ORIGINAL

VILLAGE OF VOLENTE

RESOLUTION NO. 2019-R-03

ORIGINAL

RESOLUTION OF THE CITY COUNCIL OF THE VILLAGE OF VOLENTE TO REQUEST THE RESIGNATION OF MAYOR DAVID SPRINGER

WHEREAS, the Council finds that the Village of Volente, Texas is a Type B general-law Municipality; and

WHEREAS, the Council finds that the City Council of the Village of Volente, Texas (the "Village"), seeks to promote an efficient and effective Council in which business can be conducted; and

WHEREAS, the Council finds that Mayor Springer was elected to the Village of Volente City Council on November 6, 2018; and

WHEREAS, the Council finds that Mayor Springer on November 20, 2018, took the Oath of Office prescribed in Article 16 Section 1 of the Texas Constitution prior to entering office to faithfully execute the duties of the office of Mayor of the Village of Volente, Texas; and

WHEREAS, the Council finds that the Texas Local Government Code confers on the mayor the following duties and responsibilities:

1. serves as president of the city council, which is sometimes known as the Board of Aldermen (Tex. Loc. Gov't Code § 23.027)

2. is part of a quorum (Tex. Loc. Gov't Code § 23.028)

3. serves as the municipal budget officer and prepares a proposed budget for the municipality each year (Tex. Loc. Gov't Code §102.001 to §102.005)

4. may declare a local state of disaster and order evacuation of the city or an area (Tex. Gov't Code § 418.108)

5. may ask the governor to declare a state of emergency (Tex. Gov't Code § 433.001); and

WHEREAS, the Council finds that the mayor has the following additional duties and responsibilities:

1. signatory for contracts and bonds approved by the city council; and

2. signatory for ordinances and resolutions after they are passed by vote of the city council; and

3. performs ceremonial duties, attending events such as ribbon-cuttings for new businesses, ground- breakings, award ceremonies, and other public events; and

WHEREAS, the Council finds that the mayor is usually regarded as the political head of the city; and

WHEREAS, the Council finds that the mayor performs such other duties as the city council may direct; and

WHEREAS, the Council finds that the Village of Volente Personnel Policy designates the mayor as the Chief Administrator of the Village who shall interpret and enforce the rules and shall from time to time recommend to the governing body such revisions as deemed necessary; and

WHEREAS, the Council finds that under the Personnel Policy, the mayor has authority to review and approve employee requests for absences and confers on the mayor the authority to review employee requests to engage in outside employment; and

WHEREAS, the Council finds that all files related to personnel records are maintained by the mayor or his designee and in cases where disclosure is required by law, only the mayor is authorized to release the information; and

WHEREAS, the Council finds that Local Government Code Section 21.022(d) defines Official Misconduct as intentional unlawful behavior relating to official duties by an officer entrusted with the administration of justice or the execution of the law. The term includes an intentional or corrupt failure, refusal, or neglect of an officer to perform a duty imposed on the officer by law; and

WHEREAS, the Council finds that Village of Volente Code of Ordinances Section 2.03.032(a), establishes that each council member and the mayor shall be a voting member of a different standing committee; and

WHEREAS, the Council finds that Mayor Springer was appointed as the Public Works Committee Chairman on January 15, 2019 after refusing assigned committee, he was appointed as the Parks and Environment Committee Chairman on February 19, 2019; and

WHEREAS, the Council finds that Mayor Springer took an official leave of absence for six weeks ending on March 6, 2019; and

WHEREAS, the Council finds that Mayor Springer has been residing primarily in Salamanca, New York; and

WHEREAS, the Council finds that Mayor Springer has taken a position at Salamanca High School in Salamanca, New York; and

WHEREAS, the Council finds that Mayor Springer named himself the Emergency Management Coordinator and refused to appoint two alternates and failed to acknowledge the Village Ordinance regarding these duties; and

WHEREAS, the Council finds that at the Holiday Hoopla event on December 13, 2018, Mayor Springer accepted cash donations on behalf of the Village and did not report receipt of those funds; and

WHEREAS, the Council finds that Mayor Springer has not complied with the City Council's requirements as voted by Council on December 18, 2018 resulting from the investigation into the Mayor's treatment of City personnel; and

WHEREAS, the Council finds that prior to completing the paperwork necessary to be a signatory on the City checking account, Mayor Springer signed City checks without proper authority; and

WHEREAS, the Council finds that Mayor Springer changed City accounts passwords preventing council members from conducting City business; and

WHEREAS, the Council finds that Mattie Adams was Mayor Springer's campaign manager; and

WHEREAS, the Council finds that Mayor Springer openly lobbied council members and the Village Prosecutor to drop litigation between the Village of Volente and Mattie Adams; and

WHEREAS, the Council finds that Mayor Springer neglected to open, read or reply to emails sent to the mayor@volentetexas.gov email address; and

WHEREAS, the Council finds that Mayor Springer has missed eleven regular and special called council meetings since December 2018; and

WHEREAS, the Council finds that Mayor Springer's absence from council meetings prevented the city from having the quorum necessary to hold a meeting to accept nominations to fill a vacancy on city council; and

WHEREAS, the Council finds that Mayor Springer neglected to complete the bank documentation to be a signatory on the Village checking account thereby causing the City to incur additional late fees and costs due to the inability to process payments; and

WHEREAS, the Council finds that Mayor Springer's absence during the months of November 2018, December 2018, January 2019, and February 2019 caused delayed payment of City bills due to the need for a second signature; and

WHEREAS, the Council finds that Mayor Springer's absence at Council meetings has delayed critical communications with the Brushy Creek Regional Utility Authority; and

WHEREAS, the Council finds that due to Mayor Springer's prolonged absence he has failed to fulfill the duties of office.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE VILLAGE OF VOLENTE, TEXAS

Section 1. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. This is intended as a statement of the collective will of a majority of the governing body.

Section 3. The City Council hereby requests the resignation of Mayor, David Springer.

Section 4. This Resolution shall take effect immediately from and after its passage in accordance with law and it is accordingly so resolved.

PASSED & APPROVED this, the __5th__ day of June 2019, by a vote of __4__(*ayes*) to ___0__ (*nays*) to __0__ (*abstentions*) of the City Council of Village of Volente, Texas.

Chris Wilder, Mayor Pro Tem
Village of Volente, Texas

ATTESTED BY:

Nanette Akinleye, Acting City Secretary
Village of Volente, Texas