

# CITY OF SANDY OAKS, TEXAS

## ORDINANCE NO: 2014-5

### **AN ORDINANCE ESTABLISHING THE CITY OFFICE OF CITY SECRETARY/CLERK; PROCEDURE FOR APPOINTMENT; TENURE, COMPENSATION; DUTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING OTHER DETAILS REALTING TO THE PASSAGE OF THIS ORDINANCE.**

WHEREAS, in accordance with Section 22.071 of the Texas Local Government Code, the City Council of the City of Sandy Oaks has determined that in addition to the members of the city council, 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 Council.

WHEREAS, in accordance with Section 22.073 of the Texas Local Government Code, the City Council by ordinance shall provide for the appointment of a municipal secretary

WHEREAS, in accordance with Section 22.073, the secretary of the municipality shall attend each meeting of the City Council of the City of Sandy Oaks and shall keep, in a record provided for that purpose, accurate minutes of the City Council's proceedings.

WHEREAS, the secretary shall:

- (1) engross and enroll all laws, resolutions, and ordinances of the city council;
- (2) keep the corporate seal;
- (3) take charge of, arrange, and maintain the records of the city council;
- (4) countersign all commissions issued to municipal officers and licenses issued by the mayor, and keep a record of those commissions and licenses; and
- (5) prepare all notices required under any regulation or ordinance of the municipality.

WHEREAS, the secretary shall notify the Texas Judicial Council of the name of each person who is elected or appointed as mayor, municipal court judge, or clerk of a municipal court of the municipality. The secretary shall notify the judicial council within 30 days after the date of the person's election or appointment.

WHEREAS, the secretary shall 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.

WHEREAS, the secretary serves 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 disbursements separately and under proper heading. The secretary shall also 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 transaction 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 Subchapter C.

WHEREAS, the secretary shall 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.

WHEREAS, the secretary shall perform all other duties required by law, ordinance, resolution, or order of the governing body.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANDY OAKS, TEXAS:**

**SECTION 1. The facts and matters set out above in the recitations are found to be true and correct.**

**Section 2. OFFICE ESTABLISHED**

That the office of City Secretary is hereby established. The City Secretary may also be known as the City Clerk.

**SECTION 3. APPOINTMENT OF CITY CLERK**

The City Clerk shall be appointed by the Mayor, subject to an affirmative vote of the City Council.

**SECTION 4. TERM OF CITY CLERK**

The City Clerk shall serve for such a term that the Mayor may desire.

**SECTION 5. COMPENSATION OF CITY CLERK**

The compensation of the City Clerk shall be as from time to time determined by the City Council.

**SECTION 6. GENERAL DUTIES OF CITY CLERK**

- a. The City Clerk shall perform the duties prescribed by Texas Local Government Code § 22.073 and other duties that may be required by law, ordinance, resolution, or order of the City Council.
- b. The City Clerk shall attend every meeting of the City Council and keep accurate minutes of the proceedings thereof and file such minutes of record, and to engross and enroll all laws, resolutions and ordinances of the Council, to keep the corporate seal and take charge of and

preserve and keep in order all books, records, documents, contracts, letters, and files of the City Council.

c. The City Clerk shall countersign all commissions issued to city officer and all licenses issued by the city and keep an accurate record or registry thereof, and make out and issue all notices required under any ordinance or resolution of the City Council.

**SECTION 7. REMOVAL**

a. The City Council may remove the City Clerk for in competency, corruption, misconduct, or malfeasance in office after providing the officer with due notice and an opportunity to be heard.

b. If the City Council lacks confidence in the City Clerk, the Council may remove the officer at any time. The removal is effective only if two-thirds of the elected alderman vote in favor of a resolution declaring the lack of confidence.

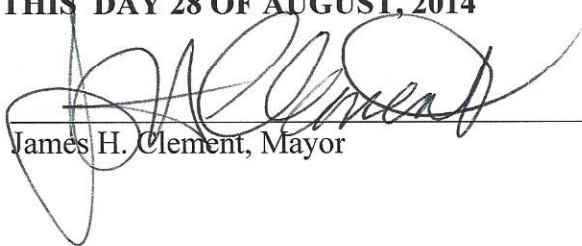
**SECTION 8. SEVERABILITY**

If any section, paragraph, sentence, clause, phrase or word of this ordinance of the application thereof to any person or circumstance is held invalid or unconstitutional, such holding shall not affect the validity of the remaining portion of this ordinance, and the City Council hereby declares that it would have passed such remaining portions despite invalidity or unconstitutionality.

**SECTION 9. AMENDMENT OR REPEAL**

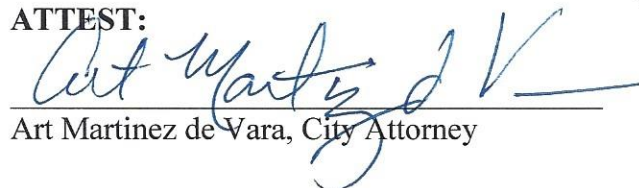
A two-thirds (2/3) vote of the City Council shall be required to amend, abolish or supersede this ordinance.

**PASSED, APPROVED AND ADOPTED THIS DAY 28 OF AUGUST, 2014**



James H. Clement, Mayor

**ATTEST:**



Art Martinez de Vara, City Attorney