

CITY OF SANDY OAKS, TEXAS

ORDINANCE NO: 2018-108

AN ORDINANCE BY THE SANDY OAKS CITY COUNCIL AMENDING ORDINANCE NO. 2014-12 TO CORRECT STATUTORY REFERENCES FOR THE ESTABLISHMENT OF THE OFFICE OF CITY MARSHAL; ADOPTING THE POSITION OF' CITY MARSHAL; PROVIDING FOR THE DUTIES AND QUALIFICATION OF THE CITY MARSHAL; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Sandy Oaks City Council abolished the elected office of City Marshal by Ordinance; and

WHEREAS, the City Council of the City of Sandy Oaks, Texas adopted Ordinance No. 2014-12 which created the office of City Marshal and provided for the duties and qualifications of the City Marshal; and

WHEREAS, Ordinance No. 2014-12 incorrectly referenced Chapter 342 of the Local Government Code as the City's authority to create the office of City Marshal and section 341.02 of the Local Government Code as the section that prescribes for the duties of the office; and

WHEREAS, the City Council desires to amend Ordinance No. 2014-12 to provide for the authority under Chapter 341 of the Local Government Code, as amended, for the establishment of the office of City Marshal and correct an incomplete statutory reference; and

WHEREAS, the Council determines that it is in the best interest of the residents of The City of Sandy Oaks to amend the ordinance establishing the Office of City Marshal to provide for the statutory authority in the Local Government Code regarding such office;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANDY OAKS, TEXAS:

Section 1. Ordinance No. 2014-12 is hereby amended to provide for Chapter 341 of the Local Government Code, as amended, as the City's authority to establish and regulate the Office of City Marshal and provide for the correct statute references.

Section 2. The Office of the City Marshal is hereby created.

Section 3. The City Marshal and all Deputy City Marshals shall be certified and licensed as a law enforcement officer by the Texas Commission on Law Enforcement.

Section 4. The City Marshal shall be nominated by the Mayor and serves at the discretion thereof. A Mayor's nominee for City Marshall shall be approved by an affirmative vote of the City Council. The Municipal Judge shall have the authority to speak and be heard during Council deliberations on a nominee for City Marshal.

Section 5. The City Marshal shall act under the direction of the Mayor and Municipal Judge, and shall perform the following duties:

- A. Serve as the ex officio Chief of Police of the City of Sandy Oaks, Texas, with all powers, duties and responsibilities defined in Texas Local Government Code §341.021, as amended.
- B. Execute warrants, subpoenas, and other legal process issuing out of the City of the Sandy Oaks Municipal Court, as determined by the Municipal Judge.
- C. Execute other warrants of arrest, subpoenas, and legal process as authorized by law and as determined by the Municipal Judge.
- D. Serve as the court bailiff and provide security to the City of Sandy Oaks Municipal Court.
- E. Any other duties authorized by the Municipal Judge in consultation with the Mayor, City Council or the Court Clerk.
- F. Execute the same power and jurisdiction as a peace officer under the Code of Criminal Procedure to prevent and suppress crime, arrest offenders, execute warrants.
- G. During times of a declared emergency issued by the Mayor of the City of Sandy Oaks to serve under the Mayor's direction to keep the peace and ensure public safety.
- H. The marshal may close a theater, ballroom, or other place of public recreation or entertainment to prevent a breach of the peace or to preserve quiet and good order.

Section 6. City Marshal shall have the authority appoint one or more Deputy City Marshals to assist and ensure the proper and effective execution of the duties of the City Marshal. All such appointments must be approved by an affirmative vote of the City Council.

Section 7. If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereof to any person or circumstances, is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of the ordinance, and the City Council hereby declares it would have passed such remaining of the Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 8. Any Ordinance or part of Ordinance to the extent it is inconsistent herewith is hereby repealed. All other Ordinances in effect and not in conflict with this Ordinance shall remain in full force and effect.

Section 9. The City Clerk of the City of Sandy Oaks is hereby directed to engross and enroll this Ordinance by copying the exact Caption and Effective Date clause in the minutes of the City Council of the City of Sandy Oaks and by filing this Ordinance in the Ordinance records of the City.

Section 10. This Ordinance shall take effect from and after its date of passage in accordance with law, and it is so ordained.

PASSED AND APPROVED this 9th day of August, 2018.

Karen Mendiola Tanguma
Karen Mendiola Tanguma, Mayor

ATTEST:

Kathy Yelton
Katherine Yelton, City Clerk