

ORDINANCE NO. 2018-13

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TEXAS AMENDING AN ORDINANCE ADOPTED ON MAY 27, 1946 ESTABLISHING A CITY MANAGER FORM OF GOVERNMENT AND THE DUTIES OF THE CITY MANAGER, CODIFIED IN THE CITY'S CODE OF ORDINANCES, CHAPTER 30 (CITY OFFICIALS), A SECTION ENTITLED CITY MANAGER, SUBSECTIONS 30.20 THROUGH 30.24; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.**

**WHEREAS**, the City Council of the City of Clarksville, Texas ("City Council"), held a City Election on April 23, 1946 for the purpose of determining whether to adopt the city manager form of government, in which the duly qualified resident voters of the City of Clarksville, Texas voted to adopt the city manager form of government; and

**WHEREAS**, the City Council has investigated and determined that it will be advantageous and beneficial to the City of Clarksville and its citizens to amend the duties of the city manager pursuant to Chapter 25 of the Local Government Code; and

**WHEREAS**, the City Council desires to adopt this Ordinance, and amend the prior Ordinance adopted on May 27, 1946, and subsequently codified with amendments with the 1979 codification, regarding the duties of the City Manager pursuant to Chapter 25 of the Local Government Code, and other authorities.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TEXAS:**

**SECTION 1: Findings Incorporated.** The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

**SECTION 2: Amendment.** The Clarksville Code of Ordinances, Chapter 30 (City Officials), a section entitled "City Manager", subsections 30.20 through 30.24 are hereby amended to read entirely as follows:

**Sec. 30.20 Appointment; compensation.**

The city manager shall be appointed by a majority vote of the full membership of the city council. The city manager serves as the chief administrative officer of the city and shall be

responsible to the city council for the efficient administration of all city affairs, implementing policy established by the city council and assuring all laws and city ordinances are enforced. The City Council may by ordinance delegate to the City Manager any additional powers or duties it considers proper for the efficient administration of City affairs. The city manager shall receive such compensation as the city council shall authorize from time to time and the position shall be identified in the annual city budget.

#### **Sec. 30.21 Qualifications.**

(A) The city manager shall be chosen by the city council solely on the basis of executive and administrative qualifications, with special reference to actual experience in or knowledge of accepted practice in respect to the duties of the office hereinafter set forth.

(B) No member of the city council nor the Mayor shall be appointed to the office during his or her term or within one year after the expiration of the term.

#### **Sec. 30.22 Term; Suspension or Removal.**

The city manager serves at the will of the city council. The action of the city council in suspending or removing the city manager shall be final, it being the intention of this Ordinance to vest all authority and responsibility for such suspension or removal in the city council. When not in conflict with this Ordinance, the personnel policies of the city shall apply to the city manager. Upon removal, the city manager shall be paid his or her salary for the current month only, unless he or she is to be discharged for the commission of a crime.

#### **Sec. 30.23 Absence or Disability.**

During the absence or disability of the city manager, the city council may designate a properly qualified person to perform the duties of said office.

#### **Sec. 30.24 Bond.**

The city manager shall execute a bond conditioned that he/she will faithfully perform the duties of city manager. The amount of such bond shall be \$10,000.

#### **Sec. 30.25 Duties.**

(A) *Generally.* The city manager shall serve as the personnel manager, city treasurer and city purchasing agent. The office is vested with such powers and duties of such offices. Additionally, all city employees shall be directly under the authority of the city manager. Specific duties include, but are not limited to:

- (1) Ensure all state laws, city ordinances, city policies, city rules and city regulations are effectively enforced;
- (2) Prepare and submit to the City Council the annual budget, working with the mayor as the budget officer, and capital program, and administer the budget as adopted by the city council;
- (3) Submit to the city council a monthly budget summary and keep the city council advised on the financial condition and future needs of the city and make recommendations as may seem advisable;
- (4) Prepare and submit to the city council at the end of the fiscal year a complete report on the finances of the city for the preceding year and cooperate with the auditor during the annual audit;
- (5) Prepare and recommend items for inclusion in the official agenda of all city council meetings and meetings of the boards and commissions;
- (6) Supervise of all city programs;
- (7) Make reports as the city council may require concerning the operation of the city departments, offices and agencies under his/her supervision;
- (8) Direct all city departments and oversee planning and budgeting;
- (9) Efficiently administer the business of the city;
- (10) Perform such other duties as may be required of him/her by the mayor and city council not inconsistent with the laws of the state governing general-law cities;
- (11) Advise the city council and the standing boards/commissions/committees on procedures and provide interpretation of governing rules, regulations, and ordinances;
- (12) Attend all city council meetings and take part in the discussion of city business;
- (13) Recommend to the city council for adoption such measures as he/she may deem necessary or expedient; to execute deeds, deeds of trust, easements, releases, contracts, and all other legal instruments on behalf of the City when authorized by ordinance or resolution of the city council, and approved as to form by the city attorney;
- (14) Drawing the city council's attention to community needs, and recommending alternatives by which the city council can respond to those needs.
- (15) Except as set forth in this paragraph, the city manager shall be responsible for the appointment and removal of all employees. Except for the city secretary, city attorney, chief of police, prosecutor and municipal judge, it shall be the duty of the city manager to manage, supervise, appoint, remove, promote, demote, suspend, or dismiss all officers and employees of the city; however for the removal of an employee who is an

“officer”, including but not limited to the city secretary, city attorney, chief of police, prosecutor and municipal judge, or other officers as determined in accordance with Chapter 22 of the Texas Local Government Code, the city manager may recommend removal of the officer to the city council and removal must be approved by a vote of two-thirds of the members of the city council. Each department head shall report directly to the city manager. All employee matters shall be handled in accordance with the personnel policy. If an employee or officer has a contract with the city that contradicts with this section, the contract shall control;

(16) Update, in consultation with the city attorney, and make readily available the city’s personnel manual. The city manager will regularly submit additions, deletions and changes to the manual in order to keep the personnel manual current and relevant for the effective day-to-day operation of the city;

(17) The city council hereby confers upon the city manager authority to contract for expenditures of the city, without further approval from the city council, for all budgeted items not exceeding the sum of \$5,000.00:

(a) All purchases, contracts for purchases and contracts for professional services which require competitive bids or competitive sealed proposals shall require approval by the city council. Any contract, contract amendment or change order in excess of the city manager's authority shall require approval of the city council.

(b) In case of accident, disaster or other circumstances creating a public emergency, the city manager may award contracts and make purchases for the purpose of meeting the emergency, but shall file promptly with the city council a certificate showing the emergency and necessity for the action, together with an itemized account of all expenditures;

(18) Advise the city council on personnel system improvements as needed; and

(19) Duties as city treasurer assignable. The city manager may assign all or part of his/her duties as city treasurer to the city secretary to be carried out under his/her direct supervision and in accordance with the provisions of this article.

**SECTION 3: Savings/Repealing Clause.** All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

**SECTION 4: Severability.** Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect.

Clarksville hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 5. Open Meetings. That it is hereby found and determined that the meeting at which this Ordinance was passed was open to the public as required by law, and that public notice of the time, place, and purpose of said meeting was given, all as required by Article 551.041, Texas Government Code.

SECTION 6: Effective Date. This Ordinance shall become effective immediately upon its passage and adoption.

**PASSED AND APPROVED** by the City Council of the City of Clarksville, Texas, on this the 13<sup>th</sup> day of August, 2018.

  
Ann Rushing, Mayor

ATTEST:

  
Tammy Quick, City Secretary

