

ORDINANCE NO. 14-02

AN ORDINANCE TO ENACT A NEW CHAPTER OF THE HUNTINGTON CODE RELATING TO ADMINISTRATION; RATIFYING THE FORM OF GOVERNMENT OF THE CITY, ESTABLISHING THE OFFICIAL NEWSPAPER OF THE CITY, DEFINING THE DUTIES OF THE MAYOR AND COUNCIL, ESTABLISHING RULES OF PROCEDURE FOR THE CONDUCT OF CITY COUNCIL MEETINGS, RATIFYING THE CREATION OF THE POSITION OF CITY ADMINISTRATOR, CITY SECRETARY, CITY ATTORNEY AND MUNICIPAL COURT JUDGE, AND PROVIDING FOR A SAVINGS CLAUSE.

WHEREAS, the City of Huntington is a Type A general law municipality located in Angelina County, created in accordance with Chapter 6 of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the State of Texas has also granted its municipalities the authority to adopt rules and regulations, 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 of the City of Huntington has determined that it is in the best interest of the City and its citizens to establish a formal administrative system for the day to day operations of the city government.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUNTINGTON, TEXAS:

I.

That Chapter 1: Administration, is adopted, as set forth in Exhibit A to this Ordinance.

II.

All other laws, ordinances, or resolutions, or parts of the same that are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

III.

In the event any part of this ordinance is declared to be invalid or unconstitutional, such declaration shall not affect the remaining portions of the ordinance which shall remain in full


force and effect as if the portion so declared invalid or unconstitutional was not originally a part of the ordinance.

PASSED, APPROVED, and ADOPTED by the City Council of the City of Huntington, Texas, at a regular meeting held on this the 24th day of June, 2014.



FRANK HARRIS, MAYOR

ATTEST:



JULIE DAVIS
CITY SECRETARY



CHAPTER 1: ADMINISTRATION

ARTICLE 1 GENERAL

1.110 Form of Government

- (a) The City of Huntington is a Type A general law municipality located in Angelina County, created in accordance with Chapter 6 of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas.
- (b) The official name of the city is and shall be The City of Huntington.

1.120 FISCAL YEAR

The City of Huntington, Texas, fiscal year is hereby established as October 1 through September 30 of each year.

1.130 OFFICIAL NEWSPAPER

In accordance with Section 552.004 of the Texas Local Government Code, as amended, the City Council of the City of Huntington, Texas, does hereby designate the Lufkin Daily News, a public newspaper of general distribution in the city, to be the City's official newspaper. Further, the City's use of said paper is for all purposes hereby ratified and confirmed.

1.140 DUTIES OF MAYOR AND COUNCIL

- (a) The mayor is the chief executive officer of the municipality. The mayor shall at all times actively ensure that the laws and ordinances of the municipality are properly carried out. The mayor shall perform the duties and exercise the powers prescribed by the governing body of the municipality.
- (b) The mayor shall inspect the conduct of each subordinate municipal officer and shall cause any negligence, carelessness, or other violation of duty to be prosecuted and punished.
- (c) The mayor shall recommend to the governing body any measure that relates to improving the finances, police, health, security, cleanliness, comfort, ornament, or good government of the municipality.
- (d) The mayor may administer oaths of office.

- (e) In the event of a riot or unlawful assembly or to preserve the peace and good order in the municipality, the mayor may order and enforce the closing of a theater, ballroom, or other place of recreation or entertainment, or a public room or building and may order the arrest of a person who violates a state law or a municipal ordinance in the presence of the mayor.
- (f) The governing body shall determine the rules of its proceedings and may compel the attendance of absent members and punish them for disorderly conduct.
- (g) At the first regular council meeting after a general election for city officers the council shall elect a mayor pro tem to officiate in the absence of the mayor.
- (h) A majority of the number of council members 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 council members constitutes a quorum unless provided otherwise.

1.150 Audit Board

The Council shall designate up to two of its members to serve on an Audit Board. The Audit Board shall consist of the council member(s) so appointed, the city administrator and the city finance officer. The Audit Board shall meet to approve payment of all invoices and expenditures prior to issuance of checks, vouchers or warrants for same; provided, however, the Council may authorize payment of certain specified items prior to a meeting of the Audit Board. At the next available council meeting after a meeting of the Audit Board a report of the activities of the board shall be given to council for its approval.

ARTICLE 2

RULES OF PROCEDURE FOR THE CONDUCT OF CITY COUNCIL MEETINGS

1.210 Regular Meetings

Regular meetings of the city council shall be held on the fourth Tuesday of the month at City Hall, 802 Highway 69 South, in the City Hall. Provided further, the city council may authorize the holding of a regular meeting at a time, place or location other than as set forth herein if deemed necessary by city council due to conflict with city holidays, or for public accommodation and convenience.

1.220 Special Meetings

Special meetings of the council shall be called by the mayor upon his or her own motion, the city administrator or on the written request of a majority of the members of council qualified and serving, or upon motion and majority vote of council during a council meeting. The city secretary or the city secretary's designated representative shall post notice of such meeting in accordance with state law.

1.230 Mayor to Preside at Meetings

The mayor shall preside at all meetings of the council, but if for any reason the mayor is absent from the city, sick or unable to act, then the mayor pro tem shall preside at such meetings and at such times shall exercise all of the powers and discharge the duties of the mayor.

1.240 Order of Agenda Items

- (a) The following order of agenda items will be generally observed for city council meetings:
- (1) Call the roll and announce a quorum is present;
 - (2) Invocation
 - (3) Introductions;
 - (4) Proclamations/announcements;
 - (5) Public comments/personal appearances/public hearings;
 - (6) Receipt of reports;
 - (7) Consent agenda;
 - (8) Regular Agenda (action items);
 - (9) Adjournment.
- (b) Executive sessions. Executive sessions shall be conducted in accordance with the Texas Open Meetings Act, as amended, whenever the city council finds appropriate during a meeting.
- (c) Public comments. Any person shall have a reasonable opportunity to be heard at any regular or special meeting of the council in regard to any matter to be considered for action by the council at such meeting during the time allotted for public comments (including those who have appeared during the course of the meeting at the time for public hearings), provided, such citizen complies with the rules and regulations provided in this article, or which the council may adopt or find necessary under the circumstances then existing, regarding the participation of the public in such meeting. If numerous citizens would offer repetitious or cumulative statements, such citizens shall select a member of their group to act

as spokesperson. A time limit of five (5) minutes shall be imposed for all statements unless waived, dispensed with, shortened, or lengthened by consent of a majority of the members of the council. Each member of the public speaking before council shall preface any statement with her or his name and home address.

- (d) Personal appearances. Any person or group desiring to have their name on the agenda to appear before the city council during the public comments portion of the meeting shall contact the city secretary before 12:00 noon on the Tuesday immediately preceding the council meeting and request recognition, in writing, during the public comments period. Such citizen or group shall specify to the city secretary their name, address, and matter to be discussed. A time limit of eight (8) minutes shall be imposed unless waived, dispensed with, shortened, or lengthened by consent of a majority of the members of the council. The city council may take action during the personal appearances if the agenda item is sufficient to do so. This provision shall not apply to special public hearings called by the council for specific purposes.
- (e) Consent agenda. Items placed on the agenda as "consent" agenda items shall be routine matters not normally requiring individual attention, and all items thereon shall be approved by a single motion and vote without debate. Consent items shall be shown in the minutes as having been approved unanimously unless a member of council wishes the record to show that member's vote as otherwise. If a member of council objects to a consent item, it shall be removed from the list and added to the regular agenda at an appropriate place for separate consideration.

1.250 Council Members to Be Permitted to Address Council

Each member of the council shall be permitted to address the council while either seated or standing and shall not be interrupted while speaking, without his or her consent, except by a call to order of the presiding officer; provided, however, such member of council shall be recognized by the presiding officer before making such statement, and provided further that if a matter is before council for consideration, such statement shall be related to the matter before the council. Such council members speaking shall attempt to keep such comments to a minimum, but in no case shall such comments exceed five (5) minutes in length. If the presiding officer feels that discussion is becoming repetitive and redundant, the presiding officer may interrupt discussion by a member and call for the question.

1.260 Question of Order

All questions of order shall be decided by the presiding officer, with advice of the city attorney, with the right of appeal from the decision of the presiding officer to the council, a majority of whom may override such decision. The presiding officer shall preserve order and decorum and, if necessary, shall cause to be silenced or removed from the council chamber any person speaking out of order or disrupting the order of the meeting.

1.270 Robert's Rules of Order to Be Followed

The rules of procedure as stated in Robert's Rules of Order Revised, the most recent edition available, shall govern the proceedings of the council except when in conflict with the provisions of state law or of this article or other city ordinance.

1.280 Preparation of Agenda

Items to be included on the agenda shall be submitted, in writing, to the city secretary before 12:00 noon on the Tuesday preceding the meeting, unless prior approval by the mayor has been obtained to submit the item after that time.

No item shall be included in the agenda at the request of council unless a request to include the same has been made by a majority of council members to the mayor or city administrator before 12:00 noon on the Tuesday preceding the meeting. The city administrator, mayor, and city secretary shall finalize the agenda on the Thursday prior to the meeting date. This provision may be suspended if inconsistent with the provisions of state and federal law or in the event of an emergency or urgent public necessity as determined by the city.

1.290 Workshop Meetings

Workshop meetings of the city council shall be held on the second Tuesday of the month at City Hall, 802 Highway 69 South, in the City Hall. Provided further, the city council may authorize the holding of a workshop meeting at a time, place or location other than as set forth herein if deemed necessary by city council due to conflict with city holidays, or for public accommodation and convenience.

A workshop meeting shall be for the purpose of conducting a more detailed and thorough exploration of matters that may properly come before council. The following rules shall prevail for a workshop meeting.

- (a) Agenda. In a workshop meeting only a limited number of matters shall be considered by council, and therefore, sufficient time for

consideration of such matters shall be provided. No formal agenda procedure shall be prescribed.

(b) Documents and exhibits. All documents, and exhibits, maps, plats, architectural drawings, specifications, or other similar documents, where possible, shall be made available to council at least seventy-two (72) hours before the beginning of such workshop meeting, in order that sufficient and ample time may be allowed for each member of council to have studied such documents and to be prepared to discuss the same in the workshop.

(c) Council action. No formal action shall be considered at a workshop meeting. An informal motion may be made requesting an item be put on the agenda, requesting additional information or setting additional workshop meetings.

(d) Audience comments and questions. Comments or questions from the audience cannot be considered orally at the workshop meeting without consent of a majority of council.

ARTICLE 3 APPOINTED OFFICERS

1.310 City Administrator

The position of city administrator, previously created, is hereby ratified and confirmed.

1.311 Appointment; Responsible to City Council; Limitation

- (a) The city administrator shall be appointed by the mayor, subject to confirmation by the city council. Before making such appointment, the city shall advertise the position opening and, the mayor, with the assistance of city council, shall screen applicants for the position of city administrator. Residence in the City of Huntington is not a qualification for the position of city administrator.

- (b) The method of selection of the city administrator shall be left to the discretion of the Council so long as the method ensures orderly, non-partisan action toward securing a competent and qualified person to fill the position. The city administrator shall be chosen solely upon the basis of the person's administrative training, experience, ability and character.

- (c) The city administrator shall be responsible to the mayor and city council and subject to their supervision and direction. He or she shall exercise those administrative powers and have the responsibilities set forth herein.
- (d) No member of the governing body shall be appointed to the position of city administrator during the term of office for which he or she was elected or appointed.

1.312 Term of Office

The city administrator shall be appointed for an indefinite term, shall serve at the will and pleasure of the city council, and shall be subject to discharge at any time, with or without cause, by a majority vote of those members of the city council qualified and serving. It is specifically provided that no person appointed to the position of city administrator shall have any entitlement, contractual right, or property right in such position or to continued employment by the city.

1.313 Absence or Disability of City Administrator

During the absence or disability of the city administrator for a period of not more than fifteen (15) consecutive working days, he or she may, with the prior approval of the mayor, designate an officer or employee of the city to perform the functions of the city administrator during such absence. If the absence of the city administrator should exceed or is expected to exceed fifteen (15) consecutive working days the mayor shall designate, with city council confirmation, some other qualified person to perform the functions of the city administrator during such absence.

1.314 Powers and Duties

The powers and duties of the city administrator shall be as follows:

- (a) Working Time; Office. Devote all of his or her working time and attention to those affairs of the city under his or her supervision. Maintain his or her office at and work from the principal offices of the city, at the city hall.
- (b) Administration. Be responsible to the mayor and city council for the efficient administration of those affairs of the city under his or her supervision.
- (c) Compliance with Laws. In cooperation with the City Attorney, see that all applicable state laws and all ordinances of the city are obeyed and enforced.
- (d) Supervision. Exercise supervision and control of such administrative departments as may be established by Council by ordinance. The Council may abolish or combine one or more departments created by it, and may assign or transfer duties of any department of the City from one department to another by ordinance.

- (e) Personnel. Save and except statutory officers, the city administrator shall appoint, suspend and/or remove all department heads and employees of the city, and in addition, promote, demote, discipline, and take any and all other personnel actions.

At the head of each department there shall be a Director who shall be appointed, and who may be removed, by the city administrator. Such Directors shall have supervision and control over their respective departments, and may serve as Chief of Divisions within their respective departments. Two or more departments may be headed by the same individual, and the city administrator may head one or more departments. Except for the purpose of inquiry the Council and its members shall deal with city employees solely through the city administrator, and shall not give orders to any of the administrator's subordinates, either publicly or privately.

- (f) Authority to amend the budget. The City Administrator may, without prior City Council approval, authorize transfers of less than \$5,000.00 between budget line items with the exception that:
 - a) regular personnel allocations may not be changed;
 - b) salary and benefit savings due to vacancies may not be transferred; and
 - c) savings from City Council approved capital purchases may not be spent for other than their intended purpose.

All such transfers shall be reported to City Council on a quarterly basis for review by the City Council as part of the regular budget review.

- (g) Meetings. Attend all open meetings of the city council. He or she shall have the right to participate in all discussions at those meetings of the city council, but shall have no right to vote. He or she shall be notified of all meetings of the city council. He or she shall attend other meetings relating to city business when requested to do so by the mayor. Attend executive sessions of the city council when requested or authorized to do so by the mayor.

- (h) Franchises. See that all terms and conditions imposed in favor of the city and its inhabitants in any public utility franchise are faithfully kept and performed, and upon knowledge of any violation thereof, bring same to the attention of the mayor.

- (i) Budget. Under supervision of the mayor, prepare or cause to be prepared a proposed budget of revenues and expenditures for the ensuing fiscal year, in accordance with Chapter 102 of the Texas Local Government Code, as amended, showing in as much detail as practicable the estimated amounts of money required for the efficient operation of the city and each of its departments and the reasons for such estimated expenditures and to be responsible for its administration after adoption.

- (j) Monthly Accounting. Make a full written report to the city council as soon as possible after the close of each month's accounts showing the operations and expenditures of each department of the city for the preceding month, together with such other financial information and budget expenditure comparisons as the

mayor or city council may request. Further, the city administrator shall keep the city council fully advised at all time as to the financial condition and needs of the city.

- (k) Contracts and Vendors; Quarterly Report. Make a full written report to the city council at least quarterly, or at such other shorter interval as the mayor or city council may request, showing the status of each and every city contract or agreement (private or governmental/interlocal), each and every vendor, contractor, or consultant, and showing expenditures or receipts in accordance with said contracts and agreements.
- (l) Purchasing. Supervise the purchase of all materials, supplies, services, and equipment for which funds are budgeted; propose and supervise those contracts necessary for the operation and maintenance of city services; conduct public bid openings, review all bids and proposals submitted to the city, and present for approval and recommend to the city council those he or she deems most advantageous to the city; and insure compliance with all competitive bidding and/or competitive sealed proposal requirements of state law governing the acquisition or disposal of materials, supplies, services, equipment, and property of the city.
- (m) Compensation of Employees. Recommend to the mayor and city council the salaries to be paid each officer, department head, and subordinate employee of the city.
- (n) Procedures. Recommend to the city council such procedures, practices, and measures that he or she deems necessary or advisable to promote the best interests of the city and its efficient, economical, and responsible operation.
- (o) Notification of Mayor and City Council. Use his or her best efforts to notify the mayor and each member of the city council within forty-eight (48) hours of any alleged violation by the city or any of its officers or employees of a federal, state, or city statute, law, rule, or regulation, or of any cause of action or lawsuit against the city which may subject it to any civil, criminal, or monetary liability.
- (p) Other. Perform such other duties as may be prescribed by the city council, not inconsistent with the laws of the State of Texas governing Type A general law cities.

1.315 Compensation; Bond; Business Expenses

- (a) The city administrator shall receive such compensation as the city council shall fix from time to time. He or she shall also be entitled to receive all benefits provided to other full-time employees of the city and such additional benefits as the city council may approve.
- (b) The city administrator shall furnish a surety bond in favor of the city in the minimum amount of one hundred thousand dollars (\$100,000.00), or in such

greater amount as shall be established by the city council, conditioned that he or she will faithfully discharge the duties of the office. The premium of such surety bond shall be paid by the city.

- (c) The city administrator is authorized to incur such reasonable business expenses and professional duties in furtherance of the authorized business, activities, and functions of the city as are approved by the mayor. The city will pay for or reimburse the city administrator for such expenses upon periodic and timely presentation of an itemized written account (expense report) of such expenditures to the city council for approval no later than ninety (90) days after the expenses are incurred.

1.316 City Secretary

The Council shall appoint a City Secretary who shall report to the Council and act as the Secretary to the Council and shall hold office at the pleasure of the Council.

(a) Duties of the City Secretary.

The powers and duties of the City Secretary shall be as follows:

- (1) Record the minutes of all official meetings of the Council; provided, however, only the captions of duly enacted ordinances and resolutions shall be recorded in the minutes.
- (2) Be the custodian of all municipal records of the Council.
- (3) Recommend to the Council rules and regulations to be adopted by ordinances to protect the safety and security of the municipal records.
- (4) Hold and maintain the City Seal and affix it to all instruments requiring such seal.
- (5) Conduct municipal elections; said elections shall be governed by and conducted in accordance with the election laws of the State of Texas, specifically, V.T.C.A., Election Code.
- (6) Report to the city administrator on a day-to-basis.
- (7) Perform such other duties as may be required by the Council or as assigned by the city administrator with approval of city council.

(b) Compensation.

The Council shall set the compensation of the City Secretary

1.317 City Attorney.

The Council shall appoint a competent, duly qualified, licensed and practicing attorney in the State of Texas, to be an attorney for the City, hereinafter referred

to as the "City Attorney." The City Attorney shall serve at the discretion of the Council and shall receive for his/her services such compensation as may be fixed by the Council. The City Attorney shall be the adviser of, and attorney for, all of the offices and departments of the City, and shall represent the City in all litigation and legal proceedings; provided, that the Council may retain special counsel at any time they deem same appropriate and necessary. The City Attorney shall review and concur or dissent upon all documents, contracts, and legal instruments in which the City may have an interest. The City Attorney shall perform other duties prescribed by Ordinance or as directed by the Council. The Council may contract with an attorney or with a firm of attorneys who may designate one (1) member of said firm, with Council approval, to serve as City Attorney.

1.318 City Prosecutor.

All cases in Municipal Court shall be prosecuted by the City Attorney or such assistant attorneys as the Council may authorize.

1.319 Municipal Court; Municipal Court Judge

(a) Municipal Court.

There shall be a Department of Justice known as the Municipal Court of the City of Huntington, which Court shall be deemed always open for the trial of causes, and with such jurisdiction, powers and duties as are given and prescribed by the laws of the State of Texas.

(b) Judge of the Municipal Court.

The Municipal Court shall be presided over by a magistrate who shall be known as the Judge of the Municipal Court. The Council, upon recommendation of the Mayor, shall appoint such Judge, who shall be an attorney at law.

In the event the Judge of the Municipal Court is temporarily unable to act for any reason, a qualified person shall be appointed to act in the Judge's place.

The Council shall have the power to appoint on recommendation of the Mayor more than one Judge of the Municipal Court, each of whom shall be a magistrate.

(c) Clerk of the Municipal Court.

There may be a Clerk of the Municipal Court who shall be appointed by the city administrator. Such Clerk shall have the power to administer oaths and affidavits,

make certificates, affix the seal of the Court thereto, and otherwise perform any and all acts necessary in issuing process of such Court and conducting the business thereof.

There may be such Deputy Clerks of the Municipal Court as may be authorized by the Council and appointed by the city administrator, which Deputy Clerks shall have authority to act for and on behalf of the Clerk of the Municipal Court.

Any Clerk and Deputy Clerk of the Municipal Court shall be responsible to the city administrator and shall be subject to the city administrator's direction and control.

(d) Process and procedure in the corporation court.

The style of all writs issued out of the Municipal Court shall be in the name of the City of Huntington.

All jurors shall be residents of said City and otherwise possess the same qualifications as jurors in the State courts, and they shall be summoned in the same manner as provided for in Justice Court.

(e) Court separate from all departments.

The Municipal Court of the City shall always be separate and apart from all departments of the City.

1.320 Other Appointive Officers of the City

- (a) Except as provided herein, the city council of the City of Huntington shall appoint all other municipal officers in accordance with the provisions of V.T.C.A., Local Government Code, Section 22.071(b).
- (b) The duties and responsibilities of persons appointed in accordance with this article shall be as required by law and as determined by the city council upon appointment and as revised from time to time.
- (c) The city council shall retain the authority to contract with qualified individuals to fill certain offices in the city when deemed appropriate. Positions which may be so contracted include but are not limited to city engineer, city attorney, and tax assessor collector.

ARTICLE 4
MUNICIPAL FINANCE AND BUDGET

1.410 Annual budget.

The city council shall adopt an annual budget for the city in accordance with the laws of the State of Texas.

1.411 Preparation and submission of budget.

The city administrator, or such officer as may be designated by the council, at least thirty (30) days prior to the beginning of each fiscal year shall submit to the council a proposed budget and an explanatory budget message. Attached to the budget message will be supporting schedules, exhibits, and other explanatory materials in respect to both current operations and capital outlays as shall be useful to the council. The budget shall contain a complete financial plan for the fiscal year.

1.412 Public record.

The budget and message and all support schedules shall be of public record in the office of the city secretary open to public inspection. The council shall cause sufficient copies of the budget and budget message to be prepared for distribution to interested persons.

1.413 Notice of public hearing.

At the meeting of the council at which the budget and budget message are submitted, the council shall determine the place and time of the public hearing on the budget and shall cause to be published a notice of the place and time not less than ten (10) nor more than thirty (30) days prior to the hearing.

1.414 Public hearing.

At the time and place so advertised or at any time and place at which public hearing shall from time to time be adjourned, the council shall hold a public hearing on the budget as submitted, to which all interested persons shall be given an opportunity to be heard, for or against the estimates or any items thereof.

1.415 Adoption of budget.

The budget shall be adopted by the favorable vote of at least a majority of the council as required by Texas state law.

1.416 Effective date of budget.

Upon the final adoption, the budget shall be in effect for the budget year. A copy of the budget as finally adopted shall be filed with the City Secretary and the County Clerk of Angelina County. The final budget shall be printed or otherwise reproduced, and sufficient copies shall be made available for the use of all offices, departments, and agencies, and for the use of interested persons and civic organizations.

1.417 Budget establishes appropriations.

From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes therein named. The city council may from time to time by majority vote amend the budget to provide for the appropriation of additional funds received by the city which were not taken into consideration in the original budget, or to remove funds from one section of the budget to another.

1.418 Budget establishes amount to be raised by property tax.

From the effective date of the budget, the amount stated therein as the amount to be raised by property tax shall constitute a determination of the amount of the levy for the purposes of the city in the corresponding tax year.

1.419 Budget message.

The budget message submitted to the council shall be explanatory of the budget, shall contain an outline of the proposed financial policies of the city for the budget year, and shall describe in connection therewith the important features of the budget plan. It shall set forth the reasons for salient changes from the previous year in expenditure and revenue items and shall explain any major changes in financial policy. Attached to the budget message will be supporting schedules, exhibits, and other explanatory materials in respect to both current operations and capital outlays as shall be useful to the council.

1.420 General budget items.

- (a) The budget shall contain a complete financial plan for the fiscal year.

- (b) The total estimated expenditures of the various funds shall not exceed the total estimated resources of each fund (prospective income plus cash on hand).
- (c) Provisions shall be made in the annual budget and in the appropriation to be used in case of unforeseen items of expenditure. Such contingent appropriation shall be under the control of the city administrator, after the approval of the city council. Expenditures from this appropriation shall be made only in case of established emergencies and a detailed account of such expenditures shall be recorded and reported.

1.421 Accounting procedure.

An accounting procedure shall be devised and maintained for the city adequate to record in detail all transactions affecting the acquisition, custodianship, and disposition of anything of value, including cash receipts, credit transactions and disbursements, and the recorded facts shall be presented periodically to officials and to the public in such summaries and analytical schedules in detailed support thereof as shall be necessary to show the full effects of such transactions for each fiscal year upon the finances of the city and in relation to each office, department, or agency of the city government including distinct summaries and schedules for each public utility owned and operated.

1.422 Audit.

At the close of each fiscal year, and at such other times as it may deem necessary, the Council shall cause an independent audit to be made of all accounts of the City by a Certified Public Accountant, appointed by the Mayor with approval of the Council. The Certified Public Accountant so selected shall have no personal interest, directly or indirectly, in the financial affairs of the City or any of its officers. Upon completion of the audit, the results thereof shall be placed on file in the office of the city secretary as public record.

1.423 Depository.

The city council shall designate a bank in the City as the city depository, which shall be selected for a period not to exceed four (4) years. The bank that shall submit the most advantageous bid acceptable to the city council shall be selected. The city council shall have the right to reject any or all bids offered as city depository. The bank selected as such depository shall give adequate bond, or other security, as provided by law.

1.424 Control of finances.

The council shall have the management and control of the finances of the city, except as otherwise herein provided. The city council shall have the power to appropriate money and provide for the payment of debts and expenses of the city, to provide by ordinance special funds for special purposes, and to make the same disbursable only for such purposes, and to impose proper penalties for enforcing the same, and to this end, the council is authorized and empowered to receive gifts of donations from individuals, firms, or corporations for streets and other public improvements or for any other legitimate purpose, and such gifts or donations shall not be used for any other purpose than that for which they were given, unless authorized by the donor or his representative in writing.

ARTICLE 5 INVESTMENT OF CITY FUNDS

1.510 General Policies

The following policies and guidelines are established as investment rules governing the investment of City of Huntington funds:

- (a) **Investment Rules.**
 - (1) All city funds from various revenue sources shall be billed or requested as early as they are recognized, computed, and determined to be due to the city.
 - (2) Funds received by the city shall be deposited into the depository bank at the end of each business day as early as operating circumstances will allow.
 - (3) All debts owed by the city shall be paid as of the date they come due and not before unless approval is given by the city administrator.
 - (4) Based on cash forecasts, all monies not required immediately to pay obligations shall be invested in an income-producing instrument or account.
- (b) Investment Rate of Return. The city's funds shall be invested in instruments or accounts that yield the highest possible rate of return while providing the necessary protection of the principal consistent with V.T.C.A., Local Government Code, Chapter 105, and other applicable state laws.
- (c) Designated Officials. The city council hereby designates the "investment officers" of the City of Huntington, Texas to be the city administrator with oversight responsibilities to monitor and ascertain that investment objectives are

accomplished, and the city's finance officer with the specific day-to-day performance of managing the funds of the City of Huntington, including the authority to deposit and withdraw city funds in city depositories and to invest such funds in accordance with the adopted ordinances of the city, and the laws of the State of Texas.

- (d) The city council shall adopt an investment policy providing more fully for the investment of city funds. This investment policy shall be reviewed and, if appropriate, updated on an annual basis by city council.
- (e) Management Reports. At least once every year the investment officers of the city shall prepare a written report concerning the city's investment transactions for the preceding year and describing in detail the investment position of the city as of year's end. The report shall be signed by both the city's finance officer and the city administrator.

ARTICLE 6 RECORDS AND INFORMATION MANAGEMENT PROGRAM

1.610 Policy and Purpose

This article shall be known and be cited as the "Records and Information Management Ordinance for the City of Huntington, Texas." It is hereby declared to be the policy of the City of Huntington to develop a records and information management program that provides for efficient, economical, and effective control over the creation, distribution, organization, maintenance, use, and disposition of all city records.

1.611 Definitions

For the purpose hereof, the following words or terms shall have the meanings ascribed thereto.

City Record. Shall have the same meaning as a "local government record" as set forth in Section 441.151(8), Texas Government Code.

Director and Librarian. Shall mean the executive and administrative officer of the Texas State Library and Archives Commission.

1.612 City Records Declared Public Property

All city records as defined in Section 1.611 hereof are hereby declared to be property of the City of Huntington, Texas. No city officer or employee shall have, by virtue of his or her office or employment, any personal or property right to any such records even though he or she may have developed or compiled them. No person shall destroy, remove, or use any city record except as authorized by law, this article, or the policies

and procedures of the city. Provided, however, no policy or procedure regarding use, removal, or destruction of city records shall be adopted which conflicts with this article or applicable state or federal law. Provided further, nothing contained herein shall be construed to authorize the disclosure of city records which are exempt from disclosure under state or federal law.

1.613 Records and Information Management Responsibility Established

There is hereby established a records and information management program. The city secretary shall administer the records and information management program and shall be responsible for city-wide files management. In addition, the city secretary shall have direction and control of the city's records disposition program.

1.614 Duties of City Secretary

The city secretary shall:

- (a) Assist in establishing and developing policies and procedures for a records management program for the city;
- (b) Administer the records management program and provide assistance to custodians for the purposes of reducing the costs and improving the efficiency of recordkeeping;
- (c) In cooperation with the custodians of the records:
 - (1) prepare and file with the director and librarian the records control schedules and amended schedules required by Section 203.041, Texas Local Government Code, and the list of obsolete records as provided by Section 203.444, Texas Local Government Code; and
 - (2) prepare or direct the preparation of
 - (i) requests for authorization to destroy records not on an approved control schedule as provided by Section 203.045, Texas Local Government Code, or
 - (ii) requests to destroy the originals of permanent records that have been microfilmed as provided by Section 204.008, Texas Local Government Code, and
 - (iii) electronic storage authorization requests as provided by Section 205.007, Texas Local Government Code;
- (d) In cooperation with custodians, identify and take adequate steps to protect essential city records;
- (e) In cooperation with custodians, ensure that the maintenance, preservation, microfilming, destruction, or other disposition of city records is carried out in accordance with the policies and procedure of the city's records management program, this article, and the rules, and the rules adopted pursuant hereto;

- (f) Disseminate to the city council and custodians, information concerning state laws, administrative rules, and the policies of the government relating to local government records; and
- (g) In cooperation with custodians, establish procedures to ensure that the handling of city records is carried out in compliance with the records management program and with due regard for:
 - (i) the duties and responsibilities be imposed by law; and
 - (ii) the confidentiality of information in records to which access is restricted by law.

1.615 Responsibilities of City Department Heads

All city department heads are responsible for the implementation and operation of effective files operations, record transfers and dispositions, and other activities in accordance with the provisions of this article within their areas of responsibility. They shall serve as records coordinator within their offices or may designate an employee of the department to serve as records coordinator and provide the city secretary the names of such designees and of all file stations and file custodians under their supervision. Persons designated as records coordinators shall report directly to the head of their department on matters relating to the records management program and should have appropriate access to all department files under their control.

1.616 Responsibilities of Records Coordinators

Each records coordinator shall coordinate the records management program between the city secretary and personnel in the record coordinator's office to ensure that the provisions of this article are followed. This responsibility shall include overseeing the application of records schedules within the office or department.

1.617 City Offices to Use Record Schedules

All city offices and departments shall adopt records retention and disposition schedules and destroy, transfer, or otherwise dispose of records only according to such schedules.

1.618 Development of Records Retention and Disposition Schedules

- (a) City record retention and disposition schedules shall be established by the city secretary and department heads. These retention and disposition schedules shall be submitted for review to the city attorney, who shall notify the city secretary within fifteen (15) days of the approval of or objection to any retention period. If

no objection has been submitted within the fifteen (15) days, the records schedule shall be adopted and have full force as sufficient authorization for records destruction or other action. If objection is made, the city secretary shall amend the retention period to the satisfaction of the office or department concerned and the city attorney. Revision of retention periods shall be submitted for review to the city attorney in the same manner as the original retention periods.

- (b) When a records retention and disposition schedule is adopted, it shall thenceforth constitute full authority to destroy, transfer, or taken other actions, and the city council hereby directs that such actions be taken by the city secretary or under his or her supervision. The city secretary shall notify the state librarian of the intended destruction, as may be required by law, but no further notice to the city council or other city office shall be required.

1.619 Destruction of Original City Records

No original city record shall be destroyed if such destruction is contrary to any state or federal law. Prior to the destruction of any original city record, the city secretary shall obtain the advice of the city attorney. Any original city record, the subject matter of which is in litigation, may not be destroyed until such litigation is finally concluded.

1.620 Records Center

A records center shall be maintained by the city which shall utilize one or more locations to store inactive records, to insure the security of such records from deterioration, theft, or damage during the period of storage, and to permit efficient retrieval of information from stored records.

1.621 Preservation of Permanent Records

The city secretary shall develop procedures to insure the permanent preservation of historically valuable records of the city. If city-owned facilities are not available, the city secretary shall arrange for the transfer of such records to the Texas State Library for perpetual care and preservation in one of its nearby Regional Historical Resource Depositories, or shall make other arrangements for their permanent preservation.

1.622 Non-Current Records Not to Be Maintained in Office Files

Records no longer required in the conduct of current business by any office of the city shall be promptly transferred to the records center, or the state library, or be destroyed at the time such action is designated on an approved records schedule. Such records shall not be maintained in current files or equipment.

