

ORDINANCE NO. 120

**AN ORDINANCE OF THE TOWN OF ANNETTA TEXAS REPEALING ORDINANCE 75 IN ITS ENTIRETY AND PROVIDING FOR AN ORDINANCE PRESCRIBING THE DUTIES AND RESPONSIBILITIES OF THE MAYOR; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Annetta, Texas is a Type A general law municipality located in Parker County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, on October 19, 2000, the Town Council approved Ordinance No. 75, prescribing the duties and responsibilities of the mayor as permitted by section 22.042(a) of the Texas Local Government Code; and

**WHEREAS**, the Town Council has determined that Ordinance No. 75 should be repealed in its entirety and replaced with this ordinance and that this ordinance is in the best interest of the health, safety and general welfare of the citizens of the Town of Annetta.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ANNETTA TEXAS, THAT:**

Section 1. Ordinance 75 is hereby repealed in its entirety.

Section 2. The duties and powers of the mayor of the Town of Annetta are as follows:

1. Statutory Duties. The mayor shall have all of the duties and powers granted to the mayor under Texas law, including the following statutory duties and powers:

- (a) The mayor is the chief executive officer of the Town and shall at all times actively ensure that the laws and ordinances of the Town are properly carried out;
- (b) The mayor shall preside at all meetings of the Town Council and, except in elections, may vote only if there is a tie;
- (c) The mayor shall inspect the conduct of each subordinate municipal officer and shall cause any negligence, carelessness or other violation of duty to be prosecuted and punished;

- (d) The mayor shall give to the governing body any information and shall recommend to the governing body any measure that relates to improving the finances, police, health, security, cleanliness, comfort, ornament or good government of the Town;
- (e) The mayor may administer oaths of office;
- (f) In the event of a riot or unlawful assembly or to preserve the peace and good order in the Town, the mayor may order and enforce the closing of a theater, ballroom, or other place of recreation or entertainment or a public room or building and may order the arrest of a person who violates a state law or a municipal ordinance in the presence of the mayor; and
- (g) The mayor may call a special meeting of the Town Council on the mayor's own motion or on the application of three or more members of the Council.

2. Legislative Duties. The mayor's legislative duties and powers include the following:

- (a) To assist in expediting the business of the Council by ensuring that the discussion of the Council is limited to items posted on the agenda or on items that should be posted on future agendas;
- (b) To enforce the rules of procedure, order and decorum adopted by the Council;
- (c) To announce the results of any vote taken by the Council;
- (d) To sign, when necessary, all documents reflecting actions taken by or orders issued by the Council or any other document the mayor is authorized by law or by Town policy to sign;
- (e) To adjourn the meetings of the Council after all items on the agenda have been addressed or otherwise disposed of or in the event of an emergency;
- (f) To identify the needs of the Town and to make recommendations as to policies, rules, resolutions, and ordinances to be adopted by the Council to satisfy those needs; and
- (g) To develop and recommend to the Council a plan for dealing with emergency situations, such as natural disasters or war, and to recommend any modifications to such plan.

3. Administrative Duties. The mayor's administrative duties and powers include the following:

- (a) To oversee and manage the day-to-day operations of the Town;
- (b) To interview candidates for employment with the Town and to make recommendations to the Council on hiring and firing decisions;
- (c) To authorize expenditures of Town funds in the furtherance of Town business consistent with the Town's Purchasing Policy and the decisions of the Council;
- (d) To follow the lawful instructions of the Council in pursuing Town business, provided that such instructions do not contradict the mayor's powers and duties under the law or Town policy;
- (e) To keep the Council reasonably informed on matters related to Town business by providing updates to the Council at the meetings of the Council or in response to a request for information by one or more Council Members; and
- (f) To keep confidential information provided to the mayor by a Council Member, when: (i) the person providing the information clearly informs the mayor, at the time the information is provided, that the information is to be kept confidential; and (ii) the information provided is not required by law to be disclosed to a third party. The mayor may disclose any information provided to the mayor in confidence to the Town's attorney for a determination as to whether such information is required by law to be disclosed to a third party. If the Town's attorney advises the mayor that the law requires the disclosure of such information to a third party, the mayor should disclose such information in accordance with applicable law.

4. Ceremonial Duties. The mayor's ceremonial duties and powers are as follows:

- (a) To attend all functions and events sponsored by the Town;
- (b) To read and issue all proclamations of the Town; and
- (c) To attend any national, state, regional and local meetings of citizens groups, organizations, governments, educational associations, etc. that the mayor deems necessary to attend in furtherance of the mayor's duty to keep properly informed on issues affecting the Town, provided that the mayor's cost to attend such meetings shall not be paid or reimbursed by the Town unless approved by the Council.

5. Restrictions on the Mayor's Authority. The mayor is prohibited from engaging in the following actions unless such actions are specifically authorized by the Council or by an ordinance of the Town and are not contrary to applicable law:

- (a) Granting a variance to any rule, ordinance or policy of the Town;
- (b) Granting any special exception or permit; and
- (c) Appointing members to any board or commission of the Town, unless required by law, provided that the mayor may still recommend candidates to fill any vacant seat on any board or commission of the Town.

6. Mayor Pro Tem. In the event the mayor is unable for any reason to fulfill any duty prescribed by this ordinance, the mayor pro tem shall fulfill the duty in the mayor's absence.

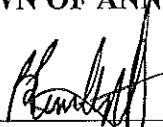
Section 3. This Ordinance shall be cumulative of all provisions of ordinances and of the ordinances of the Town of Annetta, Texas, as amended, except when the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Section 4. It is hereby declared to be the intention of the Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the Town Council without the incorporation in this Ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.

Section 5. This Ordinance shall be in full force and effect from and after the date of its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED on this 16 day of May 2013.

TOWN OF ANNETTA

  
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Bruce Pinckard, Mayor

ATTEST:

  
K. Jonelle Schuman, Acting Town Secretary