

An Ordinance Amending Beaverton City Code Chapter 5 by Adding Provisions Memorializing the City of Beaverton Police Department and Establishing the Department Within the City Code.

WHEREAS, the Beaverton Police Department has historically existed as an essential attribute of government arising out of authority found in the common law of England as incorporated into the law of the State of Oregon, the inherent prerogative of a sovereign authority to muster persons-at-arms to keep the public peace, and also out of the police power reserved to the States under the 10th Amendment to the United States Constitution and contained in the Oregon Revised Statutes; and

WHEREAS, no formal document has reduced to writing the inherent authority of the Mayor and Council to assemble a police force; and

WHEREAS, this lack of a written document is a procedural impediment for the ongoing accreditation process of the Beaverton Police Department, which accreditation is required under provisions of statewide law including ORS 181.640 and rules promulgated thereunder; and

WHEREAS, the City Council concludes that to ensure the successful completion and renewal of the accreditation process, and the benefits provided by the same, it is appropriate to create a formal document memorializing the existence of the Beaverton Police Department as presently constituted, retaining the same, and enumerating the office of Chief of Police as the head of that Department, now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. The Beaverton Code is amended by adding new provisions to Chapter 5, Public Protection, as follows under the heading "Police Department:"

"POLICE DEPARTMENT

5.01.010. Authority. The City Council hereby memorializes the existence of its Police Department as presently constituted, and provides that the same is continued undiminished under this Ordinance. The Police Department remains a city "department" as that phrase is used at Beaverton Code section 1.01.020.

5.01.020 Purpose. The Beaverton Police Department shall exercise, without alteration, all powers and duties previously held to enforce all applicable ordinances and other laws. These powers include, but are not limited to, detecting and preventing crime, apprehending offenders,

preserving the peace, protecting lives and property, and performing community caretaking functions.

5.01.030 Chief of Police. There is hereby memorialized and continued the position of Chief of Police as an official position of the city under the appointment power of the Mayor contained in Chapter 5 of the Charter of the City of Beaverton, Oregon. It is hereby declared that the Chief of Police is the principal law enforcement officer of the City of Beaverton.

5.01.040 Powers. The Chief of Police shall, generally, possess and exercise such powers as follows by way of example:

A. Establish departmental policies and procedures in line with City Council goals. Plan and develop standards and programs based on an analysis of city growth, crime patterns, workload, staffing levels, and related economic, legislative and judicial influences to provide appropriate and effective law enforcement services to the community.

B. Have authority over and responsibility for the fiscal management of the Police Department. Manage and monitor approved budgets. Review requests for proposals and department expenditures.

C. Assign, supervise, and evaluate the work of subordinates consistent with union contracts and the City's personnel manual. Hear grievances from and administer disciplinary action to department personnel. Provide interviewing and recommendations for department hiring and termination actions. Ensure adequate training within the department.

D. Supervise and assist in major departmental problems, crimes or accidents and perform such additional duties as may be assigned by the Mayor.

E. Prepare reports and advise the Mayor, Council, or City Attorney in regard to resolutions, ordinances, or other official actions pertaining to public safety."

Section 2. Severability. If any section, sentence, clause or phrase of this Ordinance should be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the validity of any other portion of this Ordinance.

First reading this 12th day of September, 2005.

Passed by the Council this 19th day of September, 2005.

Approved by the Mayor this 20th day of SEPTEMBER, 2005.

ATTEST:


SUE NELSON, City Recorder

APPROVED:


ROB DRAKE, Mayor