

1 **VILLAGE OF VOLENTE**

2 **ORDINANCE NO. 2013-O-_____**

3 **AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE**
4 **OF VOLENTE ENACTING RULES, PROCEDURES, AND**
5 **POLICIES CONTROLLING THE VILLAGE’S GOVERNMENT**
6 **AND ADMINISTRATION, INCLUDING COUNCIL MEETINGS,**
7 **MEETING PROTOCOL, COMMITTEES, ELECTION AND**
8 **APPOINTMENT OF OFFICIALS, CREATION OF CITY OFFICES,**
9 **APPOINTMENT OF CITY OFFICERS; PROVIDING FOR FIRE**
10 **CODE ENFORCEMENT AND IMPOSING CRIMINAL**
11 **PENALTIES FOR VIOLATIONS; ENACTING OTHER GENERAL**
12 **PROVISIONS GOVERNING VILLAGE ADMINISTRATION AND**
13 **GOVERNMENT; AND PROVIDING FOR SEVERANCE**
14 **PROVISIONS; PUBLIC NOTICE AND MEETING**
15 **REQUIREMENTS; AND EFFECTIVE DATE**

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17
18 **WHEREAS**, the Village of Volente desires to adopt a comprehensive set of articulated
19 rules, procedures, and policies to provide for the orderly, fair, efficient, and equitable
20 administration of municipal government and governmental business; and

21
22 **WHEREAS**, such rules, procedures, and policies will facilitate good, orderly government
23 and promote the public health, safety, and general welfare of the citizens of the Village of
24 Volente;

25
26 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF VOLENTE,**
27 **TEXAS:**

28
29 **Part 1. Legislative Findings**

30
31 The foregoing recitals are hereby found to be true and correct and are hereby adopted by the
32 Village Council and incorporated into this Ordinance for all purposes as legislative findings of
33 fact.

34 **Part 2. Short Title**

35 This ordinance may be cited as the “Administrative Procedures and Municipal Governance
36 Ordinance of the Village of Volente.”

38 **Part 3. City (or Village) Council**

39
40 **Subpart A. General Provisions**

41
42 **SECTION 20.01 REGULAR MEETINGS.**

43 **(A) Time.** The City Council shall hold regular meetings on the third Tuesday of each month at
44 7:00 p.m. or any other time the Mayor may designate; provided however, that when the day
45 fixed for any regular meeting of the Council falls on a day designated by law as a legal or
46 national holiday, the meeting may be cancelled or rescheduled at the discretion of the Council.

47 **(B) Place.** All regular meetings of the Council shall be held in the Council Chambers at City
48 Hall, currently located at 16100 Wharf Cove, Village of Volente, Texas.

49 **SECTION 20.02 SPECIAL MEETINGS AND WORKSHOPS.**

50 The Mayor shall call special meetings of the Council whenever in his or her opinion the public
51 business may require it, or at the express written or oral request of two Council Members.
52 When a special meeting or a workshop is called, each Council Member will be notified either in
53 person, by telephone, by electronic mail, or by hand-delivered notification to the Council
54 Member's residence, stating the date and hour of the meeting and the purpose for which the
55 meeting is called, and no business shall be transacted thereat, except such as is stated in the
56 notice.

57 **SECTION 20.03 AGENDA.**

58 **(A) Who may place items on agenda.** Any two members of Council or the Mayor may place
59 any item on the agenda of any specific meeting for discussion and or action. The Mayor may
60 also select certain agenda items to be considered by the Council as consent items. These items
61 may be approved in part or in total by a majority vote of the Council. Any consent item may be
62 removed from the consent agenda and considered separately with discussion and citizen
63 comment by any single Council Member. Items removed from the consent agenda will
64 automatically go to the end of agenda for discussion and decision unless the Mayor deems that
65 its importance requires that it be placed in a different order on the agenda. No part of this
66 Part shall be interpreted in such a manner that allows any person to prevent, restrict or inhibit
67 a member of Council or the Mayor from placing any item on the agenda. Any item submitted
68 for the agenda by Council Members or the Mayor must be preserved in its original form and
69 may not be edited, censored or altered in any way without the express permission of the
70 submitting party.

71 **(B) Items to Submit to City Secretary.** All reports, communications, ordinances, resolutions,
72 contract documents, or other supporting documentation regarding the requested agenda item
73 to be submitted to the Council shall be delivered to the City Secretary, if at all physically
74 possible, at least 11 calendar days preceding each regular Council meeting whereupon the City
75 Secretary shall prepare a list of the matters submitted for consideration. Committee or
76 informative reports not requiring City Council action may be submitted by City Council

77 members for inclusion on the agenda prior to the posting of the agenda. The Mayor shall
78 determine the order and scheduling of matters to appear on the agenda for Council
79 consideration at a regular meeting not later than 5:00 p.m. on the fifth calendar day before the
80 regular meeting, with assistance, as needed, from the City Administrator.

81 **(C) *Submission prior to meeting.*** A party sponsoring or submitting a matter for Council
82 consideration may agree to defer, either before or at the Council meeting, consideration of the
83 matter in favor of any other matter. A copy of the agenda along with the appropriate
84 supporting documentation shall be furnished to each Council Member and the Mayor prior to
85 the Council meeting as far in advance of the meeting as time for preparation will permit. Each
86 agenda will note the Council Member sponsor(s) of any matter for Council consideration, and
87 will note the Council Member or Mayor who authorized inclusion of any matter presented or
88 proposed by the City Administrator, or the City Attorney. Meetings and postings of meetings
89 will be made in accordance with state law.

90 **(D) *Submission of matters for agenda.*** The Mayor and/or any two members of the Council
91 may submit a matter for consideration or action by the Council. The City Attorney or the City
92 Administrator may submit a matter for consideration or action by the Council by first obtaining
93 the authorization or sponsorship of a two Council Members or the Mayor for inclusion of the
94 matter on an agenda.

95 **(E) *Rescheduled meeting.*** In the event that a regular meeting is rescheduled to a day other
96 than the third Tuesday, all deadlines for submission of matters to be included on the agenda
97 shall be adjusted accordingly.

98 **(F) *Vote deferred.*** In the event that the Mayor or the two Council Members who sponsored a
99 matter is not present at the Council meeting during which such matter is taken up, the matter
100 may be discussed but any vote on the matter shall be deferred unless the sponsoring member
101 has agreed that the matter should proceed to a vote in their absence or if the members present
102 deem it a matter of exigent circumstances. An example of an exigent circumstance would be
103 one in which the city, a citizen, property or staff are in peril and immediate action is required to
104 avert injury, loss or damage.

105 **(G) *Submissions to be in paper form and electronic form.*** All submission of matters to the
106 City for consideration by the Council shall be made in paper form and in electronic form if
107 practicable. Electronic submission may be made by compact disk or DVD format, or may be sent
108 by electronic mail to the city's current electronic mail address listed on the city's internet
109 website.

110 **SECTION 20.04 PRESIDING OFFICER DUTIES.**

111 The Presiding Officer of the Council shall be the Mayor. In the absence of the Mayor, the
112 Mayor Pro Tem shall become the Presiding Officer. The Mayor Pro Tem shall also serve all the
113 functions of the Mayor in the Mayor's absence. The Presiding Officer shall preserve strict order
114 and decorum at all meetings of the Council. He or she shall state every question coming before
115 the Council, announce the decision of the Council on all subjects and decide all questions of
116 order, subject, however, to an appeal to the Council, in which event a majority vote of the

117 Council shall govern and conclusively determine such question of order. He or she shall sign all
118 ordinances and resolutions adopted by the Council during his or her presence. In the event of
119 the absence of the Mayor, the Presiding Officer shall sign ordinances or resolutions as adopted.

120 **SECTION 20.05 CALL TO ORDER; PRESIDING OFFICER.**

121 (A) The Presiding Officer shall take the chair at the hour appointed for the meeting, and shall
122 call the Council to order.

123 (B) In the absence of a Presiding Officer, a temporary chairperson shall be elected by the
124 Council Members present.

125 (C) Upon the arrival of a Presiding Officer, the temporary chairperson shall relinquish the
126 chair upon the conclusion of the business item before Council.

127 **SECTION 20.06 QUORUM.**

128 The Mayor and three council members shall constitute a quorum at any regular or special
129 meeting of the Council. In the absence of the Mayor, four of the five council members
130 constitute a quorum. In the absence of a quorum, the Presiding Officer may declare the
131 meeting cancelled due to lack of quorum and reschedule or shall compel, at the insistence of
132 any two Council Members present, the attendance of the absent Council Member(s). At a called
133 or special meeting or any meeting to consider taxes, two-thirds of Council constitutes a
134 quorum.

135 **SECTION 20.07 ORDER OF BUSINESS.**

136 (A) All meetings of the Council shall be open to the public. On the day of each scheduled
137 meeting and upon determination that a quorum is present, the Council Members, the
138 City Secretary, City Attorney (as needed), and Presiding Officer shall take their regular
139 stations in the Council Chambers, and the business of the Council shall be taken up for
140 consideration and disposition.

141 (B) The Mayor shall have the authority to indicate on the agenda that certain agenda items
142 will be taken up by Council at a time certain.

143 (C) At the appointed time, any matter then under discussion shall be postponed and the
144 agenda item designated for a time certain will be taken up by Council. For each agenda
145 item, unless a different format is prescribed by law, the following protocol may be used:

146 (1) Introduction of Item by the Presiding Officer;

147 (2) Presentation by staff (or sponsoring Council Member);

148 (3) Citizen Communication;

149 (4) Council Deliberation and Possible Action.

150 (D) In the event that there is new information or a new direction considered during Council
151 deliberation, citizens may request that additional citizen communication be permitted.
152 The Presiding Officer may allow additional citizen communication to be followed again by
153 additional Council deliberation. The Presiding Officer may request that the item be

154 postponed to a future meeting to allow for a public hearing to be posted prior to further
155 Council deliberation.

156 **SECTION 20.08 READING OF MINUTES.**

157 Unless a reading of the minutes of a Council meeting is requested by a Council Member, the
158 minutes may be approved without reading if the City Secretary has previously furnished each
159 Council Member with a copy thereof. The following procedure may be followed with regard to
160 preparation of minutes of Council meetings. The City Secretary may provide a draft of proposed
161 minutes of a Council meeting to the Mayor and all Council Members, who may submit any
162 proposed additions, deletions, or corrections directly to the City Secretary. The City Secretary
163 shall prepare the minutes with all additions, deletions, and corrections proposed by the Mayor
164 or any Council Member noted in redline or any other reasonable means for highlighting such
165 changes, and present same to the Council at a public meeting.

166 **SECTION 20.09 RULES OF DEBATE.**

167 **(A) *Getting the floor.*** Improper references are to be avoided. Every Council Member
168 desiring to speak shall address the Presiding Officer, and upon recognition by the Presiding
169 Officer shall confine himself or herself to the question under debate, avoiding all personalities
170 and indecorous language. All Council Members have the right to be recognized, to make
171 motions, and to speak.

172 **(B) *Interruptions.*** A Council Member, once recognized, shall not be interrupted when
173 speaking unless it is to call to order, or as herein otherwise provided. If a Council Member,
174 while speaking, be called to order, he or she shall cease speaking until the question of order is
175 determined, and, if in order, he or she shall be permitted to proceed.

176 **(C) *Amending a motion.*** A Council Member, upon being recognized to speak, may request
177 that a motion on the floor for discussion be amended. Upon such a request, the Mayor shall
178 ask the Council Members that made and seconded the original motion if they are willing to
179 accept the amendment to the original motion. If both Members agree to accept the
180 amendment, then the original maker of the motion will restate the original motion to include
181 the amendment; the motion will be considered to be amended; and debate will continue on
182 the amended motion. If either Member does not accept the amendment, then debate
183 continues on the original motion.

184 **(D) *Previous question.*** Any Council Member, upon being recognized to speak, may move to
185 call the question on the motion on the floor. A motion to call the question requires a second. If
186 there is a motion and a second on the motion to call the question, then debate ends and there
187 is a vote to consider ending debate on the original motion. A majority vote of Members
188 present is required to end debate on a motion. Either the maker or the sponsor will be
189 recognized by the Mayor to make a closing comment for correction or clarification which will be
190 two minutes or less if needed.

191 **(E) *Motion to reconsider.*** A motion to reconsider any action taken by the Council may be
192 made only on the day the action was taken. It may be made either immediately during the

193 same session or at a recessed or adjourned session thereof. The motion must be made by one
194 of the prevailing side, but may be seconded by any Council Member, and may be made at any
195 time and have precedence over all other motions or while a Council Member has the floor; it
196 shall be debatable. Nothing herein shall be construed to prevent any Council Member from
197 making or remaking the same or any other motion at a subsequent meeting of the Council.

198 **(F) Remarks of Council Member when entered in minutes.** A Council Member may request,
199 through the Presiding Officer, the privilege of having a statement on any subject under
200 consideration by the Council entered in the minutes.

201 **(G) Format of meeting minutes.** The City Secretary shall enter in the minutes a description
202 of the agenda item; the names and addresses of any citizens speaking for or against the item;
203 and any motions or votes taken by the Council, on any question coming before the Council.

204 **(H) Rules of Order.** Except to the extent superseded or modified by this subpart, Robert's
205 Rules of Order are adopted and incorporated herein by reference, as the rules of procedure for
206 the Council.

207 **SECTION 20.10 ADDRESSING THE COUNCIL.**

208 **(A) Written communication.** Interested parties or their authorized representative may
209 address the Council by written communications regarding matters then under discussion.

210 **(B) Oral communication.** Any person desiring to address the Council shall first address the
211 Presiding Officer to do so. Once that person has been recognized he or she may address the
212 Council. Any person may address the Council by oral communication on any matter concerning
213 the city's business, or any matter over which the Council has control; provided, however, that
214 preference shall be given to those persons who may have notified the City Secretary in advance
215 of their desire to speak in order that the same may appear on the agenda of the Council.

216 **(C) Manner of addressing council; time limit.** Each person addressing the Council shall give
217 his or her name and address in an audible tone of voice for the records, and unless further time
218 is granted by the Council, shall limit his or her address to four minutes. All remarks shall be
219 addressed to the Council as a body and not to any Council Member thereof. No person, other
220 than the Council and the person having the floor shall be permitted to enter into any
221 discussion, either directly or through a Council Member, without the permission of the
222 Presiding Officer. No question shall be asked through a Council Member except through the
223 Presiding Officer.

224 **SECTION 20.11 SILENCE CONSTITUTES AFFIRMATIVE VOTE.**

225 Unless a Council Member states that he or she is not voting, his or her silence shall be
226 recorded as an affirmative vote.

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230 **SECTION 20.12 DECORUM; ENFORCEMENT.**

231 **(A) Decorum.**

232 **(1) By Council Members.** While the Council is in session, the Council Members must
233 preserve order and decorum, and a member shall neither, by conversation or otherwise,
234 delay or interrupt the proceedings or the peace of the Council nor disturb any Council
235 Member while speaking or refuse to obey the orders of the Council or its Presiding Officer,
236 except as otherwise herein provided.

237 **(2) By person.** Any person making personal, impertinent, or slanderous remarks or who
238 shall become boisterous while addressing the Council shall be forthwith, by the Presiding
239 Officer, barred from further audience before the Council, unless permission to continue is
240 granted by a majority of the Council.

241 **(B) Enforcement.** A member of the City Administration may be the Sergeant-at-Arms of the
242 Council meetings, as needed. He or she shall carry out all orders and instruction given by the
243 Presiding Officer for the purpose of maintaining order and decorum at the Council meeting.

244 **SECTION 20.13 MEMBERS MAY FILE PROTEST AGAINST COUNCIL ACTION.**

245 Any Council Member shall have the right to have the reasons of his or her dissent from, or
246 protest against any action of the Council entered on the minutes.

247 **SECTION 20.14 ORDINANCES, RESOLUTIONS, MOTIONS AND CONTRACTS; OFFICIAL**
248 **NEWSPAPER.**

249 **(A) Introduction of ordinance and amendments of ordinances.** All Council Members have
250 the right to introduce new ordinances and amendments to existing ones.

251 **(B) Prior approval by city attorney.** All contract documents shall, before presentation to the
252 Council, be approved as to form and legality by the City Attorney or his or her authorized
253 representative. All the instruments shall have first been referred to the City Administrator
254 under whose jurisdiction the administration of the subject matter of the contract document
255 would be affected and then the same shall be returned to the Mayor with a written
256 memorandum of the reasons why the approval is given or withheld. In the event the
257 questioned instrument is not redrafted to meet an objection, or objection is not withdrawn
258 and approval in writing given, then the Mayor shall so advise the Council and give the reasons
259 advanced by the City Administrator for withholding approval. No contract affecting the city
260 may be changed after previously being approved by the City Attorney without getting his or
261 her approval as to form and legality of the change.

262 **(C) Introducing for passage or approval.**

263 **(1)** Ordinances, resolutions, and other matters or subjects requiring action by the Council
264 must be introduced and sponsored as provided in Section 20.03 above.

265
266 **(2)** No ordinance shall relate to more than one subject, which shall be clearly expressed in

267 its title, and no ordinance, or section thereof, may be amended or repealed unless the
268 new ordinance contains the number of the ordinance amended or repealed, and when
269 practicable all ordinances shall be introduced as amendments to existing ordinances or
270 sections thereof.

271 **SECTION 20.15 REPORTS AND RESOLUTIONS TO BE FILED WITH SECRETARY.**

272 All reports and resolutions shall be filed with the City Secretary and entered in the minutes.

273 **SECTION 20.16 ADJOURNMENT.**

274 A motion to adjourn shall always be in order and decided without debate. A majority vote of
275 the Council is required to adjourn if there is unfinished business, and any unfinished business
276 shall be placed on an agenda of the next meeting.

277

278 ***Subpart B. Vacancies; Appointments***

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280 **SECTION 20.30 GOVERNANCE.**

281 Except as may be required by applicable state law, the provisions of this subpart shall govern
282 the appointment or election to fill a vacancy in an office of a City Council member resulting
283 from a resignation, removal, failure to qualify, death or for any other reason.

284 **SECTION 20.31 DEFINITIONS.**

285 For the purpose of this subpart, the following definitions shall apply unless the context clearly
286 indicates or requires a different meaning.

287 ***NOMINATION PERIOD.*** The “nomination period” is the period beginning on the date a
288 vacancy in an office covered by this subpart occurs and ending on the expiration of 14 days
289 after the date notice to all residential addresses is completed in compliance with this subpart.

290 ***PROSPECTIVE CANDIDATE.*** A “prospective candidate” is person who has either been
291 *nominated or has delivered a statement of interest during the Nomination Period in*
292 *compliance with the terms of this subpart.*

293 **SECTION 20.32 ELECTION VERSUS APPOINTMENT.**
294 **(Amended January 21, 2014 Ordinance 2014-O-1)**

295 If an election must be held to comply with applicable state law regulating the holding of
296 elections, then an election shall be held to fill the vacancy. If applicable state law does not
297 require that an election to be held to fill a vacancy, then the City Council shall fill the vacant
298 position by appointment.

299 **SECTION 20.33 APPOINTMENT PROCESS.**

300 When an appointment is made, the following process shall be used to make any appointment.

301 (A) The City Council shall provide a written notice to all residential addresses within the city
302 that it is accepting nominations or statements of interest for the vacant position as soon as
303 practicable after the position has become vacant. Notice shall be deemed completed on the
304 date notice is deposited in the mail to each residential address in the city as disclosed in
305 records maintained or reasonably relied upon by the city for the purpose.

306 (B) Nominations or statements of interest will be received by the City Council for 14 days
307 after the date public notice is completed. All nominations or statements of interest must be in
308 writing and delivered to City Hall during the nomination period.

309 (C) A public meeting of the City Council shall be held during which each prospective
310 candidate shall have the opportunity to provide information to Council and the citizens of the
311 reason(s) why he or she would like to serve on Council and to answer questions posed by
312 Council and any interested citizens. A prospective candidate may choose to provide
313 information to Council and the citizens orally or in writing, or both. This meeting shall be held
314 no later than the first available meeting after the nomination period and may be held during a
315 regular scheduled or a called meeting of Council.

316 (D) After the public meeting has been held, the City Council shall appoint a person from
317 among the prospective candidate(s) to fill the vacancy. If permitted by law, the City Council
318 may appoint a prospective candidate at the same meeting as the public meeting; provided
319 that, each prospective candidate has first had the opportunity at that meeting to provide and
320 inform Council and citizens of the reason(s) why the prospective candidate would like to serve
321 on Council.

322 (E) In the event that the procedure provided in this section results in no prospective
323 candidate applying who meets the minimum qualifications set by law, the City Council may
324 appoint any qualified person to fill a vacancy.

325 (F) If permitted by applicable law, vacancies in more than one City Council position may be
326 filled concurrently by appointment pursuant to the procedures provided in this section.

327 (G) The vote to fill a vacancy pursuant to this subpart, including the requirement of a
328 quorum and participation of the Mayor or, if applicable, the Mayor Pro Tem, shall be
329 governed by the law applicable to a vote of the governing body to enact an ordinance.

330 **SECTION 20.34 FACTORS TO BE CONSIDERED IN APPOINTING CANDIDATES TO SERVE**
331 **ON COUNCIL.**

332 (A) When deciding which prospective candidate to appoint, the City Council may consider
333 the following factors:

334 (1) Whether the candidate has unique qualifications, experiences or skills that will be
335 useful to the city;

336 (2) The extent of public support for the candidate, taking into account recent election
337 results if the candidate recently ran for election or re-election to City Council;

338 (3) Whether the candidate has prior experience serving on city committees;

339 (4) Whether and to what extent the candidate has prior experience serving on City
340 Council;

341 (5) Whether the candidate resides in an area of the city that is currently under
342 represented on Council, taking into consideration all elected positions;

343 (6) Whether the candidate is currently engaged in business with the city or has other
344 financial interests that may present ethical issues or require the candidate to recuse
345 himself or herself from Council actions;

346 (7) Each candidate's presentation before Council and citizens, and responses to any
347 questions posed by Council or citizens, including, in particular, the effectiveness and
348 responsiveness of those responses; and

349 (8) The recommendation, if any, of the Council member whose seat is being filled.

350 (B) Each member of the City Council may consider other factors that are not included in this
351 section and may exercise his or her discretion in weighing these factors and any others.

352 **SECTION 20.35 REIMBURSEMENT POLICY FOR COUNCIL MEMBERS**
353 **(Amended March 18 2014 Ordinance No. 2014-O-2)**

354 City Council Members shall be reimbursed for attendance at conferences, meetings, and
355 training sessions that are directly beneficial to the Village of Volente and its citizens for
356 the following:

357 a. Mileage to and from their residence within the Village of Volente to the
358 conference, meeting, and or training at the current federal standard rate and
359 reimburse from the starting point of the trip. Mileage must be verified by a
360 complete Map Quest or Google map which shows the starting address and
361 ending address with no tolls and the shortest mileage.

362
363 b. The conference, meeting, or training session attendance fee if any. These
364 fees must be verified by a paid receipt from the entity sponsoring the,
365 conference, meeting, or training.

366 c. The hotel, motel charges, if necessary for the Council Member to stay
367 overnight. The rate will be calculated either at the U. S. General Services
368 Commission rate or the discounted rate provided by the conference, meeting, or
369 training entity. The hotel or motel charges will be verified by a paid zero balance
370 receipt from the hotel or motel. Only the single rate charge for the hotel or
371 motel will be reimbursed by the Village of Volente. Only the room rate and the
372 applicable taxes will be reimbursed; no other room charges will be reimbursed.

373 d. If while attending or traveling to the conference, meeting or training session
374 the Council Member shall be reimbursed for meals as follows:

375 i) Meals will be reimbursed if traveling to or attending the conference
376 requires the Council Member to be on the road or be out of town. Per
377 diem: breakfast \$9.50, lunch \$14.50, dinner \$19.50.
378 Receipts are not required.

379
380 ii) If the conference, meeting or training session provides meals then the
381 Council Member will not be reimbursed for that meal.

382 e. Parking fees when required by the conference, meeting or training session will
383 be reimbursed. The fee must be verified by a paid parking receipt.

384 f. The Village of Volente will only provide for reimbursement for Council
385 members under this Ordinance.

386 g. All expenditures must be pre-approved by Mayor or City Staff.

387 h. Pre-request for the conference, meeting or training must be turned in
388 to Mayor or City Staff.

389 **Part 4.** **Officials and Organizations**

390

391 ***Subpart A. General Provisions.***

392

393 **SECTION 21.01 BOARDS, COMMISSIONS AND COMMITTEES; APPOINTMENT DISCLOSURE**
394 **STATEMENT.**

395

VILLAGE OF VOLENTE BOARDS, COMMISSION AND COMMITTEE

396

APPOINTMENT DISCLOSURE STATEMENT

397 Name of board, commission or committee member:

398 _____

399 Office of which the member was appointed to serve: (or wishes to be appointed to serve)

400 _____

401 There are basic principles of decency, honesty, and fair play that every member who is
402 appointed to a board, commission or committee has a moral obligation to observe and uphold.
403 Therefore, I, _____, voluntarily endorse, subscribe to and solemnly pledge to conduct
404 myself during my term of appointment in accordance with the following principles and
405 practices.

406 1. I will conduct the meetings openly and publicly.

407 2. I will not use or permit the use of character defamation, libel, slander or scurrilous attacks
408 on any member who also serves on the board, commission or committee to which I am
409 appointed or the member's personal or family life.

410 3. I will not use or permit any appeal to negative prejudice based on race, sex, religion or
411 national origin.

412 4. I will not use material or information acquired in my appointment that misrepresents,
413 distorts or otherwise falsifies the facts, nor will I use malicious or unfounded accusations that
414 aim at creating or exploiting doubts, without justification.

415 5. I will not undertake or condone any dishonest or unethical practice that tends to corrupt or
416 undermine the purpose of the board, commission or committee to which I am appointed.

417 6. I will immediately and publicly repudiate methods and tactics that may come from others
418 that I have pledged not to use or condone.

419 I have/have not been convicted of a felony.

420 If you answered yes - please name the specific charge(s) of which you were convicted, your plea
421 and describe the circumstances of the charge and conviction. Please note that conviction of a
422 felony will not automatically disqualify you from serving on a committee, but that the
423 information is important for the Council to consider in making appointments.

424 _____

425 Date Signature of Appointee

426 AFFIDAVIT

427 I swear that I will support and defend the laws of the Village of Volente, the State of Texas and
428 the United States of America. I am a citizen of the Village of Volente, Texas, and I have not been
429 declared mentally incompetent as determined by final judgment of a court, nor have I been
430 finally convicted of a felony for which I have not been pardoned or had my full rights or
431 citizenship restored by other official action.

432 _____

433 Signature of Appointee

434 Sworn to and subscribed before me, by the said _____, this the ____ day of _____,
435 20____, to certify which, witness my hand and seal of office.

436 _____

437 Signature of Notary

438 Affix Notary Stamp/Seal Above

439 _____

440 Commission Expires

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SECTION 21.02 TERM OF OFFICE OF ELECTED OFFICIALS.

- (A) The term of office for all elected officials of the city shall be for a period of two (2) years.
- (B) This section is in accord with current statutes of the state.
- (C) This section shall take effect and be in force from and after its passage.

SECTION 21.03 EXECUTION OF APPOINTMENT DISCLOSURE STATEMENT.

As a condition of serving on any Board, Commission, or Committee of the Village of Volente, the individual to serve on any such Board, Commission, or Committee must complete and sign the “Village of Volente Boards, Commission, and Committee Appointment Disclosure Statement” under oath and provide it to the Village.

Subpart B. Standing and Special Committees

SECTION 21.15 APPOINTMENT OF MEMBERS.

- (A) Committee members shall be appointed by the City Council.
- (B) Committee members will be appointed at the first regular meeting following the city elections or as soon thereafter as possible.
- (C) Committee member appointments will be for a term of one year or until appointments are made following the city elections.

SECTION 21.16 STRUCTURES OF COMMITTEES.

- (A) Each City Council Member and the Mayor shall be a voting member of a different standing committee.
- (B) Committees shall be composed of at least a minimum of two (2) and/or a maximum of six (6) additional regular members who shall be residents of the city.
- (C) Two alternate committee members may be appointed who shall also be residents of the city. Alternate committee members may vote when a primary committee member is absent.
- (D) One honorary committee member who shall not vote may be appointed who has experience in a field relating to the standing committee and may or may not be a resident of the city.

- 476
477 (E) The committee shall select a chairperson and a vice-chairperson from the voting
478 members of the committee.
479
480 (F) The committee shall select a secretary who is responsible for preparing the minutes of
481 each committee meeting.

482 **SECTION 21.17 PURPOSE OF COMMITTEES.**

483 The purpose of committees are to serve in advisory capacity to assist and make
484 recommendations to Council and department heads to research, develop, implement,
485 and evaluate policies, programs, and projects.

486

487 **SECTION 21.18 ESTABLISHING STANDING COMMITTEES.**

- 488 (A) The following standing committees shall be established.
- 489 (1) Public Safety (Police, Fire and EMS);
 - 490 (2) Budget, Finance and Administration;
 - 491 (3) Public Works (Streets, Drainage);
 - 492 (4) Planning and Governmental Relations (includes relations with other governmental
493 agencies e. g. Brushy Creek Regional Utility Authority, CAPCOG.)
 - 494
 - 495 (5) Public Relations
 - 496
 - 497 (6) Environmental (includes Parks and Trails)
- 498 (B) A member of the city staff will be assigned to assist each of the standing committees.

499

500 **SECTION 21.19 RULES OF COMMITTEES.**

- 501 (A) The chairperson or vice-chairperson of the committee shall be in attendance at all
502 committee meetings.
- 503 (B) A majority of regular committee members shall constitute a quorum.
- 504 (C) The committees must conduct their meetings in accordance with the Texas Open
505 Meetings Act; post notice in the same manner as their parent bodies; and keep a set of
506 minutes.
- 507
- 508 (D) Members will hold a meeting as soon as possible after appointment by the Council to
509 review committee actions of the previous year and plan for the current year.
- 510
- 511 (E) At the first meeting after appointment by the Council, the committee may approve a

512 regular committee meeting schedule.

513

514 (F) Upon request by any member, the Chairperson shall call a meeting within 30 days or
515 other time period that is reasonable under the circumstances.

516

517 (G) Members do not possess legislative powers and are vested only with the authority to
518 fulfill the purposes of the Committee as set forth in Section [21.17](#).

519

520 (H) Committees shall meet a minimum of once each four months.

521

522 **SECTION 21.20 REPORTING TO COUNCIL.**

523 (A) Committee reports will be made at a City Council meeting.

524 (B) Subjects and any supporting material must be given to the City Secretary no later than
525 noon on the Thursday preceding the regular Council meetings.

526

527 **SECTION 21.21 SPECIAL COMMITTEES.**

528 “Ad Hoc” or “Special” Committees may be temporarily set up by the City Council or the Mayor
529 to deal with specific short term items that cannot be handled by a regular standing committee.
530 These committees will be dissolved as soon as the purpose for which the committee was
531 formed has been fulfilled.

532

533 ***Subpart C. Officers***

534

535 **21.55 CITY SECRETARY.**

536 (A) The Office of City Secretary shall be filled by appointment. At the first regular meeting
537 held after the general city election held on the first Tuesday in November of each even-
538 numbered year, or as soon thereafter as practicable, and after the members of the City Council
539 elected at the election in the even numbered year have qualified and been installed in office,
540 the City Council shall appoint a City Secretary to serve for a term of two years and until his or
541 her successor shall have been duly appointed and qualified. The Secretary, at the beginning of
542 each term of office, shall take and subscribe to the official oath of office and shall post bond in
543 a sum as the City Council shall direct, the premium on the bond to be paid by the city. The
544 Secretary shall perform all of the statutory duties prescribed by law in Tex. Loc. Gov’t Code
545 Section 22.073, and as hereafter amended, and other duties as may be prescribed from time to
546 time by the City Council.

547 (B) The person appointed as City Secretary shall be ex-officio City Treasurer of the city, and
548 the powers and duties of the City Treasurer as prescribed in Tex. Loc. Gov’t Code 22.075, and
549 as hereafter amended, are hereby conferred on the person holding the Office of City Secretary.

550 (C) Any bond posted by the City Secretary as required by division (A) above shall extend to all
551 of the duties and responsibilities imposed by this section and applicable statutes.

552
553

554 **SECTION 21.58 CITY ADMINISTRATOR.**

555 (A) *Creation of office.*

556 (1) The office of City Administrator is hereby created.

557 (2) The City Administrator shall be appointed by the City Council.

558 (3) The City Administrator shall have the powers and duties as prescribed from time to time
559 by the City Council.

560

561 (4) The City Administrator may be removed from office in all event(s) and in the manner(s)
562 provided in Tex. Loc. Gov't Code Ch. 22, or any successor statutes thereto.

563

564 (B) *Effective date.* This section shall become effective from and after the day it is passed and
565 approved.

566 **§ SECTION 21.59 FIRE INSPECTOR.**

567 (A) *Creating the office of Fire Inspector.* There is hereby created the position of Fire
568 Inspector for the city. The position shall be filled by appointment by the City Council.

569

570 (B) *Requirements to hold office.* Any person appointed as Fire Inspector must meet one of
571 the following requirements:

572

573 (1) Chief of the Volente Volunteer Fire Department or his/her designee.

574 (2) Be certified by the State Fire Marshal's Office as a Fire Inspector.

575 (C) *Term of office.*

576 (1) The appointment of a Fire Inspector shall be made at the next regular meeting of
577 the City Council held after the adoption of this section.

578

579 (2) The term of office shall be consecutive and run concurrent with the term of the
580 office of Mayor.

581

582 (D) *Duties and powers.*

583 (1) It shall be the duty of the Fire Inspector to enforce all the provisions of the Uniform
584 Fire Code, as adopted by Ordinance No. 2010-O-114, as that ordinance may have
585 been and may be amended from time to time.

586

587 (2) In carrying out his or her duty to enforce the provisions of the Uniform Fire Code,

588 the Fire Inspector shall inspect all buildings, both those erected and those being
589 erected, as frequently as may be necessary to insure compliance with the provisions
590 of the Uniform Fire Code.

591 (3) The Fire Inspector shall review all applications for building or construction permits
592 and make recommendations to the various building officials prior to the issuance of
593 such permits by the city.

594
595 (4) The Fire Inspector shall have the power to order all work stopped on construction
596 or alteration or repair of buildings in the city when such work is being done in
597 violation of any provision of the Uniform Fire Code. A stop order shall be on an
598 official form as prescribed by the City Council, and shall be signed by the Fire
599 Inspector. A stop order shall be presented to and explained to the job foreman or
600 other responsible individual on the work site, provided that if at the time of delivery
601 of the stop order by the Fire Inspector, there is no job foreman or other responsible
602 individual present at the work site, then the stop order shall be attached or affixed
603 in a conspicuous place at the particular work area which is the subject of the stop
604 order. Work shall not be resumed after the issuance of such an order except on the
605 written permission of the Fire Inspector, or upon written permission of the City
606 Council upon an appeal of such stop order to the City Council. The property owner
607 or contractor shall have the right to appeal any stop order, or any other decision or
608 ruling of the Fire Inspector, to the City Council which shall have the authority to
609 overrule any stop order or other decision or ruling of the Fire Inspector.

610
611 (E) *Penal violations.*

612 (1) Violation of any provision of this section, as it relates to health and safety, is a
613 misdemeanor and upon conviction a fine in the amount not to exceed \$2,000 shall
614 be assessed.

615
616 (2) Each day that such structure is constructed or maintained in violation of this
617 section shall be a separate offense.

618
619 (3) Prosecution or conviction under this division (E) shall never be a bar to any other
620 remedy or relief for violations of this section.

621

622 **Part 5. Publication.**

623

624 A caption that summarizes the purpose of this Ordinance shall be published as provided by Tex.
625 Loc. Gov't Code § 52.012.

626

627 **Part 6. Severability**

628 If any provision of this Ordinance or the Code of Ordinances hereby adopted is found by a court
629 of competent jurisdiction to be void or unenforceable, such void or unenforceable provision
630 shall be severed as though it never formed a part of this Ordinance or the Code of Ordinances,
631 as applicable, and all other provisions hereof and in the Code of Ordinances shall remain in full
632 force and effect.

633

634 **Part 7. Open Meetings Act Compliance.** It is hereby officially found and
635 determined that the meeting at which this ordinance is passed was open to the public as
636 required and that public notice of the time, place, and purpose of said meeting was given as
637 required by the Open Meetings Act, *Ch. 551, Tex. Gov't. Code.*

638

639 **Part 8. Effective Date**

640 This Ordinance shall take effect after publication in compliance with Part 5 of this Ordinance as
641 provided by law.

642

643 **PASSED AND APPROVED** this, the ____ day of _____ 2013, by a vote of the
644 Volente Village Council of ____ in favor to ____ opposed, with ____ abstentions.

645

646

647

648

FREDERICK GRABER, Mayor

649

650

651

652 **ATTEST:**

653

654

655

Joan Jackson, Village Secretary

657