

Chapter 1 – General Provisions

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ARTICLE 01.01.00. CODE OF ORDINANCES

Sec. 01.01.01. Designation and citation of Code.

- A. The ordinances embraced in this and the following chapters, articles and sections shall constitute and be designated the "Code of Ordinances, 1996, City of Bayou Vista, Texas," and may be so cited.

Sec. 01.01.02. Catch-lines of articles and sections.

- A. The catch-lines of the several articles and sections of this Code are intended as mere catchwords to indicate the contents of the article/section and shall not be deemed or taken to be titles of such articles and sections, nor as any part of the articles and sections, nor, unless expressly so provided, shall they be so deemed when any of such articles and sections, including the catch-lines, are amended or reenacted.

Sec. 01.01.03. Definitions and rules of construction.

- A. In the construction of this Code, and of all ordinances and resolutions passed by the city council, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the city council:
1. *Generally.* Words shall be construed in their common and usual significance unless the contrary is clearly indicated.
 2. *City.* The words "the city" or "this city" shall be the City of Bayou Vista, the County of Galveston and the State of Texas.
 3. *City commissioner.* As used herein, shall refer to a member of the governing body of the City of Bayou Vista, Texas. The terms "city commissioner" and "city councilmember" shall be interchangeable herein.
 4. *City council.* The governing body of the City of Bayou Vista. The terms "governing body" and "Board of Aldermen" shall mean the city council.
 5. *City manager, City Secretary and other city officers or departments.* Shall be construed to mean the city manager, City Secretary or such other municipal officers or departments, respectively, of the City of Bayou Vista, Texas. Reference to an officer or employee by title shall include his or her duly authorized assistants or representatives. The term "city clerk" shall be interpreted to mean the City Secretary of the City of Bayou Vista, Texas.
 6. *Computation of time.* Whenever a notice is required to be given or an act to be done a certain length of time before any proceeding shall be had, the day on which such notice is given or such act is done shall be counted in computing the time, but the day on which such proceeding is to be had shall not be counted.
 7. *Council.* Whenever the term "council," "this council," or "the council" is used, it shall mean the city council of the City of Bayou Vista, Texas.
 8. *County.* The term "county" or "this county" shall mean the County of Galveston, Texas.

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9. Gender. A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships, associations and corporations as well as to males.
10. Month. A calendar month.
11. Number. Any word importing the singular number shall include the plural and any word importing the plural number shall include the singular.
12. Oath. Shall be construed to include an affirmation in all cases in which, by law, an affirmation may be submitted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."
13. Official time standard. Whenever certain hours are named herein, they shall mean standard time or daylight savings time as may be in current use in the city.
14. Owner. The word "owner," applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or of a part of such building or land.
15. Person. The word "person" shall extend and be applied to associations, corporations, firms, partnerships, fiduciaries, representatives and bodies politic and corporate as well as to individuals.
16. Preceding and following. Next before and next after, respectively.
17. Sidewalk. That portion of a street between the curb-line or the lateral line of a roadway, and the adjacent property line intended for the use of pedestrians.
18. Signature or subscription. Shall include a mark when a person cannot write.
19. State. The words "the state" or "this state" shall be construed to mean the State of Texas.
20. Street. Shall have its commonly accepted meaning and shall include highways, sidewalks, alleys, avenues, recessed parking areas and other public rights-of-the entire right-of-way.
21. Tense. Words used in the past or present tense include the future as well as the past and present.
22. V.T.C.S., V.T.P.C., V.T.C.C.P. Refer to the divisions of Vernon's Texas Statutes Annotated.
23. Written or in writing. The term "written" or "in writing" shall be construed to include any representation of words, letters, or figures, whether by printing or otherwise.
24. Year. A calendar year.

State law references: Authority of municipality to codify ordinances, V.T.C.A., Local Government Code, Chapter 53.

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Sec. 01.01.04. Amendments to Code.

- A. All ordinances passed subsequent to the adoption of this Code, which amend, repeal or in any way affect this Code, may be numbered in accordance with the numbering system of this Code and printed for inclusion therein. When subsequent ordinances repeal any chapter, article, section or subsection or any portion thereof, such repealed portions may be excluded from the Code by omission from reprinted pages. The subsequent ordinances as numbered and printed or omitted in the case of repeal, shall be prima facie evidence on such subsequent ordinances until such time that this Code and subsequent ordinances numbered or omitted are readopted as a new Code by the city council.
- B. Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the article and section number of this Code in the following language:
- "That Chapter _____, Article _____, Section _____, of the Code of Ordinances, City of Bayou Vista, Texas, is hereby amended to read as follows: . . . "
- The new provisions shall then be set out in full as desired.
- C. In the event a new article or section not heretofore existing in the Code is to be added, the following language shall be used:
- "That Chapter _____, of the Code of Ordinances, City of Bayou Vista, Texas, is hereby amended by adding a section, to be number Article/Section _____, which said article/section shall read as follows: . . . "
- The new article or section shall then be set out in full as desired.
- D. It is hereby provided, however, that any subsequent ordinance which fails to amend this Code in the manner provided for above shall not be deemed invalid as a result of such failure to follow the procedure outlined in this section.

Sec. 01.01.05. Supplementation of Code.

- A. By contract or by city personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the city council. A supplement to the Code shall include all substantive permanent and general parts of ordinances passed by the city council or adopted by initiative and referendum during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

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- B. In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by omission thereof from reprinted pages.
- C. When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, non-substantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified Code. For example, the codifier may:
 - 1. Organize the ordinance material into appropriate subdivisions;
 - 2. Provide appropriate catch-lines, headings and titles for articles, sections and other subdivisions of the Code printed in the supplement and make changes in such catch-lines, headings and titles;
 - 3. Assign appropriate numbers to articles, sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing article or section or other subdivision numbers;
 - 4. Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this section," "this subsection," etc., as the case may be; and
 - 5. Make other non-substantive changes necessary to preserve the original meaning of ordinance articles or sections inserted into the Code; but, in no case, shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

Sec. 01.01.06. General penalty for code violations.

- A. Whenever in this Code or in any ordinance of the city, an act is prohibited or is made or declared to be unlawful of an offense or a misdemeanor, or wherever in such Code or ordinance the doing of an act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefore, the violation of any such provision of this Code or any such ordinance shall be punished by a fine not exceeding five hundred dollars (\$500.00), except for:
 - 1. Violations of municipal ordinances that govern fire, safety, zoning, public health and sanitation, including dumping of refuse, vegetation and litter violations in which the maximum fine shall be two thousand dollars (\$2,000.00) for each offense; and
 - 2. Violations of traffic laws and ordinances which are punishable as a Class C misdemeanor shall be punished by a fine not to exceed two hundred dollars (\$200.00). However, no penalty shall be greater or less than the penalty provided for the same or similar offense under the laws of the state.
- B. Each day any violation of this Code or of any ordinance shall continue shall constitute a separate offense. Any violation of any provision of this Code of Ordinances which constitutes an immediate danger to the health, safety, and welfare of the public may be enjoined in a suit brought by the city for such purposes.

State law references: Authority of municipality to assess fines, V.T.C.A., Local Government Code, Sec. 54.001.

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Sec. 01.01.07. Severability of parts of Code.

- A. It is hereby declared to be the intention of the city council that the articles, sections, paragraphs, sentences, clauses and phrases of this Code are severable and, if any article, section, paragraph, sentence, clause or phrase of this Code 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 articles, sections, paragraphs, sentences, clauses and phrases of this Code since the same would have been enacted by the city council without the incorporation in this Code of any such unconstitutional article, section, paragraph, sentence, clause or phrase. (Ord. No. 96-03, 5-7-1996)

NOTE: **Ordinance 2015-08**, amending Chapter 1 of the Code of Ordinances, of the City of Bayou Vista, Texas, was approved at the Regular Called Meeting of City Council on 10-27-15. for the purpose to provide continuity with the numbering system with all the Articles and Sections within the Chapter and to replace the word “village” for the word “City.”

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ARTICLE 01.02.00. FORM OF GOVERNMENT

- A. The City of Bayou Vista does hereby change to a Type A general-law municipality.

- B. The City of Bayou Vista, pursuant to Section 6.014 of the Local Government Code, Civil Statutes of Texas shall continue as a body corporate by the name and style by which such City was known before such change. (Ord. No. 91-5, §§ I, II, 3-12-1991)

- C. That the designation of City of Bayou Vista, Texas is hereby changed to City of Bayou Vista, Texas. That this change in designation shall be in effect immediately. That the Code of Ordinances, City of Bayou Vista, Texas shall now be known as Code of Ordinances, City of Bayou Vista, Texas, and that all references therein to City of Bayou Vista, Texas shall mean City of Bayou Vista, Texas. That all other documents and records reflecting the designation City of Bayou Vista, Texas, shall mean City of Bayou Vista, Texas. (Ord. No. 01-03, §§, I, II, III, IV, 2-4- 03)

NOTE: **Ordinance 2015-08**, amending Chapter 1 of the Code of Ordinances, of the City of Bayou Vista, Texas, was approved at the Regular Called Meeting of City Council on 10-27-15. for the purpose to provide continuity with the numbering system with all the Articles and Sections within the Chapter and to replace the word “village” for the word “City.”

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ARTICLE 01.03.00. ALDERMEN TERMS

- A. In lieu of one (1) year terms of office, the Mayor and Aldermen shall serve two-year staggered terms of office in accordance with Article 1143 of the Revised Civil Statutes of the State of Texas. The Mayor and two (2) Aldermen, determined by lot at the first meeting of the Board of Aldermen following the next annual election after the adoption of this article, shall serve two (2) year terms. The remaining Aldermen shall hold office for an initial term of one (1) year. Thereafter, all members of the Board of Aldermen shall hold office for terms of two (2) years and until their successors have qualified.
- B. The positions for the Board of Aldermen shall be numbered one, two, three, four, and five, and shall be assigned to the various Aldermen offices, and these offices shall henceforth be known by position numbers assigned as follows:
1. Aldermen, Place Number 1.
 2. Aldermen, Place Number 2.
 3. Aldermen, Place Number 3.
 4. Aldermen, Place Number 4.
 5. Aldermen, Place Number 5.
- (Ord. No. 05-85, 4-29-1985; Ord. No. 14-85, 5-22-1985)

***State law references:** Aldermanic form of government, V.T.C.A., Local Government Code, Section 22.001, et seq. Cross references: Article 1.400, Meetings of Board of Aldermen.

***Cross references:** Article 1.300, Aldermen Terms.

State law references: Authority of municipality to prescribe fiscal year, V.T.C.A., Local Government Code, Section 101.042; Annual budget required, V.T.C.A., Local Government Code, Chapter 102.

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ARTICLE 01.04.00. MEETINGS OF THE BOARD OF ALDERMEN

Sec. 01.04.01. Date and time.

- A. All regular meetings of the Board of Aldermen of the City of Bayou Vista, Texas, shall be held on the last Tuesday of each calendar month at 6:30 p.m. at such place designated by the Board of Aldermen. During any meeting, the date of a regular meeting may be changed by motion and majority vote taken under Alderman or Mayor comments. (Ord. No. 92-10, 10-6-1992; Ord. No. 01-04, 2-27-2001; Ord. No. 01-13, 9-25-2001, Ord. No. 02- 09, § 1, 06-02-09, Ord. No. 04-10, 12-07-10, Ord. No. 03-11. 06-21-11)

Sec. 01.04.02. Agenda items.

- A. An item may be placed on the agenda of any special or regular meeting by two (2) Aldermen, with or without the endorsement of the Mayor or Mayor Pro-Tem, by written request given to the Mayor, Mayor Pro-Tem or the City Secretary. During any meeting an item may be placed on the agenda of a future meeting by motion and vote taken under Aldermen comments.
- B. An item, except a matter concerning personnel or matters eligible for closed meetings under the open meetings act, may be placed upon the agenda by written request of ten (10) registered voters or residents with or without the consent of the Mayor or Mayor Pro-Tem. However, the same item cannot be placed on the agenda again by a group of citizens for a period of six (6) months, without the concurrence of the Mayor or the Board of Aldermen.
- C. The Mayor may call a special meeting on the Mayor's own motion or on the application of three Aldermen. Each member of the governing body, the secretary, and the municipal attorney must be notified of the special meeting. The notice may be given personally or left at the person's usual place of residence. (Ord. No. 92-11, §§ 1—3, 11-4-1992, Ord. No. 02-06, § 1, 01-10-06.)
- D. The governing body shall determine the rules of its proceedings and may compel the attendance of absent members and punish them for disorderly conduct. (Ord. No. 02-06, § 1, 01-10-06.)
- E. An Alderman shall be fined \$3 for each meeting that the Alderman fails to attend unless the absence is caused by the Alderman's illness or the illness of a family member.(Ord. No. 02-06, § 1, 01-10-06.)
- F. If a member of the governing body is absent for three regular consecutive meetings, the member's office is considered vacant unless the member is sick or has first obtained a leave of absence at a regular meeting. (Ord. No. 02-06, § 1, 01-10-06.)

NOTE: **Ordinance 2015-08**, amending Chapter 1 of the Code of Ordinances, of the City of Bayou Vista, Texas, was approved at the Regular Called Meeting of City Council on 10-27-15. for the purpose to provide continuity with the numbering system with all the Articles and Sections within the Chapter and to replace the word "village" for the word "City."

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ARTICLE 01.05.00. FISCAL YEAR

- A. The fiscal year of the City of Bayou Vista, Texas, shall begin on the first day of October and end on the last day of September of each subsequent calendar year. (Ord. No. 15-85, 5-22-1985)

Sec. 01.05.01. Budget Formulation and Submission.

- A. The Mayor serves as the budget officer for the City Council of Bayou Vista, Texas.
- B. The budget officer shall prepare each year a municipal budget to cover the proposed expenditures of the City of Bayou Vista, Texas, for the succeeding year.
- C. The budget officer shall itemize the budget to allow as clear a comparison as practicable between expenditures included in the proposed budget and actual expenditures for the same or similar purposes made for the preceding year. The budget must show as definitely as possible each of the projects for which expenditures are set up in the budget and the estimated amount of money carried in the budget for each project.
- D. The budget must contain a complete financial statement of the City of Bayou Vista that shows:
 - 1. the outstanding obligations of the City of Bayou Vista;
 - 2. the cash on hand to the credit of each fund;
 - 3. the funds received from all sources during the preceding year;
 - 4. the funds available from all sources during the ensuing year;
 - 5. the estimated revenue available to cover the proposed budget; and
 - 6. the estimated tax rate required to cover the proposed budget.(Ord. No. 07-06, § 1, 02-07-06)

Sec. 01.05.02. Budget Adoption.

- A. *Notice and public meeting for Budget Adoption.* The City Secretary shall post notice of the Budget Hearing for adoption of the Budget in the manner prescribed by law. The budget shall be approved by September 30th of each year.
- B. At the conclusion of the public hearing, the City Council of Bayou Vista shall take action on the proposed budget.
- C. The City Council may make any changes in the budget that it considers warranted by the law or by the best interest of the City's taxpayers.
- D. After final approval of the budget, the City Council may spend municipal funds only in strict compliance with the budget, except in an emergency.
(Ord. No. 07-06, § 2, 02-07-06)

Sec. 01.05.03. Amendments after Adoption.

- A. *Reduction of appropriations.* If at any time during the fiscal year it appears probable to the Mayor and City Secretary after consultation with the City's accounting firm, that revenues or fund balances available will be insufficient to finance the expenditures for which appropriations have been authorized, the Mayor shall report to the City Council without delay, indicating the estimated amount of the deficit, and remedial action

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taken by the Mayor and recommendations as to any other steps to be taken. If the City Council amends the original budget, the City Council shall file a copy of its order or resolution amending the budget with the City Secretary and the City Secretary shall attach the copy to the original budget.

- B. *Emergency Expenditures.* The City Council may authorize an emergency expenditure as an amendment to the original budget only in a case of grave public necessity to meet an unusual and unforeseen condition that could not have been included in the original budget through the use of reasonably diligent thought and attention. The City Council shall file a copy of its order or resolution amending the budget with the City Secretary and the City Secretary shall attach the copy to the original budget. (Ord. No. 07-06, § 3, 02-07-06)

Sec. 01.05.04. Special Funds.

- A. *Emergency Fund.* The City Council will provide for a separate account to be used only for catastrophic emergencies. The fund balance of the Emergency Fund account will not exceed \$200,000. All excess earned from the previous year's annual interest will be transferred into the *Capital Asset Acquisition* account by January 31st of the current year with approval by a super-majority of City Council.

In the event of a imminent threat of widespread and severe damage, injury, or loss of life and property will result from an impending catastrophic event, and the Mayor has determined that extraordinary measures must be taken to alleviate the suffering of the people and protect or rehabilitate property, and has declared a local state of disaster, which activates the Emergency Management Plan, the Mayor has the authority to transfer necessary funds from the Emergency Fund without City Council approval. Once the Declaration of Local Disaster has expired, from that time forward, the Mayor cannot transfer funds into or from this Special Account without City Council approval.

1. Super-majority is defined as being 2/3 thirds majority (four Aldermen), which does not include the Mayor. (Ord. No. 07-06, § 4, 02-07-06), Ord. No. 03-12 § 1, 03-27-12)
- B. *Capital Asset Acquisition.* The City Council will provide for a separate account in order to fund capital assets as defined as all tangible property which cannot easily be converted into cash and which is usually held for a long period, including real estate, equipment, vehicles, etc. All transfers of funds in and from this account require a super-majority approval by City Council.
1. Super-majority is defined as being 2/3 thirds majority (four Aldermen), which does not include the Mayor. (Ord. No. 07-06, § 4, 02-07-06), Ord. No. 02-12 § 1, 03-27-12)

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Sec. 01.05.05. Annual Audit.

- A. The City of Bayou Vista shall have its records and accounts audited annually and shall have an annual financial statement prepared based on the audit. The audit shall be performed in accordance with the auditing standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States. The Audit shall include examining, on a test basis, evidence supporting the amounts and disclosures in the general purpose financial statements.
- B. The annual financial statement, including the auditor’s opinion on the statement, shall be filed in the office of the City Secretary within 120 days after September 30th of each year and shall be available for public inspection. (Ord. No. 07-06, § 5, 02-07-06)

Sec. 01.05.06. Grant Guidelines.

- A. The City will seek, apply for, and effectively administer federal, state and local grants, which support the City’s current priorities and policy objectives. The City should take advantage of opportunities to enhance service delivery through intergovernmental cooperation, shared revenues, and grants.
- B. Grant Guidelines
 - 1. The City shall apply and facilitate the application or only those grants that are consistent with the objectives and high priorities identified by City Council.
 - 2. Grant funding will be considered to leverage City funds. Inconsistent and/or fluctuating grants should not be used to fund ongoing programs and services.
 - 3. The potential for incurring ongoing costs, to include assumptions of support for grant-funded positions from local revenues, will be considered prior to applying for a grant.
- C. Grant Review Process
 - 1. A uniform grants pre-application process will be utilized to assure the City has all the information necessary to make a decision regarding a potential grant. Information to be provided should include but not be limited to:
 - a. The grant being pursued and the use to which it would be placed.
 - b. The objectives or goals of the City which will be achieved through the use of the grant.
 - c. The local match required, if any, plus the source of the local match, and
 - d. The increased cost to be locally funded upon termination of the grant.
 - 2. All grant agreements will be reviewed to ensure compliance with state, federal, and City regulations.
 - 3. The City Council shall approve all grant submissions, regardless of the amount, and City Council shall approve and formally accept all grant funds received by the City in excess of \$50,000.

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D. Budgeting for Grant Expenditures

1. Annually via the budget process, departments will submit for possible funding of known grant opportunities. These grant opportunities will be prioritized and ranked along with all other supplemental requests. If approved, the expenditure and associated revenue will be appropriated in the Grant Fund. If there are grant opportunities that arise during the year and are received by the City, the budget will be amended via the projections, if the City can fund the local match required.

E. Grant Termination and/or Reduced Grant Funding

1. In the event of reduced grant funding, City resources will be substituted only after all program priorities and alternatives are considered during the budget process, unless the City is obligated through the terms of the grant to maintain the positions, services, or equipment.
2. The City shall terminate grant-funded programs and associated positions when grant funds are no longer available, and it is determined that the program no longer supports City goals and/or is no longer in the best interest of the City, unless the City has obligated itself through the terms of the grant to maintain the positions, services, or equipment.
(Ord. 01-11 – 03-01-11)

NOTE: **Ordinance 2015-08**, amending Chapter 1 of the Code of Ordinances, of the City of Bayou Vista, Texas, was approved at the Regular Called Meeting of City Council on 10-27-15. for the purpose to provide continuity with the numbering system with all the Articles and Sections within the Chapter and to replace the word “village” for the word “City.”

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ARTICLE 01.06.00. HOMESTEAD EXEMPTION

- A. The first ten thousand dollars (\$10,000.00) of the market value of residence homesteads of persons, married or unmarried, including those living alone, who are under Federal Old Age, Survivors and Disability Insurance or its successors, or of married or unmarried persons sixty-five (65) years of age or older, including those living alone, shall be exempt from all ad valorem taxes hereby levied.

- B. An eligible disabled person who is sixty-five (65) years of age or older may not receive both exemptions in the same year but may choose either. Exemptions shall be allowed for disabled veterans, as defined by Section 2, of Article VIII of the Constitution of the State of Texas to the maximum extent as allowed under the provisions of the Constitution of the State of Texas shall be exempt. (Ord. No. 95-07, § 4, 9-14-1995)

NOTE: **Ordinance 2015-08**, amending Chapter 1 of the Code of Ordinances, of the City of Bayou Vista, Texas, was approved at the Regular Called Meeting of City Council on 10-27-15. for the purpose to provide continuity with the numbering system with all the Articles and Sections within the Chapter and to replace the word “village” for the word “City.”

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ARTICLE 01.07.00. AD VALOREM TAX FREEZE

Sec. 01.07.01. Findings.

- A. As approved by the voters of the State of Texas at an election held on September 13, 2003, Article VII, Section 1-b, Subsection h of the Texas Constitution allows municipalities and certain other taxing entities to establish an ad valorem tax freeze on residential homestead property owners who are disabled or 65 years of age or older.
- B. Effective January 1, 2004, Section 11.261 of the Texas Tax Code governs the procedure under which a municipality or other taxing entity may adopt an ad valorem tax freeze.
- C. The City Council of the City of Bayou Vista, Texas (“City”) has investigated and determined that it will be advantageous and beneficial to the City of Bayou Vista, Texas, and its inhabitants to provide for a tax freeze on the amount of property taxes on the homesteads of disabled individuals or individuals age sixty-five or older, beginning with tax year 2005.
- D. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

Sec. 01.07.02. Definitions.

Disabled has the same meaning as set forth in the Texas Tax Code Section 11.13 (m)(i), as it currently exists or may be amended.

Residence homestead has the same meaning as set forth in the Texas Tax Code Section 11.13(j)(1), as it currently exists or may be amended.

Tax Code means the Texas Tax Code, as it currently exists or may be amended.

- A. Resident Homestead Tax Freeze for residential homestead property owners who are disabled or 65 years of age or older.

There is hereby created and established a tax freeze on the amount of property taxes imposed by the City of Bayou Vista on the homesteads of disabled individuals or individuals age sixty-five or older, which shall be governed by § 11.261 of the Tax Code, as follows:

1. The tax freeze shall become effective beginning with the 2005 tax year and shall remain effective for each successive tax year until otherwise amended or repealed by the Texas State legislature, thus causing City Council to take appropriate action to amend or repeal this Article.
2. The total amount of ad valorem taxes imposed on the residence homesteads of a person ***State law references:** Disabled homestead exemption authorized, V.T.C.A., Tax Code, Sections 11.13 (c) &(d) who qualified that residence homestead for the exemption in accordance with the Tax Code as that of a person who is disabled or is sixty-five years of age or older shall not be increased while it remains the residence homestead of that person or that person’s spouse who is disabled or sixty-five years of age or older.

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3. If the person who is disabled or is sixty-five years of age or older dies in a year in which the person received a residence homestead exemption, the total amount of ad valorem taxes imposed on the residence homestead shall not be increased while it remains the residence homestead of that person's surviving spouse if (i) the surviving spouse is fifty-five or older at the time of the person's death; (ii) the residence homestead of the deceased person is also the residence homestead of the surviving spouse on the date of the person's death; and (iii) the residence homestead remains the residence homestead of the surviving spouse.
4. Notwithstanding anything contained herein, taxes on the residence homestead may be increased to the extent the value of the homestead is increased by improvements other than repairs and other than improvements made to comply with governmental requirements.
5. A person may not receive a tax freeze for more than one residence homestead no matter where located, in the same year. A person may designate a new residence homestead within the City in accordance with the Tax Code.
6. The limitation on taxes provided by this Ordinance may expire in accordance with § 11.261(d) of the Tax Code. If a tax limitation is erroneously allowed, back taxes may be assessed in accordance with § 11.261(e) of the Tax Code.

Sec. 01.07.03. Savings/Repealing Clause

- A. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

Sec. 01.07.04. Severability

- A. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City of Bayou Vista hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

Sec. 01.07.05. Effective Date

- A. This Ordinance shall become effective upon its passage and publication as required by law. (Ord. 04-05 – 6-7-05)

NOTE: **Ordinance 2015-08**, amending Chapter 1 of the Code of Ordinances, of the City of Bayou Vista, Texas, was approved at the Regular Called Meeting of City Council on 10-27-15. for the purpose to provide continuity with the numbering system with all the Articles and Sections within the Chapter and to replace the word "village" for the word "City."

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ARTICLE 01.08.00. CITY SALES TAX

- A. As authorized by the Local Sales and Use Tax Act (Article 1066c, Vernon’s Texas Civil Statutes), the voters of the City of Bayou Vista, Texas, adopted the one (1) percent local sales tax at a Special Election held on May 5, 1990. (229 for; 72 against.) (Ord. No. 66-90, 2-06-90)

- B. In addition, the voters of the City of Bayou Vista, Texas, adopted an additional one-quarter (1/4) of one percent sales and use tax pursuant to Chapter 327, Texas Tax Code, at the General Election held on May 13, 2006, to provide revenues for maintenance and repair of City streets. (Ord. No. 10-06, 07-05-06)

- C. In addition, the voters of the City of Bayou Vista, Texas, adopted an additional one-half (½) of one percent sales and use tax pursuant to Chapter 321, Texas Tax Code, at the General Election held on May 13, 2006, to reduce property taxes through an additional sales and use tax. (Ord. No. 10-06, 07-05-06)

NOTE: **Ordinance 2015-08**, amending Chapter 1 of the Code of Ordinances, of the City of Bayou Vista, Texas, was approved at the Regular Called Meeting of City Council on 10-27-15. for the purpose to provide continuity with the numbering system with all the Articles and Sections within the Chapter and to replace the word “village” for the word “City.”

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ARTICLE 01.09.00. TAXATION OF TELECOMMUNICATIONS

Sec. 01.09.01. Authorization for Taxation.

- A. A tax is hereby authorized on all telecommunications services within the City of Bayou Vista, Texas, for purposes of this section; the sale of telecommunications services is consummated at the location of the telephone or other telecommunications device from which the call or other communication originates. If the point of origin cannot be determined, the sale is consummated at the address to which the call or other communication is billed.
- B. The rate of the tax imposed by this section shall be the same as the rate imposed by the City of Bayou Vista, Texas, for all other local Sales and Use Taxes as authorized by the legislature of the State of Texas.
- C. The City Secretary shall forward to the Comptroller of the State of Texas by United States Registered Mail a copy of this ordinance along with a copy of the minutes of the City Council's vote and discussion of this ordinance.
- D. This section shall become effective as of April 1, 2000.

Sec. 01.09.02. Cumulative Ordinance.

- A. This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Bayou Vista, Texas, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

Sec. 01.09.03. Severability.

- A. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held unconstitutional, such holding shall not affect the validity of the remaining portions of this Ordinance. (Ord. No. 02-06, 1-10-06)

Sec. 01.09.04. Publication

- A. This ordinance is to be liberally construed to achieve its remedial purposes.

Sec. 01.09.05. Effective Date

- A. This ordinance shall become effective from and after its passage as provided by law. (Ord. 99-08)

NOTE: **Ordinance 2015-08**, amending Chapter 1 of the Code of Ordinances, of the City of Bayou Vista, Texas, was approved at the Regular Called Meeting of City Council on 10-27-15. for the purpose to provide continuity with the numbering system with all the Articles and Sections within the Chapter and to replace the word "village" for the word "City."

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ARTICLE 01.10.00. DELINQUENT TAXES

- A. A delinquent tax incurs a penalty of six (6) percent of the amount of the tax for the first calendar month it is delinquent plus one (1) percent for each additional month or portion of a month the tax remains unpaid prior to July 1, 1996. However, a tax delinquent on July 1, 1996, incurs a total penalty of twelve (12) percent of the amount of the delinquent tax without regard to the number of months the tax has been delinquent. A delinquent tax accrues interest at a rate of one (1) percent for each month or portion of a month the tax remains unpaid.

- B. An additional penalty of fifteen (15) percent of the amount of taxes, penalty, and interest due shall be charged if collection of the same has been placed in the hands of an attorney pursuant to the terms of Section 33.07 and Section 6.30 of the Property Tax Code.
(Ord. No. 95-07, §§ 5, 6, 9-14-1995)

NOTE: **Ordinance 2015-08**, amending Chapter 1 of the Code of Ordinances, of the City of Bayou Vista, Texas, was approved at the Regular Called Meeting of City Council on 10-27-15. for the purpose to provide continuity with the numbering system with all the Articles and Sections within the Chapter and to replace the word “village” for the word “City.”

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ARTICLE 01.11.00. EMERGENCY ACTIONS BY EMPLOYEES

- A. Every officer, agent or employee of the City, while responding to emergency situations is hereby authorized to act in such manner as to most effectively deal with the emergency. This provision shall prevail over every other ordinance of the City and, to the extent to which the City has the authority to so authorize, over any other law establishing a standard of care in conflict with this section. Neither the City nor the employee shall be liable for any failure to use ordinary care in such emergency. (Ord. No. 32, § 1, 6-26-1985)

***State law references:** Emergency management, V.T.C.A., Government Code, Sec. 418.001 et seq.; local emergency management plans, V.T.C.A., Government Code, Sec. 418.106.

***State law references:** Imposition of penalty for collection of delinquent taxes, V.T.C.A., Tax Code, Section 33.01.

NOTE: **Ordinance 2015-08**, amending Chapter 1 of the Code of Ordinances, of the City of Bayou Vista, Texas, was approved at the Regular Called Meeting of City Council on 10-27-15. for the purpose to provide continuity with the numbering system with all the Articles and Sections within the Chapter and to replace the word “village” for the word “City.”

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ARTICLE 01.12.00. EMERGENCY MANAGEMENT

- A. There exists the office of emergency management director of the City of Bayou Vista, which shall be held by the City Mayor in accordance with state law.
 - 1. An emergency management coordinator may be appointed by and serve at the pleasure of the director.

Sec. 01.12.01. Organization.

- A. The director shall be responsible for a program of comprehensive emergency management within the City and for carrying out the duties and responsibilities set forth in this article. He/she may delegate authority for execution shall remain with the director.
- B. The operational cooperative emergency management organization is comprised of personnel of the Galveston County Office of Emergency Management and appointed personnel of the City of Bayou Vista as designated by the director in the emergency management plan, as well as volunteer individuals and groups. The functions and duties of this organization shall be distributed among such officers and employees of the City in accordance with the terms of the emergency management plan. (Ord. No. 94-03, § 1, 6-7-1994; Ord. No. 99-03, § 1, 3-30-1999)

Sec. 01.12.02. Emergency management director – Powers and duties.

- A. The duties and responsibilities of the emergency management director shall include the following:
 - 1. Conduct an on-going survey of actual or potential hazards which threaten life and property within the City and an on-going program of identifying and requiring or recommending the implementation of measures which would tend to prevent the occurrence or reduce the impact of such hazards if a disaster did occur.
 - 2. Supervision of the development and approval of an emergency management plan for the City of Bayou Vista, and shall recommend for adoption by the Board of Aldermen all mutual aid arrangements deemed necessary for the implementation of such plan.
 - 3. Authority to declare a local state of disaster. The declaration may not be continued or renewed for a period in excess of seven (7) days except by or with the consent of the Board of Aldermen. Any order or proclamation declaring, continuing, or termination a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the City Secretary.
 - 4. Issuance of necessary proclamations, regulations, or directives which are necessary for carrying out the purposes of this article. Such proclamations, regulations or directives shall be disseminated promptly by means calculated to bring its contents to the attention of the general public and, unless circumstances attendant on the disaster prevent or impede, promptly filed with the City Secretary.

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5. Direction and control of the operations of the cooperative emergency management organization for the City of Bayou Vista as well as the training of emergency management personnel.
6. Determination of all questions of authority and responsibility that may arise within the emergency management organization related to the City.
7. Maintenance of liaison with other municipal, county, district, state, regional or federal emergency management organizations.
8. Marshalling of all necessary personnel, equipment, or supplies from any department of the City to aid in the carrying out of the provisions of the emergency management plan.
9. Supervision of the drafting and execution of mutual aid agreements, in cooperation with the representatives of the state and of other local political subdivisions of the state, and the drafting and execution of an agreement with Galveston County and with other municipalities within the county for the county-wide coordination of emergency efforts.
10. Supervision of and final authorization for the procurement of all necessary supplies and equipment including acceptance of private contributions which may be offered for the purpose of improving emergency management within the City.
11. Authorizing of agreements, after approval by the city attorney, for use of private property for public shelter and other purposes.
12. Survey of the availability of existing personnel, equipment, supplies, and services which could be used during a disaster, as provided for herein.
13. Other requirements as specified in the Texas Disaster Act of 1975, Vernon's Texas Codes Annotated, Government Code Chapter 418. (Ord. No. 94-03, § 2, 6-7-1994; Ord. No. 99- 03, § 2, 3-30-1999)

Sec. 01.12.03. Emergency management plan.

- A. A comprehensive emergency management plan shall be developed and maintained in a current state. This plan, developed with the direction of the Bayou Vista Emergency Management Director, is an integrated plan with Galveston County. The plan shall set forth the form of the organization, establish and designate divisions and functions, assign responsibilities, tasks, duties, and powers; and designate officers and employees to carry out the provisions of this article. As provided by state law, the plan shall follow the standards and criteria established by the state division of emergency management (DEM) of the State of Texas. Insofar as possible, the form of organization, titles, and terminology shall conform to the recommendations of the state DEM. When approved, it shall be the duty of all departments and agencies to perform the functions assigned by the plan, and to maintain their portion of the plan in a current state of readiness at all times.
- B. The emergency management plan shall be considered supplementary to this article and have the effect of law during the time of a disaster.
(Ord. No. 94-03, § 3, 6-7-1994; Ord. No. 99-03, § 3, 3-30-1999)

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Sec. 01.12.04. Interjurisdictional program.

- A. The Mayor is hereby authorized to join with the County Judge of the County of Galveston and the Mayors of the other cities in Galveston County in the formation of an interjurisdictional emergency management program for the County of Galveston, and shall have the authority to cooperate in the preparation of an interjurisdictional emergency management plan and in the appointment of a joint emergency management coordinator, as well as all powers necessary to participate in a county-wide program of emergency management insofar as said program may affect the City of Bayou Vista.(Ord. No. 94-03, § 4, 6-7-1994; Ord. No. 99-03, § 4, 3-30-1999)

Sec. 01.12.05. Override

- A. At all times when the orders, rules, and regulations made and promulgated pursuant to this article shall be in effect, they shall supersede and override all existing ordinances, orders, rules, and regulations insofar as the latter may be inconsistent therewith. (Ord. No. 94-03, § 5, 6-7-1994; Ord. No. 99-03, § 5, 3-30-1999)

Sec. 01.12.06. Liability

- A. This article is an exercise by City of its governmental functions for the protection of the public peace, health, and safety and neither the City of Bayou Vista, the agents and representatives of Bayou Vista, nor any individual, receiver, firm, partnership, corporation, association or trustee, nor any of the agents thereof, in good faith carrying out, complying with or attempting to comply with, any order, rule or regulation promulgated pursuant to the provisions of this article shall be liable for any damage sustained to persons as the result of said activity. Any person owning or controlling real estate or other premises who voluntarily and without compensation grants to the City of Bayou Vista a license of privilege, or otherwise permits the City to inspect, designate, and use the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during and actual, impending, or practice enemy attack or natural or man-made disaster shall, together with his successors in interest, if any, not be civilly liable for the death of or injury to any person on or about such real estate or premises under such license, privilege or other permission or for loss of, or damage to, the property of such person. (Ord. No. 94-03, § 6, 6-7- 1994; Ord. No. 99-03, § 6, 3-30-1999)

Sec. 01.12.07. Commitment of funds

- A. No person shall have the right expend any public funds of the City in carrying out any emergency management activity authorized by this article without prior approval by the Board of Aldermen, nor shall any person have any right to bind the City by contract, agreement, or otherwise without prior and specific approval of the Board of Aldermen unless during a declared disaster. During a declared disaster, the Mayor may expend and/or commit public funds of the City when deemed prudent and necessary for the protection of health, life, or property. (Ord. No. 94-03, § 7, 6-7-1994; Ord. No. 99-03, § 7, 3-30-1999)

Sec. 01.12.08. Offenses penalties

- A. It shall be unlawful for any person willfully to obstruct, hinder, or delay any member of the emergency management organization in the enforcement of any rule or regulation issued pursuant to this article.

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- B. It shall likewise be unlawful for any person to wear, carry or display any emblem, insignia, or any other means of identification as a member of the Office of Emergency Management of Bayou Vista/Galveston County, unless authority to do so has been granted to such person by the proper officials.
- C. Any unauthorized person who shall operate a siren or other device so as to simulate a warning signal, or the termination of a warning, shall be deemed guilty of a violation of this article, and shall be subject to the penalties imposed by this article.
- D. Convictions for violations of the provisions of this article shall be punishable by a fine not exceed ten thousand dollars (\$10,000.00).(Ord. No. 94-03, § 8, 6-7-1994; Ord. No. 99-03, § 8, 3-30-1999)

NOTE: **Ordinance 2015-08**, amending Chapter 1 of the Code of Ordinances, of the City of Bayou Vista, Texas, was approved at the Regular Called Meeting of City Council on 10-27-15. for the purpose to provide continuity with the numbering system with all the Articles and Sections within the Chapter and to replace the word “village” for the word “City.”

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ARTICLE 01.13.00. ARREST WARRANT FEE

- A. The presiding judge and any associate or alternate judge of the municipal court of this City may, after conviction, assess upon the defendant a special expense fee, as provided for in the fee schedule found in the appendix of this Code, for the issuance and service of a warrant of arrest for an offense committed under Section 38.11, Penal Code fail jumping and failure to appear, or under Section 149, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes, violation of written promise to appear). The presiding judge and any associate or alternate judge of the municipal court of the City may assess the special expense fees described in Article 17.04, Code of Criminal Procedure, dealing with the requisites of a personal bond and a special expense fee for the issuance and service of a warrant of arrest, after due notice, as provided for in the fee schedule found in the appendix of this Code. (Ord. No. 73-90, § 1, 6-5-1990)

NOTE: **Ordinance 2015-08**, amending Chapter 1 of the Code of Ordinances, of the City of Bayou Vista, Texas, was approved at the Regular Called Meeting of City Council on 10-27-15. for the purpose to provide continuity with the numbering system with all the Articles and Sections within the Chapter and to replace the word "village" for the word "City."

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ARTICLE 01.14.00. RECORDS MANAGEMENT

Sec. 01.14.01. Definition of City of Bayou Vista, Texas, records

- A. All documents, papers, letters, books, maps, photographs, sound or video recordings, microfilm, magnetic tape, electronic media, or other information recording media, regardless of physical form or characteristic and regardless of whether public access to it is open or restricted under the laws of the state, created or received by City of Bayou Vista, Texas, or any of its officers or employees pursuant to law or in the transaction of public business are hereby declared to be the records of the City of Bayou Vista, Texas, and shall be created, maintained, and disposed of in accordance with the provisions of the ordinance or procedures authorized by it and in no other manner. (Ord. No. 76-91 § 1, 1-7-1991)

***State law references:** Local Government Records Act, V.T.C.A., Local Government Code, Chapter 201.

Sec. 01.14.02. Additional definitions

1. *Department head.* The officer who by ordinance, order, or administrative policy is in charge of an office of the City of Bayou Vista, Texas, that creates or receives records.
2. *Essential record.* Any record of the City of Bayou Vista, Texas, necessary to the resumption of continuation of operations of the City of Bayou Vista, Texas, in an emergency or disaster, to the re-creation of the legal and financial status of the City of Bayou Vista, Texas, or to the protection and fulfillment of obligations to the people of the state.
3. *Permanent record.* Any record of the City of Bayou Vista, Texas, for which the retention period on a records control schedule is given as permanent.
4. *Records control schedule.* A document prepared by or under the authority of the records management officer listing the records maintained by the City of Bayou Vista, Texas, their retention periods, and other records disposition information that the records management program may require.
5. *Records liaison officers.* The persons designated under section 1.1110 of this article.
6. *Records management.* The application of management techniques to the creation, use, maintenance, retention, preservation, and disposal of records for the purpose of reducing the costs and improving the efficiency of recordkeeping. The term includes the development of records control schedules, the management of filing and information retrieval systems, the protection of essential and permanent records, the economical and space effective storage of inactive records, control over the creation and distribution of forms, reports, and correspondence, and the management of micrographics and electronic and other records storage systems.
7. *Records management committee.* The committee established in section 1.1106 of this article.

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8. *Records management officer.* The person designated in section 1.1105 of this article.
9. *Records management plan.* The plan developed under section 1.1107 of this article.
10. *Retention period.* The minimum time that must pass after the creation, recording, or receipt of a record, or the fulfillment of certain actions associated with a record, before it is eligible for destruction. (Ord. No. 76-91, § 2, 1-7-1991)

Sec. 01.14.03. City of Bayou Vista Texas, records declared public property

- A. All City of Bayou Vista, Texas, records as defined by section 1.1101 of this article are hereby declared to be the property of the City of Bayou Vista, Texas. No city official or employee has, by virtue of his or her position, any personal or property right to such records even though he or she may have developed or compiled them. The unauthorized destruction, removal from files, or use of such records is prohibited. (Ord. No. 76-91, § 3, 1-7-1991)

Sec. 01.14.04. Policy

- A. It is hereby declared to be the policy of the City of Bayou Vista, Texas, to provide for efficient, economical, and effective controls over the creation, distribution, organization, maintenance, use, and disposition of all city records through a comprehensive system of integrated procedures for the management of records from their creation to their ultimate disposition, consistent with the requirements of the Texas Local Government Records Act and accepted records management practice. (Ord. No. 76-91, § 4, 1-7-1991)

Sec. 01.14.05. Designation of records management officer.

- A. The City Secretary, and successive holders of said office, shall serve as records management officer for the City of Bayou Vista, Texas. As provided by state law, each successive holder of the office shall file his or her name with the director and librarian of the Texas State Library within thirty (30) days of the initial designation or of taking up the office as applicable. (Ord. No. 76-91, § 5, 1-7-1991)

Sec. 01.14.06. Establishment of records management committee duties.

- A. A records management committee consisting of the City manager, police chief, finance director, and librarian is hereby established. The committee shall:
 1. Assist the records management officer in the development of policies and procedures governing the records management program;
 2. Review the performance of the program on a regular basis and propose changes and improvements if needed;
 3. Review and approve records control schedules submitted by the records management officer;
 4. Give final approval to the destruction of records in accordance with approved records control schedules; and
 5. Actively support and promote the records management program throughout the City of Bayou Vista, Texas. (Ord. No. 76-91, § 6, 1-7-1991)

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Sec. 01.14.07. Records management plan to be developed; approval of plan; authority of plan.

- A. The records management officer and the records management committee shall develop a records management plan for the City of Bayou Vista, Texas, for submission to the Board of Aldermen. The plan must contain policies and procedures designed to reduce the costs and improve the efficiency of recordkeeping, to adequately protect the essential records of the City, and to properly preserve those records of the City that are of historical value. The plan must be designed to enable the records management officer to carry out his or her duties prescribed by state law and this article effectively.
- B. Once approved by the Board of Aldermen, the records management plan shall be binding on all offices, departments, divisions, programs, commissions, bureaus, boards, committees, or similar entities of the City of Bayou Vista, Texas, and records shall be created, maintained, stored, microfilmed.
- C. State laws relating to the duties, other responsibilities, or recordkeeping requirements of a department head do not exempt the department head or the records in the department head's care from the application of this article and the records management plan adopted under it and may not be used by the department head as a basis for refusal to participate in the records management program of the City of Bayou Vista, Texas. (Ord. No. 76-91, § 7, 1-7-1991)

Sec. 01.14.08. Duties of the records management officer.

- A. In addition to other duties assigned in this article, the records management officer shall:
 - 1. Administer the records management program and provide assistance to department heads in its implementation;
 - 2. Plan, formulate, and prescribe records disposition policies, systems, standards, and procedures;
 - 3. In cooperation with department heads identify essential records and establish a disaster plan for each city office and department to ensure maximum availability of the records in order to re-establish operations quickly and with minimum disruption and expense;
 - 4. Develop procedures to ensure the permanent preservation of the historically valuable records of the city;
 - 5. Establish standards for filing and storage equipment and for recordkeeping supplies;
 - 6. Study the feasibility of and, if appropriate, establish a uniform filing system and a forms design and control system for the City of Bayou Vista, Texas;
 - 7. Provide records management advice and assistance to all city departments by preparation of a manual or manuals of procedure and policy and by on-site consultation;

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8. Monitor records retention schedules and administrative rules issued by the Texas State Library and Archives Commission to determine if the record management program and the city's records control schedules are in compliance with state regulations;
9. Disseminate to the Board of Aldermen and department heads information concerning state laws and administrative rules relating to local government records;
10. Instruct records liaison officers and other personnel in policies and procedures of the records management plan and their duties in the records management program;
11. Direct records liaison officers or other personnel in the conduct of records inventories in preparation for the development of records control schedules as required by state law and this article;
12. Ensure that the maintenance, preservation, microfilming, destruction, or other disposition of city records is carried out in accordance with the policies and procedures of the records management program and the requirements of the state law;
13. Maintain records on the volume of records destroyed under approved records control schedules, the volume of records microfilmed or stored electronically, and the estimated cost and space savings as the result of such disposal or disposition;
14. Report annually to the Board of Aldermen on the implementation of records management plan in each department of the City of Bayou Vista, Texas, including summaries of the statistical and fiscal data compiled under subsection (13);and
15. Bring to the attention of the Board of Aldermen non-compliance by department heads or other city personnel with the policies and procedures of the records management program or the Local Government Records Act. (Ord. No. 76-91, § 8, 1-7-1991)

Sec. 01.14.09. Duties and responsibilities of department heads

- A. In addition to other duties assigned in this article, department heads shall:
 1. Cooperate with the records management officer in carrying out the policies and procedures established in the City of Bayou Vista, Texas, for the efficient and economical management of records and in carrying out the requirements of this article;
 2. Adequately document the transaction of government business and the services, programs, and duties for which the department head and his or her staff are responsible; and
 3. Maintain the records in his or her care and carry out their preservation, microfilming, destruction, or other disposition only in accordance with the policies and procedures of the records management program of the City of Bayou Vista, Texas, and the requirements of this article. (Ord. No. 76-91, § 9, 1-7-1991)

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Sec. 01.14.10. Designation of records liaison officers

- A. Each department head shall designate a member of his or her staff to serve as records liaison officer for the implementation of the records management program in the department. If the records management officer determines that in the best interests of the records management program more than one (1) records liaison officers should be designated for a department, the department head shall designate the number of records liaison officers specified by the records management officer. Persons designated as records liaison officers shall be thoroughly familiar with all records created and maintained by the department and shall have full access to all records of the City of Bayou Vista, Texas, maintained by the department. In the event of the resignation, retirement, dismissal, or removal by action of the department head of a person designated as a records liaison officer, the department head shall promptly designate another person to fill the vacancy. A department head may serve as records liaison officer for his or her department. (Ord. No. 76-91, § 10, 1-7-1991)

Sec. 01.14.11. Duties and responsibilities of records liaison officers.

- A. In addition to other duties assigned in this article, records liaison officers shall:
1. Conduct or supervise the conduct of inventories of the records of the department in preparation for the development of records control schedules;
 2. In cooperation with the records management officer coordinate and implement the policies and procedures of the records management program in their departments; and
 3. Disseminate information to department staff concerning the records management program. (Ord. No. 76-91, § 11, 1-7-1991)

Sec. 01.14.12. Records control schedules to be developed, approval, filing with state.

- A. The records management officer, in cooperation with department heads and records liaison officers, shall prepare records control schedules on a department by department basis listing all records created or received by the department and the retention period for each record. Records control schedules shall also contain such other information regarding the disposition of city records as the records management plan may require.
- B. Each records control schedule shall be monitored and amended as needed by the records management officer on a regular basis to ensure that it is in compliance with records retention schedules issued by the state and that it continues to reflect the recordkeeping procedures and needs of the department and the records management program of the City of Bayou Vista, Texas.
- C. Before its adoption, a records control schedule or amended schedule for a department must be approved by the department head and members of the records management committee.
- D. Before its adoption, a records control schedule must be submitted to and accepted for filing by the director and librarian as provided by state law. If a schedule is not accepted for filing, the schedule shall be amended to make it acceptable for filing. The records management officer shall submit the records control schedules to the director and librarian. (Ord. No. 76-91, § 12, 1-7-1991)

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Sec. 01.14.13. Implementation of records control schedules, destruction of records under schedule.

- A. A records control schedule for a department that has been approved and adopted under section 1.1107 shall be implemented by department heads and records liaison officers according to the policies and procedures of the records management plan.
- B. A record whose retention period has expired on a records control schedule shall be destroyed unless an open records request is pending on the record, the subject matter of the record is pertinent to a pending law suit, or the department head requests in writing to the records management committee that the record be retained for an additional period.
- C. Prior to the destruction of a record under an approved records control schedule, authorization for the destruction must be obtained by the records management officer from the records management committee. (Ord. No. 76-91, § 13, 1-7-1991)

Sec. 01.14.14. Destruction of unscheduled records.

- A. A record that has not yet been listed on an approved records control schedule may be destroyed if its destruction has been approved in the same manner as a record destroyed under an approved schedule and the records management officer has submitted to and received back from the director and librarian an approved destruction authorization request.(Ord. No. 76-91, § 14, 1-7-1991)

Sec. 01.14.15. Records center

- A. A records center, developed pursuant to the plan required by section 1.1107, shall be under the direct control and supervision of the records management officer. Policies and procedures regulating the operation and use of the records center shall be contained in the records management plan developed under section 1.1107. (Ord. No. 76-91, § 15, 1-7-1991)

Sec. 01.14.16. Micrographics

- A. Unless a micrographics program in a department is specifically exempted by order of the Board of Aldermen, all microfilming of records will be centralized and under the direct supervision of the records management officer. The records management plan will establish policies and procedures for the microfilming of city records, including policies to ensure that all microfilming is done in accordance with standards and procedures for the microfilming of local government records established in rules of the Texas State Library and Archives Commission. The plan will also establish criteria for determining the eligibility of records for microfilming and protocols for ensuring that a microfilming program that is exempted from the centralized operations is, nevertheless, subject to periodic review by the records management officer as to cost-effectiveness, administrative efficiency, and compliance with commission rules. (Ord. No. 76-91, § 16, 1-7-1991)

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ARTICLE 01.15.00. NOTICE OF CLAIMS

Sec. 01.15.01. Filing claim.

- A. The City of Bayou Vista shall never be liable for any claim for property damage or for personal injury, whether such personal injury results in death or not, unless the person damaged or injured, or someone in his behalf, or in the event the injury results in death, the person or persons who may have a cause of action under the law by reason of such death or injury, shall, within sixty (60) days, or within six (6) months for good cause shown, from the date the damage or injury was received, give notice in writing to the Mayor and city council of the following facts:
1. The date and time when the injury occurred and the place where the injured person or property was at the time when the injury was received;
 2. The nature of the damage or injury sustained;
 3. The apparent extent of the damage or injury sustained;
 4. A specific and detailed statement of how and under what circumstances the damage or injury occurred;
 5. The amount for which each claimant will settle;
 6. The actual place of residence of each claimant by street, number, city and state on the date the claim is presented;
 7. In the case of personal injury or death, the names and addresses of all persons who, according to the knowledge or information of the claimant, witnessed the happening of the injury or any part thereof and the names of the doctors, if any to whose care the injured person is committed; and
 8. In the case of property damage, the location of the damaged property at the time the claim was submitted along with the names and addresses of all persons who witnessed the happening of the damage or any part thereof.

Sec. 01.15.02. Council consideration required prior to suit.

- A. No suit of any nature whatsoever shall be instituted or maintained against the City of Bayou Vista unless the plaintiff therein shall aver and prove that previous to the filing of the original petition the plaintiff applied to the city council for redress, satisfaction, compensation or relief, as the case may be, and that the same was by vote of the city council refused.

Sec. 01.15.03. Notices.

- A. All notices required by this article shall be effectuated by serving them upon the City Secretary or city manager at 2929 Highway 6, Suite 100, Bayou Vista, Texas, and all such notices shall be effective only when actually received in the office of the person named above.

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Sec. 01.15.04. No authority to waive provisions.

- A. Neither the Mayor, a city councilmember, nor any other officer or employee of the city shall have the authority to waive any of the provisions of this article.

Sec. 01.15.05. Notice to be sworn to.

- A. The written notice required under this article shall be sworn to by the person claiming the damage or injuries or by someone authorized by him to do so on his behalf. Failure to swear to the notice as required herein shall not render the notice fatally defective, but failure to so verify the notice may be considered by the city council as a factor relating to the truth of the allegations and to the weight to be given to the allegations contained therein.

Sec. 01.15.06. Exceptions.

- A. The notice provisions required herein shall not be applicable in cases in which the plaintiff can demonstrate good cause, actual notice by the city, or civil rights violations. (Ord. No. 96-03, 5-7-1996)

***State law references:** Immunity of certain governmental functions, V.T.C.A., Civil Practice and Remedies Code, Section 101.055; Limitation on amount of liability, V.T.C.A., Civil Practice and Remedies Code, Section 101.023.

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ARTICLE 01.16.00. PUBLIC INVESTMENT POLICY

Sec. 01.16.01. Safety.

- A. The first and foremost consideration of the City in investing the public funds under its care must be the safety of the principal amount involved. This is accomplished largely through legal means by restricting investments to obligations of U.S. governmental entities or fully secured deposits in qualified institutions. (Ord. No. 04-02; adding Article 1.1400, Section 1.1401; 08-06-02)

Sec. 01.16.02. Liquidity.

- A. The City must have cash or the ability to convert investment assets to cash immediately (within one or two days) in order to ensure that current obligations may be met. (Ord. No. 04-02; adding Article 1.1400, Section 1.1402; 08-06-02)

Sec. 01.16.03. Yield.

- A. While it is desirable to obtain a high effective rate of return on invested funds, it is essential to ensure that the maximum amounts of funds are invested at all times. The primary goal is to maximize the dollar income received over time, not the effective rate of return shown as a percentage figure on any given day. Yield consideration shall give way to safety and liquidity goals.(Ord. No. 04-02; adding Article 1.1400, Section 1.1403; 08-06-02)

Sec. 01.16.04. Maturity.

- A. Maturities of investment instruments shall reflect, as nearly as reasonable, the expenditure patterns of the City during the fiscal year. The City will not invest in instruments that have maturities of longer than one (1) year. (Ord. No. 04-02; adding Article 1.1400, Section 1.1404; 08-06-02)

Sec. 01.16.05. Legality.

- A. And investment shall be clearly legal and properly authorized under State and Federal law and regulations, and this policy.(Ord. No. 04-02; adding Article 1.1400, Section 1.1405; 08-06-02)

Sec. 01.16.06. Investment Officers.

- A. The Mayor shall act in the capacity of an Investment Officer, unless the Mayor delegates this role to, and thereby appoints an individual member of the Board of Aldermen to this role, subject to council confirmation. Alternatively, the Mayor shall be authorized to appoint one or more members of the Board of Aldermen to jointly serve in the role of Investment Officer with him, subject to council confirmation of any appointee. In the event the Mayor does not delegate or share this role, the Mayor shall be the sole Investment Officer for the City. (Ord. No. 04-02; adding Article 1.1400, Section 1.1406; 08-06-02, Ord. 2013-08, 12-17-13, Section 1.1406.)

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Sec. 01.16.07. Authorized Investment Instruments.

- A. Certificates of Deposit issued by state and national banks domiciled in Texas that are insured by the FDIC or collateralized by government obligations, as authorized by the Public Funds Investment Act, that have a market value of not less than the principal amount of the certificates.
- B. The Texas Local Government Investment Pool (“TexPool”) a public funds investment pool created under the Interlocal Cooperation Act (Article 4413(32c), V.T.C.S.) and administered by the Texas State Treasury Department. Investments in TexPool will be made only after adoption of a resolution and a Participation Agreement by the Board of Aldermen which specifically authorized such investment. (Ord. No. 04-02; adding Article 1.1400, Section 1.1407, paragraph (a), (b); 08-06-02)

Sec. 01.16.08. Review.

- A. Review of the ordinance and compliance therewith shall be on an annual basis or as required by law. (Ord. No. 04-02; adding Article 1.1400, Section 1.140.

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