

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF NEW BERLIN, TEXAS; RE-APPOINTING TERREAL HATCHER TO SERVE AS THE MUNICIPAL MARSHAL FOR THE CITY OF NEW BERLIN, TEXAS FOR A TWO-YEAR TERM BEGINNING DECEMBER 2023 THROUGH DECEMBER 2025; PROVIDING FOR: REPEAL OF CONFLICTS, SEVERABILITY, A SAVINGS CLAUSE, MEETING OPEN TO THE PUBLIC AND AN EFFECTIVE DATE.

WHEREAS, the City of New Berlin, Texas is a Type B general law City incorporated and functioning as such under the provisions of Chapter 11, Title 28, Revised Civil Statutes of Texas, 1925, as amended; and

WHEREAS, on the 15th day of November, 2021, the City of New Berlin established the municipal Marshal office by Ordinance No 2021-004; and

WHEREAS, Section 22.071 of the Texas Local Government Code provides that an aldermanic form of government in type B general-law municipality may appoint municipal officers by ordinance; and

WHEREAS, Section 22.072 of the Texas Local Government Code provides that the City Council of the City of New Berlin, Texas may require a municipal officer whose duties are prescribed by the Texas Local Government Code to perform additional duties; and

WHEREAS, Section 22.076 of the Texas Local Government Code provides that the City Council of the City of New Berlin, Texas shall require a municipal Marshal to execute a bond payable to the municipality and conditioned that the officer will faithfully perform the official duties of the office; and

WHEREAS, Section 341.021 of the Texas Local Government Code prescribes specifically that the marshal of a Type B general-law municipality has the same power within the municipality that a constable has within a precinct and is entitled to the same fees as a constable, and prescribes certain powers and duties of the municipal Marshal; and

WHEREAS, on November 15, 2021 the City of New Berlin Texas appointed Terreal Hatcher as the Municipal Marshal for a two-year term by Ordinance No. 2021-005; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BERLIN, TEXAS:

SECTION 1. RE-APPOINTMENT OF MUNICIPAL MARSHAL.

The City of New Berlin, Texas hereby re-appoints Terreal Hatcher to serve as the Municipal Marshal for the City of New Berlin, Texas from the effective date of this Ordinance for a term of two years.

SECTION 2. CONFLICT.

All Ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 3. SEVERABILITY.

If any section, subsection, paragraph, clause, phrase, or provision of this ordinance or the application of any section, subsection, paragraph, clause, phrase, or provision to any person or circumstance is adjudged to be invalid, the invalidity shall not affect other section, subsection, paragraph, clause, phrase, or provision or applications thereof 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 4. SAVINGS CLAUSE.

This Ordinance shall remain in full force and effect, save and except as amended or repealed.

SECTION 5. MEETING OPEN TO PUBLIC.

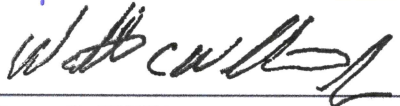
It is hereby found and determined that the meeting at which this Ordinance is passed is open to the public as required by law and that the public notice of the time, place and purpose of said meeting was given as required.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall be effective upon passage and approval.

PASSED, APPROVED and ADOPTED on the 13th day of November, 2022.

Ayes 4 Nays Abstain



Walter C. Williams Jr, Mayor

ATTEST:



Roxann Pullin, City Secretary

(city seal)

