

## **ORDINANCE 87A**

### **DUTIES AND RESPONSIBILITIES OF MAYOR AND COUNCILMEMBERS**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOG CABIN, TEXAS EXPRESSING THE POWERS AND DUTIES OF THE MAYOR AND CITY COUNCILMEMBERS, CODE OF CONDUCT & ETHICS FOR CITY COUNCIL, REPEALER, SEVERABILITY, AND EFFECTIVE DATE.**

**WHEREAS**, the City of Log Cabin is a Type A General Law City located in Henderson County, governed by a 6-member council presided over by the Mayor; and

**WHEREAS**, Chapter 22 of the Texas Local Government Code (the “Code”) and other law dictates certain duties and powers of the Mayor of a type A general law city; and

**WHEREAS**, in accordance with Texas Local Government Code Section 22.042, the Mayor is the Chief Executive Officer of the city and represents the City in all matters and whose authority and actions are derived by the will, discretion, and direction of Council;

**WHEREAS**, pursuant to the statutory authority granted to the City Council as a municipality under the Texas Local Government Code Section 51.001, the City Council may adopt, publish, amend, or repeal an ordinance, rule, or police regulation that: (1) is for the good government, peace, or order of the municipality or for the trade and commerce of the municipality; and (2) is necessary or proper for carrying out a power granted by law to the municipality or to an officer department of the municipality; and

**WHEREAS**, pursuant to the statutory authority granted to the municipality as a Type A General-Law municipality under the Texas Local Government Code Section 51.012, the municipality may adopt an ordinance, act, law, or regulation, not inconsistent with state law, that is necessary for the government, interest, welfare, or good order of the municipality as a body politic; and

**WHEREAS**, the City Council does make the following findings:

1. That the City Council of the City of Log Cabin seeks to promote a clear understanding of the role of the Mayor and Councilmembers; and
2. That the City Council finds that well-defined roles will increase cooperation and help prevent discord among City Officials and City Staff and be in the best interest of the municipality; and
3. That pursuant to the Texas Local Government Code Chapter 22, the Mayor of a Type A General-Law municipality has specific powers; and
4. That pursuant to Section 22.042 of the Texas Local Government Code the City Council has the authority to limit the role of the Mayor of those activities not already governed by state law; and

5. That the City Council finds that it is necessary and proper for the good government, peace or order of the City of Log Cabin, Texas to adopt an ordinance clarifying the roles of the Mayor and City Councilmembers, in compliance with state law.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOG CABIN, TEXAS:** that in consideration of the aforementioned finds and testimony, it hereby ordains that it does hereby approve the following prescription of specific powers of the Mayor and Councilmembers, and express limitations thereof:

#### **SECTION I: FINDINGS OF FACT**

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

#### **SECTION II: SPECIFIC POWERS OF THE MAYOR**

A. The Mayor is the Chief Executive Office of the municipality. (§22.042) The Mayor shall actively ensure that the laws and ordinances of the city are properly carried out. The Mayor must also perform all duties prescribed by the City Council.

B. The Mayor shall give the city council any information and shall recommend any measures that relate to improving the finances, police, health, security, cleanliness, comfort, ornament, or good government of the municipality (§22.042).

C. The Mayor is the presiding officer of the city council meetings, and, except in elections, votes only in the event of a tie. (§22.037) The Mayor may veto resolutions or ordinances of the City Council. However, state law provides the City Council an opportunity to override the Mayor's veto. (§52.003)

1. The Mayor Pro-Tem shall preside in his/her absence.
2. The Mayor shall have a voice in all matters before the Council but in accordance with state law, may not vote on any agenda items requiring Council action (Except in the case of a tie).
3. The Mayor shall preserve order and decorum and shall require Councilmembers engaged in debate to limit discussion to the question under consideration.
4. The Mayor shall encourage all Councilmembers to participate in discussions and give each Councilmember an opportunity to speak before any Councilmember can speak again on the same subject.
5. The Mayor is responsible for keeping the meetings orderly by recognizing each Councilmember for discussion, limiting speaking time, encouraging debate among Councilmembers, and keeping discussion on the agenda item being considered.
6. Should a conflict arise among Councilmembers, the Mayor serves as mediator.

D. The Mayor is empowered to inspect the conduct of all subordinate officers in the municipal government, and cause all negligence, carelessness and other violations of duty to be prosecuted. (§22.037)

E. The Mayor may administer oaths of office (i.e., swearing in ceremonies). (§22.042)

F. The Mayor may call special meetings of the city council whenever the mayor deems necessary, or upon application of three councilmembers (§22.038)

G. The Mayor serves as budget officer and prepares the budget each year (§102.001-010)

H. The Mayor must give the city council any information, and shall recommend any measures, that relate to improving the finances, police, health, security, cleanliness, comfort, ornament, or good government of the municipality (§22.042)

I. The Mayor may sign contracts, deeds, easements, bonds and other documents as directed or authorized by the City Council.

J. The Mayor may make appointments to certain vacant offices of the municipality, other than vacancies on the City Council, subject to confirmation by the City Council and in accordance with state law.

K. The Mayor has the express power to declare a local state of disaster and as the emergency management director for the municipality has statutory powers and duties during an emergency.

L. The City Council may confer additional powers and duties on the Mayor in addition to those provided by state law.

### **SECTION III: ADDITIONAL POWERS AND DUTIES OF THE MAYOR BY DESIGNATION OF CITY COUNCIL**

A. Preparation of each council meeting agenda and packets, with the City Secretary

B. Bank signatory

C. Authorizing official for grants

D. Prepare budget information, including payroll tax, salaries, TMRS, etc., with the City Treasurer

E. Is often designated by resolution to calculate the tax rate each year

F. Is often designated by resolution as one of the City's investment officers; must complete required training.

G. Review and sign all invoices, purchase orders, bank reconciliations, etc., in conformance with the applicable policies and procedures.

H. Required to meet/work with the City's Auditor at least annually

I. City's main point of contact for other governmental agencies

J. Serves as the primary link between the Council and City Staff.

K. Responsible for interviewing, hiring (with final approval of the candidate from the City Council for department heads/supervisors and City officers), and new hire processing, paperwork, and orientation.

L. May take any disciplinary actions allowed under state and federal law, including placement on paid or unpaid leave, against any department supervisor or city officer, except for termination of employment without prior Council approval.

M. May take any disciplinary actions allowed under state and federal law, including placement on paid or unpaid leave, or termination, against any employee that is not a department supervisor or city officer.

- N. Notifies the Council of the resignation or retirement of any employee, hiring of any employee that does not require prior approval by the Council, termination of any employee that does not require prior approval by the Council, or anytime any employee is put on paid or unpaid leave.
- O. Responsible counseling employees, as well as overseeing disciplinary actions, as needed, and works with department heads/supervisors to ensure departments are running smoothly.
- P. Prepare employee reviews to present to City Council (after probation and then annually)
- Q. Perform annual In-Service training with City Staff and Council
- R. Ensure that City Staff receive the training, education, or information necessary to address issues facing municipal government, and that such education is accounted for in the annual budget
- S. Attend City or Community Events in an official capacity
- T. Perform disciplinary action/termination of employees, in conformance with the applicable policies and procedures.
- U. Respond to emails, calls, and texts related to city business, including calls related to the park when there is not a primary/lead Gatehouse attendant.
- V. Forwards any complaints to the appropriate department supervisor or city officer for rectification unless a complaint involves a department supervisor or city officer. If a complaint involves a department supervisor or city officer, the complaint must be processed by the Mayor
- W. Drafts/reviews city documents, i.e. ordinances, resolutions, policies, contracts, agreements, etc.
- X. Attend staff meetings and meetings with contractors, other city/county/state/federal officials
- Y. Oversee day-to-day operations of City Hall
- Z. Investigate and Address Citizen, Council, and Employee concerns
- AA. Familiar with City ordinances and policies, and working knowledge of city history
- BB. In the absence or unavailability of the Parks Committee, the Mayor shall act as lead coordinator for fishing tournaments and volunteer to direct traffic for larger tournaments
- CC. Represents City at official functions, i.e. mayoral meetings, community events, Commissioner's Court, etc.
- DD. Establishes and maintains acquaintance/working relationships with community leaders and representatives
- EE. The Mayor shall complete the prescribed Public Information and Open Meetings Act, and applicable FEMA training, office security access certifications, and other trainings, as required.
- FF. Media liaison
- GG. Representative for various organizations for the City as a chair holder and voting responsibility.
- HH. Prepare and sign donation request letters for all city events

#### **SECTION IV: EXPRESS LIMITATIONS OF THE POWERS OF THE MAYOR**

A. The Mayor may not expend municipal funds in excess of what is budgeted, except in cases of extenuating circumstances, and must conform to the applicable city policies, state and federal laws.

B. The Mayor may not direct any officers, employees, or hired service providers to act contrary to local, state, or federal laws or ordinances of the city.

C. The Mayor may not prevent an item from appearing on an agenda proposed by a council member. All final word choices should be selected by the City Secretary with the advice of the City Attorney, when needed and approved by the Mayor,

D. The Mayor may not terminate the employment of a department supervisor or city officer without council approval.

#### **SECTION V: DUTIES AND RESPONSIBILITIES OF COUNCILMEMBERS**

A. Councilmembers are ultimately responsible for holding the City Council, Staff, Hired Contractors, and Mayor accountable.

**B. Council meetings**

1. At the request of any member of the City Council, the Mayor shall place an item on the agenda for discussion or action as long as it pertains to official city business. Councilmembers are responsible for providing supporting documentation related to the agenda item to the City Secretary two business days before the agenda is posted.
2. Each Councilmember is responsible for being prepared to attend meetings and discuss the agenda. Preparation includes reviewing materials and information sent, and directing questions to the City Secretary, prior to the meeting.
3. When addressing an agenda item, the Councilmember shall first be recognized by the Mayor, and confine himself/herself to the question under debate. Decisions by Councilmembers shall be made keeping the best interests of the city as the focus, leaving personal agendas or grievances out of the decision-making process.

C. It is the responsibility of Councilmembers to be informed about previous action taken by the Council in their absence. In the case of absence from a workshop session where information is given, the individual Councilmember is responsible for obtaining this information prior to the Council meeting when said item is to be voted upon.

D. Councilmembers must complete Public Information and Open Meetings Act, office security access certifications, and other trainings, as required.

E. Be familiar and compliant with all City policies

F. Meet with the City's Auditor at least annually

G. Communicate with the Mayor and City Secretary, as needed

H. Review monthly financial statements

I. Review/Approve employee performance appraisals/raises annually

J. Review and approve the annual budget and tax rate

- K. Provide support and guidance to the Mayor, as required/requested
- L. Requested to attend and volunteer for City Events, whenever possible

## **SECTION VI: CODE OF CONDUCT & ETHICS FOR CITY COUNCIL**

In addition to Code of Ethics and Conduct detailed in Resolution 22-22, passed and approved November 17<sup>th</sup>, 2022, and hereby incorporated into this ordinance, the Mayor and Councilmembers (together referred to as “City Council”) shall carry out their duties and responsibilities in accordance with the following:

- A. City Council shall dedicate themselves to the highest ideals of honor and integrity in all public and personal relationships in order that the member may merit the respect and confidence of the citizens of Log Cabin.
- B. City Council must recognize the chief function of local government at all times is to serve the best interest of all the people of Log Cabin.
- C. City Council must be dedicated to public service by being cooperative and constructive, and by making the best and most efficient use of all available resources.
- D. During Council meetings, Councilmembers shall preserve order and decorum, shall not interrupt or delay proceedings, and shall not refuse to obey the requests of the Mayor or the rules of the Council, within legal and ethical reason.
- E. City Council shall refrain from rude and derogatory remarks and shall not belittle other Councilmembers, Staff members, or members of the public.
- F. City Council will not use their positions to secure special privileges
- G. City Council will not condone any unethical or illegal activity.
- H. Requests for information should be directed to the Mayor or City Secretary.
- I. Councilmembers shall deal with City employees, who are subject to the direction and supervision of the Mayor, solely through the Mayor.
- J. Elected Officials shall not create a hostile work environment towards employees by verbal, written, or physical presence which disrupts their work environment. If an elected official has knowledge of a hostile work environment, he/she will notify the Mayor, or City Attorney, as appropriate.
- K. Councilmembers will only attend staff meetings when requested by the Mayor, a department supervisor, or a city officer.
- L. City Council shall never publicly criticize or express concerns about the performance of a City employee in public, to the employee directly, or to the employee’s department head/supervisor. Comments about staff performance should only be made to the Mayor through private correspondence or conversation.
- M. Councilmembers shall not attempt to influence City staff on the making of appointments, awarding of contracts, selecting of consultants, processing of applications, or granting of City licenses and permits.
- N. City Council shall not solicit political support from City staff. Elected and appointed officials should not solicit any type of political support (financial contributions, display or posters or lawn signs, name on support list, etc.) from City staff. City staff may, as private

citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

- O. City Council shall have no attorney-client relationships. Members shall not seek to establish an attorney-client relationship with the City Attorney, including his or her staff and attorneys contracted to work on behalf of the City. The City Attorney represents the City and not individual members. Members who consult with the City Attorney cannot enjoy or establish an attorney-client relationship with the attorney. The Mayor is the first point of contact with the City Attorney for all legal questions, followed by the Mayor Pro Tem and City Secretary, and Councilmembers should defer all legal questions through the Mayor, except in any situation where the Mayor, Mayor Pro Tem, or City Secretary is suspected of illegal actions, in which case a Councilmember shall contact the City Attorney directly.

#### **SECTION VII: 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.

#### **SECTION VIII: 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.


#### **SECTION IX: EFFECTIVE DATE**

This Ordinance shall be effective immediately upon passage and pursuant to Section 141.001 of the Local Government Code.

#### **SECTION X: 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.

**PASSED ADOPTED AND APPROVED BY THE CITY COUNCIL OF LOG CABIN ON  
THE 17<sup>th</sup> DAY OF JULY, 2025.**



\_\_\_\_\_  
Mayor Paul Eckeberger

Attest:



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City Secretary Leara Thorp