

ORDINANCE NO. 2020-34

**ASSISTANT CITY MANAGERS &
DIRECTOR OF PUBLIC SAFETY**

AN ORDINANCE OF THE CITY OF BASTROP, TEXAS AMENDING THE CODE OF ORDINANCES, AFFIRMING THE CREATION OF ASSISTANT CITY MANAGER POSITIONS, ADDRESSING DESIGNATION OF AN ACTING CITY MANAGER, AND REMOVING THE DIRECTOR OF PUBLIC SAFETY POSITION BY AMENDING SECTIONS 9.02.004 AND 9.02.005, AND REPEALING ARTICLE 9.05, DIVISION 2, AND PROVIDING FOR FINDINGS OF FACT, REPEALER, SEVERABILITY, CODIFICATION, EFFECTIVE DATE, PROPER NOTICE AND MEETING

WHEREAS, the City Manager has engaged in the assessment and reorganization of certain key staff positions, and determined that Assistant City Manager Positions are necessary and appropriate, and that the now-vacant position of Director of Public Safety is no longer necessary or appropriate; and

WHEREAS, pursuant to Article IV of Bastrop's Home Rule Charter, the City Manager is responsible as the chief administrative officer for the proper administration of the city including the appointment, removal, and supervision of all departments of the City; and

WHEREAS, pursuant to Article III of Bastrop's Home Rule Charter, the City Council has the authority to establish, consolidate, or abolish administrative departments; and

WHEREAS, pursuant to Article IV of Bastrop's Home Rule Charter, both the City Council and the City Manager have certain authority to designate a qualified administrative employee to provide coverage in the City Manager's absence; and

WHEREAS, the City Council hereby accepts the recommendation of the City Manager and finds this amendment reasonable and necessary.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Bastrop, TX:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. AMENDMENTS

- a. Chapter 9, Article 9.02, Section 9.02.004 of the City of Bastrop Code of Ordinances is hereby amended, in part, in accordance with *Attachment "A"*, which is attached hereto and incorporated into this Ordinance for all intents and purposes. Any underlined text shall be added to the Code, and any struck-through text shall be deleted from the Code, as stated on *Attachment A*.
- b. Chapter 9, Article 9.02, Section 9.02.005 of the City of Bastrop Code of Ordinances is hereby amended, in part, in accordance with *Attachment "B"*, which is attached hereto and incorporated into this Ordinance for all intents and purposes. Any underlined text shall be added to the Code, as stated on *Attachment B*.
- c. Chapter 9, Article 9.05, Division 2 of the City of Bastrop Code of Ordinances is hereby repealed in its entirety, in accordance with *Attachment "C"*, which is attached hereto and incorporated into this Ordinance for all intents and purposes. Any struck-through text shall be deleted from the Code, as stated on *Attachment C*.

3. REPEALER

To the extent reasonably possible, ordinances are to be read together in harmony. However, all ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

6. EFFECTIVE DATE

This ordinance shall take effect upon the date of final passage noted below, or when all applicable publication requirements, if any, are satisfied in accordance with the City's Charter, Code of Ordinances, and the laws of the State of Texas.

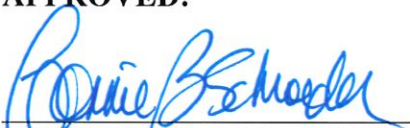
7. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

READ & ACKNOWLEDGED on First Reading on this, the 8th day of December 2020.

READ & APPROVED on the Second Reading on this, the 12th day of January 2021.


APPROVED:

by: 
Connie B. Schroeder, Mayor

ATTEST:


Ann Franklin, City Secretary

APPROVED AS TO FORM:


Alan Bojorquez, City Attorney

Bastrop Code of Ordinances

Chapter 9: Personnel

Article 9.02: City Manager

Sec. 9.02.004 - Designation of substitute in case of absence or disability.

During the absence or disability of the City Manager, the ~~City Council~~ City Manager shall designate some properly qualified person to serve as Acting City Manager and perform the duties of said office. The Council may appoint another such employee of the City until the City Manager returns, and thereby revoke the City Manager's designation (if any).

Bastrop Code of Ordinances

Chapter 9: Personnel

Article 9.02: City Manager

Sec. 9.02.005 - Powers and duties.

The powers and duties of the City Manager shall be to:

- (1) Devote all of his working time and attention to the affairs of the city and be responsible to the City Council for the efficient administration of its affairs.
- (2) See that all laws and ordinances are enforced.
- (3) ~~With the advice of the City Council, appoint~~ **Appoint** and remove all heads of departments ~~and all Assistant City Managers~~. He shall have the power to appoint or remove all subordinate employees.
- (4) Exercise supervision and control over all departments created by the City Council or that may hereafter be created by the City Council.

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Bastrop Code of Ordinances

Article 9.05: Public Safety

~~DIVISION 2. DIRECTOR OF PUBLIC SAFETY^(H)~~

~~Sec. 9.05.021 -- Creation of Director of Public Safety.~~

~~There is created a position of Director of Public Safety.~~

~~Sec. 9.05.022 -- Qualifications.~~

~~The Director of Public Safety shall be a person qualified by training and experience to properly carry out the duties of this office.~~

~~Sec. 9.05.023 -- Appointment.~~

~~The Director of Public Safety shall be appointed by the City Manager.~~

~~Sec. 9.05.024 -- Bond.~~

~~The Director of Public Safety, before entering upon the duties of his office, shall enter into a bond in an amount to be determined from time to time by the City Manager. The annual bond premium shall be paid by the city.~~

~~Sec. 9.05.025 -- Supervision.~~

~~The Director of Public Safety shall report directly to the City Manager and shall be independent of any other city office, provided that the Director of Public Safety shall perform all the duties and responsibilities as may be required as the head of the Police Department.~~

~~Sec. 9.05.026 -- Term/at will employee.~~

~~The Director of Public Safety is an 'at will' employee of the city and is subject to the provisions of the city's personnel policies, the city's ordinances, and the city's Home Rule Charter.~~

~~Sec. 9.05.027 -- Compensation.~~

~~The Director of Public Safety shall receive as compensation for his services a salary set in accordance with the city's wage and compensation plan, approved by the City Manager in accordance with the adoption of same as set forth in the city's annual operating budget, as adopted and approved by the City Council.~~

~~Sec. 9.05.028 -- Supervision of police department and police force.~~

~~The Director of Public Safety shall exercise general supervision over the city's police department and municipal police force, and shall report to the City Manager any failure to perform official duties or any abuse of authority.~~

~~Sec. 9.05.029 -- Powers and duties of the Director of Public Safety.~~

~~The Director of Public Safety shall:~~

- ~~(1) Appoint an Assistant Chief of Police, with the advice and consent of the City Manager.~~
- ~~(2) Attend, in person or by delegation to Assistant Chief of Police or others, all sessions of the municipal court and shall promptly and faithfully execute all writs and process issued out of the court.~~
- ~~(3) Have like powers with the sheriff of the county to execute search warrants.~~
- ~~(4) Actively quell riots, disorders and disturbances within the city, and shall take into custody all persons offending against the peace of the city.~~
- ~~(5) Accept suitable bail for appearances before the municipal court.~~
- ~~(6) Arrest without warrant all persons who violate the peace of the city, or who obstruct or interfere with him in the execution of his duties, or persons guilty of disorderly conduct.~~
- ~~(7) Attend, in person or by delegation to an Assistant Chief of Police, all meetings of the city council.~~
- ~~(8) Perform such other duties as may be from time to time required by the City Manager.~~

~~Sec. 9.05.030 – Delivery of monies collected to City Secretary; reports of fines collected.~~

~~The Director of Public Safety shall pass over all fines or other monies collected to the City Secretary at least once each month and file with the City Secretary a monthly statement, subscribed by him, of all fines collected, from whom collected and the amount of each.~~