. While undocumented immigrants today can sign the required affidavit, most do not have a form of acceptable identification, a situation that the matrícula consular would remedy.

Widespread acceptance of the matrícula card could help boost the Texas economy by encouraging more immigrants to use the traditional banking system. This also would make undocumented immigrants less vulnerable to the exploitation and victimization that can occur when they carry large amounts of cash instead of using a bank.

Accepting cards from other countries would not present a problem as long as reasonable steps were taken to ensure the authenticity and accuracy of the cards. Proposals to require DPS to accept the identity documents issued by other countries have included requirements that foreign governments have in place reasonable mechanisms by which DPS could verify the identity document.

Security and public safety.

Public safety and security are threatened, say supporters of accepting the matrícula card, when large groups within society have no means of valid identification. Domestic security would be enhanced if non-documented immigrants from neighboring, friendly Mexico could produce an official form of government-issued identification acceptable to the state of Texas. Accepting the matrícula card would not create a security risk or terrorist threat especially since immigrants who obtain the card most likely already are living and working in Texas.

In addition, restricting means of identification to those issued by U.S. governmental entities traditionally has not thwarted terrorists. Most of the September 11 terrorists

lived in the United States legally and carried government-issued identification. Further, American-born terrorists, such as Oklahoma City bomber Timothy McVeigh, generally have no trouble obtaining identification.

Accepting the Mexican matrícula card would enhance public safety by facilitating the ability of law enforcement officers to identify crime suspects, victims, and witnesses. If suspects cannot be identified, they sometimes are taken into custody, a time-consuming process that can take law enforcement officers away from more important duties. An officer who believed a matrícula card was fraudulent could ask for additional identification or check the card's authenticity through the nearest Mexican consulate.

Immigration. Concerns that accepting the Mexican matrícula card would provide or promote amnesty for illegal immigrants are unfounded, supporters say, because the card has no effect on a person's immigration status and gives the card holder no immigration benefit. Card holders still would be subject to all immigration laws, and those here illegally could be arrested and deported. The card is not a passport, residency card, or work permit, and even if Texas accepted the card, employers still would be barred by federal law from hiring undocumented workers. Nor would acceptance of the matrícula card give card holders access to welfare or Medicaid. Whether or not Texas accepted the card as valid identification, immigrants—like everyone else—could continue to access health care through emergency rooms and other health programs where proof of citizenship is not required.

Accepting the matrícula card for the identification necessary to obtain a Texas driver's license would not "reward" illegal immigrants. A driver's license is not proof of citizenship, and granting one should not be contingent on a

Figure 1
Sample matrícula consular card



The new matrícula consular card contains additional security features, including an infrared band on the back (below).



Image courtesy of the Office of the Mexican Consulate, Austin

person's immigration status. Enforcing immigration laws is a federal responsibility that DPS should not be involved with at driver's license bureaus.

State acceptance of the matrícula card would not encourage more immigration but would help those hard-working members of society who are here already. Illegal immigrants come to Texas for jobs, and recognition of the matrícula card is not a major factor in their decision to emigrate.

Opponents say:

Identification. Opponents of accepting the Mexican matrícula card say it is too susceptible to fraud to serve as a form of official identification in Texas. For one thing, the documents used to obtain the cards are not adequately checked for authenticity. Further, because there is no central database that keeps track of who has been issued cards by the various consular offices, a single person fraudulently could obtain multiple cards under different names. Even the newer matrícula cards that contain enhanced security measures can be forged and therefore are unreliable.

Requiring DPS and other state agencies to accept unreliable, non-secure forms of personal identification such as the matrícula consular could compromise the security of state databases. For example, because DPS would have no way to verify the documents on which the matrícula was based, the possibilities for fraudulent identification would increase. Driver's licenses have become a primary source of identification that are used to authenticate financial transactions such as banking and check writing. Basing the issuance of a license on the unreliable matrícula card could jeopardize the integrity of the driver's license as a reliable source of identification.

Texas should not make it easier for illegal immigrants to use the matrícula card to obtain state privileges such as the issuance of a driver's license. Granting driver's licenses to undocumented immigrants would not necessarily make Texas roads any safer because a driver's test examines only minimum skills and cannot ensure that the recipient of a license drives in a safe manner.

Accepting the Mexican matrícula consular could create pressure for Texas to recognize identification cards from other countries, even those that take no anti-fraud measures or those from which terrorists originate. It would be difficult and costly for Texas to establish procedures to verify identity cards issued by numerous countries.

Security and public safety. Requiring Texas state agencies to accept unreliable identification such as the matrícula card would compromise homeland security, say opponents. More persons moving about society with unreliable and possibly counterfeit identification would make it more difficult to assess threats. State acceptance of the matrícula card could encourage criminals and terrorists to obtain Texas driver's licenses, which might facilitate their ability to travel, conduct financial transactions, and make other arrangements to support criminal or terrorist activities.

State acceptance of the matrícula card as identification could shield from law enforcement the criminal activities of some undocumented immigrants, thus posing a risk to public safety. For example, a police officer who accepted the matrícula as proof of identity might be less likely to take an illegal immigrant into custody and collect fingerprints to run a more extensive check for criminal activity. In addition, it is too easy to obtain a matrícula consular under a false name, further obstructing the efforts of law enforcement officers to protect the public.

Immigration. Acceptance of the matrícula card would be a step in legitimizing and encouraging illegal immigration, opponents say, and would make immigration laws more difficult to enforce. While recognition of the card technically would not change a holder's legal status, it would confer a quasi-legal status that would strengthen as the cards gained wide acceptance and immigrants used them to obtain official documents such as driver's licenses and birth and death certificates. If the state accepts the card, other mainstream institutions may follow suit, facilitating the integration of illegal immigrants into society.

Only illegal immigrants have a need for the matrícula card. Legal residents have, or can obtain, official U.S. identification such as a driver's license. Texas should not extend this privilege through acceptance of the matrícula consular to immigrants who live here illegally.

— by Kellie Dworaczyk

**RESIDENTIAL TAX ABATEMENT
GUIDELINES AND CRITERIA**

PROCEDURES

AND

APPLICATION

CITY OF FREEPORT, TEXAS

**OUTLINE OF ACTIVITIES
RESIDENTIAL TAX ABATEMENT**

I. Application for Building Permit-No Developer

- A.** **Building official delivers statement of right to abatement to applicant for building permit**
- B.** **Owner has Ninety (90) days to file application (with City Secretary)**

- C.** **No response/no abatement**

- D.** **Application filed with City Secretary who:**
 - 1.** **Collects Seventy-Five Dollars (75.00) application fee**
 - 2.** **Determines if in reinvestment zone**
 - 3.** **If not, refers to City Council for creation with recommendation**
 - 4.** **Reviews for Completeness (with Legal)**
 - 5.** **Determines if satisfies guidelines and criteria (with Legal)**
 - 6.** **Reviews fiscal impact - Improvements on tax rolls vs. utility construction by City (with City Manager)**
 - 7.** **Reviews Community impact - consistency with comprehensive plan/any adverse impact (with City Manager)**
 - 8.** **Reviews Economic feasibility (with City Manager)**
 - 9.** **Reviews legal description (with legal)**
 - 10.** **Obtains any needed additional information**
 - 11.** **Meets with applicant to discuss project**

- E.** **Contents of Documents**
 - 1.** **Estimated value of modernization or new construction**
 - 2.** **Percent of value to be abated each year**
 - 3.** **Commencement/termination date of abatement**
 - 4.** **Use of facility, construction schedule and plans, legal description**

II. If Developer, refer to Planning and City Council

RESIDENTIAL TAX ABATEMENT

The City of Freeport may offer residential tax abatement as a stimulus for economic development in Freeport. The policy of the City is to consider residential tax abatement for new structures, the modernization of existing structures, and the development of new subdivisions within the City. The guidelines and criteria herein adopted shall expire Two (2) years from and after adoption. Nothing herein shall imply or suggest that the City be under any obligation to provide tax abatement to any applicant. All applicants shall be considered on a case-by-case basis.

A. Definitions

1. *Base Year Value* means the assessed value of eligible property on January 1 Preceding the date of execution of the agreement.
2. *Developer* means a person, firm or corporation constructing one or more new structures in a subdivision for resale to third parties.
3. *Economic Life* means the replacement and upgrading of residential structures for Purposes of reconditioning or refurbishing.
4. *Modernization* means the replacement and upgrading of residential structures for purposes of reconditioning or refurbishing.
5. *New structure* means residential improvements made to a previously unimproved property that is placed into use by means other than modernization.
6. *Reinvestment Zone* means an area designated in accordance with the Act by the City of Freeport and may include all residentially zoned property in the City. Only property in a reinvestment zone may receive tax abatement.
7. *Residential improvements* means the construction of residential buildings(s), and all the appurtenances thereto, whether single-family, duplex or multi-family in purpose, and includes modernization and new structures.
8. *Subdivision* means the division of any tract into lots.
9. *Subdivision improvements* mean all improvements to real property required of the developer by City policy.
10. *Total facility* means all buildings and structures along with the appurtenances there to.

B. ELIGIBILITY

Residential improvements anywhere within the corporate limits of a value in excess of Five Thousand (\$5,000) may receive abatement. As provided, abatement may only be granted for the value of eligible property subsequent to and listed in an abatement agreement between the City and the property owner. Abatement will be granted for residential improvements only. Enhancement of real estate value resulting from residential subdivision improvements constructed with the corporate limits is eligible for tax abatement.

- 1. Upon determination that a tax abatement should be offered to the applicant, an abatement for residential improvement shall be for three (3) years only with One Hundred Percent (100%) of the value of such improvement being abated the first year, Seventy-Five Percent (75%) of such value the second year and Fifty Percent of such value the third year.**
- 2. For developer tax abatement, abatement may be extended to the value of subdivision improvements and the enhanced value of the real estate resulting there of.**
- 3. Upon determination that tax abatement should be offered to the applicant, the value and the terms of the abatement is variable up to Three (3) years and up to One Hundred Percent (100%) abatement.**

C. CRITERIA

- 1. Any request for tax abatement shall be reviewed by City staff, which may consider a request for abatement for property not presently located in a Reinvestment Zone. In such case the City staff will make a recommendation to the City Council concerning designation of the area as a Reinvestment Zone.**
- 2. Any request for tax abatement shall be reviewed for Completeness. The City staff shall determine whether the application satisfies the guidelines and criteria and whether economic development incentives should be offered in each case. Tax abatement shall be based upon a objective evaluation of the following criteria which each applicant will be requested to address in narrative format:**
 - 1. Fiscal Impact* Addition of real property improvement to the tax rolls. No utility construction by the City would be required other than routine.**
 - 2. Community Impact* The project is comparable with the City's comprehensive plan. No adverse environmental impact will be created by the project.**

D. PROCEDURES

Any person, partnership, organization, corporation or other entity desiring that the City consider providing tax abatement to encourage location of residential improvements with the City limits of Freeport shall be required to comply with the following guidelines.

1. Preliminary Application Steps:

A. If the owner of real estate for which a building permit for residential improvements having a value in excess of \$5,000.00 is sought is not a developer, then the Building Official shall furnish to the applicant for such permit a written statement advising the owner of such real estate of such owner's right to apply for a residential tax abatement; and no building permit shall be issued unless and until such statement, signed and dated by the owner, is returned to the Building Official. Such owner shall, for a period of ninety (90) days from such date, have the right to apply to the City for residential tax abatement.

B. The failure of such owner to apply for residential tax abatement shall for such improvements within such period shall constitute a waiver of such right as to such owner and all subsequent owners of such real property.

C. The right to a residential tax abatement for individuals who purchase a new structure from a developer and the procedure for applying for the same shall be applying for the same shall be determined by the City Council at the time a plat of the subdivision in which such improvements are to located is presented for final approval.

D. An applicant for residential tax abatement may be required to provide substantiation of economic feasibility of the overall project to assist in determining the long term benefit to the City.

E. A complete legal description shall be provided to the City by the applicant.

1. The applicant shall complete all forms and furnish all information required by these guidelines before any applications for a residential tax abatement will be considered by the City Council.

2. All information in the application package detailed above will reviewed for completeness and accuracy. Additional information may be requested as needed.

3. The application shall include the total capital investment for real property improvements and type of project.

4. Proposed use of the facility, is in the City's corporate limits and is not a reinvestment zone, the City Council may propose an ordinance designating the Tax Reinvestment Zone and approving the terms for a percentage and duration of tax abatement.

5. The City will be responsible for drafting the proposed agreement pursuant to the approved Tax Abatement, as well as all associated documentation. All expenses, including legal fees, associated with the drafting of the document are to be paid by the applicant. The legal document is to include the following:

- a. Estimated value of modernization or new construction to be abated.**
 - b. Percent of value to be abated each year.**
 - c. Commencement date and the termination date of the abatement.**
 - d. Proposed use of the facility, nature of construction, time schedule, map, property description and improvements list as provided in the application.**
 - e. Contractual obligations in the event of default, violation of terms or conditions, delinquent taxes, recapture and administration.**
- 6. Conflict of Interest: Property that is in a reinvestment zone and that is owned or leased by a member of the governing body of the City or its political subdivisions may not be included in a tax abatement; but such person may continue to receive a tax abatement already in effect prior to such person joining that body.**

TAX REINVESTMENT ZONE
RESIDENTIAL APPLICATION

SECTION I

Property Owner(s): _____

Mailing Address:

Telephone Number:

Property Owner's Representative: _____

Mailing Address:

Telephone Number:

Property Address (physical):

Property Legal Description:

(If metes and bounds, use attachment)

Located within: City of Freeport _____ **Freeport ET** _____

Description of Project:

Date of projected occupation of project/initiation of operations: _____

SECTION II

Fiscal Impact:

What is the value of real property improvements added to the tax rolls? \$ _____

What utility construction is required: _____

Community Impact:

Is the project compatible with the City's comprehensive plan? _____

What adverse environment impact will be created by the project: _____

Date: _____

Applicant(s) Signature(s)

**Note: Readopted Aug. 20, 2007-Resolution No. 2007-2153
Readopted Aug.—, 2009-Resolution No.2009**

**COMMERCIAL TAX ABATEMENT
GUIDELINES AND CRITERIA**

PROCEDURES

AND

APPLICATION

CITY OF FREEPORT, TEXAS

ECONOMIC DEVELOPMENT INCENTIVES
CITY OF FREEPORT

I. Introduction

The City of Freeport is committed to desirable economic development. A successful economic development program depends on a viable working relationship between all aspects of the public and private sector. In addition to insuring the protection of the environment and other natural resources as high priority, any attempts to stimulate the economy should be relatively assured of eventful positive economic effects on the City of Freeport's revenue raising capabilities.

This document describes guidelines and criteria to opportunities that the City may consider in attempts to assert positive economic development. Nothing herein shall imply or suggest that the City of Freeport is under obligation to afford these opportunities to any applicant.

All applicants shall be reviewed on a case by case basis. The customized design of a total incentives package is intended to allow maximum flexibility in addressing the unique concerns of each applicant while enabling the City to respond to the changing needs of the community. Consideration will be given to applicants according to the criteria listed in this document.

II. TAX ABATEMENT

A. Definitions

1. *Abatement* means the full or partial exemption from ad valorem taxes on certain real property in a reinvestment zone designated by the city council for economic development purposes.
2. *Affected jurisdiction* means Brazoria County and any school district, the majority of which is located in the county and levies ad valorem taxes upon and provides services to property located within the proposed or any existing reinvestment zone designated by the city council.
3. *Agreement* means a contractual agreement between a property owner and/or lessee and an affected jurisdiction for the purposes of tax abatement.
4. *Base year value* means the assessed value of eligible property January 1 preceding the execution of the agreement, plus the agreed upon value of eligible property improvements made after January 1 but before the execution of the agreement.
5. *City* means Freeport, Texas.
6. *Deferred maintenance* means improvements necessary for continued operations which do not improve productivity or alter the process technology.

7. ***Distribution Center Facility*** means buildings and structures, including machinery and equipment, used or to be used primarily to receive, store, service, or distribute goods or materials owned by the facility operator, where a majority of the goods or services are distributed to points at least 50 miles from its location in Brazoria County, Texas.
8. ***Expansion*** means the addition of buildings, structures, machinery or equipment purposes of increasing production capacity.
9. ***Facility*** means property improvements completed or in the process of construction which together compromise an integral whole.
10. ***Manufacturing facility*** means buildings and structures, including machinery and equipment, the primary purpose of which is or will be the manufacture of tangible goods or materials or the processing of such goods or materials by physical or chemical change.
11. ***Modernization*** means the replacement and upgrading of existing facilities which increases the productive input or output, updates the technology or substantially lowers the unit cost of the operation. Modernization may result from the construction, alteration or installation of buildings, structures, fixed machinery or equipment. It shall not be for the purpose of reconditioning, refurbishing or repairing.
12. ***New facility*** means a property previously undeveloped which is placed into service by means other than or in conjunction with expansion or modernization.
13. ***Other basic industry*** means buildings and structures, including fixed machinery and equipment not elsewhere described, used or to be used for the production of products or services, which serve a market primarily outside the Brazoria Primary Metropolitan Statistical Area (PMSA) and result in the creation of new permanent jobs and create new wealth in the PSMA.
14. ***Personal property*** means tangible personal property located on the real property, excluding that personal property located on the real property prior to the period covered by the abatement agreement with the City, and other than inventory or supplies.
15. ***Productive life*** means the number of years a property improvement is expected to be in service.
16. ***Regional entertainment facility*** means buildings and structures, including machinery and equipment, used or to be used to provide entertainment through the admission of the general public where the majority of users reside at least 50 miles from its location in Brazoria County.
17. ***Research facility buildings*** means buildings and structures, including machinery and equipment, used or to be used primarily for research or experimentation to improve or develop new tangible goods or materials or to improve or develop the production processes thereto.

18. *Reinvestment zone* means any area of the City which has been designated a reinvestment zone for tax purposes and which is located within the taxing jurisdiction of the City. It is the intent of the City to designate reinvestment zones on case by case basis in order to maximize the potential incentives for eligible enterprises to locate or expand within the City.

19. *Regional Service facility* means buildings and structures, including machinery and equipment, used or to be used to service goods where a majority of the goods being serviced originate at least 50 miles from the facilities location in Brazoria County.

20. *Value of property* means the assessed value of eligible property for purposes of ad valorem taxation.

B. General Criteria - All applicants should meet the following criteria before being considered for abatement.

1. The project expands the local tax base.
2. The project creates permanent full time employment opportunities.
3. The project in all likelihood would not otherwise be developed.
4. The project makes a contribution to enhancing further economic development.
5. The project must remain in good standing to all reasonable aesthetic and environmental concerns.
6. The project has not begun and no construction has commenced at time of application approval.
7. Companies seeking to qualify for tax abatement on the basis of job retention shall document that without the creation of a reinvestment zone and/or tax abatement, it will either reduce or increase operations.
8. The project should not have any of the following objections:
 - a. There would be substantial adverse affect on the provision of government service or tax base.
 - b. Insufficient financial capacity.
 - c. Planned or potential use of the property would constitute a hazard to public safety.
 - d. Planned or potential use of the property would give adverse impacts to adjacent properties; or,
 - e. Any violation of laws of the U.S. or State of Texas or ordinances of the City would occur.

f. Property owned or used by the State of Texas or its political subdivisions.

g. Property owned by an organization owned, operated or directed by a state political subdivision.

h. **Conflict of Interest:** Property that is in a reinvestment zone and that is owned or leased by a member of the governing body of the City or its political subdivisions may not be included in a tax abatement; but such person may continue to receive a tax abatement already in effect prior to such person joining that body.

C. Specific Criteria - If the project in the application meets the general criteria, is a facility of a targeted enterprise and has a capital cost that exceeds \$50,000.00, then abatement of any or all of the increased value will be considered. In no case would tax abatement exceed the maximum allowed by state law, presently 100% for 10 years.

<u>Total Investment</u>	<u>Abatement Per Year</u>
\$50,000 to \$100,000	100% 50%
\$100,000 to \$1,000,000	100% 75% 50%
Over \$1,000,000	100% 100% 100% 75% 50% 25% 25%

DESIGNATION OF A REINVESTMENT ZONE

The City Council by ordinance must designate an area as a reinvestment zone. Prior to adopting such an ordinance the City Council must conduct a public hearing on the designation that entitles all interested persons to speak and present evidence for or against the designation. Not later than the seventh day before the date of the hearing, notice of the hearing must be:

1. Published in a newspaper having general circulation in the City.
2. Delivered in writing to the presiding officer of the governing body of each taxing unit that includes in its boundaries real property that is to be included in the proposed reinvestment zone.
3. Should any affected jurisdiction be able to show cause in the public hearing why the grant of abatement will have a substantial adverse effect on its bonds, tax revenue, service capacity or the provision of services, that showing shall be reason for the City to deny any designation of the reinvestment zone, the granting of the abatement or both.

TAX ABATEMENT AGREEMENT

The City by resolution may enter into a tax abatement agreement in accordance with the criteria contained in this document. At least seven days before entering into the agreement, the City will deliver written notice of its intent to each taxing unit that is included in the reinvestment zone.

1. Any agreement will include, but not be limited to, the following specific Items.
 - a. All appropriate stipulations included in the application as outlined by this document for a reinvestment zone and tax abatement agreement; and
 - b. The amount and duration of the tax abatement; and
 - c. A method for determining the qualifications of meeting the criteria and applicant's promise to meet and maintain these qualifications over the term of the agreement; the City will be allowed, upon written request and reasonable notice, to inspect and audit such records of the applicant as are necessary to substantiate that the applicant is meeting criteria agreed upon during the term of the abatement; and
 - d. A provision that in the event the agreement is not kept, the tax abatement agreement will be determined null and void and all abated taxes will be paid immediately to the City and all other taxing units participating in the agreement; and
 - e. Any and all other statutory requirements pertaining to municipal tax abatements agreements, including but not limited to those requirements set forth in Section 312.205 of the State Tax Code (Vernon's 1992 with 1976 supplement), as amended.
2. **Eligible Property.** Abatement may be extended to the value of buildings, structures, fixed machinery, equipment, site improvements plus that office space and related fixed improvements necessary to the operation and administration of the facility. The economic life of the property and improvements must exceed the life of the abatement agreement.
 - a. Abatement may be granted to new facilities;
 - b. Abatement may be granted for improvements to existing facilities for purposes of modernization and expansion.
3. **Recapture**
 - a. In the event that the facility is completed and begins producing goods and/or services, but subsequently discontinues such production for any reason excepting fire, explosion or other casualty or natural disaster for a period of one year during the abatement period, then the agreement shall terminate and so shall the abatement of taxes for the calendar year during which the facility no longer produces. The taxes otherwise abated for the calendar year shall be paid to the City within (60) days from the termination.

b. Should the City determine that the company or individual is in default according to the terms and conditions of the abatement agreement, the City shall notify the company or individual, in writing, at the address stated in the agreement, and if such non-compliance is not resolved within (60) days from the date of such notice, then the agreement shall be terminated.

c. In the event that the company or individual:

(1). allows its ad valorem taxes owed the City or affected jurisdiction to become delinquent and fails to timely and properly follow legal procedures for their protest and/or contest, or

(2). violates any of the terms and conditions of the abatement agreement and fails to resolve such violations with sixty (60) days from the date of written notice of such violations, the agreement then may be terminated and all taxes previously abated by virtue of the agreement will be recaptured and paid within (60) days of the termination.

(3.) Upon completion of construction, the City shall annually evaluate each facility receiving abatement to ensure compliance with the agreement and report possible violations to the City Council and the City Attorney.

(4). The City must deliver a report to the Texas Comptroller's Office describing the guidelines and criteria, reinvestment zone, terms of any abatement agreements, and any other information required by the Comptroller. The reports will be submitted by March 31 of the year following the designation of a zone or the execution of a tax abatement.

APPLICATION FOR TAX ABATEMENT INSTRUCTIONS

1. Attach additional pages if there is not enough space allotted to answer questions on the application.

2. Applicants and projects must meet the requirements established by the City of Freeport Guidelines and Criteria in order to receive positive consideration.

3. Applicants must submit an application processing fee in the amount of Five Hundred Dollars (\$500) or one percent (1%) of the value of the proposed improvement(s), whichever is less, to cover cost to the City of attorney's fees and legal notices to be published.

4. Applicants must submit an adequately definitive legal description that sufficiently describe the tract(s) of land comprising the proposed reinvestment zone (tax abatement area) upon which the new facility, expansion or modernization project will be located. Applications with insufficient or indefinite legal descriptions will be returned to the applicant for amendment such applications will not be considered for hearing until corrected.

5. Applicant must submit the attached *Certification of Appraised Value of Properties* form which is part of this application. This certification should cover the proposed tax abatement area and it is the responsibility of the applicant to obtain this information from the Brazoria County Appraisal District.

APPLICANT INFORMATION

The taxing unit may consider applicant's financial capacity in determining whether to enter into an abatement agreement. Established companies for which public information is available, or the wholly owned businesses of such companies, should include with the new application a copy of their latest annual report to the stockholders. Other applicants and new companies should attach a statement showing:

- (1). when the company was established
- (2). business references (name, contact person, accountant, attorney)
- (3). may be required to submit an audit financial statement and business plan.

PROJECT INFORMATION

Only facilities listed in the General Criteria of the Guidelines may receive abatement. Check guidelines definitions to see if project qualifies.

If the project is a Regional Entertainment Facility, Regional Service Facility, Regional Distribution Center Facility or other basic industry, include the following items;

- (1). market studies
- (2). business plans
- (3). agreements or other materials demonstrating that the facility is intended to serve a market of which the majority is substantially outside the City of Freeport.

ECONOMIC MARKET

Permanent Employment Estimates

In estimating the permanent employment, include the total number of jobs retained or created at this site by your firm as well as known permanent jobs of service contractors required for operation.

Estimated Appraised Value on Site

The value on January 1 preceding abatement should be the value established by the Brazoria County Appraisal District. If the applicant must estimate value because taxable value is not known or is combined with other properties under a single tax account, please so state. To qualify, the abated properties must be expected to result in an addition to the tax base of at least fifty thousand dollars (\$50,000) after the period of abatement expires. Projections of value should be a best estimate" based on taxability in Texas. The projection of project values not abated should include personal property and ineligible project related improvements such as an office in excess of that used for plant administration, housing, etc.

PROJECT DESCRIPTION

Please attach a statement which:

1. fully explains the project;
2. describes the site and existing improvements;
3. describes all proposed improvements;
4. provides a list of improvements and fixed equipment for which abatement is requested.

ECONOMIC IMPACT INFORMATION

A. Estimated cost of improvements:

Real Estate \$ _____

Personal Property \$ _____

B. Permanent employment estimates:

If existing facility, current plant employment: _____

Estimated number of jobs retained: () jobs created: ()

Number of employees anticipated at start up: () within 1 yr. ()

C. Construction employment estimates:

Construction to start: Month: _____ Year: _____

Construction to be completed: Month: _____ Year: _____

Number of construction jobs anticipated: At start: _____

Peak _____ Finish: _____

D. School District impact estimates: (for projects over \$5,000,000)

Number of families transferred to area: _____

Number of students added to ISD: _____

E. City Impact estimates:

Volume of treated water required from city: _____

Volume of effluent water to be treated by city: _____

Has permitted been started? Yes () No ()

F. Estimated appraised value on site:

	LAND	PERSONAL PROPERTY	IMPROVEMENTS
Valuation of existing property as of January 1, preceding this abatement Application		\$ ____	\$ ____
Valuation of Personal Property and Improvements, not subject to Abatement, excluding exempt Pollution Control Equipment, upon completion of the project subject to this application		\$ ____	\$ ____
Estimated value, upon completion of project of exempt pollution control equipment.		\$ ____	\$ ____
Estimated value of abated improvements after abatement agreement expires		\$ ____	\$ ____

G. Statement of planned efforts to use City of Freeport Vendors and services:

Please attach a statement describing willingness and planned efforts to use qualified City of Clute vendors and services where applicable in the construction and operation of the facility.

DECLARATION

To the best of my knowledge, the above information is an accurate description of project details.

Company Official Signature

Printed Name and Title of
Company Official

Date Signed

CERTIFICATION OF APPRAISED VALUE OF PROPERTIES
AS OF JANUARY 1, _____

To: City of Freeport
Fm: Brazoria County Appraisal District
Date: _____

The Brazoria County Appraisal District hereby certifies that the following appraised values as of January 1, _____ for property of _____. Described in Exhibit "A" attached hereto are listed in the records of Brazoria County Appraisal District and indicated by the following Account Numbers:

PERSONAL PROPERTY

APPRAISAL VALUE

Account No. _____ \$ _____

Account No. _____ \$ _____

LAND

Account No. _____ \$ _____

Account No. _____ \$ _____

Account No. _____ \$ _____

IMPROVEMENTS

Account No. _____ \$ _____

Account No. _____ \$ _____

Account No. _____ \$ _____

Certified this _____ day of _____, _____

Chief Appraiser
Brazoria County Appraisal District

By: _____

Note: Readopted Aug. 20, 2007-Resolution No. 2007-2153
Amended Sept. 4, 2007- Resolution No. 2007-2155
Resolution No. 2009-

Readopted Aug.-----, 2009-

The 30% shall be added to the amount owed by a defendant that is more than 60 days past due pursuant to Article 103.0031, Texas Code of Criminal Procedure. The parties understand that pursuant to law, Perdue cannot collect from a defendant the percentage referred to above if the defendant has been determined by the court of original jurisdiction to be indigent, or has insufficient resources or income, or is otherwise unable to pay all or part of the underlying fine or costs. All compensation shall become the property of Perdue at the time of payment. City shall pay over said funds on a monthly basis by check out of the collected fees and fines, which Perdue has collected for the City.

SECTION 4. BEST EFFORTS TO COLLECT

Perdue agrees to use its best efforts to collect the delinquent accounts turned over to it and to provide legal advice to City on the delinquent accounts as requested by City.

SECTION 5. TERM

This contract shall commence on _____, 2009, and end when both parties mutually agree; provided, however, that either party to this agreement shall have the right to terminate this agreement by giving the other party thirty (30) days written notice of their desire and intention to terminate this agreement; and further provided that Perdue shall have an additional six (6) months to complete work on all cases turned over to it prior to the notice of termination.

SECTION 6. NOTICES

For purposes of sending notice under the terms of this contract, all notices from City shall be sent to Perdue by certified United States mail, or delivered by hand or by courier, and addressed as follows:

Perdue, Brandon, Fielder, Collins & Mott, L.L.P.
Attn: Michael J. Darlow - Attorney
1235 North Loop West, Suite 600
Houston, Texas 77008
Telephone (713) 862-1429

All notices from Perdue shall be sent to the City by certified United States mail, or delivered by hand or by courier, and addressed as follows:

City of Freeport, Texas
Attn: Jeff Pynes, City Manager
City Hall
200 West 2nd Street
Freeport, Texas 77541
Telephone: (979) 233-3526

SECTION 7. INDEMNITY

Perdue shall indemnify, hold harmless and defend City against any claim of liability or loss incurred by City to the extent caused by Perdue's acts or omissions in the performance of this Agreement that constitute negligent or willful acts or are errors or omissions.

SECTION 8. VENUE AND CONTROLLING LAW

This contract is made and is to be interpreted under the laws of the State of Texas. Venue for any disputes involving this contract shall be in the appropriate courts in Brazoria County, Texas.

SECTION 9. ACCEPTANCE OF EMPLOYMENT

In consideration of the terms and compensation herein stated, Perdue hereby accepts said employment and undertakes performance of said contract as set forth above.

SECTION 10. SEVERABILITY

Every provision of this Agreement is intended to be severable. If any term or provision hereof is hereafter deemed by a Court to be illegal, invalid, void or unenforceable, for any reason or to any extent whatsoever, such illegality, invalidity, or unenforceability shall not affect the validity of the remainder of this Agreement, it being intended that such remaining provisions shall be construed in a manner most closely approximating the intention of the Parties with respect to the illegal, invalid, void or unenforceable provision or part thereof.

This contract is executed on behalf of City by the presiding officer of its governing body who is authorized to execute this instrument by ordinance heretofore passed and recorded in its minutes. This contract may be executed in any number of counterparts, and each counterpart shall be deemed an original for all purposes. Signed facsimiles shall be binding and enforceable.

WITNESS the signature of all parties hereto on this the _____ day of _____, 2009.

LARRY L. MCDONALD, MAYOR

ATTEST:

DELIA MUNOZ, CITY SECRETARY

APPROVED AS TO FORM:

WALLACE SHAW
CITY ATTORNEY

PERDUE, BRANDON, FIELDER, COLLINS
& MOTT, LLP

BY: _____
FOR THE FIRM

Jeff Pynes

From: Harrison, Thane [Tharrison2@wm.com]
Sent: Wednesday, July 29, 2009 11:59 AM
To: jpynes@freeport.tx.us
Cc: Osowski, Jimmy
Subject: Options

After reviewing the options that were submitted last year, we have condensed them into two options now. Two of the four were so similar, that it did not really make much sense. The following is a recap of our current findings.

Current service: 2xwk curbside pickup of carts. 1xwk alley pickup of bulky and small amounts of brush. Everyother week alley pickup of loose brush. Your current service is at \$21.70 per home per month. With the language in the agreement pertaining to annual adjustments, we assume this will be around \$22.57 starting October 1, 2009.

Option 1: 2xwk curbside pickup of carts. 1xwk alley pickup of bulky waste limit of 2 items per week, with 1xwk pickup of cut, tied and bundled brush, limit of 4 bundles per week. Effective October 1, 2009 this service would be \$21.00 per home per month.

Option 2: 2xwk curbside pickup of solid waste, bulky waste, and cut, tied, and bundled brush (no carts)—bulky waste to be put out on the second pickup day and all brush to be cut, tied, and bundled limit of 2 bundles per pickup. Effective October 1, 2009 this service would be \$18.00 per home per month.

As it stands now, Gary and I will be there Monday night. If this changes or you might have any questions, please let me know. Thanks.

Thane T. Harrison
Director of Governmental Affairs
Waste Management of Texas, Inc.
Pasadena District
Direct: 281-487-5001
Fax: 281-998-1580
tharrison2@wm.com

Waste Management Landfills provide over 17,000 acres of protected land for wildlife habitats and 15 are certified by the Wildlife Habitat Council.