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ARTICLE I. IN GENERAL

Sec 2.1 Municipal Court Building Security Fund

1. There is hereby created and established and Municipal Court Building Security Fund (the “Fund) Pursuant to Article 102.017 of the Code of Criminal Procedure
2. The Municipal Court of the City of East Tawakoni, Texas (the “Municipal Court of the City of East Tawakoni, Texas (the “Municipal Court”) is hereby authorized and required to asses a Municipal Court Building Security Fee (the ‘Fee”) is the amount of $3.00 against all Defendants convicted of a misdemeanor offense by the Municipal Court Each Misdemeanor Conviction shall be subject to a separate assessment of the Fee.
3. A person is considered to have been convicted in a case if:

Judgement, sentence, or both are imposed on the person:

The person received a deferred disposition, or

The Court defers final disposition or imposition of the judgement and Sentence

1. Then Municipal Court Clerk is hereby authorized and required to collect the Fee and to pay same to the treasury of the City of East Tawakoni, Texas. All fees so collected and paid over to the treasury of the City of East Tawakoni; Texas shall be segregated in the Fund.
2. The Fund shall be used only for the purpose of financing the purchase of security devices and / or services for the building or buildings housing the Municipal Court of the City of East Tawakoni, Texas “Security devices and/or services” shall include any and all items described in Article 102.017 (d) of the Code of Criminal Procedure.
3. The Fund shall be administered by or under the direction of the City Council of the City of East Tawakoni, Texas.

Section B: If any provision, section, subsection, sentence, clause, or phrase of this ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, or invalid ( for any reason unenforceable), the validity of the remaining portions of the ordinance or the application to such other persons or sets of circumstances shall not be affected hereby, it being the intent of the City Council of the City of East Tawakoni, Texas in adopting the ordinance, that no portion there of or provision contained herein shall become inoperative or fail by any reason of unconstitutionally or invalidity of any other portion or provision.

Section C: All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

Section D: This ordinance shall be published and become effective in accordance with state law

Adopted 9-19-2001

Secs. 2-2 -2-30. Reserved.

ARTICLE II. CITY COUNCIL

Sec. 2-31. Form of government.

The governing body of the city shall consist of a city council composed of the mayor and five councilmembers, with the mayor elected at large and the councilmembers elected by the place system, by qualified voters of the city.

Code 1987 §2.1

Sec. 2-32. Date of elections.

All elections for city council members shall be held on the first Saturday in May of odd numbered years. Such city elections shall be operated in compliance with state law.

Code 1987 §2.2

Sec. 2-33. Tenure of office.

There shall be two-year terms of the offices of mayor and five councilmembers. The mayor and councilmembers shall be elected for two-year terms in odd numbered years.

Code 1987 §2.4

SECTION 2.34 COMPENSATION FOR CITY COUNCIL AND MAYOR

The mayor is compensated for his services from an allowance to a reimbursement method. The mayor will be reimbursed for any expenses related to the duties of the office of Mayor upon presentation of receipts. The reimbursement shall cover expenses necessary for the conducting of city business.

Amended 5-18-2004

Sec. 2-35. Regular council meeting day and time.

The city council shall meet at least once a month on the third Tuesday of each month at 7:00 p.m.

Amended 1-20-2004

Sec. 2-36. Special meetings.

The mayor may call a special meeting on the mayor's own motion or on the application of three councilmembers. Each member of the council, the secretary, and the city attorney must be notified of the special meeting. The notice may be given personally or left at the person's usual place of residence.

Code 1987 §2.8

Sec. 2-37. Emergency meetings.

Emergency meetings of the city council may be called as provided in section 2 36.

Code Code 1987 §2.8

Sec. 2-38. Quorum.

A majority of the number of members established by VT.C.A., Local Government Code§ 22.031 for the municipality constitutes a quorum. However, at a called meeting or at a meeting to consider the imposition of taxes, two thirds of the number of councilmembers established by that section constitutes a quorum unless provided otherwise.

Code 1987 §2.10

Secs. 2-39 – 2-70. Reserved.

ARTICLE III. BOARDS, COMMITTEES, COMMISSIONS

DIVISION 1. GENERALLY

Secs. 2-71 – 2-90. Reserved.

DIVISION 2. PLANNING AND ZONING COMMISSION

Sec. 2-91. Creation.

In order to avail itself of the powers conferred by V.T.C.A., Local Government Code§ 211.007 to appoint a commission to recommend the boundaries of zoning districts and appropriate regulations to be enforced in such districts, the city council establishes, constitutes and creates a planning and zoning commission.

Code 1987 §11.10

Sec. 2-92. Composition of the planning and zoning commission.

The planning and zoning commission shall consist of five persons. The members shall be selected by the mayor and approved by the council. The term of each member shall be for two years. The terms shall be staggered. Any vacancy in a membership shall be filled for the unexpired term by appointment. The council may remove any member for cause stated in writing and after public hearing.

Code 1987 §11.12

Sec. 2-93. Offices and meetings.

The planning and zoning commission shall elect its chair and secretary from among the members. The terms of the chair and secretary shall be for one year with eligibility for reelection. The commission shall meet monthly on such date as it shall provide by rule. The commission shall adopt rules as are necessary to the transaction of business and shall keep a record of its proceedings. These records shall be public records.

Code 1987 §11.13

Sec. 2-94. City plan.

The planning and zoning commission may make and adopt a city plan for the physical development of the city. The city plan, with the accompanying maps , plats, charts and descriptive and explanatory matter, may show the commission's recommendations for the physical development and uses of land and may include, among other things, the general locations, character and extent of streets and other public utilities and terminals, whether publicly or privately owned; the acceptance, widening, removal , extension, relocation, narrowing , vacation, abandonment or change of use of any of the foregoing; and the general character , extent and layout of the re-planning of blighted districts and slum areas.

Code 1987 §11.14

Sec. 2-95. Purpose of plan.

In the preparation of the city plan, the planning and zoning commission shall make careful and comprehensive surveys and studies of the existing conditions and probable future growth of the city. The plan shall be made with the general purpose of guiding and accomplishing a coordinated development of the city which will, in accordance with existing and future needs, best promote the general welfare, as well as efficiency and economy in the process of development.

Code 1987 §11.1

Sec. 2-96. Adoption of plan.

The planning and zoning commission may adopt the plan as a whole by a single resolution, or as the work of making the whole city plan progresses, may from time to time adopt a part or parts of the plan, any part to correspond generally with one or more of the functional subdivisions of the subject matter of the plan. Before adoption, amendment or extension of the plan or portion of the plan, the commission shall hold at least one public hearing. At least 15 days' notice of the time and place of such hearing shall be published in at least one newspaper having general circulation within the city. The hearing may be adjourned from time to time. The adoption of the plan shall require a majority vote of the full membership of the commission. The resolution shall refer expressly to the maps, descriptive matter, and other matters intended by the commission to form the whole or part of the plan and the action taken shall be recorded on the adopted plan or part by the identifying signature of the secretary of the commission and be filed in the office of the commission and be identified properly by file number. A copy of the adopted plan or part shall be certified to the council and the city secretary, and a copy shall be recorded in the office of the county recorder of deeds.

Code 1987 § 11.16

Sec. 2-97. Recommendations by commission.

The planning and zoning commission may make reports and recommendations relating to the plan and development of the city's civic, educational, professional, and other organizations and citizens. It may recommend to the executive or legislative officials of the city programs for public improvements and their financing. All public officials shall, upon request, furnish to the commission, within a reasonable time, all available information it requires for its work. The commission shall have the power necessary to enable it to perform its functions and promote municipal planning.

Code 1987 11.17

Sec. 2-98. Conformance with state law.

The planning and zoning commission shall have and perform all of the functions of the zoning commission provided for in V.T. C.A., Local Government Code § 211.007. The commission may prepare a zoning plan for the regulation of the height, area, bulk, location and use of private, nonprofit, and public structures and premises, and of population density. The adoption, enforcement and administration of the zoning plan shall conform to the provisions of state law.

Code 1987 § 11.18

Secs. 2-99 - 2-130. Reserved.

ARTICLE IV. OFFICERS AND EMPLOYEES

DIVISION 1. GENERALLY

Sec. 2-131. Appointment of city officials.

The officials of the city, including but not limited to the city treasurer, city attorney and fire marshal, shall be appointed by the mayor and city council.

Code 1987 §12.20

Secs. 2-132 – 2-150. Reserved.

DIVISION 2. CITY SECRETARY

Sec. 2-151. Creation of office.

The office of city secretary is established.

Code 1987 § 12.1

Sec. 2-152. Appointment and tenure.

The city secretary shall be employed and removed by the mayor and city council.

Code 1987 §12.3

Sec. 2-153. Powers and duties.

(a) The city secretary shall have all the powers and perform all duties prescribed by law. These duties shall include the following:

(1) The city secretary shall attend every meeting of the city council for the purpose of keeping accurate minutes of the proceedings of the city council.

(2) The city secretary shall engross and enroll all motions and resolutions of the city council and ordinances of the city and include them in this Code.

(3) The city secretary shall attest all commissions and licenses issued.

(4) The city secretary shall preserve and keep in order all books, papers, documents, and records of the city council.

(5) The city secretary shall have custody of all laws and ordinances of the city.

(6) The city secretary shall have custody of the city seal and shall affix this seal to obligations of the city only by order of the city council.

(b) The city secretary shall notify the state judicial council of the name of each person who is elected or appointed as mayor, municipal court judge, or clerk of the municipal court. The city secretary shall notify the judicial council within 30 days after the date of the person's election or appointment.

(c) The city secretary shall draw all the warrants on the treasurer, countersign the warrants and keep, in a record provided for that purpose, an accurate account of the warrants.

(d) The city secretary serves as the general accountant of the city and shall keep regular accounts of the city receipts and disbursements. The city secretary shall keep each cause of receipt and disbursement separately and under proper headings. The city secretary shall also keep separate accounts with each person, including each officer, who has monetary transactions with the city. The city secretary shall credit accounts allowed by proper authority and shall specify the particular transaction to which each entry applies. The city secretary shall keep records of the accounts and other information covered by this subsection.

(e) The city secretary shall keep a register of bonds and bills issued by the city and all evidence of debt due and payable to the city, noting the relevant particulars and facts as they occur.

(f) The city secretary shall carefully keep all contracts made by the city council.

(g) The city secretary, in compliance with the open meeting law, V.T.C. A., Government Code § 551.001 et seq., shall post in a place readily accessible to the public and 72 hours preceding such meetings, notices of the date, time and place of each meeting of the city council.

(h) The city secretary shall perform all other necessary duties that pertain to such office and all other duties as required by the mayor and city council.

Code 1987 §12.2

Sec. 2-154. Organizational relationships.

The city secretary reports to the mayor and city council. The city secretary must work effectively with the mayor and city council, with all city employees, and with the general public.

Code 1987 §12.2

Secs. 2-155 - 2-170. Reserved.

DIVISION 3. POLICE

Subdivision I. In General

Secs. 2-171 – 2-180. Reserved.

Subdivision II. Chief of Police

Sec. 2-181. Office created.

The office of chief of police is created.

Code 1987 §12.10

Sec. 2-182. Appointment.

The mayor shall recommend candidates for appointment to the city council. The city council shall appoint a person as chief of police. The chief of police shall serve from the effective date of the appointment.

Code 1987 § 12.10

Sec. 2-183. Removal from office.

The chief of police may be removed from office by the city council because of incompetency or for violations of the laws of the city, state, or the United States.

Code 1987 § 12.12

Sec. 2-184. Selection of police officers and dispatchers.

The police chief shall interview all applicants for the jobs of police officer and dispatchers and shall make his recommendation and present this recommendation to the city council for their approval.

Code 1987 §12.13

Secs. 2-185 – 2-210. Reserved.

DIVISION 4. POLICE RESERVE FORCE

Sec. 2-211. Establishment authorized.

(a) The city council may provide for the establishment of a police reserve force.

(b) The city council shall establish qualifications and standards of training for members of the reserve force.

State law reference Similar provisions, V.T.C.A., Local Government Code § 341.021(a), (b).

Sec. 2-212. Appointment of members.

(a) The city council may limit the size of the police reserve force.

(b) The chief of police shall appoint the members of the reserve force. Members serve at the chief's discretion.

(c) The chief of police may call the reserve force into service at any time the chief considers it necessary to have additional officers to preserve the peace and enforce the law.

Sec. 2-213. Approval by council.

(a) A member of the police reserve force who is not a peace officer as described by Vernon's Ann.

C.C.P. art. 2.12, may act as a peace officer only during the actual discharge of official duties.

(b) An appointment to the reserve force must be approved by the city council before the person appointed may carry a weapon or otherwise act as a peace officer. On approval of the appointment of a member who is not a peace officer as described by Vernon's Ann. C.C.Part . 2.12, the person appointed may carry a weapon only when authorized to do so by the chief of police and only when discharging official duties as a peace officer.

Sec. 2-214. Status of officers.

(a) Reserve police officers may act only in a supplementary capacity to the regular police force and may not assume the full-time duties of regular police officers without complying with the requirements for regular police officers. On approval of the appointment of a member who is 3: peace officer as described by Vernon's Ann. C.C.P. art. 2.12 , the chief of police may authorize the person appointed to carry a weapon or act as a peace officer at all times, regardless of whether the person is engaged in the actual discharge of official duties, or may limit the authority of the person to carry a weapon or act as a peace officer to only those times during which the person is engaged in the actual discharge of official duties . A reserve police officer, regardless of whether the reserve police officer is a peace officer as described by Vernon's Ann. C.C.P. art. 2.12, is not:

(1) Eligible for participation in any program provided by the city council that is normally considered a financial benefit of full-time employment or for any pension fund created by statute for the benefit of fulltime paid peace officers; or

(2) Exempt from the Private Investigators and Private Security Agencies Act, V.T.C.A., Occupations Code § 1702.001 et seq.

(b) This division does not limit the authority of the mayor to summon a special police force under VT.C.A., Local Government Code § 341.011.

Secs. 2-215 - 2-250. Reserved.

ARTICLE V. MUNICIPAL COURT

Sec. 2-251. Creation.

There is created and established for the city a court to be known as the Municipal Court of East Tawakoni, Texas.

Code 1987 §2.20

Sec. 2-252. Jurisdiction.

(a) The municipal court shall have exclusive original jurisdiction within the city's territorial limits and property owned by the city located in the city's extraterritorial jurisdiction in all criminal cases that:

(1) Arise under:

a. The ordinances of the city; or

b. A resolution, rule or order of a joint board operating an airport under VT.C.A., Transportation Code § 22.074; and

(2) Are punishable by a fine not to exceed:

a. In all cases arising under municipal ordinances or resolutions, rules or orders of a joint board that govern fire safety, zoning or public health and sanitation, including dumping of refuse, $2,000.00; or

b. In all other cases arising under a municipal ordinance or a resolution, rule, or order of a joint board, $500 .00.

(b) The municipal court has concurrent jurisdiction with the justice court of a precinct in which the city is located in all criminal cases arising under state law that:

(1) Arise within the city's territorial limits or property owned by the city located in the city's extraterritorial jurisdiction and are punishable only by a fine, as defined in subsection (c) of this section; or

(2) Arise under VT.C.A., Alcoholic Beverage Code Ch. 106, and do not include confinement as an authorized sanction.

(c) In this section, an offense which is punishable by fine only means an offense that is punishable by fine and such sanctions, if any, as authorized by statute not consisting of confinement in jail or imprisonment.

(d) The fact that a conviction in municipal court has as a consequence the imposition of a penalty or sanction by an agency or entity other than the court, such as a denial, suspension or revocation of a privilege, does not affect the original jurisdiction of the municipal court.

(e) The municipal court has jurisdiction in the forfeiture and final judgment of all bail bonds and personal bonds taken in criminal cases of which the court has jurisdiction.

(f) This section does not affect the powers given exclusively to a joint board operating an airport under VT.C.A., Transportation Code § 22.074 (d).

Code 1987 2.21

Sec. 2-253. Municipal judge.

(a) The municipal court shall be presided over by a judge to be known as the judge of the municipal court.

(b) The municipal judge is to be appointed to this position by the city council. The municipal judge shall serve for a term of two years.

(c) The municipal judge so appointed is not required to be a licensed attorney; however, such judge shall be a citizen of the United States, a citizen of the state and a resident in good standing of the city. The judge shall furnish the city secretary a surety bond in the amount of $1,000.00, the premiums to be paid by the city.

(d) The municipal judge shall receive a salary to be set by the city council, which salary may not be diminished during his term of office.

(e) The municipal judge is an at will employee and serves at the pleasure of the city council.

Code 1987 §2.22

Sec. 2-254. Filling of vacancies.

Any vacancy in the office of the municipal judge by death, resignation or otherwise shall be filled by the city council. If the municipal judge is temporarily unable to act, the city council may appoint some qualified person to act in place of the municipal judge. The appointee shall have all of the powers and discharge all the duties of the office and shall receive the same compensation as is payable to the regular municipal judge while so acting.

Code 1987 §2.22

Sec. 2-255. Warrant of arrest.

The city council prescribes the collection, after due notice, of a special expense, of $25.00 for the issuance and service of a warrant of arrest for an offense under V.T.C. A., Penal Code § 38.10 or V.T.C.A., Transportation Code § 543.009. Money collected from the special expense shall be paid into the city treasury for the use and benefit of the city.

State law reference Similar provisions, Vernon's Ann.C.C. Part. 45.203(c).