

ORDINANCE NO. 09-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DE LEON, TEXAS, REPEALING AND REPLACING ORDINANCE NO. 12-99; AUTHORIZING CONTINUATION OF THE OFFICE OF CITY ADMINISTRATOR; DESIGNATING THE DUTIES, AUTHORITIES AND RESPONSIBILITIES OF THE OFFICE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN OPEN MEETINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on September 28, 1999, the City Council, having determined the need for a Chief Administrative Officer, enacted Ordinance No. 12-99 creating the position of City Administrator and established the duties, authority and responsibilities of the office;

WHEREAS, pursuant to Article IV, Section 5, Article VI, Sections 3 and 4, and Article VII, Sections 5 and 6, of the City Charter, the City Council has the authority to create offices, establish the duties of offices, combine the duties of offices and take other actions as it deems appropriate for the administration and governance of the City; and

WHEREAS, the Chief Administrative Officer of the City shall be the City Administrator, and the criteria for the appointment, removal and compensation of the City Administrator shall be as set forth in this ordinance;

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DE LEON, TEXAS THAT:

1. *Repeal.* Ordinance No. 12-99 is hereby repealed and is replaced by this Ordinance No. 09-08. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed on the effective date of this ordinance.
2. *Enactment.* The following provisions continuing and maintaining the office of City Administrator and defining the duties, authority and responsibilities of that office are hereby enacted by the City Council of the City of De Leon effective immediately upon adoption by the City Council and publication as may be required by the Texas Local Government Code.

SECTION 1. City Administrator.

The position and office of City Administrator as created by Ordinance No. 12-99 is hereby continued and maintained and the criteria for appointment, removal, compensation, and the authorities, powers, duties and responsibility of the office of City Administrator shall be as hereinafter set forth.

SECTION 2. Appointment.

The City Administrator shall be appointed by a majority vote of the City Council for an indefinite term of office and shall serve at the will of a majority of the City Council. The City Council may designate some qualified person to act in the absence or upon the disability of the City Administrator.

SECTION 3. Compensation.

The City Administrator shall receive such compensation and benefits as may be established from time to time by the City Council.

SECTION 4. Authority, Duties and Reponsibilities.

The City Administrator shall be the Chief Administrative Officer of the City and shall be responsible to the City Council for the proper administration of the affairs of the City as assigned by the Mayor with the approval of the Council by motion and vote at a duly notice meeting of the Council and recorded in the official minutes of such meeting. To that end, the City Administrator shall have the authority, duty and responsibility as required to carry out the following responsibilities to the extent such responsibilities are assigned to the City Administrator by the Mayor as described above:

- a. Prepare job descriptions for approval by the City Council; delegate duties to the officers and employees of the City; appoint persons to fill the budgeted positions (excluding the chief of police and city secretary) with the City Council's concurrence; terminate, suspend, or discipline employees subject to their right of appeal to the City Council; exercise supervision and control over the drug and substance abuse testing policy and program of the City; and, as he or she may determine advisable from time to time, make recommendations to the City Council on any an dall personnel, performance, administration, management, financial and general governance issues.
- b. Direct, coordinate, and provide oversight over all departments of the City, and, in the event of a conflict between any matter of direction and oversight by the City Administrator and the supervision undertaken by the mayor, the matter shall be referred to the City Council for action.
- c. On behalf of the mayor, as requested by the mayor, perform administrative and management functions, if any, that are by charter made the responsibility of the mayor, including, but not limited to, the following:
 - i. ensure that all applicable laws and ordinances are enforced;
 - ii. supervise and inspect the conduct of all subordinate officers and employees of the City;
 - iii. cause all negligence, carelessness and violations of duty by the employees and officers to be given appropriate consideration;
 - iv. communicate and make recommendations to the City Council for the administration and management of the City;
- d. In consultation with the mayor and the city secretary, as Chief Budget Officer of the City prepare, review and submit to the City Council prior to the beginning of each fiscal year a budget for proposed expenditures for

the ensuing year together with a message describing the important features of said budget. The City Secretary shall render such assistance as the City Administrator may find reasonably necessary in the preparation and submission of said budget. The City Council with respect to its consideration of said budget after its adoption by the City Council.

- e. Prepare and submit to the City Council as of the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year.
- f. Keep the City Council advised of the financial condition and future needs of the City and provide such information and services as may be deemed reasonably necessary. The City Administrator shall further advise and assist the City Council to assure the accomplishment of the annual audit of the City.
- g. Supervise the purchase of all materials, supplies, and equipment for which funds are provided in the budget; purchase budgeted materials and supplies necessary for operation or maintenance of the City services for amounts up to and including \$3,000.00. All expenditures of \$3,000.01 or more shall be approved by City Council after compliance with the competitive bidding procedures of Sate law. No purchase shall be made, contract let, or obligation incurred for any item or service which exceeds the current departmental budget appropriation without a supplemental appropriation approved by the Council. No contract shall be let except by City Council. The City Administrator shall advise the City Council on the advantages or disadvantages of contract and bid proposals. The City Administrator may issue written rules governing procedures for purchasing consistent with this section and with applicable State law.
- h. In the event of accident, disaster, or other circumstance creating a public emergency, the City Administrator shall provide the mayor such assistance as may be necessary and may award contracts an make purchases for the purpose of meeting said emergency; but shall file within seventy-two (72) hours with the City Council a certificate describing any such emergency and showing the necessity for such emergency purchases, together with an itemized count of all such expenditures.
- i. The City Administrator shall have such further authority, duties and responsibilities as may be reasonably implied from the terms of this ordinance and as heretofore or hereafter provided by the City Council.
- j. The City Administrator shall be bonded in an amount determined from time to time by the City Council which bond shall be conditioned upon the good and faithful performance of the authorities and performances of the office and position of City Administrator. The presmium of the bond shall be paid by the City.

3. Conflict of Duties.

The limited administrative and personnel duties and responsibilities, with respect to the day to day operation of the City, which are by charter to be performed by the mayor, may be delegated by the mayor to the City Administrator. The duties and responsibilities of the City Administrator shall be in addition to, and not in lieu of, the day to day administrative and personnel duties of the mayor.

4. Severability.

If any provision, section subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity of the remaining portions of this Ordinance and no portion or provision hereof shall become inoperative or fail by reason of any invalidity or unconstitutionality of any other portion or provision, and to this end all provisions of this Ordinance are declared to be severable.

5. Open Meetings.

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

6. Effective Date.

This ordinance shall take effect immediately upon its adoption by the City Council and publication as may be required by the Texas Local Government Code.

PASSED AND APPROVED on this 10th day of July, 2008.

PASSED, APPROVED AND ADOPTED on this 24th day of July, 2008.

CITY OF DE LEON, TEXAS

Danny Own, Mayor

ATTEST:

Karen Wilkerson, City Secretary