

**CITY OF SANDY OAKS, TEXAS**

**ORDINANCE NO. 2022-217**

**AN ORDINANCE OF THE CITY OF SANDY OAKS, TEXAS ESTABLISHING THE SANDY OAKS POLICE DEPARTMENT, DESIGNATING THE CHIEF OF POLICE AS AN OFFICER OF THE CITY, PROVIDING FOR THE APPOINTMENT OF THE POLICE CHIEF, PROVIDING FOR COMPENSATION OF THE POLICE CHIEF, PROVIDING FOR THE APPOINTMENT AND QUALIFICATIONS OF POLICE OFFICERS, ESTABLISHING A RESERVE POLICE FORCE, ABOLISHING THE OFFICE OF THE MARSHAL, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City of Sandy Oaks, Texas (“City”) is a Type A General Law Municipality duly organized and incorporated under the laws of the State of Texas with a population less than 5,000; and

**WHEREAS**, Local Government Code section 51.001 authorizes the governing body of a municipality to adopt, publish, amend, or repeal an ordinance, rule or police regulation that is for the good government, peace, or order of the City or for the trade and commerce of the municipality and is necessary or proper for carrying out a power granted by law to the municipality or to an office or department of the municipality; and

**WHEREAS**, Local Government Code section 22.071 provides that 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; and

**WHEREAS**, Local Government Code section 341.001 authorizes a Type A general-law municipality to establish and regulate a municipal police force and provide for the appointment and qualifications, by ordinance, of police officers as deemed necessary; and

**WHEREAS**, Local Government Code section 341.012 authorizes a municipality to establish and regulate a reserve police force and provide for the appointment and qualifications, by ordinance, of reserve police officers as deemed necessary; and

**WHEREAS**, Local Government Code section 22.076 provides the governing body of a municipality with a population of less than 5,000 by ordinance may abolish the office of marshal and, at the same time in the ordinance, confer the duties of the office on a municipal police officer appointed as the governing body directs or on any other peace officer of the county; and

**WHEREAS**, by Ordinance No. 2021-180 the City Council established the Sandy Oaks Police Department as a municipal department, create the municipal office of Chief of Police, establish qualifications for such officer, authorize the appointment of police officers, establish qualifications for such police officers, and abolish the office of City Marshal and confer the duties of the marshal

to the Chief of Police and officers of the police department as provided for in this Ordinance; and

**WHEREAS**, the City Council desires to amend Ordinance No. 2021-180 to provide for compensation of the Chief of Police;

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

**SECTION 1. PREAMBLES INCORPORATED.** The above and foregoing premises to this Ordinance are true and correct, are incorporated herein, and made a part of this Ordinance for all purposes.

**SECTION 2. ESTABLISHMENT OF CHIEF OF POLICE.** The Office of the Chief of Police of the City of Sandy Oaks, Texas is hereby created and established as a municipal officer of the City of Sandy Oaks, Texas.

**SECTION 3. ESTABLISHMENT OF SANDY OAKS POLICE DEPARTMENT.** The Sandy Oaks Police Department is hereby created and established as a municipal department of the City of Sandy Oaks, Texas consisting of a Chief of Police and such other commissioned police officers as the City Council may from time to time deem necessary.

**SECTION 4. ESTABLISHMENT OF POLICE RESERVE FORCE.** Under authority of Local Government Code section 341.012, the City Council hereby establishes a Police Reserve Force of the City of Sandy Oaks, Texas. The Police Reserve Force may consist of any number of officers appointed by the Chief of Police, provided such officers meet the qualifications as provided for by law, and serve at the discretion of the Chief of Police. The Chief of Police is hereby authorized and directed, as deemed necessary, to request the City Treasurer, or authorized financial officer or employee of the City, to reimburse any member of the Police Reserve Force for uniform expenses, and the City Treasurer, or authorized financial officer or employee of the City, is authorized to approve such requests for reimbursement when the request has been properly made.

**SECTION 5. APPOINTMENT AND QUALIFICATIONS OF CHIEF OF POLICE.**

- A. Under authority of Local Government Code section 22.071, the City Council of the City of Sandy Oaks, Texas, has established the Chief of Police as a municipal officer.
- B. The City Council is hereby authorized to appoint the Chief of Police by majority vote. The Chief of Police shall be appointed by the City Council, upon the recommendation of the Mayor, and shall have such powers and duties as are commonly specified for such an officer in state law or as provided for under City ordinance.
- C. The Chief of Police shall not be employed by any business or doing business with the City and shall hold no office with any other governmental agency. This provision shall not be interpreted to prevent the Chief of Police from holding offices in a non-profit or civic organization.
- D. The Chief of Police may be removed from office by the City Council pursuant to Local

Government Code section 22.077 "Removal of Municipal Officers," as may be amended.

- E. The members of the Sandy Oaks Police Department shall be under the authority, control, and command of the Chief of Police, subject to the federal and state laws, and City ordinances. The Chief of Police is authorized to establish the positions of Lieutenant, Sergeant, Corporal, as permitted by the City Council, and fill these positions as permitted by the fiscal budget of the City. Any appointment by the Chief of Police is subject to final approval of the City Council.
- F. The Chief of Police is granted all powers, duties, and responsibilities defined in Texas Local Government Code §341.021, as amended, and in addition shall:
  - 1. Execute warrants, subpoenas, and other legal process issuing out of the City of the Sandy Oaks Municipal Court, as determined by the Municipal Judge.
  - 2. Execute other warrants of arrest, subpoenas, and legal process as authorized by law and as determined by the Municipal Judge.
  - 3. Serve as the court bailiff and provide security to the City of Sandy Oaks Municipal Court.
  - 4. Any other duties authorized by the Municipal Judge in consultation with the Mayor, City Council or the Court Clerk.
  - 5. 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.
  - 6. 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.

**SECTION 6. COMPENSATION OF CHIEF OF POLICE.** The compensation of the Chief of Police shall be as from time to time determined by the City Council.

**SECTION 7. APPOINTMENT AND QUALIFICATIONS OF POLICE FORCE.**

- A. Under authority of Local Government Code Chapter 341, the City Council of the City of Sandy Oaks, Texas, has established a Police Department consisting of a Chief of Police and such other commissioned police officers as the City Council may from time to time deem necessary.
- B. A commissioned police officer 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, based on customary standards and practices.
- C. A commissioned police officer shall have all the powers, duties and obligations placed upon them by Texas law, including the authority to make arrests, keep the peace and do and perform each and every act that a peace officer is authorized to do, under the laws of the State of Texas, by City ordinance, the City of Sandy Oaks Police Department Policy

and Procedure Manual, and any lawful order by the Chief of Police.

D. A commissioned police officer serves at the pleasure of the City Council.

E. A commissioned police officer shall execute a bond if required by the City Council, with such bond conditioned on the officer's faithful performance of his or her duties.

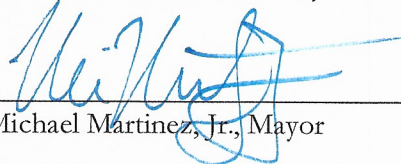
**SECTION 8. ABOLITION OF MARSHAL.** The City Marshal's Office as established by City of Sandy Oaks Ordinance No. 2014-12 and amended by City of Sandy Oaks Ordinances Nos. 2018-108, 2019-152, and 2019-154 is hereby abolished pursuant to section 22.076 of the Local Government Code and, the duties of the office of the Marshal as provided by Local Government Code section 341.021, as amended, are conferred upon the Chief of Police or the Chief of Police's designee.

**SECTION 9. SEVERABILITY.** Should any section, subsection, sentence, clause, or phrase of this Ordinance be declared unconstitutional, illegal, or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect and the City Council hereby declares that it would have passed this Ordinance, each section, subsection, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

**SECTION 10. EFFECTIVE DATE.** This Ordinance shall take effect immediately upon its passage.

**PASSED AND APPROVED** on this 14<sup>th</sup> day of November 2022.

**CITY OF SANDY OAKS, TEXAS**

  
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Michael Martinez, Jr., Mayor

**ATTEST:**

  
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Katherine Yelton, City Clerk