

## ORDINANCE NO. 332

### AN ORDINANCE OF THE CITY OF MAGNOLIA, TEXAS, PROVIDING FOR THE APPOINTMENT, DUTIES AND RESPONSIBILITIES OF THE OFFICE OF CITY MANAGER OF THE CITY; PROVIDING COMPENSATION; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT.

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**WHEREAS**, in accordance with that certain petition filed with the Mayor pursuant to Chapter 25, Texas Local Government Code, an election was held within the City on November 4, 2003, to submit to the qualified voters the proposition of whether the City should adopt a City Manager form of government; and

**WHEREAS**, a majority of those persons voting at such election voted in favor of the proposition to adopt a City Manager form of government for the City; now therefore,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAGNOLIA, TEXAS:**

**Section 1.** In accordance with that certain election held within the City on November 4, 2003, the position of City Manager for the City is hereby created, ratified, and confirmed. Subject to the terms of this Ordinance, the appointment of the present City Manager to such position is hereby ratified and confirmed.

**Section 2.** **Appointment.** The City Manager shall be appointed by the City Council, and shall be responsible to the City Council and subject to its supervision and direction. The City Manager shall exercise those administrative powers and responsibilities set forth in this Ordinance.

**Section 3.** **Term of office.** The City Manager shall be appointed for an indefinite term, shall serve at the will and pleasure of the City Council, and may be discharged by said City Council at any time, with or without cause. It is specifically provided that no person appointed to the position of City Manager shall have any entitlement, contractual right, or property right in such position or to continued employment by the City.

**Section 4.** **Absence or disability of City Manager.** The City Manager shall designate an appointed officer or employee of the City to perform the functions of the City Manager during the absence of the City Manager. Notwithstanding the foregoing, if the absence of the City Manager should exceed fifteen (15) consecutive working days, Council shall

designate some other appointed officer or employee of the City to perform the functions of the City Manager during such absence.

**Section 5.**     **Powers and duties.** In addition to the enumerated powers and duties set forth in §25.029, Texas Local Government Code, and City Manager shall:

- (1) Devote all of his or her working time and attention to those affairs of the City under his or her supervision;
- (2) See that all applicable state laws and all ordinances of the City are obeyed and enforced;
- (4) Exercise supervision and control over all departments of the City heretofore or hereafter created by the City Council;
- (5) Exercise supervision and control over all employees of the City;
- (6) Other than those municipal offices described in Chapter 22, Subchapter C (§22.071 et seq.), Texas Local Government Code, as amended, the appointments to which are hereby specifically reserved unto the City Council, hire and discharge all employees of the City and, in addition, promote, demote, discipline, and take any and all other personnel actions pertaining to such employees;
- (8) Attend all open meetings of the City Council and, when requested or authorized to do so by the City Council, attend executive sessions of the City Council;
- (9) See that all terms and conditions imposed in favor of the City and its inhabitants in any public utility franchise are faithfully kept and performed and, upon knowledge of any violation thereof, bring same to the attention of the City Council;
- (10) In accordance with §102.001 (b), Texas Local Government Code, prepare and submit to the City Council prior to each fiscal year a budget of proposed revenues and expenditures for the ensuing fiscal year, showing in as much detail as practicable the estimated amounts of money required for the efficient operation of the City and each of its departments, and the reasons for such estimated expenditures;
- (11) Make a full written report to the City Council as soon as possible after the close of each month's accounts, or at such greater intervals as the City Council may approve, showing the operations and expenditures of the City and each of its departments for the preceding month or interval, together with such other financial information and budget expenditure comparisons as the City Council may request, and keep the Mayor and City Council fully advised at all times as to the financial condition and needs of the City;
- (12) Supervise the purchase of all materials, supplies, and equipment for which funds are budgeted; propose and supervise those contracts necessary for the operation and maintenance of City services; and review all bids and proposals

submitted to the City and recommend to the City Council those the City Manager deems most advantageous to the City. The City Manager shall prepare and submit to the City Council for approval such rules governing purchase procedures to be followed by the City as the City Manager shall deem necessary and appropriate;

(13) Recommend to the City Council the salary or salary range for each position of employment with the City;

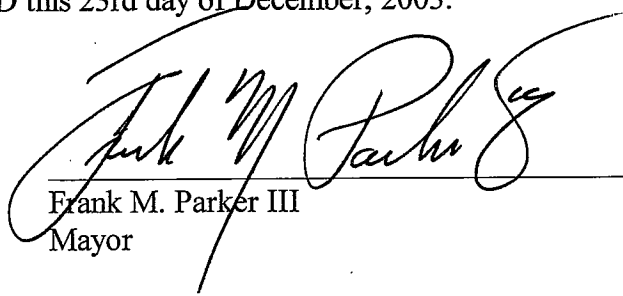
(14) Recommend to the City Council such procedures, practices, and measures as he or she deems necessary or advisable to promote the best interests of the City and its inhabitants;

(15) Notify the Mayor and City Council members of any alleged violation by the City or any of its officers or employees of a federal, state, or City law, rule, or regulation or of any cause of action or lawsuit against the City which may subject it to any civil, criminal, or monetary liability; and

(16) Perform such other duties as may be prescribed by the City Council not inconsistent with the laws of the state governing Type A general law cities.

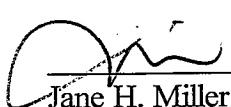
**Section 6. Compensation; bond.** The City Manager shall receive such compensation as the City Council shall fix from time to time, and shall be entitled to receive benefits provided to other full-time employees of the City and such additional benefits as the City Council may approve. The City Manager shall furnish a fidelity bond in such amount as shall be established by the City Council. The premium of such fidelity bond shall be paid by the City.

PASSED, APPROVED, AND ADOPTED this 23rd day of December, 2003.



Frank M. Parker III  
Mayor

ATTEST:



Jane H. Miller  
City Manager/City Secretary