

ORDINANCE NO. 2018-14

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES AT CHAPTER 30, "CITY OFFICIALS", TO ADOPT A SECTION ENTITLED CITY SECRETARY TO ESTABLISH THE DUTIES AND AUTHORITY OF THE CITY SECRETARY; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to the laws of the State of Texas, the City Council of Clarksville ("City Council") may designate additional duties and authority for the City Secretary; and

WHEREAS, the City Council has investigated and determined that it will be beneficial and advantageous to the citizens of the City of Clarksville, Texas ("Clarksville") to establish and clarify the duties of the City Secretary for the proper administration of the City's business.

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

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: Amendments. Chapter 30 (City Officials) of the Code of Ordinances of the City of Clarksville, is hereby amended to add a section entitled "City Secretary" after the City Manager section to read entirely as follows:

Sec. 30.40 Appointment; Compensation; Removal.

(A) The city secretary is an officer of the city and shall be appointed by a majority vote of the full membership of the city council.

(B) The city secretary 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.

(C) The city secretary serves at the will of the city council. The action of the city council in suspending or removing the city secretary 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. The city manager may recommend removal of the city secretary to the city council and removal must be approved by a vote of two-thirds of the members of the city council. When not in conflict with this Ordinance, the personnel policies of the city shall apply to the city secretary. The city secretary shall assist the city manager in administrating the business of the city and shall serve under the supervision and direction of the city manager.

Sec. 30.41 Duties and authority.

(A) The city secretary shall have the powers and duties as described in Local Government Code § 22.073, other duties as set in the ordinance and other tasks as may be assigned by the city council and city manager. The city secretary may carry out the duties of city treasurer to the extent such duties are delegated to the city secretary by the city manager, pursuant to this article. The city secretary may delegate duties to a designee, with City Manager approval, when the city secretary is sick, on vacation or has an emergency.

(B) The duties of the city secretary shall include, but are not limited to, the following:

- (1) Attending each meeting of the city council and keeping, in a record provided for that purpose, accurate minutes of the city council's proceedings;
- (2) Engrossing and enrolling all laws, resolutions, and ordinances of the city council;
- (3) Keeping the corporate seal;
- (4) Taking charge of, arranging, and maintaining the records of the city council;
- (5) Countersigning all commissions issued to city officers and all licenses issued by the mayor, and keeping a record of those commissions and licenses;
- (6) Preparing all notices required under any regulation or ordinance;
- (7) Acting as the city election official and performing such duties as required by the state election code;
- (8) Assisting the council and city departments in purchasing and preparation of bids for equipment, supplies and services;
- (9) Notifying the state judicial council of the name of each person who is elected or appointed as mayor, city court judge, or clerk of a city court;
- (10) Notifying the judicial council within 30 days after the date of the person's election or appointment;
- (11) Drawing all the warrants on the treasurer, countersigning the warrants, and keeping, in a record provided for that purpose, an accurate account of the warrants;
- (12) Serving as general accountant and keeping regular accounts of the city receipts and disbursements, keeping each cause of receipt and disbursement separately and under proper headings;
- (13) Keeping separate accounts with each person, including each officer, who has monetary transactions with the city;
- (14) Crediting accounts allowed by proper authority and specifying the particular transaction to which each entry applies;
- (15) Keeping records of the accounts and other information covered by this section;
- (16) Keeping a register of bonds and bills issued by the city and all evidence of debt due and payable to the city, noting the relevant particulars and facts as they occur;
- (17) Carefully keep all contracts made by the city council.

(C) The city secretary, when assigned duties of the city treasurer by the city manager, shall also:

- (1) Receive and securely keep all money belonging to the city;

- (2) Make all payments on the order of the mayor, attested by the city secretary under the seal; provided, however, that the treasurer may not pay an order unless the face of the order shows that the city council directed the issuance of the order and shows the purpose for which it is issued;
- (3) Render to the city manager a full statement of the receipts and payments;
- (4) Perform all other duties as directed by the city manager or required by law, ordinance, resolution, or order of the city council.

SECTION 3: 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 4: Savings/Repealing Clause. Clarksville's Code of Ordinances shall remain in full force and effect, save and except as amended by this or any other Ordinance. 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 or amended ordinance, nor shall the repeal or amendment prevent a prosecution from being commenced for any violation if occurring prior to the repeal or amendment of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

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 13th day of August, 2018.



Ann Rushing, Mayor

ATTEST:



Tammy Quick, City Secretary

