

ORDINANCE NO. 2022-08-23

**AN ORDINANCE OF THE CITY OF GREY FOREST,
TEXAS, TEMPORARILY REASSIGNING DUTIES AND
RESPONSIBILITIES OF THE MAYOR AND THE CHIEF
OF POLICE; PROVIDING A CUMULATIVE CLAUSE, A
SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.**

WHEREAS, the City of Grey Forest is a Type A general-law municipality located in Bexar County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, pursuant to Texas Local Government Code § 22.042, the Mayor is the Chief Executive Officer of the City and acts as the chief administrator of the City's day-to-day operations; and

WHEREAS, Mayor Amanda "Mandie" Waldrop was elected to office in May of 2022, is not a certified law enforcement officer, and is not paid for her office as Mayor; and

WHEREAS, the Chief of Police is the head of the City's law enforcement agency and has certain duties and responsibilities imposed by state and federal laws .

WHEREAS, Police Chief Rene Rodriguez was appointed to office by the City Council for the City of Grey Forest and is a paid employee of the City of Grey Forest;

WHEREAS, the offices of the Mayor and Chief of Police must communicate and work together in certain instances to ensure operational efficiency of the City of Grey Forest; and

WHEREAS, Mayor Waldrop and Chief Rodriguez have expressed frustration and difficulty in communicating with each other and working together on certain subjects;

WHEREAS, both Mayor Waldrop and Chief Rodriguez have expressed a commitment to the City of Grey Forest and to service its citizens; and

WHEREAS, Chief Rodriguez submitted concerns regarding Mayor Waldrop to then Mayor Mitch Thorton when Mayor Waldrop became a candidate for mayor. Mayor Thorton took no action on the concerns as Mayor Waldrop was merely a candidate for mayor. Mayor Waldrop was unaware of the submitted concerns prior to taking office; and

WHEREAS, Chief Rodriguez submitted a complaint and concerns regarding Mayor Waldrop on or about the day she was sworn into office. The City Council finds the primary focus of Chief Rodriguez's concerns center around alleged statements made by Mayor Waldrop concerning one of Chief Rodriguez's officers after she took office and which Chief Rodriguez believed were untruthful and caused him to be concerned; and

WHEREAS, the City Council finds Chief Rodriguez's complaint and concerns were not focused on the underlying actions of the Chief's police officer and Mayor Waldrop at the time as the officer and Mayor Waldrop agree on what transpired and Mayor Waldrop did not hold and

was not a candidate for elected office at the time. The City Council finds the primary focus of Chief Rodriguez's concerns were on the untruthful nature of asserted statements made by Mayor Waldrop after she took office; and

WHEREAS, Mayor Waldrop began making changes to City operations, which included changes to police department operations as well as other departments shortly after being sworn in. The Council finds such changes were made without the input or instruction from the City Council but were within her general authority as mayor at the time. The Council finds such changes were conceptually planned by Mayor Waldrop prior to her taking office and were not motivated by the concerns submitted by Chief Rodriguez. The Council finds Mayor Waldrop also instructed that certain existing policies, which had already been adopted by Council, be enforced by the Chief of Police; and

WHEREAS, Mayor Pro Tem Geri Poss was instructed by the City Attorney that since Mayor Waldrop was the subject of Chief Rodriguez's complaint and concerns, Mayor Waldrop could not investigate the complaint, which triggered the powers of the mayor pro tem; and

WHEREAS, Mayor Pro Tem Geri Poss conducted an inquiry into the complaint and concerns raised by Chief Rodriguez regarding Mayor Waldrop. After reviewing documents and speaking with several employees and persons regarding the complaint, Mayor Pro Tem Poss determined it was a misunderstanding of words and advised there was nothing for the City Council to consider or do regarding the complaint; and

WHEREAS, after considering the information provided to the City Council, statements and explanations from Mayor Waldrop and Chief Rodriguez, and the legal advice provided by the City Attorney, the City Council finds that Chief Rodriguez's complaint and concerns were considered, examined, and evaluated properly. The assertions in the complaint, even if found to be true as written, do not amount to a violation of law or policy. As a result, the City Council adopts Mayor Pro Tem Poss' determination, recommendation, and considers the complaint disposed of and closed. The City Council makes no determination as to whether the statements Chief Rodriguez asserts were made by Mayor Waldrop occurred or did not occur as such a determination will have no bearing on the result and action by the Council; and

WHEREAS, the City Council finds the beginning working relationship between Mayor Waldrop and Chief Rodriguez has become strained due to a variety of factors which include, but are not limited to, the changes made to city operations by Mayor Waldrop as well as the complaint and concerns raised by Chief Rodriguez; and

WHEREAS, the City Council finds that Mayor Waldrop and Chief Rodriguez expressed a willingness to move forward for the good of the citizens and the City, and to collaborate on the best way to forge a strong working relationship; and

WHEREAS, the City Council finds it is in the best interest of the City and the citizens to facilitate collaboration between the offices of the Mayor and the Chief of Police by providing guidance, guidelines, and assistance, while temporarily restricting certain unilateral authority.

I.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREY FOREST, TEXAS that:

SECTION 1. Findings. The recitals are hereby found to be true and correct and are hereby incorporated as part of this Ordinance.

SECTION 2. Temporary Policy Relating to Duties and Responsibilities of the Office of Mayor and position of Chief of Police is hereby adopted as follows:

2.1 Effective Term – For a period of 180 days from the effective date of this ordinance, the duties and responsibilities of the Mayor and Chief of Police in relation to Police Department supervision and operation shall fall under this ordinance. Any duties and responsibilities of the Mayor and Chief of Police that are not expressly listed in this ordinance shall not be considered to be changed. This ordinance shall not change any of the Mayor's duties and responsibilities over any other department of the City, employees of the City, or volunteers of the City.

2.2 Assistance – During the 180 day effective term of this ordinance, the City Secretary is instructed to inquiry, locate, and provide information and costs to the City Council regarding three possible consultants the City Council may retain to assist the City, the Mayor, and the Chief of Police, with updating efficient policies and procedures and provide training and education to City employees and officials to assist with forging a strong working relationship between the Office of the Mayor and the Police Department. The City Council would then consider retaining one or more of the consultants. Such consultant(s) should have law enforcement experience, experience working with municipal administration and/or management, experience with crafting policies and procedures (preferably for police departments or municipal administration), and experience in team building. Such information should be provided to the City Council within 30 days of the passage date of this ordinance. If the City Council retains any consultant(s) the Mayor and Chief of Police are instructed to cooperate with the consultant regarding all matters under his/her retention.

2.3 Mayor – During the 180 effective term of this ordinance the Mayor:

- a) Shall not make any policy changes to the existing police department policies without briefing and obtaining authorization from the City Council at a public meeting.
- b) Shall not discipline, terminate or suspend any police officer, including the Chief of Police for the City of Grey Forest without briefing and obtaining authorization from the City Council at a public meeting.
- c) Shall not interfere with any law enforcement officer's method of enforcing the federal, state, or local laws over which they have jurisdiction.

- d) Shall not change any police department employee shifts, hours of work, or lunch schedules.
- e) Shall not change any police department employee hourly compensation or salary without briefing and obtaining authorization from the City Council.
- f) Shall not purchase or dispose of any property utilized by the police department and any of its employees without briefing and obtaining authorization from the City Council.
- g) Shall not authorize any days off, vacation, overtime or comp time for any police department employees.
- h) Shall refrain from issuing any statements, writings, or comments regarding Chief Rodriguez's complaint and concerns which were submitted to the City prior to the adoption of this ordinance unless required by law to do so, or otherwise instructed by the City Council during the term of this ordinance.
- i) Shall further refrain from issuing any statements, writings, or comments regarding any attendance for assigned shifts by Chief Rodriguez which occurred prior to the adoption of this ordinance, unless required by law to do so or otherwise instructed by the City Council.
- j) Retains authority over day-to-day management of all employee benefits and insurance.
- k) Retains authority over all emergency management and disasters as dictated by state law.
- l) Retains authority over obtaining any information regarding the police department or its employees, even if such information is contained within one of the above listed restrictions on action.
- m) Retains the authority to place items on the agenda of the City Council regarding any topic, including the police department.
- n) Retains the authority to require information from the police department be created and/or provided to her and/or the City Council for purposes typical of the Office of the Mayor. Such information cannot be distributed to anyone outside of the City during the term of this ordinance.
- o) Retains the authority to report to the City Council regarding the operation of the police department and its employees.
- p) Retains the authority to sign any contract relating to the police department which the City Council has already budgeted for or otherwise authorized.

- q) In the unlikely event the Chief of Police performs such action which would otherwise require his suspension or termination, the mayor, with the full agreement of the Mayor Pro Tem, may place the Chief of Police on administrative leave with pay, until the City Council can determine what action, if any, needs to be taken regarding the Chief. If the Chief is placed on such leave, the next in line under the police department's chain of command shall assume the responsibilities of the Chief until the City Council can make a determination. However, the Mayor and the Mayor Pro Tem are cautioned that actions allowing for suspension or termination must be actions of a higher level than technical non-compliance with existing policies.

2.4 Chief of Police - During the 180 effective term of this ordinance, the Chief of Police:

- a) Shall manage the day-to-day operation of the police department, subject to the retained authority of the mayor as listed above and otherwise indicated in this ordinance.
- b) Shall be responsible and answer to the City Council for the conduct of any police department employee.
- c) Shall enforce all adopted policies and procedures applicable to the Police Department and its employees.
- d) Possesses the authority to discipline, terminate, or suspend any police department employee. However, upon termination, the Chief of Police must provide a written briefing to the City Council regarding the termination.
- e) Does not possess the ability to hire any police department employee unless he receives prior authorization from the City Council.
- f) Shall report to the City Council all aspects of the operations of the Police Department, including but not limited to:
 - 1) Providing a weekly written report each Friday, to the City Council members regarding:
 - i. employee shifts, authorized time off, authorized comp time, and any employee issues raised during the week; .
 - ii. Providing a weekly report of all law enforcement officer "daily" logs regarding patrols and/or use of City vehicles by employees of the police department;

- iii. Informing the council members, in writing, on a weekly basis, of any disciplinary actions taken regarding police department employees and the reasons for such action.
- 2) Requesting authorization from Council regarding changes in any salaries for department employees.
- 3) Requesting authorization from Council regarding the purchase of any equipment or supplies which have not otherwise been approved and budgeted.
- g) Shall not purchase any assets, property, vehicles, or equipment for the police department which has not been approved by the City Council.
- h) The City Council shall supervise the Chief during the effective term of this ordinance.
 - 1) The Chief must inform all City Council members, in writing and in advance, when he desires to take any time off, vacation time, etc. If the Chief intends to take sick leave he must advise the council members, in writing as soon as he becomes aware of the need for such leave.
 - 2) The Chief shall not take direction from any single council member, but only from the City Council as a body, unless otherwise delegated by the City Council during the term of this ordinance.
 - 3) Notwithstanding any other provision in the section, the Chief shall respond to any request from an individual city council member for information regarding the police department which is already in existence and shall provide such information in a timely manner.
 - 4) If any two Council members, upon receiving a report, believe a Special City Council meeting should be called to give direction to the Chief, such council members shall inform the City Secretary. If the City Secretary receives a request from two Council members to call a special meeting for the same topic, the City Secretary shall inform the Mayor and the Mayor shall call such meeting as soon as reasonably practical.
- i) Shall respond to and provide to the Mayor any requests for information regarding the police department. The Chief shall have a reasonable time to provide such information.

- j) Shall not change any police department policies or procedures during the term of this ordinance without briefing and obtaining approval from the City Council.
- k) Notwithstanding the prohibition on changing department policies, the Chief shall draft (but not adopt) policies, within thirty days from the date of the adoption of this ordinance that:
 - 1) Impose objective policy criteria regarding lunch schedules for police officers;
 - 2) Impose a policy for shifts which require supervisors on weekends;
 - 3) Impose a policy for shifts which require officers to not leave their post until their replacement officer arrives to relieve them from a shift ending, and the consequences thereof should an officer disobey such policy;
 - 4) Impose a policy for expectations of patrol officers which clearly defines that all officers (whether paid or reserve) must keep track of hours worked and submit such hours to the City Secretary and Chief of Police each week;
 - 5) Impose a policy imposing penalties when officers violate the chain of command within the police department and clearly define the chain of command.
 - 6) Once drafted, the Chief shall submit such policies to the City Council for consideration and approval or adjustment.
- l) Shall not sign any contracts on behalf of the City or the police department during the term of this ordinance unless authorized to do so by the City Council.
- r) Shall not issue any statements, writings, or communications regarding the details of his prior complaints and concerns regarding Mayor Waldrop submitted prior to the adoption of this ordinance unless required by law to do so, or otherwise instructed by the City Council during the term of this ordinance.
- s) Shall not issue any statements, writings, or communications regarding the details of any assertion by Mayor Waldrop that the Chief failed to follow policy regarding attending his assigned shifts, unless required by law to do so or otherwise instructed by the City Council during the term of this ordinance.

2.5 Scope

- a) Nothing in this ordinance is intended to remove any statutory authority which is mandatory and applies to either the Mayor or Chief of Police.
- b) This ordinance must be read and interpreted to be consistent with federal and state law.
- c) Nothing in this ordinance is intended to restrict either the Mayor or Chief of Police from proposing changes, policies, ordinances or providing information to the City Council on any subject.
- d) One of the primary purposes of this ordinance is to restrict unilateral authority of both the Mayor and Chief of Police, during the term of the ordinance, to allow the Mayor, Chief and City Council to develop acceptable policies and procedures for the City and all departments to ensure operational efficiency of the City of Grey Forest

SECTION 3. All remaining provisions of authority or responsibilities possessed by the Mayor and Chief of Police remain intact and unchanged unless expressly listed in this ordinance. This ordinance expires automatically at the end of its term and any authority, duty, or responsibility changed by this ordinance shall revert to its prior state upon the expiration of this ordinance.

SECTION 4. Conflicting Ordinances or Resolutions. All ordinances or resolutions or parts thereof conflicting or inconsistent with the provision of this Ordinance as adopted and amended herein, are hereby Suspended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and another resolution, code or ordinance of the City, or parts thereof, the term and provisions of this Ordinance shall govern during the term of this ordinance.

III. SEVERABILITY

That it is hereby declared to be the intention of the City Council of the City of Grey Forest that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional or invalid by final judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of the Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional or invalid phrases, sentences, paragraphs, or sections.

IV. PROPER NOTICE AND MEETING

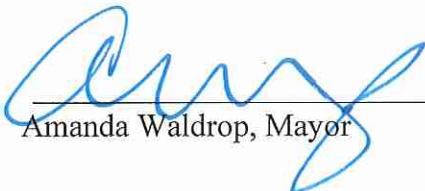
It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government

V.
EFFECTIVE DATE

This Ordinance shall be effective upon passage and publication as required by state and local law.

DULY PASSED AND APPROVED, on the 23rd day of August, 2022 at a regular meeting of the City Council of the City of Grey Forest, Texas, which was held in compliance with the Open Meetings Act, Gov't. Code §551.001, et. Seq. at which meeting a quorum was present and voting.

CITY OF GREY FOREST, TEXAS



Amanda Waldrop, Mayor

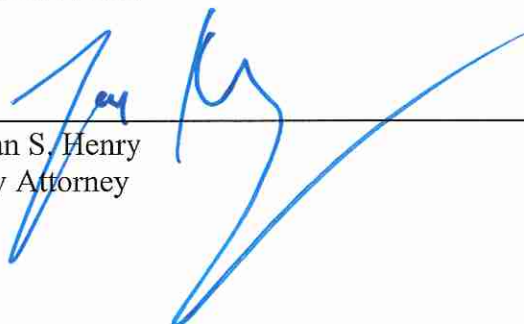
ATTEST:



Miguel Cantu, TRMC
City Secretary



APPROVED:



Ryan S. Henry
City Attorney

