

Ordinance No. 176

AN ORDINANCE REPEALING ORDINANCE NUMBER 39 OF THE CITY OF WALLIS, AUSTIN COUNTY, TEXAS CREATING THE POLICE DEPARTMENT FOR THE CITY OF WALLIS, TEXAS AND HERETOFORE INITIALLY PASSED AND APPROVED ON THE 15TH DAY OF JUNE, 1978, AND ORDINANCE NUMBER 39A ESTABLISHING A RESERVE OFFICERS UNIT AND HERETOFORE INITIALLY PASSED AND APPROVED ON THE 15TH DAY OF JUNE 1978 AND AMENDED THE 14TH DAY OF SEPTEMBER 1982 AND MAKING CERTAIN FINDINGS OF FACT AND CONCLUSIONS AND ESTABLISHING GUIDELINES AND APPOINTMENTS OF THE POLICE CHIEF, OFFICERS AND RESERVE FORCE."

WHEREAS, the City Council of the City of Wallis, Texas has heretofore adopted an ordinance providing for the Creation of the Police Department and Providing for the Appointment of the Chief and Other members being Ordinance Number 39 on the 15th day of June, 1978, and

WHEREAS, the City Council of the City of Wallis, Texas has heretofore adopted an ordinance providing for the Establishment of a Reserve Officers Unit being Ordinance Number 39A on the 15th day of June, 1978 and subsequently amended on the 14th day of September 1982, and

WHEREAS, the City Council of the City of Wallis, Texas finds and affirms the creation and continuation of the Police Department and the Reserve Officers Unit, and

WHEREAS, after study and review the City Council of the City of Wallis has determined that said ordinances 39 and 39A should be repealed and replaced with a new ordinance providing and guidelines and appointment of the Police Chief and the officers and reserve unit; and

WHEREAS, notice of the agenda for this meeting, was given in accordance with law by posting the same at the place reserved and designated for notices of public meetings and public activities and prior to the adoption of this ordinance; and

AND NOW THEREFORE,

BE IT ADOPTED BY THE CITY COUNCIL OF THE CITY OF WALLIS, TEXAS:

1. The City Council of the City of Wallis having reviewed the findings of fact and conclusions as herein set out and adopts the same for inclusion in this ordinance if the same had been repeated verbatim herein.
2. Ordinances Number 39 and 39A of the City of Wallis, Texas are hereby repealed and this Ordinance shall govern the Police Department and Reserve Force.
3. The police department for the City of Wallis, Texas, shall consist of a chief of police and such other police officers, including members of the police reserve force, as may be provided for by the city council from time to time. The chief of police and other police officers of the police department shall receive a salary or fees of office, or both, as may be fixed from time to time by

the city council. The Chief of Police shall be appointed by the Mayor subject to approval by the City Council. The other Members of the police force shall be appointed at the discretion of the chief of police subject to confirmation by the city council. The city council shall limit the size of the police force. The Chief of Police and other police officers of the police department shall not serve for a specific time, but shall hold their office at the pleasure of the city council, and are subject to removal by the city council at any time with or without cause, and they shall have no right or expectation of continued employment.

4. Executive Office of Department:

(a) The chief of police is the executive officer of the department. He or she shall have the authority for enforcement of police department policies and police officers' responsibilities, together with full responsibility for the complete discharge of all duties imposed on him or her and the other police officers by law. The chief of police shall be the keeper of the city jail and shall have custody of all persons incarcerated therein. He or she shall have the custody of all lost, abandoned, or stolen property recovered in the city. He or she shall keep such records and reports concerning the activities of the department as may be required by statute or by the city council. The chief of police shall be responsible for the performance by the police department of its functions and duties, and all persons who are members of the police department shall serve subject to the orders of the chief of police. The chief of police or his designee shall control all day-to-day operations of the police department;

(b) The chief of police shall timely advise and inform the Mayor and City Administrator with respect to all police department operations except for matters of a sensitive or confidential nature. The Mayor and city administrator shall timely advise and inform the chief of police with respect to all city operations except for matters of a sensitive or confidential nature. The chief of police shall report to the mayor and city council and/or through the city administrator as directed by City Council.

5. Qualifications and bond of members.

The chief of police and all police officers of the police department shall have such qualifications as are required by state law and the city council and shall execute such bond for the faithful performance of their duties as the city council may require. All police officers shall satisfy and fulfill the requirements imposed by the state commission on law enforcement officer standards and education pursuant to V.T.C.A., Government Code ch. 415 and any other state law.

6. Powers and duties of officers.

(a) Police officers of the city shall have the powers, rights and jurisdiction of a marshal of a type A general law municipality, and all the powers, rights, duties, and jurisdiction granted to or imposed on a peace officer by the Code of Criminal Procedure and they shall perform such duties as state law, city ordinances and the city council may require.

(b) It shall be the duty of every member of the police department to conduct himself in a proper and law-abiding manner at all times and to avoid the use of unnecessary force. Each member of the department shall obey the orders and directions of his superior.

(c) Police officers are hereby authorized as part of their duty to serve all process issuing out of the Municipal Court of Wallis, Texas within the territorial limits of Austin County, Texas.

7. Responsibilities of department.

Members of the police department shall preserve the public peace, prevent crime, detect and arrest violators of the law, protect life and property, and enforce those federal and state laws and city ordinances which the department is required to enforce by law.

8. Reserve police force.

(a) The chief of police may call a police reserve force into service at any time the chief considers it necessary to have additional officers to preserve the peace and enforce the law. The police reserve force may act only in a supplementary capacity to the regular police force and may not assume the full-time duties of regular police officers without complying with the requirements for regular police officers.

(b) Members of the police reserve force shall not exceed 20 in number. Members of the police reserve force shall be recommended by the chief of police.

(c) Police reserve force members shall carry a weapon only when specifically authorized by the chief of police and when discharging official duties as a peace officer in or for the city. Police reserve force members shall otherwise be governed by V.T.C.A., Local Government Code § 341.012; and, specifically, before any member of the police reserve force may carry a weapon or otherwise act as a peace officer, his appointment to the force must be approved by the city council.

9. The City Council shall authorizes the acquisition of all necessary equipment and vehicles for the Police Department and for the general continuance and maintenance thereof, and all necessary personnel comprising same for as long as a period of time and the City Council of Wallis, Texas shall deem that the public necessity for same exists.

10. Severability.

It is hereby declared to be the intention of the City Council that the several provisions of this Ordinance are severable, and if any court of competent jurisdiction shall judge any provisions of this Ordinance to be illegal, invalid, or unenforceable, such judgment shall not affect any other provisions of this Ordinance which are not specifically designated as being illegal, invalid or unenforceable.

11. This ordinance takes effect when the procedural requirements of Section 52.003(a)-(c) of the Texas Local Government Code are met.

[signature page to follow]

PASSED AND APPROVED THIS THE 2TH DAY OF February, 2009.

Date placed in the City Secretary's Office: 2/2/09

Stamp: _____

Tony J. Salazar Jr.
Tony Salazar, Mayor
Date Signed: 2/2/09

Attest:

D.J. Somers
D.J. Somers
City Secretary

City Seal