



Maya Sanchez
Mayor

Leticia Miranda
Alderman Place 1

David Cantu
Alderman Place 2

Miguel Najera Jr.
Alderman Place 3

Rebecca Martinez-Juarez
Alderman Place 4

George Almanzar
Alderman Place 5

ORDINANCE NO. 1507.05

OFFICE OF CITY MARSHAL

AN ORDINANCE CREATING AND ESTABLISHING THE OFFICE OF CITY MARSHAL FOR THE CITY OF SAN ELIZARIO, TEXAS; PROVIDING FOR THE APPOINTMENT, TERM OF OFFICE AND REMOVAL OF THE CITY MARSHAL; DESIGNATING THE POWERS AND DUTIES OF THE OFFICE; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, REPEALER AND SEVERABILITY, AND EFFECTIVE DATE.

WHEREAS, the City Council of San Elizario ("Council") has determined that a need exists to promote and secure the safety, security, and well-being of its citizens and of the city; and

WHEREAS, pursuant to Local Government Code, Section 22.071, the City of San Elizario ("City") has the authority to create the Office of the City Marshal; and

WHEREAS, Local Government Code, Section 22.071 provides for the appointment or election of the City Marshal by ordinance; and

WHEREAS, Local Government Code, Section 22.071 and 22.072 allow the City to prescribe the powers and duties of the City Marshal; and

WHEREAS, pursuant to Texas Local Government Code, Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of San Elizario:

ARTICLE I. FINDINGS OF FACT

The foregoing recitals are adopted as facts and incorporated fully herein.

ARTICLE II. ENACTMENT

- A. The Office of City Marshal is hereby created and is established under the terms and provisions as described and contained in "Attachment A", attached hereto and incorporated into this Ordinance for all intents and purposes.
- B. The Mayor is authorized and directed to employ a qualified person to serve as the City Marshal, subject to confirmation and appointment by the City Council.

ARTICLE III. REPEALER AND SEVERABILITY

REPEALER: All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

SEVERABILITY: Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

ARTICLE IV. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage.

PASSED AND APPROVED this, the 23rd day of June, 2015, by a vote of 5 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of San Elizario, Texas.

CITY OF SAN ELIZARIO, TEXAS



Maya Sanchez, Mayor

CITY MARSHAL

Section 1. Office Created; Establishment of Office.

- A. **Creation.** The Office of Marshal for the City of San Elizario, Texas is hereby created. A City Marshal shall serve as a municipal officer in the Office.
- B. **Appointment.** The City Marshal shall be appointed by majority vote of the City Council of the City of San Elizario.
- C. **Qualifications.** The City Marshal shall be a Texas Peace Officer and have full police authority in the exercise of assigned duties. The City Marshal shall meet all qualifications necessary to be certified and licensed as a peace officer by the Texas Commission on Law Enforcement Officer Standards and Education.
- D. **Term.** The City Marshal shall serve at the pleasure of the City Council.
- E. **Removal.** The City Marshal, as a municipal officer, may be removed in accordance with the provisions of Section 22.077 of the Local Government Code.
- F. **Reporting.** The City Marshal shall report to the City Council at its regular monthly meetings and to the Mayor as needed.
- G. **Deputies.** The City Marshal may appoint qualified persons as Deputy City Marshals under the authorization by and with the approval of City Council. Deputy Marshals are employees of the City rather than Municipal Officers.

Section 2. Duties.

The City Marshal, and duly authorized deputies, shall perform the following duties:

- (1) serve as a Peace Officer pursuant to the Texas Code of Criminal Procedure, to enforce the criminal laws of the State of Texas, and the ordinances and regulations of the City of San Elizario within the city limits;
- (2) assist the municipal court of the city, upon creation and establishment, in the operation of its functions;
- (3) serve as peace officer for the municipal court;
- (4) serve as court bailiff in the municipal court;
- (5) execute warrants of arrest, subpoenas and other legal process issuing out of municipal court;
- (6) enforce all codes and ordinances of the City;
- (7) issue citations for code enforcement upon information from the Building Official and/or Code Enforcement Official; and
- (8) other duties as assigned, such duties not to be in conflict with provisions of this section.