

ORDINANCE 177

AN ORDINANCE OF THE CITY OF WALLIS, TEXAS, CREATING THE POSITION OF CITY ADMINISTRATOR; PRESCRIBING THE POWERS AND DUTIES OF SAID POSITION; PROVIDING OTHER DETAILS RELATING TO SUCH POSITION; REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the City Council of the City of Wallis, Texas, wishes to create the position of City Administrator; and

WHEREAS, the existence of such position and the exercise of the administrative duties of the municipal government attendant to that position will benefit the City of Wallis, its elected officials, and its inhabitants, and will ensure the consistent, economical, and orderly progression of the functions of the City and

WHEREAS, the City Council deems it advisable and appropriate to create the position of City Administrator and to prescribe the duties, responsibilities, and authority of such position; now, therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WALLIS, TEXAS:

Section 1.

The facts and recitations set forth in the preamble hereof are hereby found to be true and correct and are hereby adopted, ratified, and confirmed.

Section 2. City Administrator.

The position of City Administrator for the City of Wallis is hereby created, ratified, and confirmed. Subject to the terms of this Ordinance, the appointment of the present City Administrator to such position is hereby ratified and confirmed.

Section 3. Appointment.

The City Administrator shall be appointed by the Mayor, subject to confirmation by the City Council. Before making such appointment, the Mayor may appoint a committee to screen applicants for the position of City Administrator. The City Administrator shall be responsible to the City Council and subject to its supervision and direction. He shall exercise those administrative powers and responsibilities set forth herein. No member of the City Council shall be appointed to the position of City Administrator during the term of office for which he or she was elected or within one year after the expiration of such terms of office.

Section 4. Term of Office.

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

Section 5. Absence or Disability of City Administrator.

During the absence or disability of the City Administrator for a period of not more than fifteen (15) consecutive working days, he shall designate an appointed officer or employee of the City to perform the functions of the City Administrator during such absence. If the absence of the City Administrator should exceed fifteen (15) consecutive working days, the City Council shall designate some other appointed officer or employee of the City to perform the functions of the City Administrator during such absence.

Section 6. Powers and Duties.

The powers and duties of the City Administrator shall be as follows:

- a. Devote all of his working time and attention to those affairs of the City under his supervision.
- b. Be responsible to the City Council for the efficient administration of those affairs of the City under his supervision.
- c. See that all applicable State laws and all ordinances of the City are obeyed and enforced.
- d. Exercise supervision and control over all departments of the City heretofore or hereafter created by the City Council.
- e. Recommend to the Mayor and City Council persons to be appointed to or removed from those municipal offices described in Chapter 22, Subchapter 22 (Sections 22.071 et seq.) of the Texas Local Government Code, as amended.
- f. Save and except those municipal offices described in (e) above, hire and discharge all employees of the City and, in addition, promote, demote, discipline and take any and all other personnel actions, other than to employ or discharge, to department heads of the City. Before taking any such action, the City Administrator may consult with the department heads.
- g. Attend all open meetings of the City Council. Attend executive sessions of the City Council when requested or authorized to do so by the City Council. He shall have the right to participate in all discussions at those meetings of the City Council he attends, but shall have no right to vote. He shall be notified of all meetings of the City Council. He shall attend other meetings relating to City matters when requested to do so by the Mayor.
- h. See that all terms and conditions imposed in favor of the City 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 City Council.
- i. 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, showing in as much detail as practicable the estimated amounts of money required for the efficient operation of the City and each of its departments and the reasons for such estimated expenditures.
- j. Make a full written report to the City Council as soon as possible after the close of each month's accounts, or at such greater intervals as said Council may approve, showing the operations and expenditures of each department of the City for the preceding month or interval, together with such other financial information and budget expenditure comparisons as the City Council may request. Further, to keep the City Council fully advised at all times as to the financial condition and needs of the City.
- k. Supervise the purchase of all materials, supplies, and equipment for which funds are budgeted; propose and supervise those contract necessary for the operation and maintenance of City services; and review all bids and proposals submitted to the City and recommend to the City Council those he deems most advantageous to the City.
- l. Recommend to the City Council the salary or salary range for each position of employment with the City.
- m. Recommend to the City Council such procedures, practices, and measures as he deems necessary or advisable to promote the best interests of the City and its inhabitants.
- n. Use his best efforts to notify each member of the City Council within not more than forty-eight (48) hours of any alleged violation by the City or any of its officers or employees of a Federal, State, or City of Wallis law, rule, or regulation or of any cause of action or lawsuit against the City which may subject it to any civil, criminal or monetary liability.
- o. Perform such other duties as may be prescribed by the City Council not inconsistent with the laws of the State of Texas governing Type A general law cities.

Section 7. Compensation and Bond.

The City Administrator shall receive such compensation, as the City Council shall fix from time to time. He shall also be entitled to receive all fringe benefits provided to other full-time employees of the City and such additional fringe benefits as the City Council may approve. He shall furnish a surety bond in such amount as shall be established by the City Council. The premium of such surety bond shall be paid by the City.

Section 8. Removal.

The City Council may discharge the City Administrator at any time, with or without cause, by a two-thirds vote of those members of the City Council qualified and serving.

Section 9. Repeal of Ordinance.

City of Wallis, Texas, repeals all ordinances and parts of ordinances, rules, regulations, policies, and practices, whether written or oral, inconsistent or in conflict herewith to extent of such conflict or inconsistency.

Section 10. Severability

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 for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part of provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Wallis, 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.

PASSED, APPROVED, AND ADOPTED this 19 day of August, 2009



Mayor, Tony I. Salazar Jr.



DJ Sommers, City Secretary

ATTEST: