

ORDINANCE NO. 2017-06-15B

An Ordinance of the City of Overton, Texas, that confirms the amount of compensation and alters the method of payment to the Mayor and City Council members for services rendered in execution of their duties and responsibilities as public officials; provides for a waiver of compensation; sets a forfeiture amount of \$20.00; and amends Ordinance No. 2016-04-21A, that changes Section 7.00 of the “City Council Rules of Procedures” from “Fines” to “Forfeitures”; clarifies the effect of excused absences on compensation; repeals all ordinances in conflict thereof; provides for publication and an effective date of July 1, 2017.

WHEREAS, the City of Overton is organized as a Type A General Law City; and

WHEREAS, Local Government Code Section 141.001 provides for the compensation of the Mayor and Council Members of a Type A General Law City; and

WHEREAS, the City Council adopted **ORDINANCE NO.2016-04-21A** on **April 21, 2016** to establish the current “City Council Rules of Procedures” as defined in **EXHIBIT A** of that Ordinance; and

WHEREAS, the City Council has determined that certain provisions of the City Council Rules of Procedures namely “Section 7.02 Fines” is in need of revision to simplify administration of Mayor and Council compensation as modified herein; and

WHEREAS, the City Council of the City of Overton deems it necessary to adopt these modifications to the City Council Rules of Procedures to ensure accurate administration of compensation for City Council members as it relates to forfeitures and that there are no conflicts with any other Ordinances;

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

SECTION 1: FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Overton and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2: COMPENSATION ESTABLISHED AND PROCEDURES SET**A. Definitions.**

For the purposes of this article the following words and phrases shall have the meanings respectively ascribed to them by this section:

1. "Official Capacity" means capacity as an officer acting under color and by virtue of his or her office.
2. "Individual Capacity" means legal capacity as a natural person, distinct from any other role.

B. Procedure.

The procedure for payment of salaries of the Council Members and Mayor of the City of Overton, Texas is established as follows:

1. Council Members and the Mayor will be paid monthly on or before the last day of the month but not prior to the first of the month for services provided the previous month.
2. The salary for the members of the Council commencing July 1, 2017 shall be set at the sum of twenty dollars (\$20.00) per regular meeting of Council attended.
3. The salary for the Mayor commencing July 1, 2017 shall be set at the sum of one hundred dollars (\$100.00) for each regular meeting of Council attended.
4. Council Members and the Mayor shall only be compensated for regularly called meetings actually attended and the compensation so fixed pursuant to this section shall not be increased or diminished and this section shall have no effect upon those members of the Council or the Mayor of the City of Overton, Texas during the term for which such member was elected or appointed and this section will not be effective upon each individual Council Member or the Mayor until such time as he or she is re-elected.
5. Salaries of the Council Members and the Mayor are subject to any and all applicable local, state, or federal tax and withholding.

SECTION 3: WAIVER OF COMPENSATION

The Mayor and each Council member may request in writing at any time to decline compensation. Per the Texas Constitution, a State employee serving on Council cannot receive compensation for his or her services.

SECTION 4. AMENDMENT OF SECTION 7.02 OF ORDINANCE NO. 2016-04-21A – “CITY COUNCIL RULES OF PROCEDURE”.

That **SECTION 7.00** of Ordinance No. 2016-04-21A – “City Council Rules of Procedure” is changed to read as follows:

Section 7. – ATTENDANCE & FORFEITURES***7.01. Mayor & Councilmember Attendance***

If a member of the City Council is absent for three (3) regular consecutive meetings, the

Council Member will lose his/her seat at the Council and a vacant position will be created, unless one or more of the absences is excused. There shall be three (3) provisions for excused absences as listed in the following:

- a. The Mayor, Councilmember or their spouse is sick; or*
- b. The Mayor or Councilmember has first obtained a leave of absence at a regular meeting for an excused absence; or*
- c. The Mayor or Councilmember has requested that an excused absence be granted and such request shall be added to the next agenda to be approved by majority vote of the Council at the next regular scheduled meeting.*

If a vacancy is created by virtue of unexcused absences by a Councilmember, the filling of that position will be accomplished in accordance with Section 8 of these Rules of Procedures.

7.02. Forfeitures

If the Mayor or a Councilmember is absent, then they shall forfeit compensation for each regular called meeting they miss in the amount of \$20, unless the absence is excused as allowed in Section 7.01 above.

SECTION 5. REPEAL OF CONFLICTS

This Ordinance, upon its enactment and effective date, shall repeal all conflicting provisions that may be contained in other City ordinances and regulations, except to the extent they apply to obligations and violations arising prior to enactment of this Ordinance.

SECTION 6. RIGHTS AND REMEDIES

All rights and remedies of the City are expressly saved as to any and all violations of the provisions of any previous ordinances which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 7. SEVERABILITY

In the event that any one or more of the sections, provisions, clauses, or words of this Ordinance or the application thereof to any situation or circumstance shall for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other sections, provisions, clauses, or words of this Ordinance or the application thereof to any other situations or circumstances and it is intended that this Ordinance shall be severable and that it shall be construed and applied as if such invalid or unconstitutional section, provision, clause or word had not been included herein.

SECTION 8. OPEN MEETINGS

That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that the public notice of time, place, location and the purpose of said meeting was given as required by the Open Meetings Act, Ch. 551 LGC.

SECTION 9. EFFECTIVE DATE

The City Secretary is hereby authorized and directed to cause the publication of the descriptive caption and penalty clauses of this Ordinance as an alternative method of publication provided by

law.

SECTION 10. PUBLISH

That this Ordinance shall become effective July 1, 2017.

PRESENTED, REVIEWED, CONSIDERED AND APPROVED ON THIS 15th DAY OF JUNE, 2017 BY A VOTE OF 5 AYES, 0 NAYS, 0 ABSTENTIONS, AT A REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS.



CITY OF OVERTON


C.R. Evans, Jr., Mayor

ATTEST:


Rachél Gafford, City Secretary

APPROVED AS TO FORM AND LEGALITY:


Blake Thompson, City Attorney