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1 THE CITY OF WOODCREEK  
2 ORDINANCE NO. XXXX-XX-XX

3 AN ORDINANCE AMENDING THE CITY OF WOODCREEK CODE OF ORDINANCES AT TITLE III  
4 (“ADMINISTRATION”), CHAPTER 30 (“GOVERNING BODY”); PROVIDING FOR AMENDMENTS  
5 TO THE OPERATION, DUTIES AND STRUCTURE OF THE GOVERNING BODY.  
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9 WHEREAS, the City Council has previously established the powers and duties of the governing body whose  
10 authorities and duties are granted to them by the State;

11 WHEREAS, though this is not a complete representation of the authorities, powers and duties represented in State  
12 Code for the Governing Body;

13 WHEREAS, the City Council finds these passages placed into our local code increases transparency and  
14 understanding of our city Governing Body operations, duties and structure; and

15 WHEREAS, the City Council of the City of Woodcreek finds it appropriate to approve certain amendments to the  
16 operation, duties and structure of the Governing Body.

17 NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WOODCREEK, TEXAS:

18 SECTION I. CODE AMENDMENT: The City Code of Ordinances Title III, Chapter 30, is hereby amended as follows  
19 with underlines being additions to the code and strikethroughs being deletions from the code:  
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23 **§ 30.13 GOVERNING BODY.**

24 (A) *Governing body.* The governing body consists of a Mayor and five Aldermen who are elected by the qualified  
25 voters of the municipality. The terms of office of the Mayor and Council Member of the city shall be two-year  
26 staggered terms of office, and until successors have qualified.

27 (A) Members of the governing body shall serve without compensation, but will be entitled to payment or  
28 reimbursement of all actual and necessary expenses incurred in the performance of their official duties as  
29 determined by a reimbursement policy adopted by the city council.

30 (B) Members of the governing body shall have access to city administrative accounts, ever mindful of their  
31 ethics oaths including confidentiality when accessing these accounts; State law and local ordinances and  
32 resolutions also apply to the integrity of these accounts and to their contents; The accounts accessible by the  
33 governing body include, but are not limited to:

34 (1) City FundView Account (access to be assigned as appropriate for sensitive information)  
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36 (2) City online documents storage (currently Microsoft SharePoint)

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38 **30.13.01 Council meetings generally**

39 (A) The city council shall hold at least one regular meeting each month and may hold as many special  
40 meetings as necessary to conduct city business. The regular meetings of the city council shall be held on  
41 Wednesdays, unless changed by majority vote of the city council at a public meeting.

42 (B) While in an open meeting, an executive session which is properly posted on the agenda may be convened  
43 by the mayor or upon motion of any council member.

44 (C) Notice of all meetings shall be posted in accordance with the Texas Open Meetings Act, V.T.C.A.,  
45 Government Code, Ch. 551.

46 (D) All meetings of the city council shall be conducted in accordance with the provisions of the latest edition  
47 of Robert's Rules of Order.

48 (E) If a closed meeting is permitted by state law, the city council may meet in a meeting that is closed to  
49 the public during any city council meeting. A closed meeting may be held at any time during any city  
50 council meeting, but notice of the closed meeting must be given in accordance with the Texas Open  
51 Meetings Act, V.T.C.A., Government Code, Ch. 551.

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53 **30.13.02 QUORUM.**

54 A majority of the number of City Council members constitutes a quorum. However, at a called meeting or at  
55 a meeting to consider the imposition of taxes, two-thirds of the number of Council members constitutes a  
56 quorum unless provided otherwise.

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58 ~~(B)~~ **30.13.03 Mayor—Powers and duties.**

59 The Mayor shall have all powers and duties explicitly conferred upon them by Tex. Local Gov't. Code, §§  
60 22.037, 22.038, 22.042, and 102., but shall have no implied powers unless specifically granted to them by  
61 state statute or the City Council by resolution or ordinance. In the absence of a Municipal Administrator, the  
62 Mayor assumes the Chief Administrator responsibilities and duties not otherwise delegated to other Officers.

63 (A) The Mayor is the Chief Executive Officer of the municipality. The Mayor shall at all times actively ensure  
64 that the laws and ordinances of the municipality are properly carried out. The Mayor shall perform the duties and  
65 exercise the powers prescribed by the governing body of the municipality.

66 (B) The Mayor shall inspect the conduct of each subordinate municipal officer and shall cause any negligence,  
67 carelessness, or other violation of duty to be prosecuted and punished.

68 (C) The Mayor shall give to the governing body any information, and shall recommend to the governing body  
69 any measure, that relates to improving the finances, police, health, security, cleanliness, comfort, ornament, or  
70 good government of the municipality.

71 (D) The Mayor may administer oaths of office.

72 (E) In the event of a riot or unlawful assembly or to preserve the peace and good order in the municipality,  
73 the Mayor may order and enforce the closing of a theater, ballroom, or other place of recreation or entertainment,  
74 or a public room or building and may order the arrest of a person who violates a state law or a municipal ordinance  
75 in the presence of the Mayor. The Mayor is the Emergency Management Director of the city per Tex. Gov't. Code §  
76 418. and the city's Chapter 34. The Mayor will supervise and oversee the actions of the Emergency Management  
77 Coordinator of the city.

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78 (F) The Mayor shall preside at all meetings of the governing body of the municipality and, except in elections,  
79 may vote only if there is a tie.

80 ~~The Mayor is generally recognized as the ceremonial and governmental head of the City for most purposes.~~

81 (G) The Mayor may call a Special Council meeting on the Mayor's own motion and shall call a Special Council  
82 meeting on the application of three Council Members. Each member of the governing body, the secretary, and the  
83 municipal attorney must be notified of the Special Council meeting. The notice may be given personally or left at  
84 the person's usual place of residence.

85 (H) The Mayor shall allow a Council Member to add items to a Regular Council meeting agenda.

86 (1) The Mayor and the Administrator shall compile the items submitted for council and council workshop  
87 meeting agendas; and follow any council resolution regarding council agendas as may be amended from  
88 time to time by the City Council.

89 (I) A Mayor may add items to a Special Council meeting agenda in which they called, and may add items to  
90 any Regular Council meeting agenda.

91 (J) The Mayor's primary function is to carry out the legislative responsibilities they share with other members  
92 of Council: identifying the needs of the City, developing programs to satisfy those needs, and evaluating the extent  
93 to which municipal services reflect the policy goals of the Council.

94 (K) The Mayor shall not have the power to expend funds of the City, sign agreements binding the City, or  
95 otherwise take any other action on behalf of the City without the express approval of the City Council. The Mayor  
96 shall not have the power to veto or modify any ordinance or resolution adopted by the City Council and may not,  
97 in any way, neutralize or negate any action of the City Council.

98 (L) The Mayor is hereby expressly authorized to expend funds in the daily operation of the City as they relate  
99 to payroll and accounts payable consistent with the approved annual budget, as it may be amended from time to  
100 time by the City Council.

101 (M) In support of Council, the Mayor may create additional duties assigned to city staff.

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#### 103 **30.13.04 The Mayor as Budget Officer**

104 (Reference: Local Government Code 102)

105 The Mayor shall:

106 (A) Prepare each year a municipal budget to cover the proposed expenditures of the municipal government  
107 for the succeeding year.

108 (B) Itemize the proposed budget to allow as clear a comparison as practicable between expenditures  
109 included in the proposed budget and actual expenditures for the same or similar purposes made for the preceding  
110 year. The proposed budget must show as definitely as possible each of the projects for which expenditures are set  
111 up in the proposed budget and the estimated amount of money carried in the proposed budget for each project.

112 (1) The proposed budget must contain a complete financial statement of the city that shows:

113 (a) the outstanding obligations of the municipality;

114 (b) the cash on hand to the credit of each fund;

115 (c) the funds received from all sources during the preceding year;

116 (d) the funds available from all sources during the ensuing year;

117 (e) the estimated revenue available to cover the proposed budget; and

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118 (f) the estimated tax rate required to cover the proposed budget.

119 (2) In preparing the proposed budget, the Mayor may require any municipal officer or board to furnish  
120 information necessary for the Mayor to properly prepare the proposed budget.

121 (C) File the proposed budget with the city clerk before the 30th day before the date the City Council makes  
122 its tax levy for the fiscal year.

123 (1) A proposed budget that will require raising more revenue from property taxes than in the previous  
124 year must contain a cover page with the following statement in 18-point or larger type: "This budget will  
125 raise more total property taxes than last year's budget by (insert total dollar amount of increase and  
126 percentage increase), and of that amount (insert amount computed by multiplying the proposed tax rate  
127 by the value of new property added to the roll) is tax revenue to be raised from new property added to  
128 the tax roll this year."

129 (2) The proposed budget shall be available for inspection by any person; and shall be posted on the city  
130 website by the city clerk.

131 (D) After the adoption of the budget or a budget amendment by Council, the Mayor shall direct the city clerk  
132 to file a true copy of the approved budget or amendment in the office of the Hays county clerk.

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134 Nothing in this Section is intended to alter the authority of the Mayor Pro Tempore under Tex. Local Gov't. Code, §  
135 22.037 "if the Mayor fails, is unable, or refuses to act."

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137 ~~(C)~~ **30.13.05 Mayor pro tempore.**

138 At each new governing body's first meeting or as soon as practicable, the governing body shall elect one  
139 alderman to serve as president pro tempore for a term of one year. If the Mayor fails, is unable, or refuses to  
140 act, the president pro tempore shall perform the Mayor's duties and is entitled to receive the fees and  
141 compensation prescribed for the Mayor. If the Mayor and the president pro tempore are absent, any  
142 alderman may be appointed to preside at the meeting.

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144 ~~(D)~~ **30.13.06 Council Members—Powers and Duties.**

145 Council Members shall have all powers and duties explicitly conferred upon them by Tex. Local Gov't. Code, §§  
146 22.037, 22.038, 22.042, 22.071, 22.072 and 102., but shall have no implied powers unless specifically granted  
147 to them by state statute.

148 (A) Council is the judge of the election and qualifications of its members.

149 (B) Council Members may add items to the Regular Council meeting agenda, and may add items to a Special  
150 Council meeting agenda in which they called.

151 (C) The governing body of the municipality shall meet at the time and place determined by a resolution  
152 adopted by the governing body.

153 (D) The governing body shall determine the rules of its proceedings and may compel the attendance of  
154 absent members and punish them for disorderly conduct.

155 (E) A Council Member shall be fined \$3.00 for each meeting that the Council Member fails to attend unless  
156 the absence is caused by the Council Member's illness or the illness of a family member.

157 (F) Council may describe by resolution or ordinance the duties and powers of the Mayor, not otherwise  
158 granted to that position by State Statute.

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159 (G) The governing body by ordinance shall provide for the election or appointment of other municipal  
160 officers.

161 (H) The governing body may confer on other municipal officers the powers and duties of an officer.

162 (I) The governing body may prescribe the powers and duties of a municipal officer appointed or elected to an  
163 office under Chapter 22 whose duties are not specified under that code.

164 (J) Council Members are the city's legislators. Their primary duty is policy making, which includes identifying  
165 the needs of local residents, formulating programs to meet the changing requirements of the community, and  
166 measuring the effectiveness of ongoing municipal services. Council Members provide direction and leadership,  
167 deciding what needs to be done and planning for the future of the City and its residents.

168 Council Members also perform the following duties as the governing body:

169 (1) *Regulator*—The Council exercises regulatory powers over the conduct and property of its citizens. It  
170 has the power to declare certain conduct to be criminal, to require that certain businesses and  
171 activities be licensed, and to tell property owners how and for what purposes they may use their  
172 property.

173 (2) *Financier*—The Council may levy taxes, assess fees and charges, and sell bonds in order to finance the  
174 many functions of the city government. The council also has to budget the expenditure of the city's  
175 funds.

176 (3) *Employer*—The Council is responsible for all of the city's employees, and looks to the City ~~Manager~~  
177 Administrator and Mayor to see that they perform their duties effectively and professionally.

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179 **30.13.07 Council - the Annual Budget – Powers and Duties**

180 The City Council adopts the annual budget in anticipation of possible spending they may take action  
181 on during that fiscal year. This serves the transparency taxpayers should expect of their city  
182 government.

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184 Council shall:

185 (A) hold a public hearing on the proposed budget. Any person may attend and may participate in the  
186 hearing;

187 (B) set the hearing for a date occurring after the 15th day after the date the proposed budget is filed with  
188 the city clerk but before the date the governing body makes its tax levy;

189 (1) The city clerk has been assigned the task of executing the requirements of public notices stated in  
190 Local Government Code 102

191 (C) take action on the proposed budget, at the conclusion of the public hearing;

192 (1) A vote to adopt the budget must be a record vote;

193 (2) Council may make any changes in the budget that it considers warranted by the law or by the best  
194 interest of the municipal taxpayers;

195 (3) Adoption of a budget that will require raising more revenue from property taxes than in the  
196 previous year requires a separate vote of council to ratify the property tax increase reflected in the  
197 budget. A vote under this subsection is in addition to and separate from the vote to adopt the budget  
198 or a vote to set the tax rate required by Chapter 26, Tax Code, or other law; and

199 (4) An adopted budget must contain a cover page which has been delegated to the city clerk to  
200 execute;

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201 (D) file the final adopted budget with the city clerk. The city clerk will ensure that the adopted budget, the  
202 cover sheet and the recorded vote are on the city website; and

203 (1) Council shall take action to ensure that the cover page of the budget is amended to include the  
204 property tax rates required by Section 102.007(d)(3) for the current fiscal year if the rates are not  
205 included on the cover page when the budget is filed with the city clerk. Council shall file an amended  
206 cover page with the city clerk and take action to ensure that the amended cover page is posted on the  
207 city website.

208 (E) LEVY OF TAXES AND EXPENDITURE OF FUNDS UNDER BUDGET; EMERGENCY EXPENDITURE.

209 (1) Council may levy taxes only in accordance with the budget;

210 (2) After final approval of the budget, council may spend municipal funds only in strict compliance with  
211 the budget, except in an emergency;

212 (3) Council may authorize an emergency expenditure as an amendment to the original budget only in a  
213 case of grave public necessity to meet an unusual and unforeseen condition that could not have been  
214 included in the original budget through the use of reasonably diligent thought and attention. If council  
215 amends the original budget to meet an emergency, council shall file a copy of its order or resolution  
216 amending the budget with the city clerk, and the clerk shall attach the copy to the original budget; and

217 (4) This does not prevent council from making other budget amendments in the adopted budget for  
218 municipal purposes.

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238 SECTION II. SEVERABILITY CLAUSE: Should any of the clauses, sentences, paragraphs, sections or parts of this  
239 Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with  
240 jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.  
241 All provisions of this Ordinance are declared severable.

242 SECTION III. CUMULATIVE CLAUSE: This Ordinance shall be cumulative of all provisions of ordinances of the City  
243 except where provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which  
244 event the conflicting provisions of such ordinances are hereby repealed.

245 SECTION IV. REPEALER CLAUSE: All Ordinances, Resolutions, or parts thereof, that are in conflict or inconsistent  
246 with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this  
247 Ordinance shall be and remain controlling as to the matters regulated, herein.

248 SECTION V. SAVINGS CLAUSE: The repeal or amendment of any ordinance or part of ordinances effectuated by the  
249 enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of  
250 such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue or as affecting  
251 any right of the City of Woodcreek under any section or provisions of any ordinances in effect at the time of the  
252 passage of this Ordinance.

253 SECTION VI. PROPER NOTICE AND MEETING: It is hereby officially found and determined that the meeting at which  
254 this Ordinance was passed was open to the public as required and that public notice of the time, place and  
255 purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government  
256 Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

257 Effective as of final passage and any publication as required by law.

258 PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2024, by a \_\_\_\_\_ to \_\_\_\_\_  
259 vote of the City Council of Woodcreek, Texas.

260 WOODCREEK, TEXAS

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262 By: \_\_\_\_\_

263 Jeff Rasco, Mayor

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267 ATTEST:

268 \_\_\_\_\_ Suzanne J. Mac Kenzie, City Secretary