

ORDINANCE NO. 346

AN ORDINANCE OF THE CITY OF SHEPHERD, TEXAS AMENDING SECTIONS 15-1 AND 15-2 OF THE CODE OF ORDINANCES, CITY OF SHEPHERD, TEXAS PROVIDING FOR THE ESTABLISHMENT OF THE POSITION OF CHIEF OF POLICE TO BE APPOINTED BY AND TO SERVE AT THE WILL AND PLEASURE OF THE MAYOR AND THE CITY COUNCIL; PROVIDING FOR THE CREATION OF A CITY OF SHEPHERD POLICE DEPARTMENT; PROVIDING FOR MEMBERS OF THE CITY POLICE DEPARTMENT; PRESCRIBING QUALIFICATIONS FOR THE CHIEF OF POLICE AND MEMBERS OF THE POLICE DEPARTMENT; PROVIDING FOR A REPEALING CLAUSE TO REPEAL AND REPLACE CITY ORDINANCE NO. 339a; PROVIDING FOR A SEVERABILITY CLAUSE: AND PROVIDING AN EFFECTIVE DATE FOR THE CREATION OF THE POLICE DEPARTMENT.

WHEREAS, the City of Shepherd, Texas is authorized by Section 341.001 of the Texas Local Government Code to establish and regulate a municipal police force; and

WHEREAS, the Mayor and the City Council of the City of Shepherd, Texas have deemed it in the best interest of the citizens of Shepherd to establish a City of Shepherd Police Department; and

WHEREAS, the creation of a Police Department to serve and protect the citizens, residents and businesses of the City of Shepherd will enhance the quality of life and promote the health, safety and welfare of the citizens of Shepherd; and

WHEREAS, the City Council finds that it is in the best interest of its citizens to repeal and replace City Ordinance No. 339a, dated October 10, 2022 to correct a mistake in the referenced statute found in Section 8 of that ordinance;

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

Section 1. That sections 15-1 and 15-2 of the Code of Ordinances, City of Shepherd, Texas are hereby amended effective the 8th day of May 9, 2023 at 12:01 a.m. to read as follows:

Section 2. There is hereby created the position of Chief of Police, to be appointed by the Mayor and City Council. Such Chief of Police shall have no term of office but shall serve at the will and pleasure of the Mayor and City Council. The Chief

of Police may reside within or without the corporate limits of said City, as the Mayor and City Council may authorize and direct.

Section 3. There is hereby created and established for the City of Shepherd, Texas, a Police Department to be managed by the Chief of Police.

Section 4. The Police Department shall be composed of the Chief of Police and such other certified peace officers as the Mayor and City Council may from time to time so determine. The Chief of Police shall have the immediate direction and control of the Police Department, subject to such ordinances, policies, rules, regulations and orders as the Mayor and City Council may prescribe.

Section 5. The members of the Police Department other than the Chief of Police shall be selected by the Chief of Police except that, in compliance with Section 341.012, Texas Local Government Code, the Mayor and City Council must approve the appointment of any member of the Police Reserve Force who may be authorized to carry a weapon or otherwise act as a peace officer. All members of the Police Department shall serve at the pleasure of the Mayor and City Council. For the purposes of Section 22.077, Texas Local Government Code, police officers of the Shepherd Police Department are employees of the City rather than Municipal Officers.

Section 6. The Chief of Police and each member of the Police Department shall, before undertaking his or her duties, subscribe to an oath that he/she will faithfully, without fear or favor, perform the duties of his/her office. The duties and salaries of each member of the Police Department, including the Chief of Police, shall be set by the Mayor and City Council, after consultation with and recommendations by the Chief of Police.

Section 7. Such Chief of Police and members of the Police Department shall be peace officers as defined in Article 2.12, Texas Code of Criminal Procedure, with all of the powers and duties conferred upon peace officers under the laws of the State of Texas.

Section 8. The Chief of Police and each member of the Police Department shall hold a certificate as a qualified law enforcement officer from the Texas Commission on Law Enforcement Officer Standards and Education as provided by Texas law, unless serving under a temporary or probationary appointment as provided in said law.

Section 9. The Chief of Police and the members of the Police Department of the City of Shepherd shall be and are hereby vested with all the power and authority

given to them as police officers under the laws of the State of Texas in taking cognizance of and enforcing criminal laws of the State of Texas and the ordinances and regulation of the City of Shepherd within the city limits, and it shall be the duty of each such police officer to use his/her best endeavors to prevent the commission of offenses against the laws of this state and against the ordinances and regulations of this city within the city limits.

Section 10. After consultation with and recommendations by the Chief of Police, the Mayor and City Council shall prescribe the uniforms and badges for the Chief of Police and the members of the Police Department. The Chief of Police shall have authority to determine how the members of the Police Department shall be armed.

Section 11. City Ordinance No. 339a, dated October 10, 2022 and all ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of conflict.

Section 12. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance 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.

PASSED and APPROVED on this the 8th day of May 2023.

CHARLES MINTON, Mayor

ATTEST:

DEBRA HAGLER, City Secretary