

City of Cottonwood Shores

ORDINANCE 9002

AN ORDINANCE OF THE CITY OF COTTONWOOD SHORES, TEXAS REPEALING ORDINANCES 081194 (ESTABLISHING THE OFFICE OF MARSHALL), 091996 (ESTABLISHING THE OFFICE OF CHIEF OF POLICE AND ORDINANCE 9005 (ASSISTANT CHIEF) AND ESTABLISHING THE OFFICE OF POLICE CHIEF; DESIGNATING THE DUTIES THEREOF; PROVIDING FOR THE APPOINTING OF OFFICERS; AND PROVIDING FOR OPEN MEETINGS, SEVERABILITY AND RELATED MATTERS.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COTTONWOOD SHORES, TEXAS THAT:

SECTION 1. Establishing the Office of Police Chief.

There is hereby created and established the office of Police Chief for the City of Cottonwood Shores, Texas.

SECTION 2. Selection of Police Chief.

The Police Chief shall be hired by the City Administrator upon approval by the City Council.

SECTION 3. Selection of Peace Officers.

The Police Chief shall hire or promote Peace Officers as necessary, within budgetary constraint, to provide adequate public safety. The Chief of Police is responsible for hiring, conducting background checks, securing physical and psychological evaluations, ongoing training, discipline and termination of the Peace Officers employed by the City of Cottonwood Shores Police Department.

SECTION 4. Oath and Bond Required.

The Police Chief, and all other Peace Officers shall take and subscribe to the official oath prescribed by the Constitution of the State of Texas, and shall give surety bond for the faithful performance of duties, payable to the City of Cottonwood Shores, Texas in the sum of Five Thousand Dollars (\$5,000.00) premium for which shall be paid by the City of Cottonwood Shores.

SECTION 5. Issuance of Commission.

After taking and subscribing to the oath of office and giving bond as provided in Section 4 of this ordinance, a commission shall be issued by the appointee in the following form:

CITY OF COTTONWOOD SHORES, TEXAS COMMISSION

ORIGINAL

I, _____ Mayor of the City of Cottonwood Shores, State of Texas, reposing confidence in the ability, fidelity, and loyalty of _____, do hereby commission him/her to fulfill the position of Police Chief with all rights, privileges, authority, and duties of a peace officer conferred by the laws of the State of Texas and the ordinances of the City of Cottonwood Shores.

Executed at Cottonwood Shores, Texas, this the ____ day of _____, 20__.

Mayor, City of Cottonwood Shores, Texas

SECTION 6. Effective Date of Commission.

The effective commission date of a Police Chief or any Peace Officer shall be effective at the time the Officer is sworn in and upon signing of the above commission by the Mayor.

SECTION 7. Compensation of Police Chief and Peace Officers.

The Police Chief and each Peace Officer shall receive competitive wage as City and CCPD budgets allow.

SECTION 8. Duty of Police Chief and Peace Officers.

It is the duty of the Police Chief or Peace Officer to preserve the peace within the jurisdiction as granted by State Law, and to affect this purpose, the Police Chief or Officer may use all lawful means. The Chief of Police and all officers shall be responsible for following the Texas Penal Code guidelines and enforcing all municipal ordinances of the City of Cottonwood Shores.

SECTION 9. Authority of the Police Chief and Peace Officers.

The Police Chief or Peace Officer shall have authority:

- a) to execute warrants of arrest or other process issued out of the Municipal Court in the City of Cottonwood Shores,
- b) to arrest without warrant in all cases where authorized by the laws of the State of Texas,
- c) to arrest without warrant when offenses against the laws or ordinances are committed in his or their presence,
- d) to arrest without warrant a person who disturbs the peace, otherwise engages in disorderly conduct or a disturbance, or obstructs or interferes with the performance of the Police Chief or Officer's duties,
- e) to perform other duties not inconsistent with State Law, that the governing body prescribes by ordinance.
- f) to use any and all law enforcement tools allowed by State, Federal and Local statutes within City budgets.

SECTION 10. Municipal Court Duties.

The Police Chief or Peace Officer shall be available to the Municipal Court when it is in session and shall promptly and faithfully execute writs and process issued by the court. The Police Chief may execute writs and serve process within Burnet County, both inside and outside the City of Cottonwood Shores.

SECTION 11. Execution of Warrants.

The Police Chief shall have the same power and jurisdiction as the County Sheriff to execute warrants, to prevent and suppress crime, and to arrest offenders. The Police Chief has other powers not inconsistent with State Law that the governing body confers by ordinance.

SECTION 12. Closing of Public Facilities.

The Police Chief may close a public facility or other public recreation or entertainment to prevent a breach of the peace or to preserve quiet and good order.

SECTION 13. City Council Meetings.

The Police Chief shall act as bailiff at all Regular and Special City Council Meetings and provide a departmental report to the governing body at the second Regular Council Meeting of the month. If unable to attend a meeting, the Chief has the authority to appoint another peace officer to serve as bailiff.

SECTION 14. Conflicting Ordinances.

All ordinances or parts of ordinances in conflict with this ordinance are hereby amended to the extent of such conflict and shall hereinafter read and be interpreted as provided herein. To the extent necessary to accomplish the purposes of this ordinance any term, condition or provision of any other ordinance of the City that is in conflict herewith is hereby repealed to the extent of such conflict.

SECTION 15. Severability.

If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications thereof which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

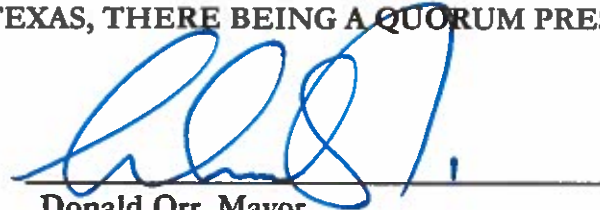
SECTION 16. Open Meetings.

It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Local Government Code.

SECTION 17. History.

1. Section 3, which reads: "The Police Chief may appoint one or more deputies. The appointment of a deputy must be approved by the governing body of the City of Cottonwood Shores." (1/07/2011)
2. Amended the commission statement in section 5 by moving "upon authority of the City Council of the City of Cottonwood Shores," closer to "Mayor" that it is modifying, and added "commission him/her to fulfill the office of Police Chief(Officer),"between "...do hereby," and "...all the rights and privileges..." to clarify the action of the Mayor. (1/07/2011)
3. Section 7 which reads: "...and such appointment has been entered into the Minutes," to "...or after three (3) days, whichever comes first," to match state law. (1/07/2011)
4. Added Section headings. (1/07/2011)
5. Added sections 16, 18, and 19 to include dealing with conflicting ordinances, conforming to the Open Meetings Act, and Amendments to the ordinance respectively. (1/07/2011)
6. Corrections in description of Deputy to read Officer (01/07/11)
7. Amended to clarify selection of Police Chief. (11/10/2014)
8. Amended Chief of Police attending Council Meetings. (7/9/2015)
9. Made the commission effective date at signing; added f) to Section 9; defining Officers as Peace Officers. (3/15/2018)

AMENDED ORDINANCE PASSED AND ADOPTED THIS THE 15TH DAY OF MARCH, 2018, AT A MEETING OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD SHORES, TEXAS, THERE BEING A QUORUM PRESENT, BY 2 YEAS, 1 NAY AND 0 ABSTAINS.



Donald Orr, Mayor





Sheila C. Moore
City Administrator/City Secretary