

# **CITY OF SANDY OAKS, TEXAS**

## **ORDINANCE NO: 2014-3**

### **AN ORDINANCE ESTABLISHING THE CITY OFFICE OF MUNICIPAL ATTORNEY (CITY ATTORNEY); PROCEDURE FOR APPOINTMENT; TENURE, COMPENSATION; DUTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING OTHER DETAILS REALTING TO THE PASSAGE OF THIS ORDINANCE.**

WHEREAS, in accordance with Section 22.071 of the Texas Local Government Code, the City Council of the City of Sandy Oaks has determined that in addition to the members of the city council, the other officers of the municipality are the secretary, treasurer, assessor and collector, municipal attorney, marshal, municipal engineer,, and any other officers or agents authorized by the Council.

WHEREAS, in accordance with Section 22.071 of the Texas Local Government Code, the City Council by ordinance shall provide for the election or appointment of the officers provided by the section referenced above.

WHEREAS, in accordance with Section 22.071 of the Texas Local Government Code, the City Council may confer on other municipal officers the powers and duties of an officer provided for by the section referenced above.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANDY OAKS, TEXAS:**

#### **SECTION 1. OFFICE ESTABLISHED**

That the office of Municipal Attorney is hereby established. The Municipal Attorney is also known as the City Attorney.

#### **SECTION 2. APPOINTMENT OF CITY ATTORNEY**

The City Attorney shall be appointed by the Mayor, subject to an affirmative vote of the City Council.

#### **SECTION 3. TERM OF CITY ATTORNEY**

The City Attorney shall serve for such a term that the Mayor may desire.

#### **SECTION 4. COMPENSATION OF CITY ATTORNEY**

The compensation of the City Attorney shall be as from time to time determined by the City Council.

#### **SECTION 5. GENERAL DUTIES OF CITY ATTORNEY**

a. The City Attorney shall attend regular and special meetings on an as needed basis.

- b. Provide legal advice and guidance on the conduct of all city business and policy matters as needed.
- c. Perform other legal work on a case by case basis as directed by the City Council.

**SECTION 6. REMOVAL**

- a. The City Council may remove the City Attorney for incompetency, corruption, misconduct, or malfeasance in office after providing the officer with due notice and an opportunity to be heard.
- b. If the City Council lacks confidence in the City Attorney, the Council may remove the officer at any time. The removal is effective only if two-thirds of the elected alderman vote in favor of a resolution declaring the lack of confidence.

**SECTION 7. SEVERABILITY**

If any section, paragraph, sentence, clause, phrase or word of this ordinance of the application thereof to any person or circumstance is held invalid or unconstitutional, such holding shall not affect the validity of the remaining portion of this ordinance, and the City Council hereby declares that it would have passed such remaining portions despite invalidity or unconstitutionality.


**SECTION 8. AMENDMENT**

A two-thirds (2/3) vote of the City Council shall be required to amend, abolish or supersede this ordinance.

**PASSED, APPROVED AND ADOPTED THIS 16th DAY OF AUGUST, 2014**

  
James H. Clement, Mayor

**ATTEST:**

  
Art Martínez de Vara, City Attorney