

**ORDINANCE NO. 20-287**

**CITY OF WOODCREEK, TEXAS**

**AN ORDINANCE OF THE CITY OF WOODCREEK ADDING, AMENDING AND REPEALING CERTAIN SECTIONS OF CHAPTER 30: OFFICIALS, EMPLOYEES, AND ORGANIZATIONS BY ADDING SECTIONS 30.13 AND 30.14, BY AMENDING SECTIONS 30.15, 30.16, 30.17, 30.18, REPEALING 30.20 THROUGH 30.23 AND CHAPTER 31 - MUNICIPAL COURT BY AMENDING SECTIONS 31.01, 31.06 AND 31.07; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE, AND FINDING PROPER NOTICE AND MEETING OF ORDINANCES**

**WHEREAS, the City Council of the City of Woodcreek ("City Council") finds that the City of Woodcreek Code of Ordinances provides for various Officials, Employees, and Organizations within the City of Woodcreek; and**

**WHEREAS, the City Council finds that Chapter 22 of the Texas Local Government Code applies to a Type A General-Law Municipality; and**

**WHEREAS, the City Council acknowledges the City of Woodcreek is a Type A General-Law Municipality as set forth in Chapter 22 of the Texas Local Government Code; and**

**WHEREAS, the City Council finds that adding, amending, and repealing certain sections of Chapter 30 and 31 of the City of Woodcreek Code of Ordinances, is reasonable, necessary, and proper for the good government of the City of Woodcreek.**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WOODCREEK:**

**I. FINDINGS OF FACT**

**The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.**

**II. ADDING, AMENDING, AND REPEALING**

**OF CERTAIN SECTIONS OF CHAPTER 30 AND 31**

**The City of Woodcreek Code of Ordinances Chapters 30 and 31 shall hereby be amended by Ordinance No. 20-287 as follows:**

**CHAPTER 30: OFFICIALS, EMPLOYEES AND ORGANIZATIONS**

**30.13– GOVERNING BODY**

- 30.13(a) Governing Body
- 30.13(b) Mayor – Powers & Duties
- 30.13(c) Mayor Pro Tempore

**30.14 – OTHER MUNICIPAL OFFICERS**

- 30.14(a) Other Municipal Officers

- 30.14(b) Appointment of Other Municipal Officers
- 30.14(c) Removal of Other Municipal Officers
- 30.14(d) Powers & Duties of Other Municipal Officers; Bond

**30.15 – MUNICIPAL MANAGER/ADMINISTRATOR**

- 30.15(a) Office of Municipal Manager/Administrator Created
- 30.15(b) Powers & Duties of Municipal Manager/Administrator
- 30.15(c) Municipal Manager/Administrator to Serve as Municipal Treasurer
- 30.15(d) Powers & Duties of Municipal Manager/Administrator as Municipal Treasurer
- 30.15(e) Bond

**30.16 – MUNICIPAL SECRETARY**

- 30.16(a) Office of Municipal Secretary Created
- 30.16(b) Powers & Duties of Municipal Secretary
- 30.16(c) Designation as Records Management Officer
- 30.16(d) Powers & Duties of Municipal Secretary as Records Management Officer
- 30.16(e) Municipal Secretary to Serve as Municipal Assessor & Collector Created
- 30.16(f) Powers & Duties of Municipal Assessor & Collector

**30.17 – MUNICIPAL ATTORNEY**

- 30.17(a) Office of Municipal Attorney Created
- 30.17(b) Powers & Duties of Municipal Attorney

**30.18 – MARSHAL/CHIEF OF POLICE**

- 30.18(a) Office of Marshal Abolished & Authority to Appoint and Contract with Peace Officer
- 30.18(b) Powers & Duties

**30.19 – MUNICIPAL ENGINEER**

- 30.19(a) Office of Municipal Engineer Created
- 30.19(b) Powers & Duties of Municipal Engineer

**CHAPTER 31: MUNICIPAL COURT**

- 31.01(a) Municipal Court
- 31.06(b) Jurisdiction
- 31.07(c) Office of Municipal Judge

31.07(d) Qualifications

31.07(e) Duties of Municipal Judge

### **30.13 – GOVERNING BODY**

#### **30.13(a) – Governing Body**

The governing body consists of a mayor and five aldermen who are elected by the qualified voters of the municipality.

#### **30.13(b) – Mayor – Powers & Duties**

The Mayor is the Chief Executive Officer of the municipality. The mayor shall at all times actively ensure that the laws and ordinances of the municipality are properly carried out. The mayor shall perform the duties and exercise the powers prescribed by the governing body of the municipality. The mayor shall inspect the conduct of each subordinate municipal officer and shall cause any negligence, carelessness, or other violation of duty to be prosecuted and punished. The mayor shall give to the governing body any information, and shall recommend to the governing body any measure, that relates to improving the finances, police, health, security, cleanliness, comfort, ornament, or good government of the municipality. The mayor may administer oaths of office. In the event of a riot or unlawful assembly or to preserve the peace and good order in the municipality, the mayor may order and enforce the closing of a theater, ballroom, or other place of recreation or entertainment, or a public room or building and may order the arrest of a person who violates a state law or a municipal ordinance in the presence of the mayor.

The mayor shall preside at all meetings of the governing body of the municipality and, except in elections, may vote only if there is a tie.

#### **30.13(c) – Mayor Pro Tempore**

At each new governing body's first meeting or as soon as practicable, the governing body shall elect one alderman to serve as president pro tempore for a term of one year. If the mayor fails, is unable, or refuses to act, the president pro tempore shall perform the mayor's duties and is entitled to receive the fees and compensation prescribed for the mayor. If the mayor and the president pro tempore are absent, any alderman may be appointed to preside at the meeting.

### **30.14 – OTHER MUNICIPAL OFFICERS**

#### **30.14(a) – Other Municipal Officers**

In addition to the members of the governing body of the municipality, the other officers of the municipality are the secretary, treasurer, assessor and collector, municipal attorney, marshal, municipal engineer, and any other officers or agents authorized by the governing body.

#### **30.14(b) – Appointment of Other Municipal Officers**

If a vacancy exists in any office created herein, the mayor or acting mayor shall appoint a person to fill the vacancy, subject to confirmation by the governing body.

#### **30.14(c) – Removal of Other Municipal Officers**

The governing body of the municipality may remove a municipal officer for incompetency, corruption, misconduct, or malfeasance in office after providing the officer with due notice and an opportunity to be heard. If the governing body lacks confidence in a municipal officer appointed by the governing body, the governing body may remove the officer at any time. The removal is effective only if two-thirds of the elected aldermen vote in favor of a resolution declaring the lack of confidence.

#### **30.14(d) – Powers & Duties of Other Municipal Officers; Bond**

The governing body of the municipality may require municipal officers whose duties are set forth herein (or otherwise established by Texas law) to perform additional duties. The governing body may require a municipal officer to execute a bond payable to the municipality and conditioned that the officer will faithfully perform the duties of the office.

#### **30.15 – MUNICIPAL MANAGER/ADMINISTRATOR**

##### **30.15(a) – Office of Municipal Manager/Administrator**

The Office of Municipal Manager/Administrator is created and shall receive such compensation as may be fixed by the Council.

##### **30.15(b) – Powers & Duties of Municipal Manager/Administrator**

(1) The Municipal Manager/Administrator, who shall be referred to as the City Manager, shall be the chief administrative officer of Woodcreek and shall be responsible to the governing body for the proper administration of the affairs Woodcreek not otherwise delegated to other Officers. To that end, the City Manager shall have the authority, duty and responsibility as required to carry out the following responsibilities and any others that may be assigned by the governing body, from time to time.

(2) The City Manager shall:

(a) Establish and maintain effective working relationships with the governing body, municipal officers, and municipal employees.

(b) Provide the Mayor and governing body with pertinent information regarding the administration of all city departments and city activities, and make recommendations to the City Council for the administration and management of the city

(c) Work with the Mayor and governing body to develop and implement short- and long-range plans for the city's growth, including strategic and comprehensive plans.

(d) Complete all tasks generally assigned to the City Manager and working closely with city staff to develop, present, implement, administer and coordinate all of the following: (a) coordinate with the City Secretary and oversee elections; (b) serve as a liaison between vendors and council; (c) assist the City Secretary with planning, zoning and permitting; (e) manage and oversee the City's website.

(e) Prepare job descriptions for approval by the City Council; delegate duties to the officers and employees of the city; supervise the day-to-day operations (including supervising and inspecting the conduct of all subordinate officers employees and causing all negligence, carelessness and violations of duty by the employees and officers to be given appropriate consideration), functions and programs of the city; and make recommendations to the Mayor and City Council on any and all personnel, performance, administration, programs, projects, management, financial and general governance issues;

(f) Direct, coordinate and provide oversight over all departments, programs and projects of the city;

(g) Ensure that all applicable laws and ordinances are enforced;

(h) Ensure that a system of financial checks and balances is in place and is rigorously upheld to include, as a minimum, the segregation of duties as directed and approved by City Council;

(i) Supervise programs and projects, issue permits and perform other duties as assigned by the Mayor or the City Council.

(j) Attend all meetings of the City Council.

(k) Prepare, review and submit to the Mayor and City Council prior to the beginning of each fiscal year a budget for proposed expenditures for the ensuing year together with a message describing the important features of said budget; assist the City Council with respect to its consideration of said budget; and assure the proper administration of the budget after its adoption;

(l) Prepare and submit to the Mayor and City Council as of the end of the fiscal year a complete report on the finances and administrative activities of the city for the preceding year.

(m) Report to Mayor and City Council in a timely fashion as specific issues arise, as part of regular City Council meetings, on the financial condition and needs of the City; provide timely information and assistance to City Council, as requested by the City Council; and work with City Council to ensure an annual audit is completed as required.

(3) The City Manager/Administrator shall have such further authority, duties and responsibilities as reasonably implied from the terms of this section and as heretofore or hereafter provided by the City Council; and shall be bonded in an amount determined by the City Council which bond shall be conditioned upon the good and faithful performance of the authorities and performances of the office and position of City Manager. The premium of the bond shall be paid by the city.

### **30.15(c) – Municipal Manager/Administrator to Serve as Municipal Treasurer**

The Office of Municipal Treasurer is created. The Municipal Manager/Administrator shall also serve as the Municipal Treasurer

### **30.15(d) – Powers & Duties of Municipal Manager/Administrator as Municipal Treasurer**

(1) The Municipal Manager/Administrator as the Municipal Treasurer shall (1) receive and securely keep all money belonging to the municipality; (2) make all payments on the order of the mayor, attested by the secretary of the municipality under the seal of the municipality; (3) render to the governing body a full statement of the receipts and payments which must be rendered at the governing body's first regular meeting in every quarter and at other times as required by the governing body.

(2) The Municipal Manager/Administrator as the Municipal Treasurer will also perform the following duties which are statutorily given to the Municipal Secretary:

(a) serve as the general accountant of the municipality and shall keep regular accounts of the municipal receipts and disbursements. The secretary shall keep each cause of receipt and disbursement separately and under proper headings. The secretary shall also keep

separate accounts with each person, including each officer, who has monetary transactions with the municipality. The secretary shall credit accounts allowed by proper authority and shall specify the particular transaction to which each entry applies. The secretary shall keep records of the accounts and other information covered by this subsection.

(b) keep a register of bonds and bills issued by the municipality and all evidence of debt due and payable to the municipality, noting the relevant particulars and facts as they occur.

### **30.15(e) – Bond**

The Municipal Manager/Administrator as the Municipal Treasurer shall be bonded as required by section 30.15(b)(3), and also as required by the law.

## **30.16 – MUNICIPAL SECRETARY**

### **30.16(a) – Office of Municipal Secretary Created**

The Office of Municipal Secretary is created, shall be referred to as the City Secretary, and shall receive such compensation as may be fixed by the Council. The Municipal Secretary may also be referred to as the Municipal Clerk.

### **30.16(b) – Powers & Duties of Municipal Secretary**

(1) The Municipal Secretary shall:

(a) attend each meeting of the governing body of the municipality and shall keep, in a record provided for that purpose, accurate minutes of the governing body's proceedings.

(b) engross and enroll all laws, resolutions, and ordinances of the governing body.

(c) keep the corporate seal.

(d) take charge of, arrange, and maintain the records of the governing body.

(e) countersign all commissions issued to municipal officers and all licenses issued by the mayor and keep a record of those commissions and licenses.

(f) prepare all notices required under any regulation or ordinance of the municipality.

(g) draw all the warrants on the treasurer, countersign the warrants, and keep, in a record provided for that purpose, an accurate account of the warrants.

(h) carefully keep all contracts made by the governing body.

(i) perform all other duties required by law, ordinance, resolution, or order of the governing body.

### **30.16(c) – Designation as Records Management Officer**

In addition to all other powers and duties set forth herein, the Municipal Secretary is also designated as the Records Management Officer for the City of Woodcreek.

### **30.16(d) – Powers & Duties of Municipal Secretary as Records Management Officer**

(1) The City Secretary shall file his or her name with the director and librarian of the Texas State Library within thirty days of the initial designation or assumption of the office, as applicable. In addition to other duties assigned, the Records Management Officer shall

(a) Assist in establishing and developing policies and procedures for a records management program for the City of Woodcreek.

(b) Administer the records management program and provide assistance to custodians for the purposes of reducing the costs and improving the efficiency of recordkeeping.

(c) In cooperation with the custodians of the records: (i) prepare and file with the director and librarian the records control schedules and amended schedules required by Local Government Code § 203.161 and the list of obsolete records as provided by [Local Government Code § 203.164](#); and (ii) prepare or direct the preparation of requests for authorization to destroy records not on an approved control schedule as provided by [Local Government Code § 203.165](#), of requests to destroy the originals of permanent records that have been microfilmed as provided by [Local Government Code § 204.008](#), and of electronic storage authorization requests as provided by [Local Government Code § 205.007](#).

(d) In cooperation with custodians, identify and take adequate steps to preserve local government records that are of permanent value.

(e) In cooperation with custodians, identify and take adequate steps to protect essential local government records.

(f) In cooperation with custodians, ensure that the maintenance, preservation, microfilming, destruction, or other disposition of records is carried out in accordance with the policies and procedures of the local government's records management program and the requirements of this subtitle and rules adopted under it;

(g) Disseminate to the governing body and custodians information concerning state laws, administrative rules, and the policies of the government relating to local government records; and

(h) In cooperation with custodians, establish procedures to ensure that the handling of records in any context of the records management program by the records management officer or those under the officer's authority is carried out with due regard for: (i) the duties and responsibilities of custodians that may be imposed by law; and (ii) the confidentiality of information in records to which access is restricted by law.

### **30.16(e) – Municipal Secretary to Serve as Municipal Assessor & Collector Created**

The Office of Municipal Assessor & Collector is created and shall receive such compensation as may be fixed by the Council. The Municipal Secretary will serve as the Municipal Assessor & Collector.

### **30.16(f) – Powers & Duties of Municipal Assessor & Collector**

The Municipal Assessor & Collector will, in addition to the duties of Municipal Secretary, perform all other duties required by law, ordinance, resolution, or order of the governing body.

## **30.17 – MUNICIPAL ATTORNEY**

### **30.17(a) – Office of Municipal Attorney Created**

The Office of Municipal Attorney is created, shall be referred to as the City Attorney, and shall receive such compensation as may be fixed by the Council. The Municipal Attorney shall be a law firm or individual in private legal practice, licensed in the State of Texas, that contracts with the City to provide services as needed.

### **30.17(b) – Powers & Duties of Municipal Attorney**

The Municipal Attorney will perform all duties required by law, ordinance, resolution, or order of the governing body.

### **30.18 – MARSHAL**

#### **30.18(a) – Office of Marshal Abolished & Authority to Appoint and Contract with Peace Officer.**

As Woodcreek is a municipality with a population of less than 5,000, the office of marshal is hereby abolished. The governing body is hereby authorized to appoint and contract with any peace officer of Hays County.

#### **30.18(b) – Powers & Duties**

The peace officer with whom Woodcreek contracts shall (a) be qualified and trained to meet standards as prescribed by the State Commission of Law Enforcement Officer Standards and Education (TCLEOSE); (b) obtain and maintain all certifications as prescribed by law; (c) be the chief law enforcement officer of the city, and as such, have supervision over the other enforcement officers on his or her staff; and (d) perform all duties required by law, ordinance, resolution, or order of the governing body.

### **30.19 – MUNICIPAL ENGINEER**

#### **30.19(a) – Office of Municipal Engineer Created**

The Office of Municipal Engineer is created, shall be referred to as the City Engineer, and shall receive such compensation as may be fixed by the Council. The Municipal Engineer shall be a firm or individual, certified as a Professional Engineer with the State of Texas, that contracts with the City to provide services as needed.

#### **30.19(b) – Powers & Duties of Municipal Engineer**

The Municipal Engineer will perform all duties required by law, ordinance, resolution, or order of the governing body.

## **CHAPTER 31 – MUNICIPAL COURT**

### **31.01(a) – Municipal Court**

The Municipal Court exists by operation of law.

### **31.06(a) – Jurisdiction**

(1) The Municipal Court shall have exclusive original jurisdiction within Woodcreek's territorial limits and property owned by Woodcreek located in Woodcreek's extraterritorial jurisdiction in all criminal cases that arise under: (A) the ordinances of Woodcreek; or (B) a resolution, rule, or order of a joint board operating an airport under [Transportation Code](#) §22.154; and are punishable by a fine City of Woodcreek Ordinance 20-287



not to exceed: (A) \$2,000 in all cases arising under municipal ordinances or resolutions, rules, or orders of a joint board that govern fire safety, zoning, or public health and sanitation, other than the dumping of refuse; (B) \$4,000 in cases arising under municipal ordinances that govern the dumping of refuse; or (C) \$500 in all other cases arising under a municipal ordinance or a resolution, rule, or order of a joint board.

(2) The Municipal Court has concurrent jurisdiction with the justice court of a precinct in which the municipality is located in all criminal cases arising under state law that arise within the municipality's territorial limits or property owned by the municipality located in the municipality's extraterritorial jurisdiction and that: (1) are punishable only by a fine, as defined in Subsection (c); or (2) arise under Chapter 106, Alcoholic Beverage Code, and do not include confinement as an authorized sanction.

(3) An offense which is punishable by "fine only" is defined as an offense that is punishable by fine and such sanctions, if any, as authorized by statute not consisting of confinement in jail or imprisonment. The fact that a conviction in a municipal court has as a consequence the imposition of a penalty or sanction by an agency or entity other than the court, such as a denial, suspension, or revocation of a privilege, does not affect the original jurisdiction of the municipal court. The municipal court has jurisdiction in the forfeiture and final judgment of all bail bonds and personal bonds taken in criminal cases of which the court has jurisdiction.

(4) The Municipal Court shall have exclusive appellate jurisdiction within the municipality's territorial limits in a case arising under Chapter 707, Transportation Code.

#### **31.07(c) – Office of Municipal Judge**

The Judge of the Municipal Court will, following appointment and confirmation, serve for a term of office of two years unless Woodcreek provides for a longer term pursuant to [Article XI, Section 11, of the Texas Constitution](#). If the Judge of the Municipal Court is not reappointed and confirmed by the 91st day following the expiration of a term of office, the Judge of the Municipal Court shall, absent action by the appointing authority, continue to serve for another term of office beginning on the date the previous term of office expired.

#### **31.07(d) – Qualifications**

The Judge of the Municipal Court may be licensed to practice law in the State of Texas.

#### **31.07(e) – Duties of Municipal Judge**

- (1) The Judge of the Municipal Court shall:
  - (a) maintain a central docket of all cases filed in the geographic limits of the City over which the municipal court of the City has jurisdiction.
  - (b) distribute cases to associate judges, if necessary.
  - (c) temporarily assign associate judges, when necessary.
  - (d) cause all dockets, books, papers, and other records of the municipal court to be permanently kept, and permit the records to be available for inspection at all reasonable times to any interested person.

(e) maintain, as part of the court records, an index to the municipal court judgments, such as county clerks are required by law to prepare for criminal cases arising in county courts.

(f) provide for the preservation of the court's records on microfilm, when necessary.

(g) supervise the operations, clerical functions, administration of the municipal court, and all clerical personnel in the administrative department of the municipal court.

### **III. REPEALER**

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of the City of Woodcreek Code of Ordinances are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein. All other Ordinances in effect and not in conflict with this Ordinance shall remain in full force and effect.

### **IV. SEVERABILITY**

If any section, article, paragraph, sentence, clause, phrase, or word in this Ordinance, or application thereof to any person or circumstances, is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of the Ordinance, and the City Council hereby declares it would have passed such remaining portions of the Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

### **V. CODIFICATION**

The City Secretary is hereby authorized and directed to record and publish the language of this repealing Ordinance, and any changes thereto, in the City's Code of Ordinances.

### **VI. EFFECTIVE DATE**

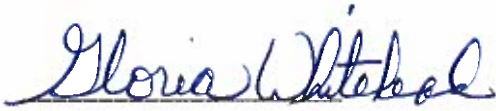
This Ordinance shall take effect from and after its date of passage in accordance with law, and it is so ordained.

### **VII. PROPER NOTICE & MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was attended by a quorum of the City Council, was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

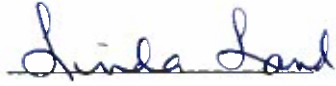
PASSED AND APPROVED this the 10th day of November 2020 with a roll call vote. The motion was made by Mayor Pro Tem Britner and seconded by Councilmember LeBrun. The following voted aye: Mayor Pro Tem Britner, Councilmember LeBrun, Councilmember Scheel, and Councilmember Alvord. The following vote nay: Councilmember Pulley. The motion was passed with a 4-1-0 vote.

CITY OF WOODCREEK:

A handwritten signature in blue ink that reads "Gloria Whitehead". The signature is written in a cursive style with a distinct dot over the 'i' in "Whitehead".

Gloria Whitehead, Mayor

ATTEST:

A handwritten signature in blue ink that reads "Linda Land". The signature is written in a cursive style.

Linda Land, City Secretary