

**ORDINANCE NO. O-2010 - 165**

**AN ORDINANCE REPEALING ORDINANCES NUMBER 2006-0086 AND 2009-151 WHICH PROVIDED FOR THE CREATION OF THE POSITION OF CITY MARSHAL FOR THE CITY OF MAGNOLIA, TEXAS, AND MAKING OTHER PROVISIONS**

**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 and has heretofore amended Ordinance Number 2006-0086 with Ordinance 2009-151 adopted on 23<sup>rd</sup> day of May, 2009;

**WHEREAS**, the City Council had previously determined to abolish the office of Marshal by Ordinance No. 56 adopted and passed on February 10, 1976.

**WHEREAS**, the Council determines that Chapter 341.001 of the Local Government Code provides for the establishment of a municipal police force;

**WHEREAS**, the City Council created the municipal police force by Ordinance No. 46 adopted on February 11, 1975;

**WHEREAS**, Chapter 22.071(c) allows a Municipality to confer on other municipal officer(s) the powers and duties of an officer provided for by that section;

**WHEREAS**, the Council has studied and reviewed the operations of the Municipal Court and has determined for efficiency purposes and separation of powers that the Court Bailiff should be a police officer under the supervision and part of the Magnolia Police Department;

**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

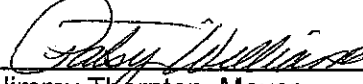
**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAGNOLIA, TEXAS THAT;**

- Section 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.
- Section 2.** Ordinance Numbers 2006-0086 and 2009-151 of the City of Magnolia, Texas are hereby repealed.
- Section 3.** The office of City Marshal is hereby abolished and the duties of the City Marshal shall be transferred to the Magnolia Police Department. The Chief of Police shall make a police officer available to the municipal court when it is in session and shall promptly and faithfully execute writs and process issued by the Court.

- Section 4.** 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. All other Ordinances in effect and not in conflict with this Ordinance shall remain in full force and effect.
- Section 5.** 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 6.** 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 12, January, 2010.**

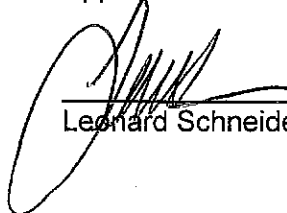
APPROVED:

  
Jimmy Thornton, Mayor

ATTEST:

  
Debra Brent, City Secretary

Approved as to Form:

  
Leonard Schneider, City Attorney