

ORDINANCE NO. O-2020-028

AN ORDINANCE OF THE CITY OF MAGNOLIA, TEXAS, AMENDING CHAPTER 2 "ADMINISTRATION" OF THE CODE OF ORDINANCES OF THE CITY OF MAGNOLIA, TEXAS; PROVIDING A SEVERABILITY CLAUSE; AND MAKING OTHER PROVISION RELATED THERETO

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WHEREAS, the City Council of the City of Magnolia, Texas has studied the present provisions of Chapter 2 "Administration" of the Code of Ordinances of the City of Magnolia; and

WHEREAS, the City Council is continually reviewing the provisions of the Code of Ordinances relating to circumstances which generally impact the health, safety, and well-being of residents, citizens, and inhabitants; and

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted as findings of fact and conclusions of law by the City Council and made a part hereof for all purposes.

Section 2. Amendments. Article III, Division 3 "Public Works Director", of Chapter 2 of the City of Magnolia Code of Ordinances is hereby amended as shown in attached Exhibit "A" and incorporated herein for all purposes.

Section 3. Amendments. Article III, Division 4 "City Administrator", of Chapter 2 of the City of Magnolia Code of Ordinances is hereby amended by amending Section 2.108(1) as shown in the attached Exhibit "A" and incorporated herein for all purposes.

Section 4. Repealing Clause. All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

Section 5. Severability. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance be severable, and if any phrase, clause, sentence, paragraph, or section 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 phrases, clauses, sentences or sections of this ordinance, and the remainder of this Ordinance shall be enforced as written.

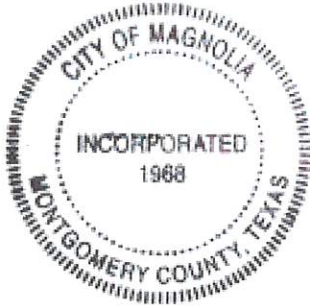
Section 6. Compliance Clause and Effective Date. The City Council finds, determines, and declares that a sufficient written notice was posted and this Ordinance was passed in accordance with the Open Meetings Act. The City Secretary is instructed to publish this Ordinance in the Official Newspaper of the City of Magnolia in the manner provided and for the time required by Section 52.011(a) of the Local Government Code, at which time this Ordinance takes effect.

PASSED, APPROVED, and ADOPTED by the City Council of the City of Magnolia, Montgomery County, Texas on this the 13th day of October 2020.

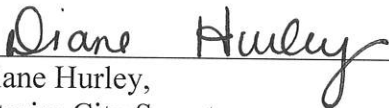
CITY OF MAGNOLIA, TEXAS



Todd Kana, Mayor



ATTEST:



Diane Hurley,
Interim City Secretary

EXHIBIT "A"
CHAPTER 2
ADMINISTRATION

ARTICLE III. CITY OFFICIALS

DIVISION 3- PUBLIC WORKS DIRECTOR

~~Sec. 2-88.— Establishment of public works director position.~~

~~The position of public works director for the city is hereby created and established.~~

~~Sec. 2-89.— Powers and duties of public works director.~~

- ~~(a) — Management responsibility for all utilities department functions, programs, and operations including the operation of the city's water, wastewater, and recycled water, and related operations, functions, and program areas; oversees the operation of the water filtration and wastewater treatment plants; mowing and fleet maintenance, and performs other related duties as required.~~
- ~~(b) — Assists the city administrator in the development and implementation of departmental policies, goals, objectives, procedures, and priorities for each assigned service area.~~
- ~~(c) — Ensures that all rules and regulations are followed as per TCEQ.~~
- ~~(d) — Ensures regulatory requirements and reporting deadlines to all federal and state agencies are met.~~
- ~~(e) — Establishes, within city policy, appropriate service and staffing levels; makes recommendations to the city administrator and council for any staffing hires; monitors and evaluates the efficiency and effectiveness of service delivery methods and procedures; allocates resources accordingly.~~
- ~~(f) — Assesses and monitors workload, administrative and support systems, and internal reporting relationships; identifies opportunities for improvement; directs and implements changes.~~
- ~~(g) — Plans, directs, and coordinates, through subordinate level staff, the utilities department's work plan; assigns projects and programmatic areas of responsibility; reviews and evaluates work methods and procedures; meets with key staff to identify and resolve problems.~~
- ~~(h) — Selects, trains, motivates, and evaluates assigned personnel; provides or coordinates staff training; works with employees to correct deficiencies; implements discipline and termination procedures.~~
- ~~(i) — Develops and administers the department budget; approves the forecast of funds needed for staffing, equipment, materials, and supplies; prepares water and wastewater rates, fees, and charges; approves expenditures and implements budgetary adjustments as appropriate and necessary to meet the end result.~~
- ~~(j) — Provides staff assistance and support to the city administrator; prepares, reviews, and presents staff reports including those for city council meetings; prepares and/or reviews written correspondence on a variety of city programs and projects including current and long-range water, wastewater and reclamation projects.~~
- ~~(k) — Assists the city administrator in presentations to a variety of boards, commissions, and committees; and interfaces with regulatory agencies.~~

~~(l) — Investigates and determines responses to citizen inquiries and complaints.~~

Secs. 2-90 88—2-106. - Reserved.

CHAPTER 2 ADMINISTRATION

ARTICLE III. CITY OFFICIALS

DIVISION 4- CITY ADMINISTRATOR

Sec. 2-108. - Duties.

The city administrator shall be the chief administrative officer of the city, shall report to the mayor and city council, and, to the extent delegated by the mayor and city council and subject to their approval and direction, shall be responsible for managing the day-to-day operations of all municipal functions of the city, including, but not limited to:

- (1) Responsible for the supervision, coordination, and direction of all departments of the city, with authority for appointment, disciplinary action, and removal of department heads and other city employees, with the exception of the ~~public works director~~, municipal court judge, and other appointed municipal officers of the city as provided for in V.T.C.A, Local Government Code § 22.071, and training employees in a manner that best serves the city;