

**City of Cottonwood Shores**

**ORDINANCE 9011**

**AN ORDINANCE OF THE CITY OF COTTONWOOD SHORES, BURNET COUNTY, TEXAS, IDENTIFYING DUTIES, RESPONSIBILITIES AND AUTHORITY OF THE MAYOR, CITY COUNCIL, CITY ADMINISTRATOR, FINANCIAL OFFICER, AND CITY SECRETARY. PROVIDING FOR A COORDINATED MANAGEMENT STRUCTURE AND CHAIN OF COMMAND FROM THE ELECTED GOVERNMENT OFFICI/ALS TO CITY STAFF, ESTABLISHING RULES, REGULATIONS AND REQUIREMENTS FOR THE EFFICIENT DELIVERY OF GOVERNMENT SERVICES TO CITIZENS, SEVERABILITY AND OPEN MEETINGS CLAUSES AND OTHER RELATED MATTERS.**

**History:** **January 3, 2013** – Updated City Council fiduciary responsibility

**June 20, 2013** – Removed Exhibit A - Organizational Chart and amended Council's responsibilities regarding City employees' organization and job descriptions.

**November 10, 2014** – Amended paragraph 4.6 and changed mentions of City Treasurer to Financial Officer

**January 21, 2016** – Amended to define City Financial Officer as City Treasurer

**Whereas,** The City of Cottonwood Shores, Texas (the "City"), is a Type A General Law Municipality; and

**Whereas,** the City wishes to ensure satisfactory, consistent and efficient management of the City's affairs over the long term, independent of personnel changes on the City Council; and

**Whereas,** the City Council of the City, in its Regular Monthly Meeting of January 17, 2008 unanimously voted in favor of adopting the General Law Municipality Type A City Administrator form of Government; and

**Whereas,** the City Council desires to define the duties to be performed and authority to be exercised by the Mayor, City Council, and Staff within the framework of the City Administrator form of Government, and to provide for receiving and investigating complaints and grievances from citizens and City staff; and

**Whereas,** Section 22.042, *Texas Local Gov't Code*, provides that the Mayor shall have and perform the duties and responsibilities established by the City Council of the City; and

**Whereas,** on November 15, 2012, the City Council repealed Ordinance 9001 and replaced it with Ordinance 9011 to include Section 3.5, providing that all personnel policies and procedures should be approved by the City Council

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

**Section 1:**

**Authority:** This Ordinance is amended pursuant to the policing powers and authority given General Law cities by the constitution, codes and General Laws of the State of Texas, including but not limited to Chapters 22 and 25 of the Texas Local Government Code.

**Purpose:** The purpose of this ordinance is to establish the functional working relationship between Mayor, City Council, City Administrator, City Secretary, City Financial Officer/Treasurer and individual members of the City's staff and to clearly state City Council's role in establishing the city's personnel policies and procedures.

**Findings of Fact:** The findings and recitations set out in the preamble of this Ordinance are found to be true and correct and are hereby adopted by the City Council and made part hereof for all purposes.

**Legal Authority and Definition**

1. The Mayor of a General Law City is the Chief Executive Officer of the City.
2. The Mayor shall at all times actively ensure that the Laws and Ordinances of the Municipality are properly carried out.
3. The Mayor shall perform the duties and exercise the powers as prescribed by the City Council of the City of Cottonwood Shores, Texas and appropriate Laws of the State of Texas.
4. Municipalities may create the position of City Administrator to control the day-to-day management of the City.
5. The City Administrator's authority may be defined and authorized by the City Council.
6. The City Council may define the duties of City Officials and City Staff.

**Section 2 -- Implementation:**

1. The City of Cottonwood Shores is established as a City Administrator form of Government. City Officers are defined to be the Mayor, City Council Members, City Administrator, Financial Officer/Treasurer, and City Secretary. Because of the importance of these functions and the desire to have an efficient Government, the job functions are defined in this Ordinance. Other City employee functions are defined in the City of Cottonwood Shores Personnel Manual. Job functions for all City Officers include:
  - 1.1. In contact with news media the Mayor or Mayor Pro-Tem or City Administrator may provide a press release of fact, on behalf of the City without prior approval of the City Council.
  - 1.2. Employees, both paid and non-paid, may not speak with the media on behalf of the City, without prior approval of the City Council.
  - 1.3. The City Officers shall not negotiate or in any way attempt to bind the City in contractual or obligatory matters regarding the City without prior expressed approval of the City Council.
2. **Mayoral Functions:**
  - 2.1. The Mayor shall inspect the conduct of each subordinate municipal Officer and shall cause any negligence, carelessness, or other violation of duty to be brought before the City Council for appropriate action.

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- 2.2. The Mayor shall provide the City Council with any specific information and recommend to the City Council any measure relating to improving the finances, police, health, security, cleanliness, comfort, ornament, or good Government of the Municipality.
- 2.3. The Mayor is the first point of contact for intergovernmental relationships unless others are appointed by City Council.
- 2.4. The Mayor shall preside over City Council meetings. Conduct at Council meetings shall be governed by Ordinance No. 1109, Rules of Procedure, Conduct, and Decorum for Meetings of the Cottonwood Shores City Council.
- 2.5. The Mayor shall make no purchases nor utilize any credit accounts, credit cards or other accounts of the City for any reason not expressly authorized by the City Council except in the case of emergency expenditures less than \$1,000.00.
- 2.6. The Mayor or City Council has no special grant of a right to use public property. The Mayor or City Council shall have no authority to utilize City vehicles for any purpose unless expressly authorized by the City Council.
- 2.7. The Mayor is hereby authorized to act only as approval agent for the City in the matters of finance expressly approved for the Mayor's signature by the City Council.
- 2.8. The Mayor along with City Administrator and City Secretary are responsible for the initial drafting of the agenda. The Mayor is responsible for the final review of the agenda and all materials used in public meetings. The addition of any material to these documents requires coordination with the City Administrator.
- 2.9. The Mayor shall keep and maintain all documents pertaining to the business of the City on the City premises and shall not remove any documents from City Hall, save and except copies of public documents tendered to the Mayor in response to a written request for records. Any original City documents or City documents in the custody of the Mayor which have not been received in response to a Public Information Request shall be returned immediately to the City Hall.

### 3. City Council Functions:

- 3.1. City Council shall deliberate on recommendations by the Mayor and / or the City Administrator and direct the Mayor according to majority vote of the Council to implement such recommendations through interactions with the City Administrator. It is the function of the City Council to provide guidance and vision for the City in the form of Ordinances and / or resolutions.
- 3.2. Individual Council Members shall actively gather and provide to the City Council any specific information and recommendations information relating to improving the finances, police, health, security, cleanliness, comfort, ornament, aesthetics, or good Government of the Municipality to the extent possible, in accordance with the 'Texas' Open Meeting Act, as amended.
- 3.3. Final approval of any City contracts will occur during regularly scheduled City Council meetings unless direct guidance is given by the City Council otherwise. This includes consideration of any such contracts where initial contact has been made by the City Development Committee.
- 3.4. Individual City Council Members shall make no purchases nor utilize any credit accounts, credit cards or other accounts of the City for any reason not expressly authorized in advance by the City Council.
- 3.5. Individual City Council Members shall exercise their fiduciary responsibility when requested, by signing any and all checks written by the Financial Officer/Treasurer or his/her designee, on behalf of the City. All checks will require two (2) City Council member's signature before being released for payment. Only City Council members have the authority to sign checks.

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3.6. City Council shall approve all personnel policies and procedures of the City and all revisions, modifications and amendments thereto. No such policies, procedures, revisions, modifications or amendments shall be in effect except as approved by the City Council. Such policies, procedures, rules and regulations shall be and remain in effect until all or any part of such policies, procedures, rules, regulations, revisions, modifications and amendments may be repealed, deleted, modified or amended at any time by the City Council acting in its discretion.

#### **4. City Administrator Functions:**

- 4.1. The City Administrator is charged with performing highly responsible managerial and supervisory work in planning, organizing, and directing the operations of the City. The duties of the City Administrator include all responsibilities established by the City Ordinance, the City Council, and by applicable State and Federal Law.
- 4.2. The City Administrator is charged with implementation of policy, programs, projects, and day-to-day operations as determined by City Council and directed by the Mayor. Of specific note is that the Council and Mayor will provide overall guidance but not detailed specific information on implementation.
- 4.3. The City Administrator is expected to develop City-wide administrative procedures and policies for the efficient operation of City business including both long and short range goals for the City and submit to City Council for consideration and possible implementation.
- 4.4. The City Administrator will work closely with the Mayor on day-to-day events and report to the Council in the form of a report / presentation at each Council Meeting.
- 4.5. The City Administrator has direct supervision of City Department Heads and is responsible for yearly evaluations of these individuals. Coordination between the Departments is also the direct responsibility of the City Administrator. Department Heads must report to the City Administrator on personnel directly assigned to their Department and are responsible for yearly evaluations of those assigned to the Department.
- 4.6. Working closely with the City Financial Officer/Treasurer, the City Administrator is responsible for hiring, evaluation, salary, reprimand and termination of all City staff with the exception of City Officers as defined in Section 2, Paragraph 1 of this ordinance and the Police Department as defined by Ordinance 9002.
- 4.7. The City Administrator shall provide oversight for the development and implementation of plans for financial and budgetary considerations as mandated by the City Council and directed by the Mayor. This includes working closely with the Financial Officer/Treasurer to prepare annual budget recommendations, including capital expenditure items, consistent with Council approved short and long range plans.
- 4.8. The City Administrator is responsible for administration of contracts established by the City unless otherwise directed by City Council.
- 4.9. The City Administrator must work closely with all Policy and Advisory Boards, Commissions, or Committees appointed by the City Council. This shall include providing information, minor staff resources, and / or minor assistance in the performance of their duties. Decisions affecting the policy of the City must be brought to the City Council.
- 4.10. In cases where the City Secretary is unable to satisfy requests or complaints of the general public, the City Administrator shall intervene to assist in implementing a proper solution.
- 4.11. The City Administrator also interacts with other City Managers, with State-wide Organizations and Associations, with Representatives of Governmental Agencies at the State and Federal levels, and with the news media.

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- 4.12. The Mayor along with City Administrator and City Secretary are responsible for the initial drafting of the agenda. The Mayor is responsible for the final review of the agenda and all materials used in public meetings. The addition of any material to these documents requires coordination with the City Administrator.
- 4.13. The City Administrator, being in charge of day-to-day operations, will perform other related work as required and directed by the City Council.

### **5. Financial Officer Functions:**

- 5.1. The Financial Officer is to serve as City Treasurer and fill the required duties provided in the Local Government Code
- 5.2. The Financial Officer is responsible for maintenance, changes and recording of all issues related to the Budget and City expenditures as directed by City Council and required by the Texas Local Government Code.
- 5.3. The Financial Officer shall work under the direction of the City Administrator and work closely with the Mayor as directed by the City Administrator.
- 5.4. The Financial Officer is responsible to maintain all records for accounts payables on a day-to-day basis. Any accounts over thirty (30) days in arrears or any expenditures of question shall immediately be brought to the attention of the City Administrator.
- 5.5. The Financial Officer shall work directly with the Budget auditor and comply with requests by the auditor while keeping the City Administrator fully informed.
- 5.6. The Financial Officer will maintain a cash flow analysis / forecast based on reliable historical data to permit more intelligent and timely planning and budgeting.
- 5.7. The Financial Officer is responsible for checking account reconciliations and shall work closely with the City Clerk.

### **6. City Secretary Functions:**

- 6.1. The City Secretary is charged with responsibility to maintain Ordinances, Contracts, and with Record Retention as per Ordinance 1103 and its successors and all other written documentation necessary for the operation of the City.
- 6.2. The City Secretary shall work with of the City Administrator and work closely with the Mayor.
- 6.3. The City Secretary shall fulfill all responsibilities as set forth in the Texas Local Government Code as related to all official documents and if necessary and working with the City Administrator, obtain legal advice from State resources and / or the City Attorney.
- 6.4. The City Secretary shall process public information requests as required per the Texas Public Information Act.
- 6.5. The City Secretary is the primary point of contact to satisfy requests or complaints of the General public. The City Secretary shall solicit the assistance of the City Administrator if a satisfactory solution is not determined.
- 6.6. The City Secretary shall administer Oaths of Office to all City elected and appointed officials and perform such election duties as may be required by Law unless otherwise directed by the City Administrator.
- 6.7. The City Secretary shall be responsible for the initial preparation of meeting notices, agendas, agenda packets and meeting minutes for all official functions of the City Council which will be submitted to the City Administrator in a timely manner for review. The City Secretary shall be responsible for posting of Official Notices as required by the Texas Local Government Code.

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- 6.8. As directed by the City Administrator, the City Secretary may assist Commissions, City Council, the Mayor and others as designated.
- 6.9. The City Secretary is responsible for signatory requirements for all TABC Alcohol Permit applications.
- 6.10. The City Secretary shall be responsible for initial preparation and the final recording of all City-related liens and lien releases.
- 6.11. The City Secretary shall be responsible for the keeping the official seal of the City and is the official notary for City-related documents. This includes attesting to and applying the City seal to all contracts of the City and all licenses, permits and such other documents that require this formality. Under direct supervision of the City Secretary, these functions may be transferred to the Assistant City Secretary on a case-by-case basis unless such act violates any part of the Texas Local Government Code.
- 6.12. The City Secretary shall be the official to receive all sealed bids.
- 6.13. The City Secretary shall perform other related tasks as may be assigned or required based on the direction of the City Administrator.

### **Section 3 -- Appointment and Employee Hierarchy:**

1. All Municipal Officers shall be appointed upon a successful vote of the City Council. Each position is "employment-at-will" and the employee may be terminated at any time per City Council action. (*Mott v. Montgomery County*, 882 S.W.2d 635, 637 (Texas App.--Beaumont 1994, writ denied), in accordance with the Local Government Code.
2. Every City employee position shall be described in detail by a Job Description in the City Personnel Manual. The Mayor, the City Council, the City Administrator, City Secretary and City Financial Officer/Treasurer functions are described by Ordinance which requires the City Personnel Manual to be consistent.
3. The functions of the City's Personnel Officer shall be given to the Mayor, Financial Officer/Treasurer, or City Administrator as designated by the City Council dependent upon current staffing. Changes in personnel will require the City Council to reassign an individual as the City's Personnel Officer.
4. The City's Personnel Officer functions in this capacity and shall be guided by the City's Personnel Policy in effect at any given point in time with advisement from the City Administrator, Mayor, or others so designated by City Council.

### **Section 4 -- Severability:**

1. It is hereby declared to be the intention of the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and if any phrase, sentence, paragraph, or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance since the same would have been enacted by the without the incorporation in this Ordinance of any such invalid phrase, clause, sentence, paragraph, or section.

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2. If any provision of this Ordinance shall be adjudged by a Court of Competent Jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given without the invalid provision and to this end, the provisions of this Ordinance are declared to be severable.

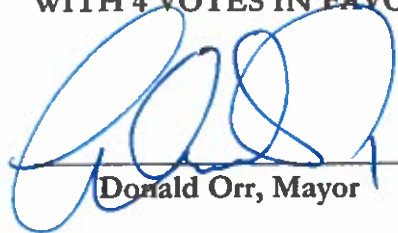
**Section 5 -- Open Meeting:**

1. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551, Texas Government. Code.

**Section 6 -- Effective Date:**

**THIS ORDINANCE SHALL BECOME EFFECTIVE UPON ITS PASSAGE AND ADOPTION BY STATE LAW.**

**AMENDED ORDINANCE PASSED AND APPROVED BY THE CITY COUNCIL OF COTTONWOOD SHORES, TEXAS, AT A MEETING ON THE 21<sup>ST</sup> DAY OF JANUARY 2016, WITH 4 VOTES IN FAVOR, 0 VOTES AGAINST AND 1 ABSTENTION.**

  
Donald Orr, Mayor



Attest:

  
Sheila C. Moore  
City Administrator/City Secretary