

**CITY OF WOODCREEK, TEXAS
ORDINANCE 2023-___-**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOODCREEK, TEXAS, AMENDING THROUGH ADDITION SECTIONS 30.13, 30.14, AND 30.16 OF THE CODE OF ORDINANCES FOR THE PURPOSE OF CLARIFYING THE CITY COUNCIL’S PREFERRED COMMUNICATION POLICIES AND PROCEDURES WITH CITY STAFF, OFFICERS AND CONSULTANTS; PROVIDING FOR THE REPEAL OF ANY CONFLICTING ORDINANCES OR CODE PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR A FINDING OF PROPER MEETING AND NOTICE.

WHEREAS, the City Council of the City of Woodcreek desires to provide for a formal set of policies governing City Councilmember communications with members of City volunteer committees/boards, City staff, officers, and consultants;

WHEREAS, the City Council finds that a coordinated communications policy with the office of the City Manager as the hub, with spokes of communication involving members of the governing body, committee/commission members, staff, and/or consultants to be organized and facilitated to ensure the timely performance of required duties; and

WHEREAS, the City Council finds it to be in the best interest of the City to implement such a policy through the additions and amendments to the City’s Code of Ordinances, which are reasonable, necessary, and proper for the good governance of the City of Woodcreek.

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

Section 1: The above and foregoing recitations are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2: The City Council does hereby approve and adopt the proposed amendments to the Code of Ordinances for the City of Woodcreek to amend Sections 30.13, 30.14, and 30.15 to reflect a clarified communications policy as attached hereto and incorporated as Exhibit “A” for all purposes.

Section 3: This Ordinance shall be effective immediately upon its approval and passage.

PASSED AND APPROVED this, the 24th day of May, 2023, on a vote of the City Council of Woodcreek, Texas of _____ AYES, _____ NAYS and _____ ABSTAINS.

**CITY OF WOODCREEK, TEXAS
ORDINANCE 2023-__-__ (cont).**

City of Woodcreek, Texas:

By: _____
Jeff Rasco, Mayor

Attest:

By: _____
Suzanne MacKenzie, City Secretary

Approved as to Form:

By: _____
Roger Gordon, City Attorney

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§ 30.13 GOVERNING BODY.

- (A) *Governing body.* The governing body consists of a Mayor and five Aldermen who are elected by the qualified voters of the municipality. The terms of office of the Mayor and Council Member of the city shall be two-year staggered terms of office, and until successors have qualified.
- (B) *Mayor—Powers and duties.* The Mayor shall have all powers and duties explicitly conferred upon them by Tex. Local Gov't. Code, §§ 22.037, 22.038, 22.042, and 102., but shall have no implied powers unless specifically granted to them by state statute or the City Council by resolution or ordinance.
- (C) *Councilmember Communications.* The Municipal (City) Manager shall be the designated communications officer for the express purpose of communications between the Governing Body, as a whole or individually, and members of City Committees/Commissions, City Staff and/or Consultants, such that all communications intended from one to the other shall be routed through the office of the Municipal Manager for proper distribution and management.

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

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

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

The Mayor may administer oaths of office.

In the event of a riot or unlawful assembly or to preserve the peace and good order in the municipality, the Mayor may order and enforce the closing of a theater, ballroom, or other place of recreation or entertainment, or a public room or building and may order the arrest of a person who violates a state law or a municipal ordinance in the presence of the Mayor.

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

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

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

The Mayor shall allow a Council Member to add items to a Regular Council meeting agenda.

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

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

The Mayor shall not have the power to expend funds of the City, sign agreements binding the City, or otherwise take any other action on behalf of the City without the express approval of the City Council.

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

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

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

- (C) *Mayor pro tempore.* At each new governing body's first meeting or as soon as practicable, the governing body shall elect one alderman to serve as president pro tempore for a term of one year. If the Mayor fails, is unable, or refuses to act, the president pro tempore shall perform the Mayor's duties and is entitled to receive the fees and compensation prescribed for the Mayor. If the Mayor and the president pro tempore are absent, any alderman may be appointed to preside at the meeting.
- (D) *Council Members—Powers and Duties.* Council Members shall have all powers and duties explicitly conferred upon them by Tex. Local Gov't. Code, §§ 22.037, 22.038, 22.042, 22.071, 22.072 and 102., but shall have no implied powers unless specifically granted to them by state statute.

Council Members may add items to the Regular Council meeting agenda, and may add items to a Special Council meeting agenda in which they called.

The governing body of the municipality shall meet at the time and place determined by a resolution adopted by the governing body.

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

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

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

The governing body by ordinance shall provide for the election or appointment of other municipal officers.

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

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

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

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

- (1) *Regulator*—The Council exercises regulatory powers over the conduct and property of its citizens. It has the power to declare certain conduct to be criminal, to require that certain businesses and activities be licensed, and to tell property owners how and for what purposes they may use their property.
- (2) *Financier*—The Council may levy taxes, assess fees and charges, and sell bonds in order to finance the many functions of the city government. The council also has to budget the expenditure of the city's funds.
- (3) *Employer*—The Council is responsible for all of the city's employees, and looks to the City Manager and Mayor to see that they perform their duties effectively and professionally.

(Ord. No. 20-287 , § II, 11-10-2020; Ord. No. 22-305 , 3-9-2022)

§ 30.14 OTHER MUNICIPAL OFFICERS.

- (A) *Other municipal officers.* In addition to the members of the governing body of the municipality, the other officers of the municipality are the Secretary, Treasurer, Assessor and Collector, Municipal Attorney, Marshal, Municipal Engineer, and any other officers or agents authorized by the governing body.
- (B) *Appointment of other municipal officers.* If a vacancy exists in any office created herein, the Mayor or acting Mayor shall appoint a person to fill the vacancy, subject to confirmation by the governing body.
- (C) *Removal of other municipal officers.* Other municipal officers serve at the pleasure of the governing body. The governing body of the municipality may remove a municipal officer for incompetency, corruption, misconduct, or malfeasance in office after providing the officer with due notice and an opportunity to be heard. If the governing body lacks confidence in a municipal officer appointed by the governing body, the governing body may remove the officer at any time. The removal is effective only if two-thirds of the elected aldermen vote in favor of a resolution declaring the lack of confidence.
- (D) *Annual Review.* All other municipal officers shall be subject to an annual review, at which all such municipal officers may be considered for removal subject to section 30.14(c).
- (E) *Powers and duties of other municipal officers; bond.* The governing body of the municipality may require municipal officers whose duties are set forth herein (or otherwise established by Texas law) to perform additional duties. The governing body may require a municipal officer to execute a bond payable to the municipality and conditioned that the officer will faithfully perform the duties of the office.
- (F) *Communications.* The Municipal (City) Manager shall be the designated communications officer for the express purpose of communications between the Governing Body, as a whole or individually, and any City Committees/Commissions, Municipal Officers, such that all communications intended from one to the other shall be routed through the office of the Municipal (City) Manager for proper distribution.

(Ord. No. 20-287 , § II, 11-10-2020; Ord. No. 22-305 , 3-9-2022)

§ 30.15 MUNICIPAL MANAGER/ADMINISTRATOR.

- (A) *Office of Municipal Manager/Administrator.* The Office of Municipal Manager/Administrator is created and shall receive such compensation as may be fixed by the Council.
- (B) *Powers and Duties of Municipal Manager/Administrator.*
 - (1) The Municipal Manager/Administrator, who shall be referred to as the City Manager, shall be the Chief Administrative Officer of Woodcreek and shall be responsible to the governing body for the proper administration of the affairs Woodcreek not otherwise delegated to other Officers. To that end, the City Manager shall have the authority, duty and responsibility as required to carry out the following responsibilities and any others that may be assigned by the governing body, from time to time.
 - (2) The City Manager shall:
 - (a) Establish and maintain effective working relationships with the governing body, municipal officers, and municipal employees.
 - (b) Provide the governing body with pertinent information regarding the administration of all City departments and City activities, and make recommendations to the City Council for the administration and management of the City.

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- (c) Work with the governing body to develop and implement short- and long-range plans for the City's growth, including strategic and comprehensive plans.
 - (d) Complete all tasks generally assigned to the City Manager and working closely with City staff to develop, present, implement, administer and coordinate all of the following: (a) coordinate with the City Secretary and oversee elections; (b) serve as a liaison between vendors and Council; (d) assist the City Secretary with planning, zoning and permitting; (e) manage and oversee the City's website.
 - (e) Prepare job descriptions for approval by the City Council; delegate duties to the officers and employees of the City; supervise the day-to-day operations (including supervising and inspecting the conduct of all subordinate officers employees and causing all negligence, carelessness and violations of duty by the employees and officers to be given appropriate consideration), functions and programs of the City; and make recommendations to the governing body on any and all personnel, performance, administration, programs, projects, management, financial and general governance issues;
 - (f) Direct, coordinate and provide oversight over all departments, programs and projects of the City;
 - (g) Ensure that all applicable laws and ordinances are enforced;
 - (h) Ensure that a system of financial checks and balances is in place and is rigorously upheld to include, as a minimum, the segregation of duties as directed and approved by City Council;
 - (i) Supervise programs and projects, issue permits and perform other duties as assigned by the governing body.
 - (j) Attend all meetings of the City Council.
 - (k) Prepare, review and submit to the governing body 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; assist the City Council with respect to its consideration of said budget; and assure the proper administration of the budget after its adoption;
 - (l) Prepare and submit to the governing body as of the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year.
 - (m) Report to the governing body in a timely fashion as specific issues arise, as part of regular City Council meetings, on the financial condition and needs of the City; provide timely information and assistance to City Council, as requested by the City Council; and work with City Council to ensure an annual audit is completed as required.
 - (n) Communications - Serve as the designated communications officer for the express purpose of communications between the Governing Body, as a whole or individually, and members of City Committees/Commissions, City Staff, Municipal Officer(s), and/or Consultants, such that all communications intended from one to the other shall be routed through the office of the City Manager for proper distribution.
- (3) The City Manager/Administrator shall have such further authority, duties and responsibilities as reasonably implied from the terms of this section and as heretofore or hereafter provided by the City Council; and shall be bonded in an amount determined 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 Manager. The premium of the bond shall be paid by the City.
- (C) *Municipal Manager/Administrator to Serve as Municipal Treasurer.* The Office of Municipal Treasurer is created. The Municipal Manager/Administrator shall also serve as the Municipal Treasurer.
- (D) *Powers and Duties of Municipal Manager/Administrator as Municipal Treasurer.*

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- (1) The Municipal Manager/Administrator as the Municipal Treasurer shall (1) receive and securely keep all money belonging to the municipality; (2) make all payments on the order of the Mayor, attested by the secretary of the municipality under the seal of the municipality; (3) render to the governing body a full statement of the receipts and payments which must be rendered at the governing body's first regular meeting in every quarter and at other times as required by the governing body.
 - (2) The Municipal Manager/Administrator as the Municipal Treasurer will also perform the following duties which are statutorily given to the Municipal Secretary:
 - (a) Serve as the general accountant of the municipality and shall keep regular accounts of the municipal receipts and disbursements. The Secretary shall keep each cause of receipt and disbursement separately and under proper headings. The Secretary shall also keep separate accounts with each person, including each officer, who has monetary transactions with the municipality. The Secretary shall credit accounts allowed by proper authority and shall specify the particular transaction to which each entry applies. The Secretary shall keep records of the accounts and other information covered by this subsection.
 - (b) Keep a register of bonds and bills issued by the municipality and all evidence of debt due and payable to the municipality, noting the relevant particulars and facts as they occur.
 - (E) *Bond.* The Municipal Manager/Administrator as the Municipal Treasurer shall be bonded as required by Section 30.15(B)(3), and also as required by the law.

(Ord. 00-67, 6-14-2000; Ord. 13-173, 1-9-2013; Ord. 19-254, 2-25-2019; Ord. No. 20-287 , § II, 11-10-2020; Ord. No. 22-305 , 3-9-2022)