

**ORDINANCE NO. 2019-16**

**AN ORDINANCE OF THE CITY OF OVILLA, TEXAS, AMENDING CHAPTER 9, ARTICLE 9.03, DIVISION 2 "CITY MANAGER," SECTION 9.03.034(1), OF THE CITY OF OVILLA CODE OF ORDINANCES, PROVIDING AMENDED APPOINTMENT AND TERMINATION AUTHORITY OF THE CITY MANAGER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERANCE CLAUSE; PROVIDING FOR INCORPORATION INTO THE OVILLA CODE OF ORDINANCES; PROVIDING FOR IMMEDIATE EFFECT; AND PROVIDING FOR PUBLICATION.**

**WHEREAS**, the City has established powers and duties of the City Manager by Ordinance 2015-018 adopted on July 13<sup>th</sup>, 2015; and

**WHEREAS**, Ordinance 2015-018 does not clarify the specific positions for which the City Manager only has appointment and termination recommendation authority to the Mayor and City Council; and

**WHEREAS**, the City finds and determines that it is necessary and in the best interests of the health, safety and welfare of the citizens of the City of Ovilla to amend the City's Code of Ordinances as set forth herein.

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

**SECTION 1. AMENDMENT OF CHAPTER 9, ARTICLE 9.03, DIVISION 2 "CITY MANAGER," SECTION 9.03.034(1) OF THE OVILLA CODE OF ORDINANCES**

CHAPTER 9, ARTICLE 9.03, DIVISION 2 "CITY MANAGER," SECTION 9.03.034(1) of the Ovilla Code of Ordinances is hereby amended to read as follows:

**Sec. 9.03.034 POWERS AND DUTIES**

\* \* \*

(1) Prepare job descriptions for all officers and employees of the city, and fill budgeted positions on the city staff, other than department heads. Recommend to the mayor and city council the appointment of Chief of Police, Fire Chief, and Public Works Director (Department Heads). He or she shall be empowered to suspend the Chief of Police, Fire Chief, and Public Works Director and recommend their termination to the mayor and city council. He or she shall direct and supervise the day-to-day activities of all employees through department heads.

\* \* \*

**SECTION 2. SAVINGS CLAUSE**

In the event that any other Ordinance of the City of Ovilla, Texas, heretofore enacted is found to conflict with the provisions of the Ordinance, this Ordinance shall prevail.

**SECTION 3. SEVERANCE CLAUSE**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 4. INCORPORATION INTO THE CODE OF ORDINANCES**

The provisions of this ordinance shall be included and incorporated in the City of Ovilla Code of Ordinances and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

**SECTION 5. EFFECTIVE DATE**

Because of the nature of interest and safeguard sought to be protected by this Ordinance and in the interest of the citizens of the City of Ovilla, Texas, this Ordinance shall take effect immediately after passage, approval and publication, as required by law.

**SECTION 6. PUBLICATION**

The City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause hereof as an alternative method of publication provided by law.

**PASSED, ADOPTED AND APPROVED** by the City Council of Ovilla, Texas on this the 8th day of July 2019.



Richard Dormier, Mayor

ATTEST:



Pamela Woodall, City Secretary



APPROVED AS TO FORM:



Ron G. MacFarlane, Jr., City Attorney