

ORDINANCE NO. 2015-10-_____

AN ORDINANCE OF THE CITY OF MCKINNEY, TEXAS, ESTABLISHING THE OFFICE OF CITY MARSHAL; PROVIDING FOR THE APPOINTMENT AND TERM OF OFFICE THEREOF; DESIGNATING THE POWERS, DUTIES, AND REQUIREMENTS THEREOF; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of McKinney, Texas (the “City”) is a Home Rule City possessing the full power of local self-government pursuant to Article 11, Section 5 of the Texas Constitution, Section 51.072 of the Texas Local Government Code, and the City’s Home Rule Charter; and

WHEREAS, the City finds that establishing the office of City Marshal and providing for the appointment of deputy marshals will increase the efficiency and safety of the City’s municipal court system; and

WHEREAS, the City Council finds that the adoption of this Ordinance is in the best interest of the City and of the public health, safety and welfare.

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

Section 1. All of the above premises are found to be true and correct legislative determinations and are hereby incorporated into the body of this Ordinance as if copied in their entirety.

Section 2. The Code of Ordinances of the City of McKinney, Chapter 66, Article I, is hereby amended by adding new Sections 66-1 through 66-4, entitled “City Marshal,” which shall read as follows:

“Sec. 66-1. City Marshal; position created

There is hereby created and established the Office of City Marshal, for the City of McKinney, Texas to be filled by a qualified person appointed by the City Manager. The City Marshal and all persons serving as deputy city marshals shall be required to hold certification as a peace officer from the Texas Commission on Law Enforcement Officers Standards and Education.

The City Marshal shall serve at the pleasure of the City Manager, and he or she shall report to and be supervised by the Municipal Court Administrator, or such other person designated by the City Manager.

The City Marshal, with approval of the City Manager and in accordance with the annual budget, may appoint one or more deputies to assist in the discharge of his or her duties.

Sec. 66-2. Duties of City Marshal

The City Marshal, acting under the direction of the City Manager or his or her designee, shall perform the following duties:

- (a) Execute warrants of arrest, subpoenas and other legal process issuing out of the municipal court of the City of McKinney;

- (b) Execute other warrants of arrest, subpoenas, summons, and other legal process as determined by the municipal court administrator;
- (c) Serve as bailiff and security officer of the Municipal Court of the City of McKinney and shall promptly and faithfully execute writs and process issues by the court; and
- (d) Perform such other duties as may be within the authority of certified peace officers or as may be determined by the City Manager or his or her designee.

Sec. 66-3. Authority, eligibility for retirement

- (a) The City Marshal (and any deputy city marshals) shall serve as a peace officer and shall have full police authority in the exercise of assigned duties;
- (b) The City Marshal (and any deputy city marshals) shall not be members of the City's police department; however, the City Marshal (and any deputy city marshals) is eligible for membership in the Texas Municipal Retirement System. The City Marshal (and any deputy city marshals) is considered a paid law enforcement officer for the purpose of "survivors' assistance benefits."

Sec. 66-4. Oath of office.

The City Marshal (and any deputy city marshals) shall be required to take an oath of office before entering upon the discharge of duties. The oath shall be subscribed by the person taking it and shall be filed and preserved in the office of the City Secretary."

Section 3. All ordinances, orders or resolutions heretofore passed and adopted by the City Council of the City of McKinney, Texas, are hereby repealed to the extent that said ordinances, orders or resolutions, or parts thereof, are in conflict herewith.

Section 4. If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

Section 5. This Ordinance shall take effect immediately from and after its passage.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THE 6th DAY OF OCTOBER, 2015.

CITY OF MCKINNEY, TEXAS

BRIAN LOUGHMILLER
Mayor

CORRECTLY ENROLLED:

SANDY HART, TRMC, MMC
City Secretary
Denise Vice, TRMC
Assistant City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney