

**ORDINANCE NO. O-2011-016**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF MAGNOLIA, TEXAS, AMENDING CHAPTER 50, ARTICLE II OF THE CITY OF MAGNOLIA CODE OF ORDINANCES ENTITLED "POLICE DEPARTMENT" BY AMENDING SECTIONS 50-33, 50-35, 50-36 AND 50-38; CONTAINING OTHER PROVISIONS RELATED TO THE SUBJECT; AND REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.**

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**WHEREAS**, the Local Government Code, Sections 22.071 and 341.001 provide and allow for the establishment of a police force and the management and supervision of a police force; and

**WHEREAS**, the City Council of the City of Magnolia, Montgomery County, Texas has previously established and provided for the management of a police forces,

**NOW, THEREFORE**, pursuant to the authority granted by the laws of the State of Texas,

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

**Section 1.** The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct and hereby in all things approved.

**Section 2.** That Chapter 50, Article II, of the Code of Ordinances is hereby amended by replacing Sections 50-33, 50-35, 50-36 and 50-38 with new sections to read as follows:

**"ARTICLE II. POLICE DEPARTMENT**

**Sec. 50-33. Appointment of Chief.**

The chief of police shall be appointed by the mayor, by and with the advice and consent of the city council.

**Sec. 50-35. Entry of appointment in minutes.**

The appointment of a chief of police shall be made and entered in the minutes of the City Council at any regular or special meeting of said council, and

the commission issued to such chief of police shall become effective after the same has been signed by the mayor, and such appointment has been entered into the minutes.

**Sec.50-36. Office of chief of police.**

The position of chief of police is hereby declared to be an appointive office of the city, and his term of office shall be for two years, and until his successor shall have been appointed and qualified, and such term shall correspond with the term of office of the mayor. A police of chief appointed at any time, other than at the beginning of the mayor's term of office, shall hold office only until the end of the unexpired term of office of the mayor, and, if such chief of police is reappointed, his term of office shall be for two years. The chief serves at the will and pleasure of the city council.

**Sec. 50-38. Supervisory authority of chief.**

The Chief of Police shall be the chief administrative officer of the Police Department. He/she shall have the authority to appoint and remove the police officers and employees of said department and shall perform such duties as may be required of him/her by the City Council."

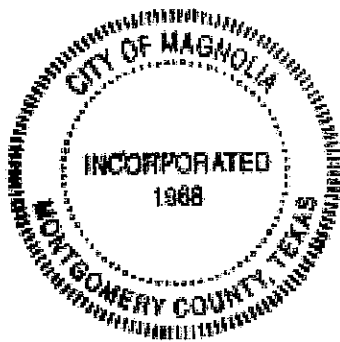
**Section 3. Severability**

It is the intent of the City that this Ordinance shall comply in all respects with the applicable provisions of the United States Constitution, the Texas Constitution, and the City of Magnolia. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Magnolia, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

**Section 4.** All ordinances or parts of Ordinances that are in conflict or inconsistent with the provisions of this Ordinance shall be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**Section 5. Effective Date.** This Ordinance takes effect as provided by Section 52.003 of the Texas Local Government Code as amended.

PASSED AND APPROVED on this 12<sup>th</sup> day of July 2011.



A handwritten signature in black ink that reads "Todd Kana".

Todd Kana, Mayor

ATTEST:

A handwritten signature in black ink that reads "Lynne George".  
Lynne George, City Secretary