

**ADMINISTRATION: OFFICERS AND EMPLOYEES**

**PART II  
CODE OF ORDINANCES**

**Chapter 1**

NOTE: The following section is for informational purposes only. It is designed to help the reader locate the principal duties and authorization of authority delegated to the chief officials, boards, and/or agencies of the City of Big Spring. Only the principal duties assigned and/or powers delegated an agent follow. Other authorizations may be found by looking under the title of a specific agent or agency in the Code Index (located in the back of this book). Following the position of city manager (the chief administrative officer of the city), officials or agencies are listed in alphabetical order. The codification of ordinances officially begins with Section 1-1.

<u>Offices Created By Charter:</u>	<u>Principal Duties, Authority:</u>
City Manager	IV-13, 14, 15; VI-1
Chief of Police	VI-4; VI-1
City Attorney	VI-7; VI-1
City Secretary and Tax Collector	VI-6; VI-1
City Tax Assessor	VI-9; VI-1
City Treasurer	VI-1
Fire Chief	VI-8; VI-1
Municipal Court Judge	X-2; X-1; X-4
Municipal Court Clerk	X-3
 <u>Boards Created By Charter:</u>	 <u>Principal Duties, Authority:</u>
Board of City Development	XII-6
Board of Tax Equalization	VII-10
 <u>Boards Created By Council/Ordinance:</u>	 <u>Principal Duties, Authority:</u>
Airport and Industrial Park Steering Committee	1-110; 1-115
Cemetery Board of Trustees	6-10

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Electrical Board	See Building Code, on file in City Secretary's Office
Office of Housing and Community Development	See Building Code, on file in City Secretary's office
Parks and Recreation Board	6-76; 6-77; 6-83; 6-85
Planning and Zoning Commission	1-30; 1-34
Police Reserve Officers Compensation Board	1-91; 1-96
Potton House Committee	6-171
Building Board of Adjustment and Appeals	See Building Code, on file in City Secretary's office
Traffic Commission	18-43; 18-50; 18-51
Airport Zoning Commission	1-30
Departments Created <u>By Ordinance:</u>	<u>Principal Duties, Authority:</u>
Office of Housing and Community Development	See Building Code, on file in City Secretary's office
Police Reserve Force	1-51; 1-59
Officers Created <u>By Ordinance:</u>	<u>Principal Duties, Authority:</u>
Assistant City Secretary	1-15
Chief Electrical Inspector	See Building Code, on file in City Secretary's Office
Director of Finance	See City Secretary
Director of Housing	See Building Code, on file in City Secretary's office

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Electrical Inspector	See Building Code, on file in City Secretary's office
Emergency Management Coordinator	8-1
Emergency Management Director	8-1; 8-2; 8-4
Fair Housing Administrator	12-31; 12-33; 12-34; 12-37; 12-38

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### **Article 1. In General**

#### **Sec. 1-1. Texas Municipal Retirement System; Firemen's Relief and Retirement Fund.**

On behalf of the city, the city council hereby exercises its option and elects to have the city and all of the employees of all departments, except the fire department, participate in the Texas Municipal Retirement System as provided in House Bill 29, Chapter 75, page 108, Acts of the 50th Legislature in 1947, being Article 6243h of Vernon's Annotated Civil Statutes and as amended (now codified as Subtitle G, Chapter 61 Et Seq., of Title 110B Public Retirement Systems, of the Texas Revised Civil Statutes) and all of the benefits and obligations of such system are hereby accepted. Said fire department is not a participating department in the Texas Municipal Retirement System since the City of Big Spring Fire Department is covered by the State Firemen's Relief and Retirement Law and the City of Big Spring Firefighters are members of the City of Big Spring Firemen's Relief and Retirement Fund and firefighters are permitted to defer federal income taxes under the terms of Section 10F(a) and 10F(b) of the State Firemen's Relief and Retirement Law, Article 6243e of the Texas Revised Civil Statutes. (Ord. of 8-8-50, §1; Ord. of 10-9-84)

#### **Sec. 1-2. Employees Included.**

Each person who becomes an employee of any participating department on or after the effective date of participation of such department shall be included within and subject to the provisions of the Texas Municipal Retirement System beginning upon the date such person becomes an "employee" as defined in subsection 14, Section II, of Article 6243h, and amendments, Vernon's Annotated Civil Statutes. (Ord. of 8-8-50, §3)

#### **Sec. 1-3. Addition or Discontinuance of Employees.**

The city may, in the future, refuse to add new departments or new employees to the Texas Municipal Retirement System, but shall never discontinue as to any participants. (Ord. of 8-8-50, §4)

#### **Sec. 1-4. Remittance to Board of Trustees; Certification of Prior Service, Etc.**

The personnel director is hereby directed to remit to the board of trustees of the Texas Municipal Retirement System at its office in Austin, Texas, the city's proper contributions to the system and the amounts which shall be deducted from the compensation or payroll of employees, all as required by such board under the provisions of Chapter 75, Act of the 50th Legislature of the State of Texas, 1947, and the personnel director is hereby authorized and directed to ascertain and certify officially on behalf of the city, the prior service rendered to the municipality by each of the employees of the participating departments, and the average prior service compensation received by each, and to make and execute all other reports and certificates, which may be required of the city, under the provisions of Chapter 24, Acts of the Regular Session 51st Legislature or the rules and regulations of the board of trustees of the Texas Municipal Retirement System. (Ord. of 8-8-50, §5)

#### **Sec. 1-4 (b). Contributions Calculate on Full Earnings.**

In accordance with the provisions of subsection (d) of Section 63,401 of Title 110B of the Texas Revised Civil Statutes, as amended, the deposits required to be made to the Texas Municipal Retirement System by employees of several participating departments on account of current service shall be calculated from and after January 1, 1985, on the full amount of said person's earnings as an employee of the City. (Ord. of 10-9-84)

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**Sec. 1-5. Authorization of Updated Service Credits.**

- (A) On the terms and conditions set out in Section 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 City, 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). (Ord. of 09-22-98)
- (B) 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 City, 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 1<sup>st</sup> 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 853.601, both as to the initial grant hereunder and all future grants under this ordinance. (Ord. of 10-28-80, S1; Ord. of 10-9-84, Ord. of 12-11-90, Ord. of 09-22-98).
- (C) 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). (Ord. of 09-22-98)
- (D) 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. (Ord. of 09-22-98)
- (E) 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 date the effective date of this ordinance on the full amount of such person's compensation as an employee of the City. (Ord. of 12-11-90, Ord. of 09-22-98).

**Sec. 1-6. Increase in Retirement Annuities.**

- (A) On terms and conditions set out in Section 854.203 of the TMRS Act, the City of Big Spring 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 this City under current service annuities and prior service annuities arising from service by such employees to the City. An annuity increased under this section replaces any annuity or increased annuity previously granted to the same person.

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- (B) The amount of annuity increase under this section is computed as the sum of the prior 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 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 the section.
- (C) 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.
- (D) 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 hereby.
- (E) The amount by which an increase under this Section exceeds all previously granted increases to an annuitant is an obligation of this City and of its account in the municipality accumulation fund of the Texas Municipal Retirement System.
- (F) Effective January 1, 1971, for each month of current service thereafter rendered by each of its employees who are members of the Texas Municipal Retirement System, the City will contribute to the current service annuity reserve of each such member at the time of his retirement, a sum that is two hundred percent (200%) of such members' accumulated deposits for such month of employment; and said sum shall be contributed from the City's account in the Municipality Current Service Accumulation Fund. (Ord of 9-30-70; Ord. of 10-28-80, §2; Ord. of 10-9-84, Ord. of 09-22-98)

**Sec. 1-7. Supplemental Benefits Fund; Notification; Employees Covered but City May Refuse to Add New Departments or Employees; Remittance, Rate of Contribution; Supplemental Death Benefits.**

- (A) Supplemental Benefits Fund.

The City of Big Spring, by its city council, hereby elects to have the employees of all participating departments of said city (as above defined) participate in and be covered by the Supplemental Benefits Fund of the Texas Municipal Retirement System, as provided by Chapter 312, Acts Regular Session, 56th Legislature; and all the benefits and obligations of participation in said fund are hereby accepted by the city as to such employees. (Ord. of 10-28-80, §3)
- (B) Notification.

The city manager is hereby directed to notify the board of trustees of the Texas Municipal Retirement System that the City of Big Spring, Texas, has elected to participate and have the employees of the above mentioned departments participate in the Supplemental Benefits Fund of said System. (Ord. of 10-28-80, §4)

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- (C) Employees Covered but City may refuse to add new Departments or Employees.  
Each person who becomes an employee of any participating department on or after the effective date of participation of such department in said supplemental benefits fund shall as a condition of his employment be covered into said supplemental benefits fund of said system. The City of Big Spring, Texas, may in the future refuse to add new departments or new employees to said fund, but shall never discontinue as to any members who are covered into said fund. (Ord. of 10-28-80, §5)
  
- (D) Remittance, Rate of Contribution.  
The personnel director is hereby directed to remit monthly to the Board of Trustees of the Texas Municipal Retirement System at its office in Austin, Texas, as the city's contributions to the Supplemental Benefits Fund of the Texas Municipal Retirement System, such percentage of earnings of the above-mentioned employees of said city as may be fixed by the Board of Trustees of the Texas Municipal Retirement System, provided that the rate of contribution to said Fund shall not exceed one-half of one percent (1/2%) of the earnings of the employees of the city who are covered under said Fund; and such officials shall make for the city such reports as the Board of Trustees of the Texas Municipal Retirement System may prescribe. (Ord of 10-28-80, §6)
  
- (E) Supplemental Death Benefits.  
The City of Big Spring hereby elects to participate in the Supplemental Death Benefits Fund of the Texas Municipal Retirement System beginning on the first day of the calendar month following written notification to the System of the adoption of this ordinance (ordinance dated October 28, 1980) for the purpose of providing in-service death benefits in the amounts and on the terms provided for in Section XIX of the TMRS Act (Article 6243h, Vernon's Texas Civil Statutes, as amended) for each of the city's employees who are members of said System, and for the purpose of providing post-retirement death benefits as provided in said Section XIX for annuitants whose last covered employment was as an employee of this city. (Ord. of 10-28-80, §8, Ord. of 10-9-84)

**Sec. 1-8. Participation of Employees; New Employees, Eligibility for Retirement; Ten Year Vesting; Maximum Age and Prior Service Credits.**

Pursuant to the provisions of Sections 62.105 and 64.202 of Subtitle G of Title 110B, Revised Civil Statutes of Texas, 1925, as amended, which Subtitle shall herein be referred to as the "TMRS Act", the City of Big Spring, Texas, adopts the following provisions affecting participation of its employees in the Texas Municipal Retirement System:

- (A) Each person who becomes an employee (as defined in Section 61.001 of said Title 110B) of any participating department of this City and who is not already a member of the Texas Municipal Retirement System shall become a member of the System as a condition of employment, provided said person is then under sixty (60) years of

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age;

- (B) Any member, after one (1) year from the effective date of his or her membership in the System, shall be eligible for service retirement if he or she has attained the age of fifty (50) years and has completed twenty-five (25) years of creditable service with one or more municipalities that have authorized eligibility under Section 64.202 of the TMRS Act or under Section XX of former Article 6243h, Vernon's Texas Civil Statutes, or if he or she has attained the age of sixty (60) years and has completed at least ten (10) years of creditable service with one or more municipalities that have authorized eligibility under Section 64.202 of the TMRS Act or under Section XX of said former Article 6243h;
- (C) The membership of any person who has completed at least ten (10) years of creditable service with participating municipalities that have authorized eligibility under Section 64.202 of the TMRS Act (or under Section XX of said former Article 6243h) shall not terminate because of absence from service; and
- (D) Any person who is an employee of a participating department of this municipality at the effective date of this ordinance, but who at the date of his or her employment was under sixty (60) years of age but did not become a member of Texas Municipal Retirement System because her or she was then above the maximum age then prescribed by law for initial membership in the System, shall become a member of the System at the effective date of this ordinance, unless he or she has already become a member under other provisions of the governing Act, and shall be allowed prior service credit for each month of creditable service performed for this municipality subsequent to the date such person was precluded from membership and prior to the effective date of his or her membership. Said prior service credit shall be calculated using the same percentage of base prior service credit as was most recently used in calculating prior service credits or updated service credits in said System for current member employees of this city. (Ord. of 10-9-84)

### **Sec. 1-9. Rights, Credits and Benefits Cumulative.**

The rights, credits and benefits herein above authorized in Sections 1-6 through 1-8 shall be in addition to the plan provisions heretofore adopted and in force at the effective date of said sections pursuant to the TMRS Act. (Ord. of 10-9-84)

### **Sec. 1-10. Dates of Allowances and Increases.**

The initial allowance of Updated Service Credit and increase in retirement annuities hereunder shall be effective on January 1, 1999, 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 ordinance 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. (Ord. of 10-9-84, Ord. of 09-22-98)

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### **Sec. 1-11.      Withdrawal from Social Security; Establishment of Deferred Compensation Plan.**

By resolution dated December 9, 1980, and by overwhelming majority vote of all employees of the City pursuant to said resolution the City withdrew from the social security system effective December 31, 1982. By resolution dated December 14, 1982, the City established a deferred compensation plan by contract with Great-West Life, Public Employees Benefit Services Corporation, and the United States Conference of Mayors for benefits in lieu of social security effective January 1, 1983. (Ord. of 10-9-84)

Note: Effective 12-31-82, the City of Big Spring withdrew from the Social Security System and instituted an employee benefit plan in lieu thereof. (Ord. of 12-9-82; Res. of 12-14-82)

That the City of Big Spring, Texas, shall increase its employer contribution to 5.51% effective October 1, 1999, for all employees of the City, who are participating members of Nationwide Retirement Solutions, Inc. (Ord. of 9-28-99)

### **Sec. 1-12.      Military Leave of Absence.**

All officers and employees of the city who are members of the National Guard or official militia of the State of Texas, or members of any of the reserve components of the armed forces of the United States, shall be entitled to leave of absence from their respective duties without loss of time or efficiency rating on all days during which they are engaged in field or coast defense training ordered or authorized by proper authority, or in any parade or encampment ordered or authorized by proper authority to duty with troops or field exercises, or for instruction, for not to exceed fifteen (15) days in any one calendar year. The city secretary shall pay to the officer or employee the difference between his pay and allowances when on active duty, as certified by such officer or employee, and his salary from the city when the latter is greater, and when certified by the city manager. (Ord. of 8-22-50, §1)

### **Sec. 1-13.      Military Service; Rights upon Return.**

Members of the National Guard or official militia of the State of Texas or members of any of the reserve components of the armed forces of the United States, in the employ of the city who are ordered to extended active duty with such armed forces by proper authority shall be restored to the position held by them when ordered to duty, with full cumulative seniority rights and without loss of creditable service time in connection with the Texas Municipal Retirement System; provided any such officer or employee of the city shall be able to perform the duties of such employment and provided any such officer or employee shall make request to be restored within ninety (90) days after being relieved from such military duty. The provisions of this section shall also apply to any officer or employee of the city who, being a member of the National Guard, militia or reserve components of the armed forces, shall be ordered to duty with the armed forces under the provisions of the National Defense Act or shall volunteer for extended active duty, it being the purpose of this section to make no distinction between the status of an officer or employee who shall volunteer and one who shall be ordered to active duty. No such officer or employee of the city shall be carried on the city's payroll during such extended active duty service, except as may be provided. (Ord. of 8-22-50, §2)

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### **Sec. 1-14. Returned Checks, Service Charge.**

A service charge of twenty five dollars (\$25.00) shall be levied against the drawer of any bill of exchange payable to the City of Big Spring and not honored by the drawer. Anyone levying a bill of exchange not honored by the drawer more than two (2) times shall be disallowed to make payment by check at the discretion of the Finance Director. (Ord. of 11-15-80) (Ord. of 2-22-94) (Ord. of 10-25-94)

### **Sec. 1-15. Assistant City Secretary.**

- (A) There is hereby created an assistant city secretary who shall perform any duties that the city secretary may lawfully delegate. (Ord. of 11-13-69, §1; Ord. of 9-26-72, §1)

### **Sec. 1-15(b). Records Management Officer.**

- (A) There is hereby created the office of records management officer with said officer to perform the duties set forth in the Texas Municipal Records Act. (Ord of 5-22-60).
- (B) The city secretary shall serve as the records management officer. (Ord. of 5-22-90)

### **Sec. 1-16. Power of Mayor to Declare State of Emergency.**

The mayor of the City of Big Spring, Texas, is hereby authorized to declare a state of emergency during that time of any riot or unlawful assembly by three (3) or more persons acting together by use of force or violence, or if a clear or present danger exists of the use of the force of violence, or during the time of natural disaster or man-made calamity. The mayor is further authorized to request the governor of the State of Texas to provide militia forces to help bring under control condition existing within the jurisdiction of the City of Big Spring with which in his judgement the law enforcement agencies within this area cannot cope without additional personnel (Ord. of 3-24-70, §1)

### **Sec. 1-17. Law Enforcement Officers Interlocal Assistance; Provisions Adopted.**

The City of Big Spring hereby adopts in all respects, Senate Bill Number 233, Chapter 81 of the 61st Legislature Regular Session, Chapter 81, entitled "Law Enforcement Officers Interlocal Assistance," and also referred to as Vernon's Annotated Civil Statutes, Article 999B, and as amended. The City of Big Spring also adopts those portions of House Bill 431, Chapter 877. and as amended, which relates to municipalities. (Ord. of 3-24-70, §2)

### **Sec. 1-18. Authority to Assist Other Municipalities.**

The City of Big Spring, acting by and through its mayor, mayor pro tem, or in their absence or inability to act, the city manager or in his absence or inability to act, the chief of police, may send or direct any of its regularly employed law enforcement officers to assist any other county or municipality, when a request is received for assistance from the mayor or other officer authorized to declare state of civil emergency, in such other county or municipality, representing that there exists in such other county or municipality, a need for additional law enforcement officers to protect health, life and property of such other county or municipality or its inhabitants, and the visitors thereof, by reason of riot, unlawful assembly characterized by the use of force and violence, or threat by three (3) or more persons acting together without lawful authority, or during the time of natural or man-made calamity; and such law enforcement officers, so sent to another county or

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municipality shall be in all things subject to the foregoing act and such officer or officers shall be and become peace officers of such other county or municipality under the command of the law enforcement officer therein, who is in charge in that city or county, and, as provided in said act, shall be vested with all the powers of a regular law enforcement officer in such other county or municipality to which sent, and such law enforcement officers of the City of Big Spring shall be considered under the terms of the foregoing described act as being in compliance therewith, and shall be entitled to the same wage, salary, pension and other compensations while performing police duties outside the territorial limits of the City of Big Spring, Texas, as though the same services were being rendered in the City of Big Spring, and the City of Big Spring shall pay to such officers such wages, salary, pension and other benefits, together with medical, travel, food, lodging and other expenses incurred on account of performing services outside of the territorial limits of the City of Big Spring and the City of Big Spring shall be reimbursed by the other county or municipality requesting the services out of which such payments and expenses arose, as is provided by the said Senate bill Number 233. Such other county or municipality shall save and hold harmless the City of Big Spring from any claim or liability resulting from the activities of said law enforcement officers while serving under the command of the chief law enforcement officer of such other county or municipality. (Ord. of 3-24-70, §3)

### **Sec. 1-19. City Attorney Authorized to Settle Claims.**

The city attorney is hereby authorized to compromise, settle, adjust and authorize payment for any claim for an amount up to fifteen thousand dollars (\$15,000.00), or with the concurrence of the City Manager, for an amount greater than fifteen thousand dollars (\$15,000.00), but not to exceed twenty-five thousand dollars (\$25,000.00). (Ord. of 12-16-80, §1, Ord. of 7-24-07)

### **Sec. 1-20. Same Authorized to Pay Damages.**

The city secretary is hereby authorized and directed to pay such sums as may from time to time be authorized by the city attorney to settlement of claims for damages as authorized by section 1-19, above. (Ord. of 12-16-80, §2)

### **Sec. 1-21. No Limitation Imposed on City Council.**

No provision in this article contained shall be construed as creating an affirmative duty of the city attorney to settle any claim for damages nor shall any provision herein contained be construed as limiting the power of the city council in any way regarding the settlement of claims for damages. (Ord. of 12-16-80, §3)

### **Sec. 1-22. Report to Council Required.**

The city attorney shall report to the city council during the first regular meeting of the city council in January, April, July, and October of each year, either in writing attached to the agenda of each council member or orally during such meeting, of all claims presented to the city attorney during the quarter next preceding the reporting date, and any change in the status of any previously reported claims. Said report shall include the name of the claimant, the amount of the claim, a brief description of the circumstances giving rise to the claim and a statement as to whether or not a settlement has been offered, the amount of settlement offered and whether or not such offer was accepted. Such report may be made in executive closed session if the city attorney considers the information contained in the report to be attorney-client privileged information. (Ord. of 12-16-80,

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§5, Ord. of 2-12-08)

**Sec. 1-23. Delinquent Rental Payments: Legal Action Authorized.**

The city attorney is hereby authorized and directed to take whatever legal action may be appropriate under the circumstances, including the actual filing and prosecution of lawsuits, to collect delinquent rental payments owed to the city by any tenant leasing real or personal property from the city and in default under the terms and conditions of any lease agreement regarding the payment of rental to the city. (Ord. of 12-9-80)

**Sec. 1-24. Reimbursement of Expenses of City Council.**

Certain expenses of a nonpersonal and city related nature may be incurred by a City Council member or the Mayor in the performance of the duties of such offices. The City will reimburse such offices for these expenses in the following manner.

- (A) The City will reimburse the City council member and the Mayor the following sums for incidental expenses without any documentation for such expenses:

City Council member	\$200.00/month
Mayor	\$300.00/month

- (B) The City will pay all other reasonable expenses of a Council member or Mayor in the official performance of his or her duties. The Finance Director is hereby authorized to disburse such monies upon receipt of duly executed expense or petty cash vouchers, receipts, statements or personal affidavits. If the Finance Director has a question as to the reasonableness of such expenses, he has the right to place such item on the agenda of the next Council meeting or approval by the Council of such expense. The Mayor or Council member requesting such reimbursement shall not participate in any vote on the reasonableness of such expenses. (Ord. of 9-14-93, §1-24)

**Sec. 1-25. Adoption of Civil service for Firefighters' and Civil Service Positions Designated.**

- (1) Firefighters' Civil Service under Chapter 143 of the Local Government Code, V.T.C.A. is hereby put into effect by the City of Big Spring, Texas, as of October 1<sup>st</sup>, 1985.
- (2) All Employees are hereby granted the same vacation and sick leave benefits granted to firefighters under Chapter 143 of the local Government Code, V.T.C.A., and the City of Big Spring Personnel Policies and Procedures is hereby amended to reflect these benefits.
- (3) Classification of all firefighters and the number of authorized positions in each classification are as follows:

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<u>CLASSIFICATION</u>	<u>NUMBER OF AUTHORIZED POSITIONS</u>
*Fire Chief	1
**Deputy Chief	8
Lieutenant	13
Driver	15
Fire Fighter	25
	<b><u>Total</u>    <u>62</u></b>

\*Non-Civil Service

\*\*One Deputy Chief Position will be appointed

(Ord of 6-27-00, Ord. of 9-21-10)

- (4) The City of Big Spring, Texas, fire chief is hereby authorized to appoint one person to the classification immediately below fire chief who shall serve at the pleasure of the fire chief. (Ord. of 09-22-98, Ord. of 9-27-05)

**Sec. 1-26. Crime Prevention Rewards.**

- (1) A Crime Prevention Reward Commission hereby created which shall consist of the Mayor, Chief of Police and City Manager. The Commission shall have the following functions:
- (A) To decide the amount of the reward to be offered any reward shall not exceed \$4,500.00 dollars.
  - (B) To decide to whom the reward should be awarded;
  - (C) To decide to which crimes shall be subject to the reward offered; and
  - (D) To publicize the reward
- (2) The reward shall only be payable to any person who furnishes information that leads to the arrest and final conviction of any personal guilty of the crime selected by the Commission that is the subject of the reward.
- (3) If more than one person provides information in relation to the crime selected by the Commission that is the subject of the reward, then the reward shall be prorated.
- (4) This reward shall not be available to any officer in the employ of the city, county or state, whose duty it is to detect violations of the law or make arrests in connection therewith, any private security personnel, and any victims of the crime and persons who are party to the offense or who are in any way criminally responsible for the commission of the offense.

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- (5) The city secretary is hereby authorized to post notices of the reward in public buildings or other locations within the city stating the following:  
“The City of Big Spring, Texas, will pay the sum of up to (insert amount approved by the Commission) to any person or persons furnishing information leading to the arrest and final conviction of any person or persons guilty of (insert crime subject to the award) within the City of Big Spring. If more than one person provides information in relation to (insert crime subject to the award), then the reward will be prorated. Persons who are a party to the offense or who are in any way criminally responsible for the commission of the offense are not eligible for this reward.”
- (6) The Commission is hereby authorized to accept donations for funding of the reward program governed by this section and the City council may authorize funds as part of the annual budget, when available, to be disbursed by the Commission to be payable to any person(s), except those persons who are ineligible to receive the reward as stated in subsection 4, furnishing information leading to the arrest and final conviction of any person guilty of a crime selected by the Commission that is the subject of the reward. (Ord. Of 2-23-99)

**Sec. 1-27 to 1-29.**

**Reserved.**

### **Article 2. Planning and Zoning Commission**

**Sec. 1-30. Creation and Purpose.**

A Planning and Zoning Commission is hereby created in order to accomplish the following purposes:

- (A) To identify community needs and to advise the city council of its short-range and long-range implications for the total development of the city;
- (B) To recommend achievable community goals as a basis for long-range planning and development programs;
- (C) To recommend plans, programs and policies that will aid the entire community in achieving its defined goals; and
- (D) To interpret the adopted plans and programs to concerned citizens so that private activities and desires may be accomplished in harmony with public needs and policies. (Ord. of 9-23-80, 12-8-87, §1)

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### **Sec 1-31. Membership and Appointment.**

The Planning and Zoning Commission shall be composed of seven (7) qualified electors of the City. The membership shall be appointed by a majority vote of the City Council. The Mayor and City Council will consider for appointment to the commission only those persons who have demonstrated their civic interest, general knowledge of the community, independent judgment, interest in planning and zoning, and availability to prepare for and attend meetings. The third absence, without prior notification, during any twelve month period is construed as the member's resignation. It is the intent of the Mayor and City Council that members shall, by reason of diversity of their individual occupations, constitute a commission which is broadly representative of the community. (Ord. of 9-23-80, §2, Ord. of 2-27-01)

### **Sec. 1-32. Terms of Office.**

The terms of the members of the initial Commission shall expire on the dates designated for the expiration of the terms of the members of the previous Plan Board. Thereafter, members shall be appointed for terms of three (3) years; provided, however, that the vacancies shall be filled for unexpired terms. The members of the Commission shall be identified by place numbers one (1) through seven (7). Commission members may be appointed to succeed themselves. Newly appointed members shall be installed at the first regular commission meeting after their appointment. Any vacancies occurring on the Commission shall be filled by appointment by a majority vote of the City Council with such appointment being for the unexpired term of such vacancy. Terms of appointed members shall be deemed extended until a successor is appointed. Members may be removed at the discretion of the City Council. (Ord. of 8-23-80, §3, Ord. of 2-27-01)

### **Sec. 1-33. Organization.**

The commission shall hold an organizational meeting on the first Tuesday of October of each year and shall elect a chairman and vice-chairman from among its members before proceeding to any other matters of business. The commission shall elect a secretary and such other officers as it deems necessary either from its membership or from staff representatives assigned by the chief executive of the city to work with the commission. The commission shall meet regularly and shall designate the time and place of its meetings. The commission shall adopt its own rules of procedure and keep a record of its proceedings consistent with the provisions of this ordinance and the requirements of law. (Ord. of 9-23-80, §4)

### **Sec. 1-34. Duties and Powers.**

The Planning and Zoning Commission is hereby charged with the duty and invested with the authority to:

- (A) Inspect property and premises at reasonable hours where required in the discharge of its responsibilities under the laws of the State of Texas and of the city.

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- (B) Formulate and recommend to the city council for its adoption a city plan for the orderly growth and development of the city and its environs, and from time to time recommend such changes in the plan as it finds will facilitate the movement of people and goods, and the health, recreation, safety, and general welfare of the citizens of the city.
- (C) Formulate a zoning plan as may be deemed best to carry out the goals of the city plan; hold public hearings and make recommendations to the city council relating to the creation, amendment and implementation of zoning regulations and districts as provided in Articles 1011a to 1011k, Revised Civil Statutes of Texas, as amended, authorizing cities and incorporated villages to pass regulations; all powers granted under said Act are specifically adopted and made a part hereof.
- (D) Exercise all the powers of a commission as to approval or disapproval of plans, plats, or replats and vacations of plans, plats or replats set out in Articles 974a and 970a, Revised Civil Statutes of Texas.
- (E) Study and recommend on the location, extension and planning of public rights-of-way, parks or other public places, and on the vacating or closing of same.
- (F) Study and recommend on the general design and location of public buildings, bridges, viaducts, street fixtures and other structures and appurtenances. Study and recommend on the design or alteration and on the location or relocation of works of art which are, or may become, the property of the city.
- (G) Initiate, in the name of the city, for consideration at public hearing all proposals:
  - (1) for the opening, vacating or closing of public rights-of-way, parks or other public places;
  - (2) for the original zoning of annexed areas; and
  - (3) for the change of zoning district boundaries on an area-wide basis. No fee shall be required for the filing of any such proposal in the name of the city.
- (H) Formulate and recommend to the city council for its adoption policies and regulations consistent with the adopted city plan governing the location and/or operation of utilities, public facilities and services owned or under control of the city.
- (I) Keep itself informed with reference to the progress of city planning in the United States and other countries and recommend improvements in the adopted plans of the city.
- (J) Study and recommend on applications for specific use permits. (Ord. of 9-23-80, §5)
- (K) Study and recommend on applications for Temporary Use Permits under Section 2-7 of the Zoning Ordinance of the City of Big Spring, Texas. (Ord. of 11-10-92)

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**Sec. 1-35. Meeting and Quorum.**

A quorum for the conduct of business shall consist of four (4) members of the Commission. The members of the Commission shall regularly attend meetings and public hearings of the Commission and shall serve without compensation, except for reimbursement of authorized expenses attendant to the performance of their duties. All meetings held by the Planning and Zoning Commission shall be open to the public. (Ord. of 9-23-80, §6, Ord. 2-27-01)

**Sec. 1-36. Commission Actions.**

- (A) A motion may be made by any member other than the presiding officer.
  
- (B) A motion to approve any matter before the commission or to recommend approval of any request requiring city council action shall require a majority vote of the members present. When fewer than all the members are present for the voting and when all motions to recommend on a given application fail to carry by a majority vote, considerations of the application shall be continued to the next regular meeting. No request or application shall be continued under this rule beyond the next regular meeting; failure of the commission to secure a majority of concurring votes to approve or recommend approval at said next regular meeting shall be recorded in the minutes as a denial of the proposal under this rule. (Ord. of 9-23-80, §7)

**Sec. 1-37. Disqualification from voting.**

- (A) A member shall disqualify himself from voting whenever he finds that he has a personal or monetary interest in the property under appeal, or that he will be directly effected by the decision of the commission.
  
- (B) A member may disqualify himself from voting whenever any applicant, or his agent, has sought to influence the vote of the member on his application, other than in the public hearing. (Ord. of 9-23-80, §8)

**Sec. 1-38. Application for Zoning Change.**

A fee of two hundred fifty dollars (\$250.00) shall accompany all applications for a change of zoning or specific use permit. Applications should be directed to the city secretary. The zoning board shall not be authorized to consider any applications for a zone change or specific use permit until such fee is paid as hereinabove provided. In the event the Planning and Zoning Commission fails to make a favorable report to the city council on an application for a zone change or specific use permit and it is not necessary for an ordinance to be drafted, there shall be a one hundred dollar (\$100.00) refund to the applicant. (Ord. of 9-23-80, §9)

**Sec. 1-39 to 1-50. Reserved.**

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**Article 3. Police**

**Division 1. Police Reserve Force**

**Sec. 1-51. Established.**

An auxiliary police force, to be known as "Police Reserve, Big Spring Police Department", is hereby established. (Ord. of 8-14-62, §1)

**Sec. 1-52. To Be Separate and Distinct from Regular Force.**

The police reserve force shall be separate and distinct from the regular force of the police department of the city. (Ord. of 8-11-62, §1)

**Sec. 1-53. Composition.**

The police reserve force shall be composed of not to exceed twenty (20) members who have volunteered to join the organization and whose application for membership has been accepted and who have complied with the rules, regulations and orders provided for conduct and control of the members thereof. (Ord. of 8-14-62, §1)

**Sec. 1-54. Application for Membership.**

All applicants for positions with the police reserve force must apply in writing on a form prescribed by the chief of police. (Ord. of 8-14-62, §3)

**Sec. 1-55. Basic Qualifications of Applicants.**

All applicants for positions in the police reserve force must have the following basic qualifications:

- (A) Be over twenty-one (21) years old;
- (B) Be a United States citizen;
- (C) Have a level of education acceptable to the screening board;
- (D) Be physically able to perform the functions of the position of police officer;
- (E) Be of good moral character;
- (F) Have never been convicted of any criminal offense higher than a class c misdemeanor; and
- (G) Meet Texas Commission on Law Enforcement Standards and Education (TCLEOSE") requirements for reserve officers.

(Ord. of 8-14-62, §3; Ord. of 2-24-70, §1; Ord. of 5-27-08)

**Sec. 1-56. Appointment of Members; Examination and Investigation of Applicants.**

Members of the police reserve force shall be appointed from a list of eligibles' established in compliance with rules and regulations set forth in the police manual. Selections will be made through examination and appointments will be made by the chief of police, with the consent and approval of the city council. All examinations shall be impartial, practical in their character, and shall relate to those matters which fairly test the relative capacity of the persons examined to discharge the duties of the position to which they expect to be appointed.

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All applicants successfully completing the examinations shall, before appointment, be subjected to:

- (A) A rigid background investigation.
- (B) A fingerprint check for criminal record.
- (C) A driver's license record check.
- (D) A credit rating check.
- (E) A rigid physical examination.

Failure to receive a favorable report on any of the five (5) above mentioned investigations shall reject the applicant. (Ord. of 8-14-62, §§2,3)

### **Sec. 1-57. Oath of Members.**

Every member of the police reserve force, before entering upon his duties, shall subscribe to an oath that he will observe and obey the Constitution of the United States, the Constitution of the State of Texas, and the laws of this nation, this state and this city and that he will carry out the duties of a member of the police reserve to the best of his ability. (Ord. of 8-14-62, §3)

### **Sec. 1-58. Supervision and Control.**

The police reserve force shall be under the direct control and supervision of the chief of police and the members thereof shall be under the authority, control and command of the chief of police, subject to all of the provisions of this article and other ordinances of the city. (Ord. of 8-14-62, §§1,2)

### **Sec 1-59. Duties.**

The duties of the police reserve force, subject at all times to the direction, supervision and control of the chief of police, shall be to assist the regular members of the police department in the enforcement of the law and in the maintenance of peace and order during periods of emergency designated by the chief of police. The chief may, by order, establish rules and regulations to govern the police reserve force, to fix the specific duties of its members, and to provide for the maintenance of discipline. He may change such orders from time to time, and he may command members of the police reserve force to obey the instructions of regular police officers in carrying out their duties.

The chief of police may prescribe other duties than those mentioned herein to be performed by the police reserve force, not inconsistent with the provisions of this article. (Ord. of 8-14-62, §4)

### **Sec. 1-60. Carrying of Firearms.**

No member of the police reserve force shall, while on duty or otherwise, carry or bear any firearm except on the express order of the chief of police. (Ord. of 8-14-62, §8)

### **Sec. 1-61. Entering Private Property Without Consent.**

No member of the police reserve force shall break into or otherwise forcefully enter upon any private property or enter the dwelling or habitation of another person without the consent of the owner or occupant, except when immediately accompanied by a regular member of the police department who then and there requests his aid in the enforcement of the law. (Ord. of 8-14-62, §8)

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### **Sec. 1-62. Identification Card, Etc. for Members.**

An identification card and such other insignia or evidence of identity as the chief of police may prescribe shall be issued to each member of the police reserve, who must carry the card and other identification at all times while on duty, and who must surrender them upon the termination of membership. (Ord. of 8-14-62, §5)

### **Sec. 1-63. Uniforms and Badges.**

The chief of police shall prescribe the uniforms and badges for the members of the police reserve force and direct the manner in which the same shall be worn. Any person, other than a member of such force, who shall wear such uniform or badge as may be prescribed shall be guilty of a misdemeanor. (Ord. of 8-14-62, §12)

### **Sec. 1-64. Expiration and Renewal of Membership.**

All commissions of membership in the police reserve force shall expire automatically at midnight on the 31st day of December in every year. A renewal of a commission for any next ensuing year may be had by the filing of an application by the holder of the commission. Such application shall be on a form prescribed by the chief of police, properly filled out by the applicant, giving his full name and address and giving the number of his existing commission. This application shall be filed with the chief of police. If application for renewal is not presented on or before January 31st of the year for which renewal is sought, the applicant shall be required to comply with all provisions of this article relative to initial appointments to the police reserve. (Ord. of 8-14-62, §5)

### **Sec. 1-65. Removal or Resignation of Members.**

The membership of any person in the police reserve force may be terminated by the chief of police at any time for any cause deemed sufficient by the chief of police. 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, and any breach of the rules and regulations established by the chief of police, shall subject any member to summary expulsion and the fact thereof may be published at the order of the chief of police.

Any member may resign from the police reserve force at any time, but it shall be the duty of such member to notify the chief of police of his resignation. (Ord. of 8-14-62, §§6,10)

### **Sec. 1-66. Diminishing or Expanding Force.**

The chief of police may, by order, diminish or expand the membership of the police reserve force as exigency may require, within the limit established by section 1-53. (Ord. of 8-14-62, §7)

### **Sec. 1-67. Impersonation of members.**

It shall be a misdemeanor for any person to wear, carry or display a police reserve force identification card or otherwise deceitfully represent himself to be connected with the police reserve force, unless he is in fact a member thereof in good standing. (Ord. of 8-14-62, §11)

### **Sec. 1-68. Compensation.**

Members of the police reserve force shall receive compensation for all time spent in the performance of official duties of the police department and in training for such duties as required of

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them from time to time by the Chief of Police pursuant to this section. The compensation for members of the police reserve force shall be the same hourly pay rate established by the City Council for entry level certified police officers. In addition, the city will provide hospital and medical assistance to any member of the police reserve force who sustains an injury in the course of performing official duties for the department in the same manner as it provides such assistance to a full-time police officer of the city.

Nothing herein shall authorize a member of the police reserve force to become eligible for participation in a pension fund created under state statute of which a regular officer may become a member, nor shall it be deemed to make members of the Police Reserve Force eligible for any other City employee entitlements or benefits not expressly set forth in this Section. (Ord. of 5-27-08)

### **Sec. 1-69 to 1-108. Reserved.**

(Ord of 09-23-97)

## **Article 4 Airpark**

### **Division 3. Big Spring McMahon Wrinkle Airpark Development Board**

#### **Sec. 1-109. Purpose.**

An Airpark Development Board is hereby created to provide emphasis, assistance, information and support to the Council to ensure the efficient and effective operation of the Big Spring McMahon Wrinkle Airpark while maximizing its growth potential. (Ord. of 01-26-93).

#### **Sec. 1-110. Organization and Membership.**

The Airpark Development Board shall consist of seven (7) members, all of which shall be citizens of the City of Big Spring and appointed by a majority vote of the City Council for a term of three (3) years. The Council will consider for appointment only those members of the community who have demonstrated their interest and knowledge of business, industry and real estate. One (1) member of the Airpark Development Board shall be the Chairman of the Airpark Safety Committee. All members of the Advisory shall serve without compensation. If any voting member of the Advisory Board shall be absent more than three (3) times, without prior notification, during any twelve (12) month period, said third (3<sup>rd</sup>) absence shall be construed as the member's resignation from the Advisory Board for all purposes.

The Chairman and Vice-Chairman shall be elected annually, during the first annual meeting by the Board from its official members. Of those members first appointed, two (2) members shall be appointed for a term of one (1) year; two (2) members for a term of two (2) years; and two (2) members for a term of three (3) years. Subsequent appointments shall be for the full three (3) year terms. The Chairman of the Airpark Safety committee shall be a permanent member of the Board. A vacancy in an unexpired term of the appointed members shall be filled by a majority vote of the City Council.

In addition to the seven (7) members above, the Assistant City Manager and Vice President of the Moore Development Board for Big Spring, or their designates, shall sit on the Airpark

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Development Board as ex-officio members. The Mayor and Council members shall additionally serve as ex-officio members. The ex-officio members shall not have voting power, but shall assist the Board in its various functions. The Assistant City Manager shall serve as Secretary to the Board. (Ord. of 01-26-93, Ord. of 3-27-01).

### **Sec. 1-111. Duties and Responsibilities.**

The Airpark Development Board shall recommend to the Council such policies as it may deem necessary, including, but not limited to: the preparation and maintenance of a comprehensive Airpark Improvement Program, the Airpark Master Plan, and matters pertaining to the economics of leases, potential business growth, security and safety. (Ord. of 01-26-93).

### **Sec. 1-112. Removal from Office and Vacancies.**

Members of the Airpark Development Board shall serve at the pleasure of the City Council. The terms of the six (6) appointed members shall be deemed extended until a successor is appointed to the Board. (Ord. of 01-26-93).

### **Sec. 1-113. Rules of Procedure and Quorum.**

The Airpark Development Board shall adopt its own rules of order and procedures to regulate meetings and activities directly related thereto. The rules shall deal only with procedural matters and shall be available to the public and kept on file. A quorum shall consist of no less than four (4) members. Affirmative vote of three (3) members shall be necessary for approval of motions before the Board. Members must be present to vote at the Meeting. (Ord. of 01-26-93).

### **Sec. 1-114. Public Meeting.**

All meetings of the Airpark Development Board shall be open to the public. Regular meetings shall be scheduled at least bi-monthly and the Assistance City Manager shall call together the Airpark Development Board to consider official business as needed. Additional meetings may be held upon the call of the Chairman, or the Vice-Chairman in the absence of the Chairman, or upon petition of a simple majority of Airpark Development Board members. (Ord. of 01-26-93).

### **Sec. 1-115. Records.**

The Airpark Development Board shall keep minutes of its proceedings, showing the vote upon each question. Such minutes shall be a public record, filed with the City Manager. (Ord. of 01-26-93).

## **ARTICLE 5. Capital Replacement Fund**

### **Sec. 1-116. Capital Replacement Fund**

There is hereby established a fund account to be known as the "Capital Replacement Fund" (CRF). Said fund shall be for the purpose of financing capital improvements, new capital equipment and/or replacement of capital equipment for the departments within the City of Big Spring. The funds currently in the account #06 and future funds, specifically allocated to the CRF by City Council, pay back and interest from departments securing loans from the fund shall be maintained

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in this account. (Ord. of 03-27-90).

**Sec. 1-117. Loan Approvals**

- (A) The major Division Directors may submit to the City Manager proposals for the acquisitions of new capital equipment, replacement capital equipment and/or capital improvements within their area of responsibility. The request must be fully justified and funds must be available in the CRF for the project. (Ord. of 03-27-90).
- (B) After review, the City Manager may forward the request to the City Council for their consideration. The City Council, upon favorable consideration of the request, shall pass a resolution delineating the authorization of the funds, the pay back period and interest rate to be paid for the use of the monies. (Ord. of 03-27-90).
- (C) Division Director, Upon second reading of the resolution authorizing the funds, shall follow the procedures outlined in the purchasing manual for the procurement of the equipment, facilities or services. (Ord. of 03-27-90).
- (D) The Division Director shall include the annual payment of principal and interest in the department budget proposals. (Ord. of 03-27-90).

**ARTICLE 6. Restricted Fund Accounts**

**Sec. 1-118. Municipal Solid Waste Management Resource Conservation Recovery Act (MSWRCRA)**

- (A) There is hereby established an escrow fund account within the general fund as the "State Garbage Tax", Account No. 02-201004. (Ord. of 03-27-90).
- (B) All revenues and the interest derived therefrom deposited in this account shall be as delineated by ordinance from the sanitation collection and disposal services revenue accounts 4151 and 4185. (Ord. of 03-27-90).
- (C) Disbursement of funds from this account shall be to the Texas Department of Health, Municipal Solid Waste Management branch, in accordance with the procedures promulgated by that office. (Ord. of 03-27-90).
- (D) This fund shall be allowed to be maintained at a level of not more than 125% of the anticipated garbage tax for any one calendar year. Funds in excess of the 125% shall be transferred into Capital Replacement Fund Account No. 06. (Ord. of 03-27-90).

**Sec. 1-119. Regulatory Agency Surcharge Fund 40 CFR Part 258.32.**

- (A) There is hereby established an escrow fund account within the general fund as the Regulatory Agency Surcharge Fund, Account No. 02-201015. (Ord. of 03-27-90).

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- (B) All revenues and the interest derived therefrom deposited in this account shall be as delineated by ordinance from the sanitation collection and disposal services revenue accounts 4151 and 4185. (Ord. of 03-27-90).
- (C) Deposits in this account shall be allowed to accumulate until the principal and interest amounts are congruent with the amount of monies specified in the closure and post closure plan as specified in 40 CFR Part 258.30. (Ord. of 03-27-90).
- (D) Funds in excess of 125% of the amount required to satisfy the closure and post closure assurances shall be transferred into the Capital Replacement Fund, Fund 06. (Ord. of 03-27-90).

### **Sec. 1-120. Sanitation Equipment Capital Fund**

- (A) There is hereby established an escrow fund account within the general fund as the Regulatory Agency Surcharge Fund, Account No. 02-201015, except Sanitation Equipment Capital Fund, Account No. 02-201016. (Ord. of 03-27-90).
- (B) All revenues and the interest derived therefrom deposited in this account shall be as delineated by ordinance from the sanitation collection and disposal services revenue accounts 4151 and 4185. (Ord. of 03-27-90).
- (C) Disbursement of funds from this account shall be restricted to the procurement of new or replacement equipment required to provide municipal solid waste services. (Ord. of 03-27-90).
- (D) Request for new or replacement equipment shall be fully justified by the Director of Public Works and approved by Council resolution for emergency procurement and by Council approval of capital purchases in the annual departmental budgets. (Ord. of 03-27-90).

### **Sec. 121 to 124 Reserved.**

## **Article 7. Records Management**

### **Sec. 1-125. Definition of Municipal Government Records.**

All documents, papers, letters, books, maps, photographs, sound or video recordings, microfilm, magnetic tape, electronic media, or other information recording media, regardless of physical form or characteristic and regardless of whether public access to it is open or restricted under the laws of the state, created or received by the City of Big Spring or any of its officers or employees pursuant to law or in the transaction of public business are hereby declared to be the records of the City of Big Spring and shall be created, maintained, and disposed of in accordance with the provision of this ordinance or procedures authorized by it and in no other manner. (Ord. of 11-27-90).

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**Sec. 1-126. Additional Definitions.**

- (A) "Department head" means the officer who by ordinance, order, or administrative policy is in charge of an office of the City of Big Spring that creates or receives records.
- (B) "Essential Record" means any record of the City of Big Spring necessary to the resumption or continuation of operations of the City of Big Spring in an emergency or disaster, to the re-creation of the legal and financial status of the City of Big Spring or the protection and fulfillment of obligations to the people of the state.
- (C) "Permanent Record" means any record of the City of Big Spring for which the retention period on a records control schedule is given as permanent.
- (D) "Records Control Schedule" means a document prepared by or under the authority of the Records Management Officer listing the records maintained by the City of Big Spring, their retention periods, and other records disposition information that the records management program may require.
- (E) "Records Management" means the application of management techniques to the creation, use, maintenance, retention, preservation and disposal of records for the purposes of reducing the costs and improving the efficiency of record keeping. The term includes the development of records control schedules, the management of filing and information retrieval systems, the protection of essential and permanent records, the economical and space-effective storage of inactive records, control over the creation and distribution of forms, reports and correspondence, and the management of micro graphics and electronic and other records storage systems.
- (F) "Records Liaison Officers" means the persons designated under Section 1-134 of this ordinance.
- (G) "Records Management Committee" means the committee established in Section 1-130 of this ordinance.
- (H) "Records Management Officer" means the person designated in Section 1-129 of his ordinance.
- (I) "Records Management Plan" means the plan developed under Section 1-131 of this ordinance.
- (J) "Retention Period" means the minimum time that must pass after the creation, recording, or receipt of a record, or the fulfillment of certain actions associated with a record, before it is eligible for destruction. (Ord. Of 11-27-90).

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### **Sec. 1-127. Municipal Government Records Declared Public Property.**

All Municipal Government records as defined in Sec. 1-125 of this ordinance are hereby declared to be the property of the City of Big Spring. No Municipal Government official or employee has, by virtue of his or her position, any personal or property right to such records even though he or she may have developed or compiled them. The unauthorized destruction, removal from files, or use of such records is prohibited. (Ord. of 11-27-90).

### **Sec. 1-128. Policy.**

It is hereby declared to be the policy of the City of Big Spring to provide for efficient, economical and effective controls over the creation, distribution, organization maintenance, use and disposition of all Municipal Government records through a comprehensive system of integrated procedures for the management of records from their creation to their ultimate disposition, consistent with the requirements of the Texas Local Government Records Act and accepted records management practice. (Ord. of 11-27-90).

### **Sec. 1-129. Designation of Records Management Officer.**

The City Secretary and the successive holders of said office, shall serve as Records Management Officer for the City of Big Spring. As provided by state law, each successive holder of the office shall file his or her name with the director and librarian of the Texas State Library within thirty days of the initial designation or of taking up the office, as applicable. (Ord. of 11-27-90).

### **Sec. 1-130. Establishment of Records Management Committee; Duties.**

A records Management Committee consisting of the City Secretary, Personnel Director, Public Works Secretary, Utilities Records Clerk, Airpark Office Manager, Police Department Records Officer and Fire Department Captain is hereby established. (Ord. of 11-27-90).

#### THE COMMITTEE SHALL:

- (A) assist the Records Management Officer in the development of policies and procedures governing the records management program;
- (B) review the performance of the program on a regular basis and propose changes and improvements if needed;
- (C) review and approve records control schedules submitted by the Records Management Officer;
- (D) give final approval to the destruction of records in accordance with approved records control schedules; and
- (E) actively support and promote the records management program throughout the City of Big Spring. (Ord. of 11-27-90).

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### **Sec. 1-131. Records Management Plan to be Developed; Approval of Plan; Authority of Plan.**

- (A) The Records Management Officer and the Records Management Committee shall develop a records management plan for the City of Big Spring for submission to the City Council. The plan must contain policies and procedures designed to reduce the costs and improve the efficiency of record keeping, to adequately protect the essential records of the Municipal Government, and to properly preserve those records of the Municipal Government that are of historical value. The plan must be designed to enable the Records Management Officer to carry out his or her duties prescribed by state law and this ordinance effectively.
- (B) Once approved by the City Council, the records management plan shall be binding on all offices, departments, divisions, programs, commissions, bureaus, boards, committees, or similar entities of the City of Big Spring and records shall be created, maintained, stored, microfilmed, or disposed of in accordance with the plan.
- (C) State law relating to the duties, other responsibilities, or record keeping requirements of a department head do not exempt the department head or the records in the department head's care from the application of this ordinance and the records management plan adopted under it may not be used by the department head as a basis for refusal to participate in the records management program of the City of Big Spring. (Ord. of 11-27-90).

### **Sec. 1-132. Duties of Records Management Officer.**

In addition to other duties assigned in this ordinance the Records Management Officer shall:

- (A) administer the records management program and provide assistance to department heads in its implementation;
- (B) plan, formulate, and prescribe records disposition policies, systems, standards, and procedures;
- (C) in cooperation with department heads identify essential records and establish a disaster plan for each Municipal Government office and department to ensure maximum availability of the records in order to re-establish operations quickly and with minimum disruption and expense;
- (D) develop procedures to ensure the permanent preservation of the historically valuable records of the Municipal Government.
- (E) establish standards for filing and storage equipment and for record keeping supplies;
- (F) study the feasibility of and, if appropriate, establish a uniform filing system and a forms design and control system for the City of Big Spring.

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- (G) provide records management advice and assistance to all Municipal Government departments by preparation of a manual or manuals of procedure and policy and by on-site consultation;
- (H) monitor records retention schedules and administrative rules issued by the Texas State Library and Archives Commission to determine if the records management program and the Municipal Government records control schedules are in compliance with state regulations;
- (I) disseminate to the City Council and Department heads information concerning state laws and administrative rules relating to local government records;
- (J) instruct Records Liaison Officers and other personnel in policies and procedures of the records management plan their duties in records management program;
- (K) direct Records Liaison Officers or other personnel in the conduct of records inventories in preparation for the development of records control schedules as required by state law and this ordinance.
- (L) ensure that the maintenance, preservation, microfilming, destruction, or other disposition of Municipal Government records is carried out in accordance with the policies and procedures of the records management program and the requirements of state law;
- (M) maintain records on the volume of records destroyed under approved records control schedules, the volume of records microfilmed or stored electronically and the estimated cost and space savings as the result of such disposal or disposition;
- (N) report annually to the City Council on the implementation of the records management plan in each department of the City of Big Spring including summaries of the statistical and fiscal data compiled under Subsection (13); and
- (O) bring to the attention of the City Council non-compliance by department heads or other Municipal Government personnel with the policies and procedures of the records management program or the Local Government Records Act. (Ord. of 11-27-90).

### **Sec. 1-133. Duties and Responsibilities of Department Heads.**

In addition to other duties assigned in this ordinance, department heads shall:

- (A) cooperate with the Records Management Officer in carrying out the policies and procedures established in the City of Big Spring for the efficient and economical management of records and in carrying out the requirements of this ordinance.
- (B) adequately document the transaction of government business and the services,

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programs and duties for which the department head and his or her staff are responsible; and

- (C) maintain the records in his or her care and carry out their preservation, microfilming, destruction, or other disposition only in accordance with the policies and procedures of the records management program of the City of Big Spring and the requirements of this ordinance. (Ord. of 11-27-90).

### **Sec. 1-134. Designation of Records Liaison Officers.**

Each department head shall designate a member of his or her staff to serve as Records Liaison Officer for the implementation of the records management program in the department. If the Records Management Officer determines that in the best interests of the records management program more than one records Liaison Officer should be designated for a department, the department head shall designate the number of Records Liaison Officers specified by the Records Management Officer. Persons designated as Records Liaison Officers shall be thoroughly familiar with all the records created and maintained by the department and shall have full access to all records of the City of Big Spring maintained by the department. In the event of the resignation, retirement, dismissal, or removal by action of the department head of a person designated as a Records Liaison Officer, the department head shall promptly designate another person to fill the vacancy. A department head may serve as a Records Liaison Officer for his or her department. (Ord. of 11-27-90).

### **Sec. 1-135. Duties and Responsibilities of Records Liaison Officers.**

In addition to other duties assigned in this ordinance. Records Liaison Officers shall:

- (A) conduct or supervise the conduct of inventories of the records of the department in preparation for the development of records control schedules;
- (B) in cooperation with the Records Management Officer coordinate and implement the policies and procedures of the records management program in their department; and
- (C) disseminate information to department staff concerning the records management program. (Ord. of 11-27-90).

### **Sec. 1-136. Records Control Schedules to be Developed; Approval; Filing with State.**

- (A) The Records Management Officer, in cooperation with department heads and Records Liaison Officers, shall prepare records control schedules on a department by department basis listing all records created or received by the department and the retention period for each record. Records control schedules shall also contain such other information regarding the disposition of Municipal Government records as the records management plan may require.
- (B) Each records control schedule shall be monitored and amended as needed by the records management officer on a regular basis to ensure that it is in compliance with records retention schedules issued by the state and that it continues to reflect the

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record keeping procedures and need of the department and the records management program of the City of Big Spring.

- (C) Before its adoption a records control schedule or amended schedule for a department must be approved by the department head and the members of the Records Management Committee. All schedules are adopted by a majority vote of the Committee.
- (D) Before its adoption a records control schedule must be submitted to and accepted for filing by the director and librarian as provided by state law. If a schedule is not accepted for filing, the schedule shall be amended to make it acceptable for filing. The Records Management Officer shall submit the records control schedules to the director and librarian. (Ord. of 11-27-90).

### **Sec. 1-137. Implementation of Records Control Schedules; Destruction of Records Under Schedule.**

- (A) Records control schedule for a department that has been approved and adopted under Sec. 1-131 shall be implemented by department heads and Records Liaison Officers according to the policies and procedures of the records management plan.
- (B) A record whose retention period has expired on a records control schedule shall be destroyed unless an open records request is pending on the record, the subject matter of the record is pertinent to a pending law suit, or the department head requests in writing to the Records Management Committee that the record be retained for an additional period.
- (C) Prior to the destruction of a record under an approved records control schedule, authorization for the destruction must be obtained by the Records Management Officer from the Records Management Committee. (Ord. of 11-27-90).

### **Sec. 1-138. Destruction of Unscheduled Records.**

A record that has not yet been listed on an approved records control schedule may be destroyed if its destruction has been approved in the same manner as a record destroyed under an approved schedule and the Records Management Officer has submitted to and received back from the director and librarian an approved destruction authorization request. (Ord. of 11-27-90).

### **Sec. 1-139. Records Center.**

A records center, developed pursuant to the plan required by Section 1-131, shall be under the direct control and supervision of the Records Management Officer. Policies and procedures regulating the operations and use of the records center shall be contained in the records management plan developed under Section 1-131. (Ord. of 11-27-90).

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**Sec. 1-140. Micro graphics.**

Unless a micro graphics program in a department is specifically exempted by order of the City Council, all microfilming of records will be centralized and under the direct supervision of the Records Management Officer. The records management plan will establish policies and procedures for the microfilming of Municipal Government records, including policies to ensure that all microfilming is done in accordance with standards and procedures for the microfilming of local government records established in rules of the Texas State local government records established in rules of the Texas State Library and Archives Commission. The plan will also establish criteria for determining the eligibility of records for microfilming, and protocols for ensuring that a microfilming program that is exempted from the centralized operations is, nevertheless, subject to periodic review by the records management officer as to cost effectiveness, administrative efficiency and compliance with commission rules. (Ord. of 11-27-90).

**Sec. 141. Procedures for Public Information Requests.**

Requests for public information shall be handled as follows:

- (A) The Records Management Officer of the City of Big Spring as defined by Section 1-129 shall be the primary officer responsible for responding to all requests for public information.
- (B) All requests shall be submitted in writing.
- (C) In the event a request is not delivered directly to the Records Management Officer by the requestor, it shall be immediately hand delivered to the Records Management Officer by the officer or employee of the City to whom the request has been submitted.
- (D) All charges for responding to requests shall be in accordance with Chapter 552 of the Texas Government Code and regulations of the Texas General Services Commission.

(Ord. of 09-23-97, Ord. of 11-17-03)

**Sec. 142-149. Reserved.**

**ARTICLE 8. Big Spring Citizens Advisory Board**

**Sec. 1-150. City Council May Appoint a Citizens' Advisory Board.**

In the event that either of the following circumstances exist and a citizen of the City files a written request with the City Secretary for a hearing concerning such matter, then the City Council shall within twenty (20) days of receipt of such written request appoint a Citizen's Advisory Board to conduct a hearing in accordance with this Article:

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- (A) A citizen has a complaint against the City of Big Spring Police Department or a City of Big Spring Police Officer and the complaint remains unresolved after exhausting the departmental complaint process within the Police Department or the citizen has reasons deemed sufficient by the City Council to circumvent the departmental process; or.
- (B) A citizen has a complaint concerning the Big Spring Emergency Ambulance Service, has filed a written complaint with the City Manager and such complaint remains unresolved after exhausting the complaint process. (Ord. of 03-24-92, Ord. of 10-27-98, Ord. of 12-14-10)

### **Sec. 1-151. Purpose and Duties of Board.**

The purpose and duties of any appointed Citizens' Advisory Board shall be to:

- (A) Promote understanding, harmony and communication among all sectors of the community, the Police Department and the Ambulance Service;
- (B) Receive sworn complaints from the citizens of the community who have exhausted the appellate process. Sworn complaints must be received by the Big Spring Citizens Advisory Board within three (3) months of the date the alleged act occurred;
- (C) Hear complaints of a first resort when in the opinion of the Chairperson, Vice-Chairperson and Secretary a hearing would be in the best interest of the complaining party, the Ambulance Service and the Police Department.
- (D) Hear testimony from all civilian, law enforcement parties, ambulance employees, city employees and city officials having relevant information concerning the complaint;
- (E) Prepare and submit a report to the Mayor, City Council, City Manager, City Attorney, Chief of Police, or Fire Chief as applicable, and the complaining party. (Ord. of 05-05-92, Ord. of 10-27-98, Ord. of 12-14-10)

### **Sec. 1-152. Composition, Qualifications, Appointments & Terms.**

Any appointed Big Spring Citizen's Advisory Board shall be composed of five (5) residents of the City of Big Spring and appointed by a majority vote of the City Council. Membership of the Big Spring Citizen's Advisory Board shall reflect insofar as is practical that ethnic proportion of the general population. Each member of the Big Spring Citizens Advisory Board shall meet the following qualifications:

- (A) Must be a resident of the City of Big Spring;
- (B) Must not be employed by any law enforcement agency or have an immediate family member employed by any law enforcement agency; and

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- (C) Shall not have been convicted of or received deferred adjudication for any offense other than a Class C misdemeanor or have an immediate family member that has been convicted of a felony.

(Ord. of 3-24-92, Ord. of 5-5-92, Ord. of 10-27-98, Ord. of 2-27-01, Ord. of 12-14-10)

**Sec. 1-153. Chairperson.**

The City Council shall appoint one member to be the Chairperson of the Board. The Board shall then elect a Vice-Chairperson and Secretary from among the members. (Ord. of 2-27-01, Ord. of 12-14-10)

**Sec. 1-154. Duties of Officers.**

(A) The Chairperson shall:

- (1) Preside over all meetings.
- (2) Establish, with the Vice-Chairperson and Secretary, an agenda for all meetings.
- (3) Receive Big Spring Citizens Advisory Board communications and complaints.
- (4) Keep a record of all communications and complaints and their results.
- (5) Send the call for all meetings.
- (6) Serve as liaison for the Board.
- (7) Serve as official spokesperson for the Board.
- (8) Establish subcommittees.
- (9) Submit a report to the Mayor, City Council, City Manager, Chief of Police, Fire Chief and complaining party. (Ord. of 05-05-92, Ord. of 10-27-98, Ord. of 12-14-10)

(B) The Vice-Chairman shall:

- (1) Assume duties of Chairperson in his/her absence.
- (2) Assume any duties delegated by the Chairperson.

(C) The Secretary shall:

- (1) Record and maintain the minutes of all meetings.
- (2) Prepare and submit to the Chairperson a written report of the Big Spring Citizen's Advisory Board.
- (3) Maintain a file of all communications and complaints. (Ord. of 03-24-92, Ord. of 12-14-10)

**Sec. 1-155. Meetings.**

The Board shall meet as often as they deem necessary to resolve the complaint or complaints it was appointed to hear. The Board shall have an initial meeting and review each complaint within ten (10) working days of appointment by the City Council. Members of the Board shall deliberate as a body with a simple majority comprising a quorum. (Ord. of 03-24-92, 10-14-97, Ord. of 2-27-01, Ord. of 12-14-10)

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### **Sec. 1-156. Procedures.**

Members appointed to the Big Spring Citizens Advisory Board shall establish meeting procedures at the initial organizational meeting.(Ord. of 03-24-92, Ord. of 12-14-10)

### **Sec. 1-157. Staff Liaison.**

The City Attorney shall act as a liaison between the Board, the Administration, and the City Council. (Ord. of 2-27-01, Ord. of 12-14-10)

### **Sec. 1-158-169. Reserved.**

### **Sec. 1-170. City Council**

(A) Time and place of regular council meetings:

The City Council shall regularly meet at City Council Chambers, 307 E. 4<sup>th</sup> Street, Big Spring, Texas on the second and fourth Tuesday of each month at 5:30 p.m. The City Council may by a two-thirds (2/3) vote change the time of a regular meeting to any other time and any other location.

(B) Mayor to preside at council meetings:

The Mayor shall preside over all meeting of the City Council. At the hour of meeting, the Mayor shall take the chair and call the Council to order, direct the roll to be called and the minutes of the previous meeting to be read, corrected, if need be, and adopted. If the Mayor be absent at the hour of meeting, the Mayor Pro Tempore shall take the chair and preside over the meeting and the business shall be proceeded with as indicated above. If both are absent, then the Council will elect a Council member to chair the meeting.

(C) Parliamentary Standard:

"The Scott, Foresman Robert's Rules of Order, Newly Revised" and any subsequent revisions, shall be the parliamentary standard for the conduct of all meetings of the Council of the City of Big Spring, and maintained in the City Secretary's office.

### **Sec. 1-171. Reserved.**

### **Sec. 1-172. Agenda.**

The agenda for regular and special meetings of the City Council of the City of Big Spring shall be divided into the following types of business and order:

(A) Public Hearing and Announcements:

This time shall be set aside to hear and respond to public comment and any announcements of interest to the public or to the Council. Persons or organizations that want to make presentations to Council are required to register with the City Secretary up to the time the Council meeting convenes stating name, address, and subject of presentation. A registration form will

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remain in the lobby of the Council Chamber for this purpose. In no event will an individual be allowed to speak over five (5) minutes. However, a majority vote of the Council can extend the time of any individual speaker. Each addressee should clearly state his name and address to facilitate accurate recording.

- (B) **Bid Awards:**  
All awards for purchase and/or services after there has been opportunity for competitive bidding as provided for by law or ordinance.
- (C) **City Manager's Report:**  
This item shall consist of a report by the City Manager on subjects he deems of importance for the Council or have been requested by the Mayor or members of the Council.
- (D) **Monthly Reports (May be staggered):**  
All reports consisting of all departments and boards of the City.
- (E) **Old Business:**  
All business under this category shall be those written action items requiring subsequent readings, tabled or deferred from immediate prior old business agenda.
- (F) **New Business:**  
The business under this category shall be written action items considered for the first time or items tabled or deferred from immediate prior new business agenda.
- (G) **Discussion Items:**  
Items for discussion not requiring formal action by Council.
- (H) **Executive Session:**  
The executive session shall consider items as authorized by Article 6252-17, Section 2, V.T.C.S., Texas Open Meetings Law.

### **Sec. 1-173. Establishing Agenda.**

#### (A) **Introductions of Ordinances:**

Any member of the Council, City Manager, or the City Secretary may cause ordinances to be placed on the agenda for consideration. Ordinances shall be in writing for placing on the agenda of a regular Council meeting. Copies of the proposed ordinance, in the form required for adoption, shall be available at the office of the City Secretary and shall be furnished to citizens, upon request to the City Secretary, before first reading and, if amended, shall be available and furnished in the amended form for as long as the proposed ordinance is before Council.

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(B) Placing Items on the Agenda:

Any agenda item other than ordinances must be provided to the City Manager by 5:00 p.m. on the Tuesday previous to the regular Tuesday meeting or at least seventy-two (72) hours in advance of any other scheduled meeting. Material relevant to the items placed on the agenda shall be published and made available to Council seventy-two (72) hours in advance of the meeting.

(C) Emergency Items:

Emergency items may be added to the agenda up to two (2) hours previous to a meeting. Cases of emergency and urgent public necessity are limited to imminent threats to public health and safety or reasonably unforeseeable situations requiring immediate action by the City Council.

(D) Limited Effect:

Failure to comply with this subsection shall not affect the validity of any action subsequently taken.

**Sec. 1-174. Regular, Emergency and Special Meetings.**

The regular meetings of the City Council are held at 5:30 p.m. on the second and fourth Tuesdays of each month. The agenda of regular meetings shall be posted at least seventy-two (72) hours in advance, as required by the Texas Open Meetings Act (Texas Revised Civil Statute Act 6252-17) as amended. An emergency meeting may be announced two (2) hours previous to such a meeting. The agenda for such a meeting shall be set by the Mayor. A special meeting shall be called by the City Secretary upon request of the Mayor, or a majority of the members of the Council or by the City Manager and shall be publicly announced pursuant to the 72-hour advance notification procedure.

**Sec. 1-175. Executive Sessions.**

The City of Big Spring establishes these rules for executive sessions in accordance with Open Meetings Act, Texas Revised Civil Statutes.

(A) Certified Agenda:

For each of its meetings that is closed to the public, the City Council may keep a certified agenda of the proceedings.

(B) Tape Recording:

In lieu of the requirements for maintaining a certified agenda as provided in this subsection, the City of Big Spring City Council shall make a tape recording of the proceedings which shall include an announcement made by the presiding officer at the beginning and end of the meeting indicating the date, time, and persons present.

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(C) **Sealing of Certified Agenda and Tape Recordings:**

At the conclusion of the executive session, the certified agenda or tape recording shall be placed in an envelope and sealed and thereafter kept in a secure and confidential location by the city secretary. A certified agenda or tape recording shall not be made available for public inspection and copying until in camera inspection by a court of competent jurisdiction and upon issuance of a court order in an action brought under the Open Meeting Act.

(D) **Two Year Tape Preservation:**

The custodian of record shall preserve the tape recordings for at least two (2) years after the date of the meeting. If an action involving the meeting is commenced during the required preservation period, the certified agenda or tape recording shall be preserved pending the outcome of the litigation.

### **Sec. 1-176. City Council Workshops.**

The City Council must devote their regular City Council meetings to formal actions. Workshops shall be called from time to time so the City Council has an opportunity to review established policies, establish priorities and informally discuss upcoming matters, but no binding decisions shall be made in workshop session which require formal action. The notification requirements of the Open Meetings Act shall be observed in calling workshop sessions.

(A) **Workshops to be Called:**

Workshops shall be called by the City Secretary upon request of the Mayor, City Manager, or a majority of the members of the City Council and shall be publicly announced pursuant to the 72-hour notification procedure, as required by the Texas Open Meetings Act.

(B) **Workshop Agenda:**

The workshop agenda shall be prepared by the City Manager and shall include any items requested by Council members. Deliberations, as defined by the Texas Open Meetings Act, shall only be held on those items described in a timely posted workshop agenda.

(C) **Department Heads' Presence:**

Any agenda item affecting city departments shall require that the department head to be present.

(D) **Priorities:**

One (1) workshop per year shall be devoted entirely to the review and establishment of short and long range city priorities.

### **Sec. 1-177. Media.**

- (A) All regular meetings, special meetings, emergency meetings, executive sessions and city board meetings will be called and conducted in accordance with the Texas Open Meetings Law.

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- (B) Regular, special and emergency meetings of the City Council of the City of Big Spring are open to the public and to representative of the media. Properly called and convened executive sessions of the City Council are not open to the public, media coverage, pictures or taking for public release.
- (C) No media personnel or equipment, including lights, cameras or microphones, will be located on the Council dais. Media personnel shall be located along the west wall of the Council Chambers no closer than five (5) feet in front of the Council table, and shall not obstruct other aisles or exits. This procedure applies to all City Council and appointed board meetings.
- (D) Reporters and media technicians are required to structure their movements, equipment set-up, removal and adjustments, etc, in such a manner as to not disrupt any council deliberations or the ability of the audience to see and hear the proceedings.
- (E) Interviews shall not be conducted inside the City Council Chamber during the time that the Council is in session.
- (F) During the time the Council meeting is in session, interviews may not be conducted in the lobby adjacent to the City Council room; however, interviews may be conducted in front to the building.
- (G) The City Secretary will furnish media representatives with a copy of the meeting agenda upon request. (Ord. of 7-13-93)

### **ARTICLE 9.            Prison Guards**

#### **Sec. 178-1.    Creation of Special Prison Guard Force.**

There is hereby created and designated a special prison guard force for the purpose of averting danger and protecting the lives and property of the City's residents solely in connection with the operation and maintenance of the Big Spring Correctional Center.

#### **Sec. 178-2.    Appointment of Prison Guards.**

Members of the Special Prison Guard Force shall be appointed by the City Manager.

#### **Sec. 178-3.    Qualifications.**

Members of the Special Prison Guard Force may not be appointed or confirmed until such time as they have successfully completed the training requirements created and administered by the entity authorized by the Federal Bureau of Prisons to manage the BSCC, with such training to be approved by the City of Big Spring. The City Manager has the right with the consent of the City Council to create and enforce such other and additional qualifications as

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he from time to time may believe necessary. (Ord. 4-24-07)

### **Sec. 178-4. Powers.**

The Special Prison Guard Force and its members shall, as prison guards at the BSCC have the following law enforcement authority, powers, and duties:

- (1) to arm themselves as required by the Statement of Work between the Federal Bureau of Prisons and the entity authorized by the Federal Bureau of Prisons to manage the BSCC (the "SOW");
- (2) to take all actions reasonably necessary to avert danger and protect the lives and property of the City's residents so long as such actions are performed in compliance with the SOW, and under the strict supervision of the entity authorized by the Federal Bureau of Prisons to manage the BSCC; and
- (3) to make arrests in compliance with the SOW. (Ord. 3/27/07)

### **Sec. 178-5. Limitations.**

Members of such Special Prison Guard Force may exercise the powers and duties granted them only in connection with their employment with the BSCC and only while acting within the course and scope of such employment. Members of such special force shall not be elected, employed, or appointed as peace officers, reserve law enforcement officers or public security officers of the City of Big Spring. Rather, members of such force shall be only those persons in private employment of the entity authorized by the Federal Bureau of Prisons to manage the BSCC, and appointed by the City Manager to constitute a special prison guard force for the limited purposes as described herein. (Ord. 3/27/07)

### **Sec. 178-6. Termination.**

Appointment as a member of the Special Prison Guard Force ends immediately upon the termination of such member's employment in connection with BSCC. Additionally, each officer's appointment is subject to termination for "good cause" shown at a hearing to be held before the City Manager. Such hearing shall be provided following three (3) days oral or written notice to the officer. The decision of the City Manager shall be final.

### **Sec. 178-7. Employment.**

Members of the Special Prison Guard Force are not, nor shall they be construed to be, employees of the City of Big Spring. They shall at all times remain as employees of the entity authorized by the Federal Bureau of Prisons, or such other entity as the City may contract with to provide security services at BSCC. No member of such special prison guard force shall accept employment as a peace officer as that term is defined by V.T.C.A. Code of Criminal Procedure Section 2.12 in any jurisdiction, including the City of Big Spring, while employed in connection with BSCC and working at a BSCC facility. (Ord. 3/27/07)

### **Sec. 178-8. Official Acts.**

While serving as members of the Special Prison Guard Force within the scope of their duties, members shall be performing functions as governmental officers of the City of Big Spring. (Ord. of 6-13-00)

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**ARTICLE 10**      **National Incident Management System**

**Sec. 179-9**      **Adopted.**

The City of Big Spring hereby adopts the National Incident Management System dated March 1, 2004. (Ord. of 8-23-05)

**Sec. 1-180. through 1-186.**

**Reserved.**

(Ord. of 10-27-98)