

ORDINANCE NO.

AN ORDINANCE CREATING “ASSIGNMENT PAY” FOR CERTAIN ASSIGNMENTS WITHIN THE POLICE DEPARTMENT; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of New Braunfels adopted Chapter 143 of the Texas Local Government Code for its police and fire departments;

WHEREAS, there are specialized assignments within the Police Departments that certain police officers perform that are not performed by every police officer;

WHEREAS, § 143.042 of the Texas Local Government Code states that the governing body of a municipality may authorize assignment pay for fire fighters or police officers who perform specialized functions in the Fire or Police Department;

WHEREAS, § 143.042 (c) of the Texas Local Government Code requires that the governing body must set forth in an ordinance the amount of assignment pay and the conditions under which it is to be payable to members of the Fire and Police Department;

WHEREAS, § 143.043 of the Texas Local Government Code permits municipalities to authorize assignment pay for members of the Police Department who perform the duties and responsibilities of the field training officer program; and

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

I.

That the matters and facts set forth in the preamble are hereby found to be true.

II.

That the assignment of “Narcotics or Gang Task Force Officer” is a specialized function within the New Braunfels Police Department and that assignment involves performing investigations and engaging in covert and overt duties, involving enforcement of Federal and State drug/narcotics laws and preventing gang criminal activity and/or investigating relating criminal activity. When a member is designated by the Police Chief or his designee to serve as “Narcotics or Gang Task Force Officer” for the Police Department, that member is entitled to receive Three Thousand Dollars (\$3,000.00) per year as assignment pay. That member must be “actively engaged” in performing the assignment of “Narcotics or Gang Task Force Officer” to be entitled to this Assignment Pay. “Actively engaged,” for the purposes of this ordinance, means that the employee has actually been at work and performed these duties. An employee does not earn this Narcotics or Gang Task Force Officer Assignment Pay if he or she is absent from work for an extended period of time.

III.

That the assignment of “K-9 Officer” is a specialized function within the New Braunfels Police Department and that assignment is responsible for caring for specially trained canine members of the Police Department. The assignment involves specialized criminal investigations utilizing canine members of the Department, for patrol duties, drug interdiction and investigations. When a member is designated by the Police Chief or his designee to serve as “K-9 Officer” for the Police Department, that member is entitled to receive Nine Hundred, Ten Dollars (\$910.00) per year as assignment pay. That member must be “actively engaged” in performing the assignment of “K-9 Officer” to be entitled to this Assignment Pay. “Actively engaged,” for the purposes of this ordinance, means that the employee has actually been at work and performed these duties. An employee does not earn this K-9 Officer Assignment Pay if he or she is absent from work for an extended period of time.

IV.

That the assignment of “Criminal Investigator-Detective” is a specialized function within the New Braunfels Police Department and that assignment involves investigating higher grade misdemeanors and felonies for prosecution in County and District Court. When a member is designated by the Police Chief or his designee to serve as “Criminal Investigator—Detective” for the Department, that member is entitled to receive \$2,900 per year as assignment pay if the rank of Police Officer or Corporal; or, \$2,400 per year as assignment pay if the rank of Sergeant or Lieutenant. That member must be “actively engaged” in performing the assignment of “Criminal Investigator—Detective” to be entitled to this Assignment Pay. “Actively engaged,” for the purposes of this ordinance, means that the employee has actually been at work and performed these duties. An employee does not earn this Criminal Investigator—Detective” Assignment Pay if he or she is absent from work for an extended period of time.

V.

That the assignment of “Field Training Officer” is a specialized assignment within the New Braunfels Police Department. The assignment of “Field Training Officer” involves training and evaluating police recruits on the policies, practices, and procedures of the New Braunfels Police Department. The Police Chief or his designee assigns capable Police personnel to this position of responsibility in accordance with his or her demonstrated knowledge and familiarity with the Field Training Officers Program. Because the assignment of “Field Training Officer” requires additional and specialized duties, members who are assigned to perform these duties are entitled to receive Twenty Five Dollars (\$25.00) per shift as assignment pay during the time period that the member is performing the duties of “Field Training Officer,” *i.e.*, when that member has a probationary police officer assigned to him or her.

VI.

That the terms of this ordinance and/or any payment of “assignment pay” do not apply to a member who is performing any of these duties on a “step-up” “acting” or any other temporary basis.

VII.

Assignment pay may be reduced or eliminated in future fiscal years, as deemed necessary by the City Council.

VIII.

It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law.

IX.

Severability: If any provision, section, clause, sentence, or phrase of this ordinance is for any reason held to be unconstitutional, void, invalid, or un-enforced, the validity of the remainder of this ordinance or its application shall not be affected, it being the intent of the City Council in adopting and of the Mayor in approving this ordinance that no portion, provision, or regulation contained herein shall become inoperative or fail by way of reasons of any unconstitutionality or invalidity of any other portion, provision, or regulation.

X.

Repealer: That all other ordinances, section, or parts of ordinances heretofore adopted by the City of New Braunfels in conflict with the provisions set out above in this ordinance are hereby repealed or amended as indicated.

XI.

It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law.

XII.

This Ordinance shall take effect upon the second and final reading of the same.

PASSED AND APPROVED: First reading this ___ day of September, 2017.

PASSED AND APPROVED: Second reading this ___ day of September , 2017.

CITY OF NEW BRAUNFELS, TEXAS

Barron Casteel, Mayor

ATTEST:

Patrick D. Aten, City Secretary

APPROVED AS TO LEGAL FORM:

Valeria Acevedo, City Attorney