

ORDINANCE NO. 061324-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA VERNIA, TEXAS, AMENDING CHAPTER TWO: ADMINISTRATION ARTICLE III: OFFICERS AND EMPLOYEES BY AMENDING PROVISIONS REGARDING THE OFFICE OF CITY ADMINISTRATOR AND PROVIDING FOR THE POWERS, AUTHORITY, AND DUTIES OF SAID CITY ADMINISTRATOR.

WHEREAS, Texas Local Government Code Section 22.071 authorizes a General Law Type A City by ordinance to provide for the appointment of officers of the city; and

WHEREAS, the City Council of the City of La Vernia previously determined it was necessary to appoint a City Administrator to administer the City's day-to-day activities; and

WHEREAS, Texas Local Government Code Section 22.071 authorizes a General Law Type A City by ordinance to confer specific powers and duties to an officer appointed by the governing body of a General Law City; and

WHEREAS, the City Council further finds that such provisions of specific powers and duties granted to the City Administrator should be formally adopted by ordinance and codified.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA VERNIA, TEXAS:

Section 1. Findings. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 2. Adoption. The City Council of the City of La Vernia, Texas hereby amends the City of La Vernia Code of Ordinances Chapter 2 Administration, Article III Officers and Employees as set forth in the attached "Exhibit A", amending the specific powers and duties granted to the City Administrator, as required by the City Council not inconsistent with the Constitution of the United States, and the Constitution and Statutory Laws of the State of Texas. The City Administrator may receive salary and benefits as the City Council may approve.

Section 3. Severability. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance be severable, and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared invalid by judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance and the remainder of this ordinance shall be enforced as written.

Section 4. Proper Notice and Meeting. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Open

Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

Section 5. Effective Date. This Ordinance will take effect upon its adoption by the City Council.

PASSED AND APPROVED this 13th day of June, 2024.

CITY OF LA VERNIA, TEXAS

By: _____
Martin Poore, Mayor

ATTEST:

Lindsey Wheeler, City Secretary

EXHIBIT A

DIVISION 2. OFFICERS

Sec. 2-310. City Secretary-Treasurer established; powers.

Sec. 2-314. City Administrator established

The municipal office of the City Administrator is hereby created.

Sec. 2-315. Residency in city

Residency within the city is not required. It is recommended that the city administrator reside within a 60-mile radius of the City so that they are able to respond in the event of an emergency.

Sec. 2-316. Appointment; term

The city council, by majority vote, shall appoint the person to fill the office of administrator. The city administrator shall serve at the will of the governing body, as set forth in this Article and as set forth in any employment contract, as applicable. In the absence of an employment contract, such term of office shall continue indefinitely, unless terminated as stated herein or by resignation, subject to state law.

Sec. 2-317. Removal or resignation from office

(a) The city administrator shall serve at the will of the governing body and may be removed or suspended for lack of confidence at any time, in accordance with Local Government Code section 22.077. The removal is effective only if two-thirds of the city council vote in favor of a resolution declaring the lack of confidence.

(b) The city administrator may be removed from office for incompetency, corruption, misconduct, or malfeasance in office by a majority vote of the governing body after providing the officer with due notice and an opportunity to be heard.

(c) The city administrator may resign by submitting the resignation in writing to the governing body (city council and mayor). Such resignation is subject to approval and acceptance by the governing body.

Sec. 2-318. Compensation

The city administrator shall receive the compensation approved by the city council as part of the annual budget and in accordance with any applicable terms and conditions of an approved employment contract, if applicable.

Sec. 2-319. Powers and duties

The city administrator shall be the chief administrative officer of the city and shall report to the governing body for the proper administration of the affairs of the city and to that end shall be required to accomplish or see to the accomplishment of the following:

- (1) Devote his or her working time and attention to the affairs of the city and be responsible to the governing body for the efficient administration of its affairs;
- (2) See that the applicable laws and all ordinances of the city are enforced;

- (3) Attend all meetings of the governing body with the right to take part in the discussion, but having no vote, and he or she shall be notified of all special and emergency meetings of said governing body;
- (4) See that all terms and conditions imposed in favor of the city and/or its inhabitants in any public franchises are faithfully kept and performed, and upon knowledge of any violation thereof call the same to the attention of the governing body;
- (5) Oversee the preparation of a budget of proposed expenditures for the ensuing year, and ensure that the same is submitted to the governing body, prior to the beginning of each fiscal year;
- (6) Make purchases on behalf of the city without seeking additional approval from the governing body provided the purchase is allowed in the current budget or the amount of such purchase is less than \$ 25,000.00 unless there is an emergency event, in which case the purchase limit is up to \$ 49,999.00, with ratification by City Council at a regular meeting.
- (7) With regard to personnel matters and chain of command, the city administrator shall:
 - (A) Oversee the preparation of job descriptions for all officers and employees of the city, with the exception of the police department, in which these preparations will be the responsibility of the Chief of Police;
 - (B) Supervise, provide direction, discipline, hire, and fire the employees of all of the departments of the city, including authority to discipline city officers in a manner consistent with the city's personnel policies, with the exception of the police department, in which these tasks will be the responsibility of the Chief of Police;
 - (C) Provide direction, assign projects, and conduct business with all department heads, including city secretary, city attorney, city engineer, ~~city marshal~~, city treasurer, public works director, and municipal judge, and serve as liaison between those department heads and the city council;
 - (D) With regard to any personnel matter that is of public interest, involves the termination of an employee, or may affect the business of the city, the city administrator shall advise the mayor and council electronically on the same day;
 - (E) Prepare and maintain the components of the city's personnel management system and interpret city policies as needed and requested for department heads and employees;
- (8) Act as first alternate to the city secretary for attesting to and countersigning the mayor's or mayor pro tem's signature on warrants/check payments, as provided under Texas Local Government Code sections 22.073 and 22.074; and
- (9) Do and perform such other duties as may be prescribed by ordinance, resolution, or direction of the governing body of the city.

