



TOWN COUNCIL SPECIAL MEETING AGENDA

September 30, 2024 at 6:30 PM

Town Hall - 1941 E. Jeter Road, Bartonville, TX 76226

A. CALL MEETING TO ORDER

B. PLEDGE OF ALLEGIANCE

C. PUBLIC PARTICIPATION

If you wish to address the Council, please fill out a "Public Meeting Appearance Card" and present it to the Town Secretary, preferably before the meeting begins. Pursuant to Section 551.007 of the Texas Government Code, citizens wishing to address the Council for items listed as public hearings will be recognized when the public hearing is opened. For citizens wishing to speak on a non-public hearing item, they may either address the Council during the Public Presentation portion of the meeting or when the item is considered by the Town Council.

D. CLOSED SESSION

Pursuant to the Open Meetings Act, Chapter 551, the Town Council will meet in a Closed Executive Session in accordance with the Texas Government Code.

1. Section 551.074 Personnel Matters to deliberate and consider the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, to wit: Police Chief.
2. Section 551.074 Personnel Matters to deliberate and consider the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, to wit: Town Administrator.
3. Section 551.071 Consultation with Town Attorney to seek legal advice of its attorney regarding legal issues related to personnel matters.

E. RECONVENE OPEN MEETING

The Town Council to reconvene into an open meeting and consider action, if any, on items discussed in closed session.

F. REGULAR ITEMS

1. Discuss and consider approval of an ordinance amending Town Code provisions concerning the Chief of Police and Town Administrator duties and job-related obligations.

G. FUTURE ITEMS

H. ADJOURNMENT

The Town Council reserves the right to adjourn into a closed meeting or executive session as authorized by Texas Government Code, Sections 551.001, et seq. (the Texas Open Meetings Act) on any item on its open meeting agenda in accordance with the Texas Open Meetings Act, including, without limitation Sections 551.071-551.088 of the Texas Open Meetings Act. Any final action, decision, or vote on a matter deliberated in a closed meeting will only be taken in an open meeting that is held in compliance with Texas Government Code, Chapter 551.

CERTIFICATION

I hereby certify that this Notice of Meeting was posted on the Town Website, and on the bulletin board, at Town Hall of the Town of Bartonville, Texas, a place convenient and readily accessible to the public at all times. Said Notice was posted on the following date and time; and remained posted continuously prior to the scheduled time of said meeting and shall remain posted until meeting is adjourned.

/s/ Shannon Montgomery, Town Secretary

Posted: Thursday, September 26, 2024, prior to 4:00 pm.

Agenda Removed from Town of Bartonville Bulletin Board on: _____

By: _____, *Title:* _____



TOWN COUNCIL COMMUNICATION

DATE: September 30, 2024

AGENDA ITEM: Discuss and consider approval of an ordinance amending Town Code provisions concerning the Chief of Police and Town Administrator duties and job-related obligations.

ARTICLE 9.05 POLICE DEPARTMENT

§ 9.05.001 Established.

There shall be a police department for the town, the head of which shall be a chief of police.

§ 9.05.002 Chief of police.

The chief of police of the town shall be a sworn peace officer under the laws of the state and shall be appointed by the town ~~administrator~~ council.

§ 9.05.003 Composition; appointment of personnel.

~~(a)~~ The police department, after approval by the town council, shall be composed of the chief of police and such other positions including, but not limited to, officers, patrolmen and/or other employees as may be from time to time authorized by the town council. The chief of police shall have the authority to appoint or offer employment with the advice and consent of the town council. In the event a position in the department becomes vacant within the fiscal year, the position may be filled, upon approval by the town ~~administrator~~ council, provided ~~for that~~ the salary and benefit packages for additional personnel shall not exceed the current fiscal year budget appropriation unless otherwise authorized by the town council.

~~(b) No position in a general fund department which becomes vacant shall be replaced.~~

§ 9.05.004 Rules and regulations.

The chief of police shall be authorized to establish reasonable rules and regulations governing the policies and personnel of the police department and the operation of the same.

§ 9.05.005 Duties.

It shall be the duty of the police department to enforce the ordinances of the town and the laws of the state and such other laws as are properly enforced by a local police department.

§ 9.05.006 Reserve police force.

(a) Established. A police reserve force for the town is hereby established by the town council.

(b) Appointment. Members of the police reserve force shall be appointed by the police chief, and such appointment shall be approved by the town council. Members of the police reserve force shall serve as peace officers during the actual discharge of official duties. Members of the police reserve force serve at the police chief's discretion.

(c) Qualifications, standards of training, and size of police reserve force. The qualifications and standards of training for members of the police reserve force shall be the same as for the town's regular police officers. The size of the police reserve force shall not exceed two times the number of the town's regular police officers.

(d) Authority to carry weapons. No person appointed to the police reserve force of the town may carry a weapon or otherwise act as a peace officer unless and until that person has been approved

to do so by the town council. After a person so appointed to the police reserve force has been approved by the town council to carry weapons, that person may carry a weapon only when authorized to do so by the police chief, and only when discharging official duties as a peace officer.

(e) On-call service. Members of the police reserve force may be called into service at any time the police chief considers it necessary to have additional officers to preserve the peace and enforce the law.

(f) Compensation. Members of the police reserve force will serve without compensation.

(g) Medical coverage in the line of duty. Hospital and medical assistance will be provided to a member of the police reserve force who sustains injury in the course of performing official duties in the same manner as provided by the governing body for a regular police officer employee; provided, however, that nothing herein shall be construed to authorize or permit a member of the police reserve force to become eligible for participation in any pension fund created by state statute to which regular town police officers may become a member by payroll deductions or otherwise.

(h) Reserve officers supplementary only. Reserve police officers shall act only in a supplementary capacity to the town's regular police officers and shall in no case assume the full-time duties of the town's regular police officers without first complying with all the requirements for regular police officers.

**TOWN OF BARTONVILLE
ORDINANCE NO. 774-24**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE, TEXAS, AMENDING THE TOWN OF BARTONVILLE CODE OF ORDINANCES, CHAPTER 9, "PERSONNEL," ARTICLE 9.05, "POLICE DEPARTMENT," BY AMENDING CHIEF OF POLICE AND TOWN ADMINISTRATOR PROVISIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Bartonville, Texas, is a Type A General Law Municipality located in Denton County, Texas, created in accordance with provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the Town of Bartonville, Texas, is a general law municipality empowered under the Texas Local Government Code, Section 51.001, to adopt an ordinance or rule that is for the good government of the Town; and

WHEREAS, Sections 22.071 and 22.072 of the Texas Local Government Code provide, in part, that the Town Council may prescribe the powers and duties of Town officers; and

WHEREAS, the Code of Ordinances of the Town of Bartonville, Texas ("Town Code"), provides, among other things, for the appointment of certain Town officials as well as describes their official duties; and

WHEREAS, in order to provide for the duties and job-related obligations of the Chief of Police and the Town Administrator, the Town Council has determined that it is appropriate to modify certain provisions contained in Article 9.05, "Police Department," of Chapter 9, "Personnel," of the Town Code; and

WHEREAS, the Town Council of the Town of Bartonville has determined that it is in the best interest of the health, safety, and welfare of its citizens, and for the good government of the Town, to amend the Town Code as specified herein.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE, TEXAS, THAT:

**SECTION 1.
INCORPORATION OF PREMISES**

The above and foregoing premises are true and correct legislative determinations and are incorporated herein and made a part hereof for all purposes.

**SECTION 2.
AMENDMENT OF ARTICLE 9.05**

From and after the effective date of this Ordinance, the Town of Bartonville Code of Ordinances, Chapter 9, "Personnel," Article 9.05, "Police Department," is hereby amended by modifying Sections 9.05.002 and 9.05.003, which shall read as follows:

"Article 9.05 Police Department

* * *

§ 9.05.002 Chief of police.

The chief of police of the town shall be a sworn peace officer under the laws of the state and shall be appointed by the town council.

§ 9.05.003 Composition; appointment of personnel.

The police department, after approval by the town council, shall be composed of the chief of police and such other positions including, but not limited to, officers, patrolmen and/or other employees as may be from time to time authorized by the town council. The chief of police shall have the authority to appoint or offer employment with the advice and consent of the town council. In the event a position in the department becomes vacant within the fiscal year, the position may be filled, upon approval by the town council, provided that the salary and benefit packages for additional personnel shall not exceed the current fiscal year budget appropriation unless otherwise authorized by the town council.

* * *"

**SECTION 3.
SEVERABILITY**

It is hereby declared to be the intention of the Town Council of the Town of Bartonville, Texas, 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 should 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, or sections of this Ordinance, since the same would have been enacted by the Town Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

**SECTION 4.
SAVINGS**

An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Town of Bartonville Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for that purpose.

**SECTION 5.
ENROSS AND ENROLL**

The Town Secretary of the Town of Bartonville is hereby directed to engross and enroll this Ordinance by copying the exact Caption and the Effective Date clause in the minutes of the Town Council of the Town of Bartonville and by filing this Ordinance in the Ordinance records of the Town.

**SECTION 6.
PUBLICATION**

The Town Secretary of the Town of Bartonville is hereby directed to publish in the Official Newspaper of the Town of Bartonville the Caption and the Effective Date of this Ordinance for two (2) days.

**SECTION 7.
EFFECTIVE DATE**

This Ordinance shall be in full force and effect upon passage and publication of its caption, as the law in such cases provides.

AND IT IS SO ORDAINED.

PASSED AND APPROVED by the Town Council of the Town of Bartonville, Texas, on this the 30th day of September, 2024.

APPROVED:

Jaclyn Carrington, Mayor

ATTEST:

Shannon Montgomery, TRMC, Town Secretary