

## **ORDINANCE NO. 2018-**

AN ORDINANCE AMENDING ORDINANCE 2011-93 BY ELIMINATING ASSIGNMENT PAY FOR CRIMINAL INVESTIGATOR-DETECTIVE (CID) WITHIN THE POLICE DEPARTMENT; PROVIDING FOR SEVERABILITY AND REPEALER; 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; and

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

**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; and

**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; and

**WHEREAS**, Criminal Investigations Division (CID) has traditionally discouraged Corporals/Detectives from promoting to Sergeant as a result of losing CID assignment pay, resulting in decreased pay; and

**WHEREAS**, this amendment eliminates CID assignment pay without a decrease in pay for those who had previously been receiving it and that there will be an actual increase in take home pay for Corporals/Detectives that promote to Sergeant.

**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 Ordinance 2011-93 is amended by deleting section IV that established Criminal Investigator-Detective Assignment Pay and the remainder of the ordinance is unchanged. The changes to Ordinance 2011-93 will be as follows with the deleted language indicated using strikethrough font:

### **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 member holds the rank of Police Officer or Corporal; or, \$2,400 per year as assignment pay if the member holds 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.~~

### III.

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.

### IV.

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.

### V.

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.

### VI.

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

PASSED AND APPROVED: First reading this 24<sup>th</sup> day of September, 2018.

PASSED AND APPROVED: Second reading this 8<sup>th</sup> day of October , 2018.

CITY OF NEW BRAUNFELS, TEXAS

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Barron Casteel, Mayor

ATTEST:

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Patrick D. Aten, City Secretary

APPROVED AS TO FORM:

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Valeria M. Acevedo, City Attorney