

**CITY OF VON ORMY TEXAS**

**ORDINANCE NO. 2023-0003**

**AN ORDINANCE OF THE CITY OF VON ORMY, TEXAS, AMENDING ORDINANCE 2016-17 ESTABLISHING THE BOARD OF COMMISSIONERS, GENERAL GOVERNANCE PROCEDURES FOR THE BOARD OF COMMISSIONERS; DUTIES AND POWERS OF COMMISSIONERS, MAYOR, AND CITY ADMINISTRATOR, PROVIDING FOR SEVERABILITY AND REPEALER; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHERE AS**, after an election held on November 3, 2015, pursuant to Chapter 8, Subchapter B of the Texas Local Government Code, the City of Von Ormy, Texas transitioned to a Type-C General Law City.

**WHERE AS**, Chapter 51 of the Texas Local Government Code authorizes the Board of Commissioners of the City of Von Ormy to adopt this and other ordinances necessary for the government interest, welfare, or good order of the municipality, and;

**WHERE AS**, The Board of Commissioners deem it necessary to adopt this ordinance to set out the general governance procedures, powers, and duties of the Board of Commissioners and;

**THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF VON ORMY, TEXAS:**

**SECTION 1. TYPE C GENERAL LAW CITY.**

The City of Von Ormy, Texas is a Type C General Law city.

**SECTION 2. GOVERNING BODY**

- The City of Von Ormy operates pursuant to the commission form of government.
- The Mayor and two Commissioners constitute the governing body of the City and are collectively referred to as the "Board of Commissioners."
- The election of the Mayor and Commissioners shall be held on an authorized uniform election date as provided by Chapter 41, Election Code.
- The Mayor and Commissioners serve for a term of two years unless a longer term is established under Article XI, Section 11, of the Texas Constitution.
- If the Mayor or a Commissioner dies or resigns, the other members of the governing body shall appoint a person to fill the vacancy. A person serving as a member of the governing body is not, because of that service, ineligible to be appointed to fill a vacancy in the Office of the Mayor, but the person may not vote on the person's own appointment.

## SECTION 2A. DUTIES AND POWERS OF COMMISSIONERS AND MAYOR

- With City inhabitants numbering between 501 and 4, 999 the Board of Commissioners has the same authority and is subject to the same duties as a Type A General Law municipality unless the authority or duties conflict with other legal provisions relating specifically to a Type C General Law municipality.
- The Board of Commissioners acts as a collective entity. Absent previous authorization by the Board of Commissioners as allowed by law, neither the Mayor nor and Commissioners acting alone may take action on behalf of the City. By way of illustration only, and without limitation, no individual member of the Board may exercise unilateral power over any department or personnel or execute contracts on behalf of the City.
- The Board of Commissioners may adopt an Ordinance, act, law, or regulation, not inconsistent with the State Law as necessary for the government interest, welfare, or good order of the municipality as a body politic.
- In case of an emergency that threatens public health and safety, the Mayor is authorized to spend up to \$3,000 per incident to respond to the emergency but shall call a special meeting within 72 hours to explain the emergency use of funds and gain approval of the actions taken. Examples of this authority include, but are not limited to, removal of obstruction from public roads, repairs to public facilities, and purchase of supplies to aid in emergency response. If the funds necessary to address a public emergency exceeds the limits placed herein, the Mayor shall call an emergency meeting of the Board of Commissioners pursuant to the Texas Local Government Code and Texas Open Meetings Act.
- The Board of Commissioners may appoint a municipal attorney and other officers that the governing body considers necessary and define the duties of the officers.
- At any time, the Board of Commissioners may abolish an office that it creates and may discharge an officer, clerk, or employee that it appoints.
- Each Commissioner and the Mayor shall be a signatory on the City's Bank accounts unless they are prohibited by law from doing so, are under indictment for a crime related to public office, have been convicted of a crime of moral turpitude, have been convicted of a crime related to any public office. A Commissioner may also decline the duty of being a signatory on any city bank account.
- In addition to existing statutory authorities and powers, Commissioners may be assigned general duties by an affirmative vote of the Board of Commissioners.
- All duties must be consented to by the Commissioner being assigned the duty.
- The scope, duties, and limitations on administrative oversight shall be the same as those duties and powers assigned to a given Commissioner follow the individual holding the Office and do not pass automatically to their successor in office.
- The following assigned administrative duties are hereby affirmed:
  - **Commissioner Sabastian "Sammy" Martinez shall have general oversight of the City of Von Ormy's Municipal Court Staff and of Public Works Staff.**
  - **Commissioner Ramon Guzman Jr. shall have general oversight of the City of Von Ormy's City Hall Staff and Law Enforcement Staff.**

### **SECTION 3. MEETINGS**

- Robert's Rules of Order is hereby adopted as the parliamentary procedure to be utilized at meetings and all proceedings of the Board of Commissioners.
- The Board of Commissioners shall hold at least one regular monthly meeting.
- The Mayor or any Commissioner may call special meetings as necessary to attend to municipal business.
- Regular meetings of the Board of Commissioners shall be held at 7:00 p.m. on the 3rd Thursday of each month, unless specially set for another time or date by the Board of Commissioners, or unless the meeting would be in conflict with a City of Von Army holiday.
- Regular meetings of the Board of Commissioners shall be held in City Hall, unless specially set for another time or date by the Board of Commissioners, or unless an emergency or impossibility prohibits meeting at City Hall.
- Meetings of the Board of Commissioners shall always be open to the general public with the exception of closed sessions allowed by law. No vote or action shall be taken except in open session, and, except at a regular meeting or lawfully called special or emergency meeting.
- The Mayor is the Presiding Officer at each meeting of the Board of Commissioners.
- The Mayor is counted for the purpose of establishing the presence of a Quorum at meetings of the Board of Commissioners.
- The Mayor may not vote on any item considered at a meeting of the Board of Commissioners, except in the event of a tie vote between the Commissioners, in order to break the tie.
- The Mayor may not make a motion on any item considered at a meeting of the Board of Commissioners.

### **SECTION 3A. AGENDAS**

- Agendas are compiled and posted in accordance with Ordinance No. 2023-4-20.
- The Mayor or any Commissioner may place agenda items on any meeting agenda.
- The City Administrator and department heads may place agenda items on any meeting agenda.
- Written agenda items shall include the name of the sponsoring Mayor, Commissioner, or department head.
- All meetings of the Board of Commissioners shall contain an agenda item entitled "Citizens to be Heard" to allow for public comment.
  - A document shall be provided before each meeting to allow citizens to sign up to speak for "Citizens to be Heard." The document shall be collected three (3) minutes prior to the start of the meeting. Only those citizens who signed up to speak may be heard for public comment.
  - Each speaker shall be allowed three (3) minutes to speak. If ten (10) or more persons sign up to speak, each speaker shall be allowed two (2) minutes to speak, in order to allow more persons to address the council.

- Citizens may opt to provide written, rather than oral testimony. Speakers who are unable to address the council orally due to time limitations may also testify in writing.
- The speaker signup sheet shall be incorporated into the official record of the meeting as an exhibit to the minutes.

#### **SECTION 4. DUTIES AND POWERS OF THE CITY ADMINISTRATOR**

The Administrator shall be appointed on the basis of merit with due regard to training, experience, administrative ability, and general fitness for the office. The appointment shall be recommended and approved by a majority vote of the Board of Commissioners. The Administrator shall hold the office for a term as stated within the contractual agreement between the City and the Administrator. The Administrator shall only be removed as specified within the contract, or as authorized by law.

The duties of the City Administrator are:

1. to plan, organize, control, and direct the operations of the City, being responsible to the Board of Commissioners,
2. to provide direction, leadership, and vision for the city government,
3. to represent the City as its Chief Administrative Officer,
4. to implement the policies, strategies, and directives of the Board of Commissioners, pursuant to the laws of this State, the Ordinances, acts, or regulations of the Board of Commissioners,
5. to fulfill all other duties, responsibilities and directives assigned by the Board of Commissioners,
6. to exercise direct supervision over management, supervisory, professional, technical, and clerical staff,
7. to direct the Public Works department,
8. to supervise the operation of Municipal Court,
9. and all other duties and powers as assigned in the City Administrator job description approved by the Board of Commissioners on April 20, 2023.

#### **SECTION 5. SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the Board of Commissioners that the phrases, clauses, sentences, paragraphs, chapter, and section of this ordinance are severable, and if any phrase, clause, sentence, paragraph, chapter, or section of this ordinance shall be declared unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, chapters, and sections of the article, since the same could have been enacted by the Board of Commissioners without the incorporation of in this article of any such unconstitutional phrase, clause, sentence, chapter, and section.

**SECTION 6. REPEALER CLAUSE**

By adoption of this ordinance, the Board of Commissioners of the City of Von Ormy, Texas hereby repeal any ordinance that conflicts with the provisions set forth that are inconsistent or in conflict with the provisions of this ordinance, in which event, such conflicting provisions of such ordinance(s) are hereby repealed.


**SECTION 7. EFFECTIVE DATE**

This Ordinance shall become effective after adoption and passage as provided by law.

**PASSED AND ADOPTED ON THIS 20<sup>TH</sup> DAY OF JULY 2023.**

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Casey Homer, Mayor

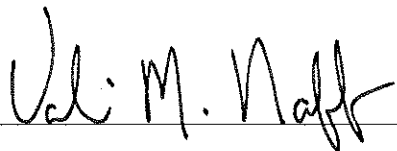


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Sebastian "Sammy" Martinez, Mayor Pro Tem

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Ramon Guzman Jr., Commissioner



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Valerie Naff, City Administrator