



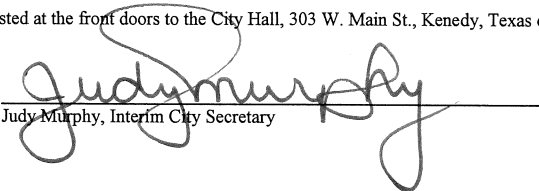
SPECIAL CALLED CITY COUNCIL MEETING
May 1, 2017 – 5:00 P.M.
THE DAUGHTERY ROOM IN THE RUHMAN C. FRANKLIN MUNICIPAL BUILDING
303 W. MAIN ST., KENEDY, TX. 78119

NOTICE IS HEREBY GIVEN OF A SPECIAL CITY COUNCIL MEETING TO BE HELD ON THE 1ST DAY OF MAY, 2017 AT 5:00 P.M. AT WHICH TIME BUSINESS WILL BE CONDUCTED IN ACCORDANCE WITH LOCAL GOVERNMENT CODE 551 AS FOLLOWS:

1. Call meeting to order and announce a quorum is present. Mayor Garza
2. Consider and possible action on Ordinance 17-5 amending the City of Kenedy Code of Ordinances Article IV, Officers and Employees, Division 3 City Secretary by establishing Appointment, Compensation, and Removal Criteria, Setting Qualifications; Outlining Powers and Duties; and Declaring an Effective Date. Barbara Shaw
3. Consider and possible action appointing a City Secretary. Barbara Shaw/Judy Murphy
4. Consider and possible action setting the salary for the City Secretary which is a FLSA Exempt Position. Barbara Shaw/Judy Murphy
5. Adjourn.

The City Council reserves the right to retire into Executive Session concerning any of the items listed on this agenda whenever it is considered necessary and justified under the Open Meetings Act

I, Judy Murphy, certify that the above notice of this Special City Council Meeting was posted at the front doors to the City Hall, 303 W. Main St., Kenedy, Texas on the 27th day of April, 2017 at 5:00 p.m.


Judy Murphy, Interim City Secretary



THE MEETING SITE IS ACCESSIBLE TO INDIVIDUALS WITH DISABILITIES AND THE GENERAL PUBLIC

**CITY OF KENEDY, TEXAS
CITY SECRETARY AMENDMENT ORDINANCE NO. 17-5**

AN ORDINANCE AMENDING THE CITY OF KENEDY CODE OF ORDINANCES ARTICLE IV, OFFICERS AND EMPLOYEES, DIVISION 3 CITY SECRETARY, BY ESTABLISHING APPOINTMENT, COMPENSATION, AND REMOVAL CRITERIA; SETTING QUALIFICATIONS; AND OUTLINING POWERS AND DUTIES.

WHEREAS, pursuant to Section 22.073 of the Texas Local Government Code the City Secretary is an officer of the city and a statutory position required by state law; and,

WHEREAS, the City of Kenedy, Texas, a general law municipality, amended the position of City Secretary and duly adopted and approved Ordinance No. A133-136 on January 16, 1997; and,

WHEREAS, said regulations have been codified as Article IV, Officers and Employees, Division 3 City Secretary; and,

WHEREAS, the City Council finds that there is a need to revise the Qualifications and Compensation of the position of City Secretary; and,

WHEREAS, the City Council finds that there is a need to clarify the Appointment and Termination of the position of City Secretary.

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

Section 1. That Article IV, Officers and Employees, Division 3 City Secretary of the Code of Ordinances of the City of Kenedy is hereby amended as set forth in the attached **“Exhibit A”**.

Section 4. That should any section, clause, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this ordinance or any other Ordinance of the city as a whole or any part thereof, other than the part so declared to be invalid.

Section 3. All Ordinances or parts of ordinances in conflict with this Ordinance are repealed to the extent of such conflict.

Section 5. This Ordinance shall be effective upon the final approval and adoption by the City Council of the City of Kenedy.

**PASSED, APPROVED and ADOPTED by the City Council of the City of Kenedy,
Texas, on this 1st day of May, 2017.**

CITY OF KENEDY

Randy Garza, Mayor

ATTEST:

APPROVED AS TO FORM:

Interim City Secretary
Judy Murphy

T. Daniel Santee, City Attorney
DNRBH&Z, P.C.

EXHIBIT A

DELETE:

~~Sec. 2-221. Appointment.~~

- ~~(a) The city council shall appoint a city secretary and an assistant city secretary. The city manager shall have the privilege of recommending one or more persons for these positions. The city council in making such appointment shall give consideration to the recommendations of the city manager but shall not be bound by such recommendation and shall have the absolute right to appoint whoever the city council shall deem advisable to these positions.~~
- ~~(b) The city secretary shall be appointed for an indefinite period and shall be subject to discharge at the will of the city council.~~

~~(Ord. of 1-16-1997, § 2; Ord. No. 121906, 12-19-2006)~~

~~Sec. 2-222. Qualifications.~~

- ~~(a) The city secretary must be a resident of the city and must have been a resident for a period of three months prior to being appointed to such position.~~
- ~~(b) The city secretary must not have been convicted of a felony or any misdemeanor involving moral turpitude including driving while intoxicated, and must possess the qualifications described in sections 2-224 and 2-225.~~

~~(Ord. of 1-16-1997, § 1)~~

~~Sec. 2-223. Duties.~~

~~The city secretary shall have the following duties:~~

- ~~(1) The city secretary shall attend each meeting of the city council and shall keep, in a record provided for that purpose, accurate minutes of the city council meeting proceedings.~~
- ~~(2) The city secretary shall:~~
 - ~~a. Keep the corporate seal;~~
 - ~~b. Engross and enroll all laws, resolutions and ordinances of the city council;~~
 - ~~c. Take charge of, arrange and maintain the records and preserve and keep in order the books, papers, documents, files and other records of the city council;~~
 - ~~d. Countersign all commissions issued to municipal officers and all licenses issued by the mayor, and keep a record of those commissions and licenses;~~
 - ~~e. Prepare all notices required under any regulation or ordinance of the city;~~
 - ~~f. Attest to the signature of the mayor on all instruments or documents;~~
 - ~~g. Draw warrants on the city treasury and keep an accurate account of warrants in a book provided for that purpose;~~
 - ~~h. Be the general accountant of the city and shall keep in books regular accounts of the receipts and disbursements for the city, separately and under proper headings, and keep separate accounts with each person, including officers who have monetary transactions with the city, crediting accounts allowed by proper authority and specifying the particular transaction to which such entries apply;~~

- ~~i. Supervise the city clerks in the city hall; and~~
- ~~j. Supervise and train the assistant city secretary, if any, in the duties set out for the city secretary.~~
- ~~(3) 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 a clerk of the municipal court of the city. The city secretary shall notify the judicial council within 30 days after the date of the person's election or appointment.~~
- ~~(4) The city secretary shall keep and register all bonds and bills issued by the city, noting the relevant particulars and facts as they occur.~~
- ~~(5) The city secretary shall carefully keep all contracts made by the city.~~
- ~~(6) The city secretary shall perform all of the duties required by law, ordinance, resolution or order of the city council.~~
- ~~(7) The city secretary shall serve and perform duties as a custodian of the office records of the city.~~
- ~~(8) The city secretary shall conduct city elections, including early voting.~~
- ~~(9) The city secretary shall use personal computers and typewriters to compose, type and print letters, ordinances, resolutions, memos and miscellaneous correspondence.~~
- ~~(10) The city secretary shall use tact, diplomacy and a helpful attitude in all contacts with the public and other departments.~~
- ~~(11) The city secretary shall update municipal codes.~~
- ~~(12) The city secretary shall distribute revisions.~~
- ~~(13) The city secretary shall answer inquiries from public and city officials regarding ordinances and the status of city council communications, and shall research and review city ordinances.~~
- ~~(14) The city secretary shall develop, maintain and implement records and retention schedules in coordination with the state library, including but not limited to arranging and coordinating transfer and storage of records to an off-site records storage center and coordinating transfer of records to microfilm services bureau, if any, for deterioration; and establish and maintain effective working relationships with records management vendors and contractors.~~
- ~~(15) The city secretary shall ensure that proper maintenance is performed on all other required supplies.~~
- ~~(16) The city secretary shall administer electrical, structural and plumbing permits, verify if property is in or out of a floodplain zone, and forward information to the floodplain administrator when necessary.~~

~~(Ord. of 1-16-1997, § 3)~~

State Law reference—~~Duties of city secretary, V.T.C.A., Local Government Code § 22.073.~~

Sec. 2-224.—~~Educational requirements.~~

~~The city secretary shall possess a high school diploma or GED, plus business college courses or related course work, including courses in typing, computer operation, and clerical subjects; be proficient in typing; have equivalent work experience; and have:~~

- ~~(1) A minimum of five years' experience in office practice work, a minimum of two years working with the general public, and a minimum of two of the five years in a supervisory position supervising at least two or more employees, and have experience in handling problems related to employment, and in solving general complaint problems of the general public;~~

- ~~(2) Served in the office of the assistant city secretary for a period of two years; or~~
- ~~(3) Served as clerk in the city offices for a period of three years.~~

~~(Ord. of 1-16-1997, § 4)~~

~~Sec. 2-225. Compensation.~~

~~The city secretary shall receive an annual salary as set by the city council at the first meeting held after the city election in each year and shall also provide for any additional fees as the city council may determine, including but not limited to reimbursement for travel and lodging expenses, and any other expenses approved by the city council.~~

~~(Ord. of 1-16-1997, § 5)~~

~~Sec. 2-226. Assistant city secretary.~~

~~The office of assistant city secretary is created. The assistant city secretary may be appointed by the city council and shall serve the same term as the city secretary and must have the same qualifications, including experience and education, and shall serve in the place of the city secretary in the absence of the city secretary, and in the absence of the city secretary shall have all the duties and responsibilities of the office of the city secretary. However, the office may be left vacant if the city council so desires.~~

~~(Ord. of 1-16-1997, § 6)~~

~~Sec. 2-227. Certification.~~

~~The city council may require, at a later date, the city secretary become certified under V.T.C.A., Local Government Code § 22-074.~~

~~(Ord. of 1-16-1997, § 7)~~

~~Secs. 2-228—2-260. Reserved.~~

ADD:

Sec. 2-221. – Appointment, Compensation, and Removal

- (a) The city secretary is a statutory position required by state law. The city secretary is an officer of the city, and shall be selected by the city manager and appointed by the city council.
- (b) The city secretary may be terminated by the city manager with consent of the city council.
- (c) The office of city secretary shall receive compensation as set by the city council.

Sec. 2-222 – Qualifications

- (a) The city secretary must not have been convicted of a felony or misdemeanor involving moral turpitude including driving while intoxicated.

- (b) The city secretary shall possess a high school diploma or GED, and related post-secondary education or equivalent work experience. A minimum of 5 years-experience in an administrative/business work related capacity to include: business administration, accounting, budgeting, and human resource management.

Sec. 2-223 – Powers and Duties

- (a) The city secretary shall have all the powers and perform all the duties set forth in the Texas Local Government Code (LGC) Chapter 22, as amended, and any other such duties as determined by the city manager.
- (b) The city secretary shall take and subscribe to the official oath of office, and shall post bond in such sum as the city council shall direct, the premium on said bond to be paid by the city.
- (c) The city secretary shall be responsible for the administration of the city secretary office, records management, municipal operations, and council services.
- (d) The city council may, by ordinance, add additional duties and responsibilities to the position of city secretary.

Sec. 2-224 – 2-260 reserved