

ORDINANCE NO. 2004-91

AN ORDINANCE OF THE TOWN OF TALTY, TEXAS, CREATING AND ESTABLISHING THE POSITION OF TOWN ADMINISTRATOR; PROVIDING QUALIFICATIONS AND DUTIES OF PERSONS APPOINTED TO THE POSITION OF TOWN ADMINISTRATOR; PROVIDING FOR TERMINATION; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Whereas, the Board of Aldermen of the Town of Talty, Texas, finds and determines that it is in the best interest of the health, safety and welfare of the citizens of the Town that the Office of Town Administrator be created and established; Now, Therefore

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF TALTY, TEXAS:

SECTION 1. That there is hereby created and established the position of Town Administrator for the Town of Talty, Texas. The Town Administrator shall be chosen by the Board of Aldermen on the basis of his/her character, administrative and executive training, experience and ability, and without regard to political consideration.

SECTION 2. The Town Administrator need not be a resident of the Town. The Town Administrator shall be the chief administrative officer of the Town and shall be responsible to the Board of Aldermen for the proper administration of all affairs of the Town. Unless otherwise required by state law, the Town Administrator shall have the following powers and duties:

1. to appoint and remove any employee of the Town except the Town Secretary and, unless otherwise specified by the ordinances of the Town or state law, may authorize the head of any department to appoint and remove subordinates within that department;

2. to actively ensure that the laws and ordinances of the Town are properly carried out;
3. in coordination with the Budget Officer, assist in the preparation of the annual budget and be responsible for its administration after adoption;
4. to prepare and submit to the Board as of the end of each fiscal year a complete report on the finances and administrative activities of the Town for the preceding year;
5. to keep the Board advised of the financial condition and current and future needs of the Town and make such recommendations to the Board with regard to any measure relating to the finances, police, health, security, cleanliness, comfort, ornament or good government of the Town;
6. to attend all meetings of the Board of Aldermen, except when he/she is under discussion, but shall have no vote; and,
7. to perform such other duties as may be prescribed by the ordinances of the Town or as required by the Board not inconsistent with the ordinances of the Town or state law.

SECTION 3. That the Town Administrator shall be appointed by the Board of Aldermen on such terms and for such compensation as may be mutually agreed and shall serve, at the discretion of the Board, with or without bond. The Town Administrator may be removed by the Board for incompetence, corruption, misconduct or malfeasance in office after due notice and an opportunity to be heard. Alternatively, the Town Administrator may be removed from office at any time by a two-thirds' majority vote of the Board in favor of a resolution declaring a lack of confidence. Nothing contained within this provision shall be deemed or construed to create an expectation in continued employment on the part of the Town Administrator nor a property interest in the position herein created; the foregoing provisions relating to termination are intended only to establish a fair and impartial process

for removal, it being the intent of the Board of Aldermen that the Town Administrator shall at all times serve at the pleasure of the Board and, notwithstanding anything contained herein to the contrary, may be removed at any time by majority vote of the members of the Board of Aldermen then present with or without cause.

SECTION 4. That all ordinances of the Town of Talty, Texas, in conflict with the provisions of this Ordinance be and the same are hereby repealed and all other provisions of the Ordinances of the Town of Talty not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 5. That should any word, clause, sentence, paragraph, phrase, portion or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of the remaining portions of this Ordinance which are hereby declared to be severable.

SECTION 6. That this Ordinance shall take effect immediately from and after its passage and the publication of its caption as the law in such cases provides.

DULY PASSED by the Board of Aldermen of the Town of Talty, Texas, on this 12th day of October, 2004.

APPROVED:

Allison Weaver, Mayor

ATTEST:

Roberta Owens, Town Secretary

APPROVED AS TO FORM:

CITY ATTORNEY

(67996)