

ORDINANCE NO. 22-585

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BUNKER HILL VILLAGE, TEXAS BY AMENDING SECTION 2-91, CREATION OF OFFICE, SECTION 2-92, ADMINISTRATION, SECTION 2-93, TERM OF OFFICE, SECTION 2-94, ABSENCE OR DISABILITY OF THE CITY ADMINISTRATOR, SECTION 2-95, POWERS AND DUTIES, SECTION 2-96, COMPENSATION; BOND, AND SECTION 2-97, REMOVAL, DIVISION 2, CITY ADMINISTRATOR, OF ARTICLE III, OFFICERS AND EMPLOYEES, OF CHAPTER 2, ADMINISTRATION; AND PROVIDING FOR SEVERABILITY.

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WHEREAS, the City Council of the City of Bunker Hill Village, Texas has determined Section 2-91, Creation of office, Section 2-92, Administration, Section 2-93, Term of office, Section 2-94, Absence or disability of the city administrator, Section 2-95, Powers and duties, Section 2-96, Compensation; bond, and Section 2-97, Removal, Division 2, City Administrator of Article III, Officers and Employees, of Chapter 2, Administration, of its Code of Ordinances should be amended in accordance with the provisions of this ordinance; and

WHEREAS, the City Council finds it to be in the best interest of the health, safety and welfare of its citizens to make the amendments proposed in this ordinance; now, therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BUNKER HILL VILLAGE, TEXAS:

Section 1. The facts and matters contained in the preamble of this ordinance are hereby found to be true and correct.

Section 2. The Code of Ordinances of the City of Bunker Hill Village, Texas is hereby amended amending Section, 2-92, Appointment, Division 2, City Administrator of Article III, Officers and Employees, of Chapter 2, Administration, of its Code of Ordinances, the language struckthrough below and adding thereto the language underscored below, such definition to read as follows:

“Sec. 2-92. Appointment.

The city administrator shall be appointed by the city council. ~~He~~The city administrator shall be responsible to the city council and subject to its supervision and direction. ~~He~~The city administrator shall exercise those administrative powers and responsibilities set forth in this division. No member of the city council shall be appointed to the position of city administrator during the term of office for which ~~he~~the member of city council was elected or within one (1) year after the expiration of such term of office.”

Section 3. The Code of Ordinances of the City of Bunker Hill Village, Texas is hereby amended amending Section, 2-93, Term of office, Division 2, City Administrator of Article III, Officers and Employees, of Chapter 2, Administration, of its Code of Ordinances, the language struckthrough below and adding thereto the language underscored below, such definition to read as follows:

“Sec. 2-93. Term of office.

Unless altered by a contract duly approved by the city council, ~~T~~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 majority 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 4. The Code of Ordinances of the City of Bunker Hill Village, Texas is hereby amended amending Section, 2-94, Absence or disability of city administrator, Division 2, City Administrator of Article III, Officers and Employees, of Chapter 2, Administration, of its Code of Ordinances, the language struckthrough below and adding thereto the language underscored below, such definition to read as follows:

“Sec. 2-94. 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~~ the city administrator shall designate an appointed officer or employee of the city to perform the functions of the city administrator during such absence. If the city administrator is unable to

make such a designation, the Mayor 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 mayor shall designate some other appointed officer or employee of the city to perform the functions of the city administrator during such absence.”

Section 5. The Code of Ordinances of the City of Bunker Hill Village, Texas is hereby amended amending Section, 2-95, Powers and duties, Division 2, City Administrator of Article III, Officers and Employees, of Chapter 2, Administration, of its Code of Ordinances, the language struckthrough below and adding thereto the language underscored below, such definition to read as follows:

“Sec. 2-95. Powers and duties.

The powers and duties of the city administrator shall be as follows:

- (1) Devote all of ~~his~~their working time and attention to those affairs of the city under ~~his~~ their supervision.
- (2) Be responsible to the mayor and city council for the efficient administration of those affairs of the city under ~~his~~ their supervision.
- (3) See that all applicable state laws and all ordinances of the city are obeyed and enforced.
- (4) Exercise supervision and control over all departments of the city heretofore or hereafter created by the city council.
- (5) Be available during times of emergency and be responsible for directing the city’s emergency response operations.
- (6) Coordinate with Memorial Villages Police Department and the Village Fire Department.
- (~~5~~7) Exercise supervision and control over all employees of the city.
- (~~6~~8) Recommend to the mayor and city council persons to be appointed to or removed from those municipal offices described in Chapter 22, subchapter C (§ 22.071 et seq.) of the Texas Local Government Code, as amended.
- (~~7~~9) Save and except those municipal offices described in subsection (6) above, hire and discharge all employees of the city and, in addition, promote, demote, discipline, and take any and all other personnel actions pertaining to such employees.
- (~~8~~10) 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~~The city administrator shall have the right to participate in all discussions at those meetings of the city council ~~he~~ the city administrator attends, but shall have no right to vote. ~~He~~ The city administrator 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.

- (911) 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 mayor and city council.
- (102) 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 in compliance with the Texas Local Government Code.
- (143) 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 the council may approve, showing the operations and expenditures of the city and each of its departments for the preceding month or interval, together with such other financial information and budget expenditure comparisons as the city council may request. Further, keep the mayor and city council fully advised at all times as to the financial condition and needs of the city. In accordance with Chapter 103 of the Texas Local Government Code, the city administrator shall have the city's annual audit and annual financial statement prepared by an independent accounting firm, working with the audit - finance committee, and to approved by the city council.
- (124) Supervise the purchase of all materials, supplies, and equipment for which funds are budgeted; propose and supervise those contracts 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. The city administrator shall prepare and submit to the city council for approval such rules governing purchase procedures to be followed by the city as he shall deem necessary and appropriate.
- (135) Recommend to the city council the salary or salary range for each position of employment with the city.
- (146) 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.
- (157) ~~Use his best efforts to notify~~ Notify the mayor and 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 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.

(168) Perform such other duties as may be prescribed by the city council not inconsistent with the laws of the state governing Type A general law cities.”

Section 6. The Code of Ordinances of the City of Bunker Hill Village, Texas is hereby amended amending Section, 2-96, Compensation; bond, Division 2, City Administrator of Article III, Officers and Employees, of Chapter 2, Administration, of its Code of Ordinances, the language struckthrough below and adding thereto the language underscored below, such definition to read as follows:

“Sec. 2-96. Compensation; bond.

The city administrator shall receive such compensation as the city council shall fix from time to time. ~~He~~ The city administrator 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~~ The city administrator 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 7. The Code of Ordinances of the City of Bunker Hill Village, Texas is hereby amended deleting in its entirety Section, 2-97, Removal, Division 2, City Administrator of Article III, Officers and Employees, of Chapter 2, Administration.

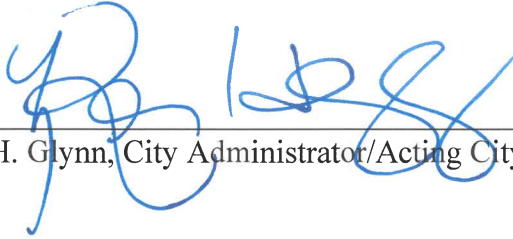
Section 8. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it is the intention of the City Council that the invalidity or unconstitutionality of the one or more parts shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision other than the part declared to be invalid or unconstitutional; and the City Council of the City of Bunker Hill Village, 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, whether there be one or more parts.

PASSED, APPROVED, AND ADOPTED on this 20 day of September, 2022.



Robert P. Lord, Mayor

ATTEST:



Karen H. Glynn, City Administrator/Acting City Secretary