CITY OF WILLOW PARK

ORDINANCE NO. 567-08

AN ORDINANCE PROVIDING FOR THE CREATION OF THE OFFICE OF DEPUTY CHIEF OF POLICE AND MODIFYING THE OFFICE OF CHIEF OF POLICE BY AMENDING ARTICLE 8.300 "*DEPARTMENT OF POLICE*", SECTION 8.302 "*POWERS AND DUTIES OF THE CHIEF*"; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Willow Park, Texas ("City") is a municipal corporation organized under the laws of the State of Texas; and

WHEREAS, it is the intent of the City Council to protect the public health, safety and welfare and well being of its citizens; and

WHEREAS, municipalities may, under their police powers, enact reasonable regulations to promote the health, safety and welfare of citizens; and

WHEREAS, TEXAS LOCAL GOVERNMENT CODE §51.001(1) provides that the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule or police regulation that is for the good government, peace, or order of the municipality; and

WHEREAS, pursuant to § 22.072 TEXAS LOCAL GOVERNMENT CODE, the governing body of the municipality may prescribe the duties of appointed municipal officers, by expanding or contracting said duties, in the best interests of the City.

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

SECTION 1. AUTHORIZATION

The Mayor, or Mayor's designee, is hereby authorized and directed to implement the applicable provisions of this Ordinance.

SECTION 2. AMENDMENT

Section 8.302, "*Powers and Duties of the Chief*" is amended as follows:

§ 8.302 ~~Powers and Duties~~ Office of the Chief of Police and Deputy Chief of Police

~~(a) The department of police shall be composed of the chief of police and other such officers, patrolmen, and employees as the board of aldermen may from time to time so determine. The chief o f police shall have immediate direction and control of the police department subject to the provision of the city administrator and also subject to such rules, regulations and orders as the board of aldermen or city administrator may prescribe.~~

~~(b) The chief of police may be either part or full time as the board of aldermen may direct from time to time. The chief of police shall have all powers, rights, authorities and jurisdiction as by law vested by the State of Texas whether for police or for marshals.~~

~~(c) The chief of police shall receive a salary to be fixed by the board of aldermen. He shall be removed by majority vote of the city council. (Chapter 7, Section 2B, Code of 1986; Ordinance 339-93, adopted 6-23-93).~~

(a) The Office of Chief of Police.

(1) The Chief of Police shall serve only as the titled Chief Administrative Officer of the Department of Police.

(2) The Chief of Police shall have no supervisory or other command authority except for execution of the official documents that are required by law, ordinance or rule to be executed by the Chief Administrative Officer of the Department of Police.

(3) The Chief of Police shall receive a salary to be fixed by the governing body of the City.

(b) Office of the Deputy Chief of Police.

(1) The Deputy Chief of Police shall have direct supervision, control and command of the Department of Police subject to the supervision by the governing body of the City and is also subject to such rules, regulations and orders as prescribed or adopted by the governing body of the City.

(2) The Deputy Chief of Police is appointed by the governing body of the City and serves at their pleasure.

(3) The Deputy Chief of Police shall have all power, rights and authorities and jurisdiction as by law vested by the State of Texas, whether for police or for marshals, except those herein reserved for the Chief of Police.

(4) The Deputy Chief of Police shall receive a salary to be fixed by the governing body of the City.

SECTION 3. RECITALS

The City Council hereby finds and declares all precatory language herein to be true and correct and approves and adopts the same herein as part of this Ordinance.

SECTION 4. SAVINGS/REPEALING CLAUSE

All provisions of any Ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; particularly the provisions of Ordinance 339-93, effective June 23, 1993.

SECTION 5. SEVERABILITY

If any section, paragraph, subsection, sentence, clause, phrase or provision of this Ordinance is for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this or any other Ordinance of the City to which these rules and regulations relate. The City of Willow Park hereby declares that it would have passed this Ordinance, and each section, paragraph, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, paragraph, subsection, sentence, clause or phrase be declared invalid or unconstitutional.

SECTION 7. EFFECTIVE DATE

This Ordinance shall take effect from and after its adoption.

PASSED AND ADOPTED this 11th day of February, 2008.

/s/ Marvin Glasgow
Mayor

ATTEST:

/s/ Cordia J. Scott
City Secretary/Clerk

APPROVED AT TO FORM:

/s/
City Attorney

The Willow Park City Council in acting on Ordinance No. 566-09 did on the 11th day of February, 2008, vote as follows:

	FOR	AGAINST
Marvin Glasgow, Mayor		
Barry K. Tatum, Place 1		✓
J. Teresa Welch, Place 2	✓	
Hale Alderman, Place 3	✓	
Kenneth Hawkins, Place 4	✓	
Barry Brown, Place 5	✓	