VILLAGE OF VOLENTE

Version 6 (SBY Edits to Version 5)

ORDINANCE NO. 2013-O-_____

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF VOLENTE ENACTING RULES, PROCEDURES, AND POLICIES CONTROLLING THE VILLAGE'S GOVERNMENT AND ADMINISTRATION, INCLUDING COUNCIL MEETINGS, MEETING PROTOCOL, COMMITTEES, ELECTION AND APPOINTMENT OF OFFICIALS, CREATION OF CITY OFFICES, APPOINTMENT OF CITY OFFICERS; PROVIDING FOR FIRE CODE ENFORCEMENT AND IMPOSING CRIMINAL PENALTIES FOR VIOLATIONS; ENACTING OTHER GENERAL PROVISIONS GOVERNING VILLAGE ADMINISTRATION AND GOVERNMENT; AND PROVIDING FOR SEVERANCE PROVISIONS; PUBLIC NOTICE AND MEETING REQUIREMENTS; AND EFFECTIVE DATE

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

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

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF VOLENTE, TEXAS:

Part 1. Legislative Findings

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

Part 2. Short Title

This ordinance may be cited as the "Administrative Procedures and Municipal Governance Ordinance of the Village of Volente."

Part 3. City (or Village) Council

Subpart A. General Provisions

SECTION 20.01 REGULAR MEETINGS.

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

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

SECTION 20.02 SPECIAL MEETINGS AND WORKSHOPS.

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

§SECTION 20.03 AGENDA.

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

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

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

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

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

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

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

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

SECTION 20.04 PRESIDING OFFICER DUTIES.

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

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

SECTION 20.05 CALL TO ORDER; PRESIDING OFFICER.

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

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

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

SECTION 20.06 QUORUM.

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

SECTION 20.07 ORDER OF BUSINESS.

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

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

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

(1) Introduction of Item by the Presiding Officer;

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

(3) Citizen Communication;

(4) Council Deliberation and Possible Action.

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

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

SECTION 20.08 READING OF MINUTES.

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

SECTION 20.09 RULES OF DEBATE.

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

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

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

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

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

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

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

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

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

SECTION 20.10 ADDRESSING THE COUNCIL.

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

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

(C) ***Reading of protests, etc.*** Interested persons or their authorized representatives may address the Council by reading of protests, petitions, or communications relating to zoning, sewer, and street proceedings, hearings on protests, appeals and petitions, or similar matters, with regard to matters then under consideration.

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

SECTION 20.11 SILENCE CONSTITUTES AFFIRMATIVE VOTE.

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

SECTION 20.12 DECORUM; ENFORCEMENT.

(A) ***Decorum.***

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

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

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

SECTION 20.13 MEMBERS MAY FILE PROTEST AGAINST COUNCIL ACTION.

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

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

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

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

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

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

(2) No ordinance shall relate to more than one subject, which shall be clearly expressed in its title, and no ordinance, or section thereof, may be amended or repealed unless the new

ordinance contains the number of the ordinance amended or repealed, and when practicable all ordinances shall be introduced as amendments to existing ordinances or sections thereof.

SECTION 20.15 REPORTS AND RESOLUTIONS TO BE FILED WITH SECRETARY.

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

SECTION 20.16 ADJOURNMENT.

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

Subpart B. Vacancies; Appointments

SECTION 20.30 GOVERNANCE.

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

SECTION 20.31 DEFINITIONS.

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

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

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

SECTION 20.32 ELECTION VERSUS APPOINTMENT.

If an election can be held, in compliance with applicable law regulating the holding of elections, within 90 days of the date of an event that has created a vacancy, then an election shall be held to fill the vacancy. If an election cannot lawfully be held within 90 days of the event resulting in a vacancy, then the City Council shall fill the vacant position by appointment.

SECTION 20.33 APPOINTMENT PROCESS.

When an appointment is required under Section 21.03 the following process shall be used to make any appointment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Part 4. Officials and Organizations

Subpart A. General Provisions.

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

VILLAGE OF VOLENTE BOARDS, COMMISSION AND COMMITTEE

APPOINTMENT DISCLOSURE STATEMENT

Name of board, commission or committee member:

_____

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

_____

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

1. I will conduct the meetings openly and publicly.

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

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

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

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

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

I have/have not been convicted of a felony.

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

_____ _____

Date Signature of Appointee

AFFIDAVIT

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

_____

Signature of Appointee

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

_____

Signature of Notary

Affix Notary Stamp/Seal Above

_____

Commission Expires

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 two (2) or four (4)? 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.

(E) The committee shall select a chairperson and a vice-chairperson from the voting members of the committee.

(F) The committee shall select a secretary who is responsible for preparing the minutes of

each committee meeting.

SECTION 21.17 PURPOSE OF COMMITTEES.

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

SECTION 21.18 ESTABLISHING STANDING COMMITTEES.

(A) The following standing committees shall be established.

(1) Public Safety (Police and Fire Department);

(2) Budget, Finance and Administration;

(3) Public Works (Streets, Drainage);

(4) Planning and Governmental Relations (includes Comprehensive Planning, Master and Future Zoning Plan; and relations with other governmental agencies i.e. Brushy Creek Regional Utility Authority, CAPCOG.)

(5) Environmental and Economic Development

(6) Parks and Trails

(B) A member of the city staff will be assigned to assist each of the standing committees.

SECTION 21.19 RULES OF COMMITTEES.

(A) The chairperson or vice-chairperson of the committee shall be in attendance at all committee meetings.

(B) A majority of regular committee members shall constitute a quorum.

(C) The committees must conduct their meetings in accordance with the Texas Open Meetings Act; post notice in the same manner as their parent bodies; and keep a set of minutes.

(D) Members will hold a meeting as soon as possible after appointment by the Council to review committee actions of the previous year and plan for the current year.

(E) At the first meeting after appointment by the Council, the committee may approve a regular committee meeting schedule.

(F) Upon request by any member, the Chairperson shall call a meeting within 30 days or

other time period that is reasonable under the circumstances.

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

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

SECTION 21.20 REPORTING TO COUNCIL.

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

(B) Subjects and any supporting material must be given to the City Secretary not later than noon on the Thursday preceding the regular Council meetings.

SECTION 21.21 SPECIAL COMMITTEES.

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

Subpart C. Officers

21.55 CITY SECRETARY.

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

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

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

SECTION 21.58 CITY ADMINISTRATOR.

(A) *Creation of office.*

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

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

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

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

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

§ SECTION 21.59 FIRE INSPECTOR.

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

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

(1) Chief of the Volente Volunteer Fire Department or his/her designee.
(2) Be certified by the State Fire Marshal's Office as a Fire Inspector.

(C) *Term of office.*

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

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

(D) *Duties and powers.*

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

(2) In carrying out his or her duty to enforce the provisions of the Uniform Fire Code, the Fire Inspector shall inspect all buildings, both those erected and those being erected, as frequently as may be necessary to insure compliance with the provisions of the Uniform Fire Code.

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

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

(E) *Penal violations.*

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

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

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

Part 5. Publication.

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

Part 6. Severability

If any provision of this Ordinance or the Code of Ordinances hereby adopted is found by a court of competent jurisdiction to be void or unenforceable, such void or unenforceable provision shall be severed as though it never formed a part of this Ordinance or the Code of Ordinances,

as applicable, and all other provisions hereof and in the Code of Ordinances shall remain in full force and effect.

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

Part 8. **Effective Date**

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

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

_____

FREDERICK GRABER, Mayor

ATTEST:

_____

Joan Jackson, Village Secretary