

City Officials and Employees

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City Officials and Employees**§ 31.07 TEXAS MUNICIPAL RETIREMENT SYSTEM (TMRS) - ELECTION TO PARTICIPATE; ADOPTION BY REFERENCE.**

(A) *Election to participate in the TMRS.* On behalf of the city, the City Council exercises its option and elects to have the city and all of the employees of all departments participate in the Texas Municipal Retirement System (hereafter "TMRS") as provided in Tex. Gov't Code §§ 851.001 et seq., as amended; and all of the benefits and obligations of such system are hereby accepted.

(B) *Election to participate in the TMRS Supplemental Benefits Fund.* The City Council elects to have the employees of all participating departments of the city participate in and be covered by the Supplemental Benefits Fund of the Texas Municipal Retirement System, as provided by Tex. Gov't Code §§ 851.001 et seq.; and all the benefits and obligations of participation in said fund are hereby accepted by the city as to such employees.

(C) *Adoption by reference.* Ordinances effecting the plan for participation in the TMRS, employee contributions, updated service credits, increases in benefits and retirement annuities and any other applicable legislation of the city and state are adopted by reference into this code of ordinances as if fully set forth herein and shall be kept on file in the office of the City Clerk. (Am. Ord. 2006-08, passed 5-2-06; Am. Ord. 2008-03, passed 2-8-08)

City Officials and Employees

- (M) In the event of accidents, disasters, or other circumstances creating a public emergency, the City Administrator shall provide the Mayor such assistance as may be necessary and may award contracts and 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 show the necessity for such emergency purchases, together with an itemized account of all such expenditures.

 - (N) 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.

 - (O) The City Administrator shall be bonded in an amount determined by the City Council. The bond shall be conditioned upon the good and faithful performance of the duties, responsibilities, and performances of the office and position of City Administrator. The bond premium shall be paid by the City.

 - (P) The City Administrator shall also serve as the Department Head of the Public Works Department, a dual assignment.

 - (Q) The limited administrative and personnel duties and responsibilities of the Mayor statutorily assigned to the Mayor, with respect to the day-to-day operation of the City, may be specifically assigned by the Mayor to the City Administrator during periods of absence of the Mayor. 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. To the fullest extent not in conflict with State law, this ordinance, or the express actions and directions by a majority vote of the City Council, the City Administrator shall have the responsibility for, and authority incident thereto, the day-to-day supervision and management of the City and the salaried officers, directors, employees, and personnel of the City.
- (Ord. 2008-03, passed 2-8-08)

§ 31.06 PEACE OFFICER CHARGING ORDINANCE VIOLATIONS AND ISSUING CITATIONS.

A Peace Officer may charge a person, including a child, with committing an offense of one or more ordinances of the city. Instead of taking the person before a Magistrate, the Peace Officer may issue a citation to the person that contains written notice of the time and place the person must appear before a Magistrate, the name and address of the person charged, and the offense charged.

(Ord. 02-04, passed 4-2-02; Am. Ord. 2008-03, passed 2-8-08)

Statutory Reference:

The Police Force of a type A General-Law Municipality, see TEX. LOC. GOV'T CODE, § 341.001 and TEX. CODE OF CRIM. PROC. CODE, § 14.06

City Officials and Employees

- (F) The City Administrator shall keep the City Council advised of the financial condition and future needs of the City and provide such information and service as may be deemed reasonably necessary. The City Administrator shall further advise and assist the City Council to ensure the accomplishment of the annual audit of the City.
- (G) The City Administrator shall provide oversight of the purchase of all materials, supplies, and equipment for which funds are provided in the budget; oversee and/or perform purchasing of budgeted materials and supplies necessary for operation or maintenance of the City services. The City Administrator may authorize City Department Directors to perform the actual purchases as deemed necessary, consistent with administrative guidelines and defined procedures. No purchase shall be made or obligation incurred for any item of service which exceeds the current departmental budget appropriation without approval 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 the section and with applicable State law.
- (H) The City Administrator shall perform periodic and regular technical and administrative status reviews of City Department projects, operations, and financials. Department directors shall support the City Administrator as required for an effective review.
- (I) The City Administrator shall perform periodic and regular performance reviews of staff personnel and department directors, providing recommending performance evaluation and rating for Council consideration and approval. The City Administrator shall recommend salary levels and adjustments to Council as deemed appropriate as part of personnel evaluations.
- (J) The City Administrator shall prepare job descriptions for approval by the City Council, delegate duties to the officers, directors, and employees of the City, and appoint persons to fill the budgeted positions provided that such appointments or disciplinary actions shall, with respect to Department Directors, City Secretary and City Treasurer be with the City Council's concurrence. The City Administrator shall ensure personnel procedures and policies are in place and followed by department directors and staff.
- (K) The City Administrator shall serve as the primary day-to-day interface with City contractors, to ensure contract commitments are in compliance. The City Administrator may assign such responsibility to City heads departments as appropriate and required.
- (L) The City Administrator shall serve as the chief personnel officer of the City, with authority to recommend personnel disciplinary action processing related to employee misconduct to Department Directors and City Council. The City Administrator shall administer 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 and all personnel, performance, administration, management, financial, and general governance issues.

City Officials and Employees

§ 31.05 CITY ADMINISTRATOR

The office of City Administrator of the City of Meadowlakes, Texas, is hereby established. The person that serves in this office shall be referred to as the City Administrator. To that end, the City Administrator shall have the following authority, duties, and responsibilities.

- (A) The City Administrator shall direct, coordinate, and provide oversight over all departments of the City, and, in the event of a conflict between any matter of direction or oversight by the City Administrator and the supervision undertaken by the Mayor, the matter shall be referred to the City Council for action.
- (B) The City Administrator shall perform administrative and management functions including, but not limited to, the following:
 - (1) Ensure that all applicable laws and ordinances are enforced; and
 - (2) Supervise and inspect the conduct of all subordinate officers, directors and employees of the City; and
 - (3) Cause all negligence, carelessness, and violations of duty by the employees, directors and officers to be given appropriate consideration; and
 - (4) Communicate and make recommendations to the City Council for the administration and management of the City.
- (C) The City Administrator shall attend all meetings of the City Council for which he or she is not excused, with the right to participate in the discussion but have no vote. City Administrator may attend closed meetings of City Council as required upon Council's specific authorization.
- (D) The City Administrator shall, in consultation with the City Secretary, City Treasurer and the Mayor 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 Staff, City Secretary, City Treasurer and City Department Heads shall render such assistance as the City Administrator may find reasonably necessary in the preparation and submission of said budget. The City Administrator shall, as directed by the City Council, assist the City Council with respect to its consideration of said budget and assure the proper administration of the budget after its adoption by the City Council.
- (E) The City Administrator shall 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. The City Administrator shall order an independent annual audit of City Finances and shall coordinate and support requests from auditors in their preparation.

City Officials and Employees

- (1) Be a citizen of the United States of America and the State of Texas;
 - (2) Be a person of good moral character;
 - (3) Be 21 years old or older;
 - (4) Have resided continuously in the State of Texas for 12 months immediately preceding said date;
 - (5) Not have been convicted of a felony from which the person has not been pardoned;
and
 - (6) Not have been found to be mentally incompetent by a final judgment of a court.
- (C) The Ordinance Enforcement Officer (and any replacement) shall be appointed by the Mayor; however, for such appointment to be effective, appointment and the term and conditions of appointment must be confirmed by the governing body of the City of Meadowlakes, Texas.
- (D) The Ordinance Enforcement Officer shall enforce the ordinances and the Code of Meadowlakes, Texas by filing in the Municipal Court in Meadowlakes, Texas a citation or citations charging, with a violation or violations, a person or persons alleged to have committed a violation or violations of the ordinances or the Code of Meadowlakes, Texas. The primary jurisdiction of the Ordinance Enforcement Officer shall be (but not specifically limited to) all ordinances and Code of Meadowlakes, with the exception of Animal Control.
- (E) A lawfully appointed Ordinance Enforcement Officer shall have, and is hereby granted, full authority to issue a citation or citations for an offense or offenses allegedly committed under an ordinance or the Code of Meadowlakes, Texas; however, such Ordinance Enforcement Officer does not have authority to arrest a person or persons, and none is *hereby granted, except in the case where the particular individual Ordinance Enforcement Officer is also a Certified Peace Officer of the State of Texas with current qualifications and certification of same.* Ordinance Officer shall have authority to require persons reasonably suspected of violating a penal provision of the Meadowlakes code to provide proper identification when requested to do so by the officer. A person commits an offence if the person fails or refuses to provide identification in response to said request or provides identity information that is false.
- (F) Ordinance Enforcement Officer services may be provided by a part time employee of the City or by hiring an independent contractor. For the case of City's decision to use independent contractor services, the contractor is required to acquire the services of other qualified individuals and provide equipment as required to fulfill the obligations of the contract.

(Ord. 02-01, passed 2-5-02; Am. Ord. 2006-08, passed 5-2-06; Am. Ord. 2006-09, passed 5-2-06; Am. Ord. 2009-09, passed 2-9-10; Am. Ord. 2010-06, passed 5-11-10)

City Officials and Employees

- (5) Not have been convicted of a felony from which the person has not been pardoned; and
- (6) Not have been found to be mentally incompetent by a final judgment of a court.
- (C) The Animal Control Officer (and any replacement thereof) shall be appointed by the Mayor; however, for such appointment to be effective, appointment and the term and conditions of appointment must be confirmed by the governing body of the City of Meadowlakes, Texas.
- (D) Acting in the primary jurisdiction of (but not specifically limited to) animal control City Ordinances, the Animal Control Officer shall enforce the ordinances and the Code of Meadowlakes, Texas by filing in the Municipal Court of Meadowlakes, Texas a citation or citations charging, with a violation or violations, a person or persons alleged to have committed a violation or violations of the ordinances or the Code of Meadowlakes, Texas.
- (E) A lawfully appointed Animal Control Officer shall have, and is hereby granted, full authority to issue a citation or citations for an offense or offenses allegedly committed under an ordinance or the Code of Meadowlakes, Texas; however, such Animal Control Officer does not have authority to arrest a person or persons, and none is here granted.
 - (1) A citation issued under this section shall:
 - (a) Be written, using the form furnished by the City of Meadowlakes, Texas and
 - (b) Be submitted to the Clerk of the Municipal Court of Record Number 1 in Meadowlakes, Texas for handling according to law.
 - (2) A citation issued under this section shall not be presented by the Animal Control Officer to the individual charged and named therein, unless ordered to do so by the Municipal Court in Meadowlakes, Texas.
- (F) The Animal Control Officer services shall be acquired using the contract mechanism of an Independent Contractor Contract executed between the Individual and the City. The Independent Contractor, once selected, shall be required to acquire the services of other qualified individuals and provide equipment as required to fulfill the obligations of the contract. The City's contract management function shall be the responsibility of the office of Mayor.
(Ord. 2006-08, passed 5-2-06; Am. Ord. 2006-27, passed 11-7-06)

§ 31.04 ORDINANCE ENFORCEMENT OFFICER.

- (A) The office of Ordinance Enforcement Officer of the City of Meadowlakes, Texas is hereby established. The person that serves in this office shall be referred to as the Ordinance Enforcement Officer.
- (B) In order to be qualified for the office hereby created, the person to be appointed Ordinance Enforcement Officer upon the date the appointment is made, must;

City Officials and Employees

(H) The City Secretary serves as the general accountant of the municipality and shall keep regular accounts of the municipal receipts and disbursements separately and under proper headings. The City Secretary shall also keep separate accounts with each person, including each officer, who has monetary transactions with the municipality. The City Secretary shall credit accounts allowed by proper authority and shall specify the particular transaction to which each entry applies. The City Secretary shall keep records of the accounts and other information covered by this division.

(I) The City Secretary shall 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.

(J) The City Secretary shall carefully keep all contracts made by the governing body.

(K) The City Secretary shall serve as Municipal Court Clerk and keep minutes of the proceedings of the Court, issue process, and generally perform the duties for a Municipal Court that a County Clerk performs for a County Court. In the event that a separate person is appointed Municipal Court Clerk, the City Secretary shall in that case serve as the Deputy Municipal Court Clerk.

(L) The City Secretary shall perform, or cause to be performed, every administrative task relating to elections which is not performed by the Mayor or City Council.

(M) The City Secretary shall perform all other duties required by law, ordinance, resolution, or order of the governing body.

(N) The City Secretary may use their best efforts to become certified to serve as City Secretary.
(Ord. 99-3-13-A, passed 3-13-99; Am. Ord. 00-10, passed 10-3-00; Am. Ord. 2006-29, passed 11-7-06; Am. Ord. 2006-33, passed 1-8-07)

§ 31.03 ANIMAL CONTROL OFFICER.

- A) The office of Animal Control Officer of the City of Meadowlakes, Texas is hereby established. The person that serves in this office shall be referred to as the Animal Control Officer.
- (B) In order to be qualified for the office hereby created, the person to be appointed Animal Control Officer upon the date the appointment is made, must;
- (1) Be a citizen of the United States of America and the State of Texas;
 - (2) Be a person of good moral character;
 - (3) Be 21 years old or older;
 - (4) Have resided continuously in the State of Texas for 12 months immediately preceding said date;

City Officials and Employees**§ 31.02 CITY SECRETARY.**

(A) The Office of City Secretary of the City of Meadowlakes, Texas is hereby created. The person that serves in such office shall be referred to as the City Secretary.

(B) In order to be qualified for the office hereby created, the City Secretary, upon the date the appointment is made, must:

(1) Be a citizen of the United States of America and the State of Texas;

(2) Be a person of good moral character;

(3) Be 21 years old or older;

(4) Have resided continuously in the State of Texas for 12 months immediately preceding said date;

(5) Not have been finally convicted of a felony from which the person has not been pardoned; and

(6) Not have been found to be mentally incompetent by a final judgment of a court.

(C) The City Secretary (and any replacement therefor) shall be appointed by the Mayor; however, for such appointment to be effective, it must be confirmed by the City Council. The City Secretary shall be entitled to compensation as set by the governing body and may be removed by the governing body with or without cause.

(D) The City Secretary shall attend every meeting of the governing body of the municipality and shall keep, in a record provided for that purpose, accurate minutes of the governing body.

(E) The City Secretary shall:

(1) Engross and enroll all laws, resolutions and ordinances of the governing body;

(2) Keep the corporate seal;

(3) Take charge of, arrange, and maintain the records of the governing body;

(4) Countersign all commissions issued to municipal officers and licenses issued by the Mayor and keep a record of those commissions and licenses; and

(5) Prepare all notices required under any regulation or ordinance of the municipality.

(F) The City Secretary shall notify the Texas Judicial Council of the name of each person who is elected or appointed as Mayor, Municipal Court Judge or Clerk of a Municipal Court of the municipality. The City Secretary shall notify the Judicial Council within 30 days after the person's election or appointment.

(G) The City Secretary shall draw all the warrants on the Treasurer, countersign the warrants, and keep, in a record provided for that purpose, an accurate account of the warrants.

CHAPTER 31: CITY OFFICIALS AND EMPLOYEES

Section

- 31.01 Certified Peace Officers
- 31.02 City Secretary
- 31.03 Animal Control Officer
- 31.04 Ordinance Enforcement Officer
- 31.05 City Administrator
- 31.06 Peace Officer charging ordinance violations and issuing citations
- 31.07 Texas Municipal Retirement System (TMRS) — election to participate; adoption by reference

§ 31.01 CERTIFIED PEACE OFFICERS.

(A) The position(s) of Certified Peace Officers is hereby created. The person(s) that serves in such position shall be referred to as a Peace Officer.

(B) The Peace Officer(s) shall perform the duties prescribed by the laws of the State and the City of Meadowlakes. Detailed duties shall be further defined in a formal job position description as required by the City of Meadowlakes Personnel Manual.

(C) The Peace Officer position shall be classified as a REGULAR, PART-TIME employee of the city as defined in the City of Meadowlakes Personnel Manual, current issue. The allowed hours of service shall be limited to be less than 1000 hours maximum per annum. The planned hours to be served shall be governed by the job position description for the employee.

(D) In order to be qualified for the office hereby created, the Peace Officer must:

- (1) Be certified as a Peace Officer by the State of Texas, compliant with all the standards and training required by the State of Texas for a Certified Peace Officer.
- (2) Maintain the rating of a Certified Peace Officer during the entire period of employment by the City.
- (3) Be an employee of the Burnet County Sheriffs Office with job duties of a Deputy Sheriff.
- (4) Be in good standing with the Burnet County Sheriff, carrying an endorsement of the Sheriff to work for the City in the part time capacity of a Certified Peace Officer.

(E) Individuals to serve as Peace Officer(s) shall be nominated by the Mayor and confirmed by the City Council. The Peace Officer shall administratively report to the office of the City Mayor. (Ord. 86-6-14, passed 6-14-86; Am. Ord. 00-08, passed 9-5-00; Am. Ord. 02-03, passed 2-5-02, Am. Ord. 2006-07, passed 5-2-06; Am. Ord. 2006-29, passed 11-7-06)