

**RESOLUTION NO. 4135**

**A RESOLUTION OF THE CITY OF DENISON, TEXAS, AUTHORIZING THE USE OF THE MUNICIPAL JAIL BY THE FIRE MARSHAL'S OFFICE AND REQUIRING THE CHIEF OF POLICE TO DETAIN AND HOLD INDIVIDUALS JAILED BY THE FIRE MARSHAL'S OFFICE; AUTHORIZING THE FIRE MARSHAL'S OFFICE TO SUBMIT EVIDENCE TO THE DENISON POLICE DEPARTMENT'S EVIDENCE ROOM AND REQUIRING THE CHIEF OF POLICE TO HOLD THE SAME; DESIGNATING THE CHIEF OF POLICE AS HEAD OF THE MUNICIPAL JAIL AND DENISON POLICE DEPARTMENT EVIDENCE ROOM; PROVIDING REPEALING, SEVERABILITY, AND SAVINGS CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Denison (hereinafter referred to as "City") is a Home Rule Municipality acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

**WHEREAS**, on July 17, 2023, the City Council of the City of Denison adopted Ordinance No. 5301 creating the Office of the Fire Marshal; and

**WHEREAS**, the City Council of the City of Denison has determined that it is in the best interest of the community to protect the public safety, the quality of life, and to promote the safety and welfare of the citizens of the City of Denison; and

**WHEREAS**, the City Council of the City of Denison has determined that it is in the best interest of the City for the Fire Marshal's Office to be a separate department from the Denison Police Department and to become an appointing agency under the rules of the Texas Commission on Law Enforcement ("Commission"); and

**WHEREAS**, Title 37, Part 7, Section 211.16 of the Texas Administrative Code requires any law enforcement agency applying to become an appointing agency to file an application with the Commission with details about the jail and evidence room to be used by the agency; and

**WHEREAS**, the City Council has determined it is in the best interest of the City and its taxpayers for the Fire Marshal's Office to use existing facilities of the Denison Police Department.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS, that:**

**Section 1. Findings.** The foregoing recitals are hereby found to be true and correct and are fully incorporated into the body of this Resolution.

**Section 2. Municipal Jail.** The municipal jail is hereby designated as the jail for all City of Denison law-enforcement agencies with the power of arrest, including the Denison Fire Marshal's Office and the Denison Police Department. The Chief of Police is hereby designated as

the head of the municipal jail. The Chief of Police or his designee is required to accept and hold any and all persons booked into the jail by the Denison Fire Marshal's Office or the Denison Police Department and to hold such person until the person is transferred to another jail facility, is magisterated and ordered released by an authorized magistrate, or posts a satisfactory bond with the jail. The Chief of Police is hereby delegated all the duties and requirements of ensuring the municipal jail satisfies all statutory and legal requirements, including but not limited to minimum jail standards and jail personnel staffing, if applicable. The Chief of Police may prescribe policies, forms, and procedures for use of the municipal jail. The Fire Marshal's Office and the Denison Police Department are required to comply with all policies pertaining to the use of the municipal jail as established by the Chief of Police or his designee.

**Section 3. Denison Police Department Evidence Room.** The Chief of Police is hereby designated as the head of the Denison Police Department evidence room. The Chief of Police or his designee must accept and hold all items of evidence submitted by the Denison Fire Marshal's Office or the Denison Police Department when those items are submitted in compliance with the policies and procedures for use of the evidence room. The Chief of Police or his designee must keep all evidence secure, in accordance with the written policies and procedures of the Police Department, and in accordance with all applicable laws. The Chief of Police may prescribe policies, forms, and procedures for submitting evidence, identifying and labelling evidence, sustaining the chain of custody for all evidence, submitting evidence for scientific testing, releasing evidence, destroying evidence, or any other policy the Chief of Police deems necessary pertaining to the acceptance, holding, or processing of evidence. The Fire Marshal's Office and the Denison Police Department are required to comply with all policies and procedures pertaining to the use of the evidence room as established by the Chief of Police or his designee.

**Section 4. Severability.** If any provision, section, subsection, sentence, clause or the application of same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this Resolution or the application thereby shall remain in effect, it being the intent of the City Council of the City of Denison, Texas, in adopting this Resolution, that no portion thereof or provision contained herein shall become inoperative or fail by any reasons of unconstitutionality of any portion or provision.

**Section 5. Savings/Repealing Clause.** All provisions of any resolution in conflict with this Resolution are hereby repealed to the extent they are in conflict. Any remaining portions of said resolutions shall remain in full force and effect.

**Section 6. Open Meetings.** It is officially found, determined and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place and subject matter of the public business to be considered at such meeting, including this Resolution was given, all as required by Chapter 551, as amended, Texas Government Code.

**Section 7. Effective Date.** This Resolution shall be effective immediately upon its adoption.

On motion by Mayor Pro Tem Crawley, seconded by Council Member Courtright, the above and foregoing Resolution was passed and approved at a Regular Meeting of the City Council of the City of Denison, Texas, on this the 7<sup>th</sup> day of August 2023.

Ayes: Hander, Courtright, Thorne, Gott, Massey, Crawley and Thomas.

Nays:

Abstentions:

  
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JANET GOTT, MAYOR

ATTEST:

  
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Christine Wallentine, City Clerk

