

## **ORDINANCE NO. 1186**

**AN ORDINANCE OF THE CITY OF KEMAH, TEXAS, CREATING THE POSITION OF CITY ADMINISTRATOR; SPECIFYING THE DUTIES OF THE CITY ADMINISTRATOR; SPECIFYING THE DUTIES OF THE MAYOR AND CITY COUNCIL WITH RESPECT TO EMPLOYEES AND OFFICERS; SPECIFYING THE DUTIES OF THE POLICE CHIEF AND CITY SECRETARY, AND ESTABLISHING PROCEDURES FOR MANAGING THE EMPLOYEES OF THE CITY, INCLUDING FINDINGS OF FACT, ENACTMENT PROVISIONS, REPEALER, SEVERABILITY, PUBLICATION, EFFECTIVE DATE, PUBLIC NOTICE & MEETING.**

**WHEREAS**, the City Council of the City of Kemah finds that employing a City Administrator for the City of Kemah to serve at the pleasure of the City Council to effectively handle the City's business is in the City's interest;

**WHEREAS**, pursuant to Chapter 51 of the Texas Local Government Code, the City Council has the general authority to adopt and publish an ordinance or police regulation that is for the good government, peace or order of the municipality and is necessary or proper for the carrying out a power granted by law to the municipality; and

**WHEREAS**, the City Council hereby creates the office of City Administrator as authorized by Chapter 22 of the Texas Local Government Code; and

**WHEREAS**, this Ordinance is not an act by the City of Kemah to adopt a City Manager Form of Government under Chapter 25, Section 25.001 of the Texas Local Government Code; and

**WHEREAS**, the City Council wishes to set forth by Ordinance the duties of the position of City Administrator consistent with State law and the benefits to the City.

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

### **1. FINDINGS OF FACT.**

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

### **2. DUTIES.**

The City Administrator shall perform the duties set forth in Exhibit "A" which is incorporated herein by reference or by separate Ordinance or Resolution passed by the City Council.

### **3. REPEALER.**

All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

### **4. SEVERABILITY.**

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

### **5. PUBLICATION.**

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in and among the records of the City.

### **6. EFFECTIVE DATE.**

This Ordinance shall be effective immediately upon passage and publication as provided for by law.

### **7. PROPER NOTICE & MEETING.**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

**AND IT IS SO ORDERED.**

**PASSED AND APPROVED ON FIRST READING ON THE 7<sup>th</sup> DAY OF APRIL 2021.**

**PASSED AND APPROVED ON SECOND AND FINAL READING ON THE 21<sup>st</sup> DAY OF April 2021.**

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TERRI GALE, Mayor

ATTEST:

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MELISSA CHILCOTE, City Secretary

## **EXHIBIT "A"**

### **CHAPTER 2**

#### **ARTICLE III. OFFICERS AND PERSONNEL**

##### **2-20 City Administrator.**

There shall be an officer of the City known as the City Administrator who shall have the duties and powers set forth in this Ordinance.

##### **2-21 Residence of City Administrator.**

The City Administrator may or may not be a resident of the City of Kemah.

##### **2-22 Appointment/Term of City Administrator.**

The Mayor will nominate the person to fill the office of Administrator, subject to confirmation by the City Council, in accordance with Texas Local Government Code Section 22.010(e). The City Administrator serves at the will of the City Council subject to this Section and Section 2-23, and the term of such office continues indefinitely unless terminated as stated in this Ordinance, by resignation, or by State Law.

##### **2-23 Removal/Resignation of the City Administrator from Office.**

The City Administrator serves at the will of the City Council and may be removed or suspended for lack of confidence, in accordance with Local Government Code Section 23.053, after due notice to the Administrator and an opportunity to be heard.

The City Administrator may be removed from office for incompetency, corruption, misconduct or malfeasance in office by majority vote of the City Council after providing the City Administrator with due notice and an opportunity to be heard.

The City Administrator may resign by submitting a resignation in writing to the City Council. Such resignation is subject to approval and acceptance by the City Council and Mayor.

##### **2-24 Compensation of the City Administrator.**

The City Administrator will receive compensation at the level directed by the City Council and Mayor.

##### **2-25 General Powers and Duties of the City Administrator.**

The City Administrator shall be the administrative officer of the City and shall serve under the Mayor and City Council and shall be responsible to the Mayor and City Council for the proper administration of the affairs of the City. To that end, the City Administrator is responsible for:

- a) Devoting his or her primary work-time and attention to the administration of the City;
- b) Save and Except for the responsibility of the Chief of Police for the administration of the Police Department, ensures City compliance with and enforcement of all laws, regulations, rules, policies, and ordinances;

- c) Preparing job descriptions for all officers and employees of the City, excluding Police Officers and Police Department employees overseen by the Chief of Police;
- d) Recommending to the City Council removal of any and all officers and employees of the City as necessary;
- e) For employees that are not the City Attorney, the Police Chief or the City Secretary, the City Administrator has the authority and, with the advice and input of the applicable department head, is responsible for hiring necessary employees that the City Council and Mayor have budgeted for; However, the Chief of Police is responsible for the hiring of Police Officers and all other employees within the Police Department that the City Council and Mayor have budgeted for;
- f) If necessary, suspending any employee who is not an Officer, upon the advice and after obtaining the input of the applicable department head;
- g) Recommending the dismissal of any employee to the City Council in accordance with the provisions of the Texas Open Meeting Act for employment matters;
- h) Preparing and maintaining the City's personnel management system and interpreting City personnel policies as needed and requested by the department heads, with the oversight of the City Attorney as needed;
- i) Plans, develops, and implements administrative policies, rules, regulations, and procedures to ensure proper functioning of the City and all Departments;
- j) Attending all meeting of the City Council and KCDC, with the right to take part in the discussions at Council meetings, but having no vote;
- k) Being notified of and attend all special and emergency meetings;
- l) To see that all contracts with the City, including public utility franchises, are faithfully formed, kept and performed and, upon knowledge of any violation thereof, to call same to the attention of the City Council;
- m) Supervising the department heads of the City, with the exception of the City Attorney, City Secretary and Police Chief. The City Attorney, City Secretary and the Police Chief shall be supervised by the Mayor and City Council;
- n) Recommending to the Mayor and City Council the adoption of such measures as the administrator deems necessary or beneficial from time to time;
- o) Plans, organizes, and defines the organization of City Administration to ensure a coordinated and efficient effort to meet the goals and objectives established by City Council;

- p) Actively seeks appropriate funding opportunities for the City;
- q) Serves as a Public Information Officer and coordinates the exchange of information within the organization, with external entities, and with the public;
- r) Responding to citizen inquiries and requests;
- s) Represents the City at community meetings, public events, training sessions, and other related events in conjunction with City Officials;
- t) Coordinates and oversees the progress and performance of consultants hired by the City;
- u) Preparing and maintaining the components of the City's computer system including programming, implementing additions, and planning for future system improvements;
- v) Oversees administrative portion of all improvement projects; reviews plans and specifications, advertisements for bid notices, contracts, pay requests, change orders, etc.; returns bid bonds; prepares assessment hearing notices, correspondence, assessment rolls, certifications, resolutions, etc.;
- w) Performing other duties as apparent or assigned and as may be prescribed by ordinance or resolution of the City;
- x) Reports directly to the Mayor and City Council, and supervised by the Mayor and City Council.

## **2-26 Financial Powers and Duties of the City Administrator.**

The City Administrator also has the following financial powers and duties:

- a) Serve as the City Treasurer and post bond in accordance with the requirements in the Texas Local Government Code Chapter 22 for the City Treasurer;
- b) Chapter 102 of the Texas Local Government Code sets out the process for preparing and adopting the budget of a general law city (Texas Local Government Code 101.041, 102.001 through 102.010). Section 102.001 says the Mayor of a municipality serves as the budget officer for the governing body of the municipality unless the municipality has the city manager form of government. In order to have such a form of government, there must be an election. Such an election is not sought at this time so the City Manager shall assist the Mayor in acting as the City's ceremonial budget officer and, as such, preparing and submitting to the Mayor and City Council, before the beginning of each fiscal year, a budget of proposed expenditures for the ensuing year, showing in as much detail as practical, the estimated amounts required for the efficient operation of each department of the City and the reasons for such estimated expenditures;
- c) File the final adopted budget of the City as required by State Law;

- d) Report in writing to the City Council and Mayor on a monthly basis the expenditures and operations of the City in a format that allows the City Council and Mayor to compare the actual expenditures with the budget;
- e) Advises Mayor and City Council regarding the financial condition, administrative activities and future needs of the City. Makes policy recommendations as necessary;
- f) Act as purchase agent for the City of Kemah to purchase, or set procedures for purchasing all merchandise, materials and supplies needed by the City;
  - 1) The City Administrator is authorized to make purchases on behalf of the City which adhere to the guidelines as stated within the procurement policy.
  - 2) In case of accident or other circumstances creating an emergency, the City Administrator may, with the consent of the governing body, award contracts and make purchases for the purpose of repairing damages caused by said accident or avoiding said public emergency; but immediately afterwards he or she must file with the Mayor and Council an affidavit showing such emergency and the necessity of such action together with an itemized account of all expenditures;
- g) Recommend to the Mayor and Council the salary levels to be paid to each employee and the Police Chief as well as all other department heads after consultation with department heads with respect to salaries for their employees, though the City Council and Mayor must approve the City Administrator's recommendations with respect to salary level;
- h) In accordance with generally accepted governmental accounting principles supervise the accounting and financial records system for the City and exercises control over City Activities;
- i) Manage City funds and investments with the Governing Body's approval; and
- j) Work with an outside auditor during annual audits to resolve any audit questions.

## **2-27 Annual Performance Evaluations.**

The Mayor and City Council will perform annual performance evaluations for the positions of City Administrator, Chief of Police, City Attorney and City Secretary.

## **2-28 City Secretary.**

The City shall have a City Secretary as an officer called for in Section 22.073 of the Texas Local Government Code. The City Secretary shall report to and take direction from the Mayor and City Council.

## **2-29 City Attorney.**

The City shall have a City Attorney. As has historically been the practice those services may be provided by contract with a Lawyer or Law Firm in lieu of filling the office of City Attorney with an appointed individual attorney. The City Attorney shall report to and take direction from the Mayor and City Council.

**2-30 Police Chief.**

The City shall have a Police Chief who shall be both the commander and the administrative head of the Police Officers and the Police Department. The Police Chief shall report to and take direction from the Mayor and City Council. The Police Chief shall be responsible for all hiring within the Police Department.

**2-30.5 Service.**

All employees or Officers of the City serve at the pleasure of the City Council, though the City Council must provide the City Administrator and the Police Chief with the initial opportunity to manage the employees of the City.

**2-30.6 Probationary Period.**

Each employee of the City is a probationary employee for a 90-day period beginning with the first full work day completed by each employee.