

RESOLUTION NO. 19-R-126

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING MEMORANDUMS OF UNDERSTANDING WITH THE TEXAS DEPARTMENT OF PUBLIC SAFETY, FOR THE PURPOSE OF OBTAINING A CERTIFICATION OF COMMERCIAL VEHICLE ENFORCEMENT AUTHORITY AND OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, there exists an ongoing concern from citizens of Schertz concerning the increased operations and safety of commercial motor vehicles within the city limits; and

WHEREAS, the Texas Transportation Code strictly restricts the enforcement of weight limits and specific commercial motor vehicle rules; and

WHEREAS, the Schertz Police Department has been granted the authority to enforce weight limits and specific commercial motor vehicle rules; and

WHEREAS, the City staff of the City of Schertz has recommended that the City enter into an Memorandum of Understanding with the Texas Department of Public Safety, for the purpose of obtaining a certification of commercial vehicle enforcement authority; and

WHEREAS, the City Council has determined that it is in the best interest of the City to contract with the Texas Department of Public Safety pursuant to the Memorandum of Understanding attached hereto as Exhibit A (the "Agreement").

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS THAT:

Section 1. The City Council hereby authorizes the Chief of Police to execute and deliver the Agreement with City and the Texas Department of Public Safety in substantially the form set forth on Exhibit A.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application

of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. 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, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND ADOPTED, this 24th day of September, 2019.

CITY OF SCHERTZ, TEXAS

Mayor

ATTEST:

City Secretary

(CITY SEAL)

EXHIBIT A
MEMORANDUM OF UNDERSTANDING