

**ORDINANCE NO. 2022-0707**

**AN ORDINANCE OF THE CITY OF GRANDVIEW, TEXAS, AMENDING VARIOUS SECTIONS OF CHAPTER 2, "ADMINISTRATION" OF THE GRANDVIEW CODE OF ORDINANCES, AMENDING THE APPOINTMENT, REMOVAL, DUTIES, RESPONSIBILITIES OF THE POLICE CHIEF; LIMITING THE CITY MANAGER'S AUTHORITY OVER THE POLICE CHIEF, POLICE DEPARTMENT, POLICE OFFICERS, AND POLICE DEPARTMENT EMPLOYEES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Grandview, Texas, is a Type A general-law municipality located in Johnson County, created in accordance with the provisions of Chapter 6 of the Local Government Code, and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, the City Council desires to have the Police Chief report directly to the City Council; and

**WHEREAS**, the City Council desires to define the duties and obligations of the Police Chief and give the Police Chief full authority over the City's police department; and

**WHEREAS**, the City Council desires to appoint an interim police chief or temporary head of the police department as necessary.

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

**SECTION 1.**

Section 2-108 of Division 2, "Specific Officers," of Article III, "Officers and Employees," of Chapter 2, "Administration," the Grandview Code of Ordinances is hereby amended to read as follows:

**"Sec. 2-108. – Police chief.**

- (a) The city council shall appoint a person to serve as police chief, who shall be the commander and administrative head of the police officers and police department of the city. The police chief shall serve at the will of the city council, shall report directly to the city council, and may be removed by majority vote of the full council.
- (b) The police chief shall faithfully perform the police chief's duties with reasonable care, diligence, skill, and expertise. He shall be responsible to the city council for the proper administration of all

affairs under the police chief's jurisdiction. The police chief shall be the administrator and executive officer of the city's police department. The police chief shall have the following powers and duties:

- (1) Hire, discipline, supervise, evaluate, and terminate all police officers and employees within the city's police department;
- (2) Prepare job descriptions for all police officers and employees of the city's police department;
- (3) Keep the city council informed on a timely basis of projects and other work of all city departments and current development within the city or outside the city to the extent the city is or will be affected;
- (4) Review benefits and pay levels and grades of all positions within the city as compared to those in other cities and private industry and recommend compensation and benefits required to attract and retain competent city workers;
- (5) Recommend changes to city ordinances necessary or expedient for the health, safety or welfare of the community, or for improvement of administrative services;
- (6) Supervise all police officers and employees of the city's police department and take action necessary to ensure that such employees do their jobs competently and that they do not violate policies and ordinances of the city;
- (7) Ensure all provisions of federal, state and local laws, ordinances, and resolutions are enforced;
- (8) Keep informed as to the latest practices in their particular field and inaugurate such new practices that appear to be of benefit to the service and to the public;
- (9) Submit annual reports of the activities of the city's police department to the city council;
- (10) Establish and maintain a system of filing and indexing records and reports in sufficient detail to furnish all information necessary for proper control of departmental activities and to form a basis for the periodic reports to the city council; and

- (11) Perform such other duties as may be directed by ordinance, resolution, or required by the city council not inconsistent with the laws or ordinances of the city.
- (c) In the event of a vacancy in the office of police chief, the city council shall appoint an interim police chief or appoint a current city police officer or employee of the city police department as a temporary head of the city's police department. Such interim police chief or temporary head of the city's police department shall have all the duties and powers listed in this section, and may be removed by majority vote of the full council."

## SECTION 2.

Subsection 2-132(c) of Section 2-132 "Duties, Powers" of Division 3, "City Manager," of Article III, "Officers and Employees," of Chapter 2, "Administration," the Grandview Code of Ordinances is hereby amended to read as follows:

- "(c) In carrying out the foregoing duties and responsibilities, the following requirements and limitations shall apply to the office of city manager:
- (1) *Notice of and attendance at council meetings.* The city council shall notify the city manager of all meetings of the city council at least 72 hours in advance. Unless exclusion of the city manager is necessary because of the subject matter to be addressed or by virtue of applicable law, the city manager shall be permitted to attend closed sessions of the city council conducted pursuant to state law.
  - (2) *Authority over city personnel.* The city manager shall have hiring and firing authority over city staff, except for police officers and employees of the city's police department. The city secretary and department heads, with exception of the police chief, shall report to the city manager and shall direct any and all communications intended for the city council through the city manager, except for matters pertaining to the performance of, or complaints regarding, the city manager.
  - (3) *Authority regarding city contractors.* The city manager shall be the primary or initial contact for all contractors seeking to enter into a contract with the city, except with regard to those matters in which the involvement of the city attorney is required or warranted.
  - (4) *Duties regarding city budget.* In accordance with state law, the city manager shall prepare the city's annual budget.

- (5) *No authority over the police department.* No power or duty listed in subsection 2-132(b) shall be construed to give the city manager power or authority over the police chief, police department, police officers, or employees of the city's police department."

### SECTION 3.

Section 2-161 of Article IV, "Departments," of Chapter 2, "Administration," of the Grandview Code of Ordinances, is hereby amended to read as follows:

**"Sec. 2-161. - Departmental organization.**

The administrative service of the city shall be divided into such departments as may be established from time to time by the city manager. The city manager shall appoint a director or head of each department or agency who shall be its principal officer. The city manager may serve as head of one or more departments. A person may simultaneously hold the office of city manager and chief of police."

### SECTION 4.

Section 2-162 of Article IV, "Departments," of Chapter 2, "Administration," of the Grandview Code of Ordinances is hereby amended to read as follows:

**"Sec. 2-162. - Department heads generally.**

- (a) Each department head shall be responsible for the administration and direction of the affairs and operations of his department or agency, subject to the direction and supervision of the city manager, each such department head shall:
- (1) Be immediately responsible to the city manager for the effective administration of their respective department and all activities assigned thereto;
  - (2) Keep informed as to the latest practices in their particular field and inaugurate, with the approval of the city manager, such new practices that appear to be of benefit to the service and to the public;
  - (3) Submit annual reports of the activities of their respective department to the city manager;
  - (4) Establish and maintain a system of filing and indexing records and reports in sufficient detail to furnish all information necessary for proper control of departmental

activities and to form a basis for the periodic reports to the city manager;

- (5) Have power, when authorized by the city administrator, to appoint and remove, subject to personnel regulations, all subordinates under him; and
  - (6) Be responsible for the proper maintenance of all city property and equipment used in their respective departments.
- (b) The section is not applicable to the police chief or the city's police department."

#### SECTION 5.

This ordinance shall be cumulative of all provisions of ordinances of the City of Grandview, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances and such code are hereby repealed.

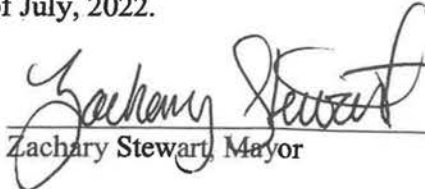
#### SECTION 6.

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 7.

This ordinance shall be in full force and effect from and after its passage, and it is so ordained.

**PASSED AND APPROVED** this 7th day of July, 2022.

  
Zachary Stewart, Mayor

ATTEST:

  
Karen Fuller, City Secretary