

ORDINANCE NO. 2017-01

**AN ORDINANCE OF THE VILLAGE OF THE HILLS, TEXAS,
CREATING THE OFFICE OF VILLAGE MANAGER AND
DESIGNATING THE DUTIES, AUTHORITIES AND
RESPONSIBILITIES OF THE OFFICE.**

WHEREAS, the Board of Aldermen has determined the need for a chief administrative officer and desires to create the position and establish the duties, authority and responsibilities of the office;

WHEREAS, the Board of Aldermen has the authority to create offices, establish the duties of offices, combine the duties of offices, and take other actions as it deems appropriate for the administration and governance of the Village;

WHEREAS, a Village Manager will provide valuable services and resources to assist the Mayor as the chief executive officer of the Village, and will increase the volume and quality of information available to both the Mayor and Board of Aldermen; and

WHEREAS, the chief administrative officer of the Village shall be the Village Manager, and the criteria for the appointment, removal and compensation of the Village Manager shall be as set forth in this ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF THE HILLS, TEXAS, THAT:

Section 1. Village Manager. The position and office of Village Manager is hereby created and the criteria for appointment, removal, compensation, and the authorities, powers, duties and responsibility of the office of Village Manager shall be as hereinafter set forth.

Section 2. Appointment. The Village Manager shall be appointed by a majority vote of the Board of Aldermen for an indefinite term of office, and shall serve at the will of a majority of the Board of Aldermen. The Mayor may designate some qualified person to act in the absence or disability of the Village Manager.

Section 3. Compensation. The Village Manager shall receive such compensation and benefits as may be established from time to time by the Board of Aldermen.

Section 4. Authority, Duties and Responsibilities. The Village Manager shall be the chief administrative officer of the Village and shall be responsible to the Mayor and Board of Aldermen for the proper administration of all affairs of the Village. To that end, the Village Manager shall have the authority, duty and responsibility to:

- (a) prepare job descriptions for approval by the Mayor and Board of Aldermen;
- delegate duties to the officers and employees of the Village; in consultation with the

Mayor supervise the day to day operations, functions and programs of the Village; and make recommendations to the Mayor and Board of Aldermen on any and all personnel, performance, administration, programs, projects, management, financial and general governance issues;

(b) direct, coordinate, and provide oversight, over all departments, programs and projects of the Village in coordination and consultation with the Mayor;

(c) on behalf of the Mayor, and as requested by the Mayor, assist the Mayor with respect to the Mayor's duties as chief executive officer of the Village, and perform administrative and management functions, if any, that are made the responsibility of the Mayor, including, but not limited to, the following:

(i) ensure that all applicable laws and ordinances are enforced;

(ii) supervise and inspect the conduct of all subordinate officers and employees of the Village;

(iii) cause all negligence, carelessness and violations of duty by the employees and officers to be given appropriate consideration;

(iv) communicate and make recommendations to the Mayor and Board of Aldermen for the administration and management of the Village; and

(v) supervise programs and projects, issue permits and perform other duties as assigned by the Mayor or the Board of Aldermen from time to time.

(d) attend all meetings of the Board of Aldermen except when excused, with the right to participate in the discussion but have no vote;

(e) assist and consult with the Mayor as requested in the Mayor's capacity as the chief budget officer of the Village, and prepare, review and submit to the Mayor and Board of Aldermen prior to the beginning of each fiscal year a budget for proposed expenditures for the ensuing year together with a message describing the important features of said budget; assist the Mayor and Board of Aldermen with respect to the consideration of the budget; and assure the proper administration of the budget after its adoption;

(f) keep the Mayor and Board of Aldermen advised of the financial condition and needs of the Village; provide such information and service as may be deemed reasonably necessary; and advise and assist the Mayor and Board of Aldermen to assure the accomplishment of the annual audit of the Village;

(g) provide oversight of the purchase of all materials, supplies, and equipment for which funds are provided in the budget; purchase budgeted materials and supplies necessary for operation or maintenance of the Village services in compliance with the adopted purchasing policy; (ii) no purchase shall be made, contract let, or obligation incurred for any item or service which exceeds the current departmental budget

appropriation without a supplemental appropriation approved by the Board of Aldermen; (iii) the Village Manager shall advise the Mayor and Board of Aldermen on the advantages or disadvantages of contract and bid proposals; and (iv) subject to the veto or modification by the Mayor or Board of Aldermen the Village Manager may issue written rules governing purchasing procedures consistent with State law; and

(h) in the event of accident, disaster, or other circumstance creating a public emergency, the Village Manager shall provide the Mayor such assistance as may be necessary, assist the Mayor to award contracts and make purchases for the purpose of meeting said emergency, and shall file within seventy-two (72) hours with the Board of Aldermen a certificate describing any such emergency and showing the necessity for such emergency purchases, together with an itemized count of all such expenditures.

Section 5. Implied Authority and Bond. The Village Manager, shall have such further authority, duties and responsibilities as reasonably implied from the terms of this ordinance; the day to day authority of the Mayor as expressly or impliedly delegated by the Mayor; and the authority as heretofore or hereafter provided by the Board of Aldermen. The Mayor is the chief executive officer of the Village and the Village Manager shall have no authority to countermand or over-rule any action or decision by the Mayor, but shall communicate any material exception regarding any such action or decision to the Board of Aldermen. The Village Manager shall be bonded in an amount determined from time to time by the Board of Aldermen which bond shall be conditioned upon the good and faithful performance of the authorities and performances of the office and position of Village Manager. The premium of the bond shall be paid by the Village.

Section 6. Conflict of Duties. The administrative and personnel duties and responsibilities with respect to the day to day operation of the Village, that are to be performed by the Mayor, may be expressly or impliedly delegated by the Mayor to the Village Manager. Subject to action by the Board of Aldermen, the Mayor may reverse or over-rule any administrative decision or action by the Village Manager. The duties and responsibilities of the Village Manager shall be in addition to, and not in lieu of, the administrative, executive and personnel duties of the Mayor.

Section 7. Severability. If any provision, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity of the remaining portions of this Ordinance and no portion or provision hereof shall become inoperative or fail by reason of any invalidity or unconstitutionality of any other portion or provision, and to this end all provisions of this Ordinance are declared to be severable.

Section 8. Conflicting Law. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed on the effective date of this Ordinance. This Ordinance shall be construed and interpreted in a manner not inconsistent with the powers and duties of the Mayor, and in the event of a conflict the duties of the Village Manager will be to communicate and advise the Mayor and Board of Aldermen regarding the matter at issue.

Section 9. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public, and public notice of the time, place and

purpose of said meeting was given, as required by the Open Meetings Act, Chapter 551, Texas Government Code.

Section 10. Effective Date. This ordinance shall be in full force and effect on the date of its adoption and passage as provided below.

PASSED AND APPROVED on the 14th day of March, 2017.

Attest:

Linda Lunney
Linda Lunney, Village Secretary

Village of The Hills

Eric B. Ovlen
Eric B. Ovlen, Mayor

