

ORDINANCE NO. 2016-0425

AN ORDINANCE OF THE TOWN OF ANTHONY, TEXAS, EXPRESSING THE POWERS AND DUTIES OF THE MAYOR AND CURTAILING SOME OF THOSE POWERS AND DUTIES, REPEALER, SEVERABILITY, EFFECTIVE DATE AND NOTICE AND HEARING.

WHEREAS, the GOVERNING BODY did hold a duly noticed Public Hearing; and

WHEREAS, the GOVERNING BODY did consider testimony from staff and the public before reaching its decision; and

WHEREAS, pursuant to the statutory authority granted to the GOVERNING BODY as a municipality under Texas Local Government Code Section 51.001, the GOVERNING BODY may adopt, publish, amend, or repeal an ordinance, rule, or police regulation that: (1) is for the good government, peace, or order of the municipality or for the trade and commerce of the municipality; and (2) is necessary or proper for carrying out a power granted by law to the municipality or to an office or department of the municipality; and

WHEREAS, pursuant to the statutory authority granted to the municipality as a Type A General-Law Municipality under Texas Local Government Code Section 51.012, the municipality may adopt an ordinance, act, law, or regulation, not inconsistent with state law, that is necessary for the government, interest, welfare, or good order of the municipality as a body politic; and

WHEREAS, pursuant to the statutory authority granted to the GOVERNING BODY as a Type A General-Law Municipality under Texas Local Government Code Section 22.042, which section provides in pertinent part that the mayor shall perform the duties and exercise the powers prescribed by the governing body of the municipality, the GOVERNING BODY deems it necessary for the good government and order of the municipality to adopt an ordinance outlining the role of the Mayor.

WHEREAS, the GOVERNING BODY does make the following findings:

1. That the GOVERNING BODY of the Town of Anthony, Texas seeks to promote a clear understanding of the role of the Mayor; and
2. That the GOVERNING BODY finds that a well-defined role of the Mayor will increase cooperation and help prevent discord among Town Officials and Town Staff and be in the best interest of the municipality; and
3. That pursuant to Texas Local Government Code Chapter 22, the Mayor of a Type A General-Law Municipality has specific powers; and

4. That pursuant to Section 22.042 of the Texas Local Government Code the GOVERNING BODY has the authority to limit the role of the Mayor for those activities not already governed by state law; and

5. That pursuant to Texas Local Government Code Section 51.001, the GOVERNING BODY has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the municipality and is necessary or proper for carrying out a power granted by law to the municipality; and

6. That the GOVERNING BODY finds that it is necessary and proper for the good government, peace or order of the Town of Anthony, Texas to adopt an ordinance outlining the role of the Mayor.

BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF ANTHONY, TEXAS: that in consideration of the aforementioned findings and testimony, it hereby ordains that it does hereby approve the following prescription of specific powers of the Mayor and express limitations thereof:

I. FINDINGS OF FACT

A. The foregoing recitals are incorporated into the Ordinance by reference as findings of fact as if expressly set forth herein.

II. SPECIFIC POWERS OF THE MAYOR

A. The Mayor is the presiding officer of the town council meetings, and, except in elections, may only vote in the event of a tie vote.

B. The Mayor is the Chief Executive Officer of the municipality. The Mayor shall actively ensure that the laws and ordinances of the municipality are enforced. The Mayor must also perform all duties prescribed by the Town Council.

C. The Mayor has the express power to declare a local state of disaster and as the emergency management director for the municipality has statutory powers and duties during an emergency.

D. The Mayor is empowered to inspect the conduct of the officers and employees of the municipality. This power does not include the power to hire and fire without the approval of the Town Council.

E. The Mayor may administer oaths of office (i.e., swearing in ceremonies).

F. The Mayor may sign contracts, deeds, easements, bonds and other documents as directed or authorized by the Town Council.

G. The Mayor may make appointments to certain vacant offices of the municipality, other than vacancies on the Town Council, subject to confirmation by the Town Council and in accordance with state law.

H. The Mayor may call a special council meeting, at the Mayor's discretion or upon the request of three (3) council members.

I. The Mayor may veto resolutions or ordinances of the Town Council. However, state law provides the Town Council an opportunity to override the Mayor's veto.

J. The Town Council may confer additional powers and duties on the Mayor in addition to those provided by state law.

III. EXPRESS LIMITATIONS OF THE POWERS OF THE MAYOR

A. The Mayor may not expend municipal funds in excess of what is budgeted except in cases of extenuating circumstances.

B. The Mayor may not take adverse actions against employees of the municipality or against public service providers hired by the municipality without the express written consent of the Town Council.

C. All policy initiatives may not be implemented without the express, written consent of the Town Council.

D. Any rule or regulation initiated by the Mayor must first be approved by the Town Council.

E. All complaints presented to the municipality should be processed by the appropriate municipal department unless a complaint involves a department head. If a complaint involves a department head, the complaint must be processed by the Mayor followed by a report by the Mayor to the Town Council of the nature and facts of the complaint.

F. Any council member or the Mayor may request to include specific items on a council meeting agenda. The Mayor may not prevent an item from appearing on

an agenda proposed by a council member. All final word choice should be selected by the Town Staff with the advice of the Town Attorney when needed.

G. Any request for municipal records or documentation by a council member or the Mayor which will require a member of the Town Staff to spend greater than thirty (30) minutes to obtain must first be approved by the Town Council. This prior approval does not apply to requests for municipal records or documents for official municipal purposes.

IV. REPEALER

To the extent reasonably possible, ordinances are to be read together in harmony. However, all ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

V. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

VI. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage.

VII. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code 551.

PASSED, ADOPTED AND APPROVED THIS 23 DAY OF May, 2016.

APPROVED:

Martin Lerma
Martin Lerma
Mayor

ATTEST:

Cynthia Ramirez
Cynthia Ramirez
Town Clerk



ROLL CALL VOTE:

Mayor Pro-Tem Benjamin Romero
Councilor Jose Garcia
Councilor Shawn Weeks
Councilor Joanna Rivera
Councilor Orlando Garcia

Yes
Yes
Yes
Yes
Yes