

ORDINANCE NO. 70-072016

AN ORDINANCE OF THE CITY OF GARDEN RIDGE AMENDING ORDINANCE NUMBER 70-102012, SECTION 7, ESTABLISHING A REVISED RANK STRUCTURE FOR THE POLICE DEPARTMENT'S SWORN OFFICER COMMAND STAFF; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Garden Ridge Texas is a Type A General Law City as that term is defined within the Texas Local Government Code; and,

WHEREAS, Ordinance No. 70-102012 established the Garden Ridge Police Department as a municipal department of the City and established a rank structure for the department's sworn officer command staff; and,

WHEREAS, the City Council finds that it is necessary to revise the rank structure for the department's sworn officer command staff as detailed in Attachment "A"; and,

WHEREAS, the City Council finds that that the following Ordinance is necessary to protect the public health, safety, and welfare.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARDEN RIDGE, TEXAS that:

Section 1. Findings. The findings set out herein are found to be true and correct and are hereby adopted by the City Council and made a part of this Ordinance for all purposes.

Section 2. Regulations. Ordinance No. 70-102005, Section 7 is revised and shall read as follows:

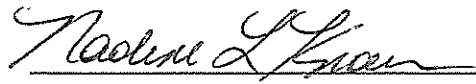
"The City of Garden Ridge Police Department is hereby-authorized the sworn officer positions: Lieutenant, Sergeant Patrol Division (two (2) positions), Sergeant Criminal Investigations Division, Corporal Criminal Investigations Division and additional Police Officers as authorized by the governing body and the fiscal budget of the City."

Section 3. Cumulative and Savings. This Ordinance shall be cumulative of all provisions of ordinances of the City of Garden Ridge, Texas, except where the provisions of the ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. Any and all previous versions of this Ordinance to the extent that they are in conflict herewith are repealed.

Section 4. Severability. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

Section 5. Effective Date. This Ordinance shall be in full force and effect from and after its final passage and any publication required by law.

PASSED AND APPROVED, the 6th day of July, 2016.



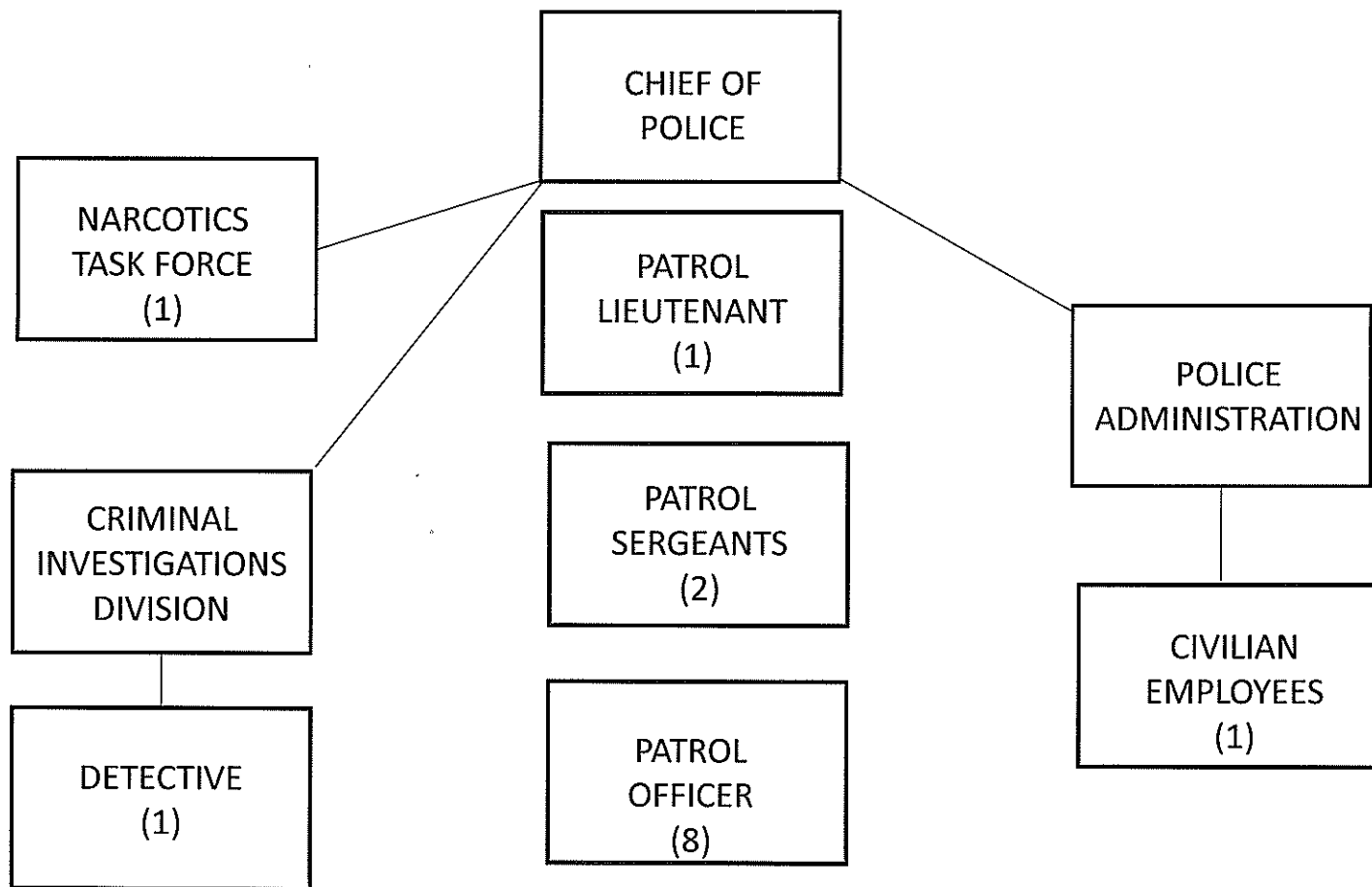
NADINE L. KNAUS
MAYOR

ATTEST:



SHELLEY GOODWIN, TRMC
CITY SECRETARY

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GARDEN RIDGE POLICE DEPARTMENT ORGANIZATIONAL CHART

Revised 7 July 2016

AFFP

C-LEGAL No. 70-072016

Affidavit of Publication

STATE OF TEXAS }
COUNTY OF COMAL } SS

Legal Notice

Ordinance No. 70-072016 - of the City of Garden Ridge amending Ordinance Number 70-102012, Section 7, establishing a revised rank structure for the Police Department's Sworn Officer Command Staff; providing that this ordinance shall be cumulative of all ordinances; providing a severability clause; providing a savings clause; and providing an effective date. Now therefore be it ordained by the City Council of the City of Garden Ridge, Texas that Ordinance No. 70-102005, Section 7 is revised. Passed and approved this 6th day of July, 2016.
s/: Shelley Goodwin, TRMC City Secretary

David Burck, being duly sworn, says:

That he is Publisher of the New Braunfels Herald-Zeitung, a daily newspaper of general circulation, printed and published in New Braunfels, Comal County, Texas; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

July 15, 2016

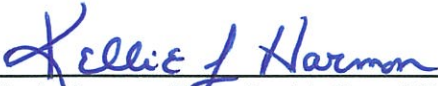
That said newspaper was regularly issued and circulated on those dates.

SIGNED:



Publisher

Subscribed to and sworn to me this 15th day of July 2016.



Kellie J. Harmon, Receptionist, Comal County, Texas

My commission expires: May 02, 2017



04123925 00180072 (210) 651-9638

City of Garden Ridge - PBS
9400 Municipal Pkwy
Garden Ridge, TX 78266

Legal Notice

Ordinance No. 70-072016 - of the City of Garden Ridge amending Ordinance Number 70-102012, Section 7, establishing a revised rank structure for the Police Department's Sworn Officer Command Staff; providing that this ordinance shall be cumulative of all ordinances; providing a severability clause; providing a savings clause; and providing an effective date. Now therefore be it ordained by the City Council of the City of Garden Ridge, Texas that Ordinance No. 70-102005, Section 7 is revised. Passed and approved this 6th day of July, 2016
s/ Shelley Goodwin,
TRMC City Secretary

ORDINANCE NO. 70-102005

**AN ORDINANCE OF THE CITY OF GARDEN RIDGE
REPEALING ORDINANCE NUMBER 70-022003 ABOLISHING
THE POSITION OF MARSHAL AND REPLACING IT WITH THE
POSITION OF CHIEF OF POLICE; REESTABLISHING A
POLICE DEPARTMENT FOR THE CITY OF GARDEN RIDGE
AND PROVIDING FOR THE APPOINTMENT OF CITY POLICE
OFFICERS**

WHEREAS, the City of Garden Ridge Texas is a Type A General Law City as that term is defined within the Texas Local Government Code; and,

WHEREAS Section 22 of the Texas Local Government Code governs Type A general law cities and specifically, Subchapter C governs other municipal officers, including the municipal officer titled "Marshal"; and,

WHEREAS Section 22.076 of the Texas Local Government Code permits the governing body of a municipality with a population of less than 5,000, by ordinance to abolish the office of marshal and at the same time confer the duties of the office on a municipal police officer appointed as the governing body directs; and,

WHEREAS, Section 23.051 of the Texas Local Government Code permits a governing body of a Type A General Law City to establish and authorize other officers and agents of the City as municipal officers of the type A general law city; and,

WHEREAS, the governing body, after good and sufficient consideration has found a necessity to abolish the office of marshal and confer the duties of marshal upon another municipal officer herein established and created titled "Chief of Police", who shall be appointed by the governing body by majority vote and may only be removed from office in accordance with Section 22.077 of the Texas Local Government Code; and,

WHEREAS, the governing body, after good and sufficient consideration has found and believes there is a necessity for a municipal police department to be headed by the Chief of Police and to be manned by duly licensed and commissioned Texas peace officers and civilian staff as necessary to provide police services to the community and has the authority to establish a municipal police force pursuant to Section 341.001 of the Texas Local Government Code; and,

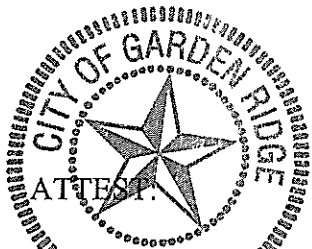
WHEREAS, the governing body, after good and sufficient consideration has found that the Chief of Police should have all the authority and duties conferred upon the Marshal of a Type A General Law Municipality as provided for in Section 341.021 of the Texas Local Government Code;

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARDEN RIDGE, TEXAS that:

- 1) The Office of Marshal of the City of Garden Ridge, Texas is hereby abolished;
- 2) The Office of the Chief of Police of the City of Garden Ridge, Texas is hereby established as a municipal officer of the City of Garden Ridge, Texas;
- 3) The authority, duties and responsibilities of the Office of Marshal are hereby conferred upon the Office of the Chief of Police and the Chief of Police shall have all the authority and duties conferred upon the Marshal of a Type A General Law Municipality as provided for in Section 341.021 of the Texas Local Government Code;
- 4) The Chief of Police shall serve without bond unless required upon the appointment by the governing body.
- 5) The person holding the Office of the Chief of Police shall be appointed by the governing body by a majority vote of council persons;
- 6) The City of Garden Ridge Police Department is hereby established as a municipal department of the City;
- 7) The City of Garden Ridge Police Department is hereby-authorized the positions of Lieutenant, Sergeant and Corporal and additional Police Officers as permitted by the governing body and the fiscal budget of the City.
- 8) The Chief of Police may appoint and commission one or more certified Texas Peace Officers to fill the positions available in the Police Department; however, any appointment by the Chief of Police is not final unless approved by the governing body of the municipality;
- 9) All commissioned police officers of the City of Garden Ridge, Texas shall be certified and licensed as a Texas Peace Officer by the State of Texas and shall meet any additional hiring standards as set by the Chief of Police, using customary standards and practices.
- 10) All commissioned police officers of the City of Garden Ridge, Texas shall have all the powers, duties and obligations placed upon them by Texas law, and in addition, their authority shall be governed by the City of Garden Ridge Police Department Policy and Procedure Manual and any lawful order by a supervisor or the Chief of Police.

- 11) In addition to the compensated positions as defined above, the Chief of Police is hereby authorized to appoint and commission up to ten (10) additional certified Texas Peace Officers, with the appointments requiring approval of the governing body, who have agreed to provide additional police manpower to the City on a voluntary basis and without compensation. Volunteer Police Officers are not to be considered employees of the City of Garden Ridge;
- 12) Volunteer Police Officers shall have all the authority, rights, duties and obligations of compensated police officers, but shall not be entitled to any compensation whatsoever for the services contributed and shall only be required by the City of Garden Ridge to contribute a minimum of 24 hours per calendar month to maintain their commission with the City.
- 13) The City of Garden Ridge, in its discretion, may provide a Volunteer Peace Officer with service recognition, training, education, equipment or other incidental benefits, if deemed necessary and/or appropriate under the then existing circumstances or by policy, custom or practice of the City or as authorized by the governing body.

PASSED AND APPROVED, the 5th day of OCT. 2005.





JAY FEIBELMAN, MAYOR



LINDA KNOWLSON, CITY SECRETARY