

## ORDINANCE

(Motion was made by Alderman John Finnehan, seconded by Alderman Carolyn Gonzales that the following ordinance be passed.)

ORDINANCE NO. 2001-002

AN ORDINANCE OF THE TOWN OF WOODLOCH, TEXAS, PROVIDING FOR THE OFFICE OF TOWN ADMINISTRATOR, PRESCRIBING THE RESPONSIBILITIES, DUTIES AND AUTHORITY OF THE TOWN ADMINISTRATOR; PROVIDING OTHER DETAILS RELATING TO THE SUBJECT; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH, AND PROVIDING FOR SEVERABILITY AND DECLARING AN EMERGENCY.

### RECITATIONS

The Town Council of the Town of Woodloch, Texas, has created the position of Town Administrator; and

The exercise of the administrative duties of municipal government attendant to the position of Town Administrator will, subject to the fulfillment of the obligations and responsibilities set out in this Ordinance, contribute to the orderly functioning of the Town; and

The Town Council deems it advisable and appropriate to more fully prescribe the duties, responsibilities, and authority of the office of the Town Administrator; NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WOODLOCH, TEXAS;

Section 1.0. The recitations contained in the preamble of this Ordinance are hereby found to be true and correct.

Section 2.0. **Town Administrator.** The position of Town Administrator is hereby confirmed.

Section 3.0. **Appointment; Responsible to Town Council; Limitation.** The Town Administrator shall be appointed by the Mayor, subject to confirmation by the Town Council. Residence in the Town of Woodloch is not a qualification for the position of Town Administrator .

The Town Administrator shall be responsible to the Mayor and Town Council. He or she shall exercise those administrative powers and have the responsibilities set out in this Ordinance.

Section 4.0.           **Term of Office.** The Town Administrator shall be appointed for an indefinite term, shall serve at the will and pleasure of the Town Council, and shall be subject to discharge at any time, with or without cause, by a majority vote of those members of the Town Council qualified and serving. It is specifically provided that no person appointed to the position of Town Administrator shall have any entitlement, contractual right, or property right in such position or to continued employment by the Town.

Section 5.0.           **Absence or Disability of Town Administrator, to be consistent with Personnel Policy.** During the absence or disability of the Town Administrator for a period of not more than fifteen (15) consecutive working days, he or she may, with the prior approval of the Mayor, designate an officer or employee of the Town to perform the duties of the Town Administrator during such absence. If the absence of the Town Administrator should exceed or is expected to exceed fifteen (15) consecutive working days the Mayor shall designate, with Town Council confirmation, some other qualified person to perform the duties of the Town Administrator during such absence.

Section 6.0.           **Powers and Duties.** The powers and duties of the Town Administrator shall be as follows:

Section 6.1.           **Working Time; Office.** Devote all of his or her working time and attention to those affairs of the Town under his or her supervision. Maintain his or her office at and work from the principal offices of the Town, at the Town Hall or at a location designated by Mayor and Town Council.

Section 6.2.           **Administration.** Be responsible to the Mayor and Town Council for the efficient administration of those affairs of the Town under his or her supervision.

Section 6.3.           **Compliance with Laws.** See that all applicable State laws and all Ordinances of the Town are obeyed and enforced.

Section 6.4.           **Supervision.** Exercise supervision and control over all departments of the Town previously or hereafter created by the Town Council, save and except those designated by Town Council otherwise.

Section 6.5.           **Personnel.** Except for statutory officers, hire and discharge all department heads and employees of the Town, and in addition, promote, demote, discipline, and take any and all other personnel actions. Before taking any action to hire or discharge any employee, the Town Administrator must consult with the Mayor and Town Council. The Town Council shall confirm, by majority vote, any action of the Town Administrator to hire or discharge any employee.

Section 6.6.           **Meetings.** Attend all open meetings of the Town Council. Attend executive sessions of the Town Council only when requested or authorized to do so. He or she shall have the right to participate in all discussions at those meetings of the

Town Council, but shall have no right to vote. He or she shall be notified of all meetings of the Town Council. He or she shall attend other meetings relating to Town business when requested to do so by the Mayor or Town Council.

Section 6.7.           **Franchise.** See that all terms and conditions imposed in favor of the Town and its inhabitants in any public utility franchise are faithfully kept and performed, and upon knowledge of any violation thereof, bring same to the attention of the Mayor and Town Council.

Section 6.8.           **Budget.** Assist the Mayor in budget matters and prepare and submit to the Mayor prior to each fiscal year a budget of proposed revenues and expenditures for the ensuing fiscal year, in accordance with Chapter 102 of the Texas Local Gov't Code, as amended, showing in as much detail as practicable the estimated amounts of money required for the efficient operation of the Town and each to its departments and the reasons for such estimated expenditures.

Section 6.9.           **Monthly Accounting; Annual Audit.** Make or have prepared by the Town Treasurer a full written report to the Town Council as soon as possible after the close of each month's accounts showing the operations and expenditures of each department of the Town for the preceding month, together with such other financial information and budget expenditure comparisons as the Mayor requires or as to the financial condition and needs of the Town.

Section 6.10.         **Depository Contract; Monthly Report.** Make, or have prepared by the Town Treasurer, a full written report to the Town Council at least monthly showing the status of the Town's accounts, investment funds, and the Town's depository contract and the security(ies) posted and pledged under said contract in accordance with State law.

Section 6.11.         **Contracts and Vendors; Quarterly Report.** Make a full written report to the Town Council at least quarterly, or at such other shorter interval as the Mayor or Town Council may request, showing the status of each and every Town contract or agreement (private or governmental/interlocal), each and every vendor, contractor, or consultant, and showing expenditures or receipts in accordance with said contracts and agreement.

Section 6.12.         **Purchasing; Town Services.** Supervise the purchase of all materials, supplies, services, and equipment for which funds are budgeted; propose and supervise those contracts and agreements necessary for the operation and maintenance of Town services; conduct public bid openings, review all bids and proposals submitted to the Town, and present for approval and recommend to the Town Council those he or she deems most advantageous to the Town; and insure compliance with all competitive bidding and/ or competitive sealed proposal requirements of State law governing the acquisition or disposal of materials, supplies, services, equipment, and property of the Town. Town Administrator shall be authorized to expend up to \$3,500.00 on budgeted items without Town Council approval.

Section 6.13.           **Notification of Mayor and Town Council.** Use his or her best efforts to notify the Mayor and each member of the Town Council within forty-eight (48) hours of any alleged violation by the Town or any of its officers or employees of a Federal, State, or Town statute, law, rule or regulation or of any cause of action or lawsuit against the Town which may subject it to any civil, criminal or monetary liability.

Section 6.14.           **Other.** Perform such other duties as may be prescribed by the Town Council, not inconsistent with the laws of the State of Texas governing Type C General Law Cities.

Section 7.0.           **Compensation; Bond; Business Express.** The Town Administrator shall receive such compensation as the Town Council shall fix from time to time. He or she shall also be entitled to receive all fringe benefits provided to other full-time employees of the Town and such additional fringe benefits as the Town Council may approve.

He or she shall furnish an individual surety bond or a blanket surety bond in favor of the Town in the minimum amount of One Thousand and No/100 Dollars (\$1,000.00), or in such greater amounts as shall be established by the Town Council, conditioned that he or she will faithfully discharge the duties of the office. The premium of such surety bond shall be paid by the Town.

The Town Administrator is authorized to incur such reasonable business expenses and professional dues in furtherance of the authorized business, activities, and functions of the Town as are approved by the Town Council and or in current Town budget. The Town will pay for or reimburse the Town Administrator for such expenses upon periodic and timely presentation of an itemized written account (expense report) of such expenditures to the Town Council for approval no later than thirty (30) days after the expenses are occurred. Such expenses as are charged to any Town account or on credit shall be included as a part of the referenced itemized written account (expense report) to be approved by the Town Council.

Section 8.0.           **Repeal of Ordinances.** All other Ordinances and parts of Ordinances, rules, regulations, policies, and practices, whether written or oral, inconsistent or in conflict herewith are, to the extent of such conflict or inconsistency , hereby repealed.

Section 9.0.           In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall unto affect, impair, or invalidate this Ordinance as a whole or any part or provision thereof other than the part declared to be invalid or unconstitutional; and the Town Council of the Town of Woodloch, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 10.0.           The importance of this Ordinance and its intent and purpose

being declared to be for the benefit of the citizens and property owners in the Town of Woodloch, Texas, constitutes an emergency and an imperative public necessity that it be declared to be an emergency measure and that this Ordinance shall take effect immediately from and after its passage and it is so enacted.

**PASSED AND APPROVED** on this the 23 day of April, 2001.

**ATTEST:**

**TOWN OF WOODLOCH, TEXAS**

By: Ellen Norman  
Ellen Norman, Town Secretary

By: Carolyn Gonzales  
Carolyn Gonzales, Mayor

**APPROVED AS TO FORM:**

By: R.A. Deison  
R.A. Deison, Town Attorney