

Resolution NO. 2021 -09-14-001

A RESOLUTION OF THE CITY OF KEMPNER, TEXAS, ESTABLISHING A HYBRID FIELD TRAINING PROGRAM OPTION FOR THE KEMPNER POLICE DEPARTMENT, ADOPTING CERTAIN RULES AND POLICIES OF THE GOVERNING BODY; RESTRICTIONS OF MAYORAL DUTIES; AND PROVIDING SEVERABILITY, OPEN MEETINGS, AND EFFECTIVE DATE.

Whereas, the City of Kempner, Texas is a small Type A General Law Municipality under the laws of the state of Texas; and

Whereas, The City of Kempner is recovering from two years of failure in the Mayor's office during the 2019-2021 term; and

Whereas, the City Council must utilize extraordinary measures to overcome the burdens bestowed upon this City by the previous Mayor in dealing with both personnel and fiscal recovery; and

Whereas, the currently elected Mayor, John "JW" Wilkerson has offered to assist the City further by offering his services to assist in the training of new peace officers: and

Whereas, the City Council recognizes there are implications associated with an elected official assisting in such areas without strict guidelines and policies: and

Whereas, the City Council understands that not all elected officials should be able to perform these functions without being duly qualified; and

Whereas, the City Council recognizes that the rights of the employee should be preserved and protected: and

Whereas, the City Council finds the above to concerns to be addressed by the attached findings and policies.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF KEMPNER, TEXAS, THAT THE FOLLOWING ARE HEREBY ENACTED;

Section 1. Findings. (a) Shortly after the Mayoral election, where John "JW" Wilkerson was elected, the City Council found that the City was working in a deficit due to the irresponsible spending by the Mayor serving during the 2019-2021 term. These findings showed the need to make cuts in certain areas. It was also found that the Police Department had certain fundamental issues that were not conducive to the City of Kempner public safety goal.

(b) The City Manager has responded to the desires of the City Council and has eliminated all spending that was not necessary for the City to continue operation.

(c) The City Manager has restructured the Police Department in an effort to provide better public safety measures, given the fiscal situation he found upon his employment with the City. The fiscal constrictions of the City budget requires abnormal resolve for the abnormal situation this City is in.

(d) Mayor John "JW" Wilkerson has offered technical services in support of getting the Police Department back on track with the training of new police officers, while that service is needed and while he is capable of providing such.

(e) These offered services involve the training of new peace officers, who do not have experience as such, and as a trainer for experienced officers in a modified Field Training Program upon their employment with the City of Kempner.

(f) The City Manager has given guidance to the City Council that this type of activity should not be “the norm” and that any elected official offering to help in these matters should be well qualified to do such. For example, the previous Mayor touted his “13 years experience as a peace officer” while he was in office, however a Texas Commission on Law Enforcement open records search showed that although he completed the basic peace officer academy, he had served less than 90 days as a peace officer.

(g) The City Manager has reviewed the Personnel Status Report Maintained by the Texas Commission on Law Enforcement and has found the following to be true regarding Mayor Wilkerson;

- (1) Mayor Wilkerson has been a Peace Officer for 17 years
- (2) Mayor Wilkerson currently holds a Master Peace Officer License, the highest level of Peace Officer license issued in the state of Texas.
- (3) Mayor Wilkerson holds an instructor certificate, advanced instructor certificate, Sexual Assault/Family Violence Investigator Certificate, Firearms Instructor Certificate, Standardized Field Sobriety Testing Instructor Certificate, and is a trained Field Training Officer.

(h) The City Manager has been shown sufficient evidence to show:

- (1) Mayor Wilkerson has experience in several disciplines of law enforcement, including the training of thousands of Peace Officers and Cadets in the police academy all throughout the state in various areas of law enforcement, experience in Homicide investigations, experience in narcotic investigations, experience in crimes against property investigations, experience as patrol and investigations supervisor, and has received several awards for areas such as “Best Guest Instructor”, “Life Saving Award” and commendations for his work on criminal cases.

Section 2. Purpose. The purpose of this resolution is to utilize the skillset Mayor Wilkerson is offering to assist with the training of new hires within the police department until such time as the Police Department is staffed well enough to sustain these functions without such assistance.

Section 3. Application. (a) the City Manager shall maintain control over employees.

(b) the Chief of Police shall maintain control over the Police department personnel, as a department head answerable only to the City Manager and City Council.

(c) the Mayor, in matters related to his volunteering to assist in the training of new police officers shall have no supervisory powers other than those normally bestowed upon the field training officer.

Section 4. Policy: (a) The Mayor, while serving as a field training officer within the Kempner Police Department is a volunteer and is entitled to no compensation not authorized by the City Council. The Mayor shall not be paid an hourly wage for his volunteer work under this resolution. The Mayor shall not be considered a Peace Officer for the City of Kempner.

(b) The Mayor will coordinate with the Chief of Police for scheduling.

(c) The Mayor will document, in compliance with the Kempner Police Department Field Training Program, the performance of the newly hired peace officers.

(d) The Chief of Police shall be responsible for maintaining all documents related to this hybrid training program.

(e) The City Manager shall retain the rights to maintain constant overwatch over this program and may cancel it at any time he/ she feels the program is not working in the best interest of the City. The City Managers decision on this matter is subject to review by the City Council, however the Mayor himself shall not have the right to seek discipline of the City Manager for his cancellation of this program. The City Council may adopt new measures and reinstate this program at their discretion, or cancel this program by official action.

(f) While the Mayor is serving in the role of volunteer field training officer, he will be required to make a recommendation to the Chief of Police regarding the continued employment of any employee in the field training program.

(1) The recommendation is not binding, and the Chief of Police shall retain the right to make an independent decision based upon the totality of the circumstances surrounding the employee and the interest of the City.

(2) Should the Chief of Police retain an employee the Mayor has recommended termination, the Chief of Police shall notify the City Manager by the next business day. The City Manager may use the rights bestowed upon him by the City Council to make any final decisions.

(3) Notwithstanding any other policy, any disciplinary appeals by any employee, paid or unpaid, relating to the termination of an employee involved in this hybrid program shall rest with the City Council. The Mayor shall recuse himself from any vote and shall only serve as an advisor to the Council, answering any questions they may have regarding an employee in this hybrid program. The decision of the Council shall prevail, and under no circumstances will the Mayor be permitted to vote on the matter.

Section 5. Severability. (a) If any provision of this resolution or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end the provisions of this resolution are declared to be severable.

Section 6. Effective Date. This resolution shall take effect immediately from and after its passage.

Section 7. Open Meetings. That it is hereby officially found and determined that the meeting at which this resolution is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Texas Open Meetings Act Chapter of the Texas Government Code.

PASSED AND APPROVED on this the _____ day of _____, 2020

Attest:

City of Kempner, Texas

City Secretary

John "JW" Wilkerson, Mayor

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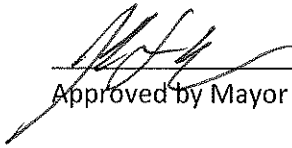
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PASSED AND APPROVED on this the _____ day of _____, 2020


Approved by Mayor John (JW) Wilkerson

9/14/21
Date


For

Against

N/A


Attested by City Secretary Hayleigh Talasek

9/21/21
Date


Place 1 Vance Rodgers

9/14/2021
Date

For

Against

Abstain

Place 2 (vacant)

Date

For

Against

Abstain

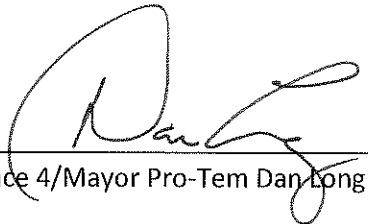

Place 3 Rob Green

9/21/21
Date

For

Against

Abstain

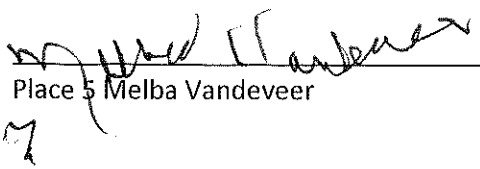

Place 4/Mayor Pro-Tem Dan Long

9/14/21
Date

For

Against

Abstain


Place 5 Melba Vandever

9/14/21
Date

For

Against

Abstain