

ORDINANCE NO. 2002-5

AN ORDINANCE OF THE TOWN OF ANNETTA NORTH, TEXAS, CREATING THE POSITION OF MUNICIPAL ATTORNEY; ESTABLISHING REQUIREMENTS, TENURE, STATUS, AND DUTIES; AUTHORIZING ASSISTANT AND SPECIAL COUNSEL; PROVIDING FOR COMPENSATION; REPEALER CLAUSE; SEVERABILITY CLAUSE; ENGROSSMENT AND ENROLLMENT CLAUSE; PUBLICATION CLAUSE; AND EFFECTIVE DATE CLAUSE.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANNETTA NORTH, TEXAS, THAT:

SECTION 1. CREATION OF POSITION OF MUNICIPAL ATTORNEY

The position of municipal attorney for the Town of Annetta North is hereby created. The title of the municipal attorney shall be "Town Attorney".

SECTION 2. REQUIREMENTS

The Municipal Attorney must be an attorney licensed by the State of Texas.

SECTION 3. TENURE AND STATUS

The Municipal Attorney is an appointed position and serves at the will of the Board of Alderman. The Municipal Attorney may be retained or employed. If retained, the Municipal Attorney is an independent contractor. If employed, either full or part time, the Municipal Attorney is entitled to all benefits of employment. The Municipal Attorney is not an officer of the city, but serves as general counsel of the city.

SECTION 4. DUTIES.

The Municipal Attorney is the legal advisor of the municipality; shall advise and represent the Board of Alderman; shall prosecute in the municipal court; shall appear in such courts and other legal tribunals as directed by the Board of Alderman; shall advise city officers as directed by the Board of Alderman; shall prosecute or defend suits affecting the city upon direction of the Board of Alderman; shall prepare ordinances, resolutions, motions,

contracts, documents, and all other legal writings directed by the Board of Alderman; and such other duties, functions and actions as directed or required by law and/or the Board of Alderman.

SECTION 5. ASSISTANT AND SPECIAL COUNSEL

The Board of Alderman may appoint such other assistant or deputy municipal attorneys, as it deems necessary. The Board of Alderman may retain such other legal counsel, as it deems necessary for the legal representation of the City. In the event that the city, its employees, officers or appointees are defended by an insurance carrier, the insurance company's attorney may represent the interest of the city under the policy and make all necessary court appearances. The Municipal Attorney shall supervise all assistant or deputy municipal attorneys. Special counsel retained by the city will coordinate all representation through the Municipal Attorney. The Municipal Attorney shall monitor all insurance representations and keep the Board of Alderman advised.

SECTION 6. COMPENSATION.

The Municipal Attorney, assistant or deputy municipal attorneys and all special counsel hired and/or retained by the city shall be compensated as determined by the Board of Alderman.

SECTION 7. REPEALER CLAUSE.

All ordinances or parts of ordinances not consistent or conflicting with the provisions of this ordinance are hereby repealed; provided that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered in this ordinance. Any cause of action accruing prior to the passage of this ordinance shall continue as if this ordinance was not passed or any other ordinance had not been repealed.

SECTION 8. SEVERABILITY CLAUSE.

That it is hereby declared that the sections, articles, subsections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and if any phrase, clause, sentence, paragraph, subsection, article, or section of this ordinance shall be declared void, ineffective, or unconstitutional by a valid judgment or final decree of a court of competent jurisdiction, such voidness, ineffectiveness, or unconstitutionality shall not effect any of the remaining phrases, clauses, sentences, paragraphs, subsections, articles, or sections of this ordinance since the same would have been enacted by the

Board of Alderman without the incorporation herein of any such void, ineffective, or unconstitutional phrase, clause, sentence, paragraph, subsection, article, or section.

SECTION 9. ENGROSSMENT AND ENROLLMENT CLAUSE.

The City Secretary of the City is hereby directed to engross and enroll this ordinance by copying the caption, penalty clause (if any), publication clause and effective date clause in the minutes of the Board of Alderman and filing the ordinance in the ordinance records of the City.

SECTION 10. PUBLICATION CLAUSE.

The City Secretary is hereby directed to post or publish in the official newspaper of the City, the caption, penalty clause (if any), publication clause and effective date clause of this ordinance in one issue of the official newspaper of the City, provided that the official newspaper is a weekly paper, as authorized by Section 52.011 of the Texas Local Government Code.

SECTION 11. EFFECTIVE DATE.

This ordinance shall be effective after final passage and publication as required by law.

PASSED AND APPROVED THIS THE 8th day of April, 2002.

MAYOR

ATTEST:

City Secretary