

# Chapter 8 - PERSONNEL AND ADMINISTRATION

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## Chapter 8 – Personnel and Administration

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## ARTICLE 8.01.00. MUNICIPAL COURT

### Sec. 08.01.01. Creation of municipal court.

- A. There is hereby created a court in and for the City of Bayou Vista, Texas, which shall be known as the municipal court. This court shall have jurisdiction within the City with the power to hear and determine all cases of alleged violations of the ordinances of the City and all other cases over which municipal courts are generally given jurisdiction by state law. (Ord. No. 22-85 § 1, 7-2-1985)

### Sec. 08.01.02. Appointment of judge.

- A. There is hereby created the office of judge of the municipal court who shall be appointed by the Board of Aldermen and shall have all the powers and authority as granted by, and shall perform all the duties as required by state law. The amount of compensation to the judge shall be set from time to time by the Board of Aldermen. (Ord. No. 22-85, § 2, 7-02-1985)

**State law references:** Municipal court judges, generally, V.T.C.A., Government Code, Section 29.004.

### Sec. 08.01.03. Oath requirement

- A. The judge of the municipal court, prior to taking office, shall take the oath of office required by the state constitution and the state laws. This is the oath required by the state law for the Mayors of cities. (Ord. No. 22-85 § 3, 7-2-1985)

### Sec. 08.01.04. Court clerk.

- A. The City Secretary, or other designated employee or appointee, shall serve as court clerk for the City. Deputy clerks may also be appointed as may be necessary for the efficient operation of the municipal court. (Ord. No. 22-85, § 4, 7-02-1985)

**State law references:** Municipal court clerk, generally, V.T.C.A., Government Code, Section 29.010.

### Sec. 08.01.05. Duties of court clerk.

- A. The clerk of the municipal court and such deputy clerks as may be appointed shall perform all the duties and have all the powers bestowed upon clerks of state law. (Ord. No. 22-85, § 5, 7-2-1985)

### Sec. 08.01.06 Training

- A. Requests to attend any and all seminars, conferences, and training classes, including state mandated must be submitted in writing, signed by the City Secretary and approved by the Mayor in advance prior to the event, and before scheduling and making any reservations. (Ord. No. 96-01, § 10, 7-9-1996; Ord. No. 97-01, 1-7-1997; Ord. No. 01-11, 9-4-2001; Ord. No. 04-03, § 1, 6-3-2003)

**\*State law references:** Municipal court clerk, generally, V.T.C.A., Government Code, Section 29.001.

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### **Sec. 08.01.07. Municipal court technology fund**

- A. The Board of Aldermen hereby creates a municipal court technology fund and hereby requires a defendant convicted of a misdemeanor offense in municipal court to pay a technology fee as provided for in the fee schedule found in the appendix of this Code as a cost of court.
- B. For the purposes of this section, a person is considered convicted if:
  - 1. A sentence is imposed on the person;
  - 2. The person is placed on community supervision, including deferred adjudication community supervision; or
  - 3. The court defers final disposition of the person's case.
- C. The municipal court clerk shall collect the costs and pay the funds to the municipal treasurer, or to any other official who discharges the duties commonly delegated to the municipal treasurer, for deposit in a fund to be known as the municipal court technology fund.
- D. The fund designated by this section may be used only to finance the purchase of technological enhancements for the municipal court, including:
  - 1. Computer systems.
  - 2. Computer networks.
  - 3. Computer hardware.
  - 4. Computer software.
  - 5. Imaging systems.
  - 6. Electronic kiosks.
  - 7. Electronic ticket writers.
  - 8. Docket management systems.
- E. The municipal court technology fund shall be administered by or under the direction of the Board of Aldermen of the City.
- F. This section shall take effect upon adoption hereof and shall expire on September 1, 2005.
- G. This section shall apply only to a cost on conviction for an offense committed on or after the effective date of this section. A cost on conviction for an offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this section if any element of the offense occurred before that date. (Ord. No. 01-02, §§ 1--7, 2-6-2001)

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### **Sec. 08.01.08. Creation of building security fund.**

- A. There is herein created a special revenue municipal court building security fund to be used to provide security for the municipal court, its employees, and judges. Defendants convicted of a misdemeanor offense in municipal court shall pay into such fund a security fee as provided for in the fee schedule found in the appendix of this Code as cost of court. The building security fund may be used only to finance the items authorized by Article 102.017 of the Texas Code of Criminal Procedure, as amended. (Ord. No. 01-15, § 1, 11-6-2001)

### **Sec. 08.01.09. Administrative Fee.**

- A. A special expense of \$50.00 for the issuance and service of each warrant of arrest under V.T.C.A., Penal Code § 543.009 or Vernon's Ann. C.C.P. Art. 17.04 is hereby authorized, which special expense shall be paid into the city treasury. The Municipal Court shall collect special expense for services performed in cases in which the laws of this state require that the case be dismissed because of actions by or on behalf of the defendant which were subsequent to the date of the alleged offense. Such actions are limited to compliance with the provisions of V.T.C.A., Transportation Code §§ 543.12 – 543.104. Such special expense shall not exceed the actual expenses incurred for the services of \$10.00, whichever is less. (Ord. No. 04-03, § 2, 6-3-2003)

### **Sec. 08.01.10. City Prosecutor.**

- A. An attorney, who may or may not serve in the capacity of the City Attorney, shall be appointed by the City Council to serve as the City Prosecutor.
- B. In lieu of appointing an individual attorney to the position of City Prosecutor, the City may contract with a law firm to provide legal services and have a member of the law firm designated as the lead prosecutor for the City. Any attorney from the law firm may serve as an alternate prosecutor in the event the lead prosecutor is unavailable.; (Repealed and Replaced with Ord. No. 2019-06 § 09-24-19)

Note: **Ordinance 2016-08**, amending Chapter 8 of the Code of Ordinances, of the City of Bayou Vista, Texas, was approved at the Regular Called Meeting of City Council on 03-29-16, for the purpose to provide continuity with the numbering system with all the Article and Sections within the Chapter and to replace the word "village" for the word "City".

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### ARTICLE 08.02.00. CITY ATTORNEY

- A. The office of the City Attorney is hereby created. The City Attorney shall be appointed by the City Council, and who shall serve at the discretion of the City Council. In lieu of appointing an individual attorney to the position of City Attorney, the City may contract with a law firm to provide legal services to the City and have a member of the law firm designated as the lead counsel for the City. Any attorney from the law firm may serve as an alternate attorney, in the event that the lead attorney is unavailable.
- B. The City Attorney or law firm contracting with the City to provide legal services shall receive such compensation as may be fixed by the City Council.
- C. The City Attorney shall not be appointed for a definite term; but may be removed at the will and pleasure of the City Council by a vote of the majority of the entire Council. The action of the City Council in suspending or removing the City Attorney shall be final. The City may contract with a law firm for a fixed number of years however the contract must have an early termination provision with or without cause.
- D. The City Attorney or law firm contracting with the City to provide legal services shall have the following duties:
1. Attend regular City Council meetings;
  2. Furnish legal advice to the City Council regarding City matters;
  3. Draft ordinances and resolutions; and
  4. Perform such other duties as may be required by the City.
- (Repealed and Replaced with Ord. No. 2019-06 § 09-24-19)

Note: **Ordinance 2016-08**, amending Chapter 8 of the Code of Ordinances, of the City of Bayou Vista, Texas, was approved at the Regular Called Meeting of City Council on 03-29-16, for the purpose to provide continuity with the numbering system with all the Article and Sections within the Chapter and to replace the word “village” for the word “City”.

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### **ARTICLE 08.03.00. CITY SECRETARY/CITY TREASURER**

#### **Sec. 08.03.01. Created**

- A. The office of the City Secretary is hereby created. The office of the City Secretary shall include some duties of a City Administrator and therefore, the City Secretary is expressly authorized to use the title of City Administrator / City Secretary. The City Secretary shall be appointed by the Board of Aldermen and shall serve at the pleasure of the Mayor and Board of Aldermen. The Mayor will be responsible for interviewing applicants and making recommendations to the Board of Aldermen. The City Secretary shall be a salaried, full time employee. (Ord. No. 68-89, § 1, 6-6-1989; Ord. No. 04-03, § 3, 6-3-2003, Ord. 2015-06 – 08-11-15)

#### **Sec. 08.03.02. Appointment and tenure**

- A. The City Secretary is a municipal officer for the City of Bayou Vista and may only be removed from office pursuant to Section 22.077 of the Texas Local Government Code. (Ord. No. 68-89 § 3,6-6-1989, Ord. 2015-06, 08-11-15)

#### **Sec. 08.03.03. Absence or disability**

- A. In case of absence or disability of the City Secretary, the Mayor and Board of Aldermen may designate some qualified person to perform the duties of the office during such absence or disability. (Ord. No. 67-89A, § 1, 10-5-1993; Ord. No. 04-03, § 4, 6-3-2003)

#### **Sec. 08.03.04. Supervision**

- A. The City Secretary shall be immediately supervised by the Mayor, but the City Secretary is also responsible to the Board of Aldermen. (Ord. No. 68-89, § 5, 6-6-1989)

#### **Sec. 08.03.05. Duties and Responsibilities**

- A. The City Secretary shall have the duties and responsibilities as prescribed in Chapter 22, Subchapter C, Section 22.073, Powers and Duties of Secretary in the Texas Local Government Code, current edition, and will also perform the duties of City Treasurer as prescribed in Chapter 22, Subchapter C, Section 22.075, Bond and Duties of Treasurer in the Texas Local Government Code, current edition and will also perform some duties of a city administrator, which collectively includes but is not limited to the following:
1. Serves as the chief administrative officer of the City; and does related work as required by City Council.
  2. Attends all meetings of the City Council, taking part in discussions and recommending Council action as appropriate and develops official minutes of the proceedings.
  3. Keeps the Council fully advised as to the financial condition and needs of the City.
  4. Assures the annual budget is prepared by the Mayor and submitted to the City Council.
  5. Assures the City operates within its budget.
  6. Be the general accountant, treasurer of the City by receiving and securing all monies belonging to the municipality, and make all payments for the same

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observing the regulations described in the Texas Municipal Law and Procedures Manual relating to municipal depositories, investments, budgeting, financial controls, municipal borrowing and taxations.

7. Executes applications for grant funding in the form of a resolution, ordinance or motion of the City Council.
8. Executes deeds and contracts on behalf of the City when authorized by ordinance, resolution or motion of the City Council.
9. Researches and reviews City ordinances and resolutions on subjects of need recommended by the City Council.
10. Assists the City Attorney in following Council action, processes official documents (such as ordinances, resolutions, contracts, etc.) to obtain necessary signatures, authentication/certification, distribution, filing and other activities necessary to implement Council action.
11. Prepares all correspondence and memorandums;
12. Administers all facets of Municipal elections, including coordination of Galveston County Elections Department contract regarding polling places and election officials. Responsible for election orders, Department of Justice preclearance, canvass and all legal notices. Coordinates all campaign reporting requirements.
13. Administers indexing, maintenance, and retrieval of the official records of the City, including minutes, ordinances and resolutions, contracts, deeds, title and abstracts of City property, and other related official documents.
14. Acts as Records Management Officer for all city records including developing and filing record retention schedules with the State, central storage of city records and destruction of city records in compliance with Texas Local Government Records Act.
15. Ensures meetings comply with mandated requirements including the Texas Open Meetings Law.
16. Processes and coordinates Open Records requests.
17. Processes official publication of notices and ordinances.
18. Prepares proclamations.
19. Answers inquiries from public and city officials regarding ordinances and status of City Council communications and other official actions.
20. Prioritizes work activities with close adherence to both City and State laws.
21. Updates municipal code.
22. Accept claims for damages and other legal papers served on the City.
23. Consistent daily attendance required.

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24. Conducts training for the City Council by registration with the Texas Municipal League's administrative conferences and attending the conferences with the City Council when required.
25. Acts as Assistant to the Mayor.
26. Notify the Texas Judicial Council of the names of any person elected or appointed as a mayor or municipal administrator/clerk or municipal court judge or municipal court clerk of a municipality not later than 30 days from the date of appointment or election.
27. Performs miscellaneous duties as assigned by the City Council.  
(Ord. No. 03-85, 4-29-85, Ord. No. 68-89, § 7, 6-06-1989,  
Ord. No. 04-03, § 5, 6-3-2003, Ord. No. 2015-06, 08-11-15)

### **Sec. 08.03.06. Working hours.**

- A. The City Hall shall be open for the purpose of conducting official business not to exceed 40 hours per week. Specific daily operating times will be determined by the City Secretary and Mayor. (Ord. No. 67-89A, § 3, 10-5-1993; Ord. No. 04-03, § 7, 6-3-2003, Ord. No. 04-04, §1, 06-01-04)

(Ord. 2014-04 – Repeal and Revision to Chapter 8 with placement of Personnel Policy Procedure Manual 10-28-14)

**\*State law references:** Powers and duties of City Secretary, V.T.C.A., Local Government Code, Section 22.073

Note: **Ordinance 2016-08**, amending Chapter 8 of the Code of Ordinances, of the City of Bayou Vista, Texas, was approved at the Regular Called Meeting of City Council on 03-29-16, for the purpose to provide continuity with the numbering system with all the Article and Sections within the Chapter and to replace the word “village” for the word “City”.



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### ARTICLE 08.04.00. CODE ENFORCEMENT OFFICER – POLICE OFFICER

#### Sec. 08.04.01. Created.

- A. The Office of Code Enforcement Officer-Police Officer is hereby created. The Code Enforcement Officer-Police Officer shall be recommended by the Chief of Police. That Board of Aldermen shall appoint the Code Enforcement Officer-Police Officer. This full-time position shall be supervised by the Chief of Police.

#### Sec. 08.04.02. Duties

- A. The Code Enforcement Officer-Police Officer shall have the following duties:
1. Enforce the rules and regulations established in the Code of Ordinances for the City of Bayou Vista as outlined in:  
Chapter 2 – Animal Control  
Chapter 4 – Business and Commerce  
Chapter 6 – Health and Sanitation  
Chapter 7 – Offenses and Nuisances
  2. Perform such other duties as may be required by the board of aldermen.  
(Ord. 04-09, 07-07-09, Ord. 04-12, 04-24-12, Ord.2013-07, 12-17-13.)

(Ord. 2014-04 – Repeal and Revision to Chapter 8 with placement of Personnel Policy Procedure Manual 10-28-14)

Note: **Ordinance 2016-08**, amending Chapter 8 of the Code of Ordinances, of the City of Bayou Vista, Texas, was approved at the Regular Called Meeting of City Council on 03-29-16, for the purpose to provide continuity with the numbering system with all the Article and Sections within the Chapter and to replace the word “village” for the word “City”.

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### ARTICLE 08.05.00. POLICE FORCE

#### Sec. 08.05.01. Chief of Police established.

- A. The Mayor is hereby empowered to appoint a Chief of Police for an indefinite term, subject to approval by the Board of Aldermen. The Chief of Police shall serve at the pleasure of the Mayor and Board of Aldermen, and may be discharged at any time in accordance with state law. The Chief of Police shall be a salaried, full-time employee. (Ord. No. 96-01, § 1, 7-9-1996; Ord. No. 04-03, § 8, 6-3-2003)
- B. At the written request of the Chief of Police, the Mayor may approve the appointment, or promotion, of a full-time salaried police officer to the position of Lieutenant and/or Sergeant for an indefinite term to serve under the direct control of the Chief of Police and shall perform such duties as assigned by the Chief of Police. (Ord. No. 05-02; Article 8.400, Section 8.401, paragraph (b), 08-21-02; Ord. No. 06-03, § 1, 9-2-2003)

#### Sec. 08.05.02. Duties of the Chief of Police

- A. The Chief of Police shall comply with all state laws and directives relevant to that position and shall bear the primary responsibility for the enforcement of state laws and ordinances of the City of Bayou Vista, Texas.
- B. In addition to the above, the Chief of Police is to comply with other rules and regulations established by the Mayor and Aldermen for the purpose of maintaining a safe and secure environment for the citizens of the City of Bayou Vista, Texas. (Ord. No. 96-01, § 2, 7-9-1996; Ord. No. 04-03, § 9, 6-3-2003)

#### Sec. 08.05.03. Police Force established; purpose.

- A. There is hereby established in the City of Bayou Vista, Texas, a Police Force for the purpose of performing regular law enforcement duties and to act under emergency and disaster situations. Members of the Police Force serve at the pleasure of the Mayor and Aldermen, and are to be supervised by the Chief of Police. (Ord. No. 96-01, § 3, 7-9-1996; Ord. No. 04-03, § 10, 6-3-2003)

(Ord. 2014-04 – Repeal and Revision to Chapter 8 with placement of Personnel Policy Procedure Manual 10-28-14)

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