

City of Magnolia

Ordinance 2007 - 107

AN ORDINANCE REPEALING ORDINANCE 2004-352 AND REAPPOINTING ROSS, BANKS, MAY, CRON & CAVIN, P.C. (ROSS BANKS) AS CITY ATTORNEY FOR THE CITY OF MAGNOLIA, TEXAS, (CITY) AND PROVIDING FOR COMPENSATION, PROVIDING FOR A TERM OF ONE YEAR FOR SAID APPOINTMENT AND PROVIDING THAT SAID APPOINTMENT SHALL CONTINUE FOR ADDITIONAL TIME THEREAFTER UNLESS OTHER APPOINTMENTS SHALL BE MADE BY ORDINANCE DULY ADOPTED BY THE CITY COUNCIL WHICH SHALL BE IN CONFLICT HERewith AND PROVIDING FOR THE POWERS, DUTIES AND AUTHORITY OF THE SAID CITY ATTORNEY

WHEREAS, the firm of Ross, Banks, May, Cron & Cavin, P.C. is currently retained as City Attorney for the City of Magnolia and is competent in the area of municipal law and can continue to effectively represent the interests of the City of Magnolia, Texas in accordance with usual and customary duties of a City Attorney; and

WHEREAS, the City Council of the City of Magnolia, Texas, finds and determines that the continuing employment of Ross, Banks, May, Cron & Cavin, P.C. as City Attorney for the City of Magnolia, Texas, with Leonard V. Schneider as chief responsible counsel, is in the best interest of the City,

WHEREAS, the City Council of the City of Magnolia finds and determines that the re-appointment of its City Attorney is a matter of urgency and a matter of public necessity and as such, this Ordinance shall be deemed effective as of January 15, 2007,

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF MAGNOLIA, TEXAS:**

Section 1. That Ross, Banks, May, Cron & Cavin, P.C. (Ross Banks) is re-appointed as City Attorney for the City of Magnolia, Texas, with Leonard V. Schneider designated as chief

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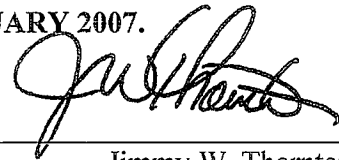
responsible counsel, and the appointed city attorney shall bill the city for services rendered at the hourly rate charged for such service on a monthly basis which shall include the hourly charges plus all expenses reasonably incurred which shall be paid in accordance with established custom and practice.

Section 2. That the City Attorney herein re-appointed shall be deemed the chief legal officer of the City and shall represent the City in all matters pending in any forum without further specific authorization of the City Council of the City. The City Attorney, or other such attorneys selected by him, shall represent the City in all litigation. The City Attorney herein designated, or other such attorneys selected by him, shall appear in front of all official bodies, boards and commissions of the City as may be required by the matters pending before such bodies. The City Attorney shall be designated the chief legal officer of the City.

Section 3. This re-appointment shall continue unless this ordinance of re-appointment shall be repealed.

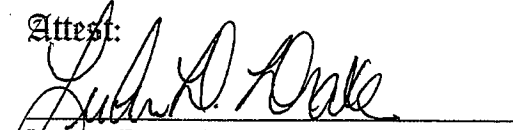
Section 4. That in consideration for the appointment made herein, the City Attorney herein re-appointed shall perform all services required in a professional manner in accordance with all applicable rules and laws relating to legal services. This Ordinance shall constitute the entire agreement between the attorney herein appointed and the City of Magnolia and shall constitute the contract between such parties; no further contract or agreement shall be required.

**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF MAGNOLIA,
TEXAS ON THIS 20TH DAY OF FEBRUARY 2007.**



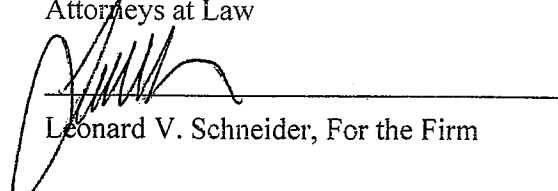
Jimmy W. Thornton, Jr.
Mayor

Attest:


LuAnn D. Drake
City Secretary

Accepted and approved:

ROSS, BANKS, MAY, CRON & CAVIN, P.C.
Attorneys at Law


Leonard V. Schneider, For the Firm

City Seal