

ORDINANCE NO. 355

AN ORDINANCE OF THE CITY COUNCIL OF BANDERA AMENDING CHAPTER 9, ARTICLE 9.03 POLICE, DIVISION 2 POLICE FORCE, SECTION 9.03.033 DURATION OF OFFICE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PROPER NOTICE AND MEETING; REPEALING ALL ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Bandera, Texas (the "City"), believes it is in the best interest of the City to amend the Code of Ordinances with respect to the term of office for the appointed office of City Marshal; and,

WHEREAS, the City Council finds that a longer term of office for the City Marshal would better protect the health, safety and welfare of the citizens of Bandera; and,

WHEREAS, the appointment and removal of the City Marshal will remain within the sole discretion and at the pleasure of the majority of the City Council with the limitations set forth in the Local Government Code provisions for removal of municipal officers and the Government Code provision for removal of a peace officer:

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BANDERA, TEXAS THAT:

I. CODE AMENDED

Chapter 9 Personnel, Article 9.03 Police, Division 2 Police Force, Section 9.03.033 Duration of Office, is hereby amended as set forth in the attached Exhibit A, which is fully incorporated herein by reference.

II. REPEALER

All ordinances, or part thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein for the period of time stated.

III. SEVERABILITY

It is hereby declared to be the intention of the City Council of the City that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

IV. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code, as amended.

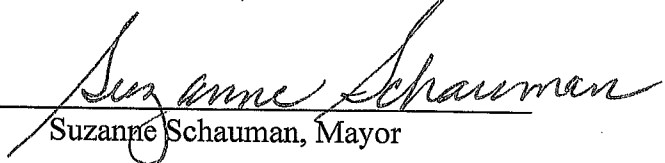
V. EFFECTIVE DATE

This ordinance shall become effective immediately upon its passage.


**PASSED, ADOPTED, APPROVED, AND EFFECTIVE THE SIXTH DAY OF
SEPTEMBER 2018.**

CITY OF BANDERA, TEXAS

By:


Suzanne Schauman, Mayor

ATTEST:


Jill Shelton, City Secretary

APPROVED AS TO FORM:

City Attorney

EXHIBIT A

Chapter 9 Personnel, Article 9.03 Police, Division 2 Police Force, Section 9.03.033 Duration of Office, is hereby amended as follows:

Sec. 9.03.033 Duration of office

Delete:

~~The term of the first appointed marshal shall be for an unexpired portion of a term ending November 2012 and shall coincide with the term of the mayor. Thereafter, the city council, on or before November 30th during the years following the election of the mayor, shall appoint a marshal in accordance with this article.~~

Add:

- (a) The term of office shall be for five (5) years from the date of appointment in accordance with this Article.**
- (b) The marshal may be removed from office in accordance with Section 22.077 of the Texas Local Government Code, as amended.**