

MEMORANDUM

DATE: February 22, 2019

TO: Mayor White & City Council

FROM: Mercy Rushing, City Administrator

SUBJECT: Consider action on cleaning up current ordinance to reflect current Title being used in government industry for the position.
Council Meeting Agenda Item for Monday, February, 25, 2019

Background Information:

It was brought to our attention by our auditor that we had several names being used for my office from City Administrator, or Business Administrator and City Manager. I spoke with our attorney, Blake Armstrong who agreed that we go ahead and do a cleanup of our ordinance and change it to current use of language for the position I hold based on my current duties and responsibilities to City Manager by updating Section 2-7 of our Code of Ordinance. Change only in the title; my duties, responsibilities and job descriptions continues to be the same.

Recommendation:

It is our recommendation to change the title of my office to adhere to the current title being used in our industry. To consider approval of the change from City Administrator to City Manager.

Final Disposition:

ORDINANCE NO. 19-02-25-___

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF MINEOLA AMENDING CHAPTER 2 ADMINISTRATION, ARTICLE I IN GENERAL, SECTION 2-7 OF THE MINEOLA CODE OF ORDINANCES, AMENDING AND CHANGING THE TITLE OF THE CITY ADMINISTRATOR TO CITY MANAGER AND PROVIDING AN EFFECTIVE DATE.

At the Regular City Council Meeting of the City Council of the City of Mineola, Wood County, Texas, held on February 25, 2018, at 5:30 p.m., at the Mineola Municipal Complex, there being a quorum of the City Council present, upon motion duly made and seconded the following Ordinance was adopted, to-wit:

WHEREAS, the Mayor has recommended to the City Council of the City of Mineola to update the title of the City Administrator;

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

That Chapter 2 Administration, Article I In General, Section 2-7 City business administrator; shall be amended by adding the following:

1. Any and all mentions of “City Business Administrator” or “City Administrator” in Section 2-7 shall be updated to say “City Manager”

This ordinance shall become effective immediately upon its passage by the City Council.

APPROVED and ADOPTED by the City Council of the City of Mineola, Texas on the 25th day of February, 2019.

Mayor

Attest:

City Secretary

and for such cost of damage to equipment and clothing resulting from the services of such law enforcement officer in this city and for which the county or city where he is regularly employed has paid.

(Code 1977, § 2-5)

Sec. 2-5. Emergency powers of mayor—Calling special police force.

Whenever the mayor shall deem it necessary, in order to enforce the laws of the city and to avert danger to persons or property or to suppress a riot or outbreak or calamity, or to prevent a public disturbance, or when he has good reason to believe or has well grounded fears of any serious violation of law or ordinance or any outbreak or any other danger of a serious character to the city or the inhabitants thereof which cannot be controlled by the regular city police force, he shall cause to be summoned into service a special police force of such numbers, as in his judgment may be necessary for the preservation of the peace and good order of the city; and such special police, while in service, shall be subject to the orders of the mayor and shall perform such duties as he may require, and while on duty shall have the same power and authority as are conferred upon the regular city policemen under the law; and any person so summoned and failing to appear or obey such summons, or failing to perform any duty required hereunder, shall be guilty of a misdemeanor.

(Code 1977, § 2-6)

State law reference—Authority for special police force in Type A municipality, V.T.C.A., Local Government Code § 341.011.

Sec. 2-6. Same—Closing public places.

The mayor shall have authority, in cases of riot or serious outbreak or disturbance of the peace, with the view to preserve the peace and good order in the city, to order and enforce the closing of any theater, ballroom, restaurant, or other public house, and may arrest any person or cause the arrest of any person refusing to obey such orders.

(Code 1977, § 2-7)

Sec. 2-7. City business administrator.

(a) *Creation of office.* The office of city business administrator is hereby established. The city business administrator may be referred to as city administrator.

(b) *Appointment; tenure.* The city administrator shall be appointed for such period of time as the city council shall determine and shall be subject to discharge at the will of the council. Appointment and removal shall require a majority vote of the city council. The mayor may cast the deciding vote in the event of a split vote of the council members. The city administrator shall be responsible to and report directly to the city council.

(c) *Duties; powers.* The city administrator shall promptly and effectively execute or cause to be executed and carried out all duties and responsibilities delegated to him by the city council. Such duties and powers herein conferred shall include, but shall not be limited to, the following:

- (1) To devote all his working time and attention to the affairs of the city and to be responsible to the city council for the efficient administration of the city's affairs.

- (2) To see that all provisions of federal, state and local laws, ordinances and resolutions are enforced.
- (3) To supervise all departments created by the council.
- (4) Except as provided in this subsection, the city administrator shall have authority to employ and discharge city employees, including heads of departments and supervisors. The city administrator shall inform the city council of the employment or discharge of an employee within two business days of the action. The city administrator may delegate the employment or discharge of employees to the supervisor or head of the department over such employ or position. The city council retains the authority to employ or discharge municipal officers enumerated in V.T.C.A., Local Government Code § 22.071. Members of the city council shall not give orders to any subordinate of the city administrator either privately or publicly.
- (5) To attend all meetings of the council with a right to take part in the discussion, but having no vote, and to attend all special meetings of the council.
- (6) To ensure that all contracts with the city are faithfully kept and performed and, upon knowledge of any violation thereof, to call the same to the attention of the council.
- (7) To act as budget officer and, as such, to prepare and submit to the council, prior to the beginning of each fiscal year, a budget of the proposed income and expenditures for the ensuing year, and to file the budget as required by state law after approval.
- (8) To take to the council in a timely manner all reports, documents, and other written documents of the city business as required by law and prudent municipal management.
- (9) To perform such additional powers and duties as the city council may confer.

All duties and responsibilities of other officials of the city that are in conflict with this section are hereby superseded.

(Code 1977, § 2-10; Ord. No. 87-10-01, §§ 1—3, 10-1-1987; Ord. No. 07-12-17A, 12-17-2007)

State law reference—Appointment of officers by city council, Vernon's Ann. Civ. St. art. 977.

Sec. 2-8. Payment of fees, fines, court costs or other charges by credit card.

(a) A municipal official who is authorized to collect fees, fines, court costs or any other type of charges on behalf of the city, may accept payment for any such fee, fine, court cost or other charge by credit card, PayPal or any other secure electronic system.