

ORDINANCE NO. 401

AN ORDINANCE OF THE TOWN OF LAKESIDE, TEXAS, AMENDING SECTION 31.003 (“POLICE RESERVE FORCE”) OF THE TOWN’S CODE OF ORDINANCES TO PROVIDE FOR OPTIONAL COMPENSATION OF RESERVE OFFICERS; RATIFYING PRIOR ACTS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the Town of Lakeside is authorized by state law, including by section 341.012 of the Local Government Code, to establish and maintain a reserve police force; and

WHEREAS, the Town Council of the Town of Lakeside, Texas, has previously established a reserve police force through adoption of Ordinance No. 122, as amended by Ordinance No. 259, and as codified as Section 31.003 of the Town’s Code of Ordinances; and

WHEREAS, certain changes in state law, including amendments to Chapter 614 of the Texas Government Code, have limited the Town’s ability to employ “part-time officers” as defined by state law; and

WHEREAS, there exists an ongoing need to supplement the Town’s staff of full-time police officers in order to protect the public’s health, safety, and welfare; and

WHEREAS, the Town Council finds it necessary and appropriate to amend its Code of Ordinances as set forth herein to allow the Chief of Police, with Town Council approval, to employ reserve police officers and compensate them as provided herein and to ratify past acts of the Chief of Police and Town Council that were consistent with this amendment.

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

SECTION 1 - Amendment

That subsections (B) and (D) of Section 31.003 of the Town’s Code of Ordinances are hereby amended as follows:

(B) Members of the Police Reserve Force shall be appointed or hired by the Chief of Police and the appointment or hiring must be confirmed and approved by the City Council. Members of the Police Reserve Force serve at the sole discretion of the Chief of Police and may be relieved of their duties solely by the Chief of Police.

(D) Members of the Police Reserve Force ~~shall~~ may be appointed to serve without compensation, or they may be hired and be compensated in amounts determined by the Chief of Police. The Town of Lakeside will provide hospital and medical

assistance to the members of the Police Reserve Force who sustain injuries in the course of performing their duties to the extent allowed by law. Reserve officers and their survivors shall be eligible for death benefits as set out in Tex. Gov't Code, §§ 615.001 *et seq.*, as may be amended from time to time. It is provided, however, that nothing in this section shall be construed to authorize or permit a member of the Police Reserve Force, whether appointed or hired, to become eligible for participation in any program provided by this municipality or by state statute that is normally considered a financial benefit of full-time employment, other than hospital and medical coverage as provided hereinabove, or for any pension fund created by statute or by this municipality for the benefit of full-time paid police officers or other employees.

SECTION 2 - Ratification of prior acts

The Town Council hereby officially determines to ratify any prior acts of the Chief of Police or Town Council that resulted in the employment or compensation of reserve police officers.

SECTION 3 - Severability

It is hereby declared to be the intention of the Town 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 judgement 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 Town Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4 - Effective date

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

PASSED AND APPROVED by the Town Council of the Town of Lakeside on this 14 day of

February, 2018.



Mayor

ATTEST:



Town Secretary