

ORDINANCE No. 244

AN ORDINANCE OF THE CITY OF WALLIS, AUSTIN COUNTY, TEXAS AMENDING CITY OF WALLIS ORDINANCE 176 RELATING TO THE POLICE DEPARTMENT FOR THE CITY OF WALLIS, TEXAS; THE RESERVE OFFICERS UNIT AND APPOINTMENTS OF THE POLICE CHIEF AND THE RESERVE UNIT.

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, the City Council of the City of Wallis has determined that said ordinance Number 176 should be amended and replaced and replaced with a new ordinance providing guidelines and appointment of the Police Chief and the officers and reserve unit; now therefore,

BE ORDAINED BY THE CITY COUNCIL OF THE CITY OF WALLIS, TEXAS:

Section 1. 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 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 set the size of the police force. The Chief of Police shall serve in accordance with the provisions of Chapter 22.077 of the Texas Local Government Code. Police

officers shall not serve for a specific time but shall hold their office at the pleasure of the Mayor and are subject to removal by the Mayor and they shall have no right or expectation of continued employment.

Section 2. 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. 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 of 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. The Mayor and city administrator shall timely advise and inform the chief of police with respect to all Police Department. The chief of police shall report to the mayor and city council and/or through the city administrator as directed by City Council.

Section 3. 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 for of Texas for law enforcement officers.

Section 4. Powers and duties of officers.

(a) Police officers of the city shall have all of 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.

Section 5. 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.

Section 6. 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 Chapter Texas 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.

Section 7. The City Council shall authorize 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.

Section 8 . All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 9 . In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the provision declared to be invalid or unconstitutional; and the City Council of the City of Wallis, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED AND APPROVED In Wallis, Texas this 17th day of May, 2023.

CITY OF WALLIS, TEXAS


Ruston Little
, Mayor

ATTEST:

Shila Moseley
, City Secretary

Sec. 22.071. OTHER MUNICIPAL OFFICERS. (a) In addition to the members of the governing body of the municipality, the other officers of the municipality are the secretary, treasurer, assessor and collector, municipal attorney, **marshal**, municipal engineer, and any other officers or agents authorized by the governing body.

(b) The governing body by ordinance shall provide for the election or appointment of the officers provided by this section.

(c) The governing body may confer on other municipal officers the powers and duties of an officer provided for by this section.

Sec. 22.077. REMOVAL OF MUNICIPAL OFFICERS. (a) The governing body of the municipality may remove a municipal officer for incompetency, corruption, misconduct, or malfeasance in office after providing the officer with due notice and an opportunity to be heard.

(b) If the governing body lacks confidence in a municipal officer appointed by the governing body, the governing body may remove the officer at any time. The removal is effective only if two-thirds of the elected aldermen vote in favor of a resolution declaring the lack of confidence.