



City of Magnolia

P.O. BOX 396
MONTGOMERY COUNTY
MAGNOLIA, TEXAS 77353-0396
281-356-2266
Fax 281-259-7811



ORDINANCE NO. 2006 - 0086

AN ORDINANCE BY THE MAGNOLIA CITY COUNCIL ADOPTING THE POSITION OF CITY MARSHAL; PROVIDING FOR THE DUTIES AND QUALIFICATION OF THE CITY MARSHAL; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Council determines that it is in the best interest of the Citizens of The City of Magnolia to appoint a City Marshal.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAGNOLIA, TEXAS THAT;

- Section 1.** The office of City Marshal is hereby created.
- Section 2.** The City Marshal shall be certified and licensed as a law enforcement officer by the Texas Commission on Law Enforcement Officer Standards and Education.
- Section 3.** The City Marshal shall be hired and shall serve at the discretion of the Municipal Judge. The Municipal Judge shall conduct a search for applicants and the search shall have an application period of 30 days.
- Section 4.** The City Marshal shall act under the direction of the Municipal Judge, and shall perform the following duties:
- A. Execute warrants, subpoenas, and other legal process issuing out of the City of Magnolia Municipal Court, as determined by the Municipal Judge.
 - B. Execute other warrants of arrest, subpoenas, and legal process as authorized by law and as determined by the Municipal Judge.
 - C. Serve as the court bailiff and provide security to the City of Magnolia Municipal Court.
 - D. Any other duties authorized by the Municipal Judge in consultation with the City Manager or the Court Clerk.
- Section 5.** That this Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provision of such Ordinance except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance.
- Section 6.** If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereof to any person or circumstances, is held

invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of the ordinance, and the City Council hereby declares it would have passed such remaining of the Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 7. All other Ordinances in effect and not in conflict with this Ordinance shall remain in full force and effect.

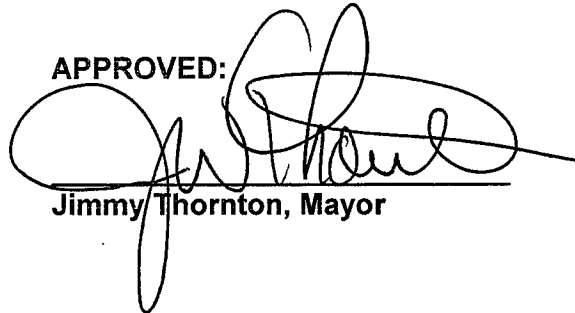
Section 8. The City Secretary of the City of Magnolia is hereby directed to engross and enroll this Ordinance by copying the exact Caption and Effective Date clause in the minutes of the City Council of the City of Magnolia and by filing this Ordinance in the Ordinance records of the City.

Section 9. This Ordinance shall take effect from and after its date of passage in accordance with law, and it is so ordained.

Section 10. Compliance Clause and Effective Date
The City Council finds, determines and declares that a sufficient written notice was posted and this Ordinance was passed in accordance with the Open Meetings Act. The Acting City Secretary is instructed to publish this Ordinance in the Official Newspaper of the City of Magnolia in the manner provided and for the time required by Section 52.011(a) of the Local Government Code at which time this Ordinance takes effect.

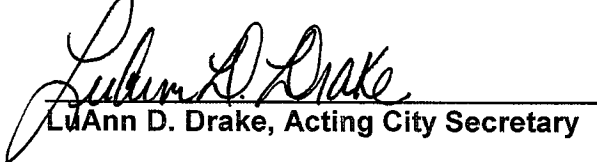
PASSED, APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MAGNOLIA, TEXAS ON THIS 14th, MARCH, 2006.

APPROVED:



Jimmy Thornton, Mayor

ATTEST:



LuAnn D. Drake, Acting City Secretary

Budget Of Office of City Marshal 2006

SALARY

\$31,500.00

\$2,410.00 MEDICARE & FICA

\$3,816.00 INSURANCE

\$1,100.00 TMRS

TOTAL

\$38,826.00

UNIFORMS

| | |
|---------------|---------|
| 4 PANTS | \$80.00 |
| 4 SHIRTS(LS) | \$96.00 |
| 4 SHIRTS (SS) | \$96.00 |
| 1 TIE | \$15.00 |
| 1 COAT | \$80.00 |
| 1 RAINWEAR | \$50.00 |
| PATCHES | \$80.00 |

TOTAL

\$497.00

VEHICLE

**One Patrol car to be transferred from PD to
office of Marshal (Agreed by Chief Rex)**

Vehicle Operating Expenses

| | | |
|-------------|----|----------|
| FUEL | \$ | 2,640.00 |
| MAINTENANCE | \$ | 2,000.00 |
| INSURANCE | | UNKNOWN |

TOTAL

\$ 4,640.00

Budget Of Office of City Marshal 2006

OFFICE EQUIPMENT **Computer, Printer, Software, Desk,
storage and chair already in place**

OFFICE SUPPLIES \$1,000.00

TOTAL \$1,000.00

| | |
|--------------------|--------------------|
| GRAND TOTAL | \$44,963.00 |
|--------------------|--------------------|

***NOTE** This will not be an expense to the City. The revenue collected by the Marshal for the City will pay this budget and allow a sizable amount to be placed in the General Fund of the City.

51% of the money collected on Warrants by the Marshal must be spent on Law Enforcement: 51% must be spent on the Marshal's budget and Police Department, therefore requiring less out of the current City General Fund.

49% of the money collected on warrants from the Municipal Court may be placed in the City General Fund.

***NOTE** Continuing Education for the Marshal and any reserves will be funded by a separate entity at no cost to the City.



TEXAS COMMISSION ON LAW ENFORCEMENT
OFFICER STANDARDS AND EDUCATION

6330 U.S. Highway 290 East, Suite 200

Austin, Texas 78723

Phone: (512) 936-7700

<http://www.tcleose.state.tx.us>



APPLICATION FOR LAW ENFORCEMENT AGENCY NUMBER

LAW ENFORCEMENT AGENCY INFORMATION

| | | | |
|---|----------------------|------------------------------------|--------------------|
| COMMISSION USE ONLY- DEPARTMENT NUMBER | | COMMISSION USE ONLY- COG NUMBER | |
| 1. Law Enforcement Agency Name | | 2. Law Enforcement Agency Address | |
| 3. Agency City | 4. Agency State | 5. Agency County | 6. Agency Zip Code |
| 7. Agency Phone Number | 8. Agency Fax Number | 9. Agency E-mail | |

DEPARTMENT CHIEF ADMINISTRATOR INFORMATION

| | | | | |
|-------------------------|--------------------------|---|---------------|--|
| 10. Title | 11. First Name | 12. M.I. | 13. Last Name | 14. Suffix |
| 15. Social Security No. | 16. Date of Birth / / | 17. Race / Ethnicity <input type="checkbox"/> American Indian or Alaskan Native <input type="checkbox"/> Asian <input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input type="checkbox"/> Multicultural <input type="checkbox"/> White | | 18. Gender <input type="checkbox"/> Male <input type="checkbox"/> Female |

Statutory authority to establish law enforcement agency.
(Please cite applicable statute providing legislative authority)

STATUTE NUMBER:

- (1) Please attach certified copy of document containing action from the governing body authorizing creation of law enforcement agency.

Example: Municipal Gov.--Ordinance, School District--Resolution of Board Action

REQUESTING ENTITY INFORMATION

| | | | |
|---|----------------|-------------------------------|--|
| 19. Requesting Entity Name | | 20. Requesting Entity Address | |
| 21. City | 22. State | 23. Zip Code | |
| 24. Area Code and Phone Number | 25. Fax Number | 26. E-mail address | |
| 27. Name of Person Making Request (Type or Print) | 28. Title | 29. Signature | |



CHIEF OF POLICE
PAUL REX

MAGNOLIA POLICE DEPARTMENT

COUNTY OF MONTGOMERY

16835 FM 1488

MAGNOLIA, TEXAS 77353-0396

February 23, 2006

City Marshal

Judge John Purvis
Magnolia Municipal Court
16835 FM 1488
Magnolia, TX. 77353-0396

Dear Judge Purvis,

The purpose of this letter is to advise you we are in complete agreement with the fact the City has a tremendous amount of fine money needing to be collected. Do to the fact the police department has a limited number of personnel in which to attend to the rising demand of calls for service your proposal to institute a City Marshal's office could be what is needed in order to collect what is due to the city. As you are aware there or other options available, but the most effective is to have one person whose sole purpose is to address these warrants on a daily basis. This would also help in the accounting aspect do to the fact the person assigned to this office would be paid out of the court and not the police department, rather than them being paid by both departments sometimes causing confusion as to which fund they are to be paid by.

This is a decision of the council only as to how they want too address collecting these fines. You have provided them with another avenue in which to accomplish this. They need to remember the use of a collection agency is somewhat helpful, and even though OMNI is a good resource often times it takes years to get a result from them.

As far as to the hiring process you will be the one held accountable for this person's action therefore this decision needs to rest with you. If the Council wishes to require any pre-employment testing for this position they would have to decide what that would be, and make this a requirement of anyone applying for this position whether it is filled from within or from someone outside.

If the council agrees to create this position you have my full support and I will assist you in any way possible to help get it started.

As Per our conversation there are no charges filed against Officer Jeri Carpenter, or any other member of the Magnolia Police Department at the present.

Respectfully,

A handwritten signature in black ink, appearing to read "Paul Rex".

Chief Paul Rex
Magnolia Police Department

AFFIDAVIT OF PUBLICATION

Before me, the undersigned authority, on this day personally appeared Denny O'Brien who on his oath stated:

Ordinance No. 2006-0086

An Ordinance by the Magnolia City Council adopting the position of City Marshal; providing for the duties and qualification of the City Marshal; providing a severability clause; providing a savings clause; and providing an effective date.



I am the Editor of the Tomball Magnolia Tribune, a newspaper published in Montgomery County, Texas and now the facts stated in this affidavit. The attached matter is a true and correct copy of the publication of the citation of which it purports to be a copy, as the same appeared in such newspaper in the respective issue of:

04/03, 2006

_____, 2006

Denny O'Brien, Editor

Subscribed and sworn to this 5th day of April, 2006

