

CITY OF UHLAND, TEXAS

ORDINANCE NO. 172

AN ORDINANCE OF THE CITY OF UHLAND, TEXAS, EXPRESSING THE POWERS & DUTIES OF THE MAYOR AND CURTAILING SOME OF THOSE POWERS & DUTIES, REPEALER, SEVERABILITY, EFFECTIVE DATE AND NOTICE AND HEARING.

WHEREAS, the City Council of the City of Uhlend ("City Council") seeks to promote a clear understanding of the role of the Mayor; and

WHEREAS, the City Council finds that a well-defined role of the Mayor will increase cooperation and help prevent discord among City Officials and City Staff and be in the best interest of the City; and

WHEREAS, pursuant to Texas Local Government Code Chapters 22, the Mayor of a Type A, General-Law City has specific powers; and

WHEREAS, the City Council has the authority to limit the role of the Mayor for those activities not already governed by state law; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City Council has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, the City Council finds that it is necessary and proper for the good government, peace or order of the City of Uhlend to adopt an ordinance outlining the role of the Mayor.

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

1. FINDINGS OF FACT

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

2. SPECIFIC POWERS OF THE MAYOR

- A. The Mayor is the presiding officer of the city council meetings, and, except in elections, may only vote in the event of a tie vote.

- B. The Mayor is the Chief Executive Officer of the City. The Mayor shall actively ensure that the laws and ordinances of the City are enforced. The Mayor must also perform all duties prescribed by the City Council.
- C. The Mayor has the express powers to declare a local state of disaster and as the emergency management director for the City has statutory powers and duties during an emergency.
- D. The Mayor is empowered to inspect the conduct of the officers and employees of the City. This power does not include the power to hire and fire without the approval of the City Council.
- E. The Mayor may administer oaths of office (i.e., swearing in ceremonies).
- F. The Mayor may sign contracts, deeds, easements, bonds and other documents as directed or authorized by the City Council.
- G. The Mayor may make appointments to certain vacant offices of the City, other than vacancies on the City Council, subject to confirmation by the City Council and in accordance with state law.
- H. The Mayor may call a special council meeting, at the Mayor's discretion or upon the request of three (3) Councilmembers.
- I. The Mayor may veto resolutions or ordinances of the City Council. However, state law provides the City Council an opportunity to override the Mayor's veto.
- J. The City Council may confer additional powers and duties on the Mayor in addition to those provided by state law.

3. EXPRESS LIMITATIONS OF THE POWERS OF THE MAYOR

- A. The Mayor may not expend municipal funds on anything without the express, written consent of the City Council.
- B. The Mayor may not take adverse actions against employees of the City or against public service providers hired by the City without the express written consent of the City Council.
- C. All policy initiatives may not be implemented without the express, written consent of the City Council.
- D. Any rule or regulation initiated by the Mayor must first be approved by the City Council.
- E. All complaints presented to the City should be processed by City Staff unless a complaint involves a department head. If a complaint involves a department head, the complaint must be processed by a Councilmember or the Mayor.
- F. Any Councilmember or the Mayor may request to include specific items on a council meeting agenda. The Mayor may not prevent an item from appearing on an agenda proposed by a Councilmember. All final word choice should be selected by the City Staff with the advice of the City Attorney when needed.

- G. Any request for City records or documentation by a Councilmember or the Mayor which will require a member of the City Staff to spend greater than thirty (30) minutes to obtain must first be approved by the City Council. This prior approval does not apply to requests for City records or documents for official City purposes.

4. REPEALER

To the extent reasonably possible, ordinances are to be read together in harmony. However, all ordinances, or parts thereof, that are in conflict or inconsistent with any provisions 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.

5. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this 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.

6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage.


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 551.

PASSED & APPROVED this, the 25 day of July 2012, by a vote of 3 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of Umland, Texas.

CITY OF UHLAND:

by: 
Russell Schultz, Mayor

ATTEST:

Karen Gallaher, City Secretary