

STATE OF TEXAS

COUNTY OF HIDALGO

ORDINANCE # 2000-01

**AN ORDINANCE OF THE CITY OF PENITAS
CREATING THE OFFICE OF MARSHAL; PROVIDING FOR THE
APPOINTMENT OF THE MARSHAL; TERM OF OFFICE; DUTIES
AND POWERS; QUALIFICATIONS; OATH OF
OFFICE AND BOND; COMMISSION.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
PENITAS:**

SECTION 1. The office of Marshal shall be filled by appointment by and with advise and consent of the City Council.

SECTION 2. The term of office of the City Marshal shall serve at the pleasure of the City Council.

SECTION 3, It is the duty of the Marshal to preserve the peace within the limits of the City of Penitas, and to effect this purpose the Marshal may use all lawful means. He may interfere without warrant to suppress or prevent or prevent crime. He shall have authority:

- (a)** To execute warrants of arrest or other process issued out of the Municipal Court in said City;
- (b)** To arrest without warrant in all cases where authorized by the laws of the State of Texas; and

- (c) To arrest without warrant when offenses against the laws or ordinances are committed in his presence, or where persons are found in suspicious places, and under circumstances which reasonably show that such persons have been guilty of some felony or breach of the peace, or threaten or are about to commit some offense against the law.

SECTION 4. Before being appointed Marshal, such person shall be examined by a licensed psychologist or a licensed physician, selected by the City Council, and such person to be so appointed as Marshal is declared in writing by such psychologist or such physician to be in satisfactory psychological and emotional health to be a peace officer. The psychologist's or physician's declaration is not public information.

The Marshal shall hold a valid Basic certificate from the Texas Commission on Law Enforcement Officer Standards and Education; provided, that an appointment may be made on a temporary or probationary basis for a person who agrees to complete the course of study and training required for such certificate during his off-duty hours. Such temporary or probationary appointment shall be entered in the minutes, and his/her commission as Marshal and as a peace officer shall lapse six (6) months from date of appointment, if the certificate has not been issued during such period; provided that such probationary period shall be extended beyond such six (6) month period:

- (1) if he is enrolled in and attending an approved law enforcement course of training prior to the end of the six (6) month period, and remains enrolled in such course until the same is completed; and
- (2) if the city lies within a regional planning commission area, or regional council of government area, in which no approved course is offered during such six (6) month period, then such probationary period is extended beyond

the six (6) month period until the date that course in that area is offered, and, if the person appointed Marshal enrolls in and attends the course until such course is completed.

If the probationary period (six (6) months, (or as extended as provided above) expires, and such person so given a temporary or probationary appointment has completed such person Basic Course and received his certificate from the Texas Commission on Law Enforcement Officer Standard and Education, then his temporary or probationary appointment as Marshal shall lapse, and he shall not be re-appointed as Marshal, except as may be provided by law.

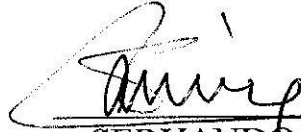
SECTION 5. Before entering upon his duties, the Marshal shall take and subscribe to the official oath prescribed by the Constitution of the State of Texas for appointed officers, and shall give surety bond for the faithful performance of duties, payable to the City of Penitas, in the sum of One Thousand Dollars (\$1,000.00), the premium for which shall be paid by the City.

SECTION 6. After taking and subscribing to the oath of office and giving bond as provided in this ordinance, a Commission shall be issued to the Marshal in the following form:

CITY OF PENITAS, TEXAS

I **Servando Ramirez**, Mayor of the City of Penitas, Texas, reposing confidence in the ability, integrity, fidelity and loyalty of **Alma Ramirez**, do hereby, upon authority of the City Council of said City, appoint the said **Alma Ramirez** to the office of Marshal in and for said City, with all the rights, privileges, authority and duties of a peace officer conferred by the laws of the State of Texas and the ordinances of said city.

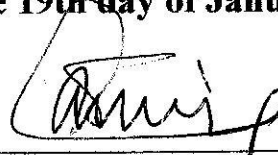
Witness my hand and seal of said City, this 19th day of January 2000.



SERVANDO RAMIREZ
MAYOR; CITY OF PENITAS, TX

SECTION 7. The appointment of the Marshal shall be made and entered in the minutes of the City Council at any Regular or Special Meeting, and the Commission issued to such Marshal shall become effective after the same has been signed by the Mayor, and such appointment entered in the Minutes. If the appointment is a temporary or probationary appointment, the Minutes shall so state. The Marshal is entitled to wear a metallic badge identifying him as such.

Passed and Approved, the 19th day of January, 2000.



MAYOR SERVANDO RAMIREZ

ATTEST:


EDNA CRUZ; CITY SECRETARY