

## **CHAPTER 9**

### **PERSONNEL**

#### **ARTICLE 9.01 GENERAL PROVISIONS**

**(Reserved)**

#### **ARTICLE 9.02 LAW ENFORCEMENT**

##### **Division 1. Generally**

##### **Sec. 9.02.001 Regional agreement**

The town administrator is hereby authorized to execute the "Greater Dallas-Ft. Worth Regional Law Enforcement Mutual Aid Task Force Agreement." (Resolution 02-55, sec. 1, adopted 11/12/02)

##### **Secs. 9.02.002--9.02.030 Reserved**

##### **Division 2. Reserved\***

##### **Secs. 9.02.031--9.02.060**

##### **Reserved Division 3.**

##### **Police Reserve Force\***

##### **Sec. 9.02.061 Established**

There is hereby established in the town a police reserve force. (Ordinance 85-16, sec. 1, adopted 8/13/85)

##### **Sec. 9.02.062 Appointment**

Members of the police reserve force shall be appointed at the discretion of the chief of police and shall serve as peace officers during actual discharge of official duties. (Ordinance 85-16, sec. 2, adopted 8/13/85)

##### **Sec. 9.02.063 Purpose**

The purpose of this division is to provide a trained group of civilian volunteer personnel who will be available to supplement the regular police force of the town when directed by the chief of police. Reserve police officers shall act only in a supplementary capacity to the regular police force and shall in no case assume the full-time duties of regular police officers without first complying with all requirements for such regular police officers.

(Ordinance 85-16, sec. 3, adopted 8/13/85)

**Sec. 9.02.064 Carrying weapon; discharge of duties**

No person appointed to the police reserve force may carry a weapon or otherwise act as a peace officer until he has been approved by the town council. After approval, he may carry a weapon only when authorized by the chief of police and when discharging official duties as a duly constituted peace officer. (Ordinance 85-16, sec. 4, adopted 8/13/85)

**Sec. 9.02.065 Discretionary functions**

Members of the police reserve force serve at the discretion of the chief of police and may be called into service at any time the chief of police considers it necessary to have additional officers to preserve the peace and enforce the law. (Ordinance 85-16, sec. 5, adopted 8/13/85)

**Sec. 9.02.066 Authority of chief**

The chief of police shall be the head of the police reserve, and the members of the reserve shall be under the authority, control and command of the chief of police, subject to all of the statutes of the state and ordinances of the town. (Ordinance 85-16, sec. 6, adopted 8/13/85)

**Sec. 9.02.067 Qualifications and standards**

The town council shall establish qualifications and standards of training for members of the police reserve force. Reserve police officers must comply with the minimum training requirements established by the state commission on law enforcement officer standards, as now in effect and as shall be amended from time to time, and educational minimum standards established for all reserve law enforcement officers identical to those which must be fulfilled before a person appointed as a reserve law enforcement

officer may carry a weapon or otherwise act as a peace officer. (Ordinance 85-16, sec. 7, adopted 8/13/85)

**Sec. 9.02.068    Composition of force**

(a)    The police reserve force shall be composed of personnel who have volunteered to join the organization and whose applications for membership have been accepted and who have complied with all the rules, regulations and orders for the conduct and control of the members thereof. It shall be composed of not more than fifteen (15) members.

(b)    All applicants for membership shall be fingerprinted, and the chief of police shall fully investigate and be responsible for satisfactory proof of the good character, sober habits and adequate physical ability of each applicant.

(Ordinance 85-16, sec. 8, adopted 8/13/85)

**Sec. 9.02.069    Application for membership**

Application for membership in the police reserve shall be filed with the police department. Such application shall be on a form prescribed by the chief of police and approved by the town council and shall state the residence of the applicant. (Ordinance 85-16, sec. 9, adopted 8/13/85)

**Sec. 9.02.070    Uniforms, badges and identification cards**

The chief of police shall prescribe the uniform and badges for the members of the police reserve force and direct the manner in which the same shall be worn. The chief of police may issue identification cards and police reserve badges which shall be returned upon termination of membership in the police reserve. (Ordinance 85-16, sec. 10, adopted 8/13/85)

**Sec. 9.02.071    Compensation**

The town council may from time to time provide uniform compensation for members of the police reserve force. The compensation shall be based solely upon time served by a member of the police reserve force while in training for, or in the performance of, official duties. (Ordinance 85-16, sec. 11, adopted 8/13/85)

**Sec. 9.02.072    Limitations on powers**

Members of the police reserve force shall have no power to arrest beyond that of a citizen except when on official authorized duty to assist the regular

police department. (Ordinance 85-16, sec. 12, adopted 8/13/85)

**Sec. 9.02.073 Entry into premises**

No member of the police reserve force shall break into or otherwise forcefully enter upon private property or enter the dwelling or habitation of another person without the consent of a member of the police department and when he has been then and there requested by such member to furnish aid in the enforcement of law. (Ordinance 85-16, sec. 13, adopted 8/13/85)

**Sec. 9.02.074 Termination of membership**

(a) Membership of any person in the police reserve may be terminated by the chief of police at any time for any cause deemed sufficient by the chief of police. Any member may resign from the police reserve at any time, but it shall be his duty upon resignation to notify the chief thereof.

(b) In addition to the penalties provided by law, any violation of law under color of the performance of his duties as a member of the police reserve force, or any breach of rules or regulations established by the chief of police, shall subject any member to summary expulsion from the police reserve by the chief of police.

(Ordinance 85-16, sec. 14, adopted 8/13/85)

**Sec. 9.02.075 Renewal of commissions**

All commissions for membership in the reserve shall expire automatically at midnight on the 31st day of December of each year. A renewal of such commission for any ensuing year may be had by filing an application. The application, the form of which shall be prescribed by the chief of police, shall consist of a letter properly filled out by the applicant, giving his full name and address and the number of his existing commission. Said application shall be filed with the chief of police. If the application for renewal is not presented on or before January 31st of each year, the applicant shall make application as if he had not previously held a commission. (Ordinance 85-16, sec. 15, adopted 8/13/85)

**Sec. 9.02.076 Impersonation of member**

No person shall represent or identify himself as a member of the police reserve force unless such person is in fact a sworn member thereof and is in compliance with all sections of this division. (Ordinance 85-16, sec. 16, adopted 8/13/85)

**Sec. 9.02.077 Benefits**

The town council may provide hospital and medical assistance 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 town council for a full-time police officer, and reserve officers shall be eligible for death benefits as set out in state law; provided, however, that no member of the police reserve force shall be eligible for participation in any pension fund created pursuant to state statute to which regular officers may become a member by payroll deductions or otherwise. (Ordinance 85-16, sec. 17, adopted 8/13/85)

**Sec. 9.02.078 Penalty for violation**

Any person violating any of the provisions of this division shall be deemed guilty of a misdemeanor and, upon conviction in municipal court of the town, shall be subject to a fine as provided in section 1.01.009 of this code for each offense. (Ordinance 85-16, sec. 20, adopted 8/13/85)

**ARTICLE 9.03 TEXAS MUNICIPAL RETIREMENT SYSTEM\***

**Sec. 9.03.001 Increase in rate of deposits**

(a) All employees of the town, who are members of the Texas Municipal Retirement System, shall make deposits to the system at the rate of 7% of their individual earnings.

(b) This section shall become effective on the 1st day of February 1992.

(Ordinance adopted 1/14/92, sec. 2)

**Sec. 9.03.002 Updated service credits; increase in retirement annuities (2005)**

(a) Authorization of updated service credits.

(1) On the terms and conditions set out in sections 853.401 through 853.404 of subtitle G of title 8, Government Code, as amended (hereinafter referred to as the "TMRS Act"), each member of the Texas Municipal Retirement System (hereinafter referred to as the "system") who has current service credit or prior service credit in the system in force and effect on the 1st day of January of the calendar year preceding such allowance, by reason of service in the employment of the town, and on such date had at least 36

months of credited service with the system, shall be and is hereby allowed "updated service credit" (as that term is defined in subsection (d) of section 853.402 of the TMRS Act).

(2) The updated service credit hereby allowed and provided for shall be 100% of the "base updated service credit" of the member (calculated as provided in subsection (c) of section 853.402 of the TMRS Act). If the town has previously adopted or if it hereafter adopts an ordinance authorizing updated service credit for unforfeited credit for prior service or current service with any other participating municipality, the calculations and adjustments set forth in section 853.601 of the TMRS Act shall apply to any such transferred service.

(3) Each updated service credit allowed hereunder shall replace any updated service credit, prior service credit, special prior service credit, or antecedent service credit previously authorized for part of the same service.

(4) In accordance with the provisions of subsection (d) of section 853.401 of the TMRS Act, the deposits required to be made to the system by employees of the several participating departments on account of current service shall be calculated from and after the effective date of this section (ordinance adopted September 14, 2004) on the full amount of such person's compensation as an employee of the town.

(b) Increase in retirement annuities.

(1) On terms and conditions set out in section 854.203 of the TMRS Act, the town hereby elects to allow and to provide for payment of the increases below stated in monthly benefits payable by the system to retired employees and to beneficiaries of deceased employees of the town under current service annuities and prior service annuities arising from service by such employees to the town. An annuity increased under this subsection replaces any annuity or increased annuity previously granted to the same person.

(2) The amount of the annuity increase under this section is computed as the sum of the prior service and current service annuities on the effective date of retirement of the person on whose service the annuities are based, multiplied by 70% of the percentage change in the Consumer Price Index for All Urban Consumers, from December of the year immediately preceding the effective date of the person's retirement to the December that is 13 months before the effective date of this subsection (ordinance adopted September 14, 2004).

(3) An increase in an annuity that was reduced because of an option

selection is reducible in the same proportion and in the same manner that the original annuity was reduced.

(4) If a computation hereunder does not result in an increase in the amount of an annuity, the amount of the annuity will not be changed hereunder.

(5) The amount by which an increase under this subsection exceeds all previously granted increases to an annuitant is an obligation of the town and of its account in the municipality accumulation fund of the system.

(c) Dates of allowances and increases. The initial allowance of updated service credit and increase in retirement annuities hereunder shall be effective on January 1, 2005, subject to approval by the board of trustees of the system. An allowance of updated service credits and an increase in retirement annuities shall be made hereunder on January 1 of each subsequent year until this section ceases to be in effect under subsection (e) of section 853.404 of the TMRS Act, provided that, as to such subsequent year, the actuary for the system has made the determination set forth in subsection (d) of section 853.404 of the TMRS Act.

(d) Town's contribution. Effective January 1, 2005, for each month of current service thereafter rendered by each of its employees who are members of the Texas Municipal Retirement System, the town will contribute to the current service annuity reserve of each such member at the time of his or her retirement a sum that is 200% of such member's accumulated deposits for such month of employment, and said sum shall be contributed from the town's account in the municipality accumulation fund.

(e) Effective date. Subject to approval by the board of trustees of the system, this section shall be and become effective on the 1st day of January, 2005.

(Ordinance 04-91, secs. 1-3, adopted 9/14/04)

**Sec. 9.03.003 Participation by employees of economic development corporation**

(a) The town hereby consents to the participation of the employees of the economic development corporation of the town in the Texas Municipal Retirement System on the same basis upon which employees of the town now and hereafter participate in the system.

(b) All persons who, on or after the effective date of this section, receive

compensation from the corporation and are engaged in an appointive office or position with the corporation that normally requires services from the person for not less than 1,000 hours per year shall be and are hereby required to become members of the system.

(c) All credit authorized under this section shall be treated as if it were performed for the town, and all sums of money that may be computed by the system's actuary as being necessary to fund the credit hereby granted shall constitute a charge against the town's account in the municipality accumulation fund of the system.

(d) This section shall be and become effective on the 1 st day of March, 2005.

(Ordinance 05-13, secs. 1--4, 2/22/05)

#### **Sec. 9.03.004 20-year service retirement annuity**

(a) Pursuant to the provisions of section 854.202(g) of subtitle G of title 8, Texas Government Code, as amended, which subtitle shall herein be referred to as the "TMRS Act," the town adopts the following provisions affecting participation of its employees in the Texas Municipal Retirement System (herein referred to as the "system"):

(1) Any employee of the town who is a member of the system is eligible to retire and receive a service retirement annuity if the member has at least 20 years of credited service in the system performed for one or more municipalities that have adopted a like provision under section 854.202(g) of the TMRS Act.

(2) Prior to adopting this ordinance, the governing body of the town has:

(A) Prepared an actuarial analysis of member retirement annuities at 20 years of service; and

(B) Held a public hearing pursuant to the notice provisions of the Texas Open Meetings Act, chapter 551, Texas Government Code.

(3) The rights hereinabove authorized shall be in addition to the plan provisions heretofore adopted and in force at the effective date of this section pursuant to the TMRS Act.

(b) This section shall become effective on the 1st day of January 2009.



(Ordinance 08-091 adopted 10/14/08)

**Sec. 9.03.005 Updated service credits; increase in retirement annuities (2009)**

(a) Authorization of updated service credits.

(1) On the terms and conditions set out in sections 853.401 through 853.404 of subtitle G of title 8, Government Code, as amended (hereinafter referred to as the "TMRS Act"), each member of the Texas Municipal Retirement System (hereinafter referred to as the "system") who has current service credit or prior service credit in the system in force and effect on the 1st day of January of the calendar year preceding such allowance, by reason of service in the employment of the town, and on such date had at least 36 months of credited service with the system, shall be and is hereby allowed "updated service credit" (as that term is defined in subsection (d) of section 853.402 of the TMRS Act).

(2) On the terms and conditions set out in section 853.601 of the TMRS Act, any member of the system who is eligible for updated service credits on the basis of service with this town, who has unforfeited credit for prior service and/or current service with another participating municipality or municipalities by reason of previous service, and was a contributing member on the 1st day of January of the calendar year preceding such allowance, shall be credited with updated service credits pursuant to, calculated in accordance with, and subject to adjustment as set forth in said section 853.601, both as to the initial grant hereunder and all future grants under this section.

(3) The updated service credit hereby allowed and provided for shall be 100% of the "base updated service credit" of the member (calculated as provided in subsection (c) of section 853.402 of the TMRS Act).

(4) Each updated service credit allowed hereunder shall replace any updated service credit, prior service credit, special prior service credit, or antecedent service credit previously authorized for part of the same service.

(5) In accordance with the provisions of subsection (d) of section 853.401 of the TMRS Act, the deposits required to be made to the system by employees of the several participating departments on account of current service shall be calculated from and after the effective date of this section on the full amount of such person's compensation as an employee of the town.

(b) Increase in retirement annuities.

(1) On terms and conditions set out in section 854.203 of the TMRS Act, the town hereby elects to allow and to provide for payment of the increases below stated in monthly benefits payable by the system to retired employees and to beneficiaries of deceased employees of the town under current service annuities and prior service annuities arising from service by such employees to the town. An annuity increased under this section replaces any annuity or increased annuity previously granted to the same person.

(2) The amount of the annuity increase under this section is computed as the sum of the prior service and current service annuities on the effective date of retirement of the person on whose service the annuities are based, multiplied by % of the percentage change in consumer price index for all urban consumers, from December of the year immediately preceding the effective date of the person's retirement to the December that is 13 months before the effective date of this section.

(3) An increase in an annuity that was reduced because of an option selection is reducible in the same proportion and in the same manner that the original annuity was reduced.

(4) If a computation hereunder does not result in an increase in the amount of an annuity, the amount of the annuity will not be changed hereunder.

(5) The amount by which an increase under this section exceeds all previously granted increases to an annuitant is an obligation of the town and of its account in the municipality accumulation fund of the system.

(c) Dates of allowances and increases. The initial allowance of updated service credit and increase in retirement annuities hereunder shall be effective on January 1, 2009, subject to approval by the board of trustees of the system. An allowance of updated service credits and an increase in retirement annuities shall be made hereunder on January 1 of each subsequent year until this section ceases to be in effect under subsection (e) of section 853.404 of the TMRS Act, provided that, as to such subsequent year, the actuary for the system has made the determination set forth in subsection (d) of section 853.404 of the TMRS Act.

(d) Effective date. Subject to approval by the board of trustees of the system, this section shall be and become effective on the 1st day of January 2009.

(Ordinance 08-092 adopted 10/14/08)