

ORDINANCE NO. 614

AN ORDINANCE OF THE CITY OF MANOR, TEXAS, AMENDING ARTICLE 1.06 OFFICERS, EMPLOYEES AND DEPARTMENTS TO ADD DIVISION 4. CITY ATTORNEY; TO INCLUDE SPECIFIC POWERS AND DUTIES FOR THE CITY ATTORNEY; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR OPEN MEETINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR CERTAIN RELATED MATTERS.

WHEREAS, the City Council of the City of Manor finds that it is in the best interest of the City to regularly utilize the services of a City Attorney; and

WHEREAS, the City Council finds that the City Attorney provides a wide variety of legal services for the City as both counsel and representation in areas such as compliance, legal writing, and litigation; and

WHEREAS, the City Council finds that the scope of duties for the City Attorney should be delineated in the City's Code of Ordinances.

WHEREAS, the City Council desires to amend Article 1.06 Officers, Employees and Departments of the City of Manor Code of Ordinances to delineate the scope of duties for the City Attorney.

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Amending Article 1.06 – Officers, Employees and Departments. Article 1.06 Officers, Employees and Departments of the City of Manor Code of Ordinances is hereby amended to add Division 4. City Attorney to read as follows:

“Division 4. - City Attorney

Section 1.06.065 - Office established.

There is hereby established a department and office of City Attorney.

Section 1.06.066 - Appointment.

The City Council appoints and removes a City Attorney by majority vote.

Section 1.06.067 - Powers and Duties.

- (a) Appoints Assistant City Attorneys, and may retain different or additional attorneys or staff to perform the duties attributable to the City Attorney herein.
- (b) Advises the Mayor, the City Council, as well as other City officials and employees in all legal matters pertaining to City operations and interests.
- (c) Represents the City in all legal matters that result in litigation, charges, or proceedings before local, state and federal courts, administrative boards, and state and federal agencies and departments.
- (d) Represents the City in enforcing its rights in all contracts and agreements prior to litigation.
- (e) Prepares ordinances and resolutions that come before the City Council for consideration.
- (f) Attends City Council, staff, and other meetings.
- (g) Drafts and review contracts, agreements, leases, conveyances, and all other legal documents pertaining to City affairs.
- (h) Advises on and responds to requests under the Texas Freedom of Information Act.
- (i) Updates policies and ordinances to maintain compliance with changes in state and federal law.
- (j) Prosecutes criminal and civil code violations occurring within the corporate limits of the City.
- (k) Any other legal matters requested by the City and agreed to by the City Attorney.”

Section 3. Repealing all Conflicting Ordinances. Repealing all Conflicting Ordinances. All ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance as adopted herein are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this Ordinance and any other code or ordinance of the City of Manor, the terms and provisions of this Ordinance shall control.

Section 4. Savings Clause. This City Council of the City of Manor, Texas does hereby declares that if any section, subsection, paragraph, sentence, clause, phrase, work or portion of this Ordinance is declared invalid, or unconstitutional, by a court of competent jurisdiction, that, in such event that it would have passed and ordained any and all remaining portions of this Ordinance without

the inclusion of that portion or portions which may be so found to be unconstitutional or invalid, and declares that its intent is to make no portion of this Ordinance dependent upon the validity of any portion thereof, and that all said remaining portions shall continue in full force and effect.

Section 5. Severability. If any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 6. Open Meetings. It is hereby officially found and determined that the meeting at which this Ordinance was considered was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Texas Government Code.

Section 7. Effective Date. This Ordinance shall take effect immediately from and after its adoption by the City Council and publication in accordance with the provisions of the Texas Local Government Code.

PASSED AND APPROVED this 7th day of July 2021.

THE CITY OF MANOR, TEXAS

Dr. Larry Wallace Jr., Mayor

ATTEST:

Lluvia T. Almaraz, City Secretary

APPROVED AS TO FORM:

By: _____
Name: _____
City Attorney/Assistant City Attorney