

City of Niederwald

ORDINANCE NO. 020209

**ORDINANCE CREATING THE POSITION, DUTIES AND
RESPONSIBILITIES OF THE "CITY ADMINISTRATOR"
OF THE CITY OF NIEDERWALD.**

WHEREAS, the City of Niederwald, Texas is a Type A general-law municipality; and

WHEREAS, Chapter 22 of the Texas Local Government Code governs the powers, organization, and authority of Type A general-law municipalities; and

WHEREAS, Section 22.071(a) of the Texas Local Government Code provides that the governing body of a Type A general-law municipality may provide for officers of the municipality in addition to those provided for by law; and

WHEREAS, Section 22.071(c) of the Texas Local Government Code provides that the governing body may confer on other municipal officers the powers and duties of the city secretary and other officers; and

WHEREAS, pursuant to Texas Local Government Code Chapter 51 the City Council has the general authority to adopt and publish an ordinance or police regulation that is for the good government, peace or order of the municipality and is necessary or proper for the carrying out a power granted by law to the municipality; and

WHEREAS, the City Council hereby creates the position of City Administrator as authorized by Chapter 22 of the Texas Local Government Code, and;

WHEREAS, the City Council wishes to set forth by ordinance the duties of the position of City Administrator consistent with State law and the benefits to the City.

Therefore, be it ordained by the City Council of the City of Niederwald, Texas as follows:

I. POSITION OF CITY ADMINISTRATOR

Section 1. The Office of City Administrator of the City of Niederwald is hereby created.

1.01 Office of the City Administrator. In order to provide the City of Niederwald with a more efficient, effective and responsible government at a time when city government is becoming increasingly complex, there is hereby created the Office of City Administrator for the City of Niederwald (hereinafter referred to as "administrator").

1.02 Appointment, Term of Office and Removal. The administrator shall be appointed on the basis of merit with due regard to training, experience, administrative ability and general fitness for the office, by a majority vote of the city council. The administrator shall hold office for an indefinite term subject to removal at any time by a majority vote of the council. This section, however, shall not preclude the council from establishing other employment terms and conditions not inconsistent with the provisions of this ordinance or other ordinances of the City of Niederwald.

1.03 Residency. The administrator shall be encouraged to become a resident of the City of Niederwald.

1.04 Functions and Duties of the Administrator. The administrator, subject to the limitations defined in resolutions and ordinances of the City of Niederwald and Texas State Statutes, shall be the chief administrative officer of the City, responsible to the mayor and the council for the proper administration of the business affairs of the City, pursuant to the statutes of the State of Texas, the ordinances of the City of Niederwald, and the resolutions and directives of the mayor and city council, with power and duties as follows:

(A) GENERAL DUTIES

1. Carry out directives of the mayor and council which require administrative implementation, reporting promptly to the mayor and council any difficulties encountered therein;
2. Be responsible for the administration of all day-to-day operations of the City government including the monitoring of all city ordinances, resolutions, council meeting minutes and state statutes;
3. Prepare a plan of administration, including an organization chart, which defines authority and responsibility for all non-statutory positions of the City; and submit it to the city council for adoption as the official organization and administrative procedure plan for the City;
4. Establish when appropriate administrative procedures to increase the effectiveness and efficiency of City government according to current practices in local government, not inconsistent with paragraph 3 above or directives of the mayor and council;
5. Serve as ex-officio nonvoting member of all boards, commissions and committees of the City, except as specified by the city council or Texas State Statutes;
6. Keep informed concerning current federal, state, and county legislation and administrative rules affecting the City and submit appropriate reports and recommendations thereon to the mayor and city council;
7. Keep informed concerning the availability of federal, state and county funds for local programs. Assist the City in obtaining these funds under the direction of the mayor and the city council;

8. Represent the City in matters involving legislative and inter-governmental affairs as authorized and directed as to that representation by the mayor and city council;
9. Act as information officer for the City with the responsibility of assuring that all open meeting rules and regulations are followed;
10. Establish and maintain procedures to facilitate communications between citizens and City government to assure that complaints, grievances, recommendations and other matters receive prompt attention by the responsible official, and to assure that all such matters are expeditiously resolved; and
11. Promote the economic well-being and growth of the City through public and private sector cooperation;
12. All other duties and responsibilities as may be assigned by the mayor and city council.

(B) RESPONSIBILITIES TO THE CITY COUNCIL

1. Attend all meeting of the city council, assisting the mayor and the city council as required in the performance of their duties;
2. In coordination with the mayor, the council, and City staff, ensure that appropriate agendas are prepared to all meetings of the city council, all city council committees, and all other appropriate committees and commissions of the City, together with such supporting material as may be required; with nothing herein being construed as to give the administrator authority to limit or in any way prevent matters from being considered by the city council, or any of its committees and commissions;
3. Assist in the preparation of ordinances and resolutions as requested by the mayor or the city council, or as needed;
4. Keep the mayor and city council regularly informed about the activities of the administrator's office by oral or written report at regular and special meetings of the council; and
5. In the event that action normally requiring council approval is necessary at a time when the council cannot meet, the administrator shall receive directives from the mayor.

(C) PERSONNEL

1. Be responsible for the administrative direction and coordination of all employees of the City according to the established organization procedures;
2. Recommend to the city council the appointment, promotion, discipline, suspension or termination of City employees;
3. Serve as personnel officer for the City with responsibilities to see that complete and current personnel records, including specific job descriptions, for all City employees are kept; evaluate in conjunction with the mayor and city council performance of all employees on a regular basis; recommend salary and wage scales for City employees;

develop and enforce high standards of performance by City employees; assure that City employees have proper working conditions; work closely with City employees to promptly resolve personnel problems or grievances;

4. Work closely with City employees to assure that employees receive adequate opportunities for training to maintain and improve their job-related knowledge and skills; make recommendations to mayor and city council regarding requests by employees to attend conferences, meetings, training schools, etc.

(D) BUDGETING AND PURCHASING

1. Be responsible for assisting the mayor in the preparation of the annual City budget, in accordance with guidelines as may be provided by the city council and in coordination with department heads, and pursuant to state statutes, for review and approval by the mayor and the council;

2. Administer the budget as adopted by the city council;

3. Report regularly to the city council on the current fiscal position of the City;

4. Supervise the accounting system of the City and insure that the system employs methods in accordance with current professional accounting practices;

5. Serve as the purchasing agent for the City, supervising all purchasing and contracting for supplies and services, subject to the purchasing procedures established by the city council and any limitation contained in the Texas State Statutes;

(E) DUTIES OF CITY SECRETARY

1. The City Administrator shall perform the duties of city secretary as prescribed in the Texas State Statutes and any applicable ordinances of the City of Niederwald.

Section 2. Cooperation. All officials and employees of the City shall cooperate with and assist the City Administrator so that the City government shall function effectively and efficiently.

Section 3. Severability. The provisions of this Ordinance shall be deemed severable and it is expressly declared that the city council of the City of Niederwald would have passed the other provisions of this Ordinance irrespective of whether or not one or more provisions may be declared invalid; and if any provisions of this Ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the Ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 4. Effective Date. This Ordinance shall take effect and be in force from and after its passage and publication as provided by law.

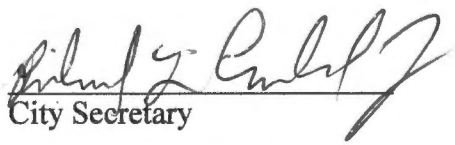
READ, APPROVED and ADOPTED on this the 2nd day of February, 2009.

CITY OF NIEDERWALD, TEXAS:



Reynell Smith, Mayor

ATTEST:


City Secretary