

CITY OF BASTROP

ORDINANCE NO. 2022 - 10

**CREATING CHIEF OF POLICE POSITION AND REMOVING
REMAINING REFERENCES TO DIRECTOR OF PUBLIC SAFETY
POSITION AND CLARIFICATION OF DUTIES AND AUTHORITY
OF CHIEF OF POLICE AND FIRE CHIEF**

AN ORDINANCE OF THE CITY OF BASTROP AMENDING CHAPTER 9 OF THE CITY CODE OF ORDINANCES; CREATING THE CHIEF OF POLICE POSITION AND REMOVING THE REMAINING REFERENCES TO THE REPEALED DIRECTOR OF PUBLIC SAFETY POSITION; AND REASSIGNING DUTIES FORMERLY DELEGATED TO THE DIRECTOR OF PUBLIC SAFETY AND CLARIFYING THE DUTIES AND AUTHORITY OF THE CHIEF OF POLICE AND FIRE CHIEF; PROVIDING FOR FINDINGS OF FACT, ENACTMENT, A REPEALER, AND SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; PROPER NOTICE AND MEETING.

WHEREAS, pursuant to the authority granted under City of Bastrop Home Rule Charter Section 4.04, Powers and Duties of the City Manager, and Code of Ordinances Section 9.02.005, Powers and duties, the City of Bastrop's City Manager has engaged in a limited reorganization of certain city staff positions including the abolition of the Director of Public Safety job title, which was previously a shared duty of the Chief of Police, and creating the Chief of Police position; and

WHEREAS, pursuant to Article III of Bastrop's Home Rule Charter, the City Council has the authority to establish, consolidate, or abolish administrative departments; and

WHEREAS, City of Bastrop City Council finds it to be reasonable and necessary to amend the Code of Ordinances to be consistent with the current organizational chart and allocation of certain duties; and

WHEREAS, the City Council has determined that it is in the best interests of the City and its residents to create the municipal office of Chief of Police, establish qualifications for the Chief of Police, compensation, supervision, and duties for the Chief of Police as provided for in this Ordinance; and

WHEREAS, the City Council finds the attached amendments reasonable and necessary.

NOW, THEREFORE, BE IT ORDAINED by the Bastrop City Council, that:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. AMENDMENT

Chapter 9, Article 9.05, Division 2 of the City of Bastrop Code of Ordinances is hereby adopted; and Chapter 9, Article 9.05, Divisions 3 and 6 are hereby amended; and Chapter 9, Article 9.09, Divisions 2, 3, and 4 are hereby amended, and after such amendment, shall read in accordance with *Attachment "A,"* which is attached hereto and incorporated into this Ordinance for all intents and purposes. Any underlined text shall be inserted into the Code and any struck-through text shall be deleted from the Code, as stated on *Attachment A.*

3. REPEALER

To the extent reasonably possible, ordinances are to be read together in harmony. However, all ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

6. EFFECTIVE DATE

This ordinance shall take effect upon the date of final passage noted below, or when all applicable publication requirements, if any, are satisfied in accordance with the City's Charter, Code of Ordinances, and the laws of the State of Texas.

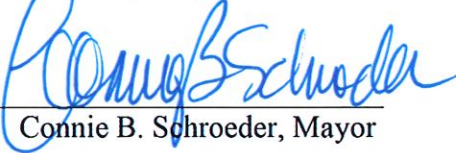
7. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

READ & ACKNOWLEDGED on First Reading on this, the 22nd day of March 2022.


READ & APPROVED on the Second Reading on this, the 12th day of April 2022.

APPROVED:



Connie B. Schroeder, Mayor

ATTEST:



Ann Franklin, City Secretary

APPROVED AS TO FORM:



Alan Bojorquez, City Attorney

Bastrop Code of Ordinances

Chapter 9: Personnel

Article 9.05 - Public Safety

Division 2: Chief of Police

Sec. 9.05.021 - Creation of the office of Chief of Police. The position of Chief of Police is hereby created.

Sec. 9.05.022 - Qualifications. The Chief of Police shall be a person qualified by training and experience to properly carry out the duties of this office.

Sec. 9.05.023 - Appointment. The Chief of Police shall be appointed by the City Manager.

Sec. 9.05.024 - Supervision. The Chief of Police shall report directly to the City Manager and shall be independent of any other city office, provided that the Chief of Police shall perform all the duties and responsibilities as may be required as the head of the Police Department.

Sec. 9.05.025 - Term/at will employee. The Chief of Police is an "at will" employee of the city and is subject to the provisions of the city's personnel policies, the city's ordinances, and the city's Home Rule Charter.

Sec. 9.05.026 - Compensation. The Chief of Police shall receive as compensation for services a salary set in accordance with the city's wage and compensation plan, approved by the City Manager in accordance with the adoption of same as set forth in the city's annual operating budget, as adopted and approved by the City Council.

Sec. 9.05.027 - Supervision of police department and police force. The Chief of Police shall exercise general supervision over the city's police department and municipal police force and shall report to the City Manager any failure to perform official duties or any abuse of authority.

Sec. 9.05.028 - Powers and duties of the Chief of Police. The Chief of Police shall:

- (1) Appoint an Assistant Chief of Police, with the advice and consent of the City Manager.
- (2) Attend, in person or by delegation to the Assistant Chief of Police or others, all sessions of the municipal court and shall promptly and faithfully execute all writs and process issued out of the court.
- (3) Have like powers with the sheriff of the county to execute search warrants.
- (4) Actively quell riots, disorders and disturbances within the city, and shall take into custody all persons offending against the peace of the city.

- (5) Accept suitable bail for appearances before the municipal court.
- (6) Arrest without warrant all persons who violate the peace of the city, or who obstruct or interfere with the execution of police duties, or persons guilty of disorderly conduct.
- (7) Attend, in person or by delegation to the Assistant Chief of Police, all meetings of the City Council.
- (8) Perform such other duties as may be from time to time required by the City Manager.

Sec. 9.05.029 - Delivery of monies collected to City Secretary; reports of fines collected. The Chief of Police shall pass over all fines or other monies collected to the City Secretary at least once each month and file with the City Secretary a monthly statement, subscribed by him, of all fines collected, from whom collected, and the amount of each.

Article 9.05 – Public Safety
Division 3: Assistant Chief of Police

Sec. 9.05.033 - Appointment. The Assistant Chief of Police shall be appointed by the Chief of Police, with the consent of the City Manager.

Sec. 9.05.034 - Supervision. The Assistant Chief of Police shall report directly to the Chief of Police.

Sec. 9.05.037 - Supervision of police force. The Assistant Chief of Police shall exercise general supervision over the police force, subject to the supervision and control of, and as from time to time delegated by, the Chief of Police.

Sec. 9.05.038 - Powers and duties. The Assistant Chief of Police shall:

- (1) Attend in person as directed and delegated by the Chief of Police, all sessions of the municipal court and shall promptly and faithfully execute all writs and process issued out of the court.
- (2) Have like powers with the Sheriff of the county to execute search warrants.
- (3) Actively quell riots, disorders, and disturbances within the city, and shall take into custody all persons offending against the peace of the city.
- (4) Accept suitable bail for appearances before the municipal court.
- (5) Arrest without warrant all persons who violate the peace of the city, or who obstruct or interfere with the execution of police duties, or persons guilty of disorderly conduct.
- (6) Attend in person as directed and delegated by the Chief of Police, all meetings of the City Council.
- (7) Perform such other duties as may be from time to time required by the City Manager or the Chief of Police.

Article 9.05 – Public Safety
Division 6: Reserve Police Unit

Sec. 9.05.132 - Membership; control by the Chief of Police. The reserve police unit shall be a volunteer organization with a membership restricted to no more than ten (10) reputable citizens to be selected by the Chief of Police, or by the Assistant Chief of Police as delegated by the Chief of Police, and approved by the City Manager. The reserve unit will be under the control and direction of the Chief of Police, or as delegated by the Chief of Police, under the control and direction of the Assistant Chief of Police.

Sec. 9.05.133 - Operation generally. The reserve police unit shall be operated under basic policies and rules as established by the Chief of Police and approved by the City Manager. The Chief of Police, or as delegated by the Chief of Police, the Assistant Chief of Police, shall be responsible for ensuring that the policies and rules of the unit are adhered to, and for the development of training programs and operating procedures.

Sec. 9.05.134 - Police powers. Members of the reserve police unit shall act in the capacity of police officers only upon the direction and under the immediate supervision of the Chief of Police, or as delegated by the Chief of Police, upon the direction and under the supervision of the Assistant Chief of Police. A member of the reserve police unit shall have no police authority or power except when specifically assigned to duty by the Chief of Police, or the Assistant Chief of Police, as delegated by the Chief of Police.

ARTICLE 9.09 - Bastrop Volunteer Fire Department
Division 2 – Bastrop Volunteer Fire Department

Sec. 9.09.013 - Volunteer members of the Bastrop Volunteer Fire Department. The Bastrop Volunteer Fire Department depends on a largely volunteer force to fulfill its authorized purpose. Bastrop Volunteer Fire Department volunteer firefighters are under the supervision, control, and direction of the Fire Chief. The Fire Chief, with consent from the City Manager, shall issue eligibility requirements for volunteer members, and shall have the authority to grant and revoke volunteer membership in the Bastrop Volunteer Fire Department, provided, however, that volunteer firefighters who are currently members of the organization known as "Bastrop Fire Department, Inc." shall be considered automatically eligible as volunteer members of the Bastrop Volunteer Fire Department upon their decision to so join the Bastrop Volunteer Fire Department for the first thirty (30) days following the effective date of this ordinance. The volunteer members of the Bastrop Volunteer Fire Department shall be subject to rules, regulations, and bylaws as authorized by the Fire Chief and the City Manager, and shall be subject to the provisions of this code of ordinances and the statutes of this state.

Sec. 9.09.014 - Election of officers. The members of the Bastrop Volunteer Fire Department shall elect officers subject to the requirements of the bylaws authorized by the Fire Chief and the City Manager.

ARTICLE 9.09 - Bastrop Volunteer Fire Department
Division 3 –Fire Chief

Sec. 9.09.022 - Appointment. The Fire Chief shall be appointed by the City Manager.

Sec. 9.09.023 - Supervision. The Fire Chief of the Bastrop Volunteer Fire Department shall report directly to the City Manager.

Sec. 9.09.027 - Supervision of Bastrop Volunteer Fire Department employees and volunteers. The Fire Chief shall exercise general supervision over the Bastrop Volunteer Fire Department and shall report to the City Manager any failure to perform official duties or any abuse of authority.

Sec. 9.09.029 - Delegation of duties. The Fire Chief may delegate to an Assistant Fire Chief such duties as the Fire Chief shall determine, with the consent of the City Manager.

Division 4 –Fire Inspector

Sec. 9.09.031 - Appointment. The Fire Inspector shall be appointed by the Fire Chief, by and with the consent of the City Manager.

Sec. 9.09.036 - Prosecution of arsonists. If, in the opinion of the Fire Inspector, there is sufficient evidence to indicate that a fire or explosion was caused by design or was incendiary in nature, the Fire Inspector shall turn over such evidence and related information to the Fire Chief, or, as delegated by the Fire Chief, to the Assistant Chief of Police for further investigation. The fire inspector shall assist the investigation as may be necessary and practical.