

# **City of Magnolia, Texas**

## **Ordinance No.2009-151**

**AN ORDINANCE AMENDING ORDINANCE NUMBER 2006-0086 OF THE CITY OF MAGNOLIA, TEXAS, 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; BY REPLACING SECTION 3 OF THE ORDINANCE WITH A NEW SECTION 3.**

**WHEREAS**, the City Council of the City of Magnolia, Texas has heretofore adopted an ordinance providing for the creation of the position of City Marshal being Ordinance Number 2006-0086 on the 14<sup>th</sup> day of March 2006;

**WHEREAS**, said Ordinance Number 2006-0086, Section provides for the selection of the City Marshal;

**WHEREAS**, the City Council at the February 27, 2006 meeting voted that a 30-day application period be added to Ordinance 2006-0086 and attached hereto are the certified minutes of said meeting;

**WHEREAS**, the City Council of the City of Magnolia has determined that said ordinance should be amended to reflect the 30-day application period and to change the selection process and the appointment and removal authority;

**WHEREAS**, notice of the agenda for this meeting, was given in accordance with law by posting the same at the place reserved and designated for notices of public meetings and public activities and prior to the adoption of this ordinance; and

### **AND NOW THEREFORE, BE IT ADOPTED BY THE CITY COUNCIL OF THE CITY OF MAGNOLIA, TEXAS:**

1. The City Council of the City of Magnolia having reviewed the findings of fact and conclusions as herein set out and adopts the same for inclusion in this ordinance if the same had been repeated verbatim herein.
2. Ordinance Number 2006-0086 of the City of Magnolia, Texas is hereby amended by replacing Section 3 with a new Section 3 which Shall provide as follows:

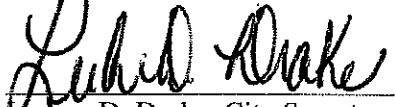
**Section 3.** The Municipal Judge shall conduct a search for applicants for a minimum of 30 days and make a recommendation to whom should be appointed as City Marshal to the City Council. The City Council may appoint the person recommended by the Municipal Judge or direct the Municipal Judge to submit additional names to the City Council for consideration for appointment as City Marshal. The City Marshal shall be appointed by the City Council and may be removed at the discretion of the City Council. The City Marshal is directed to serve at the discretion of the Municipal Judge.

**PASSED, APPROVED AND ADOPTED BY THE CITY COUNCIL OF  
THE CITY OF MAGNOLIA, TEXAS ON THIS 23<sup>rd</sup>, May 2009.**

Approved: 

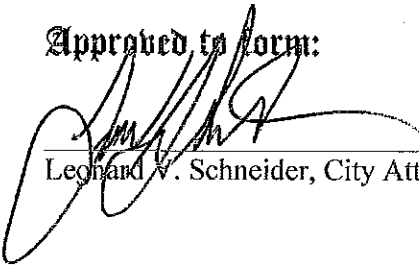
\_\_\_\_\_  
Jimmy W. Thornton, Jr., Mayor

Attest:

  
\_\_\_\_\_  
Ann D. Drake, City Secretary

**City Seal**

Approved to form:

  
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Leonard V. Schneider, City Attorney