

CHAPTER 31: CITY OFFICERS AND EMPLOYEES

Section

General Provisions

- 31.01 Appointed offices
- 31.02 Removal of appointed officer
- 31.03 County Health Department representative

City Administrator

- 31.15 Duties

City Secretary

- 31.25 Compensation; bond
- 31.26 General duties
- 31.27 Attendance at Council meetings; keeping minutes, records and the like
- 31.28 Duties with respect to commissions; licenses and notices
- 31.29 Duties as accountant for city
- 31.30 Keeping of contracts

Assessor and Collector

- 31.40 Term of office; removal
- 31.41 Compensation; bond
- 31.42 General duties

Employee Benefits

- 31.55 Social security
- 31.56 Texas Municipal Retirement System (TMRS)—election to participate; adoption by reference
- 31.57 Other employee benefits

GENERAL PROVISIONS**§ 31.01 APPOINTED OFFICES.**

(A) The appointed offices listed below are created by the City Council. The City Council shall nominate and appoint by a majority vote the following officers for the city:

- (1) City Administrator.
- (2) City Secretary.
- (3) Chief of Police.
- (4) City Attorney.
- (5) Municipal Judge.
- (6) Fire Marshal.
- (7) City Assessor and Tax Collector.
- (8) All other appointed officers.

(B) Each officer mentioned in division (A) of this section shall serve for an indefinite period subject to the provisions of § 31.02.

(`97 Code, § 2-106) (Ord. 1980-B, passed 4-22-80; Am. Ord. 1980-E, passed 6-24-80; Am. Ord. passed 6-25-91)

Statutory reference:

Compensation set by City Council, see Tex. Loc. Gov't Code, § 141.001

§ 31.02 REMOVAL OF APPOINTED OFFICER.

(A) The Mayor, subject to being overruled by a majority vote of the City Council, or a majority of the City Council shall have the power to suspend from service temporarily or permanently, with or without pay, any appointed officer for good cause. Notice of suspension shall be given to the officer in writing. The suspension shall be followed immediately by a full and just investigation of the grounds for suspension.

(B) If the City Council lacks confidence in the Chief of Police, the City Council may remove the Police Chief at any time if two-thirds of the elected City Council vote in favor of a resolution declaring a lack of confidence in the Chief of Police and removing the Chief of Police from his or her appointed position pursuant to § 33.17.

(C) If a public hearing is requested by the officer, the City Council shall hold a hearing to determine whether good cause exists for the temporary or permanent suspension of an appointed officer. If, at the hearing, the City Council shall determine that grounds constituting good cause exist for the temporary or permanent suspension, the suspended officer shall be notified in writing of the grounds for suspension.

(`97 Code, § 2-107) (Ord. 1980-B, passed 4-22-80; Am. Ord. 1980-E, passed 6-24-80)

§ 31.03 COUNTY HEALTH DEPARTMENT REPRESENTATIVE.

The County Health Department is appointed as city inspection representative for the purpose of enforcing any and all state health statutes, codes or regulations.

(`97 Code, § 2-108) (Ord. 1983-A, passed 1-25-83)

CITY ADMINISTRATOR

§ 31.15 DUTIES.

(A) The City Administrator shall report directly to the Mayor and shall be responsible for supervisory and operational control of and authority over all city employees, including, but not limited to the following city departments:

- (1) Police;
- (2) Fire;
- (3) Public Works;
- (4) City Secretary;
- (5) Fire Marshal;
- (6) All office and administrative personnel.

(B) With the exception of the Chief of Police, the City Administrator shall have authority concerning the hiring and employment of the head of any department within the city and shall have the authority to recommend to the Mayor the termination, firing or suspension of a department head or other city employee. The Mayor shall have the final authority to determine whether a department head or other city employee recommended by the City Administrator shall be terminated, fired or suspended.

(C) The City Administrator shall have all other duties, obligations and responsibilities for managing the affairs of the city as may be assigned to him or her by the Mayor.

(D) The City Administrator shall serve as the City Tax Assessor and Collector. The position may be contracted as a service with an entity designated by the Council.

(E) The City Administrator shall serve as the City Treasurer.
(`97 Code, § 2-126) (Ord. 1980, passed 8-0-80)

Statutory reference:

Compensation set by City Council, see Tex. Loc. Gov't Code, § 141.001

CITY SECRETARY

§ 31.25 COMPENSATION; BOND.

The City Secretary shall receive such compensation as the City Council shall fix by ordinance or resolution and shall furnish such surety bond as may be required by the City Council by ordinance or resolution. The premium of the bond shall be paid by the city.

(`97 Code, § 2-146)

Statutory reference:

Authority of Council to require officers to give bond, see Tex. Loc. Gov't Code, § 22.072

Compensation set by City Council, see Tex. Loc. Gov't Code, § 141.001

§ 31.26 GENERAL DUTIES.

The City Secretary shall perform the duties prescribed by the Tex. Loc. Gov't Code, § 22.073 and shall perform such other duties as may be required by law, ordinance, resolution or order of the City Council. In the absence of a City Administrator, the City Secretary shall serve as City Tax Assessor and Collector, unless it is a contracted service, and City Treasurer.

(`97 Code, § 2-147)

Statutory reference:

Powers and duties of the City Secretary, see Tex. Loc. Gov't Code, § 22.073

§ 31.27 ATTENDANCE AT COUNCIL MEETINGS; KEEPING MINUTES, RECORDS AND THE LIKE.

It shall be the duty of the City Secretary, or his or her designee, to attend every meeting of the City Council and keep accurate minutes of the proceedings in a book to be provided for that purpose. The City Secretary shall engross and enroll all laws, resolutions and ordinances of the Council, keep the corporate seal and take charge of and preserve and keep in order all books, records, documents and files of the City Council.

(`97 Code, § 2-148)

Statutory reference:

For similar provisions, see Tex. Loc. Gov't Code, § 22.073(b)(1) through (3)

§ 31.28 DUTIES WITH RESPECT TO COMMISSIONS; LICENSES AND NOTICES.

The City Secretary shall countersign all commissions issued to city officers and all licenses issued by the city and keep an accurate record or registry thereof. The City Secretary shall make out and issue all notices required under any provision of this code or other regulation or ordinance of the city.

(`97 Code, § 2-149)

Statutory reference:

Similar provisions, see Tex. Loc. Gov't Code, § 22.073(b)(4) and (5)

§ 31.29 DUTIES AS ACCOUNTANT FOR CITY.

The City Secretary shall perform the duties of general accountant of the city, and he or she shall keep in books regular accounts of the receipts and disbursements for the city, and separately, under proper heads, each cause of receipt and disbursement, indicating the respective funds of the city to which or from which payments are made. The City Secretary shall keep, with each person, including officers, who have money transactions with the city, crediting accounts allowed by proper authority and specifying the particular transaction to which the entries apply.

(`97 Code, § 2-150)

Statutory reference:

For similar provisions, see Tex. Loc. Gov't Code, § 22.073(d) and (e)

§ 31.30 KEEPING OF CONTRACTS.

The City Secretary shall keep an original, executed copy of all contracts made by the City Council.

(`97 Code, § 2-151)

Statutory reference:

For similar provisions, see Tex. Loc. Gov't Code, § 22.073(g)

ASSESSOR AND COLLECTOR**§ 31.40 TERM OF OFFICE; REMOVAL.**

The City Assessor and Collector of Taxes or contracted entity shall be appointed for an indefinite period and shall be subject to discharge at the will of the Mayor, subject to being overruled by the City Council or by majority vote of the City Council pursuant to § 31.02.
(`97 Code, § 2-171) (Ord. 1980-E, passed 6-24-80)

§ 31.41 COMPENSATION; BOND.

The Assessor and Collector of Taxes or contracted entity shall receive such compensation as the City Council shall fix by ordinance or resolution and shall furnish such surety bond as may be required by the City Council by ordinance or resolution. The premium shall be paid by the city.
(`97 Code, § 2-172)

Statutory reference:

Bond, see Tex. Loc. Gov't Code, § 22.072

Compensation set by City Council, see Tex. Loc. Gov't Code, § 141.001

§ 31.42 GENERAL DUTIES.

The City Assessor and Collector of Taxes or contracted entity shall perform the duties prescribed by the Tex. Tax Code, § 6.23(b) and shall perform such other duties as may be required by law, ordinance, resolution or order of the City Council.
(`97 Code, § 2-173)

EMPLOYEE BENEFITS**§ 31.55 SOCIAL SECURITY.****(A) *Execution of agreements.***

(1) The City Council, acting for and on behalf of the city, shall enter into all necessary agreements for the purpose of securing federal old age and survivors insurance benefits for employees of the city under applicable state and federal laws.

(2) The Mayor is 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 for the purposes stated in subsection (1) of this section.

(`97 Code, § 2-216)

(B) *Duties of City Secretary.* The City Secretary is directed to be the person responsible for making assessments, collections, payments and reports, as required in connection with the federal old age and survivors insurance program for city employees. (`97 Code, § 2-217)

(C) *Fund.* A sufficient sum of money shall be allocated and set aside from available funds for the purpose of carrying out the provisions of applicable state and federal laws relating to the federal old age and survivors insurance program. The money so allocated and set aside shall be known as the City Social Security Fund, which fund shall be set aside and maintained in the regular city depository. (`97 Code, § 2-218)

Statutory reference:

Social security for municipal employees, see Tex. Gov't. Code, Chapter 606

§ 31.56 TEXAS MUNICIPAL RETIREMENT SYSTEM (TMRS)—ELECTION TO PARTICIPATE; ADOPTION BY REFERENCE.

(A) *Election to participate in the TMRS.* On behalf of the city, the City Council exercises its option and elects to have the city and all of the employees of all departments, except the Fire Department, participate in the Texas Municipal Retirement System (hereafter “TMRS”) as provided in Tex. Gov’t Code, §§ 851.001 *et seq.*, as amended; and all of the benefits and obligations of the system are accepted. (`97 Code, § 2-236)

(B) *Election to participate in the TMRS Supplemental Benefits Fund.* The City Council elects to have the employees of all participating departments of the city participate in and be covered by the Supplemental Benefits Fund of the Texas Municipal Retirement System, as provided by Tex. Gov’t Code, §§ 851.001 *et seq.*; and all the benefits and obligations of participation in the Fund are accepted by the city as to such employees.

(C) *Adoption by reference.* Ordinances affecting the plan for participation in the TMRS, employee contributions, updated service credits, increases in benefits and retirement annuities and any other applicable legislation of the city and state are adopted by reference into this code of ordinances as if fully set forth herein and shall be kept on file in the office of the City Clerk.

(Am. Ord. 1997-E, passed 5-27-97; Am. Ord. 1997-F, passed 5-27-97)

§ 31.57 OTHER EMPLOYEE BENEFITS.

All full-time employees of the city shall be entitled to any and all benefits as may be authorized and approved by City Council.