

CHAPTER 8
PERSONNEL

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§ 1-00. CITY SECRETARY

§ 1-01. Office Created

The office of city secretary is hereby created and shall receive such compensation as may be fixed by the city council. The city secretary shall be appointed to office by a majority vote of the city council. The city council may remove the city secretary by resolution, provided that two-thirds (2/3) of the councilmembers vote in favor of said resolution, for incompetency, corruption, misconduct, or malfeasance in office after due notice and an opportunity to be heard in his or her defense.

§ 1-02. Bond Required

The city secretary shall execute a bond, payable to the city, as required by law, and the city council shall determine the amount of bond at least annually. In the event the city council fails to determine the amount of bond for the succeeding year, then the amount last prescribed shall continue to be the amount of bond required to be executed. Such bond shall be a corporate surety bond and the city shall pay all cost, premium and expense connected therewith.

§ 1-03. Duties Generally

The city secretary shall attend every meeting of the city council, and keep accurate minutes of the proceedings thereof in a book to be provided for that purpose, and engross and enroll all resolutions and ordinances of the city council, keep the corporate seal, take charge of and preserve and keep in order all the books, records, papers, documents and files of the city, countersign all commissions issued to city officers and licenses issued, and keep a record or register thereof, and make out all notices required under any state or federal law or ordinance of the city. He or she shall receive and securely keep all monies belonging to the city and make all payments for the same upon the order of the mayor and/or city council. He or she shall be the general accountant of the city and shall keep in books regular accounts of the receipts and disbursements for the city, and separately under proper departments, each cause of receipt and disbursement, and also accounts with each person including officers who have money transactions with the city, crediting accounts allowed by proper authority and specifying the particular transaction to which such entries apply. The city secretary shall also render a full and correct statement of his or her receipts and payments to the city council at their first regular meeting of every month. He or she shall keep a register of bonds and obligations issued by the city and all evidence of debt due and payable to it and keep all contracts and agreements made by the city council. The city secretary shall also be responsible for holding municipal elections and conducting absentee voting as prescribed by state law and serve as clerk of the municipal court. In addition, the city secretary shall perform the duties of the tax assessor-collector for the city in accordance with the State Property Tax Code. The city

secretary shall also perform all such other duties as may be required of him or her by law, resolution, ordinance or order of the city council. (Ordinance adopting Code)

§ 2-00. OFFICE OF CITY MARSHAL ABOLISHED

The City of Payne Springs, having a population under 5,000, as shown by the last preceding federal census, does hereby dispense with the office of marshal and in lieu thereof substitutes any qualified peace officer of this State that shall be selected by the city council. The peace officer shall have all of the powers as provided by law. (Ordinance adopting Code)

§ 3-00. POLICE DEPARTMENT

§ 3-01. Police Department Created

There is hereby created and established a police department in the City of Payne Springs, Texas which shall consist of a police chief and such police officers as the city council may from time to time deem necessary and proper. The police chief may be appointed by a majority of the city council and receive such compensation as may be fixed by the city council. All police officers shall be appointed by the police chief with the consent of the mayor. The compensation for all police officers shall be fixed by the city council. The police chief shall be responsible for commanding the police department and activities.

§ 3-02. Oath of Office

All police officers appointed to the police department of the City of Payne Springs shall take and subscribe to the official oath prescribed by the Constitution of the State of Texas.

§ 3-03. Qualifications

All police officers must have a valid Texas vehicle operator's license and be a high school graduate or have a G.E.D. In addition, each police officer must, at a minimum, be certified as a temporary peace officer issued by the Texas Commission on Law Enforcement Officer Standards and Education (commission), except the police chief, who shall have basic certification issued by the commission.

§ 3-04. Duties Generally

All police officers and other members of the police department shall be and are hereby invested with all the power and authority given to them as peace officers under the laws of the State of Texas in taking cognizance of, and in enforcing the criminal laws of the state and the ordinances and regulations of this city within the limits of the city, and it shall be the duty of such officers to be active in quelling riots, disorders and disturbance of the peace within the limits of the city, and shall take into custody all persons so offending against the public peace. Such officers shall further use their best endeavors to prevent the commission within the city of offenses against the laws of the state and of the ordinances and regulations of the city; to observe and enforce all such laws, ordinances and regulations; to detect and arrest offenders against the same; to preserve the good order of the city and to secure the inhabitants thereof from violence, and the property therein from injury. Such officers shall have no power or authority in civil matters, but

shall execute any criminal warrant or warrant of arrest that may be placed in their hands by the duly constituted authorities of the city. In addition, all police officers shall execute all writs and processes issued from the municipal court of the City of Payne Springs.

§ 3-05. Uniforms and Badges

The city council shall prescribe the uniforms and badges for the members of the police department, and direct the manner in which the members of said force shall be armed.

§ 3-06. Special Police Force

Whenever the mayor shall deem it necessary in order to enforce the laws of the city or to avert danger to or protect life or property, in case of riot or any outbreak or calamity or great public disturbance, or when he has reason to fear serious violation of law and order, or any damage to the city or the inhabitants thereof, he shall have the power to summon into service as a special police force all or as many of the citizens as in his judgment or discretion may be necessary and proper, and such summons may be made verbally or by proclamation. Such special police force shall be subject to the orders of the mayor and shall have the same power and authority while on duty as a police officer, as regular police officers, and shall receive as compensation a sum to be fixed by the city council.

§ 3-07. Inter-City/County Assignment of Law Enforcement Personnel

(a) Assignment of Personnel - Pursuant to the provisions of V.T.C.A., Local Government Code, ch. 362, the mayor is authorized to assign the regular employed law enforcement personnel of the department to assist any other municipality or county in this state upon request by such proper authority when a state or civil emergency in such other municipality or county has been declared by proper authority; and when in the opinion of such proper authority, a need exists in such other county or municipality for additional law enforcement officers to protect the health, life, and property of such other county or municipality, its inhabitants and visitors thereto, by reason of riot, unlawful assembly characterized by the use of force and violence, or threats thereof by 3 or more persons acting together or without lawful authority, or during a time of natural disaster or man-made calamity.

(b) Powers and Authority - Whenever any law enforcement officer of any other municipality or county is assigned to this city under authority of an order adopted by the governing body of such municipality or county to assist under circumstances as described above which may exist in this city, such officer shall be a peace officer of Payne Springs, Texas and shall be under the command of the local officer in charge while so assigned; and he shall have all the powers of a regular law enforcement officer of this city as fully as though he were within the municipality or county where regularly employed, and his respective qualifications for officer where regularly employed shall constitute his qualifications for office in such city, and no other oath, bond, or compensation shall be required.

(c) Compensation When Rendering Inter-City/County Assistance - When any law enforcement officer of this city is ordered by the proper authority to perform peace officer duties outside the territorial limits of this city, such officer shall be entitled to the same wages, salary, pension, and all other compensations and all other rights for such service, including injury or death benefits, the same as if the service had been rendered within the city limits of Payne Springs, Texas; and such person shall also be paid for any reasonable expenses of travel, food or lodging, as well as for damage to equipment and

clothing and medical expenses which may incur while on duty outside such limits or while traveling to or from such assignment.

(d) Reimbursement of Expenses When Receiving Inter-City/County Assistance - When any law enforcement officer is assigned to this city from another city or county under the circumstances described above, and at the request of the proper authorities of Payne Springs, Texas, this city will upon proper request, reimburse the city or county furnishing the services of such law enforcement officer for his actual expenses of travel, food, lodging and for such cost or damage to equipment and clothing resulting from the service of such law enforcement officer to this City of Payne Springs, Texas, and for which the city or county where he is regularly employed has paid. (Ordinance adopting Code)

§ 4-00. CITY ATTORNEY

There is hereby established the office of city attorney. The city attorney shall serve as municipal court prosecutor and provide advice and assistance to the city on legal matters when requested by the city council. The city attorney shall receive compensation as may be prescribed by the city council. The city attorney shall be appointed and may be removed by a majority vote of the city council. (Ordinance adopting Code)

§ 5-00. CITY ENGINEER

There is hereby established the office of city engineer. The city engineer shall prepare plans and specifications for public works projects, review subdivision plats, and provide advice and assistance to the city on engineering matters when requested by the city secretary and city council. The city engineer shall receive such compensation as may be prescribed by the city council. The city engineer shall be appointed and may be removed by a majority vote of the city council. (Ordinance adopting Code)

§ 6-00. ANIMAL CONTROL OFFICER

There is hereby established the office of animal control officer. The animal control officer shall be responsible for enforcing the city's animal control regulations and taking into custody any animal in violation thereof for disposition in accordance with all applicable regulations and procedures established for such. The animal control officer is hereby given authority to issue citations for violations of the city's animal control regulations within the city and to appear before and present evidence in court on behalf of the city. The animal control officer shall receive such compensation as may be prescribed by the city council. The animal control officer shall be appointed and may be removed by a majority vote of the city council. (Ordinance adopting Code)

§ 7-00. CITY HEALTH AUTHORITY

§ 7-01. Appointment

There is hereby created the office of health authority of the City of Payne Springs who shall be appointed by the city council. The health authority, after appointment, shall take and subscribe to the official oath, and shall file a copy of such oath and a copy of his appointment with the Texas State Board of Health.

§ 7-02. Qualifications

The health authority shall be a competent physician, legally qualified to practice medicine in Texas and shall have a reputable professional standing and be a resident of Henderson County.

§ 7-03. Duties Generally

The health authority shall be fully responsible to the city council in any matters affecting the public health and the prevention and containment of contagious diseases. He shall make reports to the State Board of Health as required by state law and discharge and perform his duties under the direction, rules, regulations, and requirements of the State Board of Health.

The health authority is hereby constituted a peace officer, and shall have power to arrest persons violating any of the provisions of this Code of Ordinances which pertain to the regulation for public health purposes or the sanitary regulations of the state.

§ 7-04. Right to Enter and Inspect Premises

The health authority and any inspectors acting under his supervision are hereby empowered to enter into, examine, investigate, inspect and view all grounds, public buildings, slaughterhouses, packing houses, dairies, bakeries, manufactories, hotels, food service establishments, food processing establishments and all other premises where they may deem it proper and necessary in the prosecution of their duties to enter for the discovering and suppression of diseases and the enforcement of the regulations and ordinances of the city and the sanitary regulations of the state.

§ 7-05. Power to Quarantine

The health authority shall have charge of and superintend the administration of all matters pertaining to quarantine within the city with full authority to declare and enforce quarantine as provided in this section and the sanitary regulations of the state.

§ 7-06. Power to Administer Oaths and Summon Witnesses

The health authority is empowered to administer oaths, summon witnesses and attendance in all matters proper for him to investigate, such as investigation of public water supplies, of sanitary conditions within the city, the existence of contagious and infectious diseases and all matters coming under the scope of the authority invested in him by this section and the sanitary regulations of the state. (Ordinance adopting Code)