

## ORDINANCE NO. 199

**AN ORDINANCE ESTABLISHING THE OFFICE OF CITY PROSECUTOR; PROCEDURE FOR APPOINTMENT; TENURE; COMPENSATION; DUTIES; REMOVAL; PROVIDING FOR SEVERABILITY; REPEAL OF CONFLICTING ORDINANCES AND PROVIDING OTHER DETAILS RELATING TO THE PASSAGE OF THIS ORDINANCE.**

**WHEREAS**, the City of Wallis, Texas is a small general law, Type A municipality with limited resources for creating a full time office of City Attorney/Prosecutor; and

**WHEREAS**, the City of Wallis, Texas has need for attorney prosecutor services on an as needed contract basis; and

**WHEREAS**, the City of Wallis, Texas does not desire to create a position of Municipal Officer in accordance to Section 22.071 of the Texas Local Government Code; and

**WHEREAS**, it is the desire and intention of the City Council of the City of Wallis, Texas to create the contract position of Municipal Court Prosecutor; and

**WHEREAS**, the City Council has determined it appropriate to appoint a City Prosecutor upon terms and conditions acceptable to City Council and law;

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

### **Section 1. OFFICE ESTABLISHED**

That the office of City Prosecutor is hereby established.

### **Section 2. APPOINTMENT OF CITY PROSECUTOR**

The City Prosecutor shall be a competent, duly qualified and licensed attorney practicing in the State of Texas who shall be appointed by the Mayor, subject to an affirmative vote of the City Council.

### **Section 3. TERM OF CITY PROSECUTOR**

The City Prosecutor shall serve no set term.

### **Section 4. COMPENSATION OF CITY PROSECUTOR**

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

**Section 5. GENERAL DUTIES OF CITY PROSECUTOR**

The City Prosecutor shall have the duty and authority to enforce the City municipal ordinances and investigate and prosecute misdemeanor criminal activities which occur in the City of Wallis. Duties shall include, but are not limited to the following:

- a. Prosecute any violation of the laws or ordinances of the City of Wallis which is within the jurisdiction of such municipal court;
- b. Prosecute any violation of state laws which by general law municipal courts have been granted jurisdiction;
- c. Represent the City of Wallis in the appeal of any case prosecuted in the municipal court.

**Section 6. REMOVAL**

The City Prosecutor shall serve at the pleasure of City Council and may be removed or terminated at anytime, with or without cause. The City Council may retain special counsel at any time they deem same appropriate and necessary.

**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 help 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. REPEAL OF CONFLICTING ORDINANCES.**

All ordinances or parts of ordinances or resolutions inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed but only to the extent of such conflict.

PASSED, APPROVED AND ADOPTED THIS 21<sup>st</sup> DAY OF AUGUST, 2013

  
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JERRY DELSO, Mayor

ATTEST:

  
  
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D.J. SOMMERS, City Secretary