

CHAPTER 35: CITY OFFICIALS; CITY EMPLOYEES

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City Officers, Generally

§ 35.01 City Council to Provide for Officers of City

The City Council may provide for officers and agents of the City as it may from time to time direct to be appointed or elected.

City Secretary¹

§ 35.10 Office of City Secretary created

The office of City Secretary is hereby created and shall receive such compensation as may be fixed by the City Council. The City Secretary shall be recommended by the City Manager appointed by a majority vote of the City Council.

§ 35.11 Bond Required

The City Secretary shall execute a bond, payable to the City, as required by law, conditioned that the City Secretary will faithfully perform the duties of the office. The City Council shall determine the amount of the bond at least annually. If the council fails to determine the amount of the bond for the succeeding year, the amount last prescribed shall continue to be the amount of bond required. Such bond shall be a corporate surety bond and the City shall pay all costs, premiums, and expenses connected therewith.

§ 35.12 Duties Generally

The City Secretary shall perform all duties of the City Secretary as set forth in V.T.C.A., Local Government Code, § 22.073, and as assigned by the City Manager and the City Council.

City Attorney

§ 35.30 Office of City Attorney created; appointment and termination

The office of City Attorney is created. The City Attorney shall be appointed and/or terminated by the City Council.

§ 35.31 Authority to Contract with Person or Firm

The City Council may contract with a private firm or person in private legal practice to perform the duties and fill the office of City Attorney.

Chief of Police

§ 35.40 Office of Chief of Police created; appointment and termination

The position of Chief of Police is created. The Chief of Police shall be appointed and/or terminated by the City Manager.

¹ **State law reference** - Authority to appoint, remove and establish duties for City Secretary is found in V.T.C.A., Local Government Code, §§ 22.071 - 22.074 and § 22.077.

City Manager

§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.

Building Inspector

§ 35.60 Office of Building Inspector; appointment and removal

The office of Building Inspector shall be filled through contract with a private person or firm, subject to approval of said contract by the City Manager.

§ 35.61 Duties

It shall be the duty of the Building Inspector to enforce all laws relating to the construction, alteration, removal, and demolition of buildings and structures.

§ 35.62 Right to Enter Premises

The Building Inspector, in the discharge of his official duties and upon proper identification, shall have authority to enter a building, structure, or premises at any reasonable hour, when there is legal cause and authority to do so.

§ 35.63 Building Inspector Not Personally Liable

The Building Inspector, acting in good faith and without malice in the discharge of his official duties for the City, shall not thereby render himself liable personally and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or by reason of any act or omission in the discharge of his duties.

Personnel Rules and Policies

§ 35.70 Adoption of Personnel Policies

Personnel rules and policies for the City of Overton are hereby adopted as set forth in the document entitled *Personnel Policies and Procedures* included in this Code as Appendix C. (Adopted by Ord. No. 2014-12-18A) (Repealed by Ord No. 2017-12-14A)

Personnel rules and procedures have been adopted by Council Action on 2017-12-14.

Social Security²

§ 35.80 Social Security Benefits Authorized

The City Council acting for and on behalf of the City shall enter into all necessary agreements with the State Department of Human Services for the purpose of securing the benefits of Federal Old Age and Survivors Insurance for City employees.

§35.81 Mayor to Act as Agent

The Mayor is hereby appointed as agent of the City Council and of the City to execute all necessary agreements and instruments for and in behalf of the City Council and the City relative to the Federal Old Age and Survivor's Insurance program.

§ 35.82 City Secretary to Administer

The City Secretary is hereby directed to be the person responsible for making assessments, collections, payments and reports as required by the State Department of Human Services.

² **State law reference** - Social security coverage for municipal employees, V.A.C.S., Art. 695g.