

ORDINANCE NO 2017-10-19A

AN ORDINANCE OF THE CITY OF OVERTON AMENDING CHAPTER 35 DEFINING THE OFFICE OF CITY MANAGER; PROVIDING FOR THE TERM OF OFFICE; PRESCRIBING THE DUTIES PERTAINING TO THAT OFFICE; PROVIDING FOR AND CREATING THE POSITION OF INTERIM CITY MANAGER IN THE ABSENCE OR RESIGNATION OF A CITY MANAGER; APPOINTMENT OF AN INTERIM CITY MANAGER FOR THE CITY OF OVERTON AND PROVIDING FOR COMPENSATION OF SAID POSITION.

WHEREAS, Charles Cunningham, City Manager of the City of Overton, Texas announced his resignation from the City of Overton, Texas on September 14, 2017; and

WHEREAS, the City of Overton, Texas is authorized by Section §22.071 of the Texas Local Government Code to establish municipal offices other than those identified in Subchapter C of Chapter 22 of the Texas Local Government Code; and

WHEREAS, the City of Overton Code of Ordinances does not currently have a provision for the duties of the Office of City Manager or the appointment of an Interim City Manager in the event the office of City Manager is vacant; and

WHEREAS, the City Council deems it is in the best interests of the City to formerly establish by Ordinance the duties of the City Manager and the office of “Interim City Manager” in the event the office of the City Manager is vacant; and

WHEREAS, the City Council has determined that it would promote the public welfare generally to appoint Police Chief Clyde Carter to serve as the Interim City Manager of Overton, Texas for a period of time as to be determined by City Council; and

WHEREAS, this Ordinance was duly passed at a meeting held in strict compliance with Chapter 551 of the Texas Government Code at which a quorum of the City Council was present and voting;

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

SECTION 1. That Title III, Administration, Chapter 35 City Officials and City Employees, Section §35.50 City Manager be amended to read as follows:

§35.50 Office Created; City Manager

The position of City Manager has been created by the voters of the City of Overton.

§35.51 Appointment

The City Council shall appoint and may remove the City Manager upon the affirmative vote of a majority of the entire Council, and shall supervise the City Manager by majority vote. The City Manager shall be chosen and compensated solely on the basis of his or her experience, education, training, and ability and performance and need not when appointed be a resident of the City. The City Manager must be bonded at the City expense as determined by the Council. No member of the Council shall, during the term of office to which elected or for one (1) year thereafter, be appointed. The terms and conditions of the City Manager's employment may be governed by contract agreed upon and approved by the City Council.

§35.52 Duties and Responsibilities

That the duties and responsibilities of the City Manager shall be in accordance with the duties of the City Manager as set forth in Section §25.029 of the Texas Local Government Code and set forth in this Ordinance. The City Manager shall act as the chief executive and administrative officer for the City and shall be responsible to the Council for the proper administration of all the affairs and business of the City. The City Manager shall be required to:

- (a) Enforce all State Laws and City Ordinances;
- (b) Appoint, supervise, suspend and remove officers and employees of the City, except those appointed by the Council or as otherwise specifically provided by State Law;
- (c) Suspend any department head or municipal officer, until such time as the City Council can act on his recommendation upon suspension or dismissal in accordance with Section §22.077 of the Texas Local Government Code;
- (d) After consultation with the department head involved, to fill budgeted positions on the City's staff and make recommendations to the Mayor and City Council for the elimination of budgeted positions;
- (e) After consultation with the department head involved, shall have the authority to remove all subordinate employees;
- (f) Attend all council meetings except when excused;

- (g) Prepare and submit the proposed annual budget, and be responsible for the administration of the adopted budget;
- (h) Keep the Council advised of the financial condition and needs of the City and make appropriate recommendations;
- (i) Prepare and submit to the Council at the end of each fiscal year a complete report of the finances and administrative activities of the City for such year;
- (j) Make such other reports as the Council may require concerning the operations of the City;
- (k) Meet, discuss and confer with and advise the Mayor and/or members of the Council regarding City business;
- (l) Serve as the Executive Director of the Overton Economic Development Corporation;
- (m) Serve as the Executive Director of the Overton Municipal Development District;
- (n) Perform other duties as may be prescribed by ordinance, resolution or at the direction of the City Council.
- (o) To serve as first alternate to the City Secretary for attesting to and countersigning of the Mayor's or Mayor Pro Tem's signature on all official City documents.

§ 35.53 Interim City Manager

In the event the City Manager resigns, is terminated or if the office of City Manager is vacant, the Council shall designate an interim City Manager. The Council may designate a person to perform the duties of the City Manager during his /her extended absence or disability.

SECTION 2. That City Council of the City of Overton hereby appoints Police Chief Clyde Carter as the Interim City Manager of the City of Overton, Texas with all the responsibilities and duties as prescribed in Section §25.029 of the Texas Local Government Code and in Section 1 of this ordinance.

SECTION 3. That the terms of compensation for Police Chief Clyde Carter for the position of Interim City Manager shall be as follows: current annual salary of Police Chief of \$52,416.00; longevity and insurance benefits as currently provided to all City employees, a

phone allowance, plus, a bi-weekly stipend of **25% of current annual salary (calculated as \$504.00)** for as long as he performs the duties of Interim City Manager.

DULY PASSED AND APPROVED FOR ADOPTION AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS ON THIS THE 19th DAY OF OCTOBER, 2017 BY A VOTE OF 4 AYES 0 NAYS AND 0 ABSTENSIONS.

CITY OF OVERTON, TEXAS



C.R. Evans Jr.
C.R. Evans Jr., MAYOR

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

Rachél Gafford
Rachél Gafford, CITY SECRETARY

Blake Thompson
Blake Thompson, CITY ATTORNEY

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