

ORDINANCE NO. O-10212019-2

AN ORDINANCE OF THE CITY OF ELKHART, 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 Elkhart ("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 Section 26.05 of the Texas Tax Code, the Town Council held a public hearing concerning the proposed tax rate on September 9, 2019 and on September 16, 2019 and all statutory and constitutional requirements concerning the levying and assessing of ad valorem taxes have been completed in due and correct time; 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 Elkhart to adopt an ordinance outlining the role of the Mayor.

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

Section 1: FINDINGS OF FACT

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein. Further finding that the role of the City Council is to develop policy, with said policy being enforced by the Mayor, who serves as Chief Executive Officer for the City of Elkhart.

Section 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, which is defined as the highest-ranking individual, responsible for the overall success of the City and for making top-level managerial decisions. The Mayor may ask for input on major decisions but is the ultimate authority in making final decisions concerning the day-to-day administrative operations of the City.
- C. 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.
- D. 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.
- E. The Mayor is empowered to inspect the conduct of the officers and employees of the City. The Mayor is responsible for seeking and appointing official or hiring staff, as needed, on probationary terms, with final full-time status being subject to approval by the Council as a whole. The Mayor is responsible for evaluation and discipline of personnel up to suspension without pay, with Council reserving the right to terminate upon the suggestion of the Mayor.
- F. The Mayor is empowered to establish an official chain of command. The Mayor is responsible for all aspects of the day-to-day management of City staff, with staff reporting directly the Mayor or her/his designee. The Mayor will report to City Council, as a whole, and any concerns or requests of Council are to be brought through the Mayor, who will direct City staff accordingly.
- G. The Mayor is empowered in her/his day-to-day administrative duties to secure professional services, including selection of vendors, excluding those requiring contracts, which shall rest with the Council as a whole. The Mayor shall also be entitled to approve permits, travel and training requests required for job duties, purchases up to \$5,000, with any major purchases exceeding \$5,000 being subject to Council approval as a whole. However, in the event of an emergency, the Mayor is empowered to make decisions on purchases exceeding \$5,000 to ensure the safety and health of the public and shall report said purchase(s) to Council at the next regularly schedule Council meeting.
- H. The Mayor may administer oaths of office (i.e., swearing in ceremonies).
- I. The Mayor may sign contracts, deeds, easements, bonds and other documents as directed or authorized by the City Council.

- J. 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.
- K. The Mayor may call a special council meeting, at the Mayor's discretion or upon the request of three (3) Councilmembers.
- L. 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.
- M. The City Council may confer additional powers and duties on the Mayor in addition to those provided by state law.

Section 3: EXPRESS LIMITATIONS OF THE POWERS OF THE MAYOR

- A. The Mayor may not expend municipal funds over \$5,000, with any major purchases exceeding \$5,000 being subject to Council approval as a whole. However, in the event of an emergency, the Mayor is empowered to make decisions on purchases exceeding \$5,000 to ensure the safety and health of the public and shall report said purchase(s) to Council at the next regularly schedule Council meeting.
- B. The Mayor may not terminate employees of the City without the express written consent of the City Council.
- C. All policy initiatives may not be implemented without the express consent of the City Council.
- D. All complaints and requests presented to the City should be processed by City Staff unless a complaint or request is controversial. Then, that matter will be brought before the Council as a whole. All other complaints and requests will be reported to Council at the regular City Council meetings.
- F. Any request made by a Councilmember 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 as a whole. This prior approval does not apply to requests for City records or documents for official City purposes.

Section 4: SEVERABILITY

In the event any section, sub-section, clause, sentence, or phrase of this ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no means affect any other section, sub-section, clause sentence, or phrase of this ordinance, but all the rest thereof shall be in full force and effect just as though the section, sub-section, sentence, clause or phrase so declared or adjudged invalid or unconstitutional was not originally a part thereof.

Section 5: EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage.

AND IT IS SO ORDAINED.

Passed and approved on the 21ST day of October 2019, by a record vote of 4 to 0.

CITY OF ELKHART, TEXAS


Jennifer McCoy, Mayor

ATTEST:


Ami Ashworth, City Secretary

