



ORDINANCE NO. 279

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF UHLAND, TEXAS CREATING A MUNICIPAL POLICE FORCE; PRESCRIBING FOR THE APPOINTMENT AND REMOVAL OF MUNICIPAL POLICE OFFICERS BY ORDINANCE; REQUIRING A BOND FOR ALL POLICE OFFICERS; ESTABLISHING THE NEED FOR THE POLICE FORCE, THE QUALIFICATIONS OF THE MUNICIPAL POLICE OFFICERS, THE POWERS AND DUTIES OF THE MUNICIPAL POLICE OFFICERS, AND THE ORGANIZATIONAL STRUCTURE OF THE FORCE; AND PROVIDING FOR: REPEAL OF CONFLICTS, SEVERABILITY, A SAVINGS CLAUSE, MEETING OPEN TO THE PUBLIC, AND AN EFFECTIVE DATE.

WHEREAS, the City of Umland, Texas is a Type A general law City incorporated and functioning as such under the provisions of Chapter 11, Title 28, Revised Civil Statutes of Texas, 1925, as amended; and

WHEREAS, Section 341.001(a) of the Texas Local Government Code provides that the City Council of the City of Umland, Texas may establish and regulate a municipal police force; and

WHEREAS, Section 341.001(b) of the Texas Local Government Code provides that the City Council of the City of Umland, Texas may provide by ordinance for the appointment of police officers the City Council considers necessary and for the terms of office and qualifications of the officers; and

WHEREAS, Section 341.001(c) of the Texas Local Government Code provides that the City Council of the City of Umland, Texas may provide that the municipal police officers serve at the pleasure of the City Council; and

WHEREAS, Section 341.001(d) of the Texas Local Government Code provides that the City Council of the City of Umland, Texas may require each municipal police officer to execute a bond conditioned that the officer will faithfully perform the officer's duties; and

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

SECTION 1. CREATION OF MUNICIPAL POLICE FORCE.

The City of Umland, Texas hereby creates a Municipal Police Force to be known as the Umland Police Department. The total operating budget allocation for the Umland Police Department shall be provided as a designated line item in the City's budget each fiscal year to include the salaries and benefits of all department employees. The head of the Umland Police Department shall be

called the Police Chief and shall be an appointed salaried City employee position requiring a minimum of thirty-two hours of work/service per week.

SECTION 2. NEED FOR THE OFFICE.

The City of Uhland, Texas hereby adopts the attached Exhibit A as evidence of the City's need for a Municipal Police Force.

SECTION 3. POLICE OFFICERS; APPOINTMENT; TERM; REMOVAL.

The City Council of the City of Uhland, Texas shall appoint the Police Chief by Ordinance to a term of no more than two (2) consecutive years. A Police Chief may be re-appointed to additional two (2) year terms. Each subsequent re-appoint of a Police Chief shall be by Ordinance. Each Police Chief, while holding the position, shall have all powers and duties as detailed herein this Ordinance and as specifically defined in the Ordinance appointing them to the position. A Police Chief may be removed from office only by Ordinance at the discretion of the City Council. The Police Chief shall, with the assistance of the City Human Resources Department, create positions with complete job descriptions and pay ranges, and shall appoint all other Department staff.

SECTION 4. POWERS AND DUTIES.

Each police officer of the City of Uhland, Texas shall serve as peace officers at the pleasure of the City Council and shall have full police authority in the exercise of their assigned duties. The person appointed to serve as the Police Chief shall faithfully perform the following essential powers and duties as hereby prescribed:

1. Develop policies and procedures to ensure efficient operations of the Police Department, and to implement directives from the City Council.
2. Supervise the preparation of an annual budget for the Police Department, and coordinate with the City Administrator for City Council adoption as part of the City's annual budget.
3. Direct and manage the implementation of the Police Department budget.
4. Adhere to State and Federal laws as well as City Policies and Procedures.
5. Coordinate all RFPs and contracts with the City Attorney's office.
6. Hire, assign, coordinate, supervise and manage the Police Department staff, to include all officers and support staff based on City needs and departmental budget constraints.
7. Personally meet, and ensure that each officer meets, the Texas Commission on Law Enforcement Officer Standards and Education.
8. Coordinate and supervise the training, and development of all Department staff.
9. Serve as, or appoint one or more officers to serve as, court bailiff(s) in the Municipal Court and duties incident thereto.

10. Attend regular and special City Council meetings and other official City meetings as needed.

11. Prepare and submit quarterly reports to the City Council, and prepare all other reports as appropriate and needed to operate and maintain the office in good standing with the laws of the State of Texas and any applicable federal law.

12. Attend and/or designate staff to attend conferences and meetings to keep abreast of current laws and legislation regarding local law enforcement.

13. Perform the duties of subordinate personnel, officers and/or office staff, as needed.

14. Analyze, review specifications, plan for and recommend improvements, acquisition, and/or disposition of vehicles, equipment and facilities, as needed, to City Council.

15. Participate in various City and County law enforcement committees, as available.

16. Performance of such other duties as are delegated by the City Council.

As are all employees of the City of Uhland, Texas, the Police Chief and all Department employees shall abide by and be subject to all City of Uhland policies including, but not limited to, the Personnel Policy, the Privacy and Use Policy and the Code of Ethics.

SECTION 5. ORGANIZATIONAL STRUCTURE OF THE OFFICE.

The City of Uhland, Texas hereby adopts the attached Exhibit B as the Organizational Structure of the Municipal Police Force.

SECTION 6. BOND.

Each person appointed to serve as a police officer for the City of Uhland, Texas shall execute a bond payable to the City and conditioned that the officer will faithfully perform the officer's duties.

SECTION 7. CONFLICT.

All Ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 8. SEVERABILITY.

If any section, subsection, paragraph, clause, phrase, or provision of this ordinance or the application of any section, subsection, paragraph, clause, phrase, or provision to any person or circumstance is adjudged to be invalid, the invalidity shall not affect other section, subsection, paragraph, clause, phrase, or provision or applications thereof which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 9. SAVINGS CLAUSE.

This Ordinance shall remain in full force and effect, save and except as amended or repealed.

SECTION 10. MEETING OPEN TO PUBLIC.

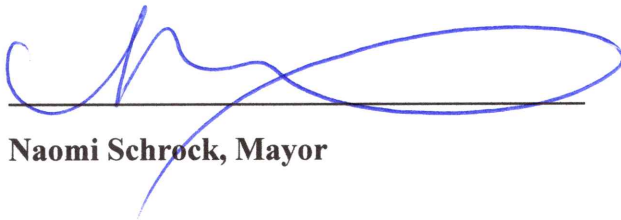
It is hereby found and determined that the meeting at which this Ordinance is passed is open to the public as required by law and that the public notice of the time, place and purpose of said meeting was given as required.

SECTION 11. EFFECTIVE DATE.

This Ordinance shall be effective upon passage and approval.

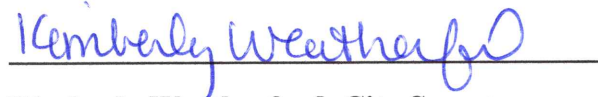
PASSED, APPROVED and ADOPTED ON the 6th day of July, 2022.

Ayes 4 Nays 0 Abstain 0



Naomi Schrock, Mayor

ATTEST:



Kimberly Weatherford, City Secretary



Exhibit A

Need for Municipal Police Force

The City Council of the City of Uhland, Texas has discussed and decided that there is a need for the City to form a law enforcement agency. There are several reasons why the city believes that formation of a Municipal Police Force will be beneficial, including:

- Recent growth of the city and surrounding areas
- Strategic plan for future growth
- Providing faster law enforcement response time for a growing community
- City's control of law enforcement officers hired to work within the community
- Ability to implement community policing procedures
- Implementing crime prevention measures that are tailored to the community
- Increasing the frequency of patrol officers in the community, high visibility
- Ability to enforce municipal ordinances
- Ability to target problem areas within the community
- Law Enforcement available for event security
- Traffic enforcement

The City of Uhland was incorporated on 1985 under the laws of the State of Texas. Uhland is located in Hays and Caldwell Counties. Uhland's city limits and/or ETJ touch the Cities of Buda, Kyle, Lockhart, and San Marcos.

Growth:

As of the 2020 United States census, there were 1,588 people, 406 households, and 352 families residing in the city.

As of the census^[2] of 2000, there were 386 people, 134 households, and 92 families residing in the city. The population density was 211.3 people per square mile (81.4/km²). There were 143 housing units at an average density of 78.3 per square mile (30.2/km²). The racial makeup of the city was 73.06% White, 0.78% African American, 0.52% Asian, 23.83% from other races, and 1.81% from two or more races. Hispanic or Latino of any race were 51.30% of the population.

There were 134 households, out of which 41.8% had children under the age of 18 living with them, 54.5% were married couples living together, 11.2% had a female householder with no husband present, and 30.6% were non-families. 23.9% of all households were made up of individuals, and 7.5% had someone living alone who was 65 years of age or older. The average household size was 2.88 and the average family size was 3.42.

The median income for a household in the city was \$30,714, and the median income for a family was \$31,875. Males had a median income of \$24,750 versus \$22,813 for females. The per capita income for the city was \$13,593. About 7.1% of families and 11.4% of the population were below the poverty line, including 12.1% of those under age 18 and 13.2% of those age 65 or over.

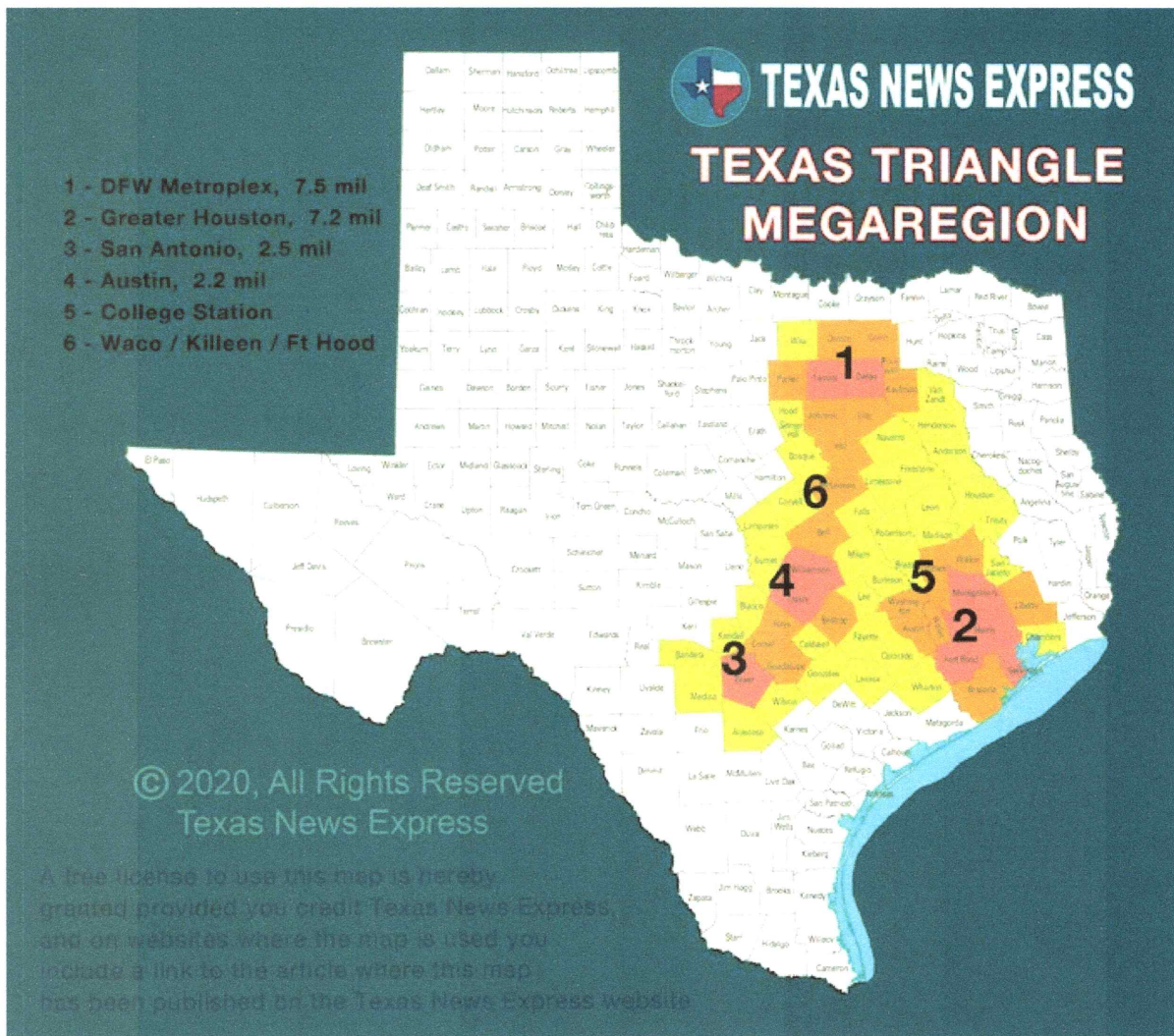


2022 Map of City of Umland

The Umland City limits are unique. Much of the unincorporated land that is included in the Extra Territorial Jurisdiction (ETJ) of the City is bordered by other municipalities. Both the incorporated areas and the EJT areas pictured have recently become the target of new development that has greatly increased the population of the area. In the past few years there have been several housing communities built creating significant increase to traffic within the City.

According to new data from the U.S. Census Bureau, the megapolitan area known as the Texas Triangle which encompasses the Houston, San Antonio, Austin and Dallas/Forth Worth areas and the many cities in between has reached 20,852,272, which means 1 in 16 people in the United States live in the Texas Triangle.

San Antonio and Austin are expected to grow into one-another becoming one combined metro area by 2030 with a future population of 6 million. (Texas News Express article, “The Texas Triangle Megaregion Nears 21 Million Residents” -10/06/2020) The City of Umland is in the center of the projected growth area.



Response Times

A law enforcement agency within the city limits would greatly reduce response times for emergency and non-emergency calls. The respective County Sheriff's Offices have been the primary law enforcement agencies responding to calls for service within the City of Uhland. Although Sheriff's Deputies are assigned to patrol a specific area of each respective County, they are often more than 30 minutes away due to the size of the counties, lack of personnel, the location of Uhland, and the probability that they are already responding to other calls elsewhere within their respective county. The establishment of a municipal police force within the City would provide a better service to the residence of the City with faster response times for all types of calls for service.

Control of law enforcement officers hired

The City of Uhland will benefit by having control of who is hired to provide law enforcement services to the City. The City Council will select a Police Chief and ratify the hiring of officers. This will help the City to ensure that all officers working for the City can be held accountable directly.

Community Policing & Crime Prevention

Having a law enforcement agency that works for the City will enable the agency to dedicate resources to community policing activities and develop crime prevention procedures that are tailored to the community.

Increasing the frequency of patrol

The City will benefit from the increased patrol activity created by having a local law enforcement agency. The increased patrol will deter criminal activity, regulate traffic, and allow the citizens of the community more opportunities to interact with law enforcement.

Enforce municipal ordinances

The ability to enforce municipal ordinance violations is unique to the agency established and managed by the City. Uhland has current municipal ordinances that cannot be enforced properly without a municipal law enforcement agency. The City intends to work with the municipal police force to establish additional ordinances, as needed.

Targeting problem areas within the community

The City will benefit by having a law enforcement agency that can target specific problem issues within the City. In the past Uhland has been a target for those who wish to vandalize and to illegally dump garbage, dead animals, etc. The municipal police force will be able to dedicate resources to deterring and investigating vandalism and illegal dumping.

The City of Uhland has passed ordinances to protect the safety and the well-being of the of the City citizens. These ordinances are difficult or impossible to enforce without a municipal law enforcement agency.

Law Enforcement available for special event security

The City will benefit by having a municipal law enforcement agency that will provide security for City Council meetings and other city events. The municipal police force will also provide traffic control for events within the City limits that include rallies, parades, or other events.

Traffic enforcement

The City will benefit by having a municipal law enforcement agency that will control the speed of traffic and assure that the traffic laws of the state of Texas and of the City of Uhland are enforced. This will provide a safer environment for the motorist, bicyclists, and pedestrians within the City.

Conclusion

The Uhland City Council has concluded there is a need, and they wish to establish a municipal law enforcement agency. The City explored other options of law enforcement to include a contract with the respective Sheriff offices, Constables, and other municipal agencies. After considering all available options the City Council believes that it is in the best interest of the City and community to establish the Uhland Police Department.

Exhibit B

Organizational Structure

The Uhland Police Chief shall be appointed and serve at the pleasure of the City of Uhland City Council. The Police Chief is accountable for budget items and for operational procedures, within the limits of the authority granted to a Chief Law Enforcement Administrator for a law enforcement agency within the State of Texas.

The organizational structure for the Uhland Police Department includes the following staff by position:

- * Police Chief (1)
- * Deputy Police Chief (1)
- * Patrol Sergeants
- * Police Reserve Officers (initially unpaid positions)
- * Administrative Assistant (1)

To develop a cost-effective staffing model that would still provide adequate coverage and supervision necessary for a stand-alone municipal police force, several sworn reserve (auxiliary) positions were included in the organizational structure. It is anticipated that some of these positions will become full time paid positions with time and growth. During the first 1 to 5 years of the agency operation the goal of the department is to provide at least one sworn law enforcement officer on duty every Monday through Friday from 6:00 AM to 9:00 PM. Days and times may be adjusted to fit the needs of the community.

There are several different approaches that can be used to determine the number of officers needed for an agency. Among the more popular are per Capita, minimum staffing, and workload based. The City considered several criteria before concluding that the “minimum staffing” approach would be the best suited methodology for determining the size of Uhland’s municipal police force.

Sizing a police department must begin with the notion that the agency will operate on the foundation of sound police management practices that deliver stellar public safety services to all sectors of the community. In the case of Uhland this means the residents and their homes, the ETJ area that is unique to the City of Uhland due to the city limits surrounding many portions of the ETJ, and finally the visitors who come to enjoy and recreate in the community. That being said, there is an understandable need to balance what the community can afford versus what the community wants in terms of police services, hence the need to employ reserve officers and explore the availability of grants and funding sources.

In the view of the City Council, the recommended staffing standard for Uhland’s municipal police force is appropriate for meeting the stated goals of the City and ensuring basic service delivery.

As a result, cost analysis is based on this configuration. Staffing was based upon the following formula:

1. Monday through Friday, 6:00 AM until 9:00 PM
2. Five working days per week @ 15 hours per day
3. Maximum working days per month = 22 (Based upon 31-day month)
4. 15 hours per day X 22 working days = **330 working hours per month needed** to cover
5. Police Chief works minimum of 6.5 hours per day X 22 days per month = 143 hours
6. 330 hours needed, less **143 worked** by Police Chief = **187 hours needed** to cover
7. up to 8 unpaid and reserve officers work 12 hours per month each = 192 hours worked
8. **143 hours worked by Police Chief + 192 worked by reserve officers = 335 hours worked**

Hours Not Covered: During the hours not covered by Uhland's municipal police force, the Caldwell and Hays County Sheriff's Offices, respectively, will provide law enforcement services to the city.

The unpredictability of policing, especially in these current times of nationwide tensions with law enforcement, may require the Police Chief or Deputy Chief to receive back-up assistance from the neighboring law enforcement agencies. Likewise, Uhland law enforcement officers may be called on to assist outside agencies. The City of Uhland enjoys low crime rates and a high quality of life but there is no immunity to the threat of an officer being assaulted or even worse killed in the line of duty.

There will always be a supervisor on duty, or on call. First, the Sergeant ensures supervisory oversight of line officer performance. Second, the Sergeant acts as an additional first responder for calls that require a supervisor's assistance.

The Sheriffs Offices Will Supplant Back-up Services: The Sheriffs Offices will provide routine back-up to Uhland's municipal police force, upon request. The Police Chief or Deputy Chief will contact dispatch and request back-up for calls that require a two-officer response. The Police Chief or Deputy Chief shall request assistance for any major in-progress violent crime or other event that qualifies as mutual aid.

Supervision Must Be Constant: Police officers are entrusted with broad discretion concerning who should or should not be arrested, incarcerated, or, in some instances, chased or restrained by use of force. It is crucial that officers are continuously monitored and held accountable for their performance. Failure to have qualified supervisors available (on call) at all times can result in catastrophic judgements of liability against Uhland and /or result in a tragic death or injury resulting from failed or negligent supervision.

Deputy Chief or Equivalent Management Oversight: For similar reasons stated above, the Deputy Chief's job is to assist the Police Chief to ensure police operations and administration conform to policy, law, community expectations, and respond to change as needed. The Deputy Chief is a "generalist" accountable to the Police Chief for a vast array of assignments ranging from being the Shift Supervisor at times to "Acting" Police Chief when the Police Chief is absent. It is

vital that the Deputy Chief ensures supervisors are motivated, trusted, and well respected by the line personnel. The Deputy Chief will be essential to helping the Police Chief delegate and stay on top of the many administrative functions that keeps a police department operating.

Some examples of these duties would be: policy management, patrol administration, internal affairs, records management, property/evidence control, budgeting and cost control, fleet management, procurement/repair of equipment, training management, investigative case management, crime prevention, monthly reports, and grant applications. The position is proposed at the rank of "Deputy Chief" but the position could be reclassified to a lower rank of "Lieutenant," with the same executive level duties as described above.

Per Capita Officer Rate: The 2013 FBI statistics on law enforcement staffing levels indicate the average officer's per capita rate for cities with fewer than 10,000 residents is 3.5 officers per 1,000 inhabitants. The per capita rate is based upon full time officers. When considering per capita (while using reserve officers) one must consider that a single full-time officer will work 40 hours per week, averaging 176 hours per month. A reserve officer will work 24 hours per month. It would take 7.3 reserve officers to complete the same workload as one officer.